



RESOLUTION NO. 18- 123

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF THE RETREAT AT TIMBERRIDGE MAP AMENDMENT
(REZONING) AND PUD DEVELOPMENT PLAN (PUD-17-003)

WHEREAS Arroya Investments, LLC, Robert Scott General Contractors and Jacob Decoto 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 RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 6, 2018, 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 March 27, 2018; 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. 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.
18. 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.

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 RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development 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 the PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.

4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. The building setback along Vollmer Road for Lots 20 through 26 shall be 100 feet, as depicted on the PUD development plan.
7. Landscape plantings along Arroya Lane shall be planted by the developer at the ratio of one (1) tree per 30 feet, and a minimum of one-third (1/3) of those trees shall be evergreen trees.
8. Landscape plantings along Vollmer Road are to be planted by the developer at the ratio of one (1) tree per 25 feet, and a minimum of one-third (1/3) of those trees shall be evergreen trees.
9. Applicants shall provide a Geology and Soils Standards Report with all subsequent preliminary plans. Constraints and hazards shall be identified on the subsequent preliminary plans (Note: not all lots depicted on the PUD development plan may be developable).
10. The label "shared access drive" on Sheet 2 and General Note No. 2 on Sheet 3 of the PUD development plan do not guarantee approval of the access. Access will be determined at the time of the preliminary plan for Phase A. Phase E may modify access to Phase A lots. Further analysis shall be required at the time of the preliminary plan submittal.
11. Access to Parcel No. 52000-00-393 west of Vollmer Road shall be finalized at the time of the preliminary plan for that parcel to determine access from Vollmer Road. A deviation may be required at that time.
12. The applicants shall be responsible for constructing or providing escrow toward offsite improvements to Vollmer Road with the appropriate final plat as identified in the traffic impact study.

13. The applicants shall be responsible for constructing the necessary improvements in the Sand Creek channel, as identified in the required preliminary and final drainage reports to be submitted, with the appropriate final plat(s).
14. Accessory storage and repair of vehicles and machines as well as wildlife rehabilitation, construction equipment storage and field offices, and commercial stables on lots located West of Vollmer shall require approval of a special use. These uses are not allowed east of Vollmer Road.
15. The applicants shall revise of the PUD plan to remove "Dwelling, Two Family" as an available land use prior to recordation of the plan.

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.
3. Approval of the PUD as submitted does not guarantee approval of deviations from any engineering criteria that have not been specifically addressed in either an approved deviation request or PUD modification.
4. Documentation of separate vacation/termination documents will need to be provided, which remove encumbrances on proposed rights-of-way, specifically Arroya Lane, prior to platting and County acceptance of the proposed roads.
5. All outstanding review comments will need to be addressed, to the satisfaction of the PCD Director, prior to scheduling the request for a Board of County Commissioners hearing.

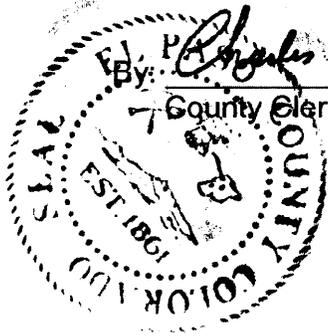
AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 27TH day of March, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: Charles D Broerman
County Clerk & Recorder

The seal of El Paso County, Colorado, is circular with a double border. The outer border contains the text "EL PASO COUNTY COLORADO" at the top and "EST. 1861" at the bottom. The inner circle features a central emblem of a mountain range with a sun and a river, surrounded by the words "EL PASO COUNTY" and "EST. 1861".

By: [Signature]
President

EXHIBIT A
(SEE ATTACHED)



EXHIBIT A

RETREAT AT TIMBER RIDGE PARCEL 1

A PORTION OF SECTION 21 AND 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., BEING MONUMENTED AT THE EAST END BY A FOUND 3-1/4" ALUMINUM CAP STAMPED E 1/16 S21/28, T12S, R65W, PLS 9853 AND MONUMENTED AT THE WEST END BY A FOUND 2-1/2" ALUMINUM CAP STAMPED 1/4 S21/28, T12S, R65W, PLS 16154; ASSUMED TO BEAR S89°40'14"W WITH A DISTANCE OF 1313.49 FEET.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., SAID POINT BEING THE POINT OF BEGINNING;

