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El Paso County, CO



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RESOLUTION NO. 20- 422

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE HILLS AT LORSON RANCH MAP AMENDMENT (REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-20-003)

WHEREAS Love in Action, 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 the conceptual PUD (Planned Unit Development) zoning district to the 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 November 19, 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 December 8, 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 the conceptual PUD (Planned Unit Development) zoning district to the 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 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 fees 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. The developer shall participate in a fair and equitable manner in the design and construction of intersection improvements at the intersection of Fontaine Boulevard and Old Glory Drive, which shall be determined during the final plat review process.

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.
6. The license agreement for this project will require review and may require adjustments to the landscaping plan at the final plat stage; if minor revisions are necessary the PUD/SP plan will not require revision.
7. The developer has already met obligations to provide escrow for the anticipated traffic signal improvements at Marksheffel Road and Lorson Boulevard and will be required to construct that signal when warrants are met.
8. The developer shall participate in a fair and equitable manner in the design and construction of intersection improvements at the intersection of Fontaine Boulevard and Old Glory Drive, which shall be determined during the final plat review process.

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

DONE THIS 8th day of December, 2020, at Colorado Springs, Colorado.

ATTEST:
By: 
County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

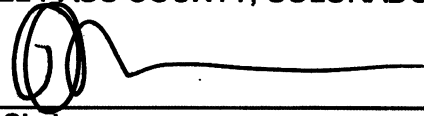
By: 
Chair

EXHIBIT A

A PARCEL OF LAND IN THE NORTH HALF (N 1/2) SECTION 24 AND IN THE SOUTH HALF (S 1/2) SECTION 13, T15S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF "LORSON RANCH EAST FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 219714285 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE N38°22'41"E ALONG THE EASTERLY LINE THEREOF AND ITS NORTHERLY EXTENSION, SAID LINE BEING THE NORTHWESTERLY LINE OF THAT 100 FOOT TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION INC. EASEMENT DESCRIBED IN BOOK 2665 PAGE 715 OF THE EL PASO COUNTY RECORDS, 1352.92 FEET TO THE SOUTHERLY CORNER OF THE MOUNTAIN VIEW ELECTRIC ASSOCIATION (MVEA) SUBSTATION AS RECORDED UNDER RECEPTION NO. 206041590;

THENCE CONTINUING N38°22'41"E ALONG THE SOUTHEASTERLY LINE OF SAID MVEA SUBSTATION, 295.16 FEET;

THENCE N38°22'41"E A DISTANCE OF 447.40 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FONTAINE BOULEVARD AS PLATTED IN "LORSON RANCH EAST FILING NO. 1"

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES;

(1) THENCE S70°06'29"E, A DISTANCE OF 34.95 FEET;

(2) THENCE N18°59'47"E, A DISTANCE OF 99.98 FEET;

(3) THENCE N38°22'35"E, A DISTANCE OF 0.03 FEET TO THE SOUTHWEST CORNER OF TRACT J, "LORSON RANCH EAST FILING NO. 1";

THENCE ALONG THE LINES OF SAID TRACT J THE FOLLOWING FOUR (4) COURSES;

(1) THENCE N38°22'35"E, ALONG THE EASTERLY LINE THEREOF 345.15 FEET;

(2) THENCE N58°24'10"W, A DISTANCE OF 314.29 FEET;

(3) THENCE N43°26'13"W, A DISTANCE OF 336.42 FEET;

(4) THENCE N0°00'00"E, A DISTANCE OF 440.98 FEET TO THE SOUTH LINE OF "LORSON RANCH EAST FILING NO. 3" AS RECORDED UNDER RECEPTION NO. 220714474 IN THE EL PASO COUNTY RECORDS;

THENCE ALONG THE SOUTHERLY LINES THEREOF THE FOLLOWING SIX (6) COURSES;

- (1) THENCE N87°26'51"E, A DISTANCE OF 11.92 FEET;
- (2) THENCE 304.57 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 704.79 FEET, A CENTRAL ANGLE OF 24°45'36", THE CHORD OF 302.21 FEET BEARS N75°30'05"E;
- (3) THENCE N63°33'19"E, A DISTANCE OF 194.38 FEET;
- (4) THENCE N67°51'09"E, A DISTANCE OF 113.39 FEET;
- (5) THENCE N65°49'40"E, A DISTANCE OF 232.85 FEET;
- (6) THENCE 90.04 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 533.00 FEET, A CENTRAL ANGLE OF 9°40'45", THE CHORD OF 89.94 FEET BEARS N21°59'18"W;

THENCE S57°31'41"E, A DISTANCE OF 30.77 FEET;
THENCE S22°54'14"E, A DISTANCE OF 56.00 FEET;
THENCE S7°28'57"W, A DISTANCE OF 33.43 FEET;
THENCE 213.93 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 533.00 FEET, A CENTRAL ANGLE OF 22°59'49", THE CHORD OF 212.50 FEET BEARS S40°31'27"E;
THENCE S52°01'21"E, A DISTANCE OF 254.46 FEET TO THE NORTHWESTERLY LINE OF AFORESAID 100 FOOT TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION INC. EASEMENT;

