**TO:** **El Paso County Board of County Commissioners**
**Stan VanderWerf, Chair**

**FROM:** **Nina Ruiz, Planning Manager**
**Gilbert LaForce, PE Engineer III**
**Craig Dossey, Executive Director**

**RE:** **Project File #: P-20-001**
**Project Name: Cloverleaf**
**Parcel No.: 71242-02-240, 71242-02-239, and 71242-02-236**

| OWNER: | REPRESENTATIVE: |
|---|---|
| Cloverleaf, LLC<br>1836 Woodmoor Drive, Suite 100<br>Monument, CO 80132 | NES<br>619 S Cascade Avenue, Suite 200<br>Colorado Springs, CO 80903 |

**Commissioner District: 1**

| | |
|---|---|
| **Planning Commission Hearing Date:** | **3/18/2021** |
| **Board of County Commissioners Hearing Date:** | **4/13/2021** |

## EXECUTIVE SUMMARY

A request by Proterra Properties, LLC, for approval of a map amendment (rezoning) of 37.22 acres from RS-20000 (Residential Suburban) to RS-5000 (Residential Suburban). The parcels are located northeast of the Higby Road and Jackson Creek Parkway intersection and within Section 23, Township 11 South, Range 67 West of the 6th P.M. The property is located within the Tri- Lakes Comprehensive Plan (2000). The land included within the map amendment (rezone) request was platted as open space tracts intended for a golf course as part of the Woodmoor Placer Subdivision, which was recorded on March 14, 1972. The golf course was never developed.

## A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

**Request:** A request by Proterra Properties, LLC, for approval of a map amendment (rezoning) of 37.22 acres from RS-20000 (Residential Suburban) to RS-5000 (Residential Suburban).

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with the map amendment (rezone) request.

**Authorization to Sign:** There are no documents associated with this application that require signing.

## B. Planning Commission Summary

**Request Heard:** As a Regular item on March 18, 2021.
**Recommendation:** Approval based on recommended conditions and notations.
**Waiver Recommendation:** N/A
**Vote:** 9 to 1
**Vote Rationale:** The nay vote was due to compatibility of the surrounding areas.
**Summary of Hearing:** The applicant was represented at the hearing. Draft PC minutes are attached.
**Legal Notice:** Advertised in Shopper's Press on March 10, 2021

## C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2021):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

## D. LOCATION

North: RS-20000 (Residential Suburban) Vacant

| | | |
|---|---|---|
| South: | RM-30 (Residential Multi-Dwelling) | Single Family Attached |
| East: | RM-30 (Residential Multi-Dwelling) | Single Family Attached |
| West: | RS-20000 (Residential Suburban) | Single Family Detached |

## E. BACKGROUND

The property was initially zoned A-5 (Agricultural) on January 3, 1955 when zoning was initiated for this portion of El Paso County. The property was rezoned from A-5 to R (Residential) on November 29, 1971. Due to changes in the nomenclature of the Land Development Code, the R zoning district has been renamed as the RS-20000 (Residential Suburban) zoning district. The land included within the map amendment (rezone) request was platted as open space tracts intended for development of a golf course as part of the Woodmoor Placer Subdivision, which was recorded on March 14, 1972. The golf course was never developed.

The Walter Commons single-family attached development is adjacent to the south and west and is zoned RM-30 (Residential Multi-Dwelling) with an overall density of 9.3 dwelling units per acre. The Walter Commons development was a vacation and replat of seven (7) lots previously included within the Woodmoor Placer Subdivision. The Walter Commons final plat was recorded on June 10, 2005.

The applicant is requesting a map amendment (rezone) of 37.22 acres from RS-20000 to RS-5000. If the map amendment (rezone) is approved, then the applicant will seek approval of a preliminary plan and final plat(s) to allow for the creation of single-family residential lots. A preliminary plan application for the map amendment (rezone) area is under concurrent review but, due to outstanding comments, may not yet be scheduled for public hearing.

## F. ANALYSIS

### 1. Land Development Code Analysis

The applicant is proposing a map amendment (rezone) of 37.22 acres from RS-20000 to RS-5000. The area included within the map amendment (rezone) request was platted as tracts intended for a golf course as part of the Woodmoor Placer Subdivision in 1972. The golf course was not developed, but informal trails have formed within portions of the open space tracts included within the Woodmoor Placer Subdivision. The applicant intends to construct formalized gravel trails within the proposed development area in order to preserve the pedestrian benefit to the community, as discussed in the associated letter of intent and depicted on the concurrently reviewed preliminary plan. If approved, these trails would be owned and maintained by the anticipated metropolitan

district. The service plan to establish the anticipated district is also under concurrent review.

Adjacent to the west is the Woodmoor Greens subdivision, which is zoned RS-20000. The Woodmoor Greens subdivision was recorded on February 16, 1972, just one month prior to the Woodmoor Placer subdivision. Palmer Ridge High School is located at the northeast corner of the intersection of Jackson Creek Parkway and Higby Road. The High School was constructed in 1980.

The proposed map amendment is adjacent to two (2) developments to the south and east that are zoned RM-30, which were developed with a process similar to that being proposed by the applicant. These developments were previously a part of the Woodmoor Placer Subdivision and were also previously zoned R (today known as RS-20000). Located immediately south of the proposed development is the Country Ridge Estates development, which was rezoned to RM-30 in 1980 and has an overall density of 11 dwelling units per acre. The Country Ridge Estates development located to the south and east was a vacation and replat of Lot 13 of the Woodmoor Placer Subdivision. The Walter Commons single-family attached development has an overall density of 9.3 dwelling units per acre. The Walter Commons subdivision, recorded on June 10, 2005, was a vacation and replat of seven (7) lots previously included within the Woodmoor Placer Subdivision.

In more recent years, this portion of El Paso County has experienced, and continues to experience, significant growth and development. Across Higby Road to the south, within one-quarter mile of the proposed map amendment area, is the Jackson Creek development located within the Town of Monument. Jackson Creek is an urban level development that includes both commercial and single-family detached development. To the northwest approximately 1400 feet is located the Village Center at Woodmoor development, which is also located within the Town of Monument. The Village Center at Woodmoor development includes lot sizes as small as 3,000 square feet.

The character and development pattern for this portion of the County has changed significantly since the property was zoned RS-20000 in 1972. The proposed map amendment (rezone) is a logical extension of the existing urban development within the vicinity and will serve as a density transition from the multi-family developments located adjacent to the south and west and the larger lots located immediately adjacent to the west and to the north.

2. **Zoning Compliance**
The applicant is requesting approval of a map amendment (rezone) of 37.22 acres from the RS-2000 (Residential Suburban) to the RS-5000 (Residential Suburban). The RS-5000 (Residential Suburban) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RS-5000 (Residential Suburban) zoning district are as follows:

- Minimum lot size: 5000 square feet
- Minimum width at the front setback line: 50 feet
- Minimum setback requirement: front 25 feet, side 5 feet, rear 25 feet
- Maximum lot coverage: 40 percent unless a single-story residence is proposed where the maximum lot coverage may be 45 percent

Approval of a preliminary plan and final plat(s) will be required to subdivide the 37.22-acre area into individual lots. The applicant will be required to demonstrate compliance with the RS-5000 (Residential Suburban) zoning district dimensional standards in association with each of the future preliminary plan and final plat applications**.**

3. **Policy Plan Analysis**
The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

> ***Policy 6.1.3-*** *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*
>
> ***Policy 6.1.8 –*** *Encourage incorporation of buffers or transitions between areas of varying use or density where possible.*
>
> ***Policy 6.2.1*** *– Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.*

***Policy 6.4.4*** *– Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density or undevelopable areas.*

The proposed map amendment is adjacent to two (2) developments to the south and east within the RM-30 zoning district which were developed with a process similar to that being proposed by the applicant. These developments were previously a part of the Woodmoor Placer Subdivision and were also previously zoned R (today known as RS-20000). Located immediately south of the proposed development is the Country Ridge Estates development, which was rezoned to the RM-30 zoning district in 1980 and has an overall density of 11 dwelling units per acre. The Country Ridge Estates development located to the south and east was a vacation and replat of Lot 13 of the Woodmoor Placer Subdivision. The Walter Commons single-family attached development has an overall density of 9.3 dwelling units per acre. The Walter Commons subdivision, recorded on June 10, 2005, was a vacation and replat of seven (7) lots previously included within the Woodmoor Placer Subdivision.

In more recent years, this portion of El Paso County has experienced, and continues to experience, significant growth and development. Across Higby Road to the south, within one-quarter mile of the proposed map amendment area, is the Jackson Creek development located within the Town of Monument. Jackson Creek is an urban level development that includes both commercial development as well as single-family detached development. Northwest approximately 1400 feet is the Village Center at Woodmoor development also located within the Town of Monument that includes lot sizes as small as 3,000 square feet.

Adjacent to the west is the Woodmoor Greens subdivision which is zoned RS-20000. The Woodmoor Greens subdivision was recorded on February 16, 1972, just one month prior to the Woodmoor Placer subdivision. Those uses allowed within the RS-20000 zoning district are similar in nature to the RS-5000 zoning district. The primary difference between the RS-5000 zoning district and the RS-20000 zoning district are dimensional. It will be imperative at the preliminary plan and final plat stage for the applicant to include a buffer or transition area between the RS-5000 and RS-20000 zoning district to mitigate potential impacts due to differing dimensional standards.

The character and development pattern for this portion of the County has changed significantly since the property was zoned RS-20000 in 1972. The proposed map amendment (rezone) is a logical extension of the existing urban

development within the vicinity and will serve as a density transition from the multi-family developments located adjacent to the south and west and the larger lots located immediately adjacent to the west and to the north.

4. **Small Area Plan Analysis**
The proposed subdivision is within the Woodmoor sub-area of the Tri-Lakes Comprehensive Plan (1999). The Plan recommends development of the sub-area as medium density residential.

The Woodmoor sub-area includes the following land use scenario:

> "The predominant development emphasis should be on residential uses that are provided with central water and sewer, and other adequate services. The existing residential patterns should be preserved, reinforced, and continued. New residential development should be consistent with, compatible with, or larger than existing lot sizes. Higher densities should be considered only in association with density bonuses for open space or other amenities such as a school site, and on located in transition zoned adjacent to or in area designates as mixed use."

The proposed development is to be served by Woodmoor Water and Sanitation. As discussed in the Policy Plan analysis section above, the proposed map amendment is compatible with the surrounding existing developments; however, staff recommends that transitions and open space be provided along the adjacent RS-20000 zoned parcels with the preliminary and final plat applications. The proposed map amendment (rezone) can be found to be generally consistent with the Tri-Lakes Comprehensive Plan.

5. **Water Master Plan Analysis**
The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

> Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

The subject property is located within Region 2, Monument Area, which is anticipated to experience significant growth through 2060. Specifically, the Plan states:

> “Substantial growth is projected along Highway 83 in northwestern El Paso County. Planned growth areas are expected to be low density and would currently rely on well and septic systems, as no centralized well or sewer systems are available. Region 2 bordering Douglas County also has projected growth by 2060 between Furrow Road and Roller Coaster Road.”

The subject parcel is specifically included within one of those areas specified as likely to experience growth.

Region 2 has a current water supply of 13,607-acre feet per year and a current demand of 7,532-acre feet per year. The 2040 water supply is projected to be 20,516-acre feet per year and the projected demand is 11,713-acre feet. The 2060 water supply is projected to be 20,756-acre feet per year, whereas the demand is anticipated to be 13,254-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

Although there is anticipated to be an adequate water supply for central water providers as a whole, the Plan expressly identifies that the majority of the water for this region comes from non-renewable water sources:

> “Denver Basin water comprises a large share of future supplies for Regions 2, 3, 4a, 4b, 4c, 5, 6, and 8. As previously discussed, heavy use of Denver Basin supplies is not expected to be economically sustainable over the long term. Water supplies in these regions may need to be diversified in the years ahead, depending on local aquifer conditions.” (Page 68)

The applicant is proposing to connect with the Woodmoor Water and Sanitation District for water and wastewater and the District has provided commitment letters for both water and wastewater for the proposed development. The Woodmoor Water and Sanitation District anticipates construction for the Tri-Lakes Water Reclamation Plant which will recharge the water supply with reclaimed water being pumped into Lake Woodmoor. A finding of sufficiency regarding water quantity, quality, and dependability is not required for a map amendment (rezone).

6. **Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services, Environmental Division was sent a referral and has no outstanding comments. A wetland analysis, natural features report, and noxious weed management plan will be required and reviewed with the preliminary plan application.

The Master Plan for Mineral Extraction (1996) identifies potential upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) does not depict any parks, trails, or open space within the map amendment area.

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan Update (MTCP).

## G. PHYSICAL SITE CHARACTERISTICS

1. **Hazards**

No hazards were identified with the map amendment (rezone) application.

2. **Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential

3. **Floodplain**

The property is not impacted by any designated 100-year flood plain (Zone X) as indicated by FEMA Flood Insurance Rate Map (FIRM) panel number 08042C0278G, which has an effective date of December 7, 2018

4. **Drainage and Erosion**

The property is located in the Teachout Creek drainage basin (FOMO4800), which is an unstudied basin. The drainage fee shall be calculated as part of subsequently required final drainage report and must be paid at the time of final plat recordation.

A preliminary drainage report is included with the concurrently reviewed preliminary plan (PCD File No. SP-20-002). The preliminary drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage

impacts to the surrounding properties by providing water quality and flood control detention.

5. **Transportation**
   The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development.

   A traffic impact study is included with the concurrently reviewed preliminary plan. The study estimates 1,416 average daily trips will be generated by the development. The findings within the traffic impact study state that the existing intersections in the study area will adequately accommodate the projected traffic volumes and continue to operate within acceptable levels of service (LOS D or better).

   The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended. The applicant has not requested inclusion into a public improvement district; therefore, fees for each lot shall be paid in full at the time of building permit issuance.

## H. SERVICES

1. **Water**
   Water will be provided by the Woodmoor Water and Sanitation District. The District has provided a commitment letter to serve the anticipated development.

2. **Sanitation**
   Wastewater is provided by the Woodmoor Water and Sanitation District. The District has provided a commitment letter to serve the anticipated development.

3. **Emergency Services**
   The property is within the Tri-Lakes-Monument Fire Protection District. The District was sent a referral and has provided no comments.

