

MAP AMENDMENT (REZONING) TO PLANNED UNIT DEVELOPMENT (PUD) AND PRELIMINARY PLAN  
(RECOMMEND APPROVAL)

MRKEWICH moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP2210  
THE ESTATES AT CATHEDRAL PINES

WHEREAS, Villagree Development, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district with a Preliminary Plan proposing 8 single-family residential lots, 2 open space tracts providing 2.5 acres of open space provisions, 2.3 acres of easements for open space preservation, and 1 private road tract; and

WHEREAS, a public hearing was held by this Commission on August 15, 2024; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. 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.

WHEREAS, the Planning Commission and Board of County Commissioners shall determine that the request meets the criteria for approval outlined in Sections 4.2.6 and Section 7.2.1 of the El Paso County Land Development Code ("Code") (as amended):

1. The proposed PUD district zoning advances the stated purposes set forth in Chapter 4 of the Code.
2. The application is in general conformity with the Master Plan;
3. The proposed development is in compliance with the requirements of the Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
4. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;
5. The proposed development 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 which may include innovative treatments of use to use relationships;
6. The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;

9. 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;
10. 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;
11. 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;
12. Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
13. The owner has authorized the application.

WHEREAS, the applicants have requested the proposed PUD be reviewed and considered as a Preliminary Plan, the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code ("Code") (as amended) requires the Planning Commission and the Board of County Commissioners find that the following additional criteria for approval have also been met:

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
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 the Code;
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 the Code;

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)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;
8. The location and design of the public improvements proposed in connection with the Subdivision are adequate to serve the needs and mitigate the effects of the development;
9. 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 the Code and the ECM;
10. 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; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the Subdivision to provide a transition between the Subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed Subdivision so the proposed Subdivision will not negatively impact the levels of service of County services and facilities;
11. Necessary services, including police and protection, recreation, utilities, open space, and transportation systems are or will be available to serve the proposed Subdivision;
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

WHEREAS, 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 Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Villagree Development, LLC for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the

RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district with a Preliminary Plan proposing 8 single-family residential lots, 2 open space tracts providing 2.5 acres of open space provisions, 2.3 acres of easements for open space preservation, and 1 private road tract be approved by the Board of County Commissioners with the following conditions and notations:

#### 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.
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 any Final Plat approvals.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/29/2023, as provided by the County Attorney's Office.

#### 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. 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.
- 4. Preliminary Plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
- 5. 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.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the Planned Unit Development (PUD) as a Preliminary Plan of the Estates at Cathedral Pines Subdivision.

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

Brittain - Jack seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 15th day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Chair

EXHIBIT A

**PROPERTY DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 9132" AT THE SOUTH 1/4 CORNER AND A 2-1/2" ALUMINUM CAP STAMPED "LS 9132" AT THE CENTER 1/4 CORNER, SAID LINE BEARING N00°11'44"W AS SHOWN ON THE PLAT OF CATHEDRAL PINES SUBDIVISION FILING NO. 1 RECORDED UNDER RECEPTION NO. 205001738 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 2;

THENCE ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2, N01°11'44"W A DISTANCE OF 1583.77 FEET, TO A POINT ON THE WESTERLY LINE OF CATHEDRAL PINES SUBDIVISION FILING NO. 1 RECORDED UNDER RECEPTION NO. 205001738 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

