Date: November 3, 2016
For the Elbert County Planning Commission meeting of
Date: November 15, 2016

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: ETHAN WATEL, AICP, SENIOR PLANNER (BASELINE CORP.)
APPROVED BY: KYLE FENNER, DIRECTOR OF CDS

RE: INDEPENDENCE CONCEPT PLAN, A REQUEST TO DISCUSS A CONCEPT
PLAN APPLICATION FOR 920 HOMES ON A 1,012 ACRE PROPERTY IN THE
PLANNED UNIT DEVELOPMENT (PUD) ZONE DISTRICT LOCATED IN
SECTIONS 14 AND 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH
P.M. IN ELBERT COUNTY, COLORADO.

APPLICANT: Bluegreen Investments, LLC (landowner)

REPRESENTATIVE: Craft Bandera Acquisition Company, LLC

SUMMARY OF REQUEST:

Independence, formerly known as Bandera, is a project consisting of 920 proposed homes on a 1,011.9 acre property in northwestern Elbert County. The applicants have submitted an application for a Concept Plan, in accordance with the requirements of the Elbert County Subdivision Regulations, Section VII.

A Concept Plan is a process utilized to discuss a project that is conceptual in nature, taking place after a community meeting and prior to making formal subdivision applications for Preliminary Plats and Final Plats. A Concept Plan application shall be discussed at a work session of the Planning Commission followed by a work session at the Board of County Commissioners. The purpose the Concept Plan is for the county to provide direction on major issues of concern or interest, separate from technical requirements. The work sessions are not public hearings, and as such do not include any public notices or testimony.
The overall concept is to provide six different home types in 12 phases. The average proposed lots size is 8,000 SF. The lots range in size from 4,500 SF to 43,560 SF (1 acre). Sites for parks, open space, a school, and fire station are proposed. Refer to the applicant's Conceptual Plan for more information.

PERTINENT DATA:

Site Description – The site is comprised of 1,011.9 acres of land located north of and adjacent to Hilltop Road (CR 158) and along the Douglas/Elbert County line.

Existing Zoning – PUD (Planned Unit Development – Bandera East and Bandera West PUDs)

Proposed Zoning – no change

Surrounding Land Use and Zoning –


BACKGROUND:

A Pre-application meeting was held on February 23, 2016. The applicant held a Community Meeting for the proposal on August 1, 2016. The community interest level is very high.

Formal applications for subdivisions have not been submitted. The Concept Plan application was submitted on October 19, 2016 then revised and re-submitted on November 1, 2016.

Planning Commission work session date is: November 15, 2016
Board of County Commissioners work session date is: November 30, 2016

Previous approvals on this site:
On February 11, 2009, the Elbert County Board of County Commissioners approved two resolutions for what was known at the time as Bandera East and Bandera West.

Resolution 09-13 conditionally approved the Bandera East Planned Unit Development, Bandera East Preliminary Plat, and Bandera East 1041 Permit. The Bandera East Planned Unit Development Rezoning Exhibit is recorded at Reception Number 201287.

Resolution 09-14 conditionally approved the Bandera West Planned Unit Development, Bandera West Preliminary Plat, and Bandera West 1041 Permit. The Bandera West Planned Unit Development Rezoning Exhibit is recorded at Reception Number 201288.

Together, the intent of the two Bandera PUDs is:
“Bandera is a residential development planned with a pedestrian friendly trail system designed around community open space, a community school and active parks. The public street system provides a connection through the neighborhood to the established county road system. Bandera will consist of a maximum of 920 residential units with an overall density based on one dwelling per 0.91 acres. Bandera East consists of not more than 214 residential units and Bandera West consists of not more than 706 residential units.”

CONCEPT PLAN
The documents submitted meet the Subdivision Regulations standards for a Concept Plan application. Technical reviews of subdivisions will occur with future formal preliminary plat and final plat applications. At that time, a full review will be performed against all county standards and regulations, including planned unit development zoning and previous approvals.

