EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: **El Paso County Planning Commission**
Jim Egbert, Chair

FROM: **Nina Ruiz, Planner II**
Steve Kuehster, PE Engineer III
Craig Dossey, Executive Director

RE: **Project File #: SF-18-042**
Project Name: Flying Horse North
Parcel No.: 6136004004

OWNER:	**REPRESENTATIVE:**
PRI #2 LLC 6385 Corporate Drive, Suite 200 Colorado Springs, CO 80919	Classic Consulting Engineers and Surveyors 619 N Cascade Ave, Suite 200 Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	4/16/2019
Board of County Commissioners Hearing Date	5/14/2019

EXECUTIVE SUMMARY

A request by PRI2, LLC, for approval of a vacation and replat of Lot 35 of the Flying Horse North Filing 1 Final Plat into two (2) residential lots. The 7.341 acre parcel is zoned PUD (Planned Unit Development) and is located 1.5 miles west of Black Forest Road south of Old Stagecoach Road and is within Section 36 Township 11, Range 66. The parcel is included within the Black Forest Preservation Plan (1987) area.

The Board of County Commissioners approved a rezoning request from the RR-5 (Rural Residential) to the PUD (Planned Unit Development) zoning district as well as a request for early grading on December 13, 2016 (BoCC Resolution No. 16-442). The PUD included 283 residential lots with an overall density of one (1) dwelling unit per five (5) acres. The Board of County Commissioners also approved a preliminary plan with a finding of water sufficiency for 283 residential lots on September 4, 2018. On this same date, the Board of County Commissioners approved the first filing of the Flying Horse North subdivision, which included 80 residential lots. With the final plat action, two (2) lots, which were shown on the PUD, were combined into one (1) lot. The requested replat will not result in the creation of an additional lot beyond the 283 lots approved with the PUD.

A. REQUEST/WAIVERS/DEVIAIONS/AUTHORIZATION

Request: A request by PRI #,2 LLC, for approval of a vacation and replat of Lot 35 Flying Horse North Filing 1 into two (2) separate residential lots.

Waiver(s)/Deviation(s): There are no associated waivers being requested.

Authorization to Sign: Final plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:
Recommendation:
Waiver Recommendation:
Vote:
Vote Rationale:
Summary of Hearing:
Legal Notice:

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed…and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;

- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

D. LOCATION

North:	PUD (Planned Unit Development)	Vacant
South:	PUD (Planned Unit Development)	Vacant
East:	PUD (Planned Unit Development)	Vacant
West:	PUD (Planned Unit Development)	Vacant

E. BACKGROUND

The Board of County Commissioners approved a rezoning request from the RR-5 (Rural Residential) zoning district to the PUD (Planned Unit Development) zoning district as well as a request for early grading on December 13, 2016 (BoCC Resolution No. 16-442). The PUD included 283 residential lots with an overall density of one (1) dwelling unit per five (5) acres. The Board of County Commissioners approved a preliminary plan with a finding of water sufficiency for 283 residential lots on September 4, 2018. On this same date, the Board of County Commissioners also approved the first filing of the Flying Horse North subdivision, which included 80 residential lots. With the final plat action, two lots, which were shown on the PUD, were combined into one (1) lot. The requested replat will not result in the creation of an additional lot beyond the 283 lots approved with the PUD.

F. ANALYSIS

1. Land Development Code Compliance

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

2. **Zoning Compliance**

The proposed replat will create two (2) residential lots that, as proposed, will conform to the standards of the PUD (Planned Unit Development) zoning district. The PUD (Planned Unit Development) zoning district density and dimensional standards are as follows:

- Setbacks - 30 feet in the front, 10 feet on the sides, 35 feet in the rear
- Minimum lot size - 2.5 acres
- Maximum Lot Coverage - 20 percent
- Maximum Building Height - 35 feet, with an allowance for a maximum height of 45 feet for the golf course clubhouse

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. Relevant policies are as follows:

Policy 3.1.7 – *Carefully analyze each new development's proposed use of water.*

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.*

Policy 6.1.4 – *Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.*

Policy 6.1.8 - *Encourage incorporation of buffers or transitions between areas of varying use or density where possible.*

Policy 6.1.10- *Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.*

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.*

Policy 6.1.13 - *Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.*

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.

Policy 6.4.4 – *Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density or undevelopable areas.*

A finding of consistency with the Policy Plan was made by the Board of County Commissioners with the previously approved PUD (PUD-16-002), which allowed for 283 residential lots. This vacation and replat is in conformance with the Flying Horse North PUD.