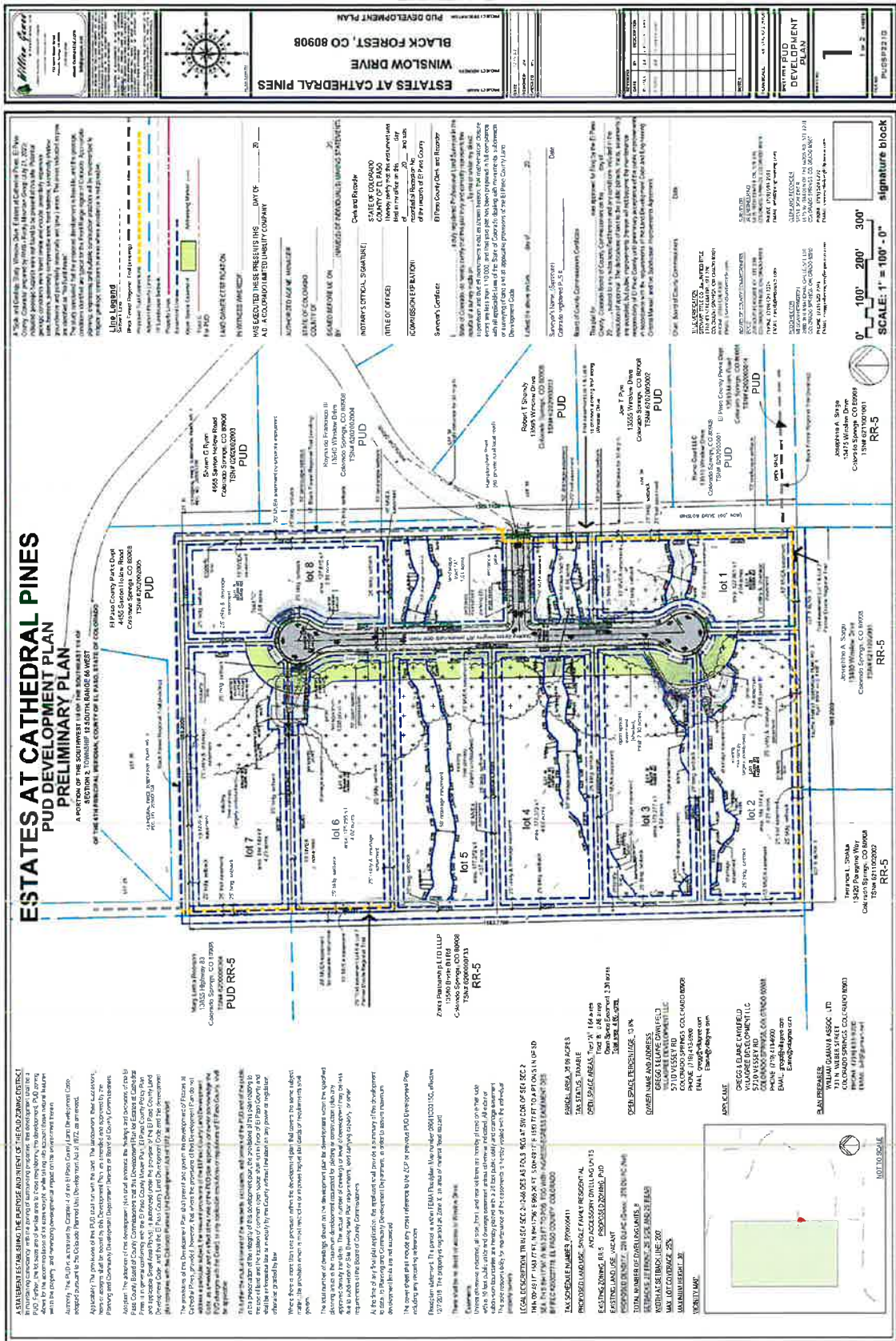
THENCE ON SAID WESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

1. N88°55'55"E A DISTANCE OF 965.20 FEET;
2. S01°11'44"E A DISTANCE OF 1583.77 FEET, TO A POINT ON THE NORTHERLY LINE OF FALCON FOREST SUBDIVISION FILING NO. 2 RECORDED IN PLAT BOOK H-2 AT PAGE 5;

THENCE ON THE NORTHERLY LINE OF SAID FALCON FOREST SUBDIVISION FILING NO. 2, S88°55'55"W A DISTANCE OF 965.20 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,528,651 SQUARE FEET OR 35.0930 ACRES.

# EXHIBIT B



**A STATEMENT EXAMINING THE PURPOSE AND MEANS OF THE PUD ZONING DISTRICT**  
 In providing a preliminary plan for the proposed PUD, the applicant has provided a description of the proposed development and the means by which the development will be managed. The applicant has also provided a description of the proposed development and the means by which the development will be managed. The applicant has also provided a description of the proposed development and the means by which the development will be managed.

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**APPLICANT:**  
 MAYOR, INC.  
 1711 W. WILSON STREET  
 COLORADO SPRINGS, COLORADO 80905  
 PHONE: 719.442.4444  
 FAX: 719.442.4444

**PREPARED BY:**  
 GREGG CLARK CAMPBELL  
 VILLAGE DEVELOPMENT LLC  
 5720 W. SHELBY RD.  
 COLORADO SPRINGS, CO 80904  
 PHONE: 719.442.4444  
 FAX: 719.442.4444

**RECORDING INFORMATION:**  
 PUDSP2210  
 11/27/2012  
 11:27 AM