



**CITY COUNCIL AGENDA
JANUARY 27, 2015 – 6:00 P.M.
116 SOUTH MAIN STREET**

1) Call to Order

2) Pledge of Allegiance

3) Roll Call

4) Presentations:

(B) Board/Commission/Committee Appointments

- Appoint Member to the Board of Adjustment

5) City Council Agenda Requests and Announcements

6) Public to be Heard

Citizens may address the Council on items that are not on the agenda. Please sign up with the City Clerk prior to the meeting. Council may not be able to provide an immediate answer, but will direct staff to follow-up. Out of respect for the Council and others in attendance, please limit your comments to three (3) minutes or less.

7) Consent Agenda

Note: All items listed under the Consent Agenda are considered to be routine and will be approved with one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which case the item may be removed from the Consent Agenda and considered separately, at the discretion of Council.

A. Approval of the January 13, 2015 City Council Meeting Minutes

B. Corporate Report of Changes for WCP, Inc. (Widefield Corner Pocket)
Located at 6502 S. Hwy 85/87.

8) Old Business

None

9) New Business

A. Consideration of Items Removed from the Consent Agenda

B. Public Hearing and First Reading of Ordinance 1644, An Ordinance Approving an Overall Development Plan (ODP) for Property to be Known as

Eagleside Ridge, Generally Located Northwest and Southwest of the Intersection of Kane Road and Link Road, and Hereinafter More Specifically Described in Exhibit A and Exhibit B **(QJ)** (Dave Smedsrud)

- C. Public Hearing** and First Reading of Ordinance 1645, An Ordinance Amending the Official Zoning Map of the City of Fountain, Colorado to Planned Unit Development (PUD) District Related to a Portion of the Area to be Known As Eagleside Ridge Addition, Generally Located Northwest and Southwest of the Intersection of Kane Road and Link Road, and Hereinafter More Specifically Described in Exhibit A and Exhibit B **(QJ)** (Dave Smedsrud)
- D. Public Hearing** and First Reading of Ordinance 1646, An Ordinance Amending the Official Zoning Map of the City of Fountain, Colorado to Park and Open Space (POS) District Related to a Portion of the Area to be Known As Eagleside Ridge Addition, Generally Located Northwest and Southwest of the Intersection of Kane Road and Link Road, and Hereinafter More Specifically Described in Exhibit A and Exhibit B **(QJ)** (Dave Smedsrud)
- E.** Resolution No. 15-001, A Resolution Of El Paso County School District No. 8 Authorizing The Sale Of Certain Real Property In El Paso County, Colorado To The City Of Fountain, Colorado Described As Lot 4, School District 8, Filing No. 5 According To The Plat Thereof Recorded September 20, 2013 At Reception No. 213713379, County Of El Paso, State Of Colorado, Except That Part Conveyed By Deed Recorded July 19, 2012 Under Reception No. 212081915 And Authorizing A Completion Certificate Agreement **(A)** (Pat McDivitt)

10) Correspondence, Comments and Ex-Officio Reports

11) Announcement of Executive Sessions

In accordance with the City Charter and the Colorado Open Meetings Act, the City Council open session is to determine whether it will hold a Closed Executive Session. A Closed Executive Session may be held upon an affirmative vote of two-thirds of the quorum present. If consent to the closed Executive Session is not given, the items may be discussed in open session or withdrawn from consideration.

- 1. Executive Session** pursuant to C.R.S. section 24-6-402(4) for the purpose of review, approval, and amendment of executive session minutes
- 2. Executive Session** pursuant to C.R.S. section 24-6-402(4)(e) for the purpose of determining positions relative to matter that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.
- 3. Executive Session** pursuant to C.R.S. section 24-6-402(4)(g) for consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act
- 4. Executive Session** pursuant to C.R.S section 24-6-402(4)(f) for the purpose of discussing a personnel matter and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

12) Adjourn

FOLLOWING THE ADJOURNMENT OF THE REGULAR CITY COUNCIL MEETING THE CITY COUNCIL SHALL RECONVENE AS THE EX OFFICIO BOARD OF DIRECTORS OF THE FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 2 FOR ACTION ON THE FOLLOWING ITEM:

1. Second Reading of Ordinance No. 1650GID2, An Ordinance Of The Fountain General Improvement District No. 2, City Of Fountain, Colorado, For Inclusion Of Certain Property Sometimes Known As Lots 1-14 Wild Oak Farms, Subdivision No.1 Filing 4A Into The Fountain General Improvement District No. 2, City Of Fountain, Colorado

A (Administrative Action) QJ (Quasi-Judicial Action) L (Legislative Action)

**NEXT REGULAR COUNCIL MEETING
February 10, 2015**

Posting Date:



Regular City Council Meeting

Appointments- 4B Board of Adjustment Member

January 27, 2015

Summary Information

Title: Appoint Member to the Board of Adjustment

Initiator: Planning Assistant

Presenter: City Clerk

Legal Review: Yes No

- Council Action
- Council Information
- Report to Council

Summary Overview and List of Attachments:

The purpose of this is to fill an existing vacancy on the Board of Adjustment.

Previous Action by City Council: N/A

Attachments: Application

Background Information

Due to the resignation of Board of Adjustment Member Ernest Coleman, his seat became vacant. Mr. Coleman's term would expire on May 10, 2015.

Pursuant to Resolution 09-026, A Resolution Limiting the Terms of Service for Members on City of Fountain Boards, Commissions or Committees, "Persons appointed by the City Council to a Vacancy on a Board, Commission or Committee may be appointed for the remainder of the unexpired term. If such unexpired term is for a period of less than six (6) months, such appointment shall not be considered as a term of service under the limitations set forth in this resolution". As such, this appointment would be for a four-year term.

The vacancy was advertised in the Fountain Valley news on December 10, 2014 and December 17, 2014 with a closing date of January 16, 2015. One application was received from Carol Mock on February 15, 2015. No other applications have been received to date. Please see attached application.

Recommendation

Appoint Carol Mock to the Board of Adjustment for a four-year term.

Proposed Motion

"I make a motion to appoint Carol Mock to the Board of Adjustment for a four-year term."

S.T.

CM Review



Regular City Council Meeting

Consent – 7A
Council Meeting Minutes 1/13/15

January 27, 2015

Summary Information

Title:

Approval of the January 13, 2015 City Council Meeting Minutes

Initiator : City Clerk

Presenter: Silvia Mascarenas, City Clerk

Legal Review: Yes No

- Council Action
- Council Information
- Report to Council

Summary Overview and List of Attachments:

The attached minutes were compiled as the result of the January 13, 2015 City Council Meeting Minutes

Attachments: January 13, 2015 City Council Meeting Minutes

Background Information

N/A

Recommendation

Approve the January 13, 2015 City Council Meeting Minutes

Proposed Motion

Motion to approve shall be included under the consent agenda.


CM Review

CITY COUNCIL MEETING
January 13, 2015

1) Call to Order

Mayor Ortega called the meeting to order at 6:00 P.M.

2) Pledge of Allegiance

The Pledge of Allegiance was recited.

3) Roll Call

Roll call found the following members present:

Mayor Ortega

Council Member Thompson

Council Member Gieck

Council Member Lauer

Council Member Thomas

Council Member St. Louis

Mayor Pro Tem Coke contacted Staff of his absence.

4) Special Presentations & Declarations:

None

(B) Board/Commission/Committee Appointments

5) City Council Agenda Requests and Announcements

Council Member Lauer announced that he will be out of the country and will be absent through February.

6) Public to be Heard

Deborah Stout-Meininger, resident, is still looking for an update on the striping of Highway 85 and requested someone send her a copy when information is received. She passed out a photo and information about Storm water/ Flood Mitigation from Glen Eyrie.

Mayor Ortega stated that he thought that they were not planning on doing any striping until spring.

7) Consent Agenda

- A. Approval of the December 16, 2014 City Council Meeting Minutes**
- B. Approval of a Park Permit/Event Permit for Fountain Valley Chamber of Commerce for the 2015 Labor Day Event**
- C. Approval of 2015 School Fees in Lieu of Land Dedication**

Council Member Thomas made a motion to approve the consent agenda, seconded by Council Member St. Louis. All members voted yes (6-0); the motion carried.

8) Old Business

- A. Second Reading of Ordinance 1649, An Ordinance Amending the City of Fountain, Colorado Fiscal Year 2014 Budget**

Finance Director Don Yucuis reported that there have been no changes from first reading and there has been an exhibit added. Staff is recommending approval.

Council Member St. Louis made a motion to approve Ordinance 1649 on second reading, seconded by Council Member Gieck. All members voted yes (6-0); the motion carried.

9) New Business

- A. Consideration of Items Removed from the Consent Agenda**

There were no items removed.

10) Correspondence, Comments and Ex-Officio Reports

City Manager Trainor reminded City Council of the upcoming retreat on January 17, 2015. He introduced Andrew Ward, Best and Brightest intern from University of Denver. He will be working closely with Economic Development and Urban Renewal and will be with the city for the next 2 years.