4. Small Area Plan Analysis

The parcel is included within the boundaries of the Black Forest Preservation Plan (1987), specifically the Northern Grasslands planning units. This area recommends densities no greater than one (1) dwelling unit per five (5) acres. The Flying Horse north Planned Unit Development was approved with an overall density of one (1) dwelling unit per five (5) acres.

A finding of consistency with the Black Forest Preservation Plan was made with approval of the Flying Horse North PUD. The vacation and replat is in conformance with the Flying Horse North PUD and with all applicable conditions of approval included within the Board of County Commissioner's Resolution 16-442.

5. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies potential floodplain deposits and stream terrace deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There is potentially seasonal shallow groundwater on the subject parcel. An engineered site plan is required if construction is to occur within this area.

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

3. **Floodplain**
   FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0315G dated 12/7/2018 shows the property lies within the zone X area, which is determined to be outside the 500-year floodplain.

4. **Drainage and Erosion**
   The property is located in the East Cherry Creek (CYCY0200) and Black Squirrel Creek (FOMO3600) drainage basins. The East Cherry Creek drainage basin is unstudied, with no drainage or bridge fees. The Black Squirrel Creek drainage basin is studied, with drainage and bridge fees. The final drainage report from Flying Horse North Filing No. 1 (SF 18-001) identifies that the drainage and bridge fees for this lot were paid with the initial platting as 2.5-acre lots; therefore, additional drainage and bridge fees are not required to be paid with this replat application.

   There are no drainage or erosion issues identified with this request. No additional public drainage improvements will be required for the proposed lots.

5. **Transportation**
   The proposed parcels are accessed via Old Stagecoach Road. A traffic impact study was accepted with Flying Horse North Filing No. 1; an additional study is not required for this proposed vacation and replat.

   A plat note has been provided memorializing the Flying Horse North Filing No. 1 plat note No. 28. The plat note allows authorization of a building permit only for Lot 1 (carrying over from Lot 35, along with 39 other lots in Filing No. 1) until construction drawings for improvements to the Highway 83 and Old Stagecoach Road intersection, necessary for the Flying Horse North development, have been approved and financial assurances for those improvements provided to CDOT. Lot 2 will be allowed a building permit once those CDOT requirements have been met.

H. SERVICES

1. **Water**
   Sufficiency:
   Quality:

Quantity:
Dependability:
Attorney's summary: A conditional finding of sufficiency in terms of water quality, quantity, and dependability was found for 283 residential lots at the time of approval of the preliminary plan. The vacation and replat will not result in an additional lot being created beyond the approved 283 lots.

2. **Sanitation**
   Wastewater disposal will be via onsite wastewater treatment systems (OWTS). The soils report submitted with the preliminary plan demonstrates that the requirements of Section 8.4.8, Wastewater Disposal, of the Code, have been met.

3. **Emergency Services**
   The property is within the Black Forest Fire Protection District.

4. **Utilities**
   Natural gas service will be provided by Black Hills Energy. Mountain View Electric Association will provide electrical service.

5. **Metropolitan Districts**
   The property is not within a metropolitan district.

6. **Parks/Trails**
   Fees in lieu of park land dedication in the amount of $430.00 for regional fees will be due at the time of recording the replat. No urban park fees will be due.

7. **Schools**
   Fees in lieu of school land dedication in the amount of $306.00 will be due at the time of recording the replat.

I. APPLICABLE RESOLUTIONS

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Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2018) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.

4. The applicant shall submit the Mylar to Enumerations for addressing.

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 species.

6. 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.

7. 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. 18-471), 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.

8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of $430.00 shall be paid at time of plat recordation. No urban park fees will be due.

9. Fees in lieu of school land dedication in the amount of $306.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at time of plat recording.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

2. Drainage and bridge fees for the Black Squirrel Creek drainage basin were accounted for by lot density with the Flying Horse North Filing No. 1 (SF 18-001) Final Drainage Report and paid at recording of that plat.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified five (5) adjoining property owners on March 26, 2018, for the Planning Commission hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing

El Paso County Parcel Information

PARCEL	NAME
6136004004	PRI #2 LLC

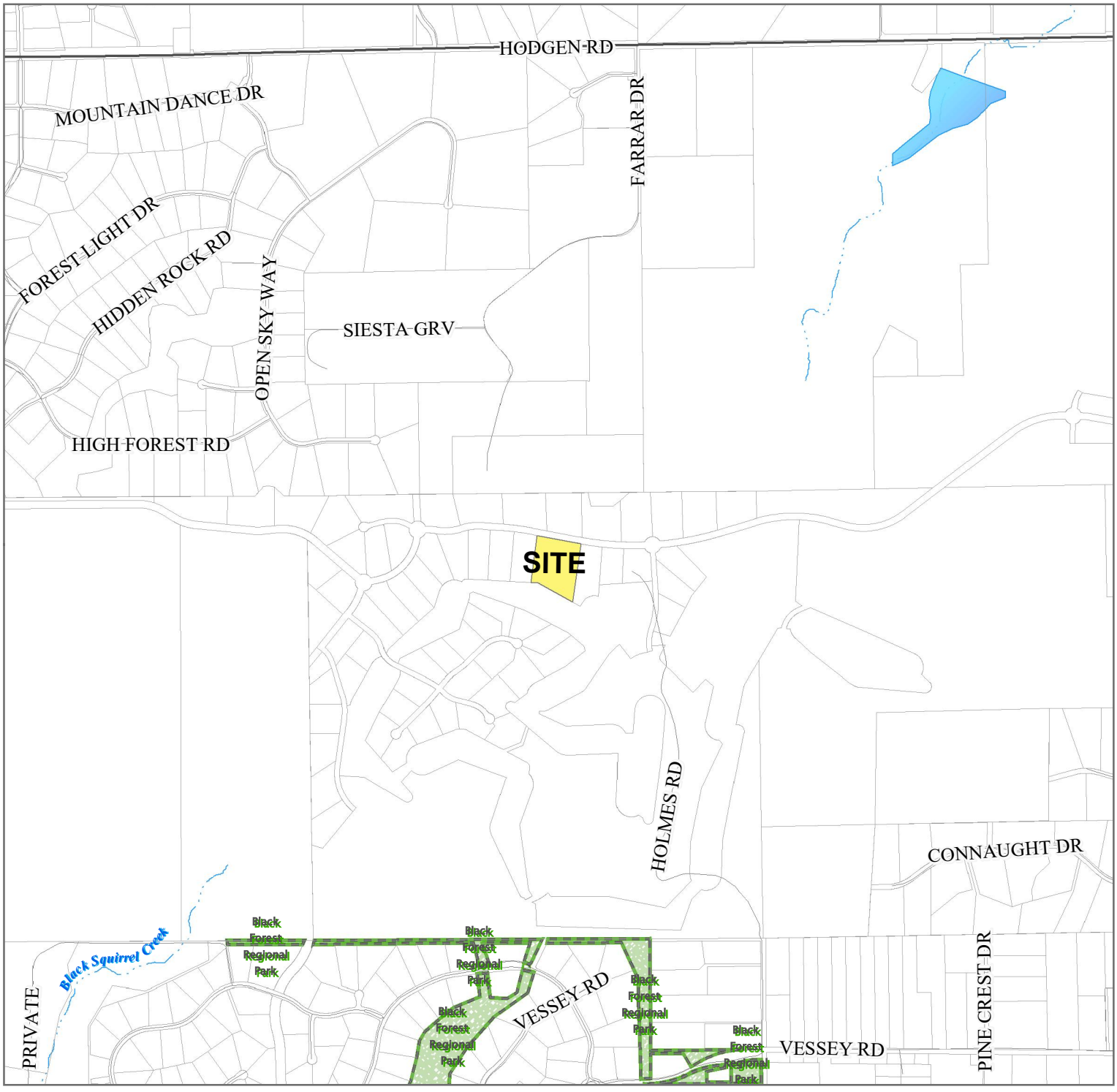
File Name: SF-18-042

Zone Map No. --

ADDRESS	CITY	STATE
6385 CORPORATE DR STE 200	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	5901

Date: MARCH 25, 2019



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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LETTER OF INTENT
Vacation and Replat of Lot 35, Flying Horse North Filing No. 1
November 2018
Revised January 2019

Owner /Developer: PRI #2 LLC
6385 Corporate Drive Suite 200
Colorado Springs, CO 80919

Engineer: Classic Consulting Engineers & Surveyors
619 North Cascade
Colorado Springs, CO 80919
(719) 785-0790

SITE LOCATION, SIZE, ZONING: Lot 35 contains 7.341 acres and lies within the recently approved Flying Horse North No. 1 subdivision plat. Replatting of lot 35 is following the original intent of the Planned Unit Development Plan for Flying Horse North approved in December of 2016. The site is zoned PUD.

REQUEST: To replat Lot 35 into 2 separate lots. Each lot will have an area in excess of the required 2 acre minimum. No changes are being made to road rights of way.

INTRODUCTION: The Flying Horse North PUD was approved by the El Paso County Board of county Commissioners in December of 2016. The PUD included the 2 lots that are proposed. The approved preliminary plan for Flying Horse North combined these 2 lots into one for a potential lot buyer. The lot buyer has backed out of the purchase.