4. **Utilities**
   Electrical service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy. Both providers were sent a referral for the map amendment and have no outstanding comments.

5. **Metropolitan Districts**

The property is not included within a metropolitan district; however, the applicant anticipates creating a metropolitan district.

6. **Parks/Trails**
   Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application.

7. **Schools**
   Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

## I. APPLICABLE RESOLUTIONS

See attached Resolution.

## J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

## K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations.

**CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are 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.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

**NOTATION**

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.

## L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 149 adjoining property owners on March 2, 2021, for the Board of County Commissioners meeting. Responses may be provided at the hearing.

## M. ATTACHMENTS

Vicinity Map
Letter of Intent
Map Amendment (Rezone) Map
Planning Commission Draft Minutes from the March 18, 2021 hearing
Planning Commission Resolution
Board of County Commissioners' Resolution

# El Paso County Parcel Information

| PARCEL | NAME |
|---|---|
| 7124202236 | PT CLOVERLEAF LLC |
| 7124202239 | PT CLOVERLEAF LLC |
| 7124202240 | PT CLOVERLEAF LLC |

File Name: P-20-001

Zone Map No. --

Date: February 26, 2021

Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600

N W E S

COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

# CLOVERLEAF: REZONE AND PRELIMINARY PLAN

## LETTER OF INTENT

### JUNE 2020, REVISED NOVEMBER 2020; JANUARY 2021

**APPLICANT AND PROPERTY OWNER**
PT Cloverleaf, LLC
1864 Woodmoor Drive, Suite 100
Monument, Colorado 80132

**CONSULTANT:**
N.E.S. Inc.
619 North Cascade Avenue
Colorado Springs, CO 80903

### REQUEST

PT Cloverleaf, LLC requests approval of the following applications:

1. A rezone of 37.22 acres from RS-20000 (Residential Suburban District; 20,000 square feet) to RS-5000 (Residential Suburban District; 5,000 square feet);
2. A Preliminary Plan for Cloverleaf, consisting of 3 lots under the existing RS-20000 zoning, and 141 lots under the proposed RS-5000 zoning, on approximately 38.73 acres. To include:
    a. The following Waivers of the Land Development Code requirements:
    8.4.4.E.2 – private roads require a waiver
    8.4.4.E.3 – private roads to meet County standards
    This relates to the existing Walters Point private road, which is to be retained and improved as part of this project.
    b. Finding of water sufficiency deferred to the Final Plat.
3. Pre-development grading for entire Preliminary Plan area.

The justification for these requests is provided in this Letter of Intent.

### SUPPORTING DOCUMENTS

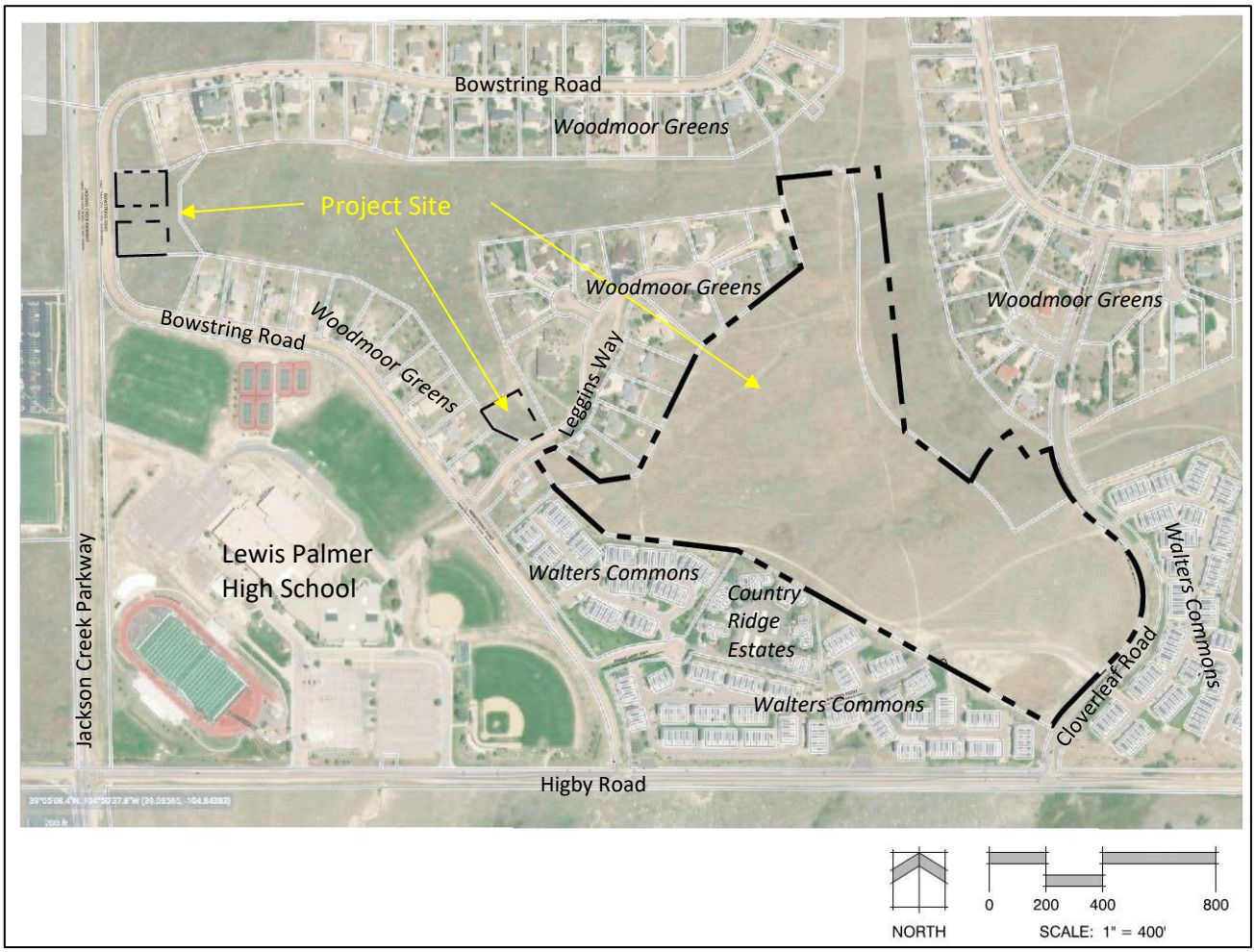
The following reports are submitted in support of this Preliminary Plan and are referenced in this Letter of Intent:

- Traffic Impact Study prepared by Kellar Engineering
- Soils, Geology and Geologic Hazard Study prepared by Entech Engineering, Inc.
- Natural Features and Wetlands Report prepared by Bristlecone Ecology
- Preble's Meadow Jumping Mouse Disqualification letter prepared by Monument Hill CM, LLC
- Water Resources and Water Quality Report prepared by JR Engineering, LLC
- Wastewater Disposal Report prepared by JR Engineering, LLC
- Preliminary Drainage Report prepared by JR Engineering, LLC

## SITE LOCATION AND DESCRIPTION

The proposed Cloverleaf Subdivision is located northeast of the intersection of Jackson Creek Parkway and Higby Road, northwest of Cloverleaf Road, and bounded by existing residential developments on three sides. The northern/northeast boundary of the site abuts existing open space. The surrounding properties include:

- **North, West and East:** Woodmoor Greens single-family residential subdivision.
- **East:** Cloverleaf Road with Walters Commons townhome subdivision adjacent.
- **South:** Walters Commons and Country Ridge Estates townhome subdivisions.




The site is currently vacant and undeveloped, consisting of flat to rolling foothills grasslands. The existing ground cover is sparse vegetation and open space, typical of a Colorado rolling range land condition. The site is generally gently to gradually sloping from northeast to southwest with some moderate slopes along a small ridge in the southeast part of the site. Teachout Creek is mapped in the USFWS National Wetland Inventory (NWI) and USGS National Hydrography Dataset (NHD) data as a stream in the northwest portion of the site, but does not exist as depicted.

## PROJECT DESCRIPTION

Cloverleaf is a 38.73-acre development, 37.22 acres of which is proposed to be rezoned as 141 urban density single-family residential lots and associated infrastructure. The remaining 1.51 acres is proposed as three isolated ½ acre lots under the existing RS-2000 zoning project.

### Project Background

The 37.22-acres is an undeveloped parcel that forms part of Tract B of the Woodmoor Placer subdivision, platted in 1972. The surrounding Woodmoor Greens Subdivision was also platted in 1972. The two proposed lots ½ acre lots on the west side of the project area fronting Bowstring Road (lots 143 and 144) were originally platted as lots at that time. As part of the replat of Lots 496-500 Woodmoor Greens, these lots were included in a Tract. The proposed ½ acre lot adjacent to Leggins Way (lot 142) was, and is still part, of the original Woodmoor Greens plat.

The tracts that formed part of the Woodmoor Placer and Woodmoor Greens subdivisions were originally envisioned as a golf course. This use did not come to fruition and the areas remain vacant. Over the years these undeveloped parcels have been enjoyed by local residents as open space and a number of informal trails have formed through the area.

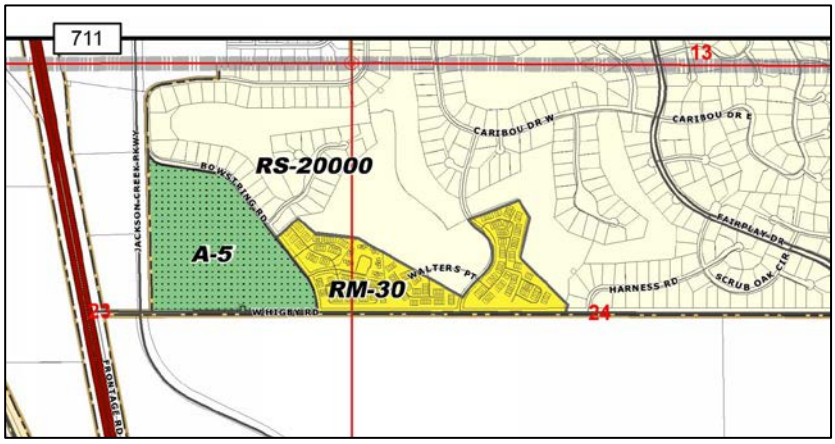
A group of local residents formed the Woodmoor Open Space Coalition (WOSC) with the intent of purchasing the 100-acres of undeveloped tracts in this area as public open space use from the current owners, the Gary E Walters Trust and the Walters Family Partnership LLLP. The Walters family representatives agreed to the sale of 70-acres as open space, provided at least 30-acres were developed for residential lots. In order to raise the funds for this land purchase, WOSC will simultaneously sell small portions of the open space to individual adjacent lot owners as extensions of their lots. The replat to accomplish this will be submitted separately by WOSC but concurrently with this submittal by PT Cloverleaf, LLC. The purchase of the three ½ acre lots by PT Cloverleaf, LLC is also an integral part of the funding to enable WOSC to purchase the open space.

### Zone Change

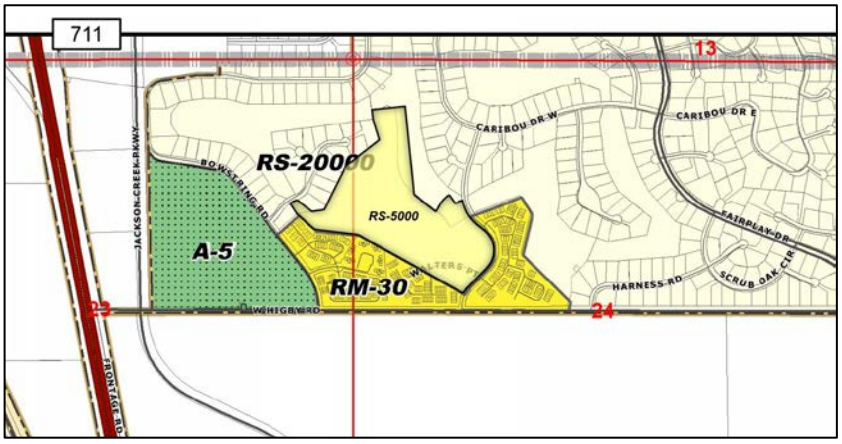
A Zone Change is being requested for the 141 lots on approximately 37.22 acres located southeast of Leggins Way and northwest of Cloverleaf Road. The property is currently zoned RS-20000 (Residential Suburban District). Adjacent zoning to the south is RM-30 (Residential Multi-Family) and the Lewis Palmer High School to the southwest is zoned A-5 (Agricultural).

The request is to rezone this to RS-5000 (Residential Suburban District) to accommodate lots of a minimum of 5,000 square feet.

