

FINAL PLAT (RECOMMEND APPROVAL)

Mr. Markewich moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION NO. MS234
GUNTZELMAN PORCELAIN PINES SUBDIVISION

WHEREAS, Christa and Kristian Guntzelman did file an application with the El Paso County Planning and Community Development Department for approval of a Minor Subdivision Final Plat for the Guntzelman Porcelain Pines Subdivision, property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on May 16, 2024; 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 were 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 and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an 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. 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; and

7. 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.

WHEREAS, when approving a minor subdivision, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Land Development Code ("Code");
3. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
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 the Code.
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 the Code.
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)]
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
10. 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; (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; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.
16. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Christa and Kristian Guntzelman for a Minor Subdivision Final Plat of the Guntzelman Porcelain Pines subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such

subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. 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 Division of 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 species.
4. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/5/2024, as provided by the County Attorney's Office.
7. The applicant shall submit and receive approval of a public right-of-way license agreement prior to acceptance of the plat for recording.

NOTATION

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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

Mr. Morales seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 9 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 16th day of May 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Jay Carlson, Vice-Chair

EXHIBIT A

A portion of the parcel described in that Quitclaim Deed, recorded January 22, 2020 under Reception No. 220009194, in the Official Public Records of El Paso County, Colorado, located in the Northwest 1/4 of Section 22, Township 13 South, Range 68 West, of the 6th/ P.M., being more particularly described as follows,

COMMENCING at the Center 1/4 Corner of said Section 22; thence along the south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, N88°57'03"W, (Bearings are based on the south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, monumented at the Center 1/4 Corner of said Section 22 by a 1" iron pipe with a 2-1/2" brass cap stamped "1938 U.S. GENERAL LAND OFFICE SURVEY", 0.5' above grade and monumented at the West Center 1/16 Corner by a 1" iron pipe with a 2-1/2" brass cap stamped 1938 U.S. GENERAL LAND OFFICE SURVEY", flush with grade, having a measured bearing of N88°57'03"W, a distance of 1301.48 feet), a distance of 234.34 feet to the southeast corner of said parcel, being the POINT OF BEGINNING; thence continuing along said south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, N88°57'03"W, a distance of 1067.14 feet to the West 1/16 Corner of said Section 22; thence along the North-South Center line of the Northwest 1/4 of said Section 22, N01°07'31"W, a distance of 932.25 feet; thence leaving said North-South Center line, N88°52'29"E, a distance of 182.97 feet; thence N01°08'07"W, a distance of 353.05 feet; thence N41°49'19"W, a distance of 283.92 feet to a point on south right-of-way line of Nampa Road; thence along the south right-of-way line of said Nampa Road, the following seven (7) courses:

1. N48°13'23"E, a distance of 60.11 feet;
2. along the arc of a non-tangent curve to the right, whose center bears N48°07'42"E, having a radius of 23.65 feet, a central angle of 115°53'06", a distance of 47.83 feet;
3. N73°46'14"E, a distance of 315.39 feet;
4. along the arc of a non-tangent curve to the left, whose center bears N16°10'04"W, having a radius of 245.85 feet, a central angle of 38°16'52", a distance of 164.26 feet;
5. along the arc of a reverse curve to the right, whose center bears S54°53'21"E, having a radius of 303.82 feet, a central angle 14°01'04", a distance of 74.33 feet;
6. N49°31'01"E, a distance of 285.03 feet;
7. along the arc of a non-tangent curve to the left, whose center bears N40°28'22"W, having a radius of 364.10 feet, a central angle of 23°57'14", a distance of 152.22 feet, to a point on the southeast line of that Right-of-Way Vacation recorded under Book 3122 Page 824 in the Official Public Records of El Paso County, Colorado;

Thence continuing along said southeast line of said Right-of-Way Vacation, N25°35'01"E, a distance of 134.87 feet to a point on the south right-of-way line of Nampa Road; thence along said south right-of-way line, the following five (5) courses:

1. along the arc of a non-tangent curve to the right, whose center bears S64°28'18"E, having a radius of 59.60 feet, a central angle of 95°53'57", a distance of 99.76 feet;
2. S58°29'48"E, a distance of 40.03 feet;
3. along the arc of a non-tangent curve to the left, whose center bears N31°15'02"E, having a radius of 96.71 feet, a central angle of 48°28'43", a distance of 81.83 feet;
4. N72°58'37"E, a distance of 67.62 feet;
5. along the arc of a non-tangent curve to the left, whose center bears N12°19'30"W, having a radius of 96.71 feet, a central angle of 22°07'11", a distance of 37.34 feet, to a point on the west line of Pikes Peak Mountain Estates, recorded November 5, 2001 under Reception No. 201161507;

Thence continuing along said west line of Pikes Peak Mountain Estates, the following two (2) courses:

1. S18°49'36"E, a distance of 138.79 feet;

2. S35°59'27"W, a distance of 515.72 feet, to a point on the west right-of-way line of Pikes Peak Toll Road;

Thence continuing along said west right-of-way line of Pikes Peak Toll Road, the following, thirteen (13) courses:

1. Along the arc of a non-tangent curve to the left, whose center bears S11°39'01"E, having a radius of 193.42 feet, a central angle of 64°29'48", a distance of 217.73 feet;
2. S13°45'10"W, a distance of 216.22 feet;
3. Along the arc of a non-tangent curve to the left, whose center bears S76°02'47"E, having a radius of 1005.40 feet, a central angle of 11°10'16", a distance of 196.03 feet;
4. S02°43'25"W, a distance of 173.36 feet;
5. Along the arc of a non-tangent curve to the left, whose center bears S87°14'50"E, having a radius of 460.30 feet, a central angle of 17°26'00", a distance of 140.06 feet;
6. S14°46'15"E, a distance of 167.06 feet;
7. Along the arc of a non-tangent curve to the left, whose center bears S74°40'19"E, having a radius of 338.00 feet, a central angle of 31°57'04", a distance of 188.49 feet;
8. S45°59'03"E, a distance of 171.85 feet;
9. Along the arc of a non-tangent curve to the right, whose center bears S43°26'18"E, having a radius of 238.00 feet, a central angle of 31°14'04", a distance of 129.74 feet;
10. S15°27'25"E, a distance of 155.45 feet;
11. Along the arc of a non-tangent curve to the right, whose center bears S74°31'58"E, having a radius of 238.00 feet, a central angle of 19°18'37", a distance of 80.21 feet;
12. S43°26'18"E, a distance of 46.77 feet;
13. Along the arc of a non-tangent curve to the left, whose center bears S86°04'29"E, having a radius of 363.70 feet, a central angle of 09°00'56", a distance of 57.23 feet, to the POINT OF BEGINNING.

LESS

A tract of land in Northwest Quarter of Section 22, Township 13 South, Range 68 West of the 6th P.M., County of El Paso, Colorado described as follows:

Beginning at a point that is S 64°26'49" E 40.00 feet from the Northwest Corner of Lot 112, The UTE Pass Summer Homes Co Subdivision No. 1, El Paso County, Colorado, said point being on the Northwest Corner of the Right of Way Vacation recorded under Book 3122, Page 824 in the Official Public Records of El Paso County, Colorado; thence
S 64°25'10" E 27.90 feet; thence
S 25°34'50" W 134.69 feet; thence
N 64°25'10" W 27.90 feet to the Northeast Corner of said Right of Way Vacation; thence
N 25°34'50" E 134.39 feet to the point of beginning, containing 3,758 square feet.

Subject to easements and restrictions of record.

For a total of 35.06 acres.

