

MAP AMENDMENT (REZONING) – PLANNED UNIT DEVELOPMENT (PUD)
(RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-21-003

Trails at Aspen Ridge

WHEREAS, Cola, LLC, did file an application with the El Paso County Planning and Community Development Department to amend 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 to the PUD (Planned Unit Development) zoning district; and

WHEREAS, a public hearing was held by this Commission on May 20, 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 of El Paso County.
3. The hearing before the Planning Commission was extensive and complete, all pertinent facts, matters, and issues were submitted and reviewed, and all interested persons were heard at that hearing.
4. That all exhibits were received into evidence; and
5. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
6. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the El Paso County Land Development Code.

7. There has been a substantial change in the character of the area since the land was last zoned.
8. 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.
9. 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.
10. 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.
11. 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.
12. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
13. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
14. 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.
15. 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.
16. 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.
17. 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.
18. The owner has authorized the application.

19. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
20. 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.
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 Land Development 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.W. §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 Land Development Code and the Engineering Criteria Manual are provided by the design.
24. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
25. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
26. 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.
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 that the Planning Commission recommends approval of the application to amend the EL Paso County Zoning Map to rezone rezone property to the PUD (Planned Unit Development) zoning district.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the PUD Development Plan as a preliminary plan.

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

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, 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. Within one year of recording or upon buildout of Trails at Aspen Ridge Filing No. 2, whichever occurs first, Developer shall provide signal warrant analyses for the Bradley Road and Legacy Hill Drive intersection to the El Paso County Planning and Community Development Department and the Department of Public Works for review. If signal warrants are not met at that time, warrant analyses shall be updated every six (6) months thereafter unless otherwise changed in writing by the County Engineer. When signal warrants are met, and upon direction from the County Engineer, the improvements to the intersection shall be fully collateralized within one month, and construction started on the improvements within six (6) months.

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

Commissioner Brittain Jack seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 7 to 2 by the El Paso County Planning Commission, State of Colorado.

DATED: May 20, 2021



 Brian Risley, Chair

EXHIBIT A

A TRACT OF LAND LOCATED IN A PORTION OF THE WEST 1/2 OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 9; THENCE N00°19'32"W ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 9, A DISTANCE OF 1,600.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

- 1) THENCE N90°00'00"W A DISTANCE OF 511.94 FEET TO A POINT OF CURVE TO THE RIGHT;
- 2) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 690.00 FEET, A DELTA ANGLE OF 14°33'21", AN ARC LENGTH OF 175.29 FEET, WHOSE LONG CHORD BEARS N82°43'20"W A DISTANCE OF 174.82 FEET;
- 3) THENCE S14°33'21"W A DISTANCE OF 123.85 FEET;
- 4) THENCE S12°47'44"W A DISTANCE OF 80.40 FEET TO A POINT OF CURVE TO THE RIGHT;
- 5) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 92°52'44", AN ARC LENGTH OF 32.42 FEET, WHOSE LONG CHORD BEARS S59°14'18"W A DISTANCE OF 28.99 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT;
- 6) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 915.00 FEET, A DELTA ANGLE OF 00°20'29", AN ARC LENGTH OF 5.45 FEET, WHOSE LONG CHORD BEARS N74°09'06"W A DISTANCE OF 5.45 FEET;
- 7) THENCE S15°57'58"W A DISTANCE OF 50.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
- 8) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 965.00 FEET, A DELTA ANGLE OF 06°15'56", AN ARC LENGTH OF 105.53 FEET, WHOSE LONG CHORD BEARS N70°51'04"W A DISTANCE OF 105.47 FEET;
- 9) THENCE S00°00'00"W A DISTANCE OF 214.74 FEET;
- 10) THENCE S88°42'27"W A DISTANCE OF 110.10 FEET;
- 11) THENCE N01°25'17"W A DISTANCE OF 4.78 FEET;
- 12) THENCE S88°27'00"W A DISTANCE OF 160.00 FEET;
- 13) THENCE S00°08'37"W A DISTANCE OF 44.57 FEET;
- 14) THENCE S02°52'08"W A DISTANCE OF 44.56 FEET;
- 15) THENCE S05°32'45"W A DISTANCE OF 44.55 FEET;
- 16) THENCE S08°16'16"W A DISTANCE OF 44.55 FEET;
- 17) THENCE S10°58'49"W A DISTANCE OF 44.56 FEET;
- 18) THENCE S13°41'29"W A DISTANCE OF 44.57 FEET;
- 19) THENCE S17°04'35"W A DISTANCE OF 44.59 FEET;
- 20) THENCE S19°47'14"W A DISTANCE OF 44.56 FEET;
- 21) THENCE S22°29'47"W A DISTANCE OF 44.55 FEET;
- 22) THENCE S25°12'20"W A DISTANCE OF 44.55 FEET;
- 23) THENCE S27°14'20"W A DISTANCE OF 22.28 FEET;
- 24) THENCE S29°42'04"W A DISTANCE OF 49.02 FEET;
- 25) THENCE S35°26'44"W A DISTANCE OF 49.01 FEET;
- 26) THENCE S36°30'56"W A DISTANCE OF 116.64 FEET;
- 27) THENCE S32°43'04"W A DISTANCE OF 66.86 FEET;
- 28) THENCE S14°55'16"W A DISTANCE OF 66.77 FEET;
- 29) THENCE S00°26'25"E A DISTANCE OF 193.86 FEET;
- 30) THENCE S90°00'00"W A DISTANCE OF 159.90 FEET;
- 31) THENCE S00°00'00"E A DISTANCE OF 13.82 FEET;
- 32) THENCE S89°33'35"W A DISTANCE OF 110.00 FEET;
- 33) THENCE N00°26'25"W A DISTANCE OF 12.59 FEET;
- 34) THENCE S89°33'35"W A DISTANCE OF 160.00 FEET;
- 35) THENCE S00°26'25"E A DISTANCE OF 55.00 FEET TO A POINT OF CURVE TO THE RIGHT;