**EXISTING ZONING**




**PROPOSED ZONING**




## Preliminary Plan

The request is for a Preliminary Plan for Cloverleaf, a single family-development comprised of 144 lots on approximately 38.73 acres, open space tracts, stormwater detention facilities, and associated infrastructure. Cloverleaf will be split into two distinct areas; Lot 1 – Lot 141 will be an urban subdivision proposed for RS-5000 zoning; Lots 142, 143, 144 will be suburban lots consistent with the existing RS-20000 zoning. Density and dimensional standards for the RS-5000 and RS-20000 set forth in the Land Development Code ("LDC") have been adhered to as follows:

| Zone | Min. Lot Frontage | Min. Front Setback | Min. Rear Setback (Accessory Use) | Min. Side Setback | Max. Lot Coverage | Max. Building Height |
|---|---|---|---|---|---|---|
| RS-5000 | 50 ft | 25 ft | 25 ft (5 ft) | 5 ft | 40/45%* | 30 ft |
| RS-20000 | 100 ft | 40 ft | 40 ft (15 ft) | 10 ft | 20% | 30 ft |

**Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45% of the total lot area*

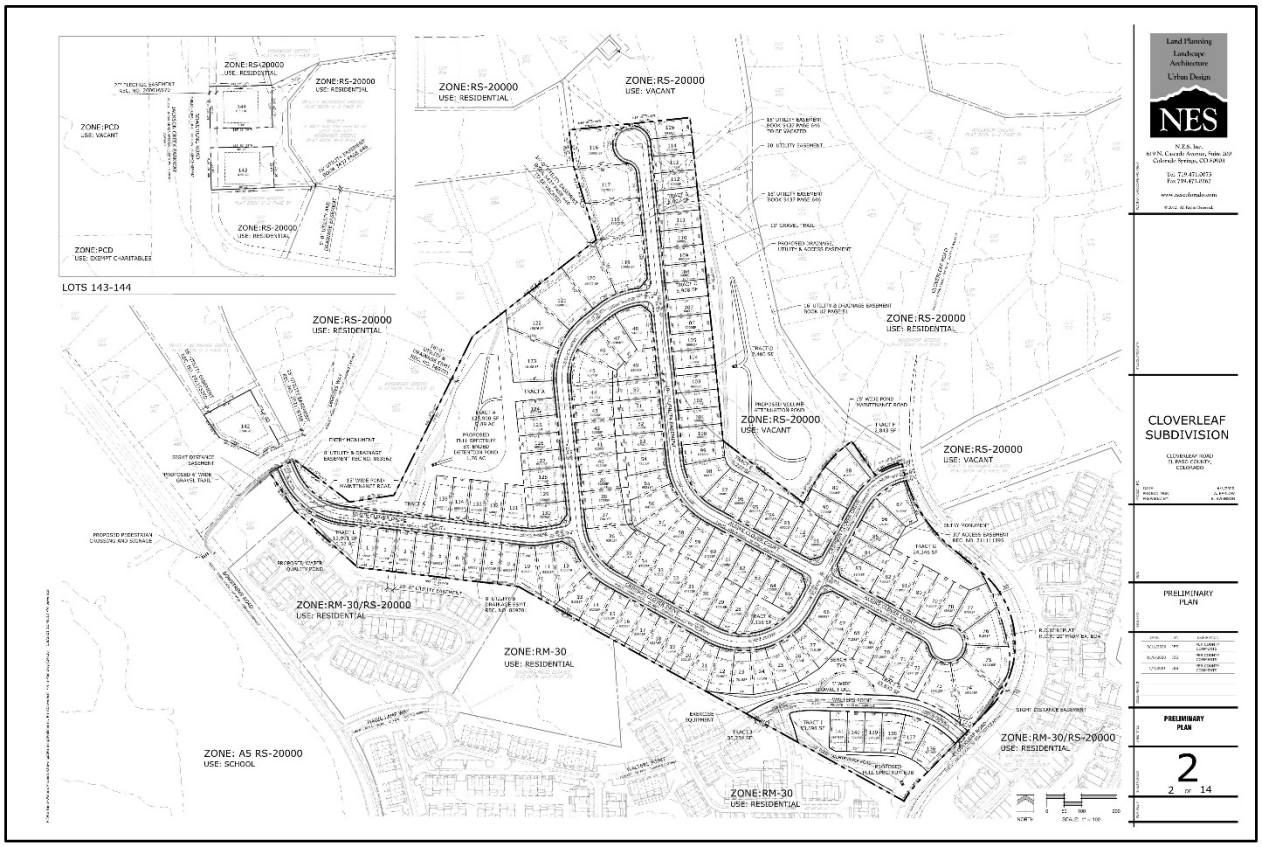
**Access and Traffic**

The project site is located at the northeast quadrant of the intersection of Higby Road and Bowstring Road, southeast of Monument, CO. Access to the development is from two existing full-movement intersections to Higby Road (Higby Road/Bowstring Road and Higby Road/Cloverleaf Road). Higby Road is classified as a collector in the 2040 Major Transportation Corridors Plan (MTCP). Higby Road has been identified by the MTCP as a 'county road improvement' project from Cloverleaf Road to Rollercoaster Road to be completed by 2040. The existing perimeter roads, Bowstring Road, Cloverleaf Road, and Leggins Way, have already been constructed with previous development. Bowstring Road, Cloverleaf Road and Leggins Way are classified as existing local streets. Walters Point is an existing private street that serves the Walters Common townhomes via an access easement across the Cloverleaf property

Lots 143 and 144 will have direct access from Bowstring Road. Access for Lot 142 will be from Leggins Way. White Clover Drive, a new access from Leggins Way, will provide the western access for Lots 1-135. The Cloverleaf Subdivision has been laid out to have a public road access from Leggins Way and the intersection was placed to intersect at 89 degrees. The intersection was placed as far north on the property to provide as much sight distance as possible to the north, since the traffic from the south is most likely at a lesser speed after turning off Bowstring. Sight Visibility Easements (as shown on the Preliminary Plan) will be required at the time of Final Plat approval. The Applicant has withdrawn the previously submitted deviation for limited sight distance at this proposed intersection.

Crimson Clover Drive, a new access off Cloverleaf Road, will provide access to these lots from the east. Deviations are being requested for the intersection of Cloverleaf Road and Crimson Clover Lane as the slope of Cloverleaf Road at this point is slightly greater than 4%. In addition, due to the existing condition of Cloverleaf Road, the available sight distance (296') is slightly less than criteria (335'). The applicant has purchased additional land from the neighbor to move the intersection north to improve the sight distance and grade. The intersection was placed as far north as possible on the applicant's property to provide as much sight distance as possible to the crest of the hill to the south.

Access for Lots 136-141 will be off Walters Point, which will also continue to provide a second point of access from Cloverleaf Road to the Walters Comments subdivision. Walters Point will remain a private road, and a Waiver from the LDC and Engineering Criteria Manual (ECM) is requested to permit this. This private road will also be partially upgraded to the County's Local (Low Volume) Road design, with some exceptions for which deviations from the ECM standards are requested relating to sidewalk provision, a reduced vertical curve, and use of a non-standard curb section.




**Open Space and Trails**

Approximately 70-acres of public open space is being purchased from the Walters family by WOSC for the benefit of this project and the surrounding subdivisions. This project directly facilitates the ability of WOSC to purchase this open space area. In addition, the project proposes a number of internal open space tracts throughout the development. Trails are located in some of these open space tracts to provide a recreational amenity and to connect to the internal street sidewalks. The open space tracts will be owned and maintained by the Metropolitan District to be formed for the Cloverleaf Development. Park land dedication or fees in lieu of land dedication will be due at the time of final plat recordation.

**Drainage**

The Preliminary Drainage Report prepared by JR Engineering notes that there are no major drainageways on the site. Cloverleaf lies within the upper reaches of the Teachout Creek watershed basin. Drainage from the site currently discharges both west through existing culverts to Lewis Palmer High School and south under Higby Road through existing culverts. The proposed Cloverleaf Subdivision development drainage improvements, including storm sewer and two full spectrum water quality and detention ponds designed to meet El Paso County Drainage Criteria, which includes absorbing off-site flows and releasing at historic rates. The proposed development will not adversely affect the offsite drainageways or surrounding development.

**Utilities**

Water: The Water Resources and Wastewater Report prepared by JR Engineering estimates average and peak water demand and provides Woodmoor Water and Sanitation District (WWSD) with required data to enable the District to model the water demands. Woodmoor Water and Sanitation District has various easements for both sanitary and water lines that run parallel to existing property lines or cross the site. The primary water distribution system for Cloverleaf will be connected to the existing Woodmoor Water and Sanitation District (WWSD) water at two locations. The eastern connection is the existing 6" water main within Cloverleaf Drive. The western connection will be to the existing 6" water main in Leggins Way. The development can either install 6" diameter mains or 8" diameter water mains depending on the results of WWSD's modeling of the system. A commitment letter from the WWSD to provide water service to the Cloverleaf Subdivision is included with this submittal.

It is requested that the finding of water sufficiently be deferred to the Final Plat.

Wastewater: The Wastewater Disposal Report prepared by JR Engineering notes that the WWSD is situated to serve the proposed development. The site is tributary to the Tri-Lakes wastewater treatment plant. The sanitary sewer system, design, and modeling results conform to all applicable criteria set forth by El Paso County and the WWSD and no waivers are required. A commitment letter from the WWSD to provide wastewater service to the Cloverleaf Subdivision is included with this submittal.

Gas: Natural Gas Distribution Service will be provided by Black Hills Energy. A Will Serve letter is included with this submittal.

Electric: Electric Service will be provided by Mountain View Electric Association (MVEA). A Will Serve letter is included with this submittal.

**Topography**

Topography of the site consists of flat to rolling foothills grasslands about a half mile from the pine-oak woodlands of the Black Forest to the northeast. According to the U.S. Geological Survey's, Topographic Map of Monument, CO Quadrangle, the subject property has an approximate median elevation of 7,077 feet above sea level. The site is generally gently to gradually sloping from northeast to southwest with some moderate slopes along a small ridge in the southeast part of the site.

**Vegetation**

Bristlecone Ecology (Bristlecone) prepared a Natural Feature and Wetlands Report for this project. The vegetation on the site is predominantly grassland, with a few patches of shrubs and one Ponderosa Pine near the northwest boundary. Much of the site has been previously disturbed and vegetative cover has been reestablished across the site but with little diversity and poorly developed structure. There are several informal social trails crisscrossing the site. According to Bristlecone, development of the site will likely increase and improve arboreal habitat through the planting of trees in yards and in open spaces.

**Noxious Weeds**

Bristlecone noted that noxious weeds are present on the site in several areas but generally in limited quantities. The greatest concentration of noxious weeds was found along the ditch near the northern border of the project area. Noxious weeds are defined as those non-native plants that aggressively invade and are detrimental to native vegetation communities and ecosystems.

A Noxious Weed Management Plan has been prepared for the project by Bristlecone for the project site detailing recommendations for identifying and controlling the spread of noxious weeds prior to, during, and/or post-construction. Weed control prior to and during construction shall take place to eliminate weeds and to prevent introducing new weeds. Following construction, the Metropolitan District will be responsible for weed control in the open areas. Individual homeowners will be responsible for weed control on their lots.

**Floodplain**
Based on the FEMA Firm Map Number 08041CO278G, revised December 7, 2018, the entire development is located within Zone X, or areas area outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance (or 500-year) flood.

**Wildlife**
Bristlecone indicated that the project site has been previously disturbed and thus does not provide ideal habitat for a variety of wildlife species. The highest quality habitat on the site is likely the isolated wetland, though this provides negligible water filtration and does not provide significant habitat for wetland wildlife species. Development of the site would inevitably affect some potential habitat for wildlife, but based on the findings of the site reconnaissance, Bristlecone classifies the expected impacts as low to very low. Designated open spaces will also conserve some of the open grassland habitats that are currently available. Federally listed Threatened and Endangered (T&E) species are not expected to occur on the site. There is no suitable habitat for the state-listed Preble's Meadow Jumping Mouse (PMJM). A PMJM disqualification letter from US Fish and Wildlife Service, dated October 31, 2019 is provided with this submittal.

**Wetlands**
The delineation of the wetlands on the site was undertaken by Bristlecone. The wetland assessment revealed the presence of one wetland onsite. Teachout Creek is mapped in the USFWS National Wetland Inventory (NWI) and USGS National Hydrography Dataset (NHD) data as a stream in the northwest portion of the site, but does not exist as depicted; it is a dry ditch with no connection to downstream WOTUS (Waters of the United States), no defined streambed, and no hydrologic conveyance. It is Bristlecone's professional opinion that this wetland is not jurisdictional, but an Approved Jurisdictional Determination (AJD) from the U.S. Army Corps of Engineers (USACE) will be required to confirm the non-jurisdictional status of this wetland. Pending this confirmation, no impacts to jurisdictional aquatic resource protected under the Clean Water Act are anticipated.

**Soils and Geology**
The Soils, Geology and Geologic Hazard Study prepared by Entech Engineering indicates that the existing geologic engineering and geologic conditions will impose some constraints on development and construction of the site. These include potentially expansive clays and claystone, areas of erosion, potentially shallow groundwater, collapsible soils, potentially sallow bedrock, and possible radon gas build-up. Entech Engineering noted that geologic hazards identified on the site can either be avoided by development or satisfactorily mitigated through proper engineering design and construction practices, including perimeter drains for the shallow groundwater. Mitigation measures are outlined in the study.

Comments from Colorado Geologic Survey dated October 5, 2020 and December 2, 2020 have been incorporated in the project plan. All houses will include a subsurface foundation perimeter drain. During final design, the civil engineer will design an underdrain system to intercept provide a gravity outfall. During site development, the geotechnical engineer will be onsite to ensure subgrade is drained and stable before fill is placed. The recommendations from CGS will be incorporate during final design and site development.

**Wildfire Hazard Mitigation**

Wildfire hazard for the site was evaluated using the Colorado State Forest Service's (CSFS) online Wildfire Risk Assessment Portal (WRAP; CSFS 2018). Bristlecone noted that the majority of the area is mapped as "Lowest" wildfire risk with a few small pockets of "Low" risk present. The site is rated low-moderate in terms of values and assets present that could be lost to wildfire; it is rated "Low" to "Very Low" in terms of burn probability based on the available fuels at the site. The nearest fire response in the Tri Lakes Fire Protection District is Station 3, which is 2.7 miles away. Development of the site would result in a reduction of the available fuels for wildfires, while simultaneously increasing the values and assets present on the site. As such, the wildfire risk index for the project is expected to stay close to the same as a result of development.

**Neighborhood Meetings Summary**

Prior to the initial submittal of these applications in June 2020, the applicant met with surrounding neighborhoods to discuss the proposed development project. This led to an agreement to limit certain lots to single-story ranch homes. Provided with this submittal is a letter of support from approximately 120-residents from around the surrounding neighborhoods.

Despite the letter of support, the Applicant felt it necessary to reach out to the residents of Leggins Way directly to the west of the property, as they would be the most impacted by the development. Nine of the 18 lots on Leggins Way are adjacent to the proposed development. An initial meeting with neighbors on Leggings Way was held in August 2020, to discuss the initial development project, which consisted of 147 lots mainly comprised of 50-foot wide lots with varying depths. The project also included a walking trail along the rear of the adjacent lots to Leggins Way. Concerns raised by the neighbors at this meeting included ground water, access onto Leggins Way, small lots adjacent to larger 0.5-acre lots, a walking trail located at the rear of properties, and overall density.

In response to the concerns raised by the neighbors, the project was re-evaluated and the following changes made:

- Lot sizes along the bordering residences of Leggins Way were increased from a 5,000 sf minimum to 15,000 sf minimum.
- The walking trail was removed.
- Additional landscaping buffer was added adjacent to the lots most impacted by the access point on Leggins Way.
- The overall density was reduced by 6 lots.
- An underdrain system was included to capture additional groundwaters and disperse them into the proposed on-site detention ponds
- Foot traffic flow measures were included such as sidewalk, crosswalk and proper signage to direct foot traffic towards the high school.

