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RESOLUTION NO. 20- 278

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE CREEKSIDE SOUTH AT LORSON RANCH MAP AMENDMENT (REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-20-001)

WHEREAS Lorson, LLC Nominee for Murray Fountain, 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, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from an overall zoning and conceptual PUD (Planned Unit Development) zoning district to a 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 July 7, 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 July 28, 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 an overall zoning and conceptual PUD (Planned Unit Development) zoning district to a 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 modifications, 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 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. The 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, 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. The developer shall obtain approval of the necessary pre-development site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
8. Access to Creekside South at Lorson Ranch requires construction of Trappe Drive and the other roads within Lorson Ranch East Filing No. 4 south of Lorson Boulevard, which construction shall be completed or collateral provided for the incomplete portions, and the plat for Lorson Ranch East Filing No. 4 recorded prior to recording any final plat within Creekside South at Lorson Ranch.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director pursuant to Section 7.2.1.3.D of the Land Development Code.
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.

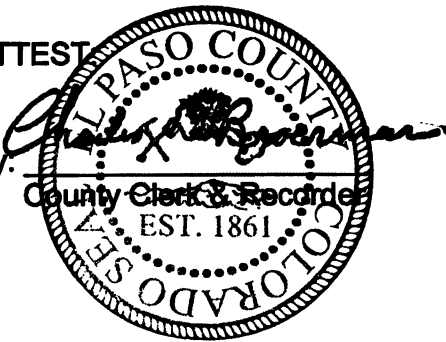
DONE THIS 28th day of July, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST

By: _____

County Clerk & Recorder
EST. 1861



By: _____

Chair

EXHIBIT A

A PARCEL OF LAND IN THE NORTH HALF (N1/2) OF SECTION 23, T15S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING:

THE EAST-WEST CENTERLINE OF SAID SECTION 23 BEING MONUMENTED AT THE WEST QUARTER CORNER OF SAID SECTION WITH A FOUND NO. 6 REBAR, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 23 MONUMENTED WITH AN ALUMINUM CAP STAMPED "PLS NO. 31161", BEARS N89°41'54"E A DISTANCE OF 5319.46 FEET, TO WHICH LINE ALL BEARINGS IN THIS LEGAL DESCRIPTION ARE RELATIVE;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23; THENCE N89°41'54"E ALONG THE CENTERLINE OF SAID SECTION 892.24 FEET TO THE SOUTHEAST CORNER OF "CREEKSIDE AT LORSON RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO.

_____, IN THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF "CREEKSIDE AT LORSON RANCH FILING NO. 1" THE FOLLOWING TWENTY-TWO (22) COURSES;

- 1) THENCE N36°43'29"E A DISTANCE OF 311.41 FEET;
- 2) THENCE N28°55'26"E A DISTANCE OF 265.02 FEET;
- 3) THENCE S77°01'58"E A DISTANCE OF 350.83 FEET;
- 4) THENCE N83°30'09"E A DISTANCE OF 446.06 FEET;
- 5) THENCE N16°26'24"E A DISTANCE OF 116.82 FEET TO A POINT OF CURVE;
- 6) THENCE 281.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 74°59'26", THE CHORD OF 261.74 FEET BEARS N53°56'07"E TO A POINT OF TANGENT
- 7) THENCE S88°34'10"E A DISTANCE OF 160.16 FEET;
- 8) THENCE S44°43'03"E A DISTANCE OF 230.04 FEET;
- 9) THENCE S65°32'01"E A DISTANCE OF 188.46 FEET;
- 10) THENCE N85°20'33"E A DISTANCE OF 169.20 FEET;
- 11) THENCE N17°08'25"E A DISTANCE OF 123.42 FEET;
- 12) THENCE N60°55'25"E A DISTANCE OF 219.41 FEET;
- 13) THENCE N77°50'20"E A DISTANCE OF 405.01 FEET;
- 14) THENCE S82°16'06"E A DISTANCE OF 188.62 FEET;
- 15) THENCE N76°28'55"E A DISTANCE OF 247.86 FEET;
- 16) THENCE N31°05'09"E A DISTANCE OF 90.00 FEET;

17)THENCE N58°54'51"W A DISTANCE OF 4.71 FEET;
18)THENCE N31°55'05"E A DISTANCE OF 182.34 FEET;
19)THENCE N11°17'09"E A DISTANCE OF 285.14 FEET;
20)THENCE N00°29'43"E A DISTANCE OF 173.06 FEET;
21)THENCE N11°46'57"E A DISTANCE OF 127.69 FEET;
22)THENCE N21°18'01"E A DISTANCE OF 20.20 FEET TO THE
SOUTHERLY RIGHT-OF-WAY LINE OF LORSON BOULEVARD AS
SHOWN IN THE PLAT OF " LORSON RANCH EAST FILING NO. 1" AS
RECORDED UNDER RECEPTION NO. 219714288 IN THE RECORDS OF
EL PASO COUNTY, COLORADO;

THENCE ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES:

- 1) THENCE S86°49'28"E A DISTANCE OF 128.25 FEET;
- 2) THENCE N89°35'58"EA DISTANCE OF 125.90 FEET;
- 3) THENCE S47°05'26"E A DISTANCE OF 38.26 FEET;
- 4) THENCE S00°24'02"E A DISTANCE OF 38.12 FEET TO A POINT ON THE
WEST LINE OF THAT PARCEL DESCRIBED IN A WARRANTY DEED
UNDER RECEPTION NO. 217154370 IN THE EL PASO COUNTY
RECORDS;

THENCE ALONG THE WEST LINES OF SAID PARCEL THE FOLLOWING
FOUR (4) COURSES;

- 1) THENCE S00°24'02"E A DISTANCE OF 429.71 FEET TO A POINT OF
CURVE;
- 2) THENCE 538.03 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
SAID CURVE HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE
OF 51°48'35", THE CHORD OF 519.88 FEET BEARS S26°18'20"E TO A
POINT OF TANGENT;
- 3) THENCE S52°12'37"E A DISTANCE OF 365.17 FEET TO A POINT ON A
TANGENT CURVE;
- 4) THENCE 160.11 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
SAID CURVE HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE
OF 11°45'39", THE CHORD OF 159.83 FEET BEARS S58°05'27"E TO
THE WEST LINE OF THAT EASEMENT DESCRIBED IN BOOK 2665 AT
PAGE 715 OF THE EL PASO COUNTY RECORDS;

THENCE S38°22'41"W ALONG SAID EASEMENT LINE 250.28 FEET;
THENCE S00°19'53"E ALONG SAID EASEMENT LINE 168.88 FEET TO THE
EAST-WEST CENTERLINE OF SECTION 23;
THENCE S89°41'54"W ALONG SAID CENTERLINE 4073.30 FEET TO THE
POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 2,799,021 Sq. Ft.
(64.257 ACRES MORE OR LESS)