


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Nina Ruiz, Planning Manager
Gilbert LaForce, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: P-18-009
Project Name: Riverbend Residential
Parcel Nos.: 65141-00-034 and 65141-00-033

| | |
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| OWNER: | REPRESENTATIVE: |
| Avatar Riverbend, LP 6800 Jericho Trail #120 West Syosset, NY 11791 | Catamount Engineering P.O. Box 221 Woodland Park, CO 80866 |

Commissioner District: 4

| | |
|---|-----------|
| Planning Commission Hearing Date: | 2/18/2021 |
| Board of County Commissioners Hearing Date: | 3/9/2021 |

EXECUTIVE SUMMARY

A request by Avatar Riverbend, LP, for approval of a map amendment (rezoning) of 51.99 acres from PUD (Planned Unit Development) to RS-5000 (Residential Suburban). The applicant has requested approval of a concurrent application for a preliminary plan to allow for 209 residential lots, and public rights-of-way, and 16 tracts for open space, drainage, and utility purposes totaling approximately 16.30 acres. The parcels are located at the southwest corner of the Highway 85/87 and Southmoor Drive intersection and is within Section 14, Township 15 South, Range 66 West of the 6th P.M. The property is not within the boundaries of a small area plan.



Immediately north of the development area is the Riverbend Commercial Development which is located entirely within the City of Fountain. This development is to be completed concurrently as one cohesive development, although they fall are under two different jurisdictions. The City of Fountain and El Paso County are both subject to MS4 Permit requirements. The County requires the developer to enter into a maintenance agreement with the County for such BMPs to ensure proper maintenance and to provide the County with an easement to allow the County to enter the property should proper construction or maintenance not be completed. The applicant proposes to construct a single water quality detention pond to serve both the commercial and residential developments.

The City of Fountain and El Paso County worked cooperatively to amend the standard El Paso County Detention Pond Maintenance and Easement Agreement to include provisions for the City of Fountain to be signatory as well as share the financial responsibility with El Paso County in the event that the proposed facility is not completed in a timely manner, is not properly maintained, or is defective and the collateral provided by the developer is insufficient to remedy the issue. The City of Fountain's proportionate share has been calculated at 36.4%, which is equivalent to the percentage of runoff entering the detention pond as a result of the development.

The Board of County Commissioners approved a request for approval and authorization to allow the Chair to sign a Detention Pond Maintenance Agreement and Easement between El Paso County, the City of Fountain, Avatar Fountain LP, Avatar Riverbend LP, and Riverbend Crossing Metropolitan District on August 11, 2020 (PCD File No. DA-20-002).

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Avatar Riverbend, LP, for approval of a map amendment (rezoning) of 51.99 acres from PUD (Planned Unit Development) to RS-5000 (Residential Suburban).

Waiver(s)/Deviation(s): There are no waivers being requested in association with the map amendment (rezone) request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary

Request Heard: As a Consent item at the February 18, 2021 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: Advertised in Shopper’s Press on February 17, 2021.

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

| | | |
|--------|--|-------------------------------|
| North: | City of Fountain | Commercial |
| South: | City of Fountain | Vacant |
| East: | MHP (Mobile Home Park)/C-2 (Commercial Obsolete) | Commercial/Residential |
| West: | A-5 (Agricultural) | Agricultural (Venetucci) Farm |

E. BACKGROUND

The Board of County Commissioners approved the Riverbend Crossing PUD (PCD File No. PUD-05-017) and preliminary plan (PCD File No. SP-05-026) that authorized the creation of 205 single-family residential lots on July 13, 2006.

The Board of County Commissioners approved a Title 32 Special District Service Plan to create the Riverbend Crossing Metropolitan District on August 31, 2006 (PCD File No. ID-05-010). The service plan included the following: a maximum debt

authorization of \$5 million, a debt service mill levy of 30 mills, and an operations and maintenance mill levy of 5 mills.

The Board approved amendments to the Riverbend Crossing PUD authorizing the inclusion of interim uses, specifically off-site parking to provide overflow parking for the adjacent El Paso County Valley Senior Citizens Organization and agricultural projects and uses including, but not limited to, greenhouses in connection with ongoing programs associated with Venetucci Farm, on September 13, 2012 (PCD File No. PUD-12-5).

The Board of County Commissioners approved a request for a major PUD (Planned Unit Development) amendment to replace the Riverbend Crossing PUD with a PUD Zoning and Conceptual Plan (ZCP) on February 25, 2014. This approval also included authorization of senior housing as an allowed use as generally depicted on the plan, off-site parking for the adjacent senior community center, and interim agricultural uses within the ZCP district boundaries. The PUD ZCP also identified the intent of future single-family residential uses within the ZCP area.

The developer has now made a request for approval of a map amendment (rezone) of the 51.99-acre development area from the PUD (Planned Unit Development) zoning district to the RS-5000 (Residential Suburban) zoning district. Concurrent applications are under review for the Riverbend Preliminary Plan and two final plats. The Preliminary Plan depicts 209 single family detached residential lots, public rights-of-way, and tracts for open space, drainage, and utilities. The overall density of the preliminary plan area is 3.91 dwelling units per acre.

Immediately north of the development area is the Riverbend Commercial Development, which is located entirely within the City of Fountain. The developer is developing the two sites concurrently as one cohesive development, although they are under two different jurisdictions. The City of Fountain and El Paso County are both subject to MS4 Permit requirements which require the jurisdictions to take measures to protect the quality of stormwater from sediment and other contaminants and requires the developer to provide adequate permanent stormwater quality Best Management Practices (BMP's) with new development or significant redevelopment. Additionally, the County requires the developer to enter into a maintenance agreement with the County for such BMPs to ensure proper maintenance and to provide the County with an easement to allow the County to enter the property should proper construction or maintenance not be completed. The applicant proposes to construct a single water quality detention pond to serve both the

commercial and residential developments. This facility would ultimately be owned and maintained by the Riverbend Crossing Metropolitan District.