These modification to the development plan were presented to the residents on Leggins Way on November 16, 2020. The residents were receptive to the efforts made to address the majority of their concerns. The residents along Leggins Way continued to be concerned with groundwater as some have experienced some level of flooding and hope that the current issues can be addressed and not exacerbated.

## PROJECT JUSTIFICATION

### Zone Change

The proposed rezoning for the 141 lots on approximately 37.22 acres from RS-20000 to RS-5000 described above complies with the Map Amendment (Rezoning) Criteria in Chapter 5.2.5.B of the Land Development as follows:

**1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;**

County Policy Plan

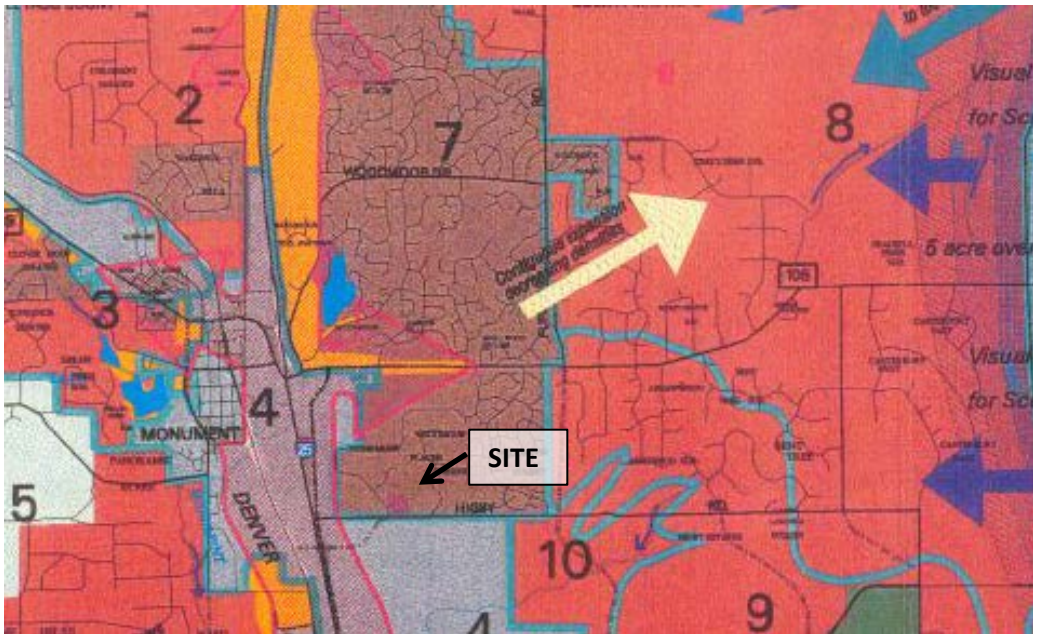
The following County Polices are relevant to the requested rezoning:

- **Policy 6.1.3:** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.
- **Policy 6.1.13:** Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.
- **Policy 6.1.7**: Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.
- **Policy 6.1.8**: Encourage incorporating buffers or transitions between areas of varying use or density where possible.
- **Policy 6.1.11**: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.
- **Policy 6.4.4:** Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.
- **Policy 13.1.1:** Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.
- **Policy 13.1.2**: Support the provision of land use availability to meet the housing needs of county residents.

The proposed project is consistent with the policies of the County Plan which encourages infill development which complements existing uses. While the proposed RS-5000 zoning does not support clustering concepts, the combination of this project with the WOSC open space purchase enables the conservation of a substantial area of open space for the benefit of the surrounding neighborhood.

The County Plan encourages a variety of housing options that allows for a balance of mutually supportive land uses in a more urban area of the County. Compatibility is defined as *"a state in which two things are able to exist or occur together without problems or conflict."* It does not mean that the two things have to be identical. The proposed rezone to RS-5000 will provide a transition from the lower density ½ acre residential lots to the west and north, and the higher density townhome development to the south and east and will not result in any problems or conflicts. The project design also incorporates open space buffers to the east and north and a 2.89-acre buffer tract to the west, which includes a 1.76-acre detention pond.

<u>2000 Tri-Lakes Comprehensive Plan</u>
Cloverleaf is located within the area covered by the 2000 Tri-Lakes Comprehensive Plan ("Plan"). The development is within Sub-Area 7, Woodmoor, which is identified as an area for medium density residential development. Most of the Woodmoor Sub-Area is zoned for single-family development. There are a few areas with this Sub-Area zoned for multi-family and commercial development. The Plan indicates that most new development with this sub-area is infill. The Woodmoor Sub-Area is nearly built out and the only growth that can be expected is infill properties. The proposed rezone to RS-5000 is will facilitate infill development and is consistent with the medium density designation in the Tri-Lakes Comprehensive Plan.



**WATER MASTER PLAN**

- *Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
- *Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*
- *Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.*
- *Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.*
- *Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).*
- *Goal 5.4 – Promote the long-term use of renewable water.*
- *Goal 5.5 – Identify any water supply issues early on in the land development process.*
- *Goal 6.0 – Require adequate water availability for proposed development.*
- *Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*
- *Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.*

The project is located within Region 2, Monument area. The EL Paso County Water Master Plan (WMP) specifically states: *"Region 2, located in the northwest corner of El Paso County, is expected to experience significant growth through 2060. The I-25 corridor passes through the center of the region and offers optimal growth areas in and around the Towns of Palmer Lake and Monument. Growth is anticipated along both the east and west sides of I-25 by 2040. "*

As noted in the WMP, Region 2 has a current water supply of 13,607-acre feet per year and a current demand of 7,532-acre feet per year. The 2040 water supply is projected to be 20,516-acre feet per year and the project demand is 11,713-acre feet.

The potable water demand for the Cloverleaf project is calculated on a single-family equivalent (SFE) basis. Water System demands shown below were established using annual demand values provided by Woodmoor Water and Santiation District (WWSD) for single family homes and irrigation. Peaking factors were taken from the "Colorado Springs Utilities Waterline Standards".

- Single Family Home average annual water usage: 0.3584 ac.ft./year
- Peaking Factor: 5.0

Based on the above criteria, the average daily use for the 144 single family lots will be:

- 144 lots X 0.3584 ac.ft./yr = 51.61 acre feet annually = 46,074 gpd
- Peak daily flow will be 46,074 gpd X 5.0 peak factor = 230,370 gpd

There are 1.74 acres of irrigated open spaces and tracts proposed within the Cloverleaf subdivision. WWSD utilizes 0.5 ac.ft./year/acre to estimate annual use. Cloverleaf open space irrigation needs are estimated at 0.87 ac.ft./year. These needs are not included in the above average daily or peak flow estimates for the lots.

WWSD has been in existence for many years and has developed their water demand values based on their past experience with actual usage. Per the El Paso County Land Development Code (LDC) when using alternative water demand estimates, a calculation providing the presumptive use values within the LDC will also be calculated and is shown below:

- Single Family Home - 0.264 ac.ft./year
- Lot Landscaping – 0.0566 ac.ft./year per 1,000 sq. ft.
- Common Area Irrigation – 2.46 ac.ft./year per acre
- 144 Single Family Homes X 0.26 ac.ft./yr = 37.44 ac.ft/year
- 133 lots w 2,000 sf of landscaping X 0.0566 ac.ft./yr = 15.06 ac.f./year
- 8 lots w 5,000 sf of landscaping x 0.0566 ac.ft./yr= 2.26 ac.f./year
- 3 lots w 8,000 sf of landscaping X 0.0566 ac.ft./yr = 1.36 ac.f./year
- 1.74 ac Common Area Irrigation X 2.46 ac.ft./yr = 4.28 ac.f./year

Total Annual Water Demand per EPC = 60.4 ac.ft./year
Total Annual Water Demand per WWSD = 51.61 ac.ft./year

A copy of the WWSD Long-Range Plan Update 2017 (LRP Update) has been provided with the Cloverleaf Water Resource and Water Quality Report. The LRP Update evaluates water supply, operations, treatment, water distribution, and wastewater collection. Based on data contained in the LRP Update regarding the water resources that are available to the WSSD, subdivisions served by WWSD be supplied with water resources meeting the requirements of EL Paso County's 300-year water supply regulations. A commitment to serve letter for Cloverleaf Subdivision has been issued by WWSD. WWSD has sufficient supply and existing infrastructure in the area to serve this development.

An executed, not yet recorded, Supplement Water Usage and Service Agreement (Agreement) between WWSD No. 1 and PT Cloverleaf , LLC. has been provided. Per this Agreement, *"the anticipated water demand for the Development, as calculated by the Developer is 54.630 acre-feet per year (150 homes X 0.3584 acre fee/home + 1.74 acres of irrigated common space x 0.50 acre feet/acre)."*

The quality of the water produced by the WWSD for domestic and commercial consumption is subject to regulations prescribed by the CDPHE that limit the amount of certain contaminants in treated or untreated water. The water distribution system design for this project will conform to all applicable criteria set forth by El Paso County and WWSD.

**2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116;**

As the proposed rezoning fulfils the goals of the County Master Plan and is a compatible transition between the adjacent subdivisions and therefore complies with the statutory provisions that allow County's to establish limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

**3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and**

As noted above, compatibility is defined as *"a state in which two things are able to exist or occur together without problems or conflict."* It does not mean that the two things have to be identical. The proposed RS-5000 zone change provides a transition with the surrounding ½ acre single-family lots to the west and north and the higher density townhome developments to the south and east.

**4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.**

The proposed lots will meet the use and dimensional standards for the respective zones (RS-20000 and RS-5000) as set out in Chapter 5 of the Land Development Code (LDC). The site is suitable for proposed residential lots and it provides a transition between residential use types. The project has adequate access to Higby Road, Bowstring Road and Cloverleaf Road and has access to adequate utilities.

**Preliminary Plan**

The Preliminary Plan is consistent with the approval criteria in Section 7.2.1.D.2.e of the LDC as follows:

**1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;**

The Master Plan comprises the County Policy Plan and 2000 Tri-Lakes Comprehensive Plan. The same polices that support the proposed rezoning to RS-5000, also support the Preliminary Plan. The proposed residential development is in a location contiguous to existing residential subdivisions. The proposed project is consistent with the policies of the County Plan which encourages infill development that complements and transitions to existing uses. The County Plan encourages a variety of housing options that allows for a balance of mutually supported land uses in a more urban area of the County. The proposed development is also consistent with the medium density designation and infill objectives of Sub-Area 7 of the Tri-Lakes Comprehensive Plan.

**2. The subdivision is consistent with the purposes of this Code;**

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. The proposed subdivision of residential lots is consistent with the County Master Plan and provides a transition between the surrounding ½ acre single-family lots and the townhome developments to the south and east.

**3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards other than the one requested waiver, which are discussed in more detail

below. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- adequate provision for traffic, drainage, and open space;
- provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- adequate provision for water, sewer and other utilities;
- ensuring that structures will harmonize with the physical characteristics of the site;
- ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and

Waivers are requested of the Land Development Code requirements to allow the Walters Point as a private road (8.4.4.E.2) and to allow this private road design to differ from County standards (8.4.4.E.3). The justification for these waivers is set out below. Deviations are also submitted for the specific standards of the Engineering Criteria Manual that are not being met for Walters Point. A deviation for the intersection of Crimson Clover Drive and Cloverleaf Rad is also requested as the existing grade on Cloverleaf Road slightly exceeds the maximum 4% grade standard across an intersection.

**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 this Code;**

Water service will be provided by Woodmoor Water and Sanitation District. JR Engineering, LLC prepared a Water Resources and Water Quality Report, which indicates that the potable water demand was calculated on a single-family equivalent (SFE) basis. Water System demands were established using the "Colorado Springs Utilities Waterline Standards" as shown below for the following parameters.

- SFE wastewater average daily loading: 250.0 gpd
- Peaking Factor: 5.0

Based on the above criteria, the average daily flow will be 46,074, gpd, the peak flow will be 230,370 gpd. The water distribution system design will conform to all applicable criteria set forth by El Paso County and the WWSD. A commitment letter from the WWSD to provide water service to the Cloverleaf Subdivision is included with this submittal. It is requested that the finding of water sufficiency be deferred to the Final Plat.

**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 this Code;**

A Wastewater Disposal Report was prepared by JR Engineering for the development. The purpose of the report was to show that the proposed wastewater discharge is within the acceptance criteria of the Woodmoor Water and Sanitation District. The sanitary sewer system, design, and modeling results conform to all applicable criteria set forth by El Paso County and the WWSD. A commitment letter from the WWSD to provide wastewater service to the Cloverleaf Subdivision is included with this submittal.

**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)];**

The Soils, Geology and Geologic Hazard Study prepared by Entech Engineering indicates that the existing geologic engineering and geologic conditions will impose some constraints on development and construction of the site. These include potentially expansive clays and claystone, areas of erosion, potentially shallow groundwater, collapsible soils, potentially sallow bedrock, and possible radon gas build-up. Entech Engineering noted that geologic hazards identified on the site can either be avoided by development or satisfactorily mitigated through proper engineering design and construction practices, including perimeter drains for the shallow groundwater. Additional soils investigation is recommended as the development and grading plans are prepared to provide more detailed information on soil, groundwork and bedrock.

**7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

These matters are addressed in the Preliminary Drainage Report prepared by JR Engineering. The purpose of the report is to identify on-site and off-site drainage patterns, storm sewer, culvert and inlet locations, areas tributary to the site, and to safely route developed storm water to adequate outfall facilities. No major drainageways or irrigation wells exist on the site. Cloverleaf lies within the upper reaches of the Teachout Creek watershed basin. Drainage from the site currently discharges both west through existing culverts to Lewis Palmer High School and south under Higby Road through existing culverts. The proposed Cloverleaf Subdivision development drainage improvements, including storm sewer and two full spectrum water quality and detention ponds were designed to meet or exceed the El Paso County Drainage Criteria.

**8. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

The majority of lots will be accessible by new public streets that will comply with the LDC and ECM. Lots 136-141 will be accessed off Walters Point, which is an existing private road that is to be retained as a private road and improved as part of this project.

