

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Ms. Merriam moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP238
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN

WHEREAS, NES did file an application with the El Paso County Planning and Community Development Department for approval of a Preliminary Plan for the Overlook at Homestead Preliminary Plan Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 18, 2024; 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 Preliminary Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Preliminary Plan, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code ("Code") (as amended):

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 Engineering Criteria Manual ("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 systems 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 Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of NES for approval of a Preliminary Plan for the Overlook at Homestead Preliminary Plan 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 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 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before the sale of the property.

5. Applicant shall comply with all requirements contained in the Colorado Parks and Wildlife Department of Natural Resources letter, dated 11/11/2023.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/29/2024, as provided by the County Attorney's Office.
7. Applicant shall comply with all recommendations by Amy Crandall, Engineering Geologist contained in the Colorado Geological Survey's Review letter, dated 11/6/2023, as provided by the Colorado Geological Survey.
8. Applicant shall comply with all requested trail easement, construction, and dedication requirements related to this Preliminary Plan and in future Final Plats as requested by the EPC Parks and Community Services Department in their letter dated 11/2/2023.

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 this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Ms. Offner seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent

Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 18th day of April 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION


By: 
~~Thomas Bailey, Chair~~
Jay Carlson, Vice-Chair

EXHIBIT A

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, AND A PORTION OF THE NORTH HALF OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MONUMENTED ON THE NORTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 27605" AT GRADE, AND AT THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 28658" .3' ABOVE GRADE, BEING ASSUMED TO BEAR S00°19'49"E.

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 205156836, COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION OF SAID QUARTER SECTION LYING NORTHWEST OF THE FORMER RIGHT OF WAY OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPTING ANY PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO; THENCE S00°19'49"E ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2,646.38 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°47'36"E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 2,646.44 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, SAID POINT BEING ON THE NORTHERLY BOUNDARY LINE OF REATA FILING NO. 1, AS RECORDED IN PLAT BOOK A-3 AT PAGE 62; THENCE S88°43'40"W ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION AND THE NORTHERLY BOUNDARY LINE OF SAID REATA FILING NO. 1, A DISTANCE OF 3,943.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE N00°37'58"W ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,997.73 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE FORMER COLORADO AND SOUTHERN RAILWAY, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF APEX RANCH ESTATES AS RECORDED UNDER RECEPTION NUMBER 208712902; THENCE ON THE WEST BOUNDARY OF THE

FORMER COLORADO AND SOUTHERN RAILWAY BOUNDARY AND THE BOUNDARY OF SAID APEX RANCH ESTATES THE FOLLOWING TWO (2) COURSES:

1. N35°18'27"E A DISTANCE OF 178.25 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 17°55'17", A RADIUS OF 1,810.08 FEET A DISTANCE OF 566.17 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF APEX RANCH ESTATES, RECORDED UNDER RECEPTION NUMBER 208712902;

THENCE N88°37'29"E ON SAID SOUTHERLY LINES A DISTANCE OF 951.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, SECTION 22; THENCE N88°38'04"E ON THE SOUTHERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 1,311.89 FEET TO THE SOUTHEAST CORNER OF SAID APEX RANCH ESTATES AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE N00°23'27"W ON THE EAST LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 1,321.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE S88°37'41"W ON THE BOUNDARY LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 11.86 FEET TO AN ANGLE POINT ON SAID BOUNDARY LINE SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY LINE OF THE QUIT CLAIM DEED RECORDED UNDER RECEPTION NUMBER 205156836; THENCE ON THE EASTERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND SAID QUIT CLAIM DEED THE FOLLOWING FOURTEEN (14) COURSES:

1. N06°42'44"W A DISTANCE OF 161.04 FEET;
2. S88°06'46"W A DISTANCE OF 95.20 FEET;
3. S86°45'34"W A DISTANCE OF 288.72 FEET;
4. S86°37'02"W A DISTANCE OF 397.37 FEET;
5. S86°34'15"W A DISTANCE OF 123.39 FEET;
6. S86°48'59"W A DISTANCE OF 107.19 FEET;
7. S86°35'53"W A DISTANCE OF 172.60 FEET;
8. S86°51'02"W A DISTANCE OF 70.34 FEET;
9. N00°45'36"W A DISTANCE OF 165.40 FEET;
10. N00°12'12"E A DISTANCE OF 141.82 FEET;
11. N00°33'05"W A DISTANCE OF 409.91 FEET;
12. N02°52'37"W A DISTANCE OF 73.32 FEET;
13. N04°36'23"W A DISTANCE OF 374.86 FEET;
14. N00°26'39"W A DISTANCE OF 36.96 FEET TO A THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;

THENCE N88°34'23"E ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 22, A DISTANCE OF 2,629.29 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,281,308 SQUARE FEET OR 350.811 ACRES MORE OR LESS.

