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El Paso County, CO



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RESOLUTION NO. 19-51

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE CREEKSIDE AT LORSON MAP AMENDMENT (REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-18-005)

WHEREAS Lorson, LLC, Nominee, 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 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 January 15, 2019, 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 February 12, 2019; 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 to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development 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 this 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, 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, 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. Channel stabilization improvements to the Jimmy Camp Creek East Tributary adjacent to the Creekside at Lorson Ranch subdivision shall be provided with the appropriate final plat(s).
8. The proposed bridge over the main stem of the Jimmy Camp Creek shall be completed and preliminarily accepted by El Paso County prior to recording the first Creekside final plat.
9. A LOMR (Letter of Map Revision) is required to be completed prior to recordation of the appropriate final plat(s) for the lots currently depicted within the floodplain boundary.
10. The applicants shall mitigate the constraints identified in RMG Engineering's geology, soils, and hazards report dated August 10, 2018. RMG Engineering's recommendations include: additional geotechnical investigation, testing and analysis for design of individual foundations, floor systems, and subsurface drainage to be completed prior to the issuance of lot specific building permits.

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. Approval of the preliminary 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 12th day of February, 2019, at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

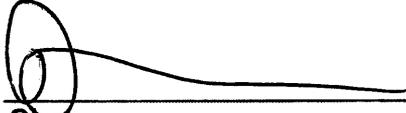
By:  _____
Chair

EXHIBIT A

A PARCEL OF LAND IN THE NORTH HALF OF SECTION 23, T15S, R65W, OF THE 6th P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS USED IN THIS LEGAL DESCRIPTION IS THE EAST-WEST CENTERLINE OF SECTION 23, BEING MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 24 WITH A 3.25 INCH ALUMINUM CAP ON A NO. 6 REBAR STAMPED "T15S R65W, S23 S24, PLS 31161", AND MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 22 AND 23 WITH A NO. 6 REBAR (NO CAP). SAID CENTERLINE IS ASSUMED TO BEAR S89°41'54"W, 5319.46 FEET.

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 22 AND 23;

THENCE N89°41'54"E ALONG SAID CENTERLINE 142.46 FEET TO THE SOUTHEAST CORNER OF "CARRIAGE MEADOWS SOUTH AT LORSON RANCH FILING NO. 1" AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 218714083 AND THE POINT OF BEGINNING; THENCE ALONG THE EASTERLY LINES OF SAID "CARRIAGE MEADOWS SOUTH AT LORSON RANCH FILING NO. 1" THE FOLLOWING THREE (3) COURSES;

(1) THENCE N20°36'33"E A DISTANCE OF 560.24 FEET TO A POINT OF CURVE;

(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2169.98 FEET, A CENTRAL ANGLE OF 06°34'13", (THE CHORD OF WHICH BEARS N17°19'26"E, 248.71 FEET), AN ARC DISTANCE OF 248.84 FEET TO A POINT OF TANGENT;

(3) THENCE N04°02'20"E ALONG SAID TANGENT 295.75 FEET TO THE SOUTHWEST CORNER OF "THE MEADOWS AT LORSON RANCH FILING NO. 4" AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 215713698;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID "THE MEADOWS AT LORSON RANCH FILING NO. 4" THE FOLLOWING EIGHT (8) COURSES;

(1) THENCE N89°35'58"E A DISTANCE OF 508.54 FEET TO A POINT OF CURVE;

(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 948.17, A CENTRAL ANGLE OF 35°42'15", (THE

CHORD OF WHICH BEARS N71°44'51"E, 581.34 FEET), AN ARC DISTANCE OF 590.86 FEET TO A POINT OF TANGENT;

(3) THENCE N53°53'43"E ALONG SAID TANGENT 488.36 FEET TO A POINT OF CURVE;

(4) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1058.48 FEET, A CENTRAL ANGLE OF 36°19'14", (THE CHORD OF WHICH BEARS N72°03'20"E, 659.81 FEET), AN ARC DISTANCE OF 670.99 FEET;

(5) THENCE N44°35'58"E NON-TANGENT TO THE PREVIOUS COURSE 35.36 FEET;

(6) THENCE N00°24'02"W A DISTANCE OF 158.34 FEET TO A POINT OF CURVE;

(7) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 566.89 FEET, A CENTRAL ANGLE OF 15°51'49", (THE CHORD OF WHICH BEARS N08°19'56"W, 156.45 FEET), AN ARC DISTANCE OF 156.96 FEET;

