


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Nina Ruiz, Planning Manager
Gilbert LaForce, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: PUD-18-002
Project Name: Dancing Wolf
Parcel Nos.: 61220-03-020, 31220-03-035, 61220-04-002, 61220-04-001, and 61220-03-036

OWNER:	REPRESENTATIVE:
Multiple, see application attached	David & Alyce McElhoes 16605 Dancing Wolf Way Colorado Springs, CO 80908

Commissioner District: 1

Planning Commission Hearing Date:	12/16/2021
Board of County Commissioners Hearing Date	12/21/2021

EXECUTIVE SUMMARY

A request by David McElhoes, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) to amend the maximum density and to amend the permitted uses within the commercial area of the Dancing Wolf PUD. The applicants have submitted a concurrent application to vacate and replat five (5) lots into seven (7) lots. The 25.15-acres property is located at the northeast corner of the Highway 83 and Hodgen Road intersection and is within Section 22, Township 11 South, and Range 66 West of the 6th P.M.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: A request by David McElhoues, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) to amend the maximum density and minimum lot size in the residential area of the Dancing Wolf PUD and to amend the permitted uses within the commercial area of the PUD.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide

The applicants request the following modification(s) of the LDC:

A PUD Modification of Section 4.2.6.F.8.b of the Land Development Code (2021) is being requested, which requires a residential PUD to include a minimum of ten percent of the PUD as open space.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modification. The original PUD was approved at a time where the provision of open space was not required. Additionally, the PUD area is proposed to include rural residential development with ample space on each individual lot for private enjoyment of open space and outdoor recreation.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval

B. PLANNING COMMISSION SUMMARY- Information unavailable at the time of required posting.

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following criteria, as identified in Section 4.2.6.D of the El Paso County Land Development Code (2021), have been met to approve a PUD zoning district:

- The proposed PUD district zoning advances the stated purposes set forth in this section.
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this 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;
- 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;
- 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 which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;

- 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;
- 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;
- 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;
- Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

D. LOCATION

North: RR-2.5 (Residential Rural)	Vacant
South: PUD (Planned Unit Development)	Vacant
East: PUD (Planned Unit Development)	Residential
West: PUD (Planned Unit Development)	Residential

E. BACKGROUND

The property was initially zoned A-5 (Agricultural) on January 3, 1955 when zoning was initiated for this portion of El Paso County. Due to changes in the nomenclature of the Land Development Code, the A-5 zoning district has been renamed to the RR-5 (Residential Rural) zoning district. The land was then rezoned to PUD (Planned Unit Development) on September 10, 1998 (PCD file no. PUD-98-005). The PUD allowed for the creation of seven (7) residential lots and one (1) commercial lot. The PUD limited the number of lots to seven (7) residential lots and one (1) commercial lot with an overall residential density of one (1) dwelling unit per 4.59 acres. The uses allowed on the commercial lot were to remain in conformance with the NBD (Neighborhood Business District), excluding bars, mineral extraction, heavy industrial, gas station, and a convenience store, and did not include any language allowing the list of uses to change as the Land Development Code was amended. The NBD zoning district has been removed from the Code, but the PUD would follow the NBD in place at the time of approval.

The Dancing Wolf Estates Subdivision included the platting of the “Dancing Wolf Way” right-of-way. A portion of Dancing Wolf Way has been constructed and currently ends in a cul-de-sac. The Dancing Wolf Way cross-section was approved with the previous PUD and final plat. The anticipated increase in traffic generated by the amendment does not require any further analysis or improvement of the existing roadway conditions. The northern section of the right-of-way was never constructed. This portion of the right-of-way was to continue north, so as to be parallel with Highway 83 and to function as a frontage road. The Colorado Department of Transportation (CDOT) has indicated that this roadway connection is no longer desired. Several lot line adjustments have been approved and recorded throughout the years for the land included within the Dancing Wolf Estates PUD area, but the total number of residential lots has remained at seven (7).

The applicants have requested approval of a map amendment (rezone) to amend the previously approved Planned Unit Development (PUD) to allow for the vacation of the additional right-of-way, allow for 2 additional lots to be created for a total of nine (9) lots within the PUD area, and to allow for all uses within the CC (Commercial Community) zoning district, as amended, with bars, mineral extraction, heavy industrial, gas station, and convenience store being excluded. A vacation and replat is under concurrent review to allow for the creation of the additional proposed lots.

F. ANALYSIS

1. Land Development Code Analysis

The PUD development plan and development guidelines comply with Section 4.2.6 of the El Paso County Land Development Code (2018), except as otherwise altered by the requested PUD modification. This application meets the Planned Unit Development submittal requirements, the standards for Planned Unit Development in Chapter 4 of the Code.

2. Zoning Compliance

The PUD Development Plan provides allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and it establishes landscaping requirements.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. A finding of consistency with the Policy Plan was previously made

by the Board of County Commissioners with approval of a map amendment (rezone) from RR-5 (Residential Rural) to the PUD (Planned Unit Development) and with approval of the Dancing Wolf Estates Subdivision. The increase in density as a result of the additional lots causes a minimal increase in density. Therefore, the proposed map amendment is consistent with the findings of the prior approvals.

4. Small Area Plan Analysis

The property is included within the Black Forest Preservation Plan (1987), specifically Subarea 6, Northern Grasslands. A finding of consistency with the Plan was previously made by the Board of County Commissioners with approval of a map amendment (rezone) from RR-5 (Residential Rural) to the PUD (Planned Unit Development) and with approval of the Dancing Wolf Estates Subdivision. The increase in density as a result of the additional lots causes a minimal increase in density. Therefore, the proposed map amendment is consistent with the findings of the prior approvals.

The Black Forest Land Use Committee was sent a referral for the currently proposed development and provided a response recommending approval of the request.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. The Water Master Plan was adopted for implementation in February of 2019 and the map amendment (rezone) application was submitted in February of 2018; therefore, a finding of consistency with the Plan is not required.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Community Services, Environmental Division, was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace in the area of the subject parcels. A mineral rights certification was prepared by the applicants indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) depicts the Fox Run Primary Regional Trail on a portion of the southern boundary of the PUD development area. Additionally, a bike route is depicted along both Hodgen Road and Highway 83. The Park Advisory Board was sent a referral for the proposed map amendment (rezone) and provided comments indicating that no dedication would be required but that fees in lieu of land dedication in the amount of \$860 will be due at the time of recording the concurrently reviewed vacation and replat.

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the map amendment (rezoning) review.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

3. Floodplain

The development is not impacted by any designated 100-year floodplain (Zone X) as indicated by FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0285G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The development is located in the West Cherry Creek drainage basin (CYCY0400), which is an unstudied basin and has no applicable drainage or bridge fees.

The development generally drains to the north. Stormwater runoff is conveyed by an existing drainageway along the west side of Dancing Wolf Way. Water quality detention is excluded for the large lot single family sites per Section I.7.1.B.5 of the Engineering Criteria Manual ECM). On-site flood control detention was not required since the addition of two residential lots resulted in a negligible increase in runoff. The need for water quality and detention for the commercial lot will be assessed at the time of the site development plan. The drainage letter concludes that the project “will not have negative drainage impacts to the surrounding properties.”

5. Transportation

The MTCP does not depict roadway improvement projects in the immediate vicinity of the development.

The development is accessed from Hodgen Road, via Dancing Wolf Way. No roadway improvements are proposed or required with this zoning action as the previous roadway cross-section has been approved and the anticipated increase in traffic due to this action would not call for additional improvements or analysis. The applicants submitted a traffic memorandum addressing the criteria in ECM Section B.1.2.D for no traffic study.

