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El Paso County, CO



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RESOLUTION NO. 24-347

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

**APPROVAL OF PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
THE ESTATES AT CATHEDRAL PINES (PUDSP2210)**

WHEREAS, Villagree Development, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County and more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, in accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended) (hereinafter "Code"), A PUD Development Plan May be Approved as a Preliminary Plan, the applicants are also requesting the PUD development plan be approved as a Preliminary Plan with a finding of water sufficiency for water quality, dependability, and quantity; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 15, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject Planned Unit Development and Preliminary Plan; and

WHEREAS, a public hearing was held by this Board on September 12, 2024; and

WHEREAS, based upon the evidence presented, including 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. 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 District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Code.

5. The application is in general conformity with the El Paso County Master Plan.
6. The proposed development is in compliance with the requirements of this 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 which may include innovative treatments of use-to-use relationships.
9. 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.
10. 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 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.
16. The owner has authorized the application.

17. The proposed subdivision is in general conformance with the goals, objectives, and policies of the El Paso County Master Plan.
18. The subdivision is consistent with the purposes of the Code.
19. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
20. 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.
21. 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.
22. 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)].
23. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of the Code and the El Paso County Engineering Criteria Manual (hereinafter "ECM") are provided by the design.
24. 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.
25. 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.
26. 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.

27. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
28. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
29. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.
30. 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 RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that in accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended), the Board of County Commissioners hereby approves the PUD Development Plan as a Preliminary Plan.

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

CONDITIONS

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

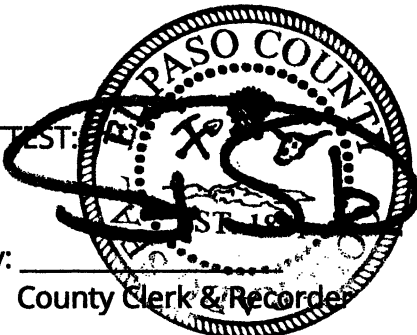
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of Final Plat(s) recordation.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/29/2023, as provided 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.

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

DONE THIS 12th day of September 2024 at Colorado Springs, Colorado.

ATTEST: 
By: _____
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

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.

