

MAP AMENDMENT (REZONE) – PLANNED UNIT DEVELOPMENT (PUD) AND
PRELIMINARY PLAN (SP) (RECOMMEND DISAPPROVAL)

Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP225
FALCON HIGHLANDS SOUTH

WHEREAS, Challenger Communities, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the PUD (Planned Unit Development) zoning district to the PUD (Planned Unit Development) zoning district with a preliminary plan proposing 378 single-family residential lots and nine (9) tracts, including 39.9 acres of open space and 19.9 acres dedicated for public rights-of-way; and

WHEREAS, a public hearing was held by this Commission on November 16, 2023; 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. That for the following reason(s), the proposed Planned Unit Development is not in the best interests of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County: (check all that apply)

1. The proposed PUD district zoning does not advance the stated purposes set forth in Chapter 4 of the Land Development Code.
2. The application is not in general conformity with the Master Plan;
3. The proposed development is not in compliance with the requirements of the 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;
4. The subject property is not 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;
5. The proposed development does not provide 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 which may include innovative treatments of use to use relationships;
6. The allowed uses, bulk requirements and landscaping and buffering are not appropriate to and are not compatible with the type of development, the surrounding neighborhood or area and the community;
7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are not preserved and incorporated into the design of the project;
8. Open spaces and trails are not integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;

- 9. The proposed development will 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;
- 10. The proposed development would not be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- 11. The proposed land use does 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;
- 12. Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is not warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- 13. The owner has not authorized the application.

8. That for the following reason(s), the proposed Preliminary Plan is not in the best interests of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County: (check all that apply)

- 1. The proposed subdivision is not in general conformance with the goals, objectives, and policies of the Master Plan;
- 2. The subdivision is not consistent with the purposes of the Code;
- 3. The subdivision is not in conformance with the subdivision design standards and any approved sketch plan;
- 4. A sufficient water supply has not 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 not 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 not 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 ECM are not provided by the design;
- 8. The location and design of the public improvements proposed in connection with the subdivision are not adequate to serve the needs and mitigate the effects of the development;
- 9. Legal and physical access is or will not be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
- 10. The proposed subdivision has not 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 therefore, 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 protection, recreation, utilities, open space and transportation system, are not or will not be available to serve the proposed subdivision;
- 12. The subdivision does not provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
- 13. The proposed subdivision does not meet other applicable sections of Chapter 6 and 8 of the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Challenger Communities, LLC for an amendment to the El Paso County Zoning Map to

rezone property located in the unincorporated area of El Paso County from PUD (Planned Unit Development) zoning district to PUD (Planned Unit Development) zoning district with a preliminary plan proposing 378 single-family residential lots and nine (9) tracts, including 39.9 acres of open space and 19.9 acres dedicated for public rights-of-way be disapproved by the El Paso County Board of County Commissioners.

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.

Markewich seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye <u>(no)</u> non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / <u>(absent)</u>
Jim Byers	aye / no / non-voting / recused / <u>(absent)</u>
Jay Carlson	<u>(aye)</u> / no / non-voting / recused / absent
Becky Fuller	aye <u>(no)</u> / 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
Kara Offner	aye / no / non-voting / recused / <u>(absent)</u>
Bryce Schuettpeiz	aye / no / non-voting / recused / <u>(absent)</u>
Wayne Smith	<u>(aye)</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>(absent)</u>
Christopher Whitney	<u>(aye)</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 2 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 16th day of November 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Tom Bailey, Chair

EXHIBIT A

A PORTION OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE SOUTH END BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "AZTEC CONSULTANTS PLS 38256" AND AT THE NORTH END BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "PLS 4842". SAID WEST LINE BEARS NORTH 00°23'31" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 12;

THENCE SOUTH 89°36'22" WEST 100.00 FEET TO THE WEST LINE OF THE EAST 100 FEET OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 65 WEST;