Lots within the subdivision are subject to the El Paso County Road Impact Fee Program (Resolution 19-471). Fees for each lot shall be paid in full at the time of building permit issuance.

H. SERVICES

1. Water

Water for the existing single-family dwellings is provided by individual permitted wells. The proposed additional lots will be served by individual wells.

2. Sanitation

Sanitation for the existing single-family dwellings is provide by individual permitted onsite wastewater treatment systems (OWTS). The proposed additional lots will be served by OWTS.

3. Emergency Services

The property is within the Tri-Lakes-Monument Fire Protection District. The District was sent a referral for the map amendment (rezoning) and responded indicating that any new driveway will need to comply with Appendix D of the 2009 International Fire Code (IFC).

4. Utilities

Electrical service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy. They were both sent a referral for the map amendment and have no outstanding comments.

5. Metropolitan Districts

The area included in the map amendment (rezoning) is not within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

I. APPLICABLE RESOLUTIONS

See attached resolution

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 4.2.6 of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations:

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.

NOTATIONS

1. If a zoning or rezoning application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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.
2. 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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified fifteen (15) adjoining property owners on December 3, 2021, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Development Plan
Board of County Commissioners' Resolution

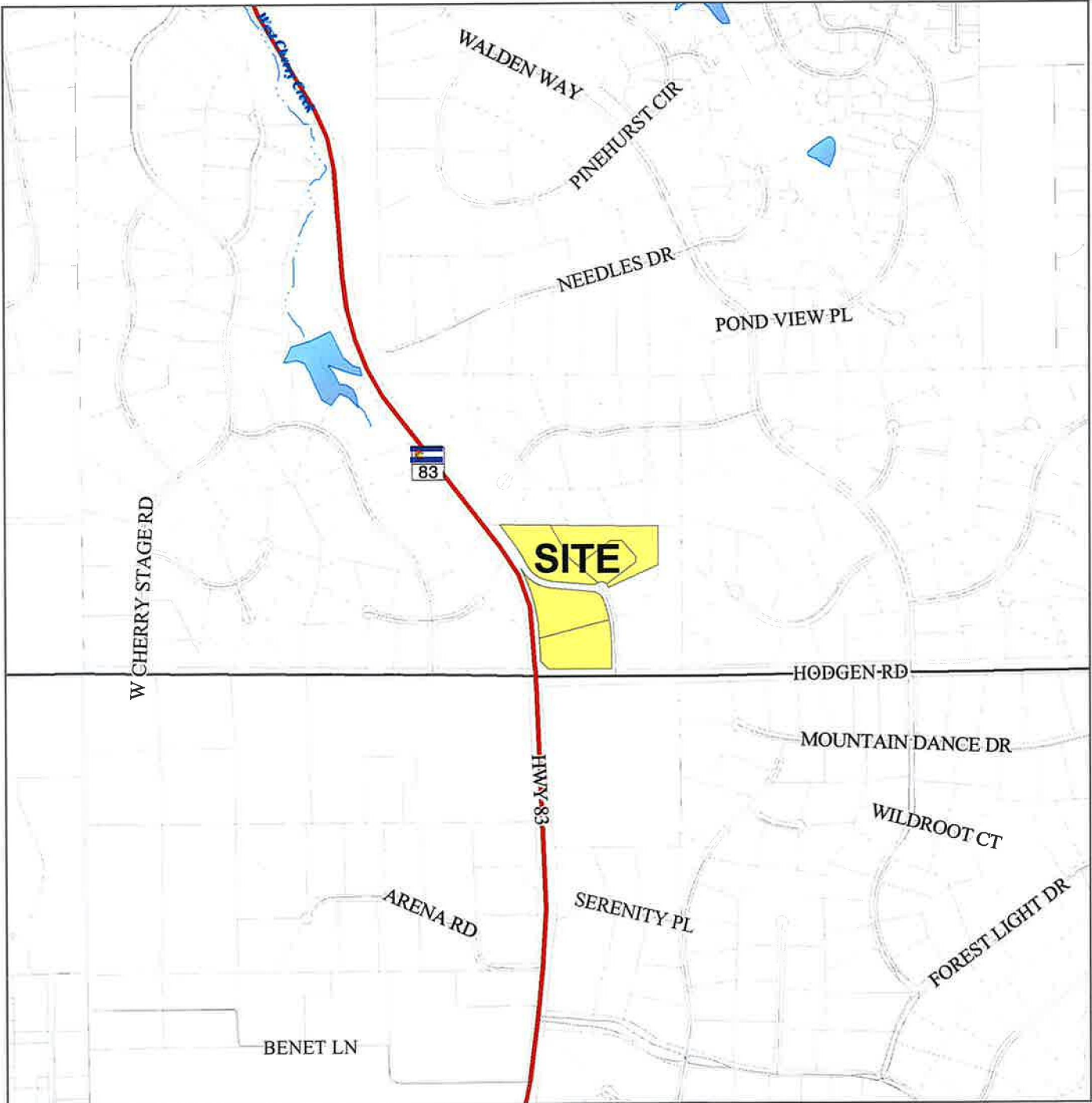
El Paso County Parcel Information

File Name: PUD-18-002

Zone Map No. --

Date: February 26, 2021

PARCEL	NAME
6122004001	MCELHOES DAVID B
6122004002	MCELHOES DAVID
6122003020	TELLO ROBERTO JR
6122003036	MCELHOES DAVID B
6122003035	FUSON JOSHUA



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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Date: February 5, 2018

Revised: August 1, 2020

Letter of Intent

Dancing Wolf PUD Amendment-18-002 and Vacation/Replat-18-002

Project Representative

David or Alyce McElhoes
16605 Dancing Wolf Way
Colorado Springs, CO 80908
719-337-8124 or 719-440-5390 (email: alyce@customcoloradohomes.com)

Owners	David & Alyce McElhoes 16605 Dancing Wolf Way Colorado Springs, CO 80908	Joshua & Ruth Anne Fuson 16615 Dancing Wolf Way Colorado Springs, CO 80908	Roberto Tello Jr 860 Daymist Ct Colorado Springs, CO 80916
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Site Location

Dancing Wolf Estates (DWE) is a 40 acre PUD subdivision located at the NE corner of Highway 83 and Hodgen Road in El Paso County. This PUD Amendment involves 25.16 acres within DWE. Black Forest Preservation Plan (BFPP) is the Small Area Plan that includes DWE within its boundaries. More specifically, Dancing Wolf Estates is within the Spruce Hill Corridor of the BFPP.

Request Overview

Request A: To amend the PUD to reduce the size of 2, 5+ acre parcels to 2.5+ acre parcels and update the PUD development uses and guidelines. Total acreage in this PUD amendment is 25.16 acres.

Request B: To vacate an existing ROW that was dedicated for a parcel of land to the north of DWE and replat lot lines as necessary for both the ROW vacation and division of the 5+ acre lots.

Justification

Conformance to the El Paso County Policy Plan (EPCPP) and Black Forest Preservation Plan (BFPP): Dancing Wolf Estates is a 40 acre PUD that was developed from a 40 acre parcel into 7- 5 acre lots in 1996; then in 1998 DWE was rezoned to a PUD, with a Community Commercial parcel (formerly called Neighborhood Business District). During the 1998 rezoning, one residential parcel was divided into 2-2.5 acre parcels. This PUD amendment and vacation/replat proposal is consistent with numerous policies and is overall consistent with the El Paso County Policy Plan and the Black Forest Preservation Plan (BFPP is addressed after the EPCPP justification below). Not all policies that are consistent with the EPCPP or BFPP are presented.

El Paso Count Policy Plan

REQUEST A: Divide 2- 5+ acre residential parcels into 2.5+ acre, define the Community Commercial Uses, and update the PUD development guidelines.