- 36) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A DELTA ANGLE OF 90°00'00", AN ARC LENGTH OF 31.42 FEET, WHOSE LONG CHORD BEARS S44°33'35"W A DISTANCE OF 28.28 FEET;
- 37) THENCE S89°33'35"W A DISTANCE OF 358.00 FEET TO A POINT OF CURVE TO THE RIGHT;
- 38) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 27.00 FEET, A DELTA ANGLE OF 89°57'15", AN ARC LENGTH OF 42.39 FEET, WHOSE LONG CHORD BEARS N45°27'48"W A DISTANCE OF 38.17 FEET;
- 39) THENCE N00°29'10"W A DISTANCE OF 20.98 FEET;
- 40) THENCE S89°30'50"W A DISTANCE OF 224.98 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 21, AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;
- 41) THENCE N00°29'10"W ON SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,691.70 FEET;
- 42) THENCE S90°00'00"E A DISTANCE OF 515.00 FEET;
- 43) THENCE N00°00'00"E A DISTANCE OF 148.75 FEET TO A NON-TANGENT CURVE TO THE LEFT;
- 44) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 260.00 FEET, A DELTA ANGLE OF 13°32'37", AN ARC LENGTH OF 61.46 FEET, WHOSE LONG CHORD BEARS N28°47'53"E A DISTANCE OF 61.32 FEET;
- 45) THENCE N22°01'36"E A DISTANCE OF 538.12 FEET TO A POINT OF CURVE TO THE RIGHT;
- 46) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 410.00 FEET, A DELTA ANGLE OF 52°19'12", AN ARC LENGTH OF 374.39 FEET, WHOSE LONG CHORD BEARS N48°11'12"E A DISTANCE OF 361.52 FEET;
- 47) THENCE N74°20'48"E A DISTANCE OF 525.87 FEET;
- 48) THENCE N15°39'12"W A DISTANCE OF 470.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING THREE (3) COURSES FOLLOW SAID SOUTHERLY RIGHT-OF-WAY LINE:

- 49) THENCE N74°20'48"E A DISTANCE OF 385.15 FEET TO A POINT OF CURVE TO THE RIGHT;
- 50) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,759.79 FEET, A DELTA ANGLE OF 15°09'41", AN ARC LENGTH OF 730.29 FEET, WHOSE LONG CHORD BEARS N81°55'39"E A DISTANCE OF 728.16 FEET;
- 51) THENCE N89°30'29"E A DISTANCE OF 3.77 FEET TO A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 9;
- 52) THENCE S00°19'32"E A DISTANCE OF 2,038.35 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 5,139,369 SQUARE FEET OR 117.984 ACRES, MORE OR LESS.