THENCE N00°25'32"W ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., A DISTANCE OF 650.11 FEET;

THENCE N89°40'31"E, A DISTANCE OF 2077.12 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS DESCRIBED IN BOOK 2678 AT PAGE 430 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE S21°41'10"W ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2013.88 FEET TO INTERSECT WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28;

THENCE N00°41'17"W ON SAID EAST LINE, A DISTANCE OF 1217.12 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28;

THENCE S89°40'14"W ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1313.49 FEET TO THE POINT OF BEGINNING;

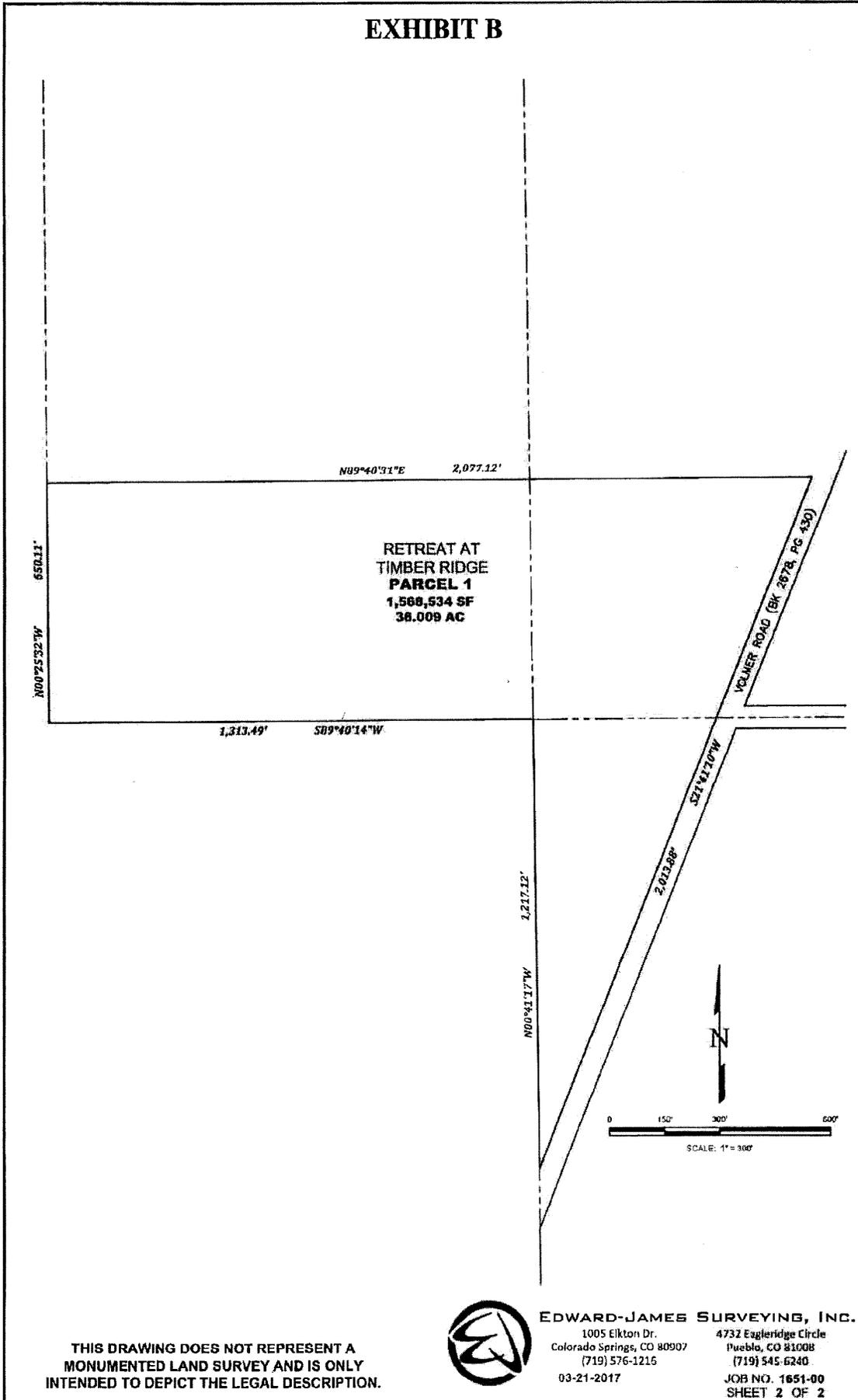
CONTAINING A CALCULATED AREA OF 1,568,534 SQ. FEET, OR 36.009 ACRES.

LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.

JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

EXHIBIT B



THIS DRAWING DOES NOT REPRESENT A
MONUMENTED LAND SURVEY AND IS ONLY
INTENDED TO DEPICT THE LEGAL DESCRIPTION.



EDWARD-JAMES SURVEYING, INC.
1005 Elkton Dr. 4732 Egleridge Circle
Colorado Springs, CO 80907 Pueblo, CO 81008
(719) 576-1215 (719) 545-6240
03-21-2017 JOB NO. 1651-00
SHEET 2 OF 2



RETREAT AT TIMBERRIDGE PARCEL 2

A PORTION OF SECTION 21, 22, 27 AND 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

A LINE BETWEEN THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NW1/4 NW1/4) OF SECTION 27 AND THE SOUTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (NW1/4 SW1/4) OF SAID SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST, MONUMENTED AT THE NORTHERLY END BY A 3-1/4" ALUMINUM CAP STAMPED "2006 ESI PLS 10376" AND MONUMENTED AT THE SOUTHERLY END BY A 3-1/4" ALUMINUM CAP STAMPED "2006 ESI PLS 10376" AND IS ASSUMED TO BEAR S00°54'30"E, A DISTANCE OF 3925.64 FEET;

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.;

THENCE S00°54'30"E THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 27, A DISTANCE OF 3925.64 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE S87°35'00"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1332.78 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE N00°53'18"W ON THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1316.78 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE S89°08'28"W ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, A DISTANCE OF 1326.68 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;

THENCE N00°30'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 1270.77 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE AS RECORDED IN BOOK 2678 AT PAGE 430 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE N21°41'10"E ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1450.84 FEET TO THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE AS DESCRIBED IN A DEED RECORDED IN BOOK 2678 AT PAGE 431 OF SAID COUNTY RECORDS;

THENCE ON THE SOUTHERLY, EASTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF SAID DEED THE FOLLOWING FOUR COURSES:

1. N89°40'23"E, A DISTANCE OF 761.52 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28;
2. N00°52'58"W ON SAID EAST LINE, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID SECTION 27;
3. N00°37'14"W ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 30.00 FEET;
4. S89°40'23"W, A DISTANCE OF 736.82 FEET TO THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE AS DESCRIBED IN A DEED RECORDED IN BOOK 2678 AT PAGE 431 OF SAID COUNTY RECORDS;

THENCE N21°41'10"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 113.86 FEET;



THENCE S88°26'02"E, A DISTANCE OF 147.97 FEET TO A POINT OF CURVE;
THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 21°53'35" FOR A LENGTH OF 213.98 FEET;
THENCE N89°40'23"E, A DISTANCE OF 347.99 FEET;
THENCE N88°38'56"E, A DISTANCE OF 262.99 FEET;
THENCE S27°23'34"E, A DISTANCE OF 44.50 TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27;
THENCE N88°38'56"E ON SAID NORTH LINE, A DISTANCE OF 149.36 FEET;
THENCE N47°35'42"E, A DISTANCE OF 105.23 FEET;
THENCE N36°59'01"E, A DISTANCE OF 517.38 FEET;
THENCE N56°32'31"E, A DISTANCE OF 489.24 FEET;
THENCE N38°17'19"E, A DISTANCE OF 182.67 FEET;
THENCE N89°41'56"E, A DISTANCE OF 1283.66 FEET TO A POINT THAT IS 30.00 FEET WESTERLY OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22;
THENCE S00°18'04"E ON A LINE THAT IS 30.00 FEET WESTERLY OF AND PARALLEL TO SAID EAST LINE, A DISTANCE OF 852.14 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22;
THENCE S88°38'37"W ON SAID SOUTH LINE A DISTANCE OF 1300.53 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 9,884,109 SQ. FEET, OR 226.908 ACRES.

LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.

JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