At the work sessions, the Planning Commission and Board of County Commissioners are encouraged to review the proposal and provide feedback to the applicant.
Please be aware that the zoning for this property has been in place for seven years. This step in the process is to ensure that proposed development meets the existing zoning standards, engineering standards, and subdivision regulations. Access points, necessary and required public improvements, land dedications, and engineering design standards and requirements are to be considered while reviewing this application. The applicant shall consider all comments while preparing the next phase of development – preliminary and final plats.

**Attachments:**

- Concept Plan regulation summary
- Resolution 09-13
- Resolution 09-14
- Bandera East Planned Unit Development Rezoning Exhibit
- Bandera West Planned Unit Development Rezoning Exhibit
- Independence Concept Plan application

Respectfully submitted to and on behalf of Elbert County,

Ethan Watel, AICP  
Senior Planner  
Baseline Corporation  
Contract Planner for Elbert County

CC: Kyle Fenner, Director of Community and Development Services
CONCEPT PLAN
(Excerpt from the Elbert County Subdivision Regulations)

The Concept Plan is utilized to discuss a conceptual plan, to obtain the Planning Commission's and County Commissioners reaction to the appropriateness of an intended land use, and to raise reasonable concerns, prior to more detailed work being done. At this stage of formal review, the applicant should be advised by Community & Development Services, Planning Commission and/or County Commissioners, of major issues of concern or interest which are separate and apart from technical requirements yet to be met. The Planning Commission and County Commissioners shall make a recommendation on the conceptual plan presented, in order for the applicant to know how best to proceed.

Requirements

When the [Concept Plan] application is formally submitted, Community & Development Services shall review the proposal within ten (10) working days and provide the applicant with a list of any changes / corrections. Scheduling a work session before the Planning Commission will be done at the earliest available time, but not more than thirty-five (35) days from the date the application is found to be complete. Scheduling a work session before the County Commissioners will be done at the earliest available time, but not more than 35 days from meeting with the Planning Commission. No Public Hearing is required.

Following the community meeting, the formal concept plan application shall be submitted. It shall include the completed application form, proof of ownership, disclosure letter, fee, and two (2) paper copies of the required Concept Plan map, and related supplemental information. Community & Development Services shall review the proposal within ten (10) working days and provide the applicant with a list of any changes / corrections together with a request for Staff and Commissioner copies needed. Community & Development Services may reject and return any application, which, in their opinion, does not display the required information, or is done in an unacceptable manner (e.g., poor drafting). Scheduling a work session before the Planning Commission will be done not more than thirty-five (35) days from the date the application is found to be complete. Scheduling a work session before the County Commissioners will be done not more than 35 days from meeting with the Planning Commission. No Public Hearing is required.

The rezoning procedures and submittal requirements under Part I, Section 6 of the Elbert County Zoning Regulations, shall be followed at this stage.

NOTE: Because no public hearing is required, there are no notice requirements for concept plans as no decisions are being made and no testimony is being received.
STATE OF COLORADO

COUNTY OF ELBERT

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 11th day of February, 2009, A.D., there were present:

Hope Goetz            Commissioner Chairman
Del Schwab            Commissioner Vice Chairman
Geri Scheidt         Deputy, Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

APPROVE
RESOLUTION NO. 09-13

PD 08-0033 BANDERA EAST PLANNED UNIT DEVELOPMENT – A REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW 214 DWELLING UNITS ON 235.31 ACRES, LOCATED IN A PORTION OF SECTION 15, PART OF THE WEST ½ OF SECTION 14, THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 65 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN ELBERT COUNTY.

PP 08-0035 BANDERA EAST PRELIMINARY PLAT – A REQUEST TO SUBDIVIDE 235.31 ACRES TO CREATE 214 RESIDENTIAL LOTS, LOCATED IN A PORTION OF SECTION 15, PART OF THE WEST ½ OF SECTION 14, THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 65 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN ELBERT COUNTY.

