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RESOLUTION NO. 05-30

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

**REZONE 2,938.61 ACRES FROM THE RR-3 AND PUD DISTRICTS TO THE
PUD DISTRICT FOR SANTA FE SPRINGS (PUD-04-017)-REALTY
DEVELOPMENT SERVICES**

Commissioner Huffman moved adoption of the following Resolution:

WHEREAS, Realty Development Services did file a petition with the Planning Department of El Paso County to Rezone the herein described property in El Paso County from the RR-3 (Rural Residential) and PUD (Planned Unit Development) Zone Districts to the PUD (Planned Unit Development) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 23, 2004, upon which date the Planning Commission did by formal resolution recommend approval of the subject Zone change petition with conditions and notation; and

WHEREAS, a public hearing was held by this Board on January 6, 2005; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. 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.
2. 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 parties were heard at those hearings.
3. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado, or the applicable comprehensive plan or any amendments thereto.

ROBERT C. "BOB" BALINK El Paso County, CO

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4. The proposed land use will be compatible with existing and permitted land uses in the surrounding area and will be in harmony and responsive with the character of the surrounding area.
5. 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.
6. A need for development has been demonstrated.
7. The proposed development will not have a negative effect upon the existing and future development of the surrounding area.
8. The proposed PUD (Planned Unit Development) District zoning will achieve and advance the stated purposes set forth in Section 16 of the El Paso County Land Development Code.
9. The existing and proposed public services and facilities are adequate for the proposed development, and the proposed public services and facilities will be timely provided.
10. The existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and the proposed transportation network improvements will be timely provided.
11. 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 Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Realty Development Services for a Zone change from the RR-3 (Rural Residential) and PUD (Planned Unit Development) Zone Districts to the PUD (Planned Unit Development) Zone District for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

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

CONDITIONS:

1. Development of the property shall be in accordance with the approved Development Plan and Development Guide. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q of the El Paso County Land Development Code.
2. Maximum dwelling units within the Santa Fe Springs PUD-7 shall be 78 dwelling units.
3. Should the "Active Adult" component be reduced and or relocated within any Santa Fe Springs PUD, the density shall not be transferred to PUD-7.
4. Landscaping shall be required by the developer and/or builder for all areas on the Development Plan indicated by a landscape easement along the roadways. Landscape Plans shall be submitted with the Preliminary Plan documents. Landscaping shall be collateralized in the Estimate of Guaranteed Funds. Should the extension and construction of La Bajada Parkway or Poncho Villa Trail be required prior to submittal of any preliminary plans within PUD-7, then the Landscape Plan shall be required as part of the Construction Plan submittal.
5. The applicant shall be required to participate in a fair and equitable manner in off-site road improvements. The applicant is hereby put on notice that an off-site road study and plan shall be prepared and adopted in accordance with Section 49.6 of the Land Development Code with the intent of being in place prior to approval of any Final Plats for this development.
6. A letter of Map Revision, converting the Zone A floodplain to a Zone AE Floodplain, shall be submitted to and approved by FEMA before any final plat containing floodplain is scheduled for hearing by the Board of County Commissioners, unless otherwise authorized by the Floodplain Administrator.
7. Any preliminary plan(s) filed adjacent to an arterial or above classified roadway shall require a noise analysis with

findings and recommended mitigation that is acceptable to El Paso County.

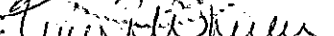
8. No lot shall be split between a school or fire district on any preliminary plan or final plat. If possible, subdivision design shall minimize jurisdictional impacts to this regard.
9. The Development Plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any Preliminary Plan for hearing by the Planning Commission.
10. All owners of record must sign the Development Plan.
11. A full plot plan review will be required for all non-residential developments within this PUD. Prior to approval of any Plot Plan the land use(s), densities, setbacks, height limits, landscaping, buffering, screening and access locations as depicted on the Plot Plan shall be found to be in conformance with the Development Plan as approved by the Board of County Commissioners and applicable regulations within the Land Development Code.
12. Applicable Park and School fees shall be paid with any Final Plats reflecting, if appropriate, the credits for dedication of a school site and any park credits received.
13. Platting is not required for property transfer of any Ag-35 designated parcels as long as the parcel is a minimum of 35 acres. A copy of a master parcel layout shall be provided to the County for review and comment should one be created.
14. Prior to recording the Development Plan the following shall be finalized:
 - a. All technical review issues of the Planning and Engineering Division shall be resolved and changes, as applicable, to the Development Plan and Development Guide shall be completed.
 - b. Applicant shall provide a sample layout for the 78 Ag-35 parcels.