Community Service Director Smedsrud, Invited Council to attend the upcoming joint meeting with Recreation Task Force and Park Board on January 21, 2015.

Police Chief Evans reported that he has been in contact with Fort Carson and is working closely with them to help with the morning traffic. They are still working on short and long term solutions.

Council Member Thompson thanked Joney Carneal and Rosa McCormick for their job on the Employee Recognition. She thanked the Police Department with their help getting Race St. cleaned up. She has had compliments on the great job by our Streets Department for snow removal.

Council Member St. Louis has also had compliments on snow removal. She reminded Council that she has sent out a survey for Fountain Valley Foundation by email.

Mayor Ortega thanked everyone that helped with the Recognition.

11) Announcement of Executive Sessions

There were no executive sessions requested.

12) Adjourn

There being no further business Mayor Ortega declared the meeting adjourned at 6:19 P.M.

City Clerk

Mayor



Regular City Council Meeting

Consent –7B
Corporate Report of Changes

January 27, 2015

Summary Information

Title:

Corporate Report of Changes for WCP, Inc. (Widefield Corner Pocket) Located at 6502 S. Hwy 85/87.

Initiator : Deputy City Clerk Carneal

Presenter: Silvia Mascarenas, City Clerk

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

WCP, Inc. Requests a Change In corporate structure by removal of a primary partner.

Attachments: Report of Changes, Individual History Record

Background Information

The local and state fees were submitted with the application and records do not show any liquor violations for this location as per the Department of Revenue Liquor Code. Incidents involving non-liquor violations are on file with the City Clerk’s Office of the City of Fountain. The application was submitted in a timely manner and cooperation with law enforcement has been excellent.

Recommendation

Staff recommends approval.

Proposed Motion

N/A

S.T.

CM Review



Regular City Council Meeting

New Business – 9A

Items Removed from Consent

January 27, 2015

Summary Information

Title:

Consideration of Items Removed from the Consent Agenda

Initiator : City Clerk Mascarenas

Presenter: Silvia Mascarenas, City Clerk

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Any Items removed from the Consent agenda for further discussion shall be heard under this item

Background Information

N/A

Recommendation

N/A

Proposed Motion

S.T.

CM Review



Regular City Council Meeting

New Business –9B

Ordinance 1644

January 27, 2015

Summary Information

Title:

Public Hearing and First Reading of Ordinance 1644, An Ordinance Approving an Overall Development Plan for Property to be Known as Eagleside Ridge, Generally Located Northwest and Southwest of the Intersection of Kane Road and Link Road, and Hereinafter More Specifically Described in Exhibit A and Exhibit B

Initiator: Community Services Director

Council Action

Presenter: Community Services Director

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

A request to approve an Overall Development Plan for the property known as Eagleside Ridge.

Previous Action by City Council: At the November 4, 2014 City Council meeting, City Council voted to table this item to allow the Applicant time to redesign the proposed land use to be more compliant with the Comprehensive Development Plan.

Attachment A: Vicinity Map

Attachment B: Overall Development Plan Review Criteria

Attachment C: Eagleside Ridge Open Space Plan

Attachment D: Ordinance 1644

Background Information

This is a request for approval of an 86.06 acre Overall Development Plan (ODP) for the Eagleside Ridge development. A PUD zoning request of the same area accompanies this request. The property is generally located northwest and southwest of the intersection of Kane Road and Link Road. The development proposes a maximum of 285 dwelling units of which 21 are larger acre lots ranging in size from a minimum of one-half acre to 1.25 acres. The Applicant is proposing one-half acre lots abutting the Cumberland Green development and along a portion of Link Road. Larger 1.25 acre lots will abut existing large lot residentially zoned lots. The acreage being provided for these lots are larger than what was provided in previously approved developments (Countryside North which was one acre) that also abutted existing large lot residential.

Since the November 4, 2014 City Council meeting the following changes have been made by the Applicant relating to land use:

November 2014 ODP No. of Lots	January 2015 Proposed ODP No. of Lots
Minimum lot size of 3,400 sq.ft: 66	Minimum lot size of 5,000 sq.ft: 264
Minimum lot size of 5,000 sq.ft: 257	Minimum lot size of one-half acre: 8
Minimum lot size of one-half acre: 21	Minimum lot size of 1.25 acre: 13
Multi-family: 80	
This plan included an open space buffer around existing large lot properties	The open space buffer has been removed in lieu of larger lots. This plan proposes a reduction in open space. See below for more detail
Total number of SFD: 244	Total number of SFD: 285
Total number of MF: 80	

The most significant changes to the plan include the elimination of the proposed multi-family residential and an

increase in the acreage of larger lots. It should be noted that the total number of single-family residential lots has increased from 244 to 285. The applicant is also requesting that the 25% open space be calculated using land area that consists of one acre lots and smaller rather than the entire PUD area. This is described in more detail below.

Open Space Elements: The plan offers 7.4 acres (8.6%) of the entire development as open space, parks, and trails. This falls short of the required 25% open space within a PUD. The Applicant is proposing amenities in lieu of the full 25% open space land requirement and has provided a cost estimate to justify the offset. The full 25% open space requirement would be 21.5 acres of land. The shortage in open space acreage would have a monetary value of \$493,500 (14.1 X \$35,000).

- Required: 21.5 acres (86.06 acres x 25%)
- Providing: 7.4 acres of open space
- Shortage: 14.1 acres
- Amenities in lieu: \$493,500 (\$35,000 x 14.1ac)
- Open Space provided: 8.6% of the entire development

The Applicant is requesting an open space reduction based on the premise that a large portion of the development is planned as large lot residential lots. The applicants are requesting to use the land area that consists of one acre lots and smaller for the open space calculation rather than the entire PUD area. The request is to exclude the large lots from the open space land area.

- Required: 17.44 acres (69.76 acres x 25%)
- Providing: 7.4 acres of open space
- Shortage: 10.04 acres
- Amenities in lieu: \$351,400 (\$35,000 x 10.04ac)
- Open Space provided: 10.6% of the development area consisting of one acre and smaller

The Applicant's request for an open space reduction using the land area that consists of one acre lots and smaller will result in less amenities and less open space being provided throughout the entire development.

The amenities proposed in lieu of the full open space dedication include: off-street sidewalk/trails, a playground and park furnishings. Any amenities put in place to satisfy the required PUD open space require may not be used toward a reduction in park fees due at time of building permit.

Access: As part of the development, Ohio Avenue will be realigned and extended to the east to Link Road. The extension of Ohio Avenue will also allow for adequate intersection spacing for one full movement access. R.E.A. Road will remain a public rural road to the north. A right-in/right-out access is proposed onto Link Road.

Floodplain: This property is not impacted by the 100-year or 500-year floodplain.

Drainage: The property is located in the Jimmy Camp Creek Basin. The majority of the stormwater generated from development of this site will be handled by virtue of curb and gutter to storm pipes and detention facilities.

Services: City of Fountain will provide water, electric, fire and police services to the property. Fountain Sanitation District will provide sanitary sewer service. Natural gas will be provided by Black Hills Energy and phone service by CenturyLink.

Surrounding Land Uses and Zoning:

North: Single-Family Residential	Planned Unit Development (PUD) District
South: Single-Family Residential	Large Lot Agricultural/Residential (LLR) District
East: Single-Family Residential	Large Lot Agricultural/Residential (LLR) District

West: Single-Family Residential

Planned Unit Development (PUD) District

Large Lot Agricultural/Residential (LLR) District

Comprehensive Plans: The Land Use Plan within the *Fountain Comprehensive Development Plan* recommends Large Lot Residential for this property. The Overall Development Plan for Eagleside Ridge is not in conformance with the *Plan* as it relates to land use; however, the applicant is proposing transitional lot sizes from large lot to smaller urban lots and Staff is supportive of the deviation.

- Approximately 20.6 acres of the development is Large Lot Residential with minimum lot size of one-half acre and greater. The Applicant is also proposing smaller lot single-family residential at the northern end of the property and are providing transitional lots between the urban and rural lots.
 - Deviations from the Plan may be allowed if land uses have varied lot sizes with adequate transitions and buffering from rural to urban character with adequate open space.
 - The proposed land uses are compatible with surrounding land uses. The Cumberland Green development areas to the north and west have provided similar lot transitioning. Eagleside Ridge has proposed smaller urban sized lots on the north side of the development consistent with existing lot sizes within Cumberland Green. 1.25 acre lots and one-half acre lots are proposed on the western boundary of the development which is also consistent with larger lots within Cumberland Green. The Chilcott Ditch also serves as a substantial buffer between the larger Cumberland Green lots (approximately 2 acres) and the proposed one-half acres lots along the western boundary. Larger lots are also proposed along the southern and eastern lots that are adjacent to existing large lots.
 - The Countryside North development also provided 1 acres lots adjacent to existing 5 acre lots and larger.
- This area is also included in the Urban Growth and Urban Service areas. These defined areas are subject to increased development and deemed appropriate for urban growth that can support urban services such as municipal water and sanitary sewer. Outlying areas are generally preserved for agricultural and other less intensive uses that may not have access to municipal services.
- The *Plan* is to be used as a guide to determine if land use changes are in keeping with the overall patterns of development.