1041 10-08-0037 BANDERA EAST 1041 PERMIT – A REQUEST TO OBTAIN A 1041 PERMIT AS A NEW COMMUNITY

WHEREAS, the applicant, TIMBER RIDGE, LLC, has submitted an application requesting approval to rezone approximately 235.31 acres to Residential Planned Unit Development for the purpose of creating a maximum of 214 residential units for Bandera East within a base density area of 1 unit / 3.01 acres and

WHEREAS, the project is located in a portion of Sections 14 and 15, Township 7 South, Range 65 west, in Elbert County, and

WHEREAS, the existing zoning designation is Agriculture and
WHEREAS, the proposed zoning is Residential Planned Unit Development, and

WHEREAS, the project is located in the Rural Residential-High Density Land Use Area as identified in the Master Plan. The development density for this Land Use Area is one unit per 3.00 acres to one unit per 10.00 acres. This proposal is for parcels beginning with a base density within that density range; and

WHEREAS, the minimum lot size will be as small as 7,000 square feet, after density bonuses are applied, and

WHEREAS, Community & Development Services has made the following Findings related to this application:

The applicant has submitted the required documentation detailed in Part I, Section 6, B, 2, b, “Rezoning Procedures and Requirements, and Part II, Section 16, C, “Requirements for PUD Rezoning”, and

The applicant has submitted the required documentation to comply with the following Sections of the Subdivision Regulations; Sections II, IV, V, VIII, XV, and XVII, and

The submitted documentation has satisfied and shows compliance with the specified requirement contained in Chapter 4, Article 4-307 of the 1041 Regulations:

WHEREAS, on December 11, 2008 and January 8, 2009, the Planning Commission held public hearings on this application. At the hearing, there were presentations by Staff and the applicant, and comment from the public. The associated staff report dated February 11, 2009 contains comments of the Planning Commission.

Community & Development Services Office’s recommendation was “Approval with Conditions”.

The Planning Commission voted 5–0 to “Approve with Conditions”, PD 08-0033 BANDERA EAST PLANNED UNIT DEVELOPMENT, PP 08-0035 BANDERA EAST PRELIMINARY PLAT, and BANDERA EAST 1041 PERMIT 10-08-0037 and is forwarding a similar recommendation, to the Board of County Commissioners.

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Community & Development Services, the Planning Commission, the documentation of the
applicant, and having heard public comment, and being fully advised in the
premise.

BE IT THEREFORE RESOLVED, the Board of County Commissioners do hereby
approve **PD 08-0033 BANDERA EAST PLANNED UNIT DEVELOPMENT, PP
08-0035 BANDERA EAST PRELIMINARY PLAT, and BANDERA EAST 1041
PERMIT 10-08-0037**, “Conditions of Approval” to include:

**PD 08-0033 Bandera East Planned Unit Development Rezoning:**

1.) The submitted “Bandera East Rezone Plan Exhibit” and the “Planned Unit
Development Standards” will be modified as per the red-marked print dated
December 6, 2008.

2.) While the Bandera East Planned Unit Development allows for a maximum of
214 lots, only 210 dwelling units will be issued building permits, after final
plating for either Bandera East or Bandera West, until off-site
improvements are made, or a pro-rata share of improvements is contributed
for improvements to the intersection of Hilltop Road and Flintwood Road.
The number of building permits beyond the 210th building permit will be
issued based upon when off-site improvements are made, or a pro-rata share
of the off-site improvements is contributed by the applicant. Timing of off-
site improvements relative to the number of building permits issued shall be
clearly defined in the Subdivision Improvement Agreement.

3.) The applicant shall coordinate with the Elizabeth Fire Protection District and
comply with all necessary conditions including Resolution 99-35 as related to
fire protection. A letter confirming agreement will be submitted to the
Community & Development Services Office prior to recording of any
documentation.

4.) The current site layout shows residential clusters abutting the property
boundaries on the north, west, and east. To avoid potential conflicts between
agricultural uses and the smaller lots (1/2 acre), the buffer area along these
property boundaries should be increased. This will require shifting some of
the perimeter lots toward the interior to create additional buffer area,
eliminating the perimeter lots, or re-locating them elsewhere on the property.
Serenity Point is a proposed development adjacent to and immediately north
of Bandera. The lot configuration being proposed along Bandera’s north
boundary may be appropriate, provided the open space and road connections
are coordinated between the two proposed developments.

5.) The name of the Planned Unit Development rezoning is to be reviewed for
any duplication of names by the County Mapper, prior to recordation.
6.) The rezoning will not become effective until all conditions of approval are met, all fees paid, and documents recorded.