Policy 5.1.1 Encourage economic development that enhances a sense of community, provides vigor to the economy and considers the environment while contributing to the overall health of the County. **Smaller parcels within DWE will be more community oriented, more affordable for potential residents, and easier to maintain, especially related to noxious weeds that are common in our open areas. Commercial nodes spread out into the community reduces commuting distances between residential and commercial areas alleviating congestion in commercially heavy areas which is environmentally sound.**

Policy 6.1.3 Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. **At the time of the two original DWE submittals the land around DWE was undeveloped agricultural land. Now DWE adjoins 2.5 acre residential subdivisions on 3 sides, and a 39 acre PUD parcel on the 4th side that is not yet developed. Reducing the size of a majority of the lots within DWE will make the parcels more residential in nature and more consistent with neighboring subdivisions. There will be no change in covenants for residential structure requirements or building setbacks from Hodgen or Highway 83.**

Policy 6.1.11 Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses. **DWE would like a majority of the parcels to be smaller and encourage more residential uses of parcels, similar to adjoining properties both within and surrounding DWE.**

Policy 6.1.15 Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions. **As the parcels around DWE have been developed, 2.5 acre residential parcels have become the norm and yet there is still a very open and rural feel on the northern end of El Paso County. As growth has come to Northern El Paso County, 2.5 acre parcels are more desirable to potential residents.**

Policy 6.2.3 Encourage land use planning and design approaches which create or reinforce the neighborhood concept. **Due to weather conditions (frequently hostile on the Palmer Divide) and terrain issues, 5 acre parcels have made it difficult to have a neighborhood feel in DWE. The smaller parcels currently within DWE have encouraged enjoyable and helpful interactions among neighbors and we would like to promote that.**

Policy 6.2.7 Utilize the PUD (Planned Unit Development) zone district approach to allow for the accommodation of neighborhood-oriented design features. **DWE is already zoned a PUD and has a Community Commercial Site (CCS) (formerly known as Neighborhood Business District zoning on Lot 1.) and defining its uses better are necessary for the changing environment.**

Policy 6.3.6 Where feasible, when compatible and service level issues have been addressed; smaller commercial, office and institutional uses should be allowed to locate within, or convenient to, the residential neighborhoods they serve or complement. **The corner lot is zoned CCS for this reason and defined uses show better how it may be utilized**

Policy 6.3.9 Promote the multiple use combination of non-residential uses such as shopping, offices, government and education in a manner which maximizes the use of available infrastructure during weekdays, evenings and weekends. **Community Commercial Site (CCS) will better allow for a variety of different options, such as those listed above, when developed in the future. The square footage on the CCS is 7,000 sf. a similar structure size to many homes in the adjoining developments.**

Issue 6.4... And finally, some residents wish to maintain a rural life style by maintaining a number of grazing animals (horses) or domestic pets, while other residents do not. The County experiences many problems concerning neglect of animals, associated animal smells and noises, and overgrazing leading to the occurrence of noxious weeds. **When the majority of lots in DWE are reduced to 2.5+ acres, the covenants will restrict housing large animals, have reduced outside well water use, and require the planting of 4-6' pine trees. This will reduce mixed use dissent possibilities and restricts uses to be similar to the other 2.5+acre lots within DWE and the surrounding subdivisions.**

REQUEST B: The deeded ROW from 1996 for access to the land north of DWE, now known as Majestic Pines (MP), is no longer needed as MP accesses entirely through Blue Heron Springs Lane. Currently the ROW is unused and unmaintained. We are requesting this land be returned back to adjoining land owners.

Policy 6.2.2 Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel. **Eliminating an unnecessary ROW and allowing the land to return to adjoining owners assures it will be properly maintained and mowed to keep noxious weeds down. It also allows some of the ROW to be utilized for trails for the residents of DWE and, with additional land set aside by the original owners of DWE, trails will connect to the future County Regional Trail along Hodgen Road that was dedicated in the original plat in 1996. The natural no-build drainage easement running the length of DWE will also remain open and undeveloped.**

Policy 6.2.9 Discourage high volume traffic through neighborhoods by use of innovative techniques including traffic calming. **Eliminating the unnecessary ROW ensures Dancing Wolf Way will stay a quiet, low use, cul-de-sac that serves just the residents within DWE.**

Policy 8.2.4 Encourage the use of a coordinated County-wide approach in all applicable parks, trails and open space planning efforts. **Part of the ROW will be used for trails connection to the existing trail easement along Hodgen. This supports the El Paso County Health suggestion for planned walk-ability of residential communities. Walk-ability features help in the effort to reduce obesity and associated heart diseases.**

Policy 9.2.3 Strictly limit direct access onto major transportation corridors in order to preserve their functional capacity. **There will be no additional roads or access points other than the existing Dancing Wolf Way which only accesses Hodgen.**

Black Forest Preservation Plan: Requests A & B

The Black Forest Preservation Plan (BFPP) is a Small Area Plan that includes Dancing Wolf Estates within its boundaries. More specifically, Dancing Wolf Estates falls within the Spruce Hill/Highway 83 Corridor. Applied holistically, Dancing Wolf Estates PUD Amendment is in keeping with the overall plan, spirit and intent of the Black Forest Preservation Plan both in its residential and commercial development. When referencing BFPP "The Plan" Introduction paragraph 3, this request is in keeping with all listed guidelines.

Black Forest Preservation Plan, Land Use Scenario: Page 93 #5 Spruce Hill/Highway 83 Corridor: "Commercial projects should be approved only if they are clearly oriented toward the needs of local residents. Those commercial activities which meet this criterion should be encouraged to locate only at the intersections of Hodgen and Walker Roads with State Highway 83. Access to these potential commercial centers should be designed so that satisfactory through traffic movements are maintained. A rustic or rural design theme is suggested for any commercial development in this area." **Dancing Wolf Estates is located at one of these identified areas and was approved for a PUD in in 1998. At that time, the corner lot was approved as a Neighborhood Business District (now called a Community Commercial Parcel). When developed, buildings will be low profile, country barn style buildings similar to adjoining buildings within Dancing Wolf Estates. Site specific traffic studies, will be completed when the parcels are submitted for development and the sites will only have access from the existing Dancing Wolf Way onto Hodgen Road.**

Policy 3.5 Generally support residential development which compliments and enhances the areas' terrain, vegetation, and natural resources. **DWE has developed a road, lots, and home sites that preserve the natural terrain and a 3.76 acre no-build area that runs the entire North/South length of DWE, thereby maintaining high environmental quality and a rural feel. Homes are covenanted to be of natural earth tones, are low profile and generally built to fit into the natural terrain. Very minimal trees were removed when homes were built and no trees were removed for the initial land and road development in 1996.**

Policy 1.2: "Allow nodes of higher density residential, commercial...in areas specified on the concept plan and described in the land use scenario." Further, the Land Use Scenario and Unit Boundaries states "densities comparable to those in the Walden III subdivision (on the order of one dwelling unit per acre) would be appropriate if development is carefully sited and it can be shown that adequate services can be provided." **DWE is specified on the concept plan as having a commercial node and a higher residential density area. Density with this PUD amendment is approximately one dwelling unit for every 3.60 acres (25.16/7 units), well below that stated as appropriate for this area and below neighboring subdivisions. DWE also has a water augmentation plan and OWTS (septic systems) analysis which are adequate services for each parcel. An augmentation plan and an OWTS analysis are presented with this submittal.**

Policy 8.6 Prevent overgrazing in the area: **Smaller lots in DWE will be restricted from housing large grazing animals, thereby reducing the possibility of overgrazing of the parcels.**