The City of Fountain and El Paso County worked cooperatively to amend the standard El Paso County Detention Pond Maintenance and Easement Agreement to include provisions for the City of Fountain to be signatory as well as share the financial responsibility with El Paso County in the event that the proposed facility is not completed in a timely manner, is not properly maintained, or is defective and the collateral provided by the developer is insufficient to remedy the issue. The City of Fountain's proportionate share has been calculated at 36.4%, which is equivalent to the percentage of runoff entering the detention pond as a result of the development.

The Board of County Commissioners approved a request to authorize the Chair to sign a Detention Pond Maintenance Agreement and Easement between El Paso County, the City of Fountain, Avatar Fountain LP, Avatar Riverbend LP, and Riverbend Crossing Metropolitan District on August 11, 2020 (PCD File No. DA-20-002).

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to rezone 51.99 acres from PUD (Planned Unit Development) to the RS-5000 (Residential Suburban) zoning district. The subject parcels are located on the fringe of existing urban development. Adjacent to the east is the Norad View Mobile Home Park, which is zoned MHP (Mobile Home Park). As discussed in the background section above, the land located immediately north is Riverbend Commercial Development, which is being concurrently redeveloped by the same applicant group as the Riverbend Residential development.

To the east, across Highway 85-87, is the urban core of the unincorporated Security area, which includes both commercial and urban residential development. To the south, between Highway 85-87 and Interstate 25, lie the jurisdictional boundaries of the City of Fountain. Several urban developments have been approved within the City of Fountain in this area, including a significant amount of urban residential development. It is anticipated that the urban development within Fountain will continue to progress north to the jurisdictional boundaries of El Paso County. The proposed map amendment (rezone) to the RS-5000 zoning district is a logical extension of the existing urban development within unincorporated areas in Security and within the City of Fountain.

The western portion of the map amendment area is encumbered by the Fountain Creek floodplain. The concurrently reviewed preliminary plan depicts this significant natural feature being preserved within an 8.9-acre open space tract. Immediately to the west is land zoned A-5 (Agricultural), known as Venetucci Farms. This land is not anticipated to be developed in the near future. The preliminary plan depicts a 30-foot open space tract adjacent to the A-5 zoning district. The rear setback requirement for the RS-5000 zoning district is 25 feet, thus creating a total buffer area of 55 feet. With the open space and buffer area, the proposed RS-5000 (Residential Suburban) map amendment can be made generally compatible with the adjacent Agricultural area and is compatible with the developing urbanized character of the overall area with regard to land use and density.

2. Zoning Compliance

The applicant is requesting to rezone 51.99 acres to the RS-5000 (Residential Suburban) zoning district. The RS-5000 (Residential Suburban) zoning district is intended to accommodate single-family and two-family residential development. The density and dimensional standards for the RS-5000 (Residential Suburban) zoning district are as follows:

- Minimum lot size – 5,000 square feet
- Minimum width at the front lot line - 50 feet
- Setbacks - 25 feet front and rear, 5 feet on the sides
- Maximum height - 30 feet

A preliminary plan and final plat are being concurrently reviewed to subdivide the 51.99-acre area into individual lots. The applicant will be required to demonstrate compliance with the RS-5000 (Residential Suburban) zoning district dimensional standards in association with each residential site plan request.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.1.4 – Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.

Policy 6.1.11 - Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 10.2.2- Carefully consider the availability of water and wastewater services prior to approving new development.

Policy 11.3.2- When possible, safely design and incorporate drainage facilities as an aesthetic element with developments.

Goal 13.1- Encourage an adequate supply of housing types to meet the needs of County residents

According to the water and wastewater resources reports submitted in support of the concurrently reviewed preliminary plan, Security Water and Sanitation District has available water supply and wastewater treatment capacity to provide adequate service to the development.

The applicant is proposing to rezone 51.99 acres from PUD (Planned Unit Development) to the RS-5000 (Residential Suburban) zoning district. The subject parcels are located on the fringe of existing urban level development. Adjacent to the east is the Norad View Mobile Home Park, which is zoned MHP (Mobile Home Park). As discussed in the background section above, the land located immediately north is Riverbend Commercial Development, which is being concurrently redeveloped by the same applicant group as the Riverbend Residential development.

To the east, across Highway 85-87, lies the urban core of the unincorporated Security area, which includes a community commercial center as well as urban residential development zoned RS-6000 (Residential Suburban). To the south, between Highway 85-87 and Interstate 25, is the jurisdictional boundaries of the City of Fountain. Several urban developments have been approved within the City of Fountain in this area, including a significant amount of urban residential development. It is anticipated that urban level development within Fountain will continue to progress north to the jurisdictional boundaries of El Paso County. The proposed map amendment to the RS-5000 zoning district is a logical extension of the existing development within the unincorporated area of Security and within the City of Fountain.

The map amendment area is adjacent to an area zoned A-5 (Agricultural) to the west. Urban density development is not customarily considered compatible with agricultural development and, if approved, typically requires provision of adequate buffers and transition areas. The adjacent A-5 zoned parcel is Venetucci Farms and is not residential in nature, but is instead a well-known gathering place within El Paso County for seasonal festivities, such as fall festivals. Urban development can be found to be compatible with community centers in the area provided the urban development does not detract from the agricultural nature of Venetucci Farms. The concurrently reviewed preliminary plan depicts a 30-foot open space tract adjacent to Venetucci Farms in an effort to buffer the dense residential development from the existing agricultural use.

