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El Paso County, CO



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RESOLUTION NO. 22-350

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

**APPROVAL OF THE HILLSIDE AT LORSON RANCH PLANNED UNIT
DEVELOPMENT/PRELIMINARY PLAN (PUDSP-22-001)**

WHEREAS Lorson, LLC, Love In Action, and LLC Nominee for Lorson Conservation Invest 2 LLP, 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 a site specific 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 September 15, 2022, 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 October 4, 2022; 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.

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 a site specific 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 conditions and notations shall be placed upon this approval:

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. The 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, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
8. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 14 of the Hillside at Lorson Ranch Traffic Impact Study, as amended and pending approval, to be verified with an updated traffic impact analysis or memorandum as appropriate with each final plat in The Hillside at Lorson Ranch development area. Participation may be through construction of improvements or escrow provisions.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director pursuant to Section 7.2.1.3.D of the Land Development Code.
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 three (3) years unless a final plat has been approved and recorded or a time extension has been granted.
6. The license agreement for this project will require review and may require adjustments to the landscaping plan at the final plat stage; if minor revisions are necessary the PUD/SP plan will not require revision.
7. The developer has already met obligations to provide escrow for the anticipated traffic signal improvements at Marksheffel Road and Lorson Boulevard and will be required to construct that signal with other Lorson Ranch subdivisions.

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

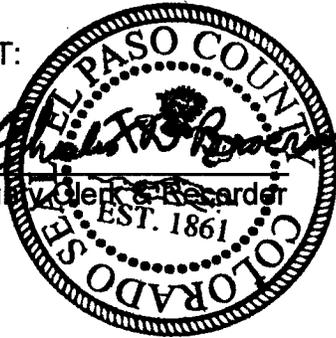
DONE THIS 4th day of, October 2022 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By:

County Clerk & Recorder



By:

Chair

A handwritten signature in black ink, appearing to read "Stan W. Vandenberg", is written over a horizontal line. The signature is cursive and extends above and below the line.

EXHIBIT A

**HILLSIDE AT LORSON RANCH FILING NO. 1
BOUNDARY LEGAL DESCRIPTION (128.328 ACRES)**

A PARCEL OF LAND IN THE NORTH HALF (N 1/2) SECTION 24 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4) SECTION 23, T15S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF "LORSON RANCH EAST FILING NO. 4" AS RECORDED UNDER RECEPTION NO. 220714583 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE N38°22'41"E ALONG THE EASTERLY LINE THEREOF, 1,642.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LORSON BOULEVARD AS SHOWN ON THE PLAT OF "THE HILLS AT LORSON RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 221714880 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE SOUTHERLY LINE THEREOF THE FOLLOWING NINE (9) COURSES:

1. THENCE N89°35'58"E A DISTANCE OF 490.91 FEET TO A POINT OF CURVE;
2. THENCE 226.85 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 568.00 FEET, A CENTRAL ANGLE OF 22°53'00", THE CHORD OF 225.35 FEET BEARS S78°57'32"E TO A POINT OF TANGENT;
3. THENCE S67°31'03"E A DISTANCE OF 263.79 FEET;
4. THENCE S28°50'34"E A DISTANCE OF 32.01 FEET;
5. THENCE S67°31'03"E A DISTANCE OF 50.00 FEET;
6. THENCE N73°54'03"E A DISTANCE OF 32.07 FEET;
7. THENCE S67°31'03"E A DISTANCE OF 789.35 FEET TO A POINT OF CURVE;
8. THENCE 178.22 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 968.00 FEET, A CENTRAL ANGLE OF 10°32'56", THE CHORD OF 177.97 FEET BEARS S62°14'35"E TO A POINT OF TANGENT;
9. THENCE S56°58'07"E A DISTANCE OF 9.29 FEET TO THE SOUTHWEST CORNER OF THE SOUTHERLY RIGHT-OF-WAY OF FUTURE LORSON BOULEVARD AS SHOWN ON THE PLAT OF "THE RIDGE AT LORSON RANCH FILING NO. 1" (NOT YET RECORDED);

THENCE ALONG THE SOUTHERLY LINE THEREOF THE FOLLOWING TEN (10) COURSES:

1. THENCE S58°24'55"E A DISTANCE OF 79.22 FEET;
2. THENCE 189.64 FEET ALONG A NON TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,030.00 FEET, A CENTRAL ANGLE OF 10°32'56", THE CHORD OF 189.37 FEET BEARS

S62°14'35"E TO A

POINT OF TANGENT;

3. THENCE S67°31'03"E A DISTANCE OF 663.92 FEET TO A POINT OF CURVE;

4. THENCE 319.29 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,030.00 FEET, A

CENTRAL ANGLE OF 17°45'40", THE CHORD OF 318.01 FEET BEARS S76°23'53"E;

5. THENCE S58°30'10"E, NON-TANGENT TO THE PREVIOUS COURSE, 41.38 FEET;

6. THENCE S88°30'10"E A DISTANCE OF 44.27 FEET;

7. THENCE N61°29'50"E A DISTANCE OF 40.94 FEET;

8. THENCE N89°25'43"E A DISTANCE OF 787.32 FEET;

9. THENCE S60°34'17"E A DISTANCE OF 40.00 FEET;

10. THENCE N89°25'43"E A DISTANCE OF 46.97 FEET TO THE EASTERLY RIGHT-OF-WAY OF KINGSTON PEAK

PLACE AS SHOWN ON AFORESAID PLAT OF "THE HILLS AT LORSON RANCH FILING NO. 1";

THENCE N00°34'17"W ALONG SAID LINE, 76.83 FEET;

THENCE N89°25'43"E A DISTANCE OF 380.07 FEET TO THE WESTERLY LINE OF THAT PROPERTY DESCRIBED BY

SPECIAL WARRANTY DEED AS RECORDED UNDER RECEPTION NO. 209144818 IN THE EL PASO COUNTY, COLORADO

RECORDS;

THENCE S00°11'19"E ALONG SAID WESTERLY LINE, 637.47 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST

QUARTER OF SECTION 24, T15S, R65W OF THE 6TH P.M.;

THENCE S89°25'52"W ALONG SAID NORTH LINE, 2,651.15 FEET;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24 THE FOLLOWING THREE (3)

COURSES:

1. THENCE S89°27'59"W A DISTANCE OF 852.91 FEET;

2. THENCE S89°26'11"W A DISTANCE OF 1,604.80 FEET;

3. THENCE S89°09'33"W A DISTANCE OF 178.42 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST

QUARTER OF SECTION 23, T15S, R65W OF THE 6TH P.M. ;

THENCE S89°52'02"W A DISTANCE OF 266.06 FEET;

THENCE S89°38'10"W A DISTANCE OF 87.85 FEET TO THE SOUTHEAST CORNER OF LOT 102, "CREEKSIDE SOUTH AT

LORSON RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 2221714746 IN THE EL PASO COUNTY,

COLORADO RECORDS;

THENCE ALONG THE EASTERLY LINES THEREOF THE FOLLOWING TWO (2) COURSE:

1. THENCE N00°19'53"W A DISTANCE OF 168.15 FEET;

2. THENCE N38°22'41"E A DISTANCE OF 250.28 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 5,589,948 S.F. (128.328 ACRES, MORE OR LESS).