

SKETCH PLAN (RECOMMEND APPROVAL)

Mr. Schuettpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SKP234  
SOUTHERN COLORADO RAIL PARK SKETCH PLAN

WHEREAS, Edw C Levy Co D/B/A Schmidt Construction Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a 3,108.9 acre Sketch Plan for 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 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. All exhibits were received into evidence;
5. 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.

6. For the above-stated and other reasons, the proposed Sketch Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, the Planning Commission and the Board of County Commissioners shall determine that the following criteria for approval, outlined in Section 7.2.1, Sketch Plan, of the El Paso County Land Development Code, as amended, have been met to approve a Sketch Plan:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The proposed subdivision is in conformance with the requirements of this Code;
3. The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the Sketch Plan area;
4. The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;
5. Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;
6. The soil is suitable for the subdivision;
7. The geologic hazards do not prohibit the subdivision, or can be mitigated;
8. The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. § 34-1-302(1), et seq.];
9. The design of the subdivision protects the natural resources or unique landforms;
10. The proposed methods for fire protection are adequate to serve the subdivision; and
11. The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the application of Edw C Levy Co D/B/A Schmidt Construction Inc., for a 3,108.9 acre Sketch Plan for approval for property in the unincorporated area of El Paso County as described in Exhibit A, be approved by the El Paso County Board of County Commissioners with the following conditions:

CONDITIONS

1. 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.
2. If the property does not annex into a municipality, the Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals.
3. The approval of the Sketch Plan provides for a public hearing; the Board of County Commissioners hereby waives the requirement to review the future Annexation Impact Report, in an effort to provide efficiency in the future annexation process into a municipality.

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. Trowbridge 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  
Legal Description

THOSE PARCELS OF LAND IN SECTIONS 12, 13, 14, 23, 24, 25 AND 26 T16S R66W OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND IN SECTIONS 19 AND 30, T16S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO, ALL BEING DESCRIBED IN WARRANTY DEEDS UNDER RECEPTION NO. 099100803 AND RECEPTION NO. 099100804 IN THE RECORDS OF SAID EL PASO COUNTY. SAID PARCELS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE FOLLOWING SEVEN (7) COURSES ARE ALONG THE EASTERLY BOUNDARY LINES OF THE FORT CARSON MILITARY RESERVATION.

- (1) BEGINNING AT THE QUARTER CORNER COMMON TO SECTIONS 26 AND 35, T16S R66W OF THE 6th P.M.;
  - (2) THENCE N1°34'52"W ALONG THE CENTERLINE OF SECTION 26, A DISTANCE OF 5263.81 FEET TO THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26;
  - (3) THENCE N0°25'00"W ALONG THE CENTERLINE OF SECTION 23, A DISTANCE OF 5230.86 FEET TO A FOUND STONE AT THE QUARTER CORNER COMMON TO SECTIONS 14 AND 23;
  - (4) THENCE N1°30'28"W ALONG THE CENTERLINE OF SECTION 14, A DISTANCE OF 5285.06 FEET TO A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T15S R66W, S11, 1/4 COR, S14, 1999, PE&PLS 13226;
  - (5) THENCE N88°40'09"E ALONG THE SOUTH LINE OF SECTION 11, A DISTANCE OF 2788.00 FEET TO A FOUND 2.5" ALUMINUM CAP IN A MOUND OF STONES STAMPED "MIDLAND SURVEYING INC, RICHARD MATTSON, COLORADO PLS 38186";
  - (6) THENCE N0°39'18"W ALONG THE EAST LINE OF SECTION 11, A DISTANCE OF 1312.70 FEET;
  - (7) THENCE N89°11'58"E ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF (N1/2 S1/2) SECTION 12, A DISTANCE OF 1197.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF CHARTER OAK RANCH ROAD;
- THENCE CONTINUING N89°11'58"E ALONG SAID SOUTH LINE 3998.08 FEET TO A FOUND NO. 5 REBAR AT THE SOUTH 1/16TH COR OF THE SECTION LINE COMMON TO SECTION 12 T16S R66W AND SECTION 7, T16S R65W;
- THENCE S0°57'56"E ALONG THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 1329.72 FEET TO A FOUND 3.5" ALUMINUM CAP STAMPED "W K CLARK, T16S, R66W R65W, S12 S7, S13 S18, 1996, PLS 4842"
- THENCE S0°59'20"E ALONG THE WEST LINE OF SECTION 18 T16S, R65W A DISTANCE OF 5278.38 FEET TO A FOUND 1.5" ALUMINUM CAP STAMPED "13, 18, 19, 24, PLS 2692";
- THENCE S0°46'56"E ALONG THW WEST LINE OF SECTION 19, T16S, R65W A DISTANCE OF 2617.07 FEET TO A 2" GALVANIZED PIPE WITH CAP STAMPED "T16S, 24 G 19, R65W";
- THENCE N89°21'33"E ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 19, A DISTANCE OF 1171.75 FEET TO A FOUND 3.25" ALUMINUM CAP STAMPED "PLS 13830, W1/16, C--C, S19, 1999;
- THENCE S0°51'32"E ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2 SW1/4) OF SECTION 19, A DISTANCE OF 2637.30 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, W 1/16 S19, S30, 1999, PLS 13830";
- THENCE S0°20'16"E ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, A DISTANCE FO 1320.03 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, NW1/16 S30, 1999, PLS 13830";
- THENCE S89°13'59"W ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30 A DISTANCE OF 1155.32 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, N1/16 S25 S30, 1999, PLS 13830";
- THENCE S1°04'10"E ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 1,326.55 FEET TO THE QUARTER CORNER COMMON TO SECTION 30 AND SECTION 25, T16S, R66W;

THENCE S0°39'21"E A DISTANCE OF 2640.17 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, T16S R66W, R65W, S25 S30 S36 S31, 1999, PLS 13830";

THENCE S89°36'51"W ALONG THE NORTH LINE OF SECTION 36, A DISTANCE OF 5275.28 FEET TO THE SECTION CORNER COMMON TO SECTIONS 25, 26, 35 AND 36;

THENCE S89°07'11"W ALONG THE NORTH LINE OF SECTION 35, A DISTANCE OF 2637.64 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE RIGHT-OF-WAYS DESCRIBED UNDER RECEPTION NO. 219042933 AND RECEPTION NO. 219042944, AND ANY PORTION OF CHARTER OAK RANCH ROAD WHICH MAY EXIST BY VIRTUE OF ITS APPARENT USE AS A PUBLIC RIGHT-OF-WAY. SAID RIGHT-OF-WAY CONTAIN AN AREA OF 151,384 S.F. (3.475 ACRES)

ALSO EXCEPTING THEREFROM THE PARCELS DESCRIBED UNDER THE FOLLOWING RECEPTION NO.'S 210059631, 219082791, 209137369 AND IN BOOK 5826 AT PAGE 208 ALL OF THE EL PASO COUNTY RECORDS. SAID PARCELS CONTAIN A NET AREA OF 1,704,304 S.F. (39.125 ACRES)

SAID PARCELS LESS EXCEPTIONS CONTAIN A NET AREA OF 135,424,145 S.F. (3,108.911 ACRES).

**NOTES:**

1. CHARTER OAK RANCH ROAD CROSSES THE PROPERTY THROUGH SECTIONS 12 AND 13. NO RECORDED DOCUMENTS WERE FOUND DOCUMENTING ITS EXISTENCE. THE NET AREA DOES NOT EXCEPT CHARTER OAK RANCH ROAD.
2. BEARINGS ARE BASED ON THE COLORADO CENTRAL STATE PLANE COORDINATE SYSTEM.