**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;**

Approximately 70-acres of public open space is being purchased from the Walters family by WOSC for the benefit of this project and the surrounding subdivisions. This project directly facilitates the ability of WOSC to purchase this open space area. In addition, the project proposes a number of internal open space tracts throughout the development. Tract H will provide a small amenity area for the benefit of the Cloverleaf residents. Trails are located in some of these open space tracts to provide a recreational amenity and to connect to the internal street sidewalks. The open space tracts will be owned and maintained by the Metropolitan District to be formed for the Cloverleaf Development. Park land dedication or fees in lieu of land dedication will be due at the time of final plat recordation.

**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;**
Sidewalks will be constructed along the local streets within the development for Lots 1-140, although connecting streets do not include sidewalks. Trails will be provided in the open space tracts throughout the development, which will connect to internal sidewalks and the opens space areas surrounding the project. The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads. There is no public or mass transit in the area. The site is within walking distance of Lewis-Palmer High School and the YMCA on Jackson Creek Parkway. Other services for the development are consistent with adopted plans, polices and regulations of the County.

**3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;**
The proposed rezoning to RS-5000 (5,000 square foot lot maximum) allows for residential lots that provide a transition with the existing larger residential lots to the east and north and the multi-family development to the west. Open space areas are maintained around the north and east of the development. The project design also incorporates open space buffers to the east and north and a 2,89-acre buffer tract to the west, which includes a 1.76-acre detention pond. The three isolated ½ acre lots are infill parcels in an already developed 1/2 -acre subdivision and no additional design features are considered necessary for these lots.

**4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and**
The site has been previously disturbed and thus does not provide ideal habitat for a variety of wildlife species. Impact of development on potential wildlife habitat according to Bristlecone will be low. The site is not suitable habitat for the state-listed Preble's meadow jumping mouse. The Cloverleaf project facilitates the purchase of approximately 70-acres of open space, which will continue to accommodate any existing wildlife on the site. The control of noxious weeds through the development of the site and management of the open spaces will improve wildlife habitat. There are no jurisdictional wetlands on the property.

**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;**
The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads. All required utilities are available to the development and the required will serve letters are provided. The proposed project will not negatively impact the levels of service of County services and facilities.

**9. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**
Mountain View Electric and Black Hills Energy will provide electric and natural gas services as stated in the Will Serve letters included in this submittal. Woodmoor Water and Sanitation District will provide water and wastewater service. Tri-Lakes Monument Fire Department will provide fire protection services and Fire Station 3 is approximately 2.7 miles to the north. The County Sheriff will provide police

protection, which will be supplemented by Woodmoor Improvement Association Public Safety service. Adequate open space and streets are provided to serve the future residents of the subdivision and the project facilitates the purchase of 70 acres of open space by WOSC for public use.

**10. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

The Tri-Lakes Protection District has adequate capacity to provide fire protection to the proposed subdivision. A Fire Protection Report and a Will Serve letter are included with this submittal.

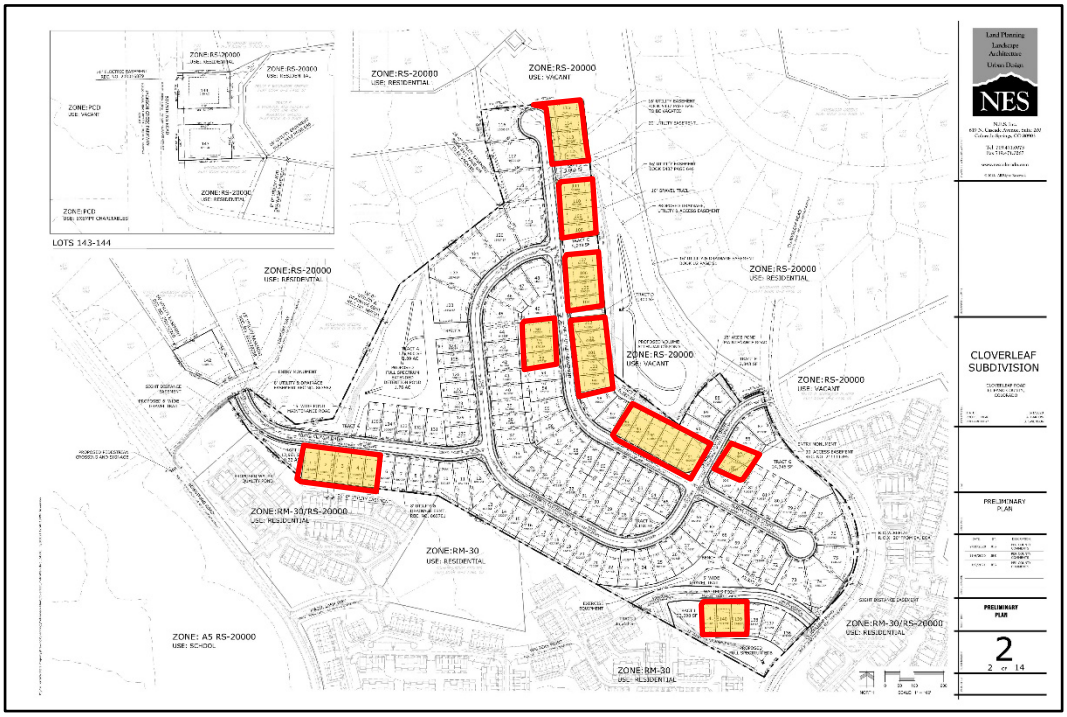
**11. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**

The proposed subdivision meets the applicable sections of the Code, subject to the requested waivers below, for which justification is provided.

At the time of final plat, a separate administrative relief request will be made, as outlined below.

**<u>Administrative Relief</u>**

Chapter 5.5.1.(B)(2) allows the granting of administrative relief for a maximum of a 20% increase in lot coverage from the amount required in the zoning district. Administrative relief is requested to allow a maximum 50% lot coverage for lots 1-5, 50-52, 84-85, 91-96, 99-115, and 139-141. In negotiations with WOSC and the adjacent townhome HOA's, the developer has committed to restricting the buildings to ranch plans on the lots identified in yellow below. This will serve to preserve views and the character of the existing residential area on the approach to the subdivision along Cloverleaf Road, as the lots in the southeast corner will be elevated.



Of the lots with the ranch restriction, administrative relief is sought to allow a maximum 50% lot coverage on the lots outlined in red above. These lots are 55 feet wide or less and the requested 50% lot coverage would allow for a ranch plan with a three-car garage, whereas a maximum 45% lot coverage as allowed by the RS-5000 zoning for ranch plans would not facilitate this larger footprint.

The LDC indicates that administrative relief shall be for the purpose of relieving difficulties or hardships due to narrowness, shallowness, shape or topographic condition of a specific piece of property, or to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Code will be caused by the administrative relief granted. The fact that this request is made to accommodate a specific request from the adjacent homeowners/HOAs to limit lots to ranch plans in order to preserve views and neighborhood character is indication that the administrative relief will benefit the public good of the existing neighborhood. It will also benefit the future residents of these lots, as it will allow them the opportunity to have the same conveniences as the neighboring lots that have no height restrictions.

**Waivers**

The following Waivers of the Land Development Code requirements are requested:

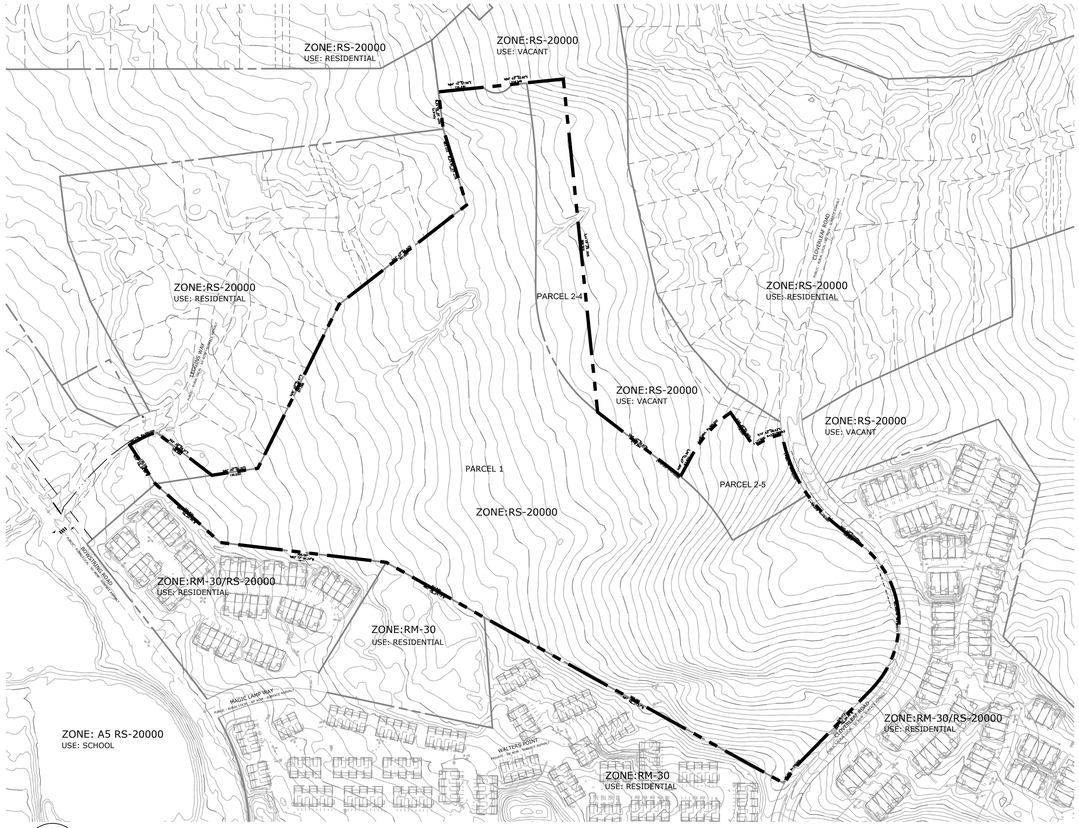
8.4.4.E.2 – private roads require a waiver
8.4.4.E.3 – private roads to meet County standards

This relates to Walters Point private road, which is to be retained as a private road as part of this project. It is proposed to improve the road to a Local (Low Volume) street standard per the Engineering Criteria Manual, with the following exceptions: no sidewalks, reduced vertical curve, and non-standard curb sections.

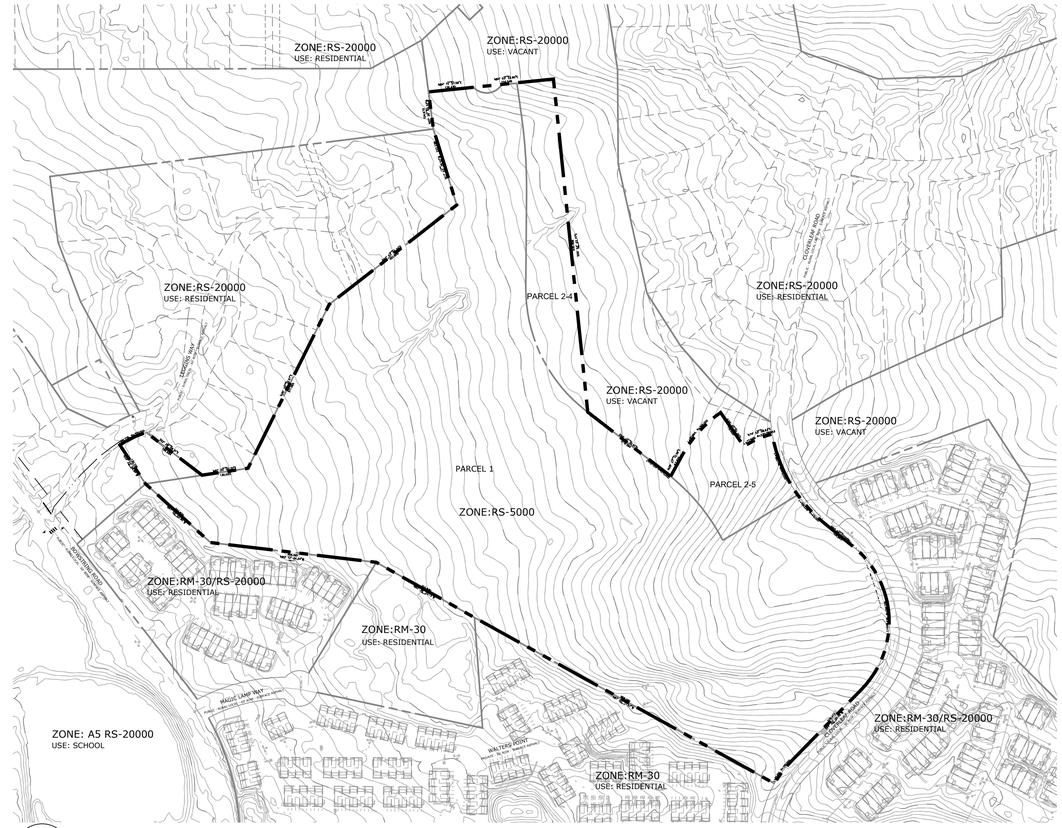
Section 7.3.3 of the LDC states that a waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- **The waiver does not have the effect of nullifying the intent and purpose of this Code;**
  The most relevant purpose of the code in this regard is to "establish reasonable standards of design and procedures for subdivision". The requested waivers are reasonable to enable the project design to provide a secondary point for access to the adjacent townhome development, address topographical constraints in the southeast corner of the site and to preserve an amenity are for the development.
- **The waiver will not result in the need for additional subsequent waivers;**
  This request is limited to Walters Point and not repeated elsewhere in the subdivision.
- **The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;**
  The project will continue to provide a second point of access to the townhomes to the south, which is required for safety reasons. The current Walters Point is a substandard private road. This project will bring it ups to ECM standards, with a few exceptions. The improved road will be of benefit to other property. In order to offset the cost of improving this road, six lots have bene included that utilize it for their access.