7.) The applicant will record the Planned Unit Development Rezoning Exhibit (Development Guidelines), Weed Management Plan, and associated documents within ninety (90) days of approval by the Board of County Commissioners.

8.) The applicant will be required to remove the public notice sign within seven (7) days of approval by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services Office file, prior to recordation of the Planned Unit Development Rezoning Exhibit.

9.) Adopt the Findings enumerated herein.

**PP 08-0035 Bandera East Preliminary Plat**

1.) A letter confirming that the design, water supply, and fire flow requirements are sufficient to meet all Fire District standards and requirements, will be submitted to the Community & Development Services Office prior to Final Plat recordation.

2.) While the Bandera East Planned Unit Development allows for a maximum of 214 lots, only 210 dwelling units will be issued building permits after final platting for either Bandera East or Bandera West, until off-site improvements are made, or a pro-rata share of improvements is contributed by the applicant for improvements to the intersection of Hilltop Road and Flintwood Road. The number of building permits beyond the 210th building permit will be issued based upon when off-site improvements are made, or a pro-rata share of the off-site improvements is contributed by the applicant. Timing of off-site improvements relative to the number of building permits issued shall be clearly defined in the Subdivision Improvement Agreement.

3.) A Subdivision Improvement Agreement will be prepared that addresses all public improvements and other development-related improvements as part of the Final Plat process.

4.) The “Ecological Resources Survey” shall be amended as part of the Final Plat submittal items to provide additional information to determine whether or not the site is critical habitat, calving area, or critical winter range for the pronghorn antelope. A determination as to whether or not the property has a burrowing owl population shall also be included in the Ecological Resources Survey.
5.) As part of the Final Plat submittal items, a determination shall be made by the Division of Water Resources which indicates that the Running Rivers Water & Sanitation District has sufficient water, based upon Elbert County’s 300-year supply, to service Bandera East and Bandera West. The determination by the Division of Water Resources shall also include a statement rendering their opinion as to whether or not there is a potential for causing material injury to any decreed water rights.

6.) Prior to the release of any building permits, the Colorado Department of Health, the County Engineer, and the County Environmental Health Department must review and approve the central water and sanitary sewer systems design.

7.) The applicant will coordinate with Qwest regarding phone service and necessary easements to set equipment. The final plat exhibit will indicate easement locations together with a letter to the Community & Development Services Office from Qwest confirming satisfactory access to all lots prior to recordation of the final plat.

8.) The applicant shall satisfactorily demonstrate compliance with the requirements of HB 08-1141, which requires among other items, that the water supply report is to be prepared by a registered professional engineer or water supply expert, acceptable to and approved by the County Engineer. This information shall be required as part of the Final Plat application submittal items.

9.) The applicant will coordinate with Public Service Company of Colorado regarding gas service and necessary easements to set equipment. The final plat exhibit will indicate easement locations together with a letter to the Community & Development Services Office from Public Service Company of Colorado confirming satisfactory access to all lots prior to recordation of the final plat.

10.) The “soft trail” pedestrian circulation system, built pursuant to Elbert County Construction and Specification Standards, shall connect the various open space parcels and parks within the development and shall provide connectivity throughout the subdivision. A meandering trail shall be provided along collector streets. A schematic of this pedestrian circulation system shall be included as a submittal items for the Final Plat application. Specific trail construction costs estimates shall be included in the Subdivision Improvements Agreement.
11. The applicant will provide utility easements to accommodate the installation of front-lot design for electric facilities in this project; a ten foot (10') easement on all front lots will be required. Further, a five foot (5') utility easement is required on one side lot line of each lot and will coordinate with the Intermountain Rural Electric Association to have service lines from the drop pole, installed underground.

12.) Should there be a need to conduct over-lot grading, the applicant will coordinate with the Kiowa Conservation District and obtain a grading and erosion control permit from the County.

13.) The applicant will mitigate impacts to County roads by payment of TAZ fees of $2,521 per dwelling unit at the time of Final Plat recoradation. All internal roads will be constructed and paved to County standards. The applicant will coordinate an agreement with the Road & Bridge Department and the County Engineer regarding improvements to County Road 158 and County Road 5 and to County Road 158 and Road “A” (the second entrance to the development off County Road 158); said agreement shall be specified in detail in the Subdivision Improvements Agreement.