The *Plan* also recommends that Planned Unit Developments should provide a minimum of 15% open space unless funds in lieu of the open space dedication are equal to or exceed the value of development.

The *Parks, Recreation and Trails Master Plan* recommends a trail along the west side of Link Road. The ODP, as proposed, identifies a trail connection in this general area.

The *Traffic Master Plan* recommends the realignment of Ohio Avenue through the property to Link Road in order to improve traffic circulation and increase safety.

Public Notice: At least fifteen (15) days prior to the City Council public hearing, the property was posted and property owners of record within four hundred feet (400') were notified. A public notice published in the El Paso County Advertiser and News. Staff did not receive any opposition to this request.

Staff Findings: Staff finds that the Overall Development Plan (ODP) for Eagleside Ridge is generally consistent with the review criteria set forth in Section 17.532 E. of the Zoning Ordinance, which criteria are attached to this staff report.

Planning Commission Action: On January 7, 2015, the City of Fountain Planning Commission voted 4 to 1 to recommend approval of the Overall Development Plan request subject to the following conditions:

1. Prior to City Council, the Applicant must fully address all of Staff and Agency comments.

2. The Property Owner must submit an application and be formally included into the Fountain Sanitation District prior to submittal of a final plat.
3. The property is within the Eastside Transmission Main Recovery Agreement service area which requires a surcharge of \$63.50 per single family equivalent to be paid at time of building permit. The unsubdivided parcel (approximately 5 acres) at the northwest corner of Link Road and Ermel Road is subject to the Local Surcharge of \$646.75 per single family equivalent to be paid at time of building permit.
4. The off-site right-of-way for Ohio Avenue must be acquired and deeded to the City of Fountain prior to approval of any final plat in Phase 2 or Phase 3.
5. An open space reduction using the land area consisting of one-half acre lots and smaller shall be used for calculating the 25% for the open space dedication, with a land dedication of 7.4 acres where 17.44 acres is required and providing amenities in lieu of the full open space dedication.
6. Amenities must be provided in lieu of the full 25% open space requirement. These amenities may not be used toward a reduction in park fees.

Condition No. 1 has been satisfied.

Condition No. 5: The Planning Commission approved the open space reduction using the land area consisting of one-half acres lots and smaller; however the Applicant is requesting that the open space reduction be calculated using land area consisting of one (1) acre lots and smaller. Staff does not object to this request by the Applicant.

Recommendation

Staff recommends approval of Ordinance 1644 on first reading subject to the following conditions:

1. The Property Owner must submit an application and be formally included into the Fountain Sanitation District prior to submittal of a final plat.
2. The property is within the Eastside Transmission Main Recovery Agreement service area which requires a surcharge of \$63.50 per single family equivalent to be paid at time of building permit. The unsubdivided parcel (approximately 5 acres) at the northwest corner of Link Road and Ermel Road is subject to the Local Surcharge of \$646.75 per single family equivalent to be paid at time of building permit.
3. The off-site right-of-way for Ohio Avenue must be acquired and deeded to the City of Fountain prior to approval of any final plat in Phase 2 or Phase 3.
4. Amenities must be provided in lieu of the full 25% open space requirement. These amenities may not be used toward a reduction in park fees.

Proposed Motion

Should City Council decide to approve the Applicant's request for an open space reduction then the following motion should apply and on second reading of the ordinance, condition No. 4 will be included.

I Motion to Approve Ordinance 1644 on first reading subject to the following conditions:

1. The Property Owner must submit an application and be formally included into the Fountain Sanitation District prior to submittal of a final plat.
2. The property is within the Eastside Transmission Main Recovery Agreement service area which requires a surcharge of \$63.50 per single family equivalent to be paid at time of building permit. The unsubdivided parcel (approximately 5 acres) at the northwest corner of Link Road and Ermel Road is subject to the Local Surcharge of \$646.75 per single family equivalent to be paid at time of building permit.
3. The off-site right-of-way for Ohio Avenue must be acquired and deeded to the City of Fountain prior to approval of any final plat in Phase 2 or Phase 3.
4. An open space reduction using the land area consisting of one (1) acre lots and smaller shall be used for calculating the 25% for the open space dedication, with a land dedication of 7.4 acres where 17.44 acres is required and providing amenities in lieu of the full open space dedication.
5. Amenities must be provided in lieu of the full 25% open space requirement. These amenities may not be used toward a reduction in park fees.

Should City Council **decide not to approve** the Applicant's request for an open space reduction then the following motion should apply.

I Motion to Approve Ordinance 1644 on first reading subject to the following conditions:

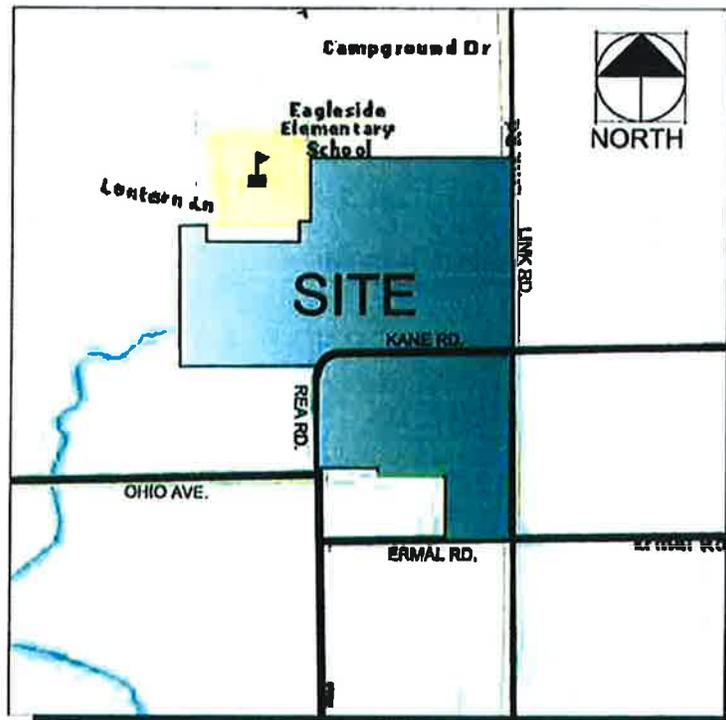
1. The Property Owner must submit an application and be formally included into the Fountain Sanitation District prior to submittal of a final plat.
2. The property is within the Eastside Transmission Main Recovery Agreement service area which requires a surcharge of \$63.50 per single family equivalent to be paid at time of building permit. The unsubdivided parcel (approximately 5 acres) at the northwest corner of Link Road and Ermel Road is subject to the Local Surcharge of \$646.75 per single family equivalent to be paid at time of building permit.
3. The off-site right-of-way for Ohio Avenue must be acquired and deeded to the City of Fountain prior to approval of any final plat in Phase 2 or Phase 3.
4. Amenities must be provided in lieu of the full 25% open space requirement. These amenities may not be used toward a reduction in park fees.



CM Review

ATTACHMENT A

VICINITY MAP:



ATTACHMENT B

OVERALL DEVELOPMENT PLAN REVIEW CRITERIA

Pursuant to section 17.532 E. of the Zoning Ordinance, Overall Development Plans shall be reviewed for substantial conformance to the applicable review criteria below.

1. The overall development plan is consistent with the Fountain Comprehensive Development Plan and other adopted plans.

The Land Use Plan within the Fountain Comprehensive Development Plan recommends Large Lot Residential for this property. The Overall Development Plan for Eagleside Ridge is not in conformance with the Plan as it relates to land use; however, staff is supportive of the deviation as lot transitioning is proposed.

Approximately 20.6 acres of the development is Large Lot Residential with minimum lot size of one-half acre and greater. The Applicant is also proposing smaller lot single-family residential at the northern end of the property and are providing transitional lots between the urban and rural lots.

Deviations from the Plan may be allowed if land uses have varied lot sizes with adequate transitions and buffering from rural to urban character with adequate open space.

2. The overall development plan achieves the stated objectives of the Planned Unit Development District, by allowing for the mixture of uses and greater diversity of building types, promoting environmental protection, limiting sprawl, improving design quality and a higher-quality living environment, encouraging innovation of design and a variety of housing types, and managing the increase in demand for public amenities.

Criteria Met. The Overall Development provides for a variety of residential densities. Lot sizes range from 1.25 acres to 5,000 square foot lots adjacent to existing urban sized lots.

3. The overall development plan design achieves the stated development concept.

The Overall Development Plan achieves the desired development concept of the Developer.

4. The proposed land uses are compatible with other land uses in the development and with surrounding land uses in the area.