Table 11: Small Lot Subdivisions Black Forest Planning Area. There are sixteen subdivisions listed in this table and the average size of lots in these subdivisions is 1.71 acres per dwelling. **The density for DWE is below all of these 16 subdivisions and has larger acreage per dwelling unit.**

Waiver Request: Open Space Allocation

When originally platted in 1996, PUD Development Plans were not bound to the current 10% open space requirement. We are requesting a waiver to this newer requirement as we have extensive trails and no-build areas within DWE. When platted, we dedicated a 20' trail along Hodgen to the El Paso County Parks Master Plan. Further, dedicated public bicycle ROWs already exist along Hodgen and Highway 83. DWE also has a large no-build area and added trails are proposed inside DWE for the residents of Dancing Wolf. These will be dedicated to the residents of DWE and will be maintained by the DWE HOA. The County Regional Trail easement along Hodgen Road is .518 acres. The dedicated no-build natural drainage area that runs the North/South length of DWE constitutes approximately 3.76 acres. A landscape tract of approximately .5 acre is proposed to be added, for beautification, in the middle of this drainage area (see plat map). With this PUD amendment another .34 acres in walking/biking trails within DWE is proposed and will connect to the County Regional Trail along Hodgen. The original dedicated trail on Hodgen, the no-build land, and the added proposed trails totals 4.62 acres, which exceed the 10% open space requirement (2.51 acres) and makes the common land more useable for DWE residents. In lieu of open space we are requesting to have usable land in the form of trails and no-build areas.

Drainage/Grading/Erosion Control Plan

Drainage and erosion control in DWE will follow **Policy 11.3.1** in the El Paso County Policy Plan which states: "Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions." **When DWE was originally developed in 1996 a drainage study was completed with a safety factor of one home per acre (well above what will ever be in DWE). At that time a natural drainage area ran the length of the property and was designated as a no-build area. No change in the drainage is anticipated with this amendment request except where an additional driveway crosses the main drainage/no build area for the added Lot 3. A drainage letter/analysis has been completed for that specific area and is included in this submittal as a separate document. No further grading will be done within DWE with this request, except what has been addressed with Lot 3, so no additional erosion control is necessary. The grading for Lot 3 & 4 driveway will be done when the parcel is developed.**

Purposes & Need for Replat: To better utilize the land for more residential purposes rather than for horses or other large grazing animals and to be more consistent in land density to neighboring parcels. To add trails to increase the walk-ability within the subdivision for the residents within DWE. To return the unused ROW land to adjoining owners for maintenance and trails. To adapt Community Commercial sites to better meet growth and uses in the area.

Total Acres in Requested Area: The acreage in the PUD Amendment and vacation/replat is 25.16 acres.

Total Residential Units/Densities for Each Dwelling Unit: Total residential units in the requested area are 6. Densities for residential dwelling units in requested area will be 1 unit in 3.09 acres (residential acreage 18.55/6).

Number of Commercial Sites Proposed & Floor Area Ratio of Commercial Uses: A Community Commercial site has already be approved. Total Community Commercial units in the requested area are 1 and the density will be 1 unit in 5 acres. Proposed floor area of commercial sites is 7,000. Floor area ratio is an average of 3.2% for the parcel.

Number of mobile home units and densities: None

Typical Lot Sizes: Length and width: Typical lot sizes after the proposed divisions will be 2.5+ acres, and the average lengths/widths are as follows (only divided lots listed; flag stems excluded): Amended DWE Lot 1- 358' x 318', Lot 2- 291' x 379', Lot 3- 299' x 388'; Lot 4- 311' x 411', Lot 5 268' x 525', Lot 6- 308' x 319'.

Type of Proposed Recreational Facilities: Added trails within DWE to be maintained by the active DWE HOA and adjoin to a current trail along Hodgen Road which is dedicated to the El Paso County Regional Trail System.

Phased Construction: This DWE PUD amendment will allow for the development of all residential parcels upon final platting. The sequence of construction and development of Lots 1 and 2, if developed as Community Commercial, will be per current Land Development Code (LDC) requirements. The timeline of development for Community Commercial sites may adjust due to economic conditions. The additional trails will be useable upon platting. If any grading of trails is desired, it will be completed upon HOA approval. Any necessary maintenance of the trail land will commence upon platting.

Water and Sewer Provided: The water source for all lots will be individual wells through an existing water decree and augmentation plan (original decree 94CW198 and revised decree 18CW3006). Sewer will be provided through individual OWTS.

Proposed Uses, Relationship between Uses and Densities: DWE will consist of nine Residential parcels and two Community Commercial parcels. For all of Dancing Wolf Estates the densities of the residential lots are 6, 2.5+ acre lots and 3, 5.0+ acre lots. The 2.5+ acre lots allow less outside watering and have some large animal restrictions. The 5+ acre lots have some equestrian and other animal uses. Some fencing between smaller and larger lots exists and there are a variety of natural screens from trees and land topography between the smaller and larger lots. All lots, large and small, have the same overall atmosphere created by the neighborhood's desire to enjoy the land through outdoor living, animal keeping (pets and professional), and residential home occupation. The 5 acre Community Commercial lots has a 7,000 sf size limit, a maximum of 35' height restriction, and neutral color requirements to help the buildings feel blended into the surrounding residences. Additionally, when developed, it will abide by the current LDC.

Areas of Landscaping: DWE has a developed entrance with a landscaped, decorative sign and significant mature trees. This was completed in 1996. Each residential lot within the amended area of DWE that currently has less than a minimum of 5-4' or greater pine trees will be required to plant an additional 4- 6' pine trees and re-vegetate all disturbed areas. Homeowners will plant these additional trees on their property where they choose, as they develop their lots per covenants. Since there will be no way to irrigate plantings until homes are occupied applicant does not propose plantings for which no water will be available. A landscape easement of approximately .5 acre will be added in the no-build area on Lot 3 (see map). This area is wet in nature and will be planted with 4-6' aspen trees and 2-6' cottonwood trees. It is already vegetated with natural, low growing grass. Landscaping for the Community Commercial sites will comply with current LDC and will be completed at the time of development, again for available water reasons.

Proposed Access Locations: All lots within DWE will be accessed only from Dancing Wolf Way, a cul-de-sac into the 40.273 acres. Each lot will adjoin Dancing Wolf Way with a minimum 30' of frontage. There will be no access to Highway 83.

Per CDOT, a Traffic Impact Letter has been submitted with this amendment.

Approximate Acres and percent of Land to be set aside as Open Space: Please see "waiver request" on this item. With the existing and added trails and the no-build area 4.62 acres will be open, undeveloped land. With this PUD amendment Dancing Wolf Estates will remain very open and continue to have a rural feeling from all perspectives: to residents within the neighborhood, to adjoining neighborhoods, and from the major arterials it borders.

Project Description

Dancing Wolf Estates PUD Amendment is 25.16 acres of the ~40 acre PUD community Dancing Wolf Estates located at the NE corner of Hwy 83 and Hodgen Road. Dancing Wolf Estates consists of ~40 acres divided into a number of large residential parcels and a Community Commercial lot. DWE is an upscale, country, mixed use community with some equestrian and farm animal land uses, light home businesses, and Community Commercial sites for the common good and benefit of residents and surrounding communities.

General Provisions

Authority: This plan is authorized by Chapter 4 of the El Paso County Land Development Code (LDC). Chapter 4 of the El Paso County LDC is authorized by the Colorado Planned Unit Development Act of 1972.

Applicability: The provisions of this PUD shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Plan, as amended and approved by El Paso County Planning and Community Development or the Board of County Commissioners.

Adoption: The adoption of this Development Plan shall evidence the findings and decisions of the El Paso County Board of County Commissioners that this Development Plan for Dancing Wolf Estates partial amendment is in general conformity with the El Paso County Master Plan, is authorized under the provision of the El Paso County Land Development Code, and that the El Paso County LDC and this Development Plan comply with the Colorado Planned Unit Development Act of 1972.