THENCE S37°58'39"W, ALONG SAID NORTHWESTERLY LINE 2.00 FEET;
THENCE S52°01'21"E, A DISTANCE OF 185.54 FEET;
THENCE 210.78 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 970.00 FEET, A CENTRAL ANGLE OF 12°27'02", THE CHORD OF 210.37 FEET BEARS S58°14'52"E;
THENCE S64°28'23"E, A DISTANCE OF 122.30 FEET;
THENCE N78°34'24"E, A DISTANCE OF 33.27 FEET;
THENCE S64°28'23"E, A DISTANCE OF 50.00 FEET;
THENCE S27°31'10"E, A DISTANCE OF 33.27 FEET;
THENCE S64°28'23"E, A DISTANCE OF 56.25 FEET;

THENCE 141.30 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 630.00 FEET, A CENTRAL ANGLE OF 12°51'04", THE CHORD OF 141.01 FEET BEARS S58°02'51"E;

THENCE S51°37'19"E, A DISTANCE OF 94.90 FEET;

THENCE N83°22'41"E, A DISTANCE OF 33.94 FEET;

THENCE S51°37'19"E, A DISTANCE OF 62.00 FEET;

THENCE S38°22'41"W, A DISTANCE OF 159.73 FEET;

THENCE 267.95 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 868.00 FEET, A CENTRAL ANGLE OF 17°41'14", THE CHORD OF 266.89 FEET BEARS S29°32'04"W;

THENCE S23°47'26"E, A DISTANCE OF 29.39 FEET;

THENCE S18°59'47"W, A DISTANCE OF 50.00 FEET;

THENCE S61°35'11"W, A DISTANCE OF 30.06 FEET;

THENCE S18°59'47"W, A DISTANCE OF 567.87 FEET;

THENCE S26°00'13"E, A DISTANCE OF 36.77 FEET;

THENCE S18°59'47"W, A DISTANCE OF 93.91 FEET;

THENCE S63°59'47"W, A DISTANCE OF 25.46 FEET;

THENCE S18°59'47"W, A DISTANCE OF 119.41 FEET;

THENCE S23°17'08"W, A DISTANCE OF 106.97 FEET;

THENCE S18°59'47"W, A DISTANCE OF 307.87 FEET;

THENCE S23°45'41"E, A DISTANCE OF 29.46 FEET;

THENCE S18°59'47"W, A DISTANCE OF 50.00 FEET;

THENCE S61°45'15"W, A DISTANCE OF 29.46 FEET;

THENCE S18°59'47"W, A DISTANCE OF 396.74 FEET;

THENCE S23°45'41"E, A DISTANCE OF 29.46 FEET;

THENCE S18°59'47"W, A DISTANCE OF 50.00 FEET;

THENCE S61°45'15"W, A DISTANCE OF 29.46 FEET;

THENCE S18°59'47"W, A DISTANCE OF 134.57 FEET;

THENCE 62.79 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,032.00 FEET, A CENTRAL ANGLE OF 3°29'10", THE CHORD OF 62.78 FEET BEARS S20°44'22"W;

THENCE S22°28'57"W, A DISTANCE OF 349.86 FEET;

THENCE 90.69 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 632.00 FEET, A CENTRAL ANGLE OF 8°13'18", THE CHORD OF 90.61 FEET BEARS S26°35'36"W;

THENCE S30°42'15"W, A DISTANCE OF 26.72 FEET;

THENCE S13°07'56"E, A DISTANCE OF 27.70 FEET;

THENCE S33°01'53"W, A DISTANCE OF 64.00 FEET;

THENCE N56°58'07"W, A DISTANCE OF 9.29 FEET;
THENCE 178.22 FEET ALONG A CURVE TO THE LEFT, SAID CURVE
HAVING A RADIUS OF 968.00 FEET, A CENTRAL ANGLE OF 10°32'56", THE
CHORD OF 177.97 FEET BEARS N62°14'35"W;
THENCE N67°31'03"W, A DISTANCE OF 789.35 FEET;
THENCE S73°54'03"W, A DISTANCE OF 32.07 FEET;
THENCE N67°31'03"W, A DISTANCE OF 50.00 FEET;
THENCE N28°50'34"W, A DISTANCE OF 32.01 FEET;
THENCE N67°31'03"W, A DISTANCE OF 263.79 FEET;
THENCE 226.85 FEET ALONG A CURVE TO THE LEFT, SAID CURVE
HAVING A RADIUS OF 568.00 FEET, A CENTRAL ANGLE OF 22°53'00", THE
CHORD OF 225.35 FEET BEARS N78°57'32"W;
THENCE S89°35'58"W, A DISTANCE OF 490.91 FEET TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 5,365,144 S.F. (123.167 ACRES
MORE OR LESS).