PROPOSAL: PRI #2 now wishes return to the original layout for the site. This application is to replat lot 35 into 2 lots. An amended preliminary plan will be submitted under a separate application to show these 2 lots and combine 2 lots in another location within the preliminary plan in order to maintain the total lot count of 283 lots.

JUSTIFICATION: Conformance with the El Paso County Policy Plan

Flying Horse North Filing No. 1A conforms with goals and Policies of the El Paso County Policy Plan. All previous conditions that apply to the approvals for Flying Horse North Filing No. 1 will be adhered to with this subdivision as they pertain to this site.

INFRASTRUCTURE: Grading of the Flying Horse Filing No. 1 subdivision is near completion. Roads providing access to the site are presently under construction utilizing plans approved with Flying Horse Filing No. 1. Utilities, including electric, gas and communication, are also being installed. The lots will be served by individual well and septic.

FLYING HORSE NORTH FILING NO. 1A

A PORTION OF THE NORTH HALF OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

THAT PRI #2, LLC A COLORADO LIMITED LIABILITY COMPANY BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE NORTH END BY A 2 1/2" ALUMINUM CAP STAMPED "22564" AND THE SOUTH END BY A 2 1/2" ALUMINUM CAP STAMPED "9132", IS ASSUMED TO BEAR S00°14'34"E, A DISTANCE OF 5269.38 FEET.

LOT 35, AS PLATTED IN FLYING HORSE NORTH FILING NO. 1, RECORDED UNDER RECEPTION NO. 218714238, RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 7.341 ACRES.

OWNERS CERTIFICATE:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FLYING HORSE NORTH FILING NO. 1A. ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

OWNER:

THE AFOREMENTIONED, PRI #2, LLC A COLORADO LIMITED LIABILITY COMPANY HAS EXECUTED THIS INSTRUMENT THIS ___ DAY OF _____, 20 ___

WITNESS MY HAND AND OFFICIAL SEAL.

_____
JEFFREY B. SMITH AS CHAIRMAN OF THE BOARD
ELITE PROPERTIES OF AMERICA, INC., A COLORADO CORPORATION
MANAGER OF PRI #2, LLC A COLORADO LIMITED LIABILITY COMPANY

STATE OF COLORADO)
) ss
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS_____DAY OF_____, 20___, A.D. BY JEFFREY B. SMITH AS CHAIRMAN OF THE BOARD OF ELITE PROPERTIES OF AMERICA, INC., A COLORADO CORPORATION MANAGER OF PRI #2, LLC A COLORADO LIMITED LIABILITY COMPANY

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES:_____ _____
NOTARY PUBLIC

LIEN HOLDER:

SHAMROCK PRESERVE, LLC, A COLORADO LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 20___, A.D.

BY: _____ AS: _____
OF SHAMROCK PRESERVE, LLC, A COLORADO LIMITED LIABILITY COMPANY
STATE OF COLORADO)
) ss
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20___, A.D. BY _____ AS _____
OF SHAMROCK PRESERVE, LLC., A COLORADO LIMITED LIABILITY COMPANY

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____ _____
NOTARY PUBLIC

LIEN HOLDER:

GREAT WESTERN BANK HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF OF _____, 20___, A.D.

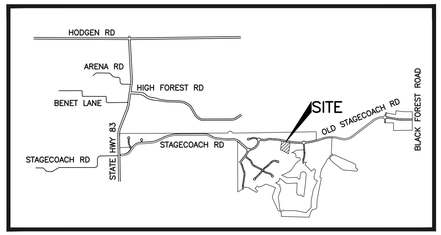
BY: _____ AS: _____
OF GREAT WESTERN BANK
STATE OF COLORADO)
) ss
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20___, A.D. BY _____ AS _____
OF GREAT WESTERN BANK.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____ _____
NOTARY PUBLIC

VICINITY MAP
N.T.S.