THENCE ALONG SAID WEST LINE NORTH 00°23'31" WEST 1169.39 FEET TO THE SOUTHWEST CORNER OF FALCON HIGHLANDS FILING NO. 2 AS SHOWN ON THE PLAT RECORDED AT RECEPTION NO. 206712369, EL PASO COUNTY RECORDS;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID FALCON HIGHLANDS FILING NO. 2 THE FOLLOWING THIRTY-SIX (36) COURSES:

1. NORTH 89°30'24" EAST 1345.41 FEET;
2. NORTH 00°29'36" WEST 29.99 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1025.00 FEET;
3. 302.80 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°55'34";
4. NORTH 17°24'20" WEST 554.86 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1030.00 FEET;
5. 376.91 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°57'59";
6. SOUTH 86°13'54" EAST 54.48 FEET;
7. SOUTH 31°51'00" EAST 85.17 FEET;
8. SOUTH 52°36'41" EAST 76.95 FEET;
9. SOUTH 73°19'02" EAST 65.73 FEET;
10. SOUTH 74°06'49" EAST 291.13 FEET;
11. SOUTH 79°13'17" EAST 145.07 FEET;
12. SOUTH 85°23'13" EAST 145.17 FEET;
13. NORTH 88°52'41" EAST 145.19 FEET;
14. NORTH 83°36'10" EAST 131.74 FEET;
15. SOUTH 10°35'23" WEST 114.54 FEET;
16. SOUTH 31°38'08" EAST 124.91 FEET;
17. SOUTH 62°45'04" EAST 116.47 FEET;
18. NORTH 85°18'48" EAST 119.21 FEET;
19. NORTH 46°48'18" EAST 296.18 FEET;
20. NORTH 34°36'03" WEST 203.48 FEET;
21. NORTH 62°18'11" EAST 203.67 FEET;
22. SOUTH 85°51'10" EAST 75.24 FEET;
23. SOUTH 72°16'09" EAST 30.02 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 810.00 FEET AND A CENTER WHICH BEARS NORTH 72°16'30" WEST;
24. 7.53 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°31'58";

25. SOUTH 72°48'14" EAST 60.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 870.00 FEET AND A CENTER WHICH BEARS NORTH 72°43'54" WEST;
26. 540.58 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°36'03";
27. NORTH 77°04'11" EAST 391.37 FEET;
28. SOUTH 10°42'58" EAST 32.97 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 240.00 FEET;
29. 215.59 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°28'06";
30. SOUTH 62°11'05" EAST 135.79 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 410.00 FEET;
31. 105.19 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°42'02";
32. SOUTH 47°29'03" EAST 15.72 FEET;
33. SOUTH 42°12'30" WEST 45.02 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 630.00 FEET;
34. 197.16 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°55'51";
35. SOUTH 24°16'39" WEST 681.69 FEET;
36. NORTH 88°25'54" EAST 861.83 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 49°35'24" WEST 808.48 FEET;
2. NORTH 89°54'42" WEST 154.05 FEET;
3. SOUTH 49°35'01" WEST 2027.95 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG SAID SOUTH LINE NORTH 89°50'23" WEST 1610.14 FEET TO THE POINT OF BEGINNING;
EXCEPT THAT TRACT OF LAND CONVEYED TO FALCON HIGHLANDS METROPOLITAN DISTRICT IN WARRANTY DEED RECORDED AT RECEPTION NO. 206055833, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12;
THENCE NORTH 80°11'23" EAST 1127.58 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 17°27'11" WEST 81.74 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 55.00 FEET AND A CENTER WHICH BEARS NORTH 12°43'13" WEST;
THENCE 55.12 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 57°25'06";
THENCE NORTH 89°30'24" EAST 103.43 FEET;
THENCE SOUTH 72°19'33" WEST 142.43 FEET TO THE POINT OF BEGINNING;

CONTAINING 5,469,425 SQUARE FEET, OR 125.56 ACRES, MORE OR LESS.