Relationship to County Regulations: The provisions of this Development Plan shall prevail and govern the development of Dancing Wolf Estates, provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the El Paso County LDC or any other applicable resolutions or regulations of El Paso County, shall be applicable.

Enforcement: For the mutual interest of owners of the PUD and preservation of this Development Plan, the provisions of this plan relating to the use of land shall run in favor of El Paso County and shall be enforceable by law without limitation on any power or regulation otherwise granted by law.

Conflict: If there is more than one provision within the Development Plan that covers the same subject matter, the provision which is least restrictive shall govern.

Overall Project Standards: The standard zoning requirements of El Paso County Land Use Code as amended shall apply to this PUD except as modified below in permitted uses.

Flood Plain Map: This property is not located within a designated FEMA floodplain per Map 08041C0285G, updated 12/7/2018. It is designated in Zone X, which is considered minimal flood hazard.

Development Standards and Guidelines

Permitted Uses: Permitted uses with this Dancing Wolf Estates PUD Amended areas which include 6 Single Family Homes, trails interconnected to the County Regional Trail System, and a Community Commercial sites (Lot 1).

The following additional uses are permitted for the amended areas on residential lots 2-7 (for business or pleasure).

- 4-H animal projects
- Animal Keeping, Hobby Farm, Animal Day Care Facility
- Up to 4 horses or other equivalent animals; 2 animals on 2.5 acre lots, per covenants
- Small Child Day Care per El Paso County LDC
- Long Term or Short-term rental home
- Bed and Breakfast Home and Inn
- Accessory Living quarters per El Paso County LDC
- Stables and Corrals, private
- Greenhouse (as feasible given water rights), Agricultural stand
- Garden Supplies and Nursery Stock
- Agritainment
- Residential Home Occupation
- Residential Accessory use and Agricultural Accessory use structures per El Paso County LDC
- Vehicle Repair Garage, Enclosed
- Wind powered generator

No change in uses for the Community Commercial site, Lot 1 Dancing Wolf Estates. Listed uses as allowed for Community Commercial sites. Per the original PUD not permitted are bars, mineral extraction, heavy industrial facility, gas stations, convenience stores (see Reception #98170425). Uses for the Community Commercial sites are not subject to approval by the Homeowner's Association. Approval of development of this lot shall be made by the El Paso County BOCC, when development is requested. Alternatively, Lot 1 may be developed as a residential lot now.

Signs: All signage within DWE shall be of natural colors, well designed and aesthetic in nature. Signage within the subdivision by residents shall be measured by measuring the entire size of the sign not including stands, posts, or other means used to hold the sign in place. Signage by residents, entryway sign and interior Community Commercial site shall not exceed 6' in height and not exceed 16 square feet. For double sided signs, only one sign face shall contribute to the maximum size. Signage shall conform to site distance requirements of the ECM. Signage along Hwy 83 shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S. and all rules and regulations pertaining to outdoor advertising.

Maintenance: Trails and open space are to be maintained by the active Homeowners Association.

Phasing: All residential lots shall be eligible for development upon recording of final plat. All trails shall be eligible for use upon recording of final plat, including lots 1, if developed as residential lot. If Lots 1 is developed as Community Commercial site, the sequence of construction and development will be per the current LCD requirements. The timeline of development of the Community Commercial site may adjust due to economic conditions and growth in the local area. The additional trails will be useable upon platting. Any necessary maintenance of the trail land will commence upon re-platting.

Buffering, Screening, and Landscaping: All residential lots will adhere to the Dancing Wolf Estates amended covenant requirements for landscaping. No landscaping shall obstruct sight distance triangles per Engineering Criteria Manual reference 2.3.6.G. No landscaping is required on vacate lots due to water conservation. In the landscape easement the homeowner of Lot 2 shall plant 2 6' cottonwood trees and 4 6' aspen trees. Irrigation shall be from the water rights on Lot 2, DWE IV. Landscape easement shall be planted upon final platting, season permitting. Upon development, a landscaping plan with buffering, screening, and parking for the Community Commercial sites shall comply with the El Paso County LDC.

Architectural Control Committee and Covenants: Individual unit build out, design, and architectural style shall be in accordance to the committee rules and regulations of Dancing Wolf Estates. Please visit www.dancingwolfestates.com for more information regarding covenants, review and approval by the architectural control committee. Revised Covenants for Dancing Wolf Estates recorded at Reception # _____.

Reports:

The following reports have been submitted in association with the PUD amendment (PUD 182), for this subdivision and are on file at the County Planning and Community Development Department:

1. Geology and Soils Report (prepared by Entech Engineering 9/19/19)
2. Drainage Report (prepared by Red River Civil Engineering 11/8/20)
3. Preples mouse (PMJM) no concern letter and Army Corp Environmental Requirements letter
4. Updated Traffic memo

General Notes:

1. Lots will be serviced by individual on-site wells and individual on-site septic systems
2. Natural Gas service provided by Black Hills and Electricity serviced by MVEA
3. Standard utility easements are 10' on either side of each lot line within the subdivision and 20' on all exterior subdivision boundaries, unless otherwise noted. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
4. All foundations require a soils report and an engineered design by a professional engineer currently registered in the state of Colorado; radon mitigation may be recommended, and building perimeter drains may be required, per the engineer.
5. The address' exhibited on this amendment are for informational purposes only. They are not the legal description and are subject to change.
6. All driveways require a permit by El Paso County Planning and Community Development.
7. All property owners are responsible for maintaining proper storm water drainage in and through their property
8. No-build areas are designated for drainage ways.

DANCING WOLF ESTATES

Planned Unit Development Partial Amendment of

LOTS 1-3 DANCING WOLF ESTATES AND LOTS 1-2 DANCING WOLF ESTATES III

El Paso County, Colorado

Amended PUD Dimensional Standards

Overall Land Use

Total PUD Amendment Area: 25.16 acres
Open Space*: 4.62 acres
Proposed Water: Individual Wells
Proposed Waste Water: Non-Evaporative Individual Septic Systems
Existing Zoning: PUD
*open space consists of interior trails, no-build w/ landscape tract, county trails

Residential Site Data:

Residential Units: 6
Residential Acreage: 18.55 acres
Average Residential Lot Size: 1 Unit per 3.09 acres
Maximum Building Height 35'
Building Setback 20' from property line, unless otherwise noted on the plat map

Commercial Site Data:

Community Commercial Unit: 1
Community Commercial Acreage: 5.02 acres
Total Floor Area of Community Commercial Site: 7,000sf maximum
Floor Area Ratio: 3.2% maximum
Maximum Building Height 35'
Building Setback 20' unless otherwise noted on the plat map
Tax ID Number: 6122004002