Criteria Met. The proposed land uses are compatible with surrounding land uses. The Cumberland Green development areas to the north and west have provided similar lot transitioning. Eagleside Ridge has proposed smaller urban sized lots on the north side of the development consistent with existing lot sizes within Cumberland Green. 1.25 acre lots and one-half acre lots are proposed on the western boundary of the development which is also consistent with larger lots within Cumberland

Green. The Chilcott Ditch also serves as a substantial buffer between the larger Cumberland Green lots and the proposed one-half acres lots along the western boundary. Larger lots are also proposed along the southern and eastern lots that are adjacent to existing large lots.

5. The type, density, and location of proposed land uses are appropriate based on the findings of any required report or analysis.

Criteria Met. The land uses are appropriate based on the submitted reports.

6. The street design and circulation system are adequate to support the anticipated traffic and the proposed land uses do not generate traffic volumes, which exceed the capacity of existing transportation systems, or that adequate measures have been developed to effectively mitigate such impacts.

Criteria Met. The planned extension of Ohio Avenue, the widening of Link Road and the construction of the roundabout at Link Road and Ohio Avenue will provide adequate street design and circulation.

7. The overall development plan adequately mitigates off-site impacts to public utilities and facilities.

Criteria Met. The development will extend all roadways, water lines, sanitary sewer lines and other utilities necessary to serve the development. The land use layout also proposes mitigation to high pressure natural gas line that traverses the development.

8. The fiscal impacts have been satisfactorily addressed and the city will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, or that adequate measures have been developed to effectively mitigate such impacts.

The fiscal impacts have been satisfactorily addressed.

9. Higher levels of amenities, including open spaces, parks, recreational areas, trails and school sites will be provided to serve the projected population.

The development fall short of the required full 25% dedicated open space; however, are providing amenities in lieu of the full open space requirement. The amenities being provided may not be used towards a reduction in park fees due at time of building permit.

The Applicant is also requesting that the land area that consists of one acre lots and smaller be used for the open space calculation rather than the entire PUD area. The request is to exclude the large lots from the open space land area. Even using only the lots that are one acre and smaller, the development still falls short of the required 25% open space required.

10. The overall development plan preserves significant natural features and incorporates these features into parks and open space areas.

The Plan preserves natural features.

11. There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.

The development is not seeking departure from the standard regulation requirements except as described above regarding open space.

12. The adjacent and nearby developments will not be detrimentally affected by the proposed PUD and approval period.

The development will not detrimentally affect nearby developments. The realignment of Ohio Avenue which will be required with this development will enhance nearby developments.

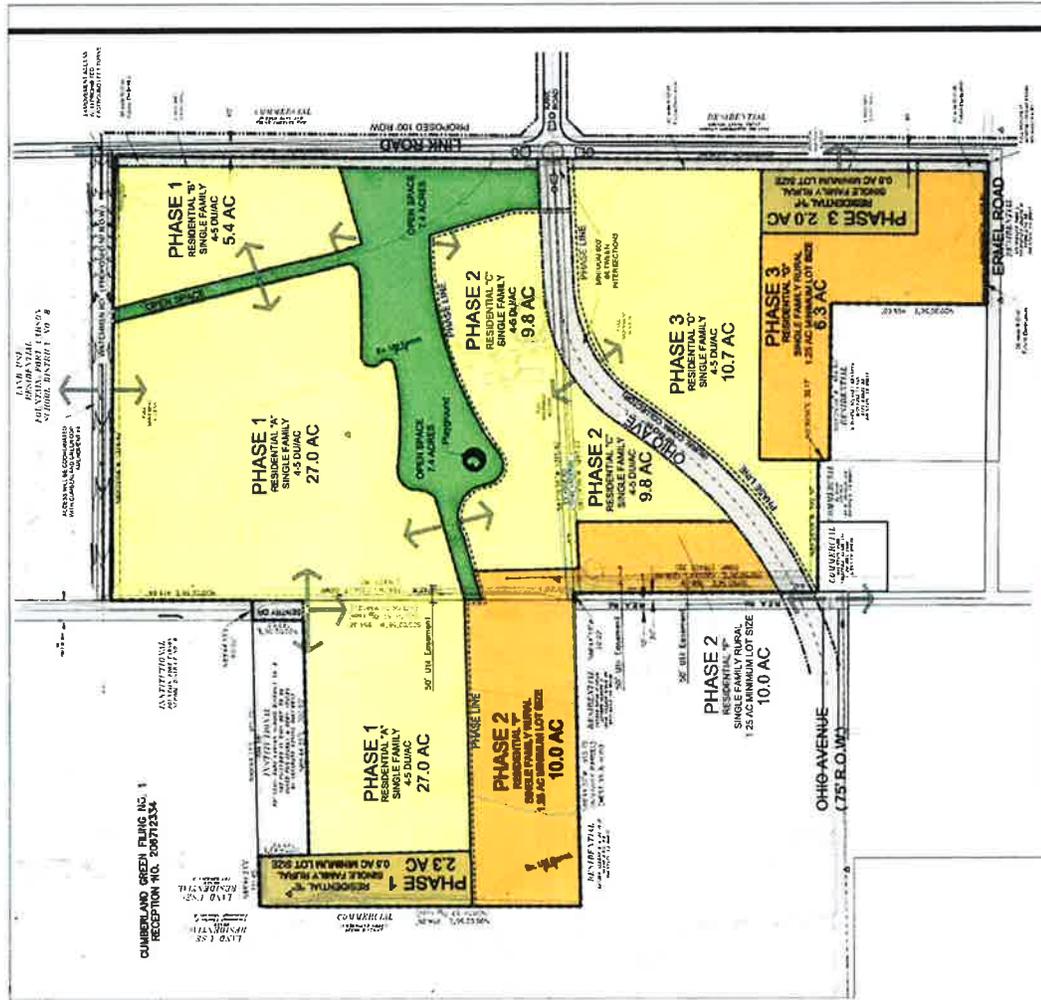
13. The applicant adequately demonstrates that the proposal is feasible.

The Applicant has demonstrated the proposal is feasible.

ATTACHMENT C

EAGLESIDE RIDGE PUD ZONE

Overall Development Plan Park Plan



ROADWAY RIGHTS-OF-WAY DEDICATION INFORMATION

ROADWAY	RIGHTS-OF-WAY DEDICATION	R.O.W. WIDTH	TOTAL AREA
LINK ROAD FUTURE DEDICATION	2,600 L.F. X (80')	78,000 S.F.	1.78 ACRES
FULL R.O.W. DEDICATION	1,538 L.F. X (80')	123,040 S.F.	2.83 ACRES
SENTRY ROAD EXTENSION FUTURE DEDICATION	180 L.F. X (80')	14,400 S.F.	0.33 ACRES
OHIO AVENUE FUTURE DEDICATION	422 L.F. X (10')	4,220 S.F.	0.10 ACRES
TOTAL R.O.W. DEDICATION		5,19 ACRES	

PROPOSED LAND USE CHART:

IDENTITY	PHASE	ACRES	% OF TOTAL ACRES
RESIDENTIAL A	(PHASE 1)	27.0	31.4%
RESIDENTIAL B	(PHASE 1)	5.4	6.3%
RESIDENTIAL C	(PHASE 2)	9.8	11.4%
RESIDENTIAL D	(PHASE 2)	10.0	11.8%
RESIDENTIAL E	(PHASE 3)	10.7	12.4%
RESIDENTIAL F	(PHASE 3)	23.0	27.0%
RESIDENTIAL G	(PHASE 3)	27.0	31.4%
RESIDENTIAL H	(PHASE 3)	27.0	31.4%
RESIDENTIAL I	(PHASE 3)	27.0	31.4%
RESIDENTIAL J	(PHASE 3)	27.0	31.4%
RESIDENTIAL K	(PHASE 3)	27.0	31.4%
RESIDENTIAL L	(PHASE 3)	27.0	31.4%
RESIDENTIAL M	(PHASE 3)	27.0	31.4%
RESIDENTIAL N	(PHASE 3)	27.0	31.4%
RESIDENTIAL O	(PHASE 3)	27.0	31.4%
RESIDENTIAL P	(PHASE 3)	27.0	31.4%
RESIDENTIAL Q	(PHASE 3)	27.0	31.4%
RESIDENTIAL R	(PHASE 3)	27.0	31.4%
RESIDENTIAL S	(PHASE 3)	27.0	31.4%
RESIDENTIAL T	(PHASE 3)	27.0	31.4%
RESIDENTIAL U	(PHASE 3)	27.0	31.4%
RESIDENTIAL V	(PHASE 3)	27.0	31.4%
RESIDENTIAL W	(PHASE 3)	27.0	31.4%
RESIDENTIAL X	(PHASE 3)	27.0	31.4%
RESIDENTIAL Y	(PHASE 3)	27.0	31.4%
RESIDENTIAL Z	(PHASE 3)	27.0	31.4%
Open Space		7.4	8.6%
R.O.W.		5.2	6.0%
TOTAL		86.05	100%

1. The City of Aurora is the owner of the PUD Right-of-Way and Open Space to be dedicated and the same shall be dedicated to the City of Aurora.
2. The City of Aurora is the owner of the PUD Right-of-Way and Open Space to be dedicated and the same shall be dedicated to the City of Aurora.
3. The City of Aurora is the owner of the PUD Right-of-Way and Open Space to be dedicated and the same shall be dedicated to the City of Aurora.
4. The City of Aurora is the owner of the PUD Right-of-Way and Open Space to be dedicated and the same shall be dedicated to the City of Aurora.
5. The City of Aurora is the owner of the PUD Right-of-Way and Open Space to be dedicated and the same shall be dedicated to the City of Aurora.
6. The City of Aurora is the owner of the PUD Right-of-Way and Open Space to be dedicated and the same shall be dedicated to the City of Aurora.