- c. Applicant shall provide verification that communication between the applicant and the MVEA are continuing regarding the proposed final locations of the requested sites.
15. In the event urban services have not been extended to some part of the overall Santa Fe Springs property within five (5) years of Board of County Commissioners' approval of this request, the Board may consider rezoning back to the original RR-3 (Rural Residential) classification.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 6th day of January 2005, at Colorado Springs, Colorado.

ATTEST:

By: 
Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chairman

Commissioner Williams seconded the adoption of the foregoing Resolution. The roll having been called, all five Commissioners voted "aye," and the Resolution was unanimously adopted by the Board of County Commissioners of the County of El Paso, State of Colorado.

P.U.D. PARCEL NUMBER 7 EAST

A TRACT OF LAND LOCATED IN SECTION 4, 5, 6, 7 AND 8, ALL IN TOWNSHIP 13 SOUTH, RANGE 63 WEST AND IN SECTION 31 AND 32, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE S 89° 02' 22" E ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 611.01 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE CONTINUING S 89° 02' 22" E ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 3344.75 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE EAST ONE-HALF (E 1/2 E 1/2) OF SAID SECTION 31; THENCE N 00° 13' 59" E ALONG THE WEST LINE OF SAID E 1/2 E 1/2, A DISTANCE OF 2635.57 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SE 1/4 NE 1/4) OF SAID SECTION 31; THENCE N 00° 02' 14" E ALONG THE WEST LINE OF SAID SE 1/4 NE 1/4, A DISTANCE OF 1317.76 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S 89° 04' 20" E ALONG THE NORTH LINE OF SAID SE 1/4 NE 1/4, A DISTANCE OF 1322.28 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 89° 44' 23" E ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE-HALF OF SAID SECTION 32, A DISTANCE OF 3927.17 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NE 1/4 NE 1/4) OF SAID SECTION 32; ; THENCE N 00° 03' 34" W ALONG THE WEST LINE OF SAID NE 1/4 NE 1/4, A DISTANCE OF 1316.20 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S 89° 42' 47" E ALONG THE NORTH LINE OF SAID NE 1/4 NE 1/4, A DISTANCE OF 1308.91 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S 00° 07' 55" E ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 2631.20 FEET TO THE NORTHEAST CORNER OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER (E 1/2 SE 1/4) OF SAID SECTION 32; THENCE N 89° 45' 59" W ALONG THE NORTH LINE OF SAID E 1/2 SE 1/4, A DISTANCE OF 1312.23 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S 00° 03' 28" E ALONG THE WEST LINE OF SAID E 1/2 SE 1/4, A DISTANCE OF 2632.42 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S 89° 49' 08" E ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 1315.48 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S 89° 43' 05" E ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 2647.37 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW 1/4 NE 1/4) OF SAID SECTION 4; THENCE ALONG THE WEST, SOUTH AND EAST BOUNDARY OF SAID NW 1/4 NE 1/4 OF SAID SECTION 4, THE FOLLOWING THREE COURSES: (1) THENCE S 00° 52' 40"

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W, A DISTANCE OF 1314.94 FEET TO THE SOUTHWEST CORNER THEREOF; (2) THENCE S 89° 41' 27" E, A DISTANCE OF 1321.34 FEET TO THE SOUTHEAST CORNER THEREOF; (3) THENCE N 00° 58' 48" E, A DISTANCE OF 1315.59 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 89° 43' 05" E ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 1323.69 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 01° 04' 54" W ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 3948.75 FEET TO THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF (S ½ S ½) OF SAID SECTION 4; THENCE N 89° 38' 11" W ALONG THE NORTH LINE OF SAID S ½ S ½, A DISTANCE OF 5266.63 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S 00° 40' 28" W ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 1313.65 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE

S 00° 37' 17" W ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 2638.60 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 8; THENCE N 89° 56' 58" W ALONG THE SOUTH LINE OF SAID NE ¼, A DISTANCE OF 2617.70 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 89° 56' 45" W ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 8, A DISTANCE OF 2617.68 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 89° 22' 47" W, A DISTANCE OF 1300.90 FEET; THENCE N 89° 34' 07" W, A DISTANCE OF 894.42 FEET; THENCE N 89° 54' 22" W, A DISTANCE OF 450.66 FEET; THENCE N 00° 00' 00" E, A DISTANCE OF 425.36 FEET; N 00° 13' 19" W, A DISTANCE OF 1290.97 FEET; THENCE N 45° 57' 20" E, A DISTANCE OF 322.23 FEET; THENCE N 44° 27' 00" W, A DISTANCE OF 1688.36 FEET THENCE NORTHWESTERLY ALONG THE ARC OF 3483.40 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 44° 26' 26" (THE LONG CHORD OF WHICH BEARS N 22° 13' 47" W, A LONG CHORD DISTANCE OF 2634.62 FEET), AN ARC LENGTH OF 2701.84 FEET; THENCE N 00° 00' 34" W, A DISTANCE OF 2376.74 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 2639.73 ACRES, MORE OR LESS.