GENERAL NOTES:

1. THE DATE OF PREPARATION IS NOVEMBER 12, 2018.
2. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL DOMESTIC WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.
3. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM AND IN SOME CASES THE DEPARTMENT MAY REQUIRE AN ENGINEER DESIGNED SYSTEM PRIOR TO PERMIT APPROVAL.
4. ALL STRUCTURAL FOUNDATIONS SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN THE STATE OF COLORADO. SOILS REPORT BY ENTECH DATED FEBRUARY 22, 2016.
5. THE TRACT OF LAND HEREIN PLATTED LIES WITHIN SECTION 36, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN.
6. UNLESS SHOWN OTHERWISE, ALL FRONT LOT LINES ARE HEREBY PLATTED WITH A 20.00 FOOT WIDE PUBLIC UTILITIES, PUBLIC IMPROVEMENT AND DRAINAGE EASEMENT, AND A 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT. ALL SIDE AND REAR LOT LINES ARE HEREBY PLATTED WITH A 10.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, WITH THE SOLE RESPONSIBILITY FOR THE SURFACE MAINTENANCE OF EASEMENTS BEING VESTED WITH THE INDIVIDUAL PROPERTY OWNER.
7. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: SOILS AND GEOLOGICAL STUDY; WATER AVAILABILITY STUDY; DRAINAGE REPORTS; EROSION CONTROL REPORT; TRAFFIC IMPACT STUDY, IN PCD FILE NO.: SF-18-001 FOR FLYING HORSE NORTH FILING NO. 1.
8. THE TOTAL NUMBER OF LOTS BEING PLATTED IS 2.
9. THE ARTICLES OF INCORPORATION FOR FLYING HORSE NORTH HOMEOWNER'S ASSOCIATION, INC., WERE FILED WITH THE COLORADO SECRETARY OF STATE UNDER IDENTIFICATION NUMBER 20171619083. THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN THE RESTRICTIONS AND COVENANTS AS RECORDED AT RECEPTION NO. 218129432 OF THE RECORDS OF EL PASO COUNTY, COLORADO.
10. 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 DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP. OF ENGINEERS, THE U.S. FISH & WILDLIFE SERVICE AND/OR COLORADO DEPARTMENT OF WILDLIFE REGARDING THE ENDANGERED SPECIES ACT.
11. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
12. PURCHASERS OF LOTS WITHIN THIS SUBDIVISION ARE HEREBY ALERTED THAT THESE LOTS CONTAIN STORM WATER CONVEYANCE PATHS. SAID PURCHASERS ACKNOWLEDGE ACCEPTANCE OF THESE FLOWS ONTO, AND THROUGH, THESE LOTS. THE PURCHASER OF THESE LOTS SHALL BE RESPONSIBLE FOR MAINTAINING THESE PATHS AND FOR PROVIDING MEASURES TO ELIMINATE EROSION, IF SUCH SHOULD OCCUR.
13. WATER IN THE DENVER BASIN AQUIFERS IS ALLOCATED ON A 100 YEAR AQUIFER LIFE: HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 300 YEAR AQUIFER LIFE. APPLICANTS AND ALL FUTURE OWNERS IN THE SUBDIVISION SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DENVER BASIN AQUIFER MAY BE LESS THAN EITHER THE 100 YEARS OR 300 YEARS INDICATED DUE TO ANTICIPATED WATER LEVEL DECLINES.
14. FLOODPLAIN STATEMENT:
THIS SITE, FLYING HORSE NORTH FILING NO. 1A, IS NOT WITHIN A DESIGNATED F.E.M.A. FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, MAP NUMBER 08041C0295G AND 08041C0315G DATED DECEMBER 7, 2018.
15. NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY AS RECORDED UNDER RECEPTION NO. 218129430 IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE DEVELOPMENT SERVICES DEPARTMENT DIRECTOR AND MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE BY THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER. THIS PLAT RESTRICTION MAY BE REMOVED OR RESCINDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH SAID SUBDIVISION IMPROVEMENTS AGREEMENT. THE PARTIAL RELEASE OF LOTS FOR SALE, CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.
16. DUE TO WILDFIRE CONCERNS, THE APPLICANTS AND SUBSEQUENT HOMEOWNERS ARE ENCOURAGED TO INCORPORATE WILDFIRE FUEL BREAKS PROVISIONS AS RECOMMENDED BY THE COLORADO STATE FOREST SERVICE AND ILLUSTRATED THROUGH PUBLICATIONS AVAILABLE THROUGH THE STATE FOREST SERVICE. A WILDFIRE MITIGATION REPORT WAS PREPARED FOR THIS SITE AND IS ON FILE WITH THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
17. THIS PLAT IS REGULATED BY A P.U.D. DEVELOPMENT PLAN AS RECORDED UNDER RECEPTION NO. 217032585.
18. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY DEPARTMENT OF TRANSPORTATION AND UNITED STATES POSTAL SERVICE REGULATIONS.
19. FIRE PROTECTION IS BY DONALD WESCOTT FIRE PROTECTION DISTRICT AND BLACK FOREST FIRE PROTECTION DISTRICT.