Staff recommends that the map amendment (rezoning) is consistent with the policies discussed above specifically pertaining to the concept of integrating new compatible land uses in terms of density and the policies promoting conservation of open space.

4. Small Area Plan Analysis

The property is not included within a small area plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes.

The map amendment (rezone) was submitted for review prior to the adoption of the Water Master Plan, therefore, it is not an applicable component of the master plan used for review of the application.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. The US Army Corps of Engineers, Colorado State Forest Service, Colorado Parks and Wildlife, the Environmental Division of the El Paso County Community Services Department, were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies floodplain deposits in the area of the subject parcels. A mineral rights certification was prepared by the

applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridor Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Please see the floodplain section below for information regarding the floodplain hazard located on the subject parcels.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential

3. Floodplain

As indicated by FEMA Flood Insurance Rate Map Numbers 08041C0763G and 08041C0951G, which has an effective date of December 7, 2018, most of the development is outside the FEMA designated 100-year floodplain (Shaded Zone X). The southern portion of the site within the 100-year floodplain (Zone AE) is depicted as being within tracts on the Preliminary Plan and will not be utilized for residential development.

4. Drainage and Erosion

The development is located in the West Little Johnson Drainage Basin (FOFO2700), which is included in the El Paso County Drainage Basin Fee program. The drainage fee must be paid at the time of plat recordation. A preliminary drainage report was included with the concurrently reviewed preliminary plan (PCD File No. SP187). The preliminary drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties by providing water quality and flood control detention.

5. Transportation

The El Paso County Major Transportation Corridors Plan Update (2016) does not depict roadway improvement projects in the immediate vicinity of the development.

Per the applicant's traffic impact study, this development is expected to generate 1,874 vehicle trips on the average weekday. The study projects a 2040 level of service (LOS) C or better at the Southmoor Drive and State Highway 85 intersection. The threshold for acceptable LOS in the Engineering Criteria Manual is D or better. The study identified recommended off-site improvements on the adjacent Southmoor Drive.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471). Per the traffic impact study, the development is intending to be included in the 10-mill public improvement district (PID #2).

H. SERVICES

1. Water

Water is provided by Security Water District. The District has provided a will serve letter for the proposed development.

2. Sanitation

Wastewater is provided by Security Sanitation. The District has provided a will serve letter for the proposed development.

3. Emergency Services

The property is within the Security Fire Protection District. The District was sent a referral and has no comments.

4. Utilities

The City of Fountain will provide electrical service and Colorado Springs Utilities will provide natural gas service to the development area.

5. Metropolitan Districts

The parcels are located within the Riverbend Metropolitan District. The service plan allows the following: a maximum debt authorization of \$5 million, a debt service mill levy of 30 mills, and an operations and maintenance mill levy of 5 mills. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) covenant enforcement, and 6) design, construction, and maintenance of public water and sanitation systems.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application. The El Paso County Parks Master Plan (2013) does not show any parks or trails within the proposed map amendment area. The Fountain Creek Primary Regional Trail is located to the west across Fountain Creek. The applicant will be required to pay park fees in lieu of park land dedication at the time of final plat recordation.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application. Fees in lieu of school land dedication will be required at the time of final plat recordation.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are 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.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATION

1. 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.

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seven (7) adjoining property owners on January 28, 2021, for the Board of County Commissioners meeting. Responses may be provided at the hearing.

L. ATTACHMENTS

- Vicinity Map
- Letter of Intent
- Rezone Map
- Planning Commission Resolution
- Board of County Commissioners' Resolution