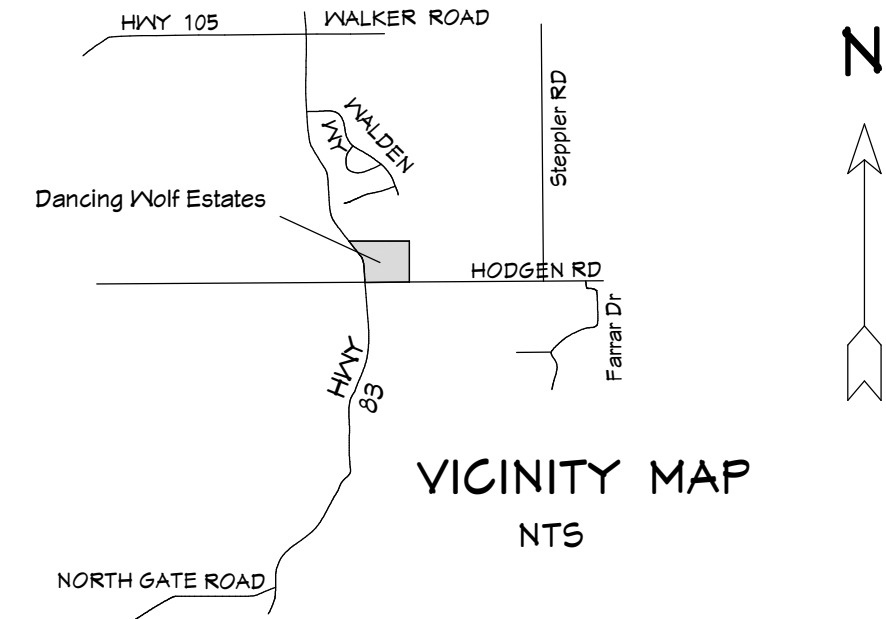
OWNERS CERTIFICATE:

THE UNDERSIGNED, BEING THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN:

----- NOTARIAL: STATE OF COLORADO)
DAVID MCELHOES ALYCE MCELHOES COUNTY OF EL PASO) ss
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS ____ DAY OF ____ 2021
MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

----- NOTARIAL: STATE OF COLORADO)
JOSHUA FUSON RUTH ANNE FUSON COUNTY OF EL PASO) ss
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS ____ DAY OF ____ 2021
MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

----- NOTARIAL: STATE OF COLORADO)
ROBERTO TELLO JR COUNTY OF EL PASO) ss
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS ____ DAY OF ____ 2021
MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____



SHEET INDEX:

SHEET 1 - COVER PAGE
SHEET 2 - CURRENT PUD
SHEET 3 - AMENDED PUD

Owners:

David + Alyce McElhoes
1809 Dancing Wolf Pkwy
Colorado Springs, CO 80908

Joshua and Ruth Anne Fuson
1815 Dancing Wolf Pkwy
Colorado Springs, CO 80908

Roberto Tello Jr.
860 Dayton Ct.
Colorado Springs, CO 80916

Lots 1-3 Dancing Wolf Estates & Lots 1-2 Dancing Wolf Estates III, portions of land whose legal boundary is known as:

A TRACT OF LAND BEING PORTIONS OF THE SE 1/4 OF THE SE 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 22, T. 11 S., R. 68 W. OF THE 6TH PM LYING EASTERLY OF THE EASTERLY RIGHT OF HWY LINE OF COLORADO STATE HIGHWAY No. 83, SITUATED IN EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 22, THENCE S85°51'12" ON THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4 A DISTANCE OF 138.26 TO THE NORTHEAST CORNER OF SAID SE 1/4 OF THE SE 1/4, THENCE S00°02'35"W ON THE EAST LINE OF SAID SE 1/4 OF THE SE 1/4, A DISTANCE OF 120.66 TO A POINT ON THE NORTH RIGHT OF HWY LINE OF HODGEN ROAD, A COUNTY ROAD; THENCE N85°48'13"W ON SAID NORTH RIGHT OF HWY LINE A DISTANCE OF 114.52 TO A POINT ON THE EASTERLY RIGHT OF HWY LINE OF COLORADO STATE HIGHWAY No. 83, THE FOLLOWING SIX COURSES: 1) N45°49'30"W, 139.00; 2) N20°02'00"W, 42.00; 3) N03°45'20"W, 254.32; 4) THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1452.50 THROUGH A CENTRAL ANGLE OF 256°07'03", AN ARC DISTANCE OF 871.47; THE LONG CHORD OF WHICH BEARS N26°07'00"W, 685.74; 5) THENCE N86°42'00"W, A DISTANCE OF 284.32; 6) THENCE N55°02'35"W, A DISTANCE OF 42.52 TO A POINT ON THE NORTH LINE OF THE SW 1/4 OF THE SE 1/4, THENCE S55°51'12" ON SAID NORTH LINE OF THE SW 1/4 OF THE SE 1/4, A DISTANCE OF 354.96 TO THE POINT OF BEGINNING, CONTAINING 40.2723 ACRES MORE OR LESS.

Preparer and Petitioner:

David + Alyce McElhoes
1809 Dancing Wolf Pkwy
C.O. CO 80908
719-331-8124
Alyce@customcoloradomes.com

DATE:

SHEET __ 1 __ OF __ 3 __

Dancing Wolf Estates
PUD AMENDMENT - 18-002

OWNERS:

David + Alyce McElhoes: Lots 1 & 2 DWE; Lot 2 DWE III
Joshua & Ruth Anne Fuson: Lot 1 DWE III
Roberto Tello Jr: Lot 3 DWE

SURVEYOR:

Polaris Surveying Inc.
1403 Lelaray Street, Suite 102
Colorado Springs, CO 80908
(719) 449-0844

KNOW ALL MEN BY THESE PRESENTS:

That David McElhoes, Alyce McElhoes, Joshua Fuson, and Ruth Anne Fuson, and Roberto Tello Jr being the owners of the described tracts of land to wit:

Lot 1 Dancing Wolf Estates, El Paso County, Colorado
Lot 2 Dancing Wolf Estates, El Paso County, Colorado
Lot 3 Dancing Wolf Estates, El Paso County, Colorado
Lot 1 Dancing Wolf Estates III, El Paso County, Colorado
Lot 2 Dancing Wolf Estates III, El Paso County, Colorado

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS AMENDMENT FOR "DANCING WOLF ESTATES PUD AMENDMENT" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE ____ DAY OF _____, 2021, A.D., SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC INCLUDING EASEMENTS ARE ACCEPTED. NO ADDITIONAL PUBLIC IMPROVEMENTS ARE PART OF THIS AMENDMENT.

CHAIR, BOARD OF COUNTY COMMISSIONERS DATE

PCD DIRECTOR CERTIFICATE:

THIS AMENDMENT FOR "DANCING WOLF ESTATES PUD AMENDMENT" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR ON THE ____ DAY OF _____, 2021, SUBJECT TO ANY NOTES OR CONDITIONS SPECIFIED HEREON.

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

CLERK & RECORDER'S CERTIFICATION

STATE OF COLORADO)
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT ____ O'CLOCK ____ M, THIS ____ DAY OF _____, 2021, AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

BY _____
CHUCK BROERMAN, EL PASO COUNTY CLERK AND RECORDER

FEE _____ BY _____

Park Fees \$430 per each added lot. Total \$860
School Fees \$300 per each added lot. Total \$616
Drainage Fees: None
Bridge Fees: None