GENERAL NOTES (CONT.):

20. THE FLYING HORSE NORTH HOMEOWNER'S ASSOCIATION SHALL MAINTAIN ALL IMPROVEMENTS LYING WITHIN MEDIANS, ISLANDS AND SIMILAR AREAS LYING WITHIN THE PLATTED RIGHT OF WAY, PER THE LANDSCAPE LICENSE AGREEMENT RECORDED UNDER RECEPTION NUMBER 218129428.
21. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUE 18-4-508, C.R.S.
22. THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH TO DETERMINE OWNERSHIP OR EASEMENTS OR RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY AND TITLE OF RECORD, CLASSIC CONSULTING ENGINEERS AND SURVEYORS AND THE SURVEYOR OF RECORD RELIED UPON THE TITLE COMMITMENT ORDER NUMBER 182415 ISSUED BY CAPSTONE TITLE DATED NOVEMBER 6, 2018 AT 8:00 A.M.
23. PURSUANT TO RESOLUTION 16-454, APPROVED BY THE BOARD OF DIRECTORS, EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT AND RECORDED IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 216145945, THE PARCELS WITHIN THE PLATTED BOUNDARIES OF FLYING HORSE NORTH FILING NO. 1 ARE INCLUDED WITHIN THE BOUNDARIES OF THE EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT NO. 3 AND AS SUCH IS SUBJECT TO APPLICABLE ROAD IMPACT FEES AND MILL LEVY.
24. A DRIVEWAY PERMIT IS REQUIRED TO BE APPLIED FOR AND APPROVED BY EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO THE ESTABLISHMENT OF ANY DRIVEWAY.
25. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
26. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.3.3.C.3. BOTH LOTS WITHIN THIS SUBDIVISION WILL REQUIRE LARGER CULVERTS BASED ON THE APPROVED FINAL DRAINAGE REPORT AND SHALL BE SIZED AND DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF COLORADO. IF A DRIVEWAY IS PROPOSED TO CROSS A DRAINAGE EASEMENT, AN ENGINEERED SITE PLAN WILL BE REQUIRED FOR COUNTY REVIEW.
27. NO IMPROVEMENTS SHALL BE PLACED WITHIN THE HIGHWATER LINE OF THE RESERVOIR OR IN THE SPILLWAY OR SPILLWAY CHANNEL. IF DEVELOPMENT ACTIVITIES ASSOCIATED WITH THIS SUBDIVISION RESULT IN REQUIRED MODIFICATIONS, REPAIRS, ENLARGEMENTS TO, OR REPLACEMENT OF, ANY DAM, SPILLWAY, SPILLWAY CHANNEL, OR OTHER WATER DETENTION FACILITY LOCATED WITHIN, OR ASSOCIATED WITH, THIS DEVELOPMENT, DEVELOPER, FLYING HORSE COUNTRY CLUB LLC, ITS HEIRS, SUCCESSORS AND/OR ASSIGNS, AND/OR THE DAM OWNER SHALL BE RESPONSIBLE OR LIABLE FOR SUCH MODIFICATIONS, REPAIRS, ENLARGEMENTS, OR REPLACEMENT AND THE COSTS THEREOF. HOWEVER, EL PASO COUNTY SHALL NOT BE RESPONSIBLE OR LIABLE FOR SUCH MODIFICATIONS, REPAIRS, ENLARGEMENTS, OR REPLACEMENT AND THE COSTS THEREOF BY VIRTUE OF THIS SUBDIVISION APPROVAL. FURTHERMORE, THE DAM AND RESERVOIR ARE AN AMENITY FOR THIS SUBDIVISION. IF THE HAZARD CLASSIFICATION OF THE DAM LOCATED IN THIS SUBDIVISION CHANGES BECAUSE OF DEVELOPMENT ON PROPERTY ADJACENT AND DOWNSTREAM TO THIS SUBDIVISION RESULTING IN REQUIRED MODIFICATIONS, REPAIRS, ENLARGEMENTS TO, OR REPLACEMENT OF, ANY DAM, SPILLWAY, SPILLWAY CHANNEL, OR OTHER WATER DETENTION FACILITY BECAUSE OF SUCH INCREASE IN HAZARD CLASSIFICATION OF THE DAM, THEN THE DEVELOPER, FLYING HORSE COUNTRY CLUB LLC, ITS HEIRS, SUCCESSORS AND/OR ASSIGNS, AND/OR THE DAM OWNER, BUT NOT EL PASO COUNTY, SHALL BE RESPONSIBLE OR LIABLE FOR SUCH MODIFICATIONS, REPAIRS, ENLARGEMENTS, OR REPLACEMENT OR THE COSTS THEREOF BY VIRTUE OF THIS CHANGED HAZARD CLASSIFICATION.
28. LOTS THAT HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS ARE GRAPHICALLY DEPICTED. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE GEOLOGIC HAZARD REPORT PREPARED BY ENTECH ENGINEERING DATED FEBRUARY 22, 2016 IN FLYING HORSE NORTH PRELIMINARY PLAN FILE # SP-17-012 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. IF ANY STRUCTURES ARE PROPOSED IN ANY HAZARD AREA, AN ENGINEERED SITE PLAN WILL BE REQUIRED FOR COUNTY REVIEW.
29. IF ANY PORTION OF A BUILDING IS PROPOSED TO ENCROACH INTO A DRAINAGE EASEMENT, AN ENGINEERED SITE PLAN WILL BE REQUIRED FOR COUNTY REVIEW, BUT NO REPLAT OF THE DRAINAGE EASEMENT WILL BE REQUIRED.
30. THE USE OF THE OPEN SPACE SHALL BE RESTRICTED BY THE USE RESTRICTION COVENANT RECORDED AT RECEPTION NO. 218129431 IN THE EL PASO COUNTY COUNTY CLERK AND RECORDER RECORDS.
31. ONLY LOT 1 ON THIS FINAL PLAT SHALL BE ALLOWED A BUILDING PERMIT UNTIL SUCH TIME AS (A) CDOT HAS APPROVED CONSTRUCTION PLANS FOR THE IMPROVEMENTS REQUIRED AT STAGECOACH ROAD AND HIGHWAY 83 ASSOCIATED WITH THIS DEVELOPMENT AND (B) FINANCIAL ASSURANCES HAVE BEEN POSTED WITH CDOT AS REQUIRED. AT SUCH TIME AS (A) AND (B) HAVE BEEN SATISFIED LOT 2 ON THIS FINAL PLAT SHALL BE ALLOWED A BUILDING PERMIT. NOTWITHSTANDING THE FOREGOING, NOT MORE THAN 40 DWELLING UNITS MAY BE OCCUPIED WITHIN THE LIMITS OF FLYING HORSE NORTH FILING NO. 1 AND FLYING HORSE NORTH FILING NO. 1A UNTIL SUCH TIME AS THE IMPROVEMENTS REQUIRED AT STAGECOACH ROAD AND HIGHWAY 83 ASSOCIATED WITH THIS DEVELOPMENT HAVE BEEN COMPLETED.

