



RESOLUTION NO. 18- 038

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF THE LORSON RANCH EAST MAP AMENDMENT
(REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-16-003)

WHEREAS Lorson Conservation Invest I, LLLP., Lorson, LLC. Nominee, Eagle Development Company and Murray Fountain, LLC 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 the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan. The applicants request that the PUD development plan also be approved as a preliminary plan. The applicants request for approval of a PUD modification of Section 2.3.2 of the ECM was approved. This section of the ECM summarizes many of the minimum roadway design standards by category and functional classification, including intersection spacing and paved width. Pre-development site grading approval is also requested with the preliminary plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 2, 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 January 23, 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. 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. 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.
27. 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 the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan. The applicants request that the PUD development plan also be approved as a preliminary 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 the combined PUD development plan/preliminary plan. Minor changes to the 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 combined PUD development plan/preliminary 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 prior to recordation.

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. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. Applicants and Lorson Ranch Metropolitan District agree that, with the respective final plat(s), all tracts adjacent to Lorson Boulevard and Fontaine Boulevard shall be reserved for potential public improvements to those roads. The Lorson Ranch Metropolitan District No. 1 will own and maintain these tracts until such time, if any, that the County requests the deeds conveying the portions of these tracts necessary for right-of-way purposes to El Paso County at no cost to the County. El Paso County, its agent(s) or assignee(s) may request the deeds and construct roadway improvements within these tracts at any time at the County's sole discretion. Landscaping allowed to remain within the acquired right-of-way shall continue to be maintained by Lorson Ranch Metropolitan District No. 1 under a Landscape License Agreement allowing maintenance of landscaping within the platted rights-of-way within Lorson Ranch East Filing No. 1.
8. The Lorson Ranch Metropolitan District No. 1 shall accept and retain responsibility for maintaining detention/water quality facilities in Lorson Ranch East and the Jimmy Camp Creek East Tributary through the development. In accordance with Section 8.5.5(B) of the Land Development Code, the developer shall plat all tracts in their entirety that are deemed by the County to be necessary for drainage improvements and maintenance, including the Jimmy Camp Creek East Tributary, associated with each respective final plat within the Lorson Ranch East development.

9. In accordance with the Lorson Ranch Sixth Amended Development Agreement, no more than 1,750 dwelling units shall be permitted east of Jimmy Camp Creek until both bridges over Jimmy Camp Creek have been constructed to provide a second point of access.
10. No lots within the limits of the floodplain shall be final platted until the LOMR is approved for the affected areas.
11. Applicant and Lorson Ranch Metro District shall provide a detention basin/water quality BMP maintenance agreement and easement for each offsite pond at the time of construction of each basin/BMP is necessary to mitigate developed flows from development of any final plat within the Lorson Ranch East PUD/Preliminary 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. 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.
4. Approval of the preliminary plan portion of the combined plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

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

DONE THIS 23rd day of January, 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 "SEAL OF EL PASO COUNTY, COLORADO" and the year "1874". The inner border contains "EST. 1891". The center of the seal features a landscape with a mountain, a river, and a plow.

By: [Signature]
President

EXHIBIT A

A TRACT OF LAND BEING TRACT E, TRACT I, AND TRACT J OF "PIONEER LANDING AT LORSON RANCH FILING NO. 2", ACCORDING TO THE PLAT RECORDED UNDER RECEPTION NO. 217713888 IN THE RECORDS OF EL PASO COUNTY COLORADO, TOGETHER WITH A PORTION OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 14, AND TOGETHER WITH A PORTION OF THE SOUTH ONE-HALF (S1/2) OF SECTION 13, AND TOGETHER WITH A PORTION OF THE NORTH ONE-HALF (N1/2) OF SECTION 24, AND TOGETHER WITH A PORTION OF THE NORTH ONE-HALF (N1/2) OF SECTION 23, ALL IN TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO BEING MORE DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF "PIONEER LANDING AT LORSON RANCH FILING NO. 1", MONUMENTED BY A REBAR AND ORANGE SURVEYORS CAP STAMPED "RAMPART PLS 26965" FROM WHICH THE EAST ONE-QUARTER CORNER (E1/4) OF SAID SECTION 14, AS MONUMENTED BY A 2-1/2"PIPE WITH 3" GALVANIZED SCREW ON CAP ONLY PARTIALLY STAMPED, BEARS N89°42'02"E, A DISTANCE OF 1873.45 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE N89°42'02"E ALONG THE NORTH LINE OF "PIONEER LANDING AT LORSON RANCH FILING NO. 2", A DISTANCE OF 1460.77 FEET TO THE NORTHWEST CORNER OF TRACT E AND THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.

