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El Paso County, CO



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RESOLUTION NO. 20-473

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE ESTATES AT ROLLING HILLS FILING NO. 2 MAP AMENDMENT (REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-20-004)

WHEREAS Meridian Ranch Investments did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the conceptual PUD (Planned Unit Development) zoning district to the site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 3, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application and supporting PUD Development Plan; and

WHEREAS, a public hearing was held by this Board on December 22, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

- 1. The application was properly submitted for consideration by the Board of County Commissioners.**
- 2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.**
- 3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters**

and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
5. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Land Development Code.
6. The proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
7. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
8. The proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
9. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
10. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
13. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.

14. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.
15. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
16. The owner has authorized the application.
17. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
18. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
19. Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
20. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
21. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
22. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
23. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
24. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

25. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

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

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

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the conceptual PUD (Planned Unit Development) zoning district to the site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby approves the PUD Development Plan as a preliminary plan.

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

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code;
- or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

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The applicant requests the following modification(s) of the LDC:

A PUD Modification of Section 8.4.3.B.2 of the LDC is requested with this application in relation to the requirement to provide midblock pedestrian crossings at specific locations.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. The applicant has depicted a sidewalk design and layout that accommodates ADA accessibility for pedestrians throughout the proposed PUD/Preliminary plan.

The applicant is requesting the following modification(s) of the ECM:

1. The applicant is requesting a PUD modification to Section 2.5.2.C.4 of the ECM to omit midblock pedestrian crossings on Rex Road, Crescent Creek Drive, Sunrise Ridge Drive and Highland Crest Drive.

Section 2.5.2.C.4 states: "Access ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block access ramps shall be provided at spacing that minimize travel distances between access ramps."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD Modification. Per the PUD/Preliminary Plan, adequate pedestrian accessibility is provided by access ramps at all intersections. Additionally, the Federal Americans with Disabilities Act (ADA) has no requirements for maximum distance between pedestrian crossings that would necessitate mid-block pedestrian ramps.

2. The applicant has submitted a modification requesting a cul-de-sac length of 1,156 feet for Crescent Creek Drive, which is 406 feet longer than the ECM standard.

Section 2.3.8.A of the ECM states: "Cul-de-sacs shall have a minimum radius of 45 feet and a maximum length of 750 feet for urban conditions..."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification since the Falcon Fire Protection District has provided a letter of support for the proposed design.

3. The applicant is requesting a PUD modification to Section 2.2.4.B.3 and 2.3.2 of the ECM to construct the extension of Rex Road east of Sunrise Ridge Drive as a half section of urban minor arterial road in lieu of the entire 4-lane roadway section as identified in the current 2016 Major Transportation Corridors Plan.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD Modification. The half section provides continuity of the existing 2-lane Rex Road section west of Sunrise Ridge Drive. The developer is dedicating an 80-foot right-of-way with an additional 20-foot wide reservation within a tract to accommodate the future full width section when the County determines it is necessary to construct the full width section.

4. The applicant is requesting a PUD modification to Section 2.2.5.C of the ECM to provide an intersection spacing between the proposed Estate Ridge Drive and the future Rolling Ranch Drive that is less than what is prescribed in the ECM.

As identified in the current 2016 Major Transportation Corridors Plan, Rex Road has been reclassified as an urban minor arterial roadway. The ECM standard indicates a ¼ mile intersection spacing requirement. The proposed intersection spacing exceeds that of that of an urban residential collector roadway, which is 330 feet when intersecting local roadways.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification. The roadway will operate similar to an urban residential collector roadway in the short term and long term. The projected long term (2040) ADT is estimated to be 7,470 vehicles per day, which is below the threshold for an urban residential collector. Rex Road west of Sunrise Ridge has been approved as an urban residential collector roadway. As stated in item #3 above, the applicant will construct Rex Road east of Sunrise Ridge as a half section of urban minor arterial road

and provide right-of-way reservation to accommodate the full width of the urban minor arterial should it be needed in the future.