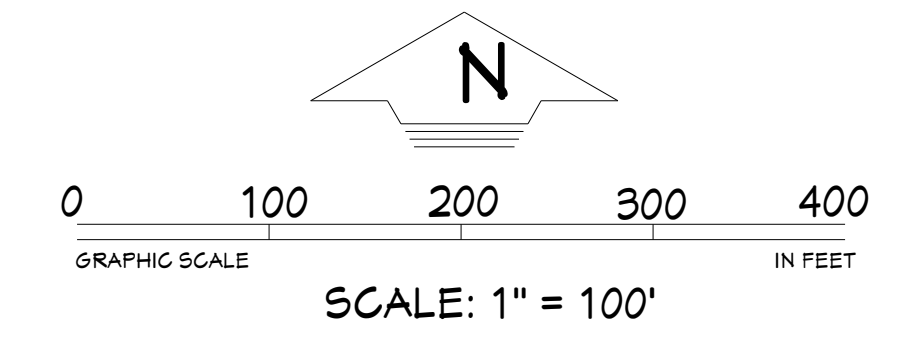
DANCING WOLF ESTATES

Planned Unit Development Partial Amendment of

LOTS 1-3 DANCING WOLF ESTATES AND LOTS 1-2 DANCING WOLF ESTATES III

El Paso County, Colorado

CURRENT PUD



SHEET INDEX:
 SHEET 1 - COVER PAGE
 SHEET 2 - CURRENT PUD
 SHEET 3 - AMENDED PUD

LEGEND:
 * = WELLS

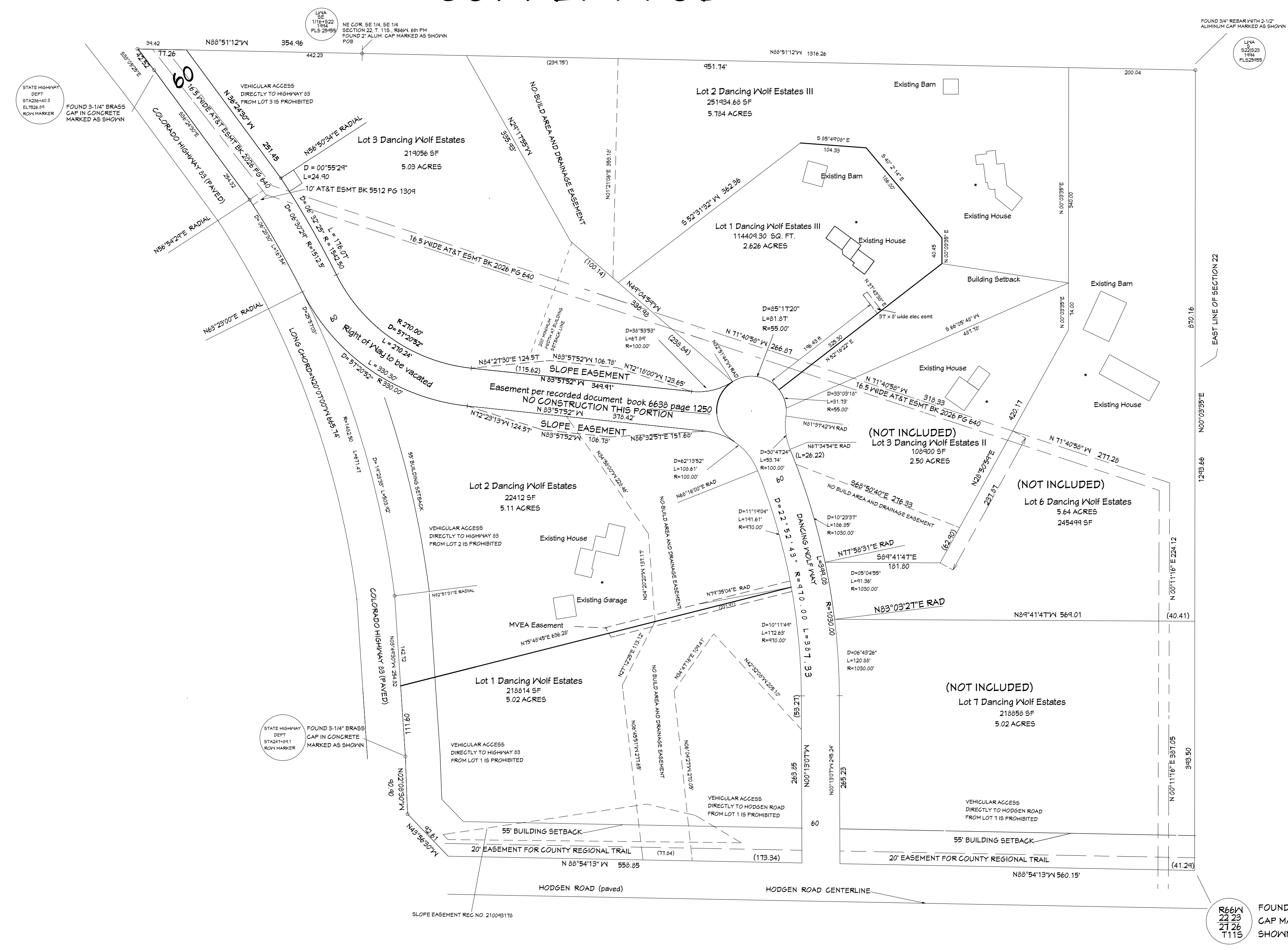
Owners:
 David + Alyce McElhoes
 1605 Dancing Wolf Way
 Colorado Springs, CO 80905
 Joshua and Ruth Anna Fuson
 1615 Dancing Wolf Way
 Colorado Springs, CO 80905
 Roberto Tello Jr.
 860 Dayton Ct.
 Colorado Springs, CO 80916

Tracts of Land Being Portions of the SE 1/4 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 22, T. 11 S., R. 68 W. of the 6th PM Lying East of the East-erly Right of Way Line of Colorado State Highway No. 53, Situated in El Paso County, Colorado, More Particularly Described as Follows:
 BEGINNING AT THE NORTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 22, THENCE S88°11'22" ON THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4 A DISTANCE OF 1318.26' TO THE NORTH-EAST CORNER OF SAID SE 1/4 OF THE SE 1/4; THENCE S00°03'35" ON THE EAST LINE OF SAID SE 1/4 OF THE SE 1/4 A DISTANCE OF 1145.52' TO A POINT ON THE EAST-ERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 53; THE FOLLOWING SIX COURSES:
 1) N48°46'30" W 138.00'; 2) N26°05'00" W 40.00'; 3) N03°44'50" W 254.32'; 4) THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1425.50' THROUGH A CENTRAL ANGLE OF 25°05'03", AN ARC DISTANCE OF 811.41'; 5) THENCE N26°05'00" W A DISTANCE OF 284.32'; 6) THENCE N58°05'29" W A DISTANCE OF 42.52' TO A POINT ON THE NORTH LINE OF THE SW 1/4 OF THE SE 1/4; THENCE S58°11'22" ON SAID NORTH LINE OF THE SW 1/4 OF THE SE 1/4 A DISTANCE OF 358.40' TO THE POINT OF BEGINNING CONTAINING 40.2123 ACRES MORE OR LESS.

Preparer and Petitioner:
 David + Alyce McElhoes
 1605 Dancing Wolf Way
 C.S. CO 80905
 119-931-8124
 Alyce@customhomedesign.com

DATE:
 SHEET 2 OF 3

Dancing Wolf Estates
 PUD AMENDMENT - 18-002



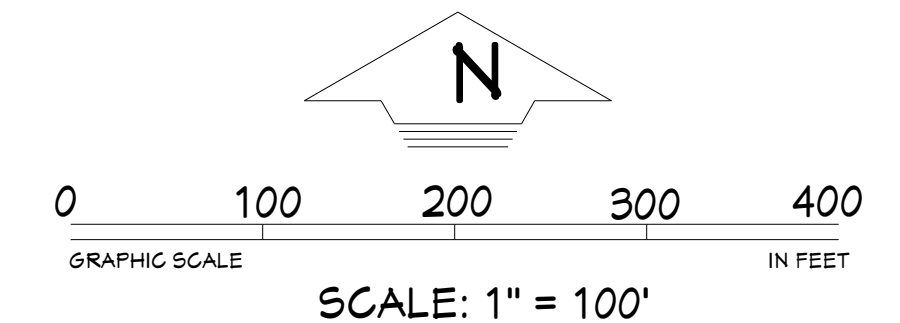
DANCING WOLF ESTATES

Planned Unit Development Partial Amendment of

LOTS 1-3 DANCING WOLF ESTATES AND LOTS 1-2 DANCING WOLF ESTATES III

El Paso County, Colorado

AMENDED PUD



LEGEND:
 * = WELLS

SHEET INDEX:
 SHEET 1 - COVER PAGE
 SHEET 2 - CURRENT PUD
 SHEET 3 - AMENDED PUD

Owners:
 David + Alge McElhoes
 1609 Dancing Wolf Pkwy
 Colorado Springs, CO 80908
 Joshua and Ruth Anne Fuson
 1615 Dancing Wolf Pkwy
 Colorado Springs, CO 80908
 Roberto Telo Jr.
 860 Dayton Ct
 Colorado Springs, CO 80916