- **The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;**
  The requested waiver from some of the Local (Low Volume) street standards is necessary to work with the topographical constraints of the steeper grade and in the southeast corner of the property, the need to accommodate a detention pond in the southeast corner, and the desire to preserve the open space/amenity area in Tract H.
- **A particular non-economical hardship to the owner would result from a strict application of this Code;**
  The project is required to continue to provide a second point of access to the townhomes to the south, which is required for safety reasons. As this is only serving a few lots and as a secondary access to the townhomes, it is logical to keep it as a private road. The southeast corner of the site is constrained by topography, the need to accommodate a detention pond in the southeast corner, and the desire to preserve the open space/amenity area in Tract H. This creates the need to vary from the Local (Low Volume) street standards.
- **The waiver will not in any manner vary the zoning provisions of this Code;**
  The density proposed by this subdivision is consistent with the proposed RS-5000 zoning. The requested waiver does not allow the developer any greater density then could be achieved without it.
- **The proposed waiver is not contrary to any provision of the Master Plan.**
  The proposed waiver does not impact the goals of the County Master Plan and the 2000 Tri-Lake Comprehensive Plan.




1/1 EXISTING ZONING




2/1 PROPOSED ZONING

## LEGAL DESCRIPTION

**PARCEL 1**

A PARCEL OF LAND BEING ALL OF THAT PROPERTY DESCRIBED IN THE DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, BEING A PORTION OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66, TOGETHER WITH ALL OF TRACT H, WOODMOOR GREENS RECORDED IN BOOK U-2 AT PAGE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN THE 30.00' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 10377 1997 30.00 WC" AND THE 30.0' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED BY A 1-1/2" ALUMINUM CAP STAMPED "LS 2692",SAID LINE BEARING S89°54'49"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N23°36'18"W A DISTANCE OF 971.92 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID SOUTHWESTERLY LINE, N47°53'03"W A DISTANCE OF 244.83 FEET, TO THE SOUTHWESTERLY CORNER OF TRACT H, WOODMOOR GREENS PLAT RECORDED IN BOOK U-2 AT PAGE 51;

THENCE ON THE PERIMETER OF SAID TRACT H, THE FOLLOWING THREE (3) COURSES:

1. N33°23'09"W A DISTANCE OF 130.11 FEET, TO A POINT OF NON-TANGENT CURVE, ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LEGGINS WAY;
2. ON SAID SOUTHERLY RIGHT-OF-WAY LINE, ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S33°24'06"E, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 15°37'05" AND AN ARC LENGTH OF 81.78 FEET, TO A POINT OF NON-TANGENT;
3. S52°28'59"E A DISTANCE OF 196.68 FEET, TO A POINT ON THE WESTERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID WESTERLY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N81°20'01"E A DISTANCE OF 130.03 FEET;
2. N26°20'33"E A DISTANCE OF 511.07 FEET;
3. N52°03'56"E A DISTANCE OF 451.83 FEET;
4. N17°03'30"W A DISTANCE OF 222.24 FEET;
5. N07°26'50"W A DISTANCE OF 104.67 FEET;

THENCE DEPARTING THE WESTERLY LINE OF SAID TRACT B, THE FOLLOWING TWELVE (12) COURSES;

1. N84°15'58"E A DISTANCE OF 126.43 FEET, TO A POINT OF NON-TANGENT CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N46°46'54"E, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 105°01'39" AND AN ARC LENGTH OF 91.65 FEET, TO A POINT OF NON-TANGENT;
3. N85°02'46"E A DISTANCE OF 42.49 FEET;
4. S08°08'16"E A DISTANCE OF 85.83 FEET, TO A POINT OF CURVE;
5. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,470.00 FEET, A CENTRAL ANGLE OF 08°35'03" AND AN ARC LENGTH OF 220.24 FEET, TO A POINT OF TANGENT;
6. S00°26'42"W A DISTANCE OF 266.67 FEET, TO A POINT OF CURVE;
7. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 52°42'18" AND AN ARC LENGTH OF 395.55 FEET, TO A POINT OF TANGENT;
8. S52°15'31"E A DISTANCE OF 287.37 FEET, TO A POINT OF CURVE;
9. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 24°42'05" AND AN ARC LENGTH OF 245.74 FEET, TO A POINT OF NON-TANGENT;
10. N59°24'51"E A DISTANCE OF 103.30 FEET, TO A POINT OF CURVE;
11. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 01°14'02" AND AN ARC LENGTH OF 16.80 FEET, TO A POINT OF TANGENT;
12. N58°10'49"E A DISTANCE OF 124.49 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CLOVERFIELD ROAD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE (5) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N54°21'17"E, HAVING A RADIUS OF 410.00 FEET, A CENTRAL ANGLE OF 15°15'51" AND AN ARC LENGTH OF 109.23 FEET, TO A POINT OF NON-TANGENT;
2. S50°58'07"E A DISTANCE OF 104.84 FEET, TO A POINT OF NON-TANGENT CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S39°04'09"W, HAVING A RADIUS OF 269.73 FEET, A CENTRAL ANGLE OF 95°15'09" AND AN ARC LENGTH OF 448.43 FEET, TO A POINT OF NON-TANGENT;
4. S44°20'00"W A DISTANCE OF 278.41 FEET, TO A POINT OF NON-TANGENT CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S45°13'59"E, HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 15°03'35" AND AN ARC LENGTH OF 81.48 FEET, TO A POINT OF NON-TANGENT, SAID POINT BEING ON THE SOUTHERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

1. N61°02'18"W A DISTANCE OF 958.19 FEET;
2. N60°38'25"W A DISTANCE OF 314.83 FEET;
3. N83°12'34"W A DISTANCE OF 466.58 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,452,072 SQUARE FEET OR 33.3350 ACRES.

**PARCEL 2**

TWO PARCELS OF LAND BEING PORTIONS OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66 ALL IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN THE 30.00' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 10377 1997 30.00 WC" AND THE 30.0' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED BY A 1-1/2" ALUMINUM CAP STAMPED "LS 2692",SAID LINE BEARING S89°54'49"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

**PARCEL 2-4**

COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N27°54'57"E A DISTANCE OF 1420.57 FEET, TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED IN THE TRUSTEE'S DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE PERIMETER OF SAID PROPERTY THE FOLLOWING SEVEN (7) COURSES:

1. N52°15'31"W A DISTANCE OF 7.98 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 52°42'18" AND AN ARC LENGTH OF 395.55 FEET, TO A POINT OF TANGENT;
3. N00°26'47"E A DISTANCE OF 266.67 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1470.00 FEET, A CENTRAL ANGLE OF 08°35'03" AND AN ARC LENGTH OF 220.24 FEET, TO A POINT OF TANGENT;
5. N08°08'16"W A DISTANCE OF 85.83 FEET;
6. S85°02'46"W A DISTANCE OF 42.49 FEET, TO A POINT OF NON-TANGENT CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N58°14'45"W, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 105°01'39" AND AN ARC LENGTH OF 91.65 FEET, TO A POINT OF NON-TANGENT,

THENCE DEPARTING SAID PROPERTY THE FOLLOWING TWO (2) COURSES:

1. N84°03'34"E A DISTANCE OF 224.55 FEET;
2. S05°52'43"E A DISTANCE OF 936.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 101,309 SQUARE FEET OR 2.3257 ACRES.

**PARCEL 2-5**

COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N50°42'25"E A DISTANCE OF 1617.14 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERLEAF ROAD, SAID POINT BEING ON THE NORTHERLY LINE OF THAT PROPERTY DESCRIBED IN THE TRUSTEE'S DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ON THE NORTHERLY LINE OF SAID PROPERTY THE FOLLOWING FOUR (4) COURSES:

1. S58°10'49"W A DISTANCE OF 124.49 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 01°14'02" AND AN ARC LENGTH OF 16.80 FEET, TO A POINT OF TANGENT;
3. S59°24'51"W A DISTANCE OF 103.30 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S62°26'34"W, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 23°19'20" AND AN ARC LENGTH OF 232.02 FEET, TO A POINT OF NON-TANGENT;

THENCE DEPARTING SAID NORTHERLY PROPERTY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N28°37'11"E A DISTANCE OF 67.40 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 345.00 FEET, A CENTRAL ANGLE OF 26°50'54" AND AN ARC LENGTH OF 161.66 FEET, TO A POINT OF NON-TANGENT;
3. S34°31'56"E A DISTANCE OF 115.00 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S34°31'56"E, HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 19°25'04" AND AN ARC LENGTH OF 77.95 FEET, TO A POINT OF TANGENT;
5. N74°53'09"E A DISTANCE OF 8.95 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERLEAF ROAD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N80°18'27"E, HAVING A RADIUS OF 410.00 FEET, A CENTRAL ANGLE OF 25°57'10" AND AN ARC LENGTH OF 185.71 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 67,905 SQUARE FEET OR 1.5589 ACRES.

## SITE DATA

| | |
|---|---|
| OWNERS: | PT Cloverleaf, LLC<br>1864 Woodmoor Drive, Suite 100<br>Monument, CO 80132 |
| SUBDIVIDER / APPLICANT: | ProTerra Properties LLC<br>1864 Woodmoor Drive, Suite 100<br>Monument, CO 80132 |
| PREPARER: | N.E.S. Inc.<br>619 N Cascade Ave., Suite 200<br>Colorado Springs, CO 80903 |
| TAX ID NUMBER: | 7124202240, 7124202239, 7124202236, 7123103007 |
| SITE ACREAGE: | 37.2196 AC |
| EXISTING ZONING: | RS-20000 |
| PROPOSED ZONING: | RS-5000 |
| PROPOSED LAND USE: | |
| Residential Lots: | 23.923 AC, 141 Lots |
| Open Space : | 4.281 acres |
| Stormwater Detention : | 2.088 acres |
| ROW: | 6.927 acres |

NORTH

0 100 200 400
SCALE: 1" = 200'

Land Planning
Landscape Architecture
Urban Design
NES
N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com
© 2012. All Rights Reserved.

PLANNERS · LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

# CLOVERLEAF SUBDIVISION

CLOVERLEAF ROAD
EL PASO COUNTY,
COLORADO

PROJECT INFO

DATE: 5/20/2020
PROJECT MGR: A. BARLOW
PREPARED BY: B. SWENSON

SEAL

## REZONE MAP

ISSUE INFO

| DATE: | BY: | DESCRIPTION: |
|---|---|---|
| 9/17/2020 | JBS | PER COUNTY COMMENTS |
| 11/12/2020 | JBS | PER COUNTY COMMENTS |
| 1/7/2021 | JBS | PER COUNTY COMMENTS |

ISSUE REVISION

SHEET TITLE

**REZONE MAP**

SHEET NUMBER

1

1 OF 1

PLAN FILE #

PCD FILE # P-20-001



P:\ProTerra\Walters Property\Drawings\Planning\Preliminary Plan\Cloverleaf_PrelimPlan.dwg [Rezone] 1/7/2021 12:13:20 PM bsvenson

Planning Commission Meeting
Thursday, March 18, 2021
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

**REGULAR HEARING**
**1:00 p.m.**

**PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, TIM TROWBRIDGE, BECKY FULLER, SARAH BRITTAIN JACK, JAY CARLSON, JOAN LUCIA-TREESE, AND GRACE BLEA-NUNEZ**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: THOMAS GREER AND ERIC MORAES**

**PRESENT AND NOT VOTING: NONE**

**ABSENT: NONE**

**STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, RYAN HOWSER (VIA REMOTE ACCESS), TRACEY GARCIA, ELENA KREBS, ELIZABETH NIJKAMP (VIA REMOTE ACCESS), AND EL PASO COUNTY ATTORNEY LORI SEAGO (VIA REMOTE ACCESS)**

**OTHERS SPEAKING AT THE HEARING: MICHAEL CARTMEL, ANDREA BARLOW, RAY SULLIVAN, RANDY VIERIA, ANDREI BEDOYA (VIA REMOTE ACCESS), BECKY BEDOYA (VIA REMOTE ACCESS), TISH NORMAN, MICHAEL PETERSON, AND JIM MCDANIEL (VIA REMOTE ACCESS)**

**Report Items**

1. **A. Report Items -- Planning and Community Development Department – Ms. Ruiz**-- The following information was discussed:

   **a)** The next scheduled Planning Commission meeting is for **Thursday, April 1, 2021 at 1:00 p.m.**

b) **Ms. Ruiz** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

c) **Ms. Ruiz** gave an update on the Master Plan process and timeline. The Master Plan went public on March 9 and it has also been sent to over 200 referral agencies. On March 31 we will have a remote public meeting to hear comments from the public. The Planning Commission will hear the Master Plan at Special Meetings on May 5 and May 26. The website to view the Plan and to see the schedule of events is https://elpaso-hlplanning.hub.arcgis.com/

**B. Public Input on Items Not Listed on the Agenda – NONE**

**CONSENT ITEMS**

**2. A. Approval of the Minutes – March 4, 2021**
The minutes were unanimously approved as presented. (10-0)

**B. CS-20-002 GREEN**

**MAP AMENDMENT (REZONE)**
**12265 HIGHWAY 94 REZONE**

A request by Udon Holdings, LLC, for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to CS (Commercial Service). The 40-acre property is located on the south side of Highway 94, approximately one-half (1/2) mile west of the Highway 94 and Franceville Coal Mine Road intersection and within Section 18, Township 14 South, Range 64 West of the 6th P.M. (Parcel No.44000-00-237) (Commissioner District No. 4)

**PC ACTION: FULLER MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, CS-20-002, FOR A MAP AMENDMENT (REZONE) UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-014 WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (10-0).**

**C. P-20-003 HOWSER**

**MAP AMENDMENT (REZONE)**
**8330 MUSTANG PLACE REZONE**

A request by Mason, LLC, for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 5.37-acre property is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and within Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel No.53040-02-017) Commissioner District No. 2

**Mr. Trowbridge** stated he would not be in favor of this project due to compatibility and the area becoming denser. **Ms. Fuller** requested more information as to why **Mr. Trowbridge** would deny the project. **Ms. Ruiz** provided detailed information about the surrounding zoning and land use approvals. The applicants are requesting to rezone from RR-5 to RR-2.5. The staff's perspective is that this is a good transition from the dense urban development immediately north and south within the limits of Colorado Springs and to the surrounding development. **Mr. Trowbridge** - I'm afraid if we allow the encroachment, the density will continue to get greater and would encourage others to subdivide. **Ms. Lucia-Treese -** Using that justification wouldn't that argument be true to every development that comes before us for a rezone? **Mr. Trowbridge**- True however in this case my judgement is to keep the five-acre parcels and not allow it to go to 2.5 acres. I disagree with staff that this is a transitional area. **Ms. Fuller -** If this touched the RS-5000 development, then would you be comfortable? **Mr. Trowbridge** - No, it's the Pawnee Ranchettes area that bothers me. **Ms. Ruiz -** the City of Colorado Springs is experiencing more growth. We will likely see more of this. **Ms. Brittain Jack -** In our master plan, I believe this is a transitional area that will see more growth. **Mr. Bailey** - That is my recollection as well. **Mr. Carlson** – There are hundreds of acres of five-acre parcels and this one wants to stick right down in the middle of it. I agree that we should keep it consistent with what is there now. I will not be in favor.