5. The applicant has submitted a modification requesting shortened left turn lane and taper lengths than what is prescribed in Section 2.3.7.E of the ECM for the left turn lanes on Rex Road at the proposed Estate Ridge Drive and the future Rolling Ranch Drive.

The proposed westbound left turn lane will be 190 feet and the eastbound left turn lane will be 185 feet with a 90-foot taper between the two lanes. ECM criteria indicates that these turn lanes should be 205 feet with a 160 foot taper.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification. The spacing between the two intersections does not allow for the full length of the left turn lanes. The submitted traffic study provided a queuing analysis that indicated that the projected queues at these intersections could be accommodated with the proposed configuration.

Staff recommends that the deviation requests associated with the PUD (Planned Unit Development) Modifications from the ECM, as prepared, are acceptable contingent upon the approval of the PUD Modifications by the Board of County Commissioners.

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.

4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.

NOTATIONS

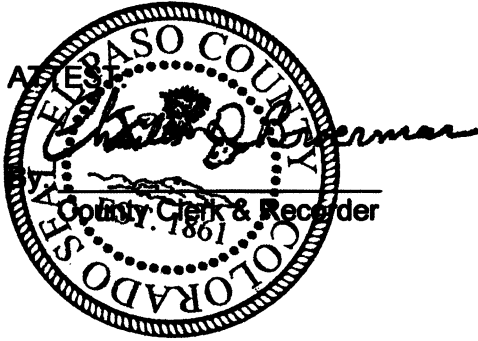
1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year 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.
3. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.
4. The development is subject to payment of traffic impact fees to the Woodmen Road Metropolitan District. Pursuant to Board Resolution 13-041, resolution adopting the first amendment to the intergovernmental agreement concerning Woodmen Road, final plat approvals through December 31, 2020 are not subject to participation in the El Paso County

Road Impact Fee Program, but will instead trigger payment of fees to the Woodmen Road Metropolitan District. Final plat approvals within the period beginning January 1, 2021 and ending on December 31, 2027 will be subject to payment of traffic impact fees to the County.

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

DONE THIS 22nd day of December, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO



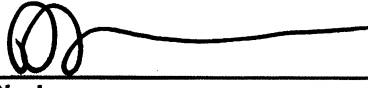
By: 
Chair

EXHIBIT A

KNOW ALL MEN BY THESE PRESENTS:
THAT GTL, INC. DBA GTL DEVELOPMENT, INC., THEODORE TCHANG,
PRESIDENT AND MERIDIAN SERVICE METROPOLITAN DISTRICT BEING
THE OWNERS OF THE FOLLOWING DESCRIBED TRACTS OF LAND:

A PARCEL OF LAND LOCATED IN A PORTIONS OF SECTION 19 AND 20,
IN TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL
MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERN MOST CORNER OF TRACT B OF THE
ESTATES AT ROLLING HILLS RANCH FILING NO. 1, RECORDED WITH
RECEPTION NO. _____ IN THE RECORDS OF EL PASO COUNTY,
POINT BEING ON THE NORTHEAST 1/4 OF SAID SECTION 19;