Lots 1-3 Dancing Wolf Estates & Lots 1-2 Dancing Wolf Estates III, portions of land whose legal boundary is known as:

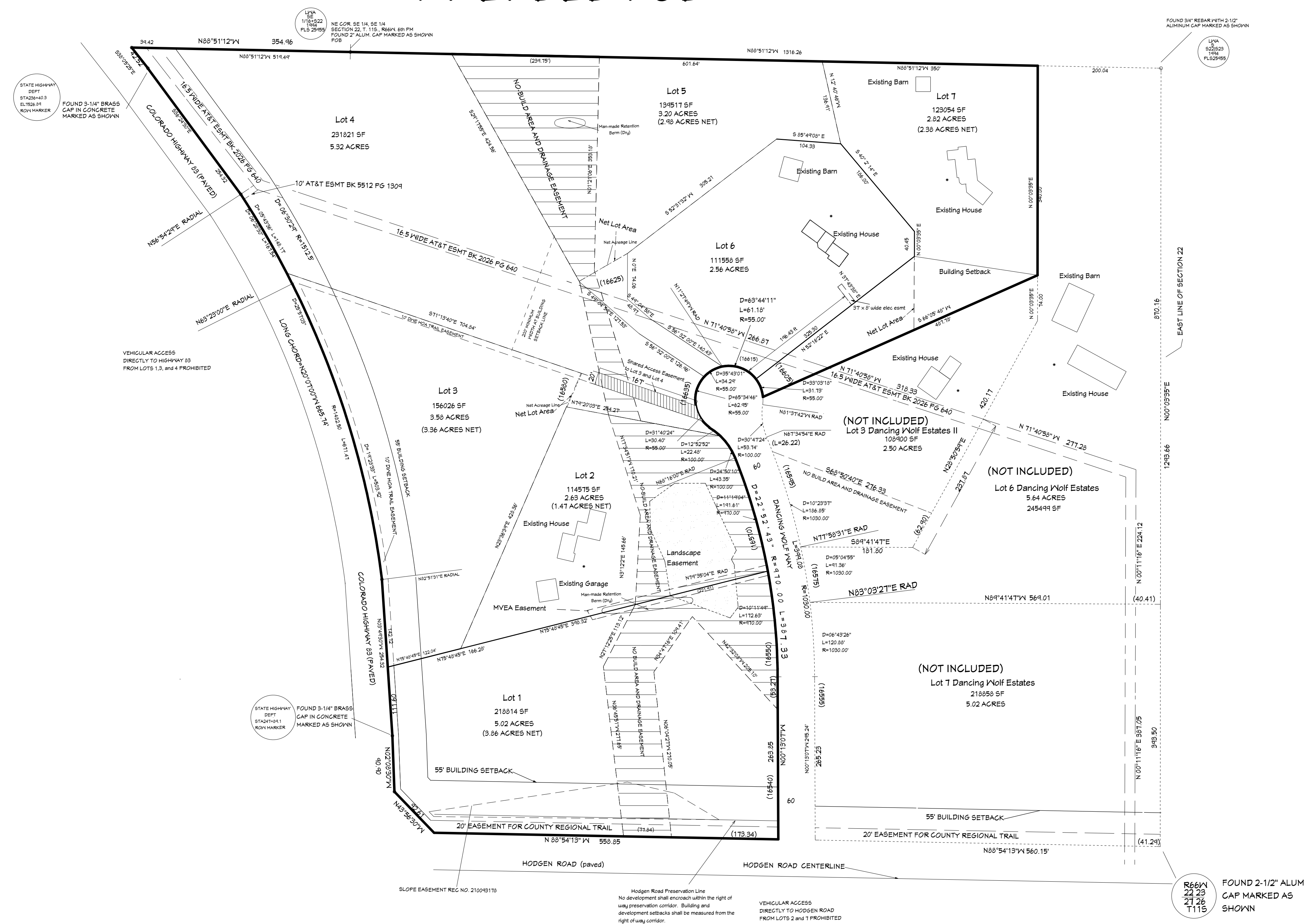
A TRACT OF LAND BEING PORTIONS OF THE SE 1/4 OF THE SE 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 22, T. 11 S., R. 66 W. OF THE 6th PM LYING EASTERLY OF THE EASTERLY RIGHT OF HWY LINE OF COLORADO STATE HIGHWAY No. 23, SITUATED IN EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 22; THENCE S88°12'E ON THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4 A DISTANCE OF 1316.26' TO THE NORTH-EAST CORNER OF SAID SE 1/4 OF THE SE 1/4; THENCE S00°03'35"W ON THE EAST LINE OF SAID SE 1/4 OF THE SE 1/4 A DISTANCE OF 1203.64' TO A POINT ON THE NORTH RIGHT OF HWY LINE OF HODGEN ROAD, A COUNTY ROAD; THENCE N88°45'13"W ON SAID NORTH RIGHT OF HWY LINE A DISTANCE OF 1141.92' TO A POINT ON THE EASTERLY RIGHT OF HWY LINE OF COLORADO STATE HIGHWAY No. 23; THE FOLLOWING SIX COURSES: 1) N43°46'30"W L=138.00; 2) N03°00'30"W L=107.33; 3) N03°44'30"W L=254.32; 4) THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1425.50' THROUGH A CENTRAL ANGLE OF 25°49'03"; AN ARC DISTANCE OF 611.41'; THE LONG CHORD OF WHICH BEARS N26°42'30"W L=585.14; 5) THENCE N84°24'30"W A DISTANCE OF 284.32; 6) THENCE N58°05'29"W A DISTANCE OF 42.52' TO A POINT ON THE NORTH LINE OF THE SW 1/4 OF THE SE 1/4; THENCE S88°12'E ON SAID NORTH LINE OF THE SW 1/4 OF THE SE 1/4 A DISTANCE OF 354.40' TO THE POINT OF BEGINNING, CONTAINING 40.2723 ACRES MORE OR LESS.

Preparer and Petitioner:
 David + Alge McElhoes
 1609 Dancing Wolf Pkwy
 C.S. CO 80908
 114-331-6124
 Alge@customcoloradapromes.com

DATE:

SHEET 3 OF 3

Dancing Wolf Estates
 PUD AMENDMENT - 18-002



RESOLUTION NO. 21-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF THE DANCING WOLF MAP AMENDMENT (REZONING) AND
PUD DEVELOPMENT PLAN (PUD-18-002)

WHEREAS, David McElhoes, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson, 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 PUD (Planned Unit Development) zoning district to the 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 December 16, 2021, 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 21, 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, 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. 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.
18. 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.

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 PUD (Planned Unit Development) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development 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. 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.

NOTATIONS

1. If a zoning or rezoning application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application 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 application. 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.
2. 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.

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

DONE THIS 21st day of December, 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Legal Description Lot 1 Dancing Wolf Estates Lot 2 Dancing Wolf Estates Lot 3 Dancing Wolf Estates Lot
1 Dancing Wolf Estates III Lot 2 Dancing Wolf Estates III Within Dancing Wolf Estates Subdivision.
Being a subdivision of a portion of the south half of the south east quarter of section 22, T. 11 S., R. 66W.,
6th PM, located in El Paso County, Colorado