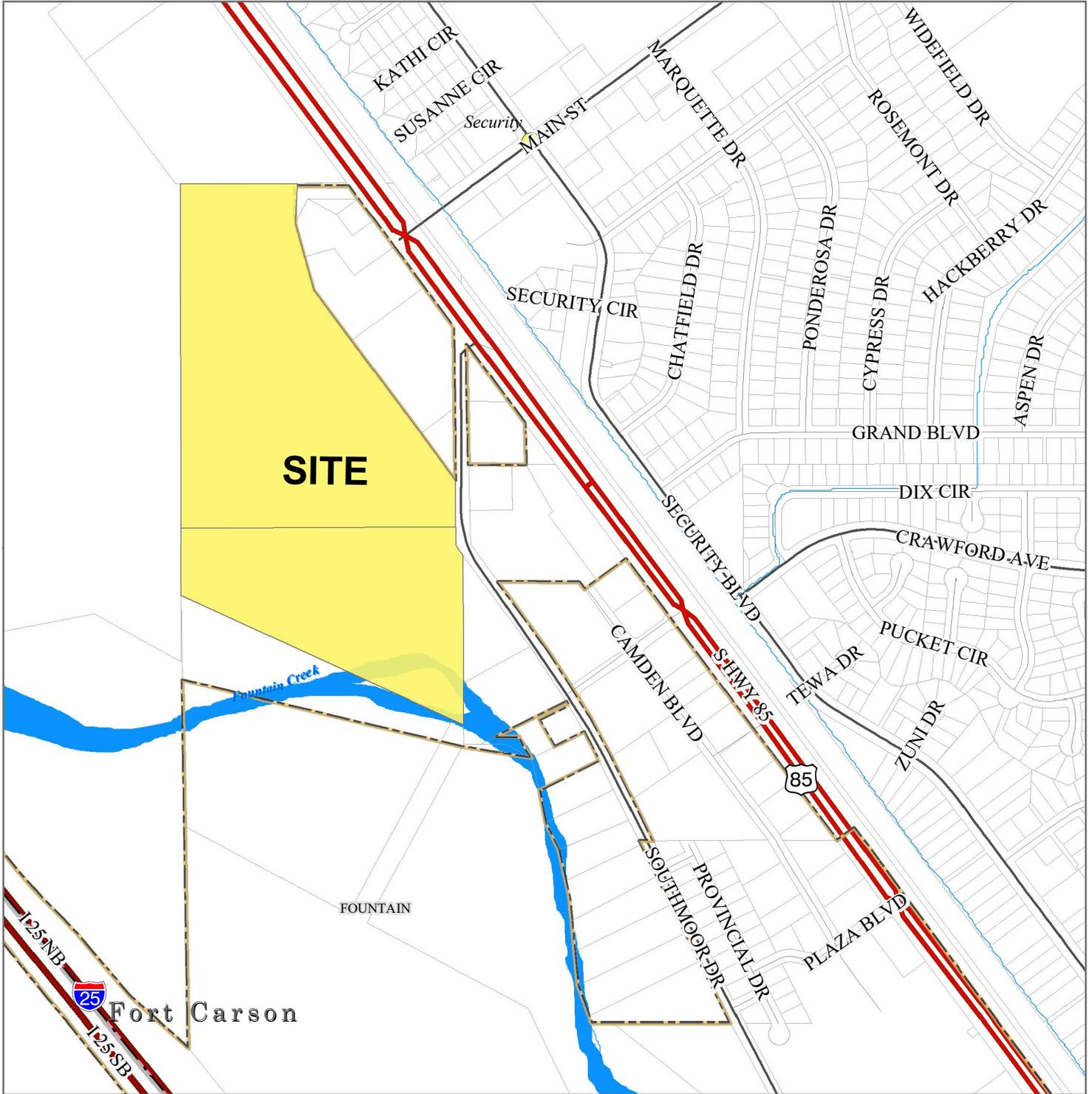
El Paso County Parcel Information

File Name: P-18-009 and SP-18-007

| PARCEL | NAME |
|------------|---------------------|
| 6514100033 | AVATAR RIVERBEND LP |
| 6514100034 | AVATAR RIVERBEND LP |

Zone Map No. --

Date: January 27, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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Riverbend Crossing

Residential Community

Filing 1 and Filing 2

(PCD FILE NO. P189, SP187, SF1844 & SF1843)

Letter of Intent

Zone Change/Preliminary Plan/Final Plat/Early Grading



VICINITY MAP

Prepared By:
Land Patterns, Inc.
for
Avatar Equities, LLC
6800 Jericho Turnpike,
Suite 120W #204
Syosset, NY 11791

Developer:

Avatar Equities, LLC
6800 Jericho Turnpike,
Suite 120W #204
Syosset, NY 11791

Civil Engineers:

Catamount Engineering
321 W. Henrietta Ave Suite A
Woodland Park, CO 80863
Phone: (719) 630-7342

Planner/Landscape Architect:

Land Patterns, Inc.
P.O. Box 60112
Colorado Springs, CO 80960
(719) 578-8689

Traffic Engineers:

LSC Transportation Consultants
545 E. Pikes Peak Ave., Suite 210
Colorado Springs, CO 80903
(719) 633-2868

Surveyor:

Barron Land, Inc.
2790 N. Academy Blvd., Suite 311
Colorado Springs, CO 80917

Site Location, Size, Zoning:

The site lies southwest of US Highway 85/87, west of Southmoor Drive and west of the incorporated areas of Security/Widefield in El Paso County, Colorado. The 2-lot parcel is bounded on the north by private land (zoned A-5 in the county of El-Paso), commercial developments to the east (zoned VCD, in the City of Fountain), Fountain Creek to the south, and a privately-owned conservation easement to the west (zoned A-5 in El Paso County). The entire parcel lies within unincorporated El Paso County and is currently zoned El Paso County PUD (Planned Unit Development).

The current 2 lot parcel (north lot 34.04 acres and south lot 19 acres) is approximately 51.04 acres. The proposed development is for 51.99 acres. The applicant is requesting a zone change to El Paso County RS-5000 (Residential Suburban – 5000 S.F minimum lot size).

Request & Justification:

The 2 parcels are currently zoned PUD. The applicant is requesting a replat of the two parcels to one lot, a rezone to RS-5000, and preliminary plan approval with associated early grading. The proposed development is requesting approval of a 225 lot-single family homes equaling a proposed density of 4.33 dwelling units per acre. The development will consist of one and two-story single-family detached homes and approximately 14 acres of open space/common areas providing public and private recreational opportunities.

The proposed residential project, and concurrent redevelopment of the commercial project to the east, will assist the county in meeting the ever-increasing demand for housing and future commercial support. The proposed minimum lot size and standard residential subdivision layout conforms to the RS-5000 zone change request.

Existing and Proposed Facilities & Structures:

Existing site characteristics: The existing vacant parcels consists predominantly of native and invasive shrubs, and prairie grasses consisting of western wheat grass, blue grama, alkali sacaton, needle-and-thread, and side oats grama, Galleta and fourwing saltbush are also present in select places above the Fountain Creek floodplain which flows through the southern portion of the site.

The creek bed channel consist of cottonwood stands, willow shrub species and native serviceberries and chokecherry shrubs along the water' edge. The upper embankment of the channel is characteristic of Cottonwood, Elm species and an occasional common

and Rocky Mountain Junipers. The stream channel will not be altered as the result of this development and will remain as open space and serve as a natural corridor for riparian and wildlife environments and recreational opportunities.