PRELIMINARY
THIS DOCUMENT HAS NOT BEEN PLAT CHECKED

SURVEYOR'S STATEMENT:

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATES AND DECLARES THAT THE ACCOMPANYING PLAT WAS SURVEYED AND DRAWN UNDER HIS RESPONSIBLE CHARGE AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND SUBDIVISION THEREOF, AND THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

_____ _____
DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR DATE
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING,
ENGINEERS AND SURVEYORS, LLC.

NOTICE:

ACCORDING TO COLORADO LAW YOU **MUST** COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

THIS PLAT FOR FLYING HORSE NORTH FILING NO. 1A WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____DAY OF _____, 20___, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (STREETS AND EASEMENTS) ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

PREVIOUS PLAT NAME IN ENTIRETY IS VACATED AND AMENDED FOR THE AREAS DESCRIBED BY THIS REPLAT, SUBJECT TO ALL COVENANTS, CONDITIONS, AND RESTRICTONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, RECEPTION NO. _____.

_____ _____
CHAIR, BOARD OF COUNTY COMMISSIONERS DATE

_____ _____
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DATE

_____ _____
COUNTY ASSESSOR DATE

CLERK AND RECORDER:

STATE OF COLORADO)
) ss
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT_____O'CLOCK__M. THIS_____DAY OF_____, 20___, A.D., AND IS DULY RECORDED AT RECEPTION NO._____OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHUCK BROERMAN, RECORDER

BY: _____
DEPUTY

DRAINAGE: _____
BRIDGE FEES: _____
URBAN PARK: _____
REGIONAL PARK: _____
SCHOOL FEE: _____
SURCHARGE: _____
FEE: _____

OWNER:
PRI #2, LLC
6385 CORPORATE DRIVE, SUITE 200
COLORADO SPRINGS, CO 80919
PHONE (719) 592-9333

NO.	REVISION	DATE
1	COUNTY COMMENTS	01-24-19
2	COUNTY COMMENTS	03-21-19

FLYING HORSE NORTH FILING NO. 1A
1096.09
NOVEMBER 12, 2018
SHEET 1 OF 2

CLASSIC CONSULTING SM

619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719)785-0790
(719)785-0799 (Fax)