RECREATION AMENITIES IN LIEU OF OPEN SPACE DEDICATION

2 PLAYGROUNDS	2 @ \$50,000	\$100,000
BREEZE TRAILS	6 WIDTH X 5,600 LF	\$68,000
PARK AMENITIES & FURNISHINGS (BENCHES, STRUCTURES, SIGNAGE, ETC.)		\$88,000
LANDSCAPE/IRRIGATION IMPROVEMENTS		\$66,000
TOTAL IMPROVEMENT COSTS		\$322,000

THOMAS THOMAS
 202 West 1st
 Colorado Springs, CO 80901
 (719) 576-0777

SCALE: AS SHOWN

PROJECT NUMBER: 1212121

DATE: 02/02/20

BY: [Signature]

CHECKED: [Signature]

APPROVED: [Signature]

EAGLESIDE RIDGE PARK CONCEPT PLAN
 Colorado Springs, CO
 OVERALL DEVELOPMENT PLAN

(NOT TO SCALE)

NORTH

ATTACHMENT D

ORDINANCE NO. 1644

AN ORDINANCE APPROVING AN OVERALL DEVELOPMENT PLAN (ODP) FOR PROPERTY TO BE KNOWN AS EAGLESIDE RIDGE, GENERALLY LOCATED NORTHWEST AND SOUTHWEST OF THE INTERSECTION OF KANE ROAD AND LINK ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A AND EXHIBIT B

WHEREAS, Integrity Bank and Trust has made application for approval of an Overall Development Plan for certain property as more specifically described in Exhibit A attached hereto (Property); and

WHEREAS, the Overall Development Plan, including the use and development standards set forth therein, is attached hereto as Exhibit B (ODP); and

WHEREAS, in accordance with Section 17.530.E of the City of Fountain Zoning Ordinance, the City Council of the City of Fountain may, after review and recommendation by the Planning Commission of the City of Fountain, waive or modify standards set forth in the City of Fountain Zoning Ordinance pursuant to the criteria set forth in such Section 17.530.E; and

WHEREAS, in accordance with Section 17.248.A.4 of the City of Fountain Zoning Ordinance and Section 16.20.100.C of the City of Fountain Subdivision Regulations, the City Council of the City of Fountain may, after review and recommendation by the Planning Commission of the City of Fountain, modify standards set forth in the City of Fountain Subdivision Regulations pursuant to the criteria set forth in such Sections 17.248.A.4 and 16.20.100.C; and

WHEREAS, at a meeting on January 7, 2015, the Planning Commission of the City of Fountain conducted a public hearing on, and considered all applicable evidence with respect to, the ODP and the use and development standards set forth therein, and recommended to the City Council of the City of Fountain by a vote of 4 to 1 that the ODP be approved for the Property subject to the following conditions:

1. Prior to City Council, the Applicant must fully address all of Staff and Agency comments;
2. The Property Owner must submit an application and be formally included into the Fountain Sanitation District prior to submittal of a final plat;
3. The property is within the Eastside Transmission Main Recovery Agreement service area which requires a surcharge of \$63.50 per single family equivalent to be paid at time of building permit. The unsubdivided parcel (approximately 5 acres) at the northwest corner of Link Road and Ermel Road is subject to the Local Surcharge of \$646.75 per single family equivalent to be paid at time of building permit;
4. The off-site right-of-way for Ohio Avenue must be acquired and deeded to the City of Fountain prior to approval of any final plat in Phase 2 or Phase 3;
5. An open space reduction using the land area consisting of one-half acre lots and smaller shall be used for calculating the 25% for the open space dedication, with a

land dedication of 7.4 acres where 17.44 acres is required and providing amenities in lieu of the full open space dedication; and

6. Amenities must be provided in lieu of the full 25% open space requirement. These amenities may not be used toward a reduction in park fees.

WHEREAS, a public hearing by the City Council of the City of Fountain on the ODP was duly noticed in accordance with section 17.612 of the City of Fountain Zoning Ordinance; and

WHEREAS, after conducting a public hearing on, and considering all applicable evidence with respect to, the ODP, the City Council of the City of Fountain further finds that the ODP, including the use and development standards set forth therein, substantially conforms with the review criteria set forth in section 17.532.E of the City of Fountain Zoning Ordinance and that the general public health, safety and welfare are safeguarded in connection with the approval of the ODP.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fountain, Colorado:

Section 1. The ODP is hereby approved subject to the following conditions:

1. The Property Owner must submit an application and be formally included into the Fountain Sanitation District prior to submittal of a final plat.
2. The property is within the Eastside Transmission Main Recovery Agreement service area which requires a surcharge of \$63.50 per single family equivalent to be paid at time of building permit. The unsubdivided parcel (approximately 5 acres) at the northwest corner of Link Road and Ermel Road is subject to the Local Surcharge of \$646.75 per single family equivalent to be paid at time of building permit.
3. The off-site right-of-way for Ohio Avenue must be acquired and deeded to the City of Fountain prior to approval of any final plat in Phase 2 or Phase 3.
4. Amenities must be provided in lieu of the full 25% open space requirement. These amenities may not be used toward a reduction in park fees.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read by title and passed this _____ day of _____, 2015, by the City Council, City of Fountain, Colorado, signed by the Mayor, and ordered published by title with a summary written by the City Clerk together with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain.

Mayor

ATTEST:

Introduced, read by title, and passed on second and final reading, as amended, on the _____ day of _____, 2015, signed by the Mayor, and ordered published by title in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Mayor

ATTEST:

City Clerk

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 IN TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH P.M.; THENCE RUNNING WEST 55 1/2 RODS, THENCE NORTH 57 21/30 RODS; THENCE EAST 55 1/2 RODS; THENCE SOUTH 57 21/30 RODS TO THE PLACE OF BEGINNING, AND TRACT NO. 36 AS SHOWN ON THE PLAT OF THE FOUNTAIN VALLEY LAND AND IRRIGATION COMPANY'S SUBDIVISION NO. 1, RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN EL PASO COUNTY, COLORADO, EXCEPT A STRIP 20 FEET OFF THE WEST SIDE THEREOF RESERVED FOR ROADWAY AND EXCEPT THAT PORTION CONVEYED TO EL PASO COUNTY SCHOOL DISTRICT #8 IN WARRANTY DEED RECORDED FEBRUARY 14, 2007 UNDER RECEPTION NO. 207021428.

AND

TRACT 35 IN THE FOUNTAIN VALLEY LAND AND IRRIGATION CO'S SUBDIVISION # 1, BEING A PART OF SECTIONS 3, 4, 5, 9 AND 10 IN TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PART OF SECTIONS 33 AND 34 IN TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPTING FROM SAID TRACT 35, A 5.0 ACRE TRACT DESCRIBED AS FOLLOWS:

FROM THE SOUTHWESTERLY CORNER OF SAID TRACT 35, RUN EAST ON THE SOUTH LINE THEREOF, A DISTANCE OF 387.0 FEET TO THE POINT OF BEGINNING OF THE 5.0 ACRE TRACT HEREBY DESCRIBED; THENCE CONTINUE EAST ON SAID SOUTH LINE OF TRACT 35, A DISTANCE OF 466.6 FEET; THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN NORTHERLY, A DISTANCE OF 466.6 FEET, THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN WESTERLY, 466.6 FEET; THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN NORTHERLY, A DISTANCE OF 466.6 FEET, THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN SOUTHERLY, 466.6 FEET TO THE POINT OF BEGINNING, AND EXCEPT THAT PORTION CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., BY DEED RECORDED IN BOOK 1368 AT PAGE 141, AND EXCEPT THAT PORTION CONVEYED IN BOOK 2215 AT PAGE 487.



Regular City Council Meeting

New Business –9C

Ordinance 1645

January 27, 2015

Summary Information

Title:

Public Hearing and First Reading of Ordinance 1645, An Ordinance Amending the Official Zoning Map of the City of Fountain, Colorado to Planned Unit Development (PUD) District Related to a Portion of the Area to be Known As Eagleside Ridge Addition, Generally Located Northwest and Southwest of the Intersection of Kane Road and Link Road, and Hereinafter More Specifically Described in Exhibit A and Exhibit B

Initiator: Community Services Director

Presenter: Community Services Director

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

A request to amend the official zoning map of the City of Fountain to Planned Unit Development District.