**Michael Cartmel-** We purchased this property with the intent to get some animals for the family and love the rural setting and serenity. Subdividing does not diminish the rural character of the area.

**Mr. Bailey-** I'm curious to know the response from the adjoining properties. **Mr. Howser-** We did not receive any response to the letters that were sent out. **Mr. Bailey**- If the neighbors are not concerned, I'm inclined to approve this. **Ms. Lucia Treese** - I agree.

**Ms. Fuller** - I will be in favor since there was no neighbor opposition.

**Mr. Risley-** I will also be in favor of this. I didn't have any concern with this project because of the character of the Black Forest where there is a blend of lot sizes, but I do understand **Mr. Trowbridge** on this.

**<u>PC ACTION:</u> BAILEY MOVED/NUNEZ SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, P-20-003, FOR A PRELIMINARY PLAN UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-015 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-2). TROWBRIDGE AND CARLSON WERE NAY VOTES DUE TO THE PROJECT NOT BEING COMPATIBLE FOR THE AREA.**

**D. PUD-18-002 RUIZ**

**MAP AMENDMENT (REZONE)**
**DANCING WOLF**

A request by David McElhoues, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) to amend the minimum lot size requirement within the PUD to 2.5 acres and to amend the permitted uses within the commercial area included in the PUD area. The 25.15-acre property is located at the northeast corner of the Highway 83 and Hodgen Road intersection and within Section 22, Township 11 South, and Range 66 West of the 6th P.M. (Parcel Nos.61220-03-020, 61220-03-035, 61220-04-002, 61220-04-001, and 61220-03-036) (Commissioner District No. 1)

**<u>PC ACTION:</u> BAILEY MOVED/TREESE SECONDED TO MOVE ITEM 2D, PUD-18-002, MAP AMENDMENT (REZONE) FOR DANCING WOLF DATE CERTAIN TO THE APRIL 1, 2021 PLANNING COMMISSION HEARING. MOTION PASSED UNANIMOUSLY (10-0).**

**E. VR-18-002 RUIZ**

**VACATION AND REPLAT**
**DANCING WOLF**

A request by David McElhoues, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a vacation of five (5) platted lots and right-of-way and replat to create seven (7) single-family residential lots. The five (5) lots, totaling 25.15 acres, are zoned PUD (Planned Unit Development) and are located at the northeast corner of the Highway 83 and Hodgen Road intersection and are within Section 22, Township 11 South, and Range 66 West of the 6th P.M. (Parcel Nos. 61220-03-020, 31220-03-035, 6122-04-002, 6122-04-001, and 6122-03-036) (Commissioner District No. 1)

**<u>PC ACTION:</u> BAILEY MOVED/TREESE SECONDED TO MOVE ITEM 2E, VR-18-002, VACATE AND REPLAT FOR DANCING WOLF DATE CERTAIN TO THE APRIL 1, 2021 PLANNING COMMISSION HEARING. MOTION PASSED UNANIMOUSLY (10-0).**

**Regular Items**

**3. P-20-001** **RUIZ**

**MAP AMENDMENT (REZONE)**
**CLOVERLEAF**

A request by Proterra Properties, LLC, for approval of a map amendment (rezoning) from RS-20000 (Residential Suburban) to RS-5000 (Residential Suburban). The 37.22-acre property is immediately north of Higby Road and east of Jackson Creek Parkway and is within Section 23, Township, 11 South, Range 67 West of the 6th P.M. (Parcel Nos. 71242-02-240, 71242-02-239, and 71242-02-236) (Commissioner District No. 1)

**Ms. Ruiz** gave a brief overview and asked **Ms. Seago** to go over the review criteria for a map amendment (rezone). She then introduced the applicants' representative **Ms. Andrea Barlow from NES**, to give their presentation.

**Ms. Ruiz** gave her full presentation to the Planning Commission.

**Ms. Fuller** - This was originally platted as open space and now we are developing.

**Ms. Ruiz** - This was platted as open space and was intended to be a golf course, but the golf course was never developed. There is no issue or conflict with the regulations included within the LDC to transfer this from open space to development.

**Mr. Bailey** - It's not zoned as open space; it is zoned as RS-20000. We are not looking at the issue of an expressed intention to keep it as open space. We are changing the zoning.

**Mr. Carlson -** To be clear this land is currently zoned as RS-20,000. Is this the same owner of the open space or has it been sold off? Will there be another opportunity for people in the area to voice their concerns? **Ms**. **Ruiz** - There are other ownership stakes. The request today is for a zoning action, any opposition may choose to voice their concerns either today or at the preliminary plan stage.

**IN FAVOR:**

**Ms. Tish Norman** - I live in Monument, Colorado, specifically Woodmoor. I am the director of the WOSC, LLC group. We purchased 94 acres to keep it open space. Pro-Terra contacted us to get a portion, but we are protecting land around us and are in favor of this development. Pro-Terra is a local developer that took an interest in our area. There are 162 homes, 118 contributed to the process. We have raised over a million dollars to protect the land around our homes. We gave them an easement for a detention pond. We've worked well together. This is an example of how homeowners and developers can work together. We are also putting deed restrictions on the land.

**Mr. William Peterson** - This type of development and the cooperation we have had has been remarkable. There are other developments that are going up around Higby and we have concerns about the traffic in that area.

**Mr. Phil Schwietzer** - If we make good sound decisions then we are making good plans for many years to come. I think we need to beef up the sidewalks and walkability. People from around the area have access to Fox Run Park. There needs to be a path. If the people on the northwest don't want to see a path the developer can put an eight-foot concrete wall up for about $100,000.

**IN OPPOSITION:**

**Mr. Andrei Bedoya**- This open space was originally promised to residents for a future golf course. I have concerns with inconsistent land use. Traffic is going to increase significantly. There will be no privacy with these lots as they will all be uphill and looking down into our properties**.**

**Mrs. Becky Bedoya**- These developers are not contributing to our schools or infrastructures. The true nature of Monument is disappearing, and the quality of our home is going to be diminished due to the structure going in behind us.

**Mr. Jim McDaniel**- I'm in the Woodmoor Park townhomes. My front window faces the proposed development. This is going to create a tremendous traffic concern. That road is not wide enough for the increased traffic.

**APPLICANTS REBUTTAL:**
**Ms. Barlow** stated that she understands the main issue is compatibility. We will pay the road impact fees as required. Traffic studies have been completed. We go through a rigorous review; it's not just a rubber-stamp approval. The preliminary plan will come very soon. Regarding trails, those plans are forth coming.

**DISCUSSION:**
**Ms. Fuller** - I'm so impressed by the developer and homeowner coordination. I also found the rubber stamp comment offensive. We look at everything that

comes to us. Our goal is to help with public policy. I think this fits in our review criteria. Not everything we see does fit the review criteria, but this does. I will be in favor of this.

**Ms. Lucia - Treese**- I concur with **Ms. Fuller.** We are only discussing the rezoning today, so based on the criteria for approval, I will be in favor.

**Mr. Carlson** - I think the buffer and transition areas were done well. I struggle with the density right up against RS-20,000. Two houses per acre right up against eight houses per acre. Most homeowners think this is a good development. I'm not going to fight against those who are not fighting for themselves. I will be in favor.

**Ms. Fuller** - I do understand the comment with this right up next to RS-20,000 but I see them adjacent to townhomes, so this is a transition.

**Mr. Moraes** - If we go back to the approval criteria. Number three jumps out at me. It says compatible in all directions. I don't see how that is compatible in all directions. In some directions it includes open space. We go from open space to basically the densest single- family residential zone district. I do not favor this rezoning.

**Ms. Blea-** Nunez - I applaud the developer and the organization working together on that. I do hear **Mr. Moraes'** concern. I'm torn.

**Mr. Bailey** – I think the issue of compatibility going from RS-20,000 to RM-30 is a big jump; I agree with that. I'm struck by what is a sensible infill plan that bridges the gap in the different uses. They raised the funds to keep a lot of the open space open. My take is this is a very compatible compromise to bridge the gap with varied uses. This is a good plan and has my support.

**Mr. Risley** - I certainly understand and appreciate the concerns. I applaud the coordination and think this a model that others should follow. The sensitivity to the surrounding context has been demonstrated by multiple meetings in the neighborhood, you found compromise, and it's what we hope to see in other areas of the County. This underscores the Master Plan efforts and how we view some of these areas such as transitional areas from one development to the next. I will be in favor of this project.

**<u>PC ACTION:</u> TROWBRIDGE MOVED/TREESE SECONDED FOR APPROVAL REGULAR ITEM NUMBER 3, P-20-001 FOR A MAP AMENDMENT (REZONE) FOR CLOVERLEAF UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-016 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (9-1). MR. MORAES WAS THE ONLY NAY VOTE**

**4. LDCPM-21-001** **RUIZ**

**EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT**
**APPEAL OF ADMINISTRATIVE DECISIONS & DETERMINATIONS**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1, 2, 5, and 7 of the El Paso County Land Development Code (2021) to clarify the requirements and procedures for appeals of administrative decisions and determinations by the Planning and Community Development Director. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.
**Type of Hearing – Legislative**

**PC ACTION: COMMENTS WERE ACCEPTED. NO ACTION REQUIRED BY THE PLANNING COMMISSION BUT THEY GAVE THEIR GENERAL CONSENSUS OF ENDORSEMENT.**

**5. El Paso County Master Plan – Informational Update – No Action Needed**

The Master Plan is tentatively scheduled to come to the Planning Commission on May 5 and 26 for review and subsequent approval.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. P-20-001**
**CLOVERLEAF REZONE**

WHEREAS, Proterra Properties, 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 RS-20000 (Residential Suburban) zoning district to RS-5000 (Residential Suburban) zoning district; and

WHEREAS, a public hearing was held by this Commission on March 18, 2021; 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. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.

5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district

7. 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.

8. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of Proterra Properties, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RS-20000 (Residential Suburban) zoning district to the RS-5000 (Residential Suburban) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends the following conditions and notations shall be placed upon this approval:

**CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are 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.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

**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.

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

Commissioner Blea- Nunez seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

| | |
|---|---|
| Commissioner Risley | aye |
| Commissioner Bailey | aye |
| Commissioner Fuller | aye |
| Commissioner Trowbridge | aye |
| Commissioner Lucia-Treese | aye |
| Commissioner Brittain Jack | aye |
| Commissioner Blea-Nunez | aye |
| Commissioner Greer | aye |
| Commissioner Moraes | nay |
| Commissioner Carlson | aye |

The Resolution was adopted by a vote of 9 to 1 by the El Paso County Planning Commission, State of Colorado.

Dated: March 18, 2021

Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1 (TSN 7124202236 and 7123103007)
A PARCEL OF LAND BEING ALL OF THAT PROPERTY DESCRIBED IN THE DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, BEING A PORTION OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66, TOGETHER WITH ALL OF TRACT H, WOODMOOR GREENS RECORDED IN BOOK U-2 AT PAGE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN THE 30.00’ WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN MONUMENTED BY A 3-1/4” ALUMINUM CAP STAMPED “PLS 10377 1997 30.00 WC” AND THE 30.0’ REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED BY A 1-1/2” ALUMINUM CAP STAMPED “LS 2692”,SAID LINE BEARING S89°54'49"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN;

THENCE N23°36’18”W A DISTANCE OF 971.92 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID SOUTHWESTERLY LINE, N47°53'03"W A DISTANCE OF 244.83 FEET, TO THE SOUTHWESTERLY CORNER OF TRACT H, WOODMOOR GREENS PLAT RECORDED IN BOOK U-2 AT PAGE 51;

THENCE ON THE PERIMETER OF SAID TRACT H, THE FOLLOWING THREE (3) COURSES:

1. N33°23'09"W A DISTANCE OF 130.11 FEET, TO A POINT OF NON-TANGENT CURVE, ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LEGGINS WAY;
2. ON SAID SOUTHERLY RIGHT-OF-WAY LINE, ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S33°24'06"E, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 15°37'05" AND AN ARC LENGTH OF 81.78 FEET, TO A POINT OF NON-TANGENT;

3. S52°28'59"E A DISTANCE OF 196.68 FEET, TO A POINT ON THE WESTERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID WESTERLY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N81°20'01"E A DISTANCE OF 130.03 FEET;
2. N26°20'33"E A DISTANCE OF 511.07 FEET;
3. N52°03'56"E A DISTANCE OF 451.83 FEET;
4. N17°03'30"W A DISTANCE OF 222.24 FEET;
5. N07°26'50"W A DISTANCE OF 104.67 FEET;

THENCE DEPARTING THE WESTERLY LINE OF SAID TRACT B, THE FOLLOWING TWELVE (12) COURSES;

1. N84°15'58"E A DISTANCE OF 126.43 FEET, TO A POINT OF NON-TANGENT CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N46°46'54"E, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 105°01'39" AND AN ARC LENGTH OF 91.65 FEET, TO A POINT OF NON-TANGENT;
3. N85°02'46"E A DISTANCE OF 42.49 FEET;
4. S08°08'16"E A DISTANCE OF 85.83 FEET, TO A POINT OF CURVE;
5. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,470.00 FEET, A CENTRAL ANGLE OF 08°35'03" AND AN ARC LENGTH OF 220.24 FEET, TO A POINT OF TANGENT;
6. S00°26'47"W A DISTANCE OF 266.67 FEET, TO A POINT OF CURVE;
7. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 52°42'18" AND AN ARC LENGTH OF 395.55 FEET, TO A POINT OF TANGENT;
8. S52°15'31"E A DISTANCE OF 287.37 FEET, TO A POINT OF CURVE;
9. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 24°42'05" AND AN ARC LENGTH OF 245.74 FEET, TO A POINT OF NON-TANGENT;
10. N59°24'51"E A DISTANCE OF 103.30 FEET, TO A POINT OF CURVE;
11. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 01°14'02" AND AN ARC LENGTH OF 16.80 FEET, TO A POINT OF TANGENT;
12. N58°10'49"E A DISTANCE OF 124.49 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CLOVERFIELD ROAD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE (5) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N54°21'17"E, HAVING A RADIUS OF 410.00 FEET, A CENTRAL ANGLE OF 15°15'51" AND AN ARC LENGTH OF 109.23 FEET, TO A POINT OF NON-TANGENT;

2. S50°58'07"E A DISTANCE OF 104.84 FEET, TO A POINT OF NON-TANGENT CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S39°04'09"W, HAVING A RADIUS OF 269.73 FEET, A CENTRAL ANGLE OF 95°15'09" AND AN ARC LENGTH OF 448.43 FEET, TO A POINT OF NON-TANGENT;
4. S44°20'00"W A DISTANCE OF 278.41 FEET, TO A POINT OF NON-TANGENT CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S45°13'59"E, HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 15°03'35" AND AN ARC LENGTH OF 81.48 FEET, TO A POINT OF NON-TANGENT, SAID POINT BEING ON THE SOUTHERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

1. N61°02'18"W A DISTANCE OF 958.19 FEET;
2. N60°38'25"W A DISTANCE OF 314.83 FEET;
3. N83°12'34"W A DISTANCE OF 466.58 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,452,072 SQUARE FEET OR 33.3350 ACRES.

