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RESOLUTION NO. 21-183

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

**APPROVE PRELIMINARY PLAN FOR PAINT BRUSH HILLS FILING NO.14
(SP-20-006)**

WHEREAS, Aeroplaza Fountain, LLC, and Heidi, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the Paint Brush Hills 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 May 6, 2021, 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 11, 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 Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. 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. 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. (Phase 1 Only)
9. 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. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. 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.
13. 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.

14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. 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.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. 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 Paint Brush Hills filing No. 14 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. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency

requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

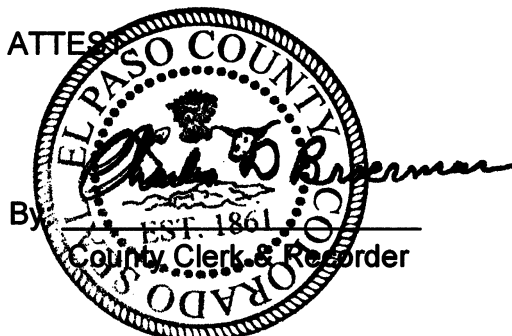
NOTATIONS

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.

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

DONE THIS 11th day of May, 2021, at Colorado Springs, Colorado.

ATTEST



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chair

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, T12S, R65W OF THE 6TH P. M., EL PASO COUNTY, COLORADO, SAID PARCEL BEING TRACT E, "PAINT BRUSH HILLS FILING NO. 13E", RECORDED UNDER RECEPTION NO. 219714420 IN THE RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26, T12S, R65W OF THE 6TH P. M.;

THENCE N88°44'51"E ALONG THE SOUTH LINE OF "PAINT BRUSH HILLS FILING NO. 3" RECORDED IN PLAT BOOK U-3 AT PAGE 79 OF THE EL PASO COUNTY RECORDS 2289.18 FEET;

THENCE S00°23'09"E ALONG THE WEST LINE OF TRACT A "PAINT BRUSH HILLS FILING NO. 13E" A DISTANCE OF 847.61 FEET;

THENCE ALONG THE NORTHERLY LINES OF LOTS 117 THROUGH 120, "PAINT BRUSH HILLS FILING NO. 13E" THE FOLLOWING FIVE (5)

COURSES;

(1) THENCE N60°39'45"W A DISTANCE OF 136.44 FEET;

(2) THENCE N75°42'34"W A DISTANCE OF 136.62 FEET;

(3) THENCE S82°53'35"W A DISTANCE OF 58.52 FEET;

(4) THENCE S74°48'58"W A DISTANCE OF 68.80 FEET;

(5) THENCE S25°20'15"W A DISTANCE OF 45.28 FEET TO THE RIGHT-OF-WAY LINE OF DEVENCove DRIVE AS PLATTED ON "PAINT BRUSH HILLS FILING NO. 13E";

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

(1) THENCE N64°40'00"W A DISTANCE OF 56.87 FEET;

(2) THENCE S25°20'00"W A DISTANCE OF 50.00 FEET;

(3) THENCE S64°40'00"E A DISTANCE OF 16.86 FEET TO THE WEST RIGHT-OF-WAY LINE OF KEATING DRIVE AS PLATTED ON "PAINT BRUSH HILLS FILING NO. 13E ";

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES;

(1) THENCE S25°20'15"W A DISTANCE OF 823.72 FEET TO A POINT OF CURVE;

(2) THENCE 264.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 32°16'34", THE CHORD OF 261.28 FEET BEARS S41°28'32"W TO A POINT OF REVERSE CURVE;

(3) THENCE 430.28 FEET ON THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 861.00 FEET, A CENTRAL ANGLE OF

28°38'00", THE CHORD OF 425.82 FEET BEARS S43°17'49"W TO A POINT OF COMPOUND CURVE;

(4) THENCE 123.89 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 13°23'34", THE CHORD OF 123.60 FEET BEARS S22°17'02"W TO A POINT OF TANGENT;

(5) THENCE S15°35'15"W A DISTANCE OF 76.75 FEET;
THENCE ALONG THE NORTH LINES OF LOT 2 THROUGH LOT 5 AND ALONG THE NORTH LINE OF TRACT A "PAINT BRUSH HILLS FILING NO. 12" AS RECORDED UNDER RECEPTION NO. 205077511 IN THE EL PASO COUNTY RECORDS THE FOLLOWING SIX (6) COURSES;

(1) THENCE N74°25'08"W A DISTANCE OF 231.02 FEET;

(2) THENCE S34°46'45"W A DISTANCE OF 75.34 FEET;

(3) THENCE S62°22'54"W A DISTANCE OF 141.21 FEET;

(4) THENCE N80°50'04"W A DISTANCE OF 149.93 FEET;

(5) THENCE N42°52'08"W A DISTANCE OF 142.64 FEET;

(6) THENCE S89°26'02"W A DISTANCE OF 299.04 FEET TO THE NORTH-SOUTH CENTERLINE OF SECTION 26;

THENCE N00°34'35"W ALONG SAID NORTH-SOUTH CENTERLINE 2169.63 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 3,860,479 S. F. (88.624 ACRES MORE OR LESS).

BASIS OF BEARING:

THE SECTION LINE BEING THE NORTH LINE OF TRACT A, TRACT E, AND A PORTION OF TRACT F "PAINT BRUSH HILLS FILING NO. 13E", AS RECORDED UNDER RECEPTION NO. 219714420, BEING MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26, T12S, R65W OF THE 6TH P. M. WITH A 2.5" ALUMINUM CAP ON NO. 6 REBAR STAMPED "1/4 COR, S23 S26, 1999, PLS 4842", AND AT THE SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26 WITH A 1.5" ALUMINUM CAP ON NO. 5 REBAR STAMPED "(PARTIALLY ILLEGIBLE) LS 9646", SAID LINE BEARS N88°44'51"E A DISTANCE OF 2640.30 FEET.