Previous Action by Council: This item was tabled at the November 4, 2014 City Council meeting.

Attachment A: Vicinity Map

Attachment B: Ordinance 1645

Background Information

This is a request for approval of an initial zoning designation of PUD (Planned Unit Development) District for the Eagleside Ridge development upon annexation into the City of Fountain. An Overall Development Plan for Eagleside Ridge accompanies this request. The rezoning covers approximately 86.06 acres and is generally located northwest and southwest of the intersection of Kane Road and Link Road.

Surrounding Land Uses and Zoning:

North: Single-Family Residential	Planned Unit Development (PUD) District
South: Single-Family Residential	Large Lot Agricultural/Residential (LLR) District
East: Single-Family Residential	Large Lot Agricultural/Residential (LLR) District
West: Single-Family Residential	Planned Unit Development (PUD) District Large Lot Agricultural/Residential (LLR) District

Services: City of Fountain will provide water, electric, fire and police services to the property. Fountain Sanitation District will provide sanitary sewer service. Natural gas will be provided by Black Hills Energy and phone service by CenturyLink.

Comprehensive Development Plan: The Land Use Plan within the Fountain Comprehensive Development Plan recommends Large Lot Residential for this property. The Overall Development Plan for Eagleside Ridge is in not in conformance with the Plan as it relates to land uses; however, staff is supportive of the deviation. Instead of mostly Large Lot Residential, the Applicant is proposing mostly single-family residential with smaller lot sizes and some multi-family units; however, transitional lots of larger acreage (one-half acre) are proposed adjacent to existing large lot properties.

Public Notice: At least fifteen (15) days prior to the City Council public hearing, the property was posted and property owners of record within four hundred feet (400') were notified. A public notice published in the El Paso

County Advertiser and News. Staff is not aware of any opposition.

Staff Findings: Staff finds that the PUD zoning request for Eagleside Ridge is generally consistent with the review criteria 1 and 2 as set forth in Section 17.584 E of the Zoning Ordinance, which criteria are outlined below.

1. The request is consistent with the overall development plan of the property, if applicable, and the *Fountain Comprehensive Development Plan*.
2. The request is compatible with the surrounding zoning and land uses.
3. There has been a material change in the character or conditions of the neighborhood or in the city generally, such that the request would be in the public interest and consistent with the change.
4. The property was previously zoned in error.

Planning Commission Action: On January 7, 2015, the City of Fountain Planning Commission voted 5 to 0 to recommend approval of the PUD zoning request.

Recommendation

Staff recommends approval of Ordinance 1645 on first reading.

Proposed Motion

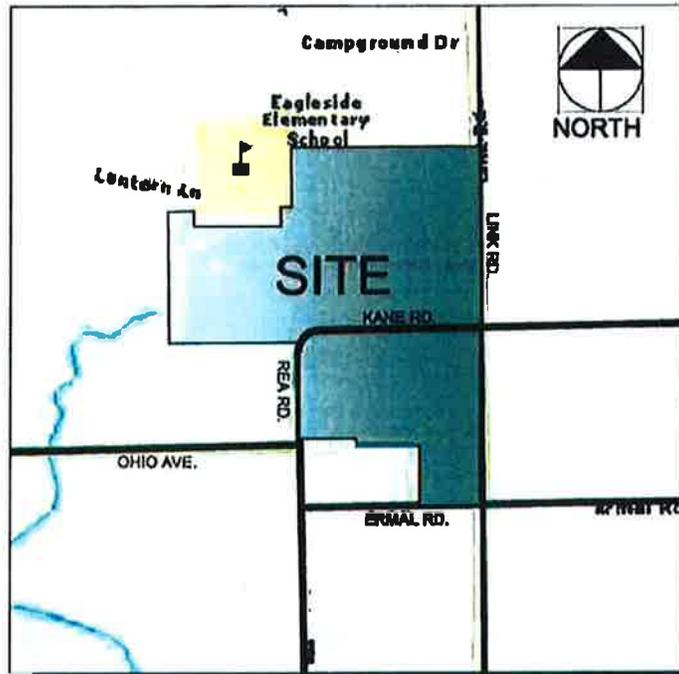
I Motion to Approve Ordinance 1645 on first reading.



CM Review

ATTACHMENT A

VICINITY MAP:



ATTACHMENT B

ORDINANCE NO. 1645

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FOUNTAIN, COLORADO TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT RELATED TO A PORTION OF THE AREA TO BE KNOWN AS EAGLESIDE RIDGE ADDITION, GENERALLY LOCATED NORTHWEST AND SOUTHWEST OF THE INTERSECTION OF KANE ROAD AND LINK ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A AND EXHIBIT B

WHEREAS, Integrity Bank and Trust, fee owner of the real property legally described in Exhibit A attached hereto (Property), to be known as Eagleside Ridge, has made application for the Property to be zoned Planned Unit Development District (PUD) as described and provided for in the City of Fountain Zoning Ordinance; and

WHEREAS, on January 7, 2015 the Planning Commission of the City of Fountain conducted a public hearing on, and considered all applicable evidence with respect to, the proposed PUD zoning of the Property, and recommended to the City Council of the City of Fountain by a vote of 5 to 0 that PUD zoning be approved for the Property; and

WHEREAS, a public hearing by the City Council of the City of Fountain on the PUD zoning request for the Property was duly noticed in accordance with section 17.612 of the City of Fountain Zoning Ordinance; and

WHEREAS, after conducting a public hearing on, and considering all applicable evidence with respect to, the PUD zoning request for the Property, the City Council of the City of Fountain finds that such PUD zoning request meets the minimum PUD development requirements and regulations and that the request is consistent with the City of Fountain Comprehensive Development Plan and is compatible with the zoning and land uses surrounding the Property, in accordance with the review criteria set forth in section 17.584 of the City of Fountain Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fountain, Colorado:

Section 1. The Official Zoning Map of the City of Fountain is hereby amended by zoning the Property described in Exhibit A and Exhibit B attached here to and incorporated by reference herein to PUD pursuant to the Zoning Ordinance of the City of Fountain.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read by title and passed this _____ day of _____, 2015, by the City Council, City of Fountain, Colorado, signed by the Mayor, and ordered published by title with a summary written by the City Clerk together with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain.

Mayor

ATTEST:

City Clerk

Introduced, read by title, and passed on second and final reading on the _____ day of _____, 2015, and ordered published by title in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Mayor

ATTEST:

City Clerk

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 IN TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH P.M.; THENCE RUNNING WEST 55 1/2 RODS, THENCE NORTH 57 21/30 RODS; THENCE EAST 55 1/2 RODS; THENCE SOUTH 57 21/30 RODS TO THE PLACE OF BEGINNING, AND TRACT NO. 36 AS SHOWN ON THE PLAT OF THE FOUNTAIN VALLEY LAND AND IRRIGATION COMPANY'S SUBDIVISION NO. 1, RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN EL PASO COUNTY, COLORADO, EXCEPT A STRIP 20 FEET OFF THE WEST SIDE THEREOF RESERVED FOR ROADWAY AND EXCEPT THAT PORTION CONVEYED TO EL PASO COUNTY SCHOOL DISTRICT #8 IN WARRANTY DEED RECORDED FEBRUARY 14, 2007 UNDER RECEPTION NO. 207021428.

AND

TRACT 35 IN THE FOUNTAIN VALLEY LAND AND IRRIGATION CO'S SUBDIVISION # 1, BEING A PART OF SECTIONS 3, 4, 5, 9 AND 10 IN TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PART OF SECTIONS 33 AND 34 IN TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPTING FROM SAID TRACT 35, A 5.0 ACRE TRACT DESCRIBED AS FOLLOWS:

FROM THE SOUTHWESTERLY CORNER OF SAID TRACT 35, RUN EAST ON THE SOUTH LINE THEREOF, A DISTANCE OF 387.0 FEET TO THE POINT OF BEGINNING OF THE 5.0 ACRE TRACT HEREBY DESCRIBED; THENCE CONTINUE EAST ON SAID SOUTH LINE OF TRACT 35, A DISTANCE OF 466.6 FEET; THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN NORTHERLY, A DISTANCE OF 466.6 FEET, THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN WESTERLY, 466.6 FEET; THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN NORTHERLY, A DISTANCE OF 466.6 FEET, THENCE ANGLE LEFT 90 DEGREES 00 MINUTES AND RUN SOUTHERLY, 466.6 FEET TO THE POINT OF BEGINNING, AND EXCEPT THAT PORTION CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., BY DEED RECORDED IN BOOK 1368 AT PAGE 141, AND EXCEPT THAT PORTION CONVEYED IN BOOK 2215 AT PAGE 487.