14.) Any right-of-way required for widening of County Road 158 shall be dedicated to the County at the time of Final Plat.

15.) The applicant shall pay to Elbert County, growth related impact fees of $2,453 per single-family unit and $1,999 per multi-family unit at each final plat filing, based upon the number of units in the filing.

16.) The County will withhold building permits until the proposed roads are constructed to County standards and approved. A letter of confirmation will be provided to the Community & Development Services Office from the Elbert County Road and Bridge Department.

17.) The County will withhold building permits until the water supply and fire protection systems are in place and have been inspected and approved. A letter of confirmation will be provided to the Community & Development Services Office from the Elizabeth Fire Protection District.

18.) The applicant and the Elizabeth Fire Protection District have agreed to a fee being paid to the District in lieu of two lots being deeded to the District. The Elizabeth Fire Protection District and the applicant will agree on an acceptable fee to be paid to the District, in lieu of lots being dedicated. Prior to recordation of the Final Plat, the District shall provide the Community & Development Services Office with a letter indicating that an acceptable fee has been collected by the District.
19.) The applicant shall dedicate a school site of approximately 14.5 acres to the Elizabeth School District No. C1 prior to recordation of the Final Plat of the first filing.

20.) The applicant shall continue to work with Elbert County and Douglas County for an acceptable solution to the off-site intersections improvements, a portion of which are generated by this development.

21.) Lot lines will be shown on the Final Plat document.

22.) Additional detail to the geotechnical studies shall be provided at the time of Final Plat to satisfy the concerns mentioned in the referral letter from Colorado Geologic Survey.

23.) The applicant shall construct Delbert Road from County Road 158 to Singing Hills Road, according to Elbert County Construction Standards and Specifications Manual, prior to release of the 370th residential building permit.

24.) The Final Plat must be applied for within one (1) year of approval of the Preliminary Plat by the Board of County Commissioners.

25.) Should the Elbert County Sheriff’s Office determine that there is a need for a sheriff’s substation within the Bandera development, at any time during the phasing of the various filings, to adequately address law enforcement concerns, the applicant will coordinate with the Sheriff’s office regarding deeding a parcel to Elbert County, not to exceed two (2) acres in size, for the substation.”

26.) The community center, as presented at the Planning Commission public hearings and as referenced in the application submittal items, shall be constructed and a certificate of occupancy issued by the Elbert County Building Department, prior to the release of the 361st building permit.

27.) Adopt the Finding enumerated herein.

**1041 Permit No. 10-08-0037 (1041 Permit Bandera East)**

The health and safety of the citizens of Elbert County are addressed via letters to the Community & Development Services Office confirming satisfactory completion of:

Prior to any building permits being approved:
a.) Central water system adequate to serve Bandera East and Bandera West shall be approved by the Elbert County Building Department and the State Health Department.

b.) Central sanitary sewerage system approval by the Elbert County Building Department, Elbert County Environmental Health Department and the County Engineers.

c.) Roads approved by Elbert County Road & Bridge Department and the County Engineer.

d.) The water supply and fire protection systems are in place and have been inspected and approved by the Elizabeth Fire Protection District.

Prior to Recordation of the Final Plat:

a.) It is understood the applicant will provide equity funds for the infrastructure. Running Rivers Water & Sanitation District will own and manage the water and sanitary sewer system. The adjudicated water necessary to meet all the obligations of the District shall be transferred to the District prior to recording of the Final Plat of the first filing.

b.) Elbert County and the applicant will sign and have recorded a Subdivision Improvement Agreement and the County will issue a 1041 Permit after the recordation of the Final Plat and prior to initiation of any construction.

c.) The applicant and the Elizabeth School District #C-1 will comply with Resolution 99-14 prior to the recordation of each final plat filing. A letter from the district indicating compliance will be provided to Community & Development Services Office prior to recordation of the Final Plat.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

[Signatures]

HOPE GOETZ, CHAIRMAN

DEL SCHWAB, VICE CHAIRMAN
ATTEST:  AMY FORDYCE  
COUNTY CLERK  

BY:  [