The site has not been graded and generally falls south towards Fountain Creek at an average slope of 1.5%. However, the existing commercial center to the northeast is approximately 10 to 15 feet higher than the proposed residential development. The grades are steep along this common boundary ranging from 10% to 50%.

Total Number of Residential Units, Density and Lot Size: The development proposes 225 single family residential lots (4.33 DU's/AC) with a minimum lot size of 5,000 S.F.

Proposed Infra Structures and Utilities: The proposed development will include public ROW and utility improvements including; water, gas, electric and sanitary sewer conveyance and a lift station at the southwest corner of the site to be developed. The development will also include a public storm water conveyance system and full spectrum water quality /detention facility.

Water and wastewater municipal services for the development will be provided by the Security Water and Sanitation District. A lift station, located in a designated tract at the southwest corner of the parcel, will be provided by the developer and dedicated to the district. All required utility easements, on adjacent properties, shall be acquired and approved as necessary to allow for municipal standard utility installment.

Utility and public services will be provided by the following associated districts:

- | | |
|----------------------|--|
| 1. Water: | Security Water and Sanitation District |
| 2. Wastewater: | Security Water and Sanitation District |
| 3. Gas: | Colorado Springs Utilities |
| 4. Electric: | Fountain Electrical Service |
| 5. Phone: | CenturyLink |
| 6. Fire: | Security Fire Protection |
| 7. Police Protection | El Paso County Sheriff's Department |
| 8. School: | Widefield School District No.3 |

A Full Spectrum Detention Area will be located above the northern side of the creek channel, above the upper embankment, at the southeast corner of the lot. Require detention will capture stormwater from impervious areas prior to offsite release. The detention and release will have no effect on downstream facilities. The private facilities will be owned and maintained by the Riverbend Crossing Metropolitan District.

Proposed Open Space/Common Areas: 14.25 acers (or 27 % of the parcel) will be designated as open space, common area tracts and landscape buffers. A 15' wide

Landscape buffer and a 6' high opaque wall/fence is proposed for the northeast boundary to provide separation between the project and the adjacent commercial site. Proposed lots along the north and west boundaries will include a 35' Rear Building Setback, increasing separation from the adjacent parcels. A 10' wide landscape buffer along Southmoor Drive will provide opportunities for landscape enhancements.

Traffic and Proposed Access Locations: The main access to the project will occur along the northeast side of the project. This access will be through an improved public ROW going through the commercial site and in alignment with the signalized intersection at US Highway 85/87. A second access will occur off Southmoor Drive at the south end of the development. All streets within the development will be built to an El Paso County Local Residential Street ROW.

Areas of Required Landscaping: The proposed development does not require landscape improvements per the requested zone change request. However, as mentioned above, a 15' wide Landscape buffer and a 6' high opaque wall/fence is proposed for the northeast boundary to provide separation between the project and the adjacent commercial site. A 10' wide landscape buffer along Southmoor Drive will provide opportunities for landscape enhancements. Landscape installed in these areas, and other common areas, shall be owned and maintained by the homeowner's association. The buffer landscape and 6' high opaque wall/fence will be provided by the developer. Individual lot landscaping and maintenance will be the lot owner's responsibility.

Phasing Plan: The residential will be platted in two separate filings. The first filing consists of 136 lots. The second filing will consist of 89 lots. All proposed lots (and development) lies outside of the floodplain. Proposed public ROW accesses. Booker Blvd. at Southmoor Drive and Main St at 85/87 will be constructed during Filing No. 1.

Impacts associated with the Preliminary Plan:

Floodplain: The proposed development and proposed improvements lie outside of the 100-year floodplain except for the Tract E at the southwest corner of the lot.

Wetlands: A search of the US Fish and Wildlife Service National Wetlands Inventory Mapper website (www.fws.gov/wetlands/) indicated a jurisdictional wetland R2USA and the presence of a riverine system RP1SS along the southern portion of the site within the floodplain of Fountain Creek (see Riverbend Crossing Natural Features Report). There will be no impact to the wetland areas because of the proposed development.

Air Pollution: By adhering to current air quality regulations, any air pollution emanating from the development will be negligible. Construction practices will adhere to the El Paso County Health Department as well as Colorado State Departments codes and regulations.

Water Pollution: by adhering to current wastewater and stormwater regulations, any water pollution emanating from the development will be negligible. An erosion and sedimentation plan will be placed prior to the initiation of construction.

Noise Pollution: Vehicular movement is expected to be the only major source of noise pollution emanating from the site after construction is complete and will have little or no impact on surrounding properties.

Vegetation, Wildlife Habits and Migration Routes: Proposed landscape will include a low water usage and indigenous to Colorado plant palette. A review of rare species and critical habitats through the US Fish and Wildlife Service IPAC mapper (www.ecos.fws.gov/ipac) that there are no critical habitats or migration routes within the project area that are to be threatened (see Riverbend Crossing Natural Features Report).

Visual Assessment: Proposed detached single-family detached houses (density of 4.33 DU/AC) on this site will not have an adverse visual effect on the surrounding properties. Proposed landscape buffers and building setbacks will provide visual enhancements both within and out of the site. The natural mountain backdrop of Pike Peak and Cheyenne Mountains and the foreground of Fountain Creek to the west is the dominant scenic natural feature of the site. Views to the north, west and south are relatively unobstructed by development.

Zone Change Project justification:

The proposed rezoning to RR-5000, as described above, complies with the Map Amendment (Rezoning) Criteria in Chapter 5.2.5.B of the Land Development as follows:

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;

County Policy Plan

The following County Policies are relevant to the requested rezoning:

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.13: Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

Policy 6.4.4: Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.