Regular City Council Meeting

New Business –9D

Ordinance 1646

January 27, 2015

Summary Information

Title:

Public Hearing and First Reading of Ordinance 1646, An Ordinance Amending the Official Zoning Map of the City of Fountain, Colorado to Park and Open Space (POS) District Related to a Portion of the Area to be Known As Eagleside Ridge Addition, Generally Located Northwest and Southwest of the Intersection of Kane Road and Link Road, and Hereinafter More Specifically Described in Exhibit A and Exhibit B

Initiator: Community Services Director

Presenter: Community Services Director

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

A request to amend the official zoning map of the City of Fountain to the Park and Open Space (POS) District.

Previous Action by Council: This item was tabled at the November 4, 2014 City Council meeting.

Attachment A: Vicinity Map

Attachment B: Ordinance 1646

Background Information

This is a request for approval of an initial zoning of Park and Open Space (POS) District for approximately 2.41 acres. This property is an extension of Fountain-Fort Carson School District No. 8 property (Eagleside Ridge Elementary). The property was deeded to the School District in 2007 from the previous developer of the Cumberland Green development. This tract of land was not included in the initial school site dedication in 2006; therefore, it became a remnant piece of property that was not annexed into the city limits. The Eagleside Ridge Addition has included this property in the annexation plat. As part of the annexation process, land must be zoned. It was staff's recommendation to zone this parcel of land to the POS zone district, as the developer did not want to include the land within the Eagleside Ridge Overall Development Plan.

Surrounding Zoning & Land Uses:

North	Eagleside Elementary School	PUD (Planned Unit Development) District
South	Proposed Single Family Residential (Eagleside Ridge)	PUD (Planned Unit Development) District
East	Proposed Single Family Residential (Eagleside Ridge)	PUD (Planned Unit Development) District
West	Single Family Residential (Cumberland Green)	PUD (Planned Unit Development) District

Comprehensive Development Plan: The Land Use Plan within the Fountain Comprehensive Development Plan recommends Large Lot Residential (LL) for these properties. The initial zoning request to POS as proposed is generally consistent with the Comprehensive Development Plan as schools are permitted in all zone districts.

Public Notice: At least fifteen (15) days prior to the City Council public hearing, the property was posted and property owners of record within four hundred feet (400') were notified. A public notice published in the El Paso

County Advertiser and News. Staff is not aware of any opposition.

Staff Findings: Staff finds that the POS zoning request for this property is generally consistent with the review criteria 1 and 2 as set forth in Section 17.584 E of the Zoning Ordinance, which criteria are outlined below.

1. The request is consistent with the overall development plan of the property, if applicable, and the *Fountain Comprehensive Development Plan*.
2. The request is compatible with the surrounding zoning and land uses.
3. There has been a material change in the character or conditions of the neighborhood or in the city generally, such that the request would be in the public interest and consistent with the change.
4. The property was previously zoned in error.

Planning Commission Action: On January 7, 2015, the City of Fountain Planning Commission voted 5 to 0 to recommend approval of the POS zoning request.

Recommendation

Staff recommends approval of Ordinance 1646 on first reading.

Proposed Motion

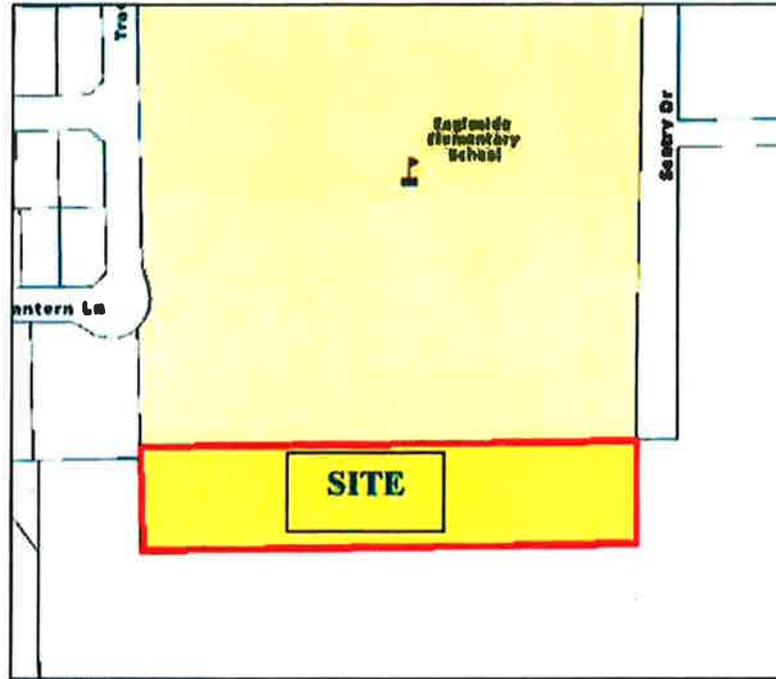
I Motion to Approve Ordinance 1646 on first reading.



CM Review

ATTACHMENT A

VICINITY MAP



ATTACHMENT B

ORDINANCE NO. 1646

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FOUNTAIN, COLORADO TO PARK AND OPEN SPACE (POS) DISTRICT RELATED TO A PORTION OF THE AREA TO BE KNOWN AS EAGLESIDE RIDGE ADDITION, GENERALLY LOCATED NORTHWEST AND SOUTHWEST OF THE INTERSECTION OF KANE ROAD AND LINK ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A AND EXHIBIT B

WHEREAS, Fountain Fort Carson School District No. 8, fee owner of the real property legally described in Exhibit A attached hereto (Property), related to a portion of the area to be known as Eagleside Ridge, has made application for the Property to be zoned Park and Open Space District (POS) as described and provided for in the City of Fountain Zoning Ordinance; and

WHEREAS, on January 7, 2015 the Planning Commission of the City of Fountain conducted a public hearing on, and considered all applicable evidence with respect to, the proposed POS zoning of the Property, and recommended to the City Council of the City of Fountain by a vote of 5 to 0 that POS zoning be approved for the Property; and

WHEREAS, a public hearing by the City Council of the City of Fountain on the POS zoning request for the Property was duly noticed in accordance with section 17.612 of the City of Fountain Zoning Ordinance; and

WHEREAS, after conducting a public hearing on, and considering all applicable evidence with respect to, the POS zoning request for the Property, the City Council of the City of Fountain finds that such POS zoning request meets the minimum development requirements and regulations and that the request is consistent with the City of Fountain Comprehensive Development Plan and is compatible with the zoning and land uses surrounding the Property, in accordance with the review criteria set forth in section 17.584 of the City of Fountain Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fountain, Colorado:

Section 1. The Official Zoning Map of the City of Fountain is hereby amended by zoning the Property described in Exhibit A and Exhibit B attached here to and incorporated by reference herein to POS pursuant to the Zoning Ordinance of the City of Fountain.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read by title and passed this ____ day of _____, 2015, by the City Council, City of Fountain, Colorado, signed by the Mayor, and ordered published by title with a summary written by the City Clerk together with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain.

Mayor

ATTEST:

City Clerk

Introduced, read by title, and passed on second and final reading on the ____ day of _____, 2015, and ordered published by title in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

TRACT IN SW4NW4 SEC 4-16-65 AS FOLS: COM AT NE COR OF W2NW4 OF SD SEC 4 FROM WHICH THE SE COR OF CUMBERLAND GREEN FIL NO 1 BEARS S 00<02'56" W 1842.02 FT, TH S 00<02'56" W ALG E LN OF SD W2NW4 & E LN OF SD CUMBERLAND GREEN FIL NO 1 1842.02 FT, S 88<44'33" W ALG SLY LN OF SD CUMBERLAND GREEN FIL NO 1 60.02 FT FOR POB, TH S 00<02'56" W 149.63 FT, S 88<44'33" W 700.90 FT, N 01<14'43" W 149.59 FT TO A PT ON SD SLY LN, N 88<44'33" E ALG SD S LN 704.27 FT TO POB.