THENCE CONTINUING N89°42'02"E ALONG THE NORTH LINE OF TRACT E AND ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 14, A DISTANCE OF 412.68 FEET TO THE EAST QUARTER CORNER THEREOF;

THENCE N89°32'06"E, ALONG THE NORTH LINE OF THE SOUTH HALF (S 1/2) OF SECTION 13, A DISTANCE OF 2686.16 FEET.

THENCE S00°52'02"E A DISTANCE OF 266.98 FEET TO A POINT OF CURVE, THENCE ALONG THE ARC OF A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 533.00 FEET, A CENTRAL ANGLE OF 51°09'19", (THE LONG CHORD OF WHICH BEARS S26°26'41"E A DISTANCE OF 460.23 FEET), AN ARC DISTANCE OF 475.88 FEET TO A POINT OF TANGENCY .

THENCE S52°01'21"E A DISTANCE OF 254.47 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A 100 FOOT WIDE ELECTRICAL EASEMENT RECORDED IN BOOK 2665 AT PAGE 715 OF THE EL PASO COUNTY, COLORADO RECORDS .

THENCE S38°22'41"W ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 1384.65 FEET TO THE NORTHEASTERLY CORNER OF TRACT I "PIONEER LANDING AT LORSON RANCH FILING NO. 2".

THENCE S38°22'41"W, A DISTANCE OF 0.03 FEET.

THENCE S18°59'47"W, ALONG THE EASTERLY LINE THEREOF, 99.98 FEET.
THENCE N70°06'29"W, ALONG THE SOUTHERLY LINE OF SAID TRACT I, A
DISTANCE OF 34.99 FEET.

THENCE S38°22'41"W, ALONG THE NORTHWESTERLY LINE OF
AFORESAID 100 FOOT WIDE ELECTRICAL EASEMENT, 447.46 FEET TO
THE EAST CORNER OF THAT PARCEL DESCRIBED IN SPECIAL
WARRANTY DEED UNDER RECEPTION NO. 206041590 OF THE EL PASO
COUNTY RECORDS.

THENCE N51°37'27"W ALONG THE NORTHEASTERLY LINE THEREOF, A
DISTANCE OF 295.16 FEET TO THE NORTH CORNER THEREOF.

THENCE S38°22'33"W ALONG THE NORTHWESTERLY LINE THEREOF, A
DISTANCE OF 295.16 FEET THE WEST CORNER THEREOF.

THENCE S51°37'28"E ALONG THE SOUTHWESTERLY LINE, A DISTANCE
OF 295.16 FEET TO THE SOUTH CORNER THEREOF ON THE WESTERLY
LINE OF AFORESAID 100 FOOT WIDE ELECTRICAL EASEMENT.

THENCE S38°22'41"W ALONG THE NORTHWESTERLY LINE THEREOF, A
DISTANCE OF 2995.68 FEET TO A POINT OF A NON-TANGENTIAL CURVE.

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT SAID CURVE
HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 11°45'40", (THE
LONG CHORD OF WHICH BEARS N58°05'27"W A DISTANCE OF 159.83
FEET), AN ARC DISTANCE OF 160.11 FEET TO A POINT OF TANGENCY .

THENCE N52°12'37"W A DISTANCE OF 365.17 FEET TO A POINT OF
CURVE.

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT SAID CURVE
HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 51°48'35", (THE
LONG CHORD OF WHICH BEARS N26°18'20"W A DISTANCE OF 519.88
FEET), AN ARC DISTANCE OF 538.03 FEET, TO A POINT OF TANGENCY.

THENCE N00°24'02"W A DISTANCE OF 473.91 FEET TO A POINT OF
CURVE.

THENCE ALONG THE ARC OF A CURVE TO THE LEFT SAID CURVE
HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", (THE
LONG CHORD OF WHICH BEARS N45°24'02"W A DISTANCE OF 28.28
FEET), AN ARC DISTANCE OF 31.42 FEET, TO A POINT OF TANGENCY.