Policy 6.4.6: Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.

Policy 6.5.1: Allow for the location of limited supporting commercial uses at locations convenient to serve the needs of rural County residents provided that the requisite level of services is available or will be available in a timely fashion.

The existing 2 parcels are currently zoned PUD. The applicant is requesting a replat of the two parcels to a single parcel and a rezone to RS-5000. The proposed development is requesting approval of a 203 lot-single family homes equaling a proposed density of 3.91 dwelling units per acre. The development will consist of one and two-story single-family detached homes and approximately 14 acres of open space/common areas providing public and private recreational opportunities.

The proposed residential project, and concurrent redevelopment of the commercial project to the east, will assist the county in meeting the ever-increasing demand for housing and future commercial support. The proposed minimum lot size and standard residential subdivision layout conforms to the RS-5000 zone change request.

The proposed development encourages new development that is compatible with adjacent existing and proposed land uses. The residential development emphasizes carefully planned community, efficient land use, conservation of open space, and consolidation of infrastructure. The residential development establishes a buffer between the proposed existing commercial areas to the northeast and the agricultural zoned properties to the north and west and Fountain Creek to the south.

2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116;

The proposed rezoning fulfils the goals of the County Master Plan and is compatible with adjacent existing and proposed developments. It also complies with the statutory provisions that allow County's to establish limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.

The proposed zone change to RS-5000 is compatible with the surrounding land uses and zone districts by providing an opportunity for creating a neighborhood community. The proposed commercial center to the east will offer convenient services and facilities. The proposed residential element will establish a buffer/compatible transition from the commercial strip along State Highway 85/87

to northeast and the agricultural zoned areas to the north and west and Fountain Creek corridor to the south.

4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

The site is suitable for the proposed RS-5000 residential lot development. The development will meet and comply to the respective zone Land Development Code (LDC) standards, preserve open space, and protect the Fountain Creek floodplain and habitats. The applicant has secured letters of utility service commitments from perspective utility and service districts including, water and sanitation, fire and police protection, and public schools.

Preliminary Plan Project Justification:

The preliminary plan is consistent with the approval criteria in Section 7.2.1.D.2.e of the LDC as follows:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

The proposed residential development conforms to the goals, objectives and policies of the Master Plan.

2. The subdivision is consistent with the purposes of this Code;

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. The proposed subdivision of rural residential lots is consistent with the County Master Plan and is compatible with the surrounding existing development and proposed development.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- traffic, drainage, open space, recreation and parks development requirements.
- roads that will provide for safe and convenient vehicular circulation and identification of required road improvements;

- adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site;
- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and
- Protecting the natural vegetation and habitats specifically along the undisturbed areas of Fountain Creek.

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 this Code;

Water service will be provided by Security Water and Sanitation District. On December 11, 2018 the applicant received a letter of commitment from Security Water and Sanitation District agreeing to provide water resources for the proposed residential subdivision.

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 this Code;

Wastewater service will be provided by Security Water and Sanitation District. On December 11, 2018 the applicant received a letter of commitment from Security Water and Sanitation District agreeing to provide wastewater capacity services for the proposed residential subdivision.

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)];

A geotechnical report, dated April 2, 2018, was prepared by RMG Engineers. The investigation report evaluated the subsurface soil conditions and provides geotechnical design and construction criteria for the project. The conclusions of the report states that the subsurface conditions of the site are favorable for residential development pending the report’s recommendations for foundation systems, over excavation and compacted structural backfill, where required, in areas identified in the report. The report does not identify any topographical conditions presenting hazards or requiring special precautions.

7. **Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

A Master Development Drainage report was prepared by Catamount Engineering, Inc., on September 2018. The report proposed that development will follow the historic drainage patterns while satisfying current El Paso County development and water quality criteria. The area of the site proposed for impervious development will be contained within the parking/private roadway section and private on-site storm sewer system conveying flows to a full spectrum detention basin and water quality facility located at the southwest portion of the site prior to outfall to Fountain Creek.

8. **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 this Code and the ECM;**

All lots will be accessible by new public streets that will comply with the LDC and ECM. Street names have been approved by El Paso–Teller County 911 Authority.

9. **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;**

14.25 acers (or 27 % of the parcel) will be designated as open space, common area tracts and landscape buffers. The Fountain Creek floodplain will remain undisturbed and provide recreational opportunities for the residents of the proposed subdivision. All open spaces and common areas will be owned and maintained by Riverbend Crossing Metropolitan District.

A 15' wide Landscape buffer and a 6' high opaque wall/fence is proposed for the northeast boundary to provide separation between the residential lots and the adjacent commercial site. Proposed lots along the north and west boundaries will include a 35' Rear Building Setback, increasing separation from the adjacent parcels. A 10' wide landscape buffer along Southmoor Drive will provide opportunities for landscape enhancements.

- (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;

The proposed development will include public ROW connectivity to Southmoor Drive to the east and northeast to the future commercial center. Proposed residential ROWs will provide standard street and sidewalk networks of pedestrian, vehicular and bicycle connectivity internally and to external transportation networks. A pedestrian trail will provide access to the Fountain Creek.

(3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;

Proposed landscape buffers designated open spaces will provide opportunities to create vegetative transitions between commercial, residential, agricultural and natural open spaces.

(4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

The proposed development will preserve the natural resource of Fountain Creek and its associated floodplain meandering through the southern property line. The floodplain will remain undisturbed, assuring protection of the existing wetlands and conserving wildlife habitat. The control of noxious weeds through the development of the site and management of the open space will improve wildlife habitat. The open space will be owned and maintained by the Riverbend Crossing Metropolitan District.

