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RESOLUTION NO. 23-171

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

APPROVAL OF A PRELIMINARY PLAN FOR  
CATHEDRAL ROCK COMMONS COMMERCIAL (SP-22-001)

WHEREAS, Store Master Funding VIII, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the Cathedral Rock Commons Commercial 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 April 20, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the preliminary plan application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 16, 2023; 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That 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. That 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 reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

6. That the subdivision is in conformance with the subdivision design standards and any approved sketch plan.
7. That the subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. That 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.
9. That 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.
10. That 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)].
11. That 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. That 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.
13. That 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 Land Development Code and the Engineering Criteria Manual.
14. That 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.

15. That necessary services, including police and fire protection, recreation, utilities, open space, and transportation system are or will be available to serve the proposed subdivision.
16. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
17. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
18. That 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 the Board of County Commissioners of El Paso County, Colorado, hereby approves the preliminary plan application for the Cathedral Rock Commons Commercial Subdivision;

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. 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.
3. 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 19-471), 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.
4. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations (see attached letter) 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. 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.
3. 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.
4. Park and school fees are not applicable to commercial subdivisions.

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

DONE THIS 16th day of May 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_

County Clerk & Recorder



By: \_\_\_\_\_

Vice Chair

*Carmi J. Litch*



EXHIBIT A

"CATHEDRAL ROCK COMMONS COMMERCIAL"

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

LEGAL DESCRIPTION: A portion of the Northeast Quarter of the Southeast Quarter of Section 36, Township 11 South, Range 67 West of the 6th P.M., situate in El Paso County, Colorado, described as follows:

The Land referred to herein below is situated in the County of El Paso, State of Colorado, and is described as follows: A tract of land in the Northeast quarter of the Southwest quarter in Section 36, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at a point of intersection with the West line of said Northeast quarter of the Southwest quarter and the northeasterly line of a tract described by Deed to the Department of Highways, State of Colorado, recorded August 12, 1963 in Book 1969 at Page 746 under Reception No. 301954 of the records of El Paso County, Colorado; thence N00°39'12"E on said West line, 745.58 feet to the most westerly corner of Lot 28, Chaparral Hills, as recorded in Plat Book T2 at Page 2 in the records of El Paso County, Colorado; thence S89°20'48"E, 485.53 feet to an angle point on the southerly line of said Lot 28; thence S40°33'06"E, 471.44 feet to a point of intersection with the northwesterly line of Spanish Bit Drive as platted in Chaparral Hills; thence along said northwesterly line of Spanish Bit Drive for the following five courses; S49°26'54"W, 227.19 feet to a point of curve; thence on a curve to the left, through a central angle of 14°19'10", having a radius of 530.00 feet, an arc distance of 132.46 feet; thence S35°07'44"W, 167.67 feet to a point of curve; thence on a curve to the right through a central angle of 29°52'41", having a radius of 470.00 feet, an arc distance of 245.09 feet; thence S65°00'25"W, 166.60 feet to a point of intersection with said recorded Department of Highways northeasterly line; thence N24°59'35"W, 250.13 feet to the point of beginning, except that portion conveyed by Special Warranty Deed recorded January 2, 2007 under Reception No. 207000187, County of El Paso, State of Colorado.

BEING THE SAME AS THAT PROPERTY ON ALTA/ACSM SURVEY BY DANIEL L. BOYD, FOR ALTA SURVEYS OF COLORADO INC., JOB NO. S15-64, SIGNED DECEMBER 2, 2015, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 36, Township 11 South, Range 67 West of the Sixth P.M. in El Paso County Colorado, more particularly described as follows:

Commencing from the southwest corner of Lot 27 Chaparral Hills, recorded in Plat Book T2 at Page 2, El Paso County records being the True Point of Beginning; S49°26'54"W along the northwesterly right of way line of Spanish Bit Drive as platted in said Chaparral Hills Subdivision, a distance of 227.19 feet to a point of curve; Thence continuing along said northerly right of way of said Spanish Bit Drive on a curve to the left having a central angle of 14°19'10", a radius of 530.00 feet and a length of 131.27 feet; Thence continuing along said right of way line S35°07'44"W, a distance of 167.67 feet to a point of curve; Thence continuing on the said right of way line through a curve to the right having a central angle of 29°52'41", a radius of 470.00 feet and a length of 242.19 feet; Thence continuing along said right of way of Spanish Bit Drive S65°00'25"W, a distance of 6.60 feet to a point on the northeasterly line of Struthers Road as described in a Special Warranty Deed recorded January 2, 2007 under Reception No. 207000187, El Paso County records; Thence along the easterly line of said Struthers right of way the following four courses;

1. N69°59'25"W, a distance of 70.71 feet;

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2. Thence N24°59'27", a distance of 115.63 feet;
3. Thence along a curve to the right having a central angle of 25°38'51", a radius of 880.00 feet and a length of 393.92 feet;
4. Thence N00°39'12"E, 392.80 feet to a point on the south line of Lot 28 of said Chaparral Hills; Thence S89°20'48"E, a distance of 435.53 feet to an angle point on the southerly line of said Lot 28, Thence S40°33'06"E along the southwesterly lines of said lots 28 and 27 a distance of 471.44 feet to the True Point of Beginning.

Containing 10.246 acres, more or less.