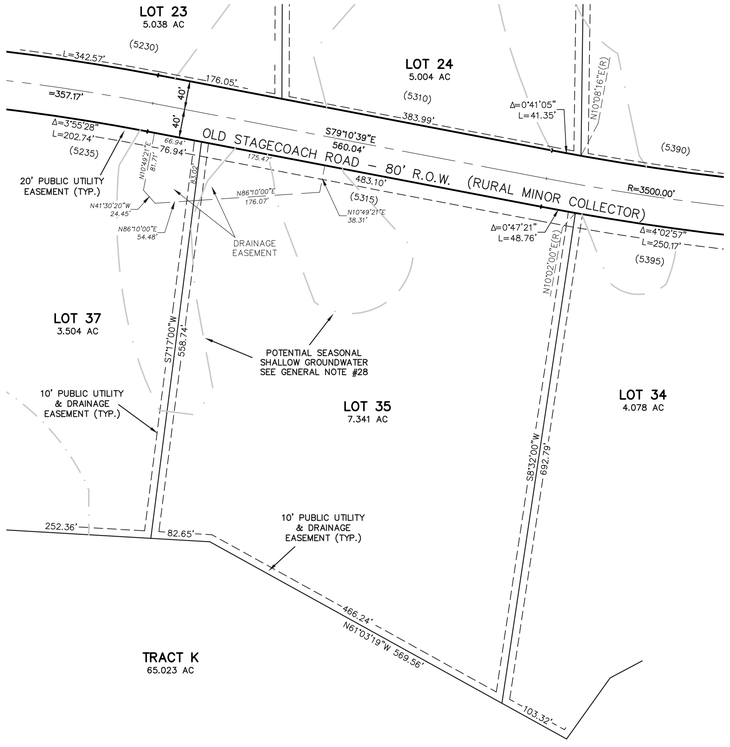
PCD FILE NO.: SF-18-042

N:\1096\09\DRAWINGS\SURVEY\PLAT\1096091P1.dwg, 3/21/2019 8:18:58 AM, 1:1

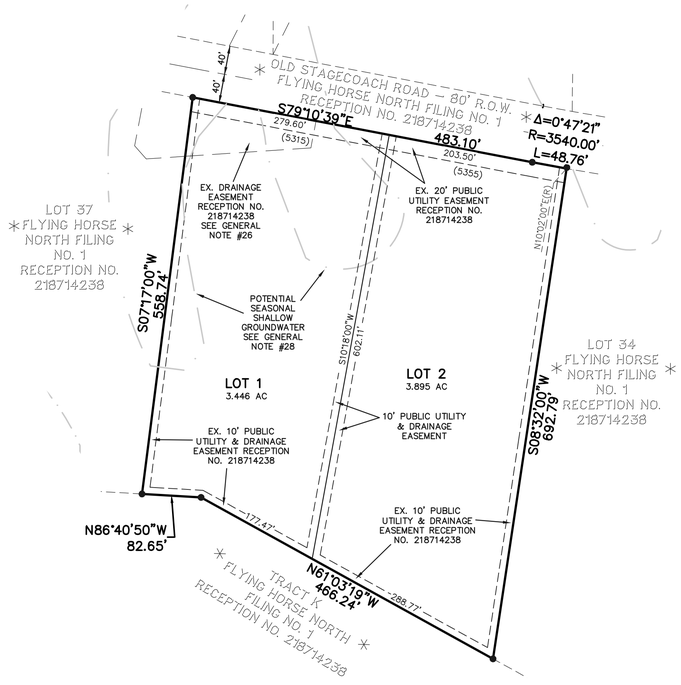
FLYING HORSE NORTH FILING NO. 1A

A PORTION OF THE NORTH HALF OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 66 WEST
OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

AS PLATTED



AS REPLATTED



PRELIMINARY
THIS DOCUMENT HAS NOT BEEN
PLAT CHECKED

LEGEND

- ▣ NO. 5 REBAR WITH 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "CCES LLC PLS 30118" SET
- ● NO. 5 REBAR WITH 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "CCES LLC PLS 30118" RECOVERED
- (XXXX) ADDRESS
- ✳ NOT PART OF THIS PLAT
- (R) RADIAL BEARING

N

100 50 0 100 200

SCALE: 1" = 100'
U.S. SURVEY FEET

FLYING HORSE NORTH FILING NO. 1A
1096.09
NOVEMBER 12, 2018
SHEET 2 OF 2

CLASSIC CONSULTING
619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719)785-0790
(719)785-0799 (Fax)

PCD FILE NO.: SF-18-042

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