PARCEL 2

FIVE PARCELS OF LAND BEING PORTIONS OF TRACT F, A VACATION AND REPLAT OF LOTS 496-500 WOODMOOR GREENS RECORDED IN BOOK W-2 AT PAGE 26, TRACT F WOODMOOR GREENS RECORDED IN BOOK U-2 AT PAGE 51 AND TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66 ALL IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN THE 30.00' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 10377 1997 30.00 WC" AND THE 30.0' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED BY A 1-1/2" ALUMINUM CAP STAMPED "LS 2692",SAID LINE BEARING S89°54'49"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

PARCEL 2-4 (TSN 7124202239)

COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN;

THENCE N27°54'57"E A DISTANCE OF 1420.57 FEET, TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED IN THE TRUSTEE'S DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE PERIMETER OF SAID PROPERTY THE FOLLOWING SEVEN (7) COURSES:

1. N52°15'31"W A DISTANCE OF 7.98 FEET, TO A POINT OF CURVE
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 52°42'18" AND AN ARC LENGTH OF 395.55 FEET, TO A POINT OF TANGENT
3. N00°26'47"E A DISTANCE OF 266.67 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1470.00 FEET, A CENTRAL ANGLE OF 08°35'03" AND AN ARC LENGTH OF 220.24 FEET, TO A POINT OF TANGENT;
5. N08°08'16"W A DISTANCE OF 85.83 FEET;
6. S85°02'46"W A DISTANCE OF 42.49 FEET, TO A POINT OF NON-TANGENT CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N58°14'45"W, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 105°01'39" AND AN ARC LENGTH OF 91.65 FEET, TO A POINT OF NON-TANGENT,

THENCE DEPARTING SAID PROPERTY THE FOLLOWING TWO (2) COURSES:

1. N84°03'34"E A DISTANCE OF 224.55 FEET;
2. S05°52'43"E A DISTANCE OF 936.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 101,309 SQUARE FEET OR 2.3257 ACRES.

<u>PARCEL 2-5 (TSN 7124202240)</u>
COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN;

THENCE N50°42'25"E A DISTANCE OF 1617.14 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERLEAF ROAD, SAID POINT BEING ON THE NORTHERLY LINE OF THAT PROPERTY DESCRIBED IN THE TRUSTEE'S DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ON THE NORTHERLY LINE OF SAID PROPERTY THE FOLLOWING FOUR (4) COURSES:

1. S58°10'49"W A DISTANCE OF 124.49 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 01°14'02" AND AN ARC LENGTH OF 16.80 FEET, TO A POINT OF TANGENT;

3. S59°24'51"W A DISTANCE OF 103.30 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S62°26'34"W, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 23°19'20" AND AN ARC LENGTH OF 232.02 FEET, TO A POINT OF NON-TANGENT;

THENCE DEPARTING SAID NORTHERLY PROPERTY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N28°37'11"E A DISTANCE OF 67.40 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 345.00 FEET, A CENTRAL ANGLE OF 26°50'54" AND AN ARC LENGTH OF 161.66 FEET, TO A POINT OF NON-TANGENT;
3. S34°31'56"E A DISTANCE OF 115.00 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S34°31'56"E, HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 19°25'04" AND AN ARC LENGTH OF 77.95 FEET, TO A POINT OF TANGENT;
5. N74°53'09"E A DISTANCE OF 8.95 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERLEAF ROAD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N80°18'27"E, HAVING A RADIUS OF 410.00 FEET, A CENTRAL ANGLE OF 25°57'10" AND AN ARC LENGTH OF 185.71 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 67,905 SQUARE FEET OR 1.5589 ACRES.

**RESOLUTION NO. 21-**

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO**

**APPROVAL OF THE CLOVERLEAF MAP AMENDMENT (REZONING) (P-20-001)**

**WHEREAS** Proterra Properties, 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 for 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 RS-20000 (Residential Suburban) zoning district to the RS-5000 (Residential Suburban) zoning district; and

**WHEREAS**, a public hearing was held by the El Paso County Planning Commission on March 18, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

**WHEREAS**, a public hearing was held by this Board on April 13, 2021; 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 the Board of County Commissioners of El Paso County.

3. The hearings before the Planning Commission and the 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 zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.

6. 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.

7. For the above-stated and other reasons, the proposed Amendment to 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.

8. Changing conditions clearly require amendment to the Zoning Resolutions.

**NOW, THEREFORE, BE IT RESOLVED** the El Paso County Board of County Commissioners hereby approves the petition of Proterra Properties, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RS-20000 (Residential Suburban) zoning district to the RS-5000 (Residential Suburban) zoning district;

**BE IT FURTHER RESOLVED** the following conditions and notations shall be placed upon this approval:

**CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are 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.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

**NOTATION**

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.

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

DONE THIS 13th day of April, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

**EXHIBIT A**

LEGAL DESCRIPTION

PARCEL 1 (TSN 7124202236 and 7123103007)
A PARCEL OF LAND BEING ALL OF THAT PROPERTY DESCRIBED IN THE DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, BEING A PORTION OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66, TOGETHER WITH ALL OF TRACT H, WOODMOOR GREENS RECORDED IN BOOK U-2 AT PAGE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN THE 30.00’ WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN MONUMENTED BY A 3-1/4” ALUMINUM CAP STAMPED “PLS 10377 1997 30.00 WC” AND THE 30.0’ REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED BY A 1-1/2” ALUMINUM CAP STAMPED “LS 2692”,SAID LINE BEARING S89°54'49"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN;

THENCE N23°36’18”W A DISTANCE OF 971.92 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID SOUTHWESTERLY LINE, N47°53'03"W A DISTANCE OF 244.83 FEET, TO THE SOUTHWESTERLY CORNER OF TRACT H, WOODMOOR GREENS PLAT RECORDED IN BOOK U-2 AT PAGE 51;

THENCE ON THE PERIMETER OF SAID TRACT H, THE FOLLOWING THREE (3) COURSES:

1. N33°23'09"W A DISTANCE OF 130.11 FEET, TO A POINT OF NON-TANGENT CURVE, ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LEGGINS WAY;
2. ON SAID SOUTHERLY RIGHT-OF-WAY LINE, ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S33°24'06"E, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 15°37'05" AND AN ARC LENGTH OF 81.78 FEET, TO A POINT OF NON-TANGENT;
3. S52°28'59"E A DISTANCE OF 196.68 FEET, TO A POINT ON THE WESTERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID WESTERLY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N81°20'01"E A DISTANCE OF 130.03 FEET;
2. N26°20'33"E A DISTANCE OF 511.07 FEET;
3. N52°03'56"E A DISTANCE OF 451.83 FEET;
4. N17°03'30"W A DISTANCE OF 222.24 FEET;
5. N07°26'50"W A DISTANCE OF 104.67 FEET;

THENCE DEPARTING THE WESTERLY LINE OF SAID TRACT B, THE FOLLOWING TWELVE (12) COURSES;

1. N84°15'58"E A DISTANCE OF 126.43 FEET, TO A POINT OF NON-TANGENT CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N46°46'54"E, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 105°01'39" AND AN ARC LENGTH OF 91.65 FEET, TO A POINT OF NON-TANGENT;
3. N85°02'46"E A DISTANCE OF 42.49 FEET;
4. S08°08'16"E A DISTANCE OF 85.83 FEET, TO A POINT OF CURVE;
5. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,470.00 FEET, A CENTRAL ANGLE OF 08°35'03" AND AN ARC LENGTH OF 220.24 FEET, TO A POINT OF TANGENT;
6. S00°26'47"W A DISTANCE OF 266.67 FEET, TO A POINT OF CURVE;
7. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 52°42'18" AND AN ARC LENGTH OF 395.55 FEET, TO A POINT OF TANGENT;
8. S52°15'31"E A DISTANCE OF 287.37 FEET, TO A POINT OF CURVE;
9. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 24°42'05" AND AN ARC LENGTH OF 245.74 FEET, TO A POINT OF NON-TANGENT;
10. N59°24'51"E A DISTANCE OF 103.30 FEET, TO A POINT OF CURVE;
11. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 01°14'02" AND AN ARC LENGTH OF 16.80 FEET, TO A POINT OF TANGENT;

12. N58°10'49"E A DISTANCE OF 124.49 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CLOVERFIELD ROAD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE (5) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N54°21'17"E, HAVING A RADIUS OF 410.00 FEET, A CENTRAL ANGLE OF 15°15'51" AND AN ARC LENGTH OF 109.23 FEET, TO A POINT OF NON-TANGENT;
2. S50°58'07"E A DISTANCE OF 104.84 FEET, TO A POINT OF NON-TANGENT CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S39°04'09"W, HAVING A RADIUS OF 269.73 FEET, A CENTRAL ANGLE OF 95°15'09" AND AN ARC LENGTH OF 448.43 FEET, TO A POINT OF NON-TANGENT;
4. S44°20'00"W A DISTANCE OF 278.41 FEET, TO A POINT OF NON-TANGENT CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S45°13'59"E, HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 15°03'35" AND AN ARC LENGTH OF 81.48 FEET, TO A POINT OF NON-TANGENT, SAID POINT BEING ON THE SOUTHERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

1. N61°02'18"W A DISTANCE OF 958.19 FEET;
2. N60°38'25"W A DISTANCE OF 314.83 FEET;
3. N83°12'34"W A DISTANCE OF 466.58 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,452,072 SQUARE FEET OR 33.3350 ACRES.

<u>PARCEL 2</u>
FIVE PARCELS OF LAND BEING PORTIONS OF TRACT F, A VACATION AND REPLAT OF LOTS 496-500 WOODMOOR GREENS RECORDED IN BOOK W-2 AT PAGE 26, TRACT F WOODMOOR GREENS RECORDED IN BOOK U-2 AT PAGE 51 AND TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66 ALL IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6$^{TH}$ PRINCIPAL MERIDIAN, COUNTY OF

EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN THE 30.00' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 10377 1997 30.00 WC" AND THE 30.0' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED BY A 1-1/2" ALUMINUM CAP STAMPED "LS 2692",SAID LINE BEARING S89°54'49"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

PARCEL 2-4 (TSN 7124202239)
COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N27°54'57"E A DISTANCE OF 1420.57 FEET, TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED IN THE TRUSTEE'S DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE PERIMETER OF SAID PROPERTY THE FOLLOWING SEVEN (7) COURSES:

1. N52°15'31"W A DISTANCE OF 7.98 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 52°42'18" AND AN ARC LENGTH OF 395.55 FEET, TO A POINT OF TANGENT;
3. N00°26'47"E A DISTANCE OF 266.67 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1470.00 FEET, A CENTRAL ANGLE OF 08°35'03" AND AN ARC LENGTH OF 220.24 FEET, TO A POINT OF TANGENT;
5. N08°08'16"W A DISTANCE OF 85.83 FEET;
6. S85°02'46"W A DISTANCE OF 42.49 FEET, TO A POINT OF NON-TANGENT CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N58°14'45"W, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 105°01'39" AND AN ARC LENGTH OF 91.65 FEET, TO A POINT OF NON-TANGENT,

THENCE DEPARTING SAID PROPERTY THE FOLLOWING TWO (2) COURSES:

1. N84°03'34"E A DISTANCE OF 224.55 FEET;
2. S05°52'43"E A DISTANCE OF 936.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 101,309 SQUARE FEET OR 2.3257 ACRES.

PARCEL 2-5 (TSN 7124202240)
COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N50°42'25"E A DISTANCE OF 1617.14 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERLEAF ROAD, SAID POINT BEING ON THE NORTHERLY LINE OF THAT PROPERTY DESCRIBED IN THE TRUSTEE'S DEED RECORDED UNDER RECEPTION NO. 211111394 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ON THE NORTHERLY LINE OF SAID PROPERTY THE FOLLOWING FOUR (4) COURSES:

1. S58°10'49"W A DISTANCE OF 124.49 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 01°14'02" AND AN ARC LENGTH OF 16.80 FEET, TO A POINT OF TANGENT;
3. S59°24'51"W A DISTANCE OF 103.30 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S62°26'34"W, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 23°19'20" AND AN ARC LENGTH OF 232.02 FEET, TO A POINT OF NON-TANGENT;

THENCE DEPARTING SAID NORTHERLY PROPERTY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N28°37'11"E A DISTANCE OF 67.40 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 345.00 FEET, A CENTRAL ANGLE OF 26°50'54" AND AN ARC LENGTH OF 161.66 FEET, TO A POINT OF NON-TANGENT;
3. S34°31'56"E A DISTANCE OF 115.00 FEET, TO A POINT OF NON-TANGENT CURVE;

4. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S34°31'56"E, HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 19°25'04" AND AN ARC LENGTH OF 77.95 FEET, TO A POINT OF TANGENT;
5. N74°53'09"E A DISTANCE OF 8.95 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERLEAF ROAD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N80°18'27"E, HAVING A RADIUS OF 410.00 FEET, A CENTRAL ANGLE OF 25°57'10" AND AN ARC LENGTH OF 185.71 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 67,905 SQUARE FEET OR 1.5589 ACRES.