

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Trowbridge moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP-22-007

HOMESTEAD NORTH FILING NO. 3 PRELIMINARY PLAN

WHEREAS, Classic SRJ Land, LLC, and SR Land, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for the proposed Homestead North Filing No. 3 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on January 5, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission 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 hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. 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; and
6. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a minor subdivision, the Planning Commission and Board of County Commissioners (BoCC) shall find that the request meets the following preliminary plan criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2022):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Code;
3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
4. 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 Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);
5. 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 Code;
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
9. 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 Code and the ECM;
10. 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 encourage 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 therefore, reasonably related to

the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Classic SRJ Land, LLC, and SR Land, LLC, for the approval of a Preliminary Plan for the proposed Homestead North Filing No. 3 Subdivision for property located in the unincorporated area of El Paso County be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. 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.
2. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
3. 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 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. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
5. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, 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.

6. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
7. Open space buffers shall be no less than what is graphically depicted on the October 2008 Amended Sketch Plan Map in subsequent preliminary plan(s) and final plat(s) submittals.
8. The developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 3 of the Homestead North Phase 1 Updated Traffic Impact Study, as amended and pending approval, to be verified with an updated traffic impact analysis or memorandum as appropriate with each final plat in the Homestead North at Sterling Ranch rezoning area.

#### 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. 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.
3. Approval of the preliminary plan will expire after three (3) years unless a final plat has been approved and recorded or a time extension has been granted.
4. Improvements to Vollmer Road and Briargate Parkway adjacent to the preliminary plan area are to be provided in accordance with the Development Agreement recorded at reception number 222098865 (PCD project number DA221). These road improvements may be subject to reimbursement as outlined in the El Paso County Road Impact Fee Program.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Patterson seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: circle one

Brian Risley	aye / no / abstain <u>absent</u>
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	<u>aye</u> / no / abstain / absent

Joshua Patterson	<u>aye</u> / no / abstain / absent
Bryce Schuettpelz	<u>aye</u> / no / abstain / absent
Christopher Whitney	<u>aye</u> / no / abstain / absent
Brandy Merriam	aye / no / abstain / <u>absent</u>

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 5<sup>th</sup> day of January 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Printed Name: THOMAS M. BAILEY  
Title: VICE CHAIRMAN

DATED: January 5, 2023.

## EXHIBIT A

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. AS MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624" AND AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER BY A 2-1/2" ALUMINUM CAP STAMPED "LS 11624", SAID LINE BEARS N89°14'14"E A DISTANCE OF 2,722.69 FEET.

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28, N00°53'15"W A DISTANCE OF 220.84 FEET, TO THE NORTHEASTERLY CORNER OF TRACT H, AS SHOWN ON THE PLAT OF HOMESTEAD NORTH AT STERLING RANCH FILING NO. 2 RECORDED IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, AND THE POINT OF BEGINNING;

THENCE ON THE NORTHERLY LINES OF SAID HOMESTEAD NORTH AT STERLING RANCH FILING NO. 2, THE FOLLOWING SIXTEEN (16) COURSES:

1. S79°18'16"W A DISTANCE OF 441.05 FEET;
2. S78°01'26"W A DISTANCE OF 79.85 FEET;
3. S71°09'48"W A DISTANCE OF 87.13 FEET;
4. S63°35'09"W A DISTANCE OF 87.13 FEET;
5. S55°58'31"W A DISTANCE OF 87.13 FEET;
6. S48°27'49"W A DISTANCE OF 87.13 FEET;
7. S39°48'59"W A DISTANCE OF 110.92 FEET;
8. N63°15'15"W A DISTANCE OF 10.26 FEET;
9. N51°18'16"W A DISTANCE OF 124.15 FEET;
10. N51°17'40"W A DISTANCE OF 80.48 FEET;
11. N51°16'53"W A DISTANCE OF 128.03 FEET;
12. S38°42'19"W A DISTANCE OF 130.03 FEET;
13. N51°17'41"W A DISTANCE OF 52.77 FEET;
14. N20°05'15"W A DISTANCE OF 68.42 FEET;
15. N11°07'11"E A DISTANCE OF 3.91 FEET;
16. N76°20'29"W A DISTANCE OF 275.24 FEET, TO A POINT OF NON-TANGENT CURVE ON THE EASTERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N77°47'32"W, HAVING A RADIUS OF 774.82 FEET, A CENTRAL ANGLE OF 01°34'03" AND AN ARC LENGTH OF 21.20 FEET, TO A POINT OF NON-TANGENT;
2. N11°06'40"E A DISTANCE OF 1021.80 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 980.00 FEET, A CENTRAL ANGLE OF 07°48'21" AND AN ARC LENGTH OF 133.51 FEET, TO A POINT OF NON-TANGENT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF POCO ROAD;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N89°08'31"E A DISTANCE OF 1327.21 FEET, TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28;

THENCE ON SAID EAST LINE, S00°53'15"E A DISTANCE OF 1095.99 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,778,429 SQUARE FEET OR 40.8271 ACRES.