THENCE S89°35'58"W A DISTANCE OF 133.65 FEET.

THENCE N86°49'27"W A DISTANCE OF 128.25 FEET.

THENCE S89°35'58"W A DISTANCE OF 232.72 FEET.

THENCE N00°24'06"W A DISTANCE OF 72.00 FEET TO THE SOUTHEAST
CORNER OF "THE MEADOWS AT LORSON RANCH FILING NO.

3"ACCORDING TO THE PLAT THEREOF RECORDED UNDER RECEPTION
NO. 213713396 IN THE EL PASO COUNTY RECORDS.

THENCE ALONG THE EASTERLY LINES THEREOF THE FOLLOWING
THIRTEEN (13) COURSES.

(1) THENCE N16°01'58"E A DISTANCE OF 99.99 FEET.

(2) THENCE N27°11'53"E A DISTANCE OF 50.51 FEET.

(3) THENCE N04°50'55"E A DISTANCE OF 216.26 FEET TO A POINT OF
CURVE,

(4) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 269.76 FEET, A CENTRAL ANGLE OF 64°17'45", (THE LONG CHORD OF WHICH BEARS N34°59'08"E A DISTANCE OF 287.09 FEET), AN ARC DISTANCE OF 302.72 FEET, TO A POINT OF REVERSE CURVE.

(5) THENCE ALONG THE ARC OF A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 30.49 FEET, A CENTRAL ANGLE OF 56°04'49", (THE LONG CHORD OF WHICH BEARS N38°38'23"E A DISTANCE OF 28.67 FEET), AN ARC DISTANCE OF 29.84 FEET, TO A POINT OF REVERSE CURVE.

(6) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 349.56 FEET, A CENTRAL ANGLE OF 44°40'15", (THE LONG CHORD OF WHICH BEARS N41°02'22"E A DISTANCE OF 265.69 FEET), AN ARC DISTANCE OF 272.54 FEET.

(7) THENCE N44°09'15"E NON-TANGENT TO THE PREVIOUS COURSE, A DISTANCE OF 20.09 FEET.

(8) THENCE N06°46'10"E A DISTANCE OF 174.78 FEET.

(9) THENCE N00°18'49"E A DISTANCE OF 51.25 FEET.

(10) THENCE N54°41'02"W A DISTANCE OF 36.93 FEET.

(11) THENCE N20°11'38"E A DISTANCE OF 214.89 FEET.

(12) THENCE N10°51'46"E A DISTANCE OF 291.60 FEET.

(13) THENCE N00°24'02"W A DISTANCE OF 232.81 FEET TO THE NORTHEAST CORNER OF AFORESAID "THE MEADOWS AT LORSON RANCH FILING NO. 3".

THENCE S89°35'58"E ALONG THE NORTH LINE THEREOF, A DISTANCE OF 492.32 FEET TO THE SOUTHEAST CORNER OF FONTAINE BOULEVARD AS DESCRIBED IN SPECIAL WARRANTY DEED UNDER RECEPTION NO. 207107323 IN THE RECORDS OF EL PASO COUNTY, COLORADO.

THENCE N00°24'02"W ALONG THE EAST LINE THEREOF, A DISTANCE OF 130.00 FEET TO THE NORTHWEST CORNER OF AFORESAID TRACT I, "PIONEER LANDING AT LORSON RANCH FILING NO. 2".

THENCE S89°35'58"W ALONG THE NORTH LINE THEREOF, A DISTANCE OF 531.67 FEET TO THE SOUTHWEST CORNER OF TRACTE, "PIONEER LANDING AT LORSON RANCH FILING NO. 2".

THENCE ALONG THE WESTERLY LINES THEREOF THE FOLLOWING FOUR (4) COURSES.

(1) THENCE N08°50'55"E A DISTANCE OF 436.63 FEET.

(2) THENCE N42°43'39"E A DISTANCE OF 313.13 FEET.

(3) THENCE N45°28'23"E A DISTANCE OF 55.11 FEET.

THENCE N00°17'57"W A DISTANCE OF 939.47 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 274.585 ACRES MORE OR LESS.