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**RESOLUTION NO. 18- 477**

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

**APPROVE PRELIMINARY PLAN REQUEST FOR SPACE VILLAGE FILING NO. 3**  
**(SP-17-009)**

WHEREAS, Olson Associates on behalf of Space Village Retail, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for Space Village Filing No. 3 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 20, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the subject application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on December 11, 2018; 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 Planning Commission and 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 the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

6. The subdivision is consistent with the purposes of the El Paso County Land Development Code.
7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
8. 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 statutory water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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.
10. 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)].
11. 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.
12. 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 encouraging 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 therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
13. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.

14. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
15. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
16. 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.
17. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
18. For the above-stated and other reasons, the proposed subdivision 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 El Paso County Board of County Commissioners of El Paso County, Colorado, hereby approves the request by Olsson Associates on behalf of Space Village Retail, LLC, for a preliminary plan of the Space Village Filing No. 3 Subdivision for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

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

**CONDITIONS**

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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 Division of 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 species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat

recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
6. No building permits shall be issued for any individual lot within the subdivision unless and until the required public improvements triggered by the development of that lot have been constructed and completed in accordance with the approved construction plans, preliminary acceptance of said public improvements has been received from El Paso County, and defect warranty collateral has been posted with the County. In the alternative, the owner of a particular lot may enter into a development agreement, in association with the required Site Development Plan, with El Paso County which will allow for the issuance of a building permit upon the provision of public improvement construction collateral.

#### NOTATIONS

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 11<sup>th</sup> day of December, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By:   
President



**EXHIBIT A**

A TRACT OF LAND LOCATED IN SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17, MONUMENTED BY A 3.25" ALUMINUM CAP "PLS 22573", FROM WHICH THE NORTH QUARTER CORNER MONUMENTED BY A 3.25" ALUMINUM CAP STAMPED "LS 13830", BEARS N89°43'09"E, A DISTANCE OF 2651.73 FEET (BASIS OF BEARINGS); THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, N89°43'09"E, A DISTANCE OF 215.38 FEET; THENCE S00°16'51"E, A DISTANCE OF 50.00 FEET TO THE NORTHWESTERLY CORNER OF AN UNPLATTED LOT AS DEPICTED AT RECEPTION NUMBER 201095074 AND THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, N89°43'09"E, A DISTANCE OF 194.35 FEET, PARALLEL WITH SAID NORTH LINE, TO THE NORTHWEST CORNER OF LOT 1, SPACE VILLAGE FILING NO. 2 AS DEPICTED IN PLAT BOOK B4 PAGE 177;

THENCE S00°16'19"E, A DISTANCE OF 160.89 FEET, DEPARTING SAID NORTH LINE, ALONG THE WEST LINE OF SAID LOT 1, TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE S00°16'19"E, A DISTANCE OF 83.74 FEET, DEPARTING SAID SOUTH LINE, ALONG AN EXTENSION OF SAID WEST LINE;

THENCE S53°01'03"W, A DISTANCE OF 33.08 FEET;

THENCE S89°46'09"W, A DISTANCE OF 113.34 FEET;

THENCE N38°14'49"W, A DISTANCE OF 23.36 FEET;

THENCE S89°43'21"W, A DISTANCE OF 223.75 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY OF PETERSON ROAD;

THENCE N00°43'21"W, A DISTANCE OF 45.92 FEET, ALONG THE SAID RIGHT OF WAY;

THENCE N42°20'43"E, A DISTANCE OF 271.74 FEET, TO THE POINT OF BEGINNING;

CONTAINING 1.769 ACRES OR 77,076 SQUARE FEET MORE OR LESS.