(8) THENCE N73°44'10"E RADIAL TO THE PREVIOUS COURSE 5.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF "OLD GLORY DRIVE" AS RECORDED IN A SPECIAL WARRANTY DEED UNDER RECEPTION NO. 208057388 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID "OLD GLORY DRIVE" THE FOLLOWING FOUR (4) COURSES;

(1) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, RADIAL TO THE PREVIOUS COURSE, SAID CURVE HAVING A RADIUS OF 571.99 FEET, A CENTRAL ANGLE OF 15°51'37", (THE CHORD OF WHICH BEARS S08°19'52"E, 157.83 FEET), AN ARC DISTANCE OF 158.33 FEET TO A POINT OF TANGENT

(2) THENCE S00°24'02"E ALONG SAID TANGENT 183.34 FEET;

(3) THENCE N89°35'58"E A DISTANCE OF 60.00 FEET;

(4) THENCE N00°24'02"W A DISTANCE OF 40.01 FEET TO THE SOUTHWEST CORNER OF "ALLEGIANT AT LORSON RANCH" AS PLATTED UNDER RECEPTION NO. 212713204 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE SOUTHERLY LINES OF SAID "ALLEGIANT AT LORSON RANCH" THE FOLLOWING TWO (2) COURSES;

(1) THENCE S45°24'02"E A DISTANCE OF 56.57 FEET;

(2) THENCE N89°35'59"E A DISTANCE OF 594.34 FEET TO THE SOUTHWEST CORNER OF "THE MEADOWS AT LORSON RANCH FILING

NO. 3" AS PLATTED UNDER RECEPTION NO. 213713396 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE N89°29'15"E ALONG THE SOUTHERLY LINE THEREOF 85.20 FEET TO THE WESTERLY LINE OF "LORSON RANCH EAST FILING NO. 1" AS PLATTED UNDER RECEPTION NO. _____ IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID "LORSON RANCH EAST FILING NO. 1" THE FOLLOWING SIX (6) COURSES;

- (1) THENCE S00°24'02"E A DISTANCE OF 80.00 FEET;
- (2) THENCE N89°35'58"E A DISTANCE OF 14.76 FEET;
- (3) THENCE S45°24'02"E A DISTANCE OF 14.14 FEET;
- (4) THENCE N89°35'58"E A DISTANCE OF 60.00 FEET;
- (5) THENCE N51°59'14"E A DISTANCE OF 29.49 FEET
- (6) THENCE N89°35'58"E A DISTANCE OF 693.52 FEET;

THENCE S21°18'01"W A DISTANCE OF 20.20 FEET;

THENCE S11°46'57"W A DISTANCE OF 127.69 FEET;

THENCE S00°29'43"W A DISTANCE OF 173.06 FEET;

THENCE S11°17'09"W A DISTANCE OF 285.14 FEET;

THENCE S31°55'05"W A DISTANCE OF 182.34 FEET;

THENCE S 58°54'51"E A DISTANCE OF 4.71 FEET;

THENCE S31°05'09"W A DISTANCE OF 90.00 FEET;

THENCE S76°28'55"W A DISTANCE OF 247.86 FEET;

THENCE N82°16'06"W A DISTANCE OF 188.62 FEET;

THENCE S77°50'20"W A DISTANCE OF 405.01 FEET;

THENCE S60°55'25"W A DISTANCE OF 219.41 FEET;

THENCE S17°08'25"W A DISTANCE OF 123.42 FEET;

THENCE S85°20'33"W A DISTANCE OF 169.20 FEET;

THENCE N65°32'01"W A DISTANCE OF 188.46 FEET;

THENCE N44°43'03"W A DISTANCE OF 230.04 FEET;

THENCE N88°34'10"W A DISTANCE OF 160.16 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 74°59'26", (THE CHORD OF WHICH BEARS S53°56'07"W, 261.74 FEET), AN ARC DISTANCE OF 281.40 FEET TO A POINT OF TANGENT;

THENCE S16°26'24"W ALONG SAID TANGENT 116.82 FEET;

THENCE S83°30'09"W A DISTANCE OF 446.06 FEET;

THENCE N77°01'58"W A DISTANCE OF 350.83 FEET;

THENCE S28°55'26"W A DISTANCE OF 265.02 FEET;
THENCE S36°43'29"W A DISTANCE OF 311.41 FEET TO THE EAST-WEST
CENTERLINE OF SECTION 23;
THENCE S89°41'54"W ALONG SAID CENTERLINE 749.79 FEET TO THE
POINT OF BEGINNING;

SAID PARCEL OF LAND CONTAINS A CALCULATED AREA OF 83.085
ACRES MORE OR LESS.