EXCEPTING THERE FROM GOVERNMENT LOT 4 LOCATED IN THE NORTHWEST ONE-QUARTER OF SAID SECTION 5;

AND EXCEPTING THERE FROM THE LAZY E SUBDIVISION AS RECORDED UNDER RECEPTION NUMBER 10433 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO, CLERK AND RECORDER AND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SAID SECTION 6;

AND EXCEPTING THERE FROM THAT TRACT OF LAND AS DESCRIBED IN INSTRUMENT RECORDED IN BOOK 2315 AT PAGE 945 OF SAID COUNTY RECORDS.

SAID EXCEPTIONS CONTAIN 94.82 ACRES, MORE OR LESS, RESULTING IN A NET AREA OF 2544.9 ACRES, MORE OR LESS.

LEGAL DESCRIPTION:

DEL WEBB AT SANTA FE SPRINGS

P.U.D. PARCEL NUMBER 7 WEST

A TRACT OF LAND LOCATED IN SECTION 1, 2, 11 AND 12, ALL IN TOWNSHIP 13 SOUTH, RANGE 64 WEST AND IN SECTION 7, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE S 89° 28' 49" E ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 2646.56 FEET; THENCE S 00° 31' 11" W, A DISTANCE OF 465.81 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 2550.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 55° 44' 55" (THE LONG CHORD OF WHICH BEARS S 27° 21' 16" E, A LONG CHORD DISTANCE OF 2384.42 FEET), AN ARC LENGTH OF 2481.14 FEET; THENCE S 55° 13' 44" E, A DISTANCE OF 2087.88 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S 34° 46' 16" W, A DISTANCE OF 1211.53 FEET; THENCE S 55° 13' 44" E, A DISTANCE OF 47.42 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 570.00 FOOT RADIUS

CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 35° 46' 12" (THE LONG CHORD OF WHICH BEARS S 37° 20' 38" E, A LONG CHORD DISTANCE OF 350.10 FEET), AN ARC LENGTH OF 355.85 FEET; THENCE S 19° 27' 32" E, A DISTANCE OF 439.74 FEET; THENCE S 24° 16' 01" E, A DISTANCE OF 224.00 FEET; THENCE N 89° 45' 57" E, A DISTANCE OF 553.38 FEET; THENCE S 90° 00' 00" E, A DISTANCE OF 666.62 FEET; THENCE S 52° 50' 46" E, A DISTANCE OF 740.84 FEET; THENCE S 52° 40' 04" E, A DISTANCE OF 600.13 FEET; THENCE S 66° 44' 11" W, A DISTANCE OF 563.78 FEET; THENCE S 87° 36' 47" W, A DISTANCE OF 40.42 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE S 00° 35' 48" W ALONG THE WEST LINE OF SAID SE ¼ NW ¼ AND THE WEST LINE OF THE EAST ONE HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12, A DISTANCE OF 3974.23 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 89° 31' 32" E ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 3558.28 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S 89° 37' 45" E ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 1731.10 FEET; THENCE N 24° 51' 31" W, A DISTANCE OF 581.96 FEET; THENCE N 35° 17' 15" W, A DISTANCE OF 682.31 FEET; THENCE N 35° 54' 24" W, A DISTANCE OF 708.82 FEET; THENCE N 45° 02' 33" W, A DISTANCE OF 278.08 FEET; THENCE N 42° 09' 31" W, A DISTANCE OF 570.14 FEET; THENCE N 78° 42' 23" W, A DISTANCE OF 23.16 FEET; THENCE N 61° 01' 20" W, A DISTANCE OF 294.15 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A 354.44 FOOT RADIUS NON-TANGENTIAL CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 34° 45' 06" (THE LONG CHORD OF WHICH BEARS N 18° 27' 38" W, A LONG CHORD DISTANCE OF 211.70 FEET), AN ARC LENGTH OF 214.98 FEET; THENCE N 52° 37' 54" W, A DISTANCE OF 468.96 FEET; THENCE N 56° 20' 57" W, A DISTANCE OF 452.00 FEET; THENCE N 72° 43' 12" W, A DISTANCE OF 505.06 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A 2550.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 50° 20' 35" (THE LONG CHORD OF WHICH BEARS N 30° 03' 26" W, A LONG CHORD DISTANCE OF 2169.18 FEET), AN ARC LENGTH OF 2240.56 FEET; THENCE N 55° 13' 44" W, A DISTANCE OF 3015.89 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 451.9 ACRES, MORE OR LESS.