(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;

The applicant has received letters of commitments to provide the utility and protection services. Letters confirm provisions of services will not have a negative impact on the County's level of service.

The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads, proposed access to Southmoor Drive and Main Street and will accommodate the site development traffic.

- 10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

The applicant has received letters of commitments from all necessary/ required providers that have stated their availability.

- 11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

Fire Protection will be provided by Security Fire Protection District. On November 22, 2018 the applicant received a commitment letter from the District's Fire Chief confirming services will be provided for structure and wildfire coverage, responses to medical situations, and fire inspections.

- 12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**

The proposed subdivision meets the applicable sections of the Code.

- 13. The proposed subdivision meets the goals and policies of the Water Master Plan.**

The proposed Riverbend Crossing residential development is being developed in conjunction with the adjacent Riverbend Crossing Commons development within incorporated City of Fountain limits. Both developments will be provided water through Security Water District.

Historically the adjacent commercial development was served by private well and septic system. Development in cooperation with Security Water District requires abandonment of existing private well and dedication of any property water rights to the District. A 12" main providing connection through the adjacent commercial site is being developed to provide looped connection servicing the surrounding developments. Additionally, a well site is being dedicated to the District for future expansion of their raw water collection systems. A new sewer trunk line is being developed to convey upstream sanitary sewer through the parcels.

Adequate water supplies have been identified within Security Water District for development of the proposed residential and commercial developments.

- 14. The proposed subdivision meets the goals of the Parks Master Plan.**

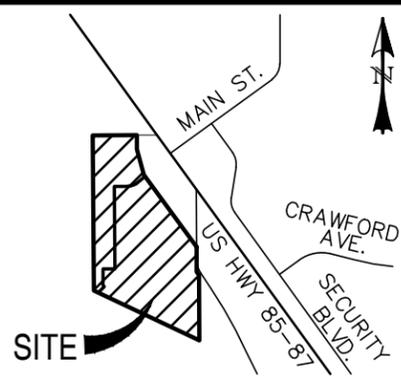
The proposed development proposes to maintain existing natural features within Fountain Creek and is establishing 12.5 acres of the 52 acre development as open space. Addition setback from the development has been provided to preserve the character of the adjacent westerly parcel which is maintained within a conservation easement.

With development of the residential subdivision multiple connections are proposed to the adjacent commercial parcel and State Highway 85/87. Internal trail systems are proposed within long blocks and provide pedestrian access to the southerly open space.

15. The proposed subdivision meets the goals of the 2016 Major Transportation Corridors Plan Update.

The proposed development is not adjacent to nor contain roadways identified in the Major Transportation Corridors Plan update. With development of the parcel adjacent Southmoor Drive roadway section will be revised to an industrial collector requiring additional pavement width, curb and gutter, and detached sidewalk. In coordination with the adjacent commercial development main street will be extended from Highway 85/87 through the commercial parcels providing signalized access to the Highway 85/87 corridor from the development.

Parcel access has been developed in coordination with CDOT and City of Fountain as well as El Paso County to provide limited access to major corridors and accommodate expected land use densities.



VICINITY MAP
SCALE: N.T.S.

UNPLATTED
OWNER: PIKES PEAK
COMMUNITY FOUNDATION
CHARITABLE RESIDENTIAL
ZONE: A-5

UNPLATTED
OWNER: SOUTHPARK TECHNOLOGICAL CENTER
OWNERS ASSOCIATION
VACANT LAND
ZONE: UNKNOWN

UNPLATTED
OWNER: VENETUCCI VILLAGE LLC
VACANT LAND
ZONE: PUD

UNPLATTED
OWNER: VENETUCCI VILLAGE LLC
VACANT LAND
ZONE: PUD

LOT 1
ST. DOMINICS
CATHOLIC CHURCH
OWNER: DIOCESE OF
COLORADO SPRINGS
RELIGIOUS WORSHIP
ZONE: A-5

EXISTING 30' SANITARY
SEWER EASEMENT
(BK 3806, P 789 &
BK 3941, P 664) TO BE
VACATED BY PLAT

EXISTING 20' SANITARY
SEWER EASEMENT (BK
1800, P 255) TO BE
VACATED BY PLAT

EXISTING SANITARY
SEWER EASEMENT (BK
2444, P 841) TO BE
VACATED BY PLAT

UNPLATTED
OWNER: AVATAR FOUNTAIN LP
MERCHANDISING,
DISCOUNT STORE,
NEIGHBORHOOD SHOPPING CENTER
ZONE: VC

UNPLATTED
OWNER: FOUNTAIN CASCADE
PROPERTY LLC
RECREATION/BOWLING ALLEY
ZONE: CC

UNPLATTED
OWNER: BANDLEY DEVELOPMENT LLC
AG GRAZING LAND
ZONE: UNKNOWN

UNPLATTED
OWNER: STATIC LINE
LLC
WAREHOUSE/STORAGE
ZONE: C-2

UNPLATTED
OWNER: SOUTHMOOR
GYA LLC
WAREHOUSE/STORAGE
ZONE: C-2

UNPLATTED
OWNER: BLU SKY
COMMUNITIES LLC
MOBILE HOME PARK
ZONE: MHP

UNPLATTED
OWNER: LORELLA K
PODHOLA TRUST
MOBILE HOME PARK
ZONE: MHP

LOT 2 FOUNTAIN VALLEY
SENIOR CENTER FILING NO. 2
OWNER: EL PASO FOUNTAIN VALLEY
CITIZENS ORG
CHARITABLE
ZONE: VC

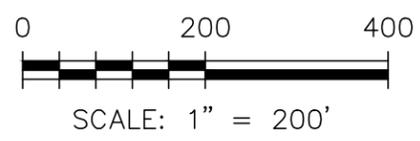
LOT 1, FOUNTAIN VALLEY
SENIOR CENTER FILING NO. 2
OWNER: ALVARO U & J GUADALUPE DAVILA
SPECIAL PURPOSE-FAST FOOD RESTAURANT
ZONE: VC