(Legal description taken from the El Paso County Assessor's website on May 28, 2014)

CUMBERLAND GREEN FILING NO. 1
RECEPTION NO. 206712334

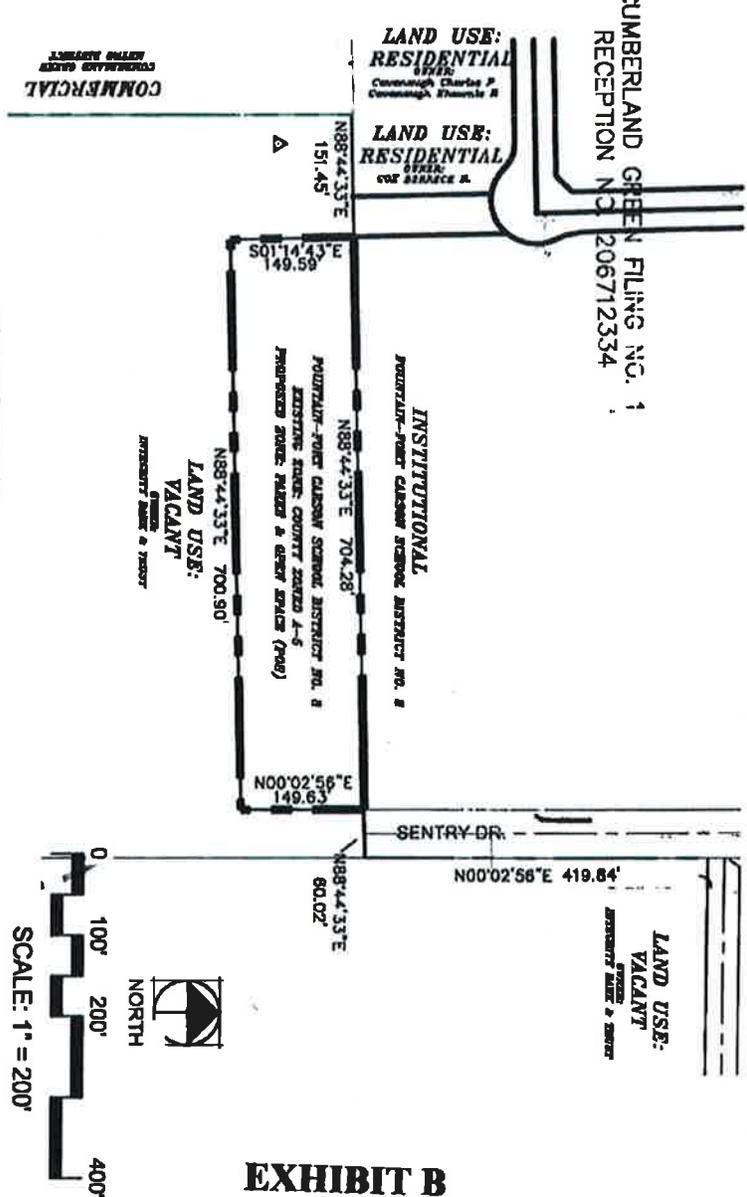
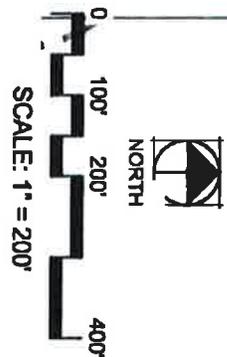


EXHIBIT B



OWNER:

Fountain Fort Carson School District No. 8
10665 Jimmy Camp Rd
Fountain, Colorado, 80017

SITE DATA:

PARCEL ID: 5004200002
ACREAGE: 2.41 ACRES
DISTING ZONE: A-5 (El Paso County Zoned)
PROPOSED ZONE: PARKS & OPEN SPACE (POS), (City of Fountain Zoning)

PROJECT STATEMENT:

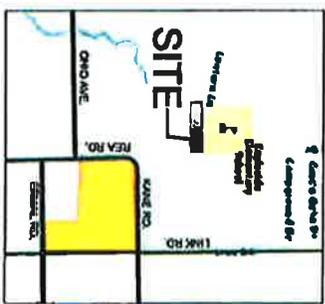
Rezone this site from existing county zoned A-5 to the City of Fountain Zoned Parks & Open Space. This site is owned and maintained by the Fountain Fort Carson School District No. 8 and is a part of the Eagleside Ridge Elementary School campus. The parcel is not currently a part of the City of Fountain and as part of the rezoning process, will be absorbed into the City. The rezoning of this parcel will not have a negative effect on the community as the use and ownership will not change.

LEGAL DESCRIPTION:

TRACT IN SW1/4 SEC 4-16-65 AS POS; COM AT NE COR OF W2/4 OF S0 S0C 4 FROM WHICH THE 9C COR OF CUMBERLAND GREEN FIL NO 1 BEARS S 00<0256' W 1542.02 FT, TH S 00<0256' W ALG E LN OF S0 W2/4 & E LN OF S0 CUMBERLAND GREEN FIL NO 1, 1.642 02 FT, S 66<4433' W ALG S1/4 LN OF S0 CUMBERLAND GREEN FIL NO 1, 50 02 FT FOR POS, TH S 00<0256' W 149.63 FT, S 66<4433' W 700 90 FT, N 01<1443' W 149 59 FT TO A PT ON S0 S1/4 LN, N 66<4433' E ALG S0 S 1/4 LN 704 27 FT TO POS.

(Legal description taken from the El Paso County Assessor's website on May 26, 2014)

VICINITY MAP:



THOMAS THOMAS
Planning
Urban Design
Landscape Architecture
702 North Tabor
Colorado Springs, Colorado 80905
(719) 576-4777

**FOUNTAIN FORT CARSON
SCHOOL DISTRICT NO. 8
EAGLESIDE ELEM. SCHOOL**

**PARKS & OPEN
SPACE (POS)
INITIAL ZONING**



Date: 5/28/14



Regular City Council Meeting

New Business –9E

Resolution 15-001

January 27, 2015

Summary Information

Title: Resolution No. 15-001, A Resolution Of El Paso County School District No. 8 Authorizing The Sale Of Certain Real Property In El Paso County, Colorado To The City Of Fountain, Colorado Described As Lot 4, School District 8, Filing No. 5 According To The Plat Thereof Recorded September 20, 2013 At Reception No. 213713379, County Of El Paso, State Of Colorado, Except That Part Conveyed By Deed Recorded July 19, 2012 Under Reception No. 212081915 And Authorizing A Completion Certificate Agreement

Initiator : Fire Chief

Presenter:

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments: This resolution authorizes the City to accept conveyance of the site for the new station at 811 North Santa Fe from El Paso County School District No. 8 and approving a Certificate of Completion Agreement.

Attachments: Resolution, Certificate of Completion Agreement and Special Warranty Deed

Background Information

In the summer of 2012, the City of Fountain “partnered” with El Paso County School No. 8 for the design and construction of the new fire station at 811 North Santa Fe. The District owned property at that location upon which the District decided to construct an alternative school and which was available for the new fire station. The City entered into an intergovernmental agreement (“IGA”) with the District in July 2012 under which the City and the District were able to use the same architect and the same contractor for construction of the alternative school and the new fire station. This resulted in savings for the City. The District administered the project which included both the fire station part of the project and the alternative school part of the project with input from Fire Chief Darin Anstine on the design and construction of the new fire station.

The Certificate of Completion provides for actions necessary to complete fire station part of the project including the transfer of the fire station site property from the District to the City, authorizes the City to obtain title insurance for the property, formally transfers warranties pertaining to the fire station to the City, authorizes the conveyance of the fire station site to the City, and completes the project close-out phase of the IGA.

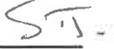
The District Board of Education will consider a resolution approving the Certificate of Completion Agreement, authorizing the District to convey the fire station site to the City and any other action necessary to complete the project close-out. This item is to be scheduled before the Board of Education for the District at its meeting on January 28th.

Recommendation

Approve Resolution No. 15-001

Proposed Motion

I recommend approval of Resolution No. 15-001



CM Review



Regular City Council Meeting

GID2 Item #1

January 27, 2015

Summary Information

Title: Second Reading of Ordinance No. 1650 GID2, An Ordinance Of The Fountain General Improvement District No. 2, City Of Fountain, Colorado, For Inclusion Of Certain Property Sometimes Known As Lots 1-14 Wild Oak Farms, Subdivision No. 1 Filing 4A Into The Fountain General Improvement District No. 2, City Of Fountain, Colorado

Initiator: Wild Oak Farms

Presenter: City Clerk

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The attached Ordinance authorizes the inclusion of property owned by COLA, that has petitioned to join Fountain General Improvement District No. 2, City of Fountain, Colorado.

Attachments: Ordinance No.1650 GID2 authorizing the inclusion of the Petitioner's property into Fountain General Improvement District No. 2

Petition for Inclusion of Property into Fountain General Improvement District No. 2, City of Fountain, Colorado.

Background Information

In August, 2012, the City Council approved Ordinance No. 1577 organizing the Fountain General Improvement District No. 2, City of Fountain, Colorado. The purpose of the district is to provide an alternate financing mechanism for the funding of certain improvements and funding of certain services benefiting the properties included within the boundaries of the district that would otherwise be funded through the collection of impact fees by the City. The City Council serves as the ex officio board of directors of the district. In conjunction with the creation of district, the Council enacted Ordinance No. 1579 which provides for the exemption of property with the boundaries of the district from the service expansion fee, exemption from the plat plan review fee, exemption from residential construction evaluation surcharge, and a reduction of the water tap fee. In November, 2012, a TABOR election was held by the district which authorized the imposition of a 10 mill levy on property located within the district. The tax resulting from this mill levy will be paid by the property owners located within the boundaries of the district to the district. When the district was formed, it was contemplated that other property owners may desire to join the district. This Ordinance amends the boundaries of the district to include the Petitioner's property within the district. The property will be subject to the district's 10 mill levy starting in 2014.

Recommendation

Approve Ordinance No. 1650 GID2 on second reading

Proposed Motion

"I recommend the approval of Ordinance No. 1650 GID2

S.T.

CM Review