1. THENCE S89°18'07"E ALONG SAID SECTION 19 A DISTANCE OF 40.70 FEET TO THE NORTHWEST CORNER OF SAID SECTION 20;
2. THENCE S89°25'43"E, ALONG THE NORTHERN LINE OF SAID SECTION 20 A DISTANCE OF 2532.88 FEET;
3. THENCE S00°34'17"W A DISTANCE OF 340.00 FEET;
4. THENCE S06°47'53"E A DISTANCE OF 290.00 FEET;
5. THENCE S11°14'55"E A DISTANCE OF 525.00 FEET;
6. THENCE N82°33'58"W A DISTANCE OF 235.05 FEET;
7. THENCE S07°26'02"W A DISTANCE OF 480.00 FEET;
8. THENCE N82°33'58"W A DISTANCE OF 168.00 FEET;
9. THENCE S07°26'02"W A DISTANCE OF 60.00 FEET;
10. THENCE S52°26'02"W A DISTANCE OF 31.11 FEET;
11. THENCE S07°26'02"W A DISTANCE OF 336.00 FEET;
12. THENCE S37°33'58"E A DISTANCE OF 31.11 FEET;
13. THENCE S07°26'02"W A DISTANCE OF 60.00 FEET;
14. THENCE S52°26'02"W A DISTANCE OF 31.11 FEET;
15. THENCE S07°26'02"W A DISTANCE OF 196.00 FEET;
16. THENCE S37°33'58"E A DISTANCE OF 31.11 FEET;
17. THENCE S07°26'02"W A DISTANCE OF 80.00 FEET;
18. THENCE N82°33'58"W A DISTANCE OF 518.76 FEET TO A CURVE TO THE LEFT;
19. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 7440.00 FEET, A DELTA ANGLE OF 00°18'41", AN ARC LENGTH OF 40.44 FEET, WHOSE LONG CHORD BEARS N82°43'19"W A DISTANCE OF 40.44 FEET;
20. THENCE S51°52'47"W A DISTANCE OF 31.03 FEET;
21. THENCE N83°16'41"W A DISTANCE OF 60.00 FEET;

22. THENCE N38°26'09"W A DISTANCE OF 31.03 FEET TO A NON-TANGENT CURVE TO THE LEFT;
 23. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 7440.00 FEET, A DELTA ANGLE OF 02°14'02", AN ARC LENGTH OF 290.08 FEET, WHOSE LONG CHORD BEARS N84°47'44"W A DISTANCE OF 290.06 FEET;
 24. THENCE N85°54'45"W A DISTANCE OF 400.64 FEET TO A CURVE TO THE LEFT;
 25. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 06°09'39", AN ARC LENGTH OF 96.77 FEET, WHOSE LONG CHORD BEARS N88°59'34"W A DISTANCE OF 96.73 FEET;
 26. THENCE S87°55'36"E A DISTANCE OF 348.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID THE ESTATES AT ROLLING HILLS RANCH FILING NO. 1;
- THE FOLLOWING FOURTEEN (14) COURSES ARE ON SAID BOUNDARY LINE:
27. THENCE N02°04'24"W A DISTANCE OF 100.00 FEET;
 28. THENCE N47°04'24"W A DISTANCE OF 31.11 FEET;
 29. THENCE N02°04'24"W A DISTANCE OF 45.00 FEET TO A CURVE TO THE RIGHT;
 30. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 220.00 FEET, A DELTA ANGLE OF 40°46'08", AN ARC LENGTH OF 156.54 FEET, WHOSE LONG CHORD BEARS N18°18'40"E A DISTANCE OF 153.26 FEET;
 31. THENCE N38°41'44"E A DISTANCE OF 231.44 FEET;
 32. THENCE N51°18'16"W A DISTANCE OF 60.00 FEET;
 33. THENCE S83°41'44"W A DISTANCE OF 31.11 FEET;
 34. THENCE N51°18'16"W A DISTANCE OF 170.23 FEET;
 35. THENCE N38°41'44"E A DISTANCE OF 150.00 FEET;
 36. THENCE N00°00'00"E A DISTANCE OF 254.85 FEET;
 37. THENCE N30°02'34"W A DISTANCE OF 180.68 FEET;
 38. THENCE N35°00'00"W A DISTANCE OF 540.00 FEET;
 39. THENCE N00°00'00"E A DISTANCE OF 232.89 FEET;
 40. THENCE N00°00'00"E A DISTANCE OF 108.00 FEET;
 41. THENCE N00°00'00"E A DISTANCE OF 332.03 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL OF LAND CONTAINS 117.211 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SW ¼ OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., ASSUMED TO BEAR S89°25'42"E FROM THE SOUTHWEST CORNER OF SAID SECTION 29 (A STONE W/SCRIBED "X") TO THE SOUTH QUARTER CORNER OF SAID SECTION 29 (3.25" ALUM. CAP LS #30087).