PETITIONER/OWNER:
AVATAR EQUITIES
6800 JERICO TURNPIKE
STE 120W #204
SYOSSET, NY 11791-4445

PREPARED BY:
CATAMOUNT ENGINEERING
CIVIL ENGINEER

DAVID MIJARES
COLORADO P.E. 40510

DATE: _____



| | |
|--|--|
| DRAWN BY: | dbm |
| DATE: | 09/24/18 |
| SCALE: | 1"=200' |
| JOB NUMBER | 17-114 |
| SHEET | 1 OF 1 |
| RIVERBEND CROSSING FILINGS NO 1 & 2 ZONE CHANGE EXHIBIT | |
| PREPARED FOR: | AVATAR EQUITIES 6800 JERICO TURNPIKE STE 120W #204 SYOSSET, NY 11791-4445 |
| PO BOX 221 WOODLAND PARK, CO 80866 (719) 426-2124 | CATAMOUNT ENGINEERING |

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-18-009

Riverbend

WHEREAS, Avatar Riverbend, LP, did file an application with the El Paso County Planning and Community Development Department for an amendment of 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 from the PUD (Planned Unit Development) zoning district to the RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on February 18, 2021; 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.
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 were heard at that hearing.
4. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district
7. 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.
8. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of John and Linda Jennings for an amendment to 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 RS-5000 (Residential Suburban) zoning district be approved by the Board of County Commissioners:

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are 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.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. 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.

- 2. 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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

| | |
|----------------------------|-----|
| Commissioner Risley | aye |
| Commissioner Bailey | aye |
| Commissioner Fuller | aye |
| Commissioner Trowbridge | aye |
| Commissioner Lucia-Treese | aye |
| Commissioner Brittain Jack | aye |
| Commissioner Blea-Nunez | aye |
| Commissioner Greer | aye |

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

Dated: February 18, 2021

Brian Risley, Chair

EXHIBIT A

Legal Description for Residential Parcel (Ph1 & Ph2)

A tract of land being a portion of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 14, Township 15 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, described as follows:

Bearings based on the West line of the Northeast Quarter (NE 1/4) of Section 14, Township 15 South, Range 66 West of the 6th P.M., monumented at the North Quarter (N 1/4) corner with a 3 1/4" aluminum cap, stamped "BARRON LAND 2018 PLS 38141" and at the Center Quarter (C 1/4) corner with a 3 1/4" aluminum cap, stamped "OLIVER E. WATTS 2000 PE-LS 9853" and bears S 00°24'11" E, 2640.42 feet.

BEGINNING at said North Quarter (N 1/4) corner;

Thence N 89°52'04" E, along the North line of said Northeast Quarter (NE 1/4), a distance of 549.67 feet;

Thence S 00°07'56" E, a distance of 175.58 feet to the most Westerly Northwest corner of the land described in Warranty Deed recorded in Book 2472 at Page 228, El Paso County Records;

Thence along the Westerly lines, Southwesterly line and Southeasterly extension line of said land the following three (3) courses:

1) S 15°42'45" E, a distance of 166.22 feet;

2) S 15°48'38" E, a distance of 164.23 feet;

3) S 36°04'35" E, a distance of 1,115.06 feet to a point on the West right of way line of Southmoor Drive;

Thence S 00°07'59" E, along said West line, a distance of 306.67 feet to an angle point in said Southmoor Drive;

Thence S 34°27'20" E, along the Southwest line of said Southmoor Drive, a distance of 53.43 feet to the Northwest corner of a tract of land described at Reception No. 202040629, El Paso County Records;

Thence S 00°11'18" E along the West line of said tract of land, a distance of 813.74 feet to the Southeasterly end of the common boundary line described in the Boundary Agreement and Quit Claim deed recorded at Reception No. 206153355, El Paso County Records;

Thence N 64°47'25" W, along said boundary line, a distance of 1,455.02 feet to a point on the West line of said Northeast Quarter (NE 1/4);

Thence N 00°24'11" W along said West line, a distance of 1,938.33 feet to the POINT OF BEGINNING;

Containing a total calculated area of 2,265,061 square feet (51.999 acres) of land, more or less.

RESOLUTION NO. 21-

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO**

**APPROVAL OF THE RIVERBEND MAP AMENDMENT (REZONING)
(P-18-009)**

WHEREAS Avatar Riverbend, LP, 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 for 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 RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on February 18, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on March 9, 2021; 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 the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the 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 zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. For the above-stated and other reasons, the proposed Amendment to 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.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Riverbend to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the PUD (Planned Unit Development) zoning district to the RS-5000 (Residential Suburban) zoning district;

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are 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.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATION

1. 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.

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 March, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Legal Description for Residential Parcel (Ph1 & Ph2)

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Thence S 00°11'18" E along the West line of said tract of land, a distance of 813.74 feet to the Southeasterly end of the common boundary line described in the Boundary Agreement and Quit Claim deed recorded at Reception No. 206153355, El Paso County Records;

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Containing a total calculated area of 2,265,061 square feet (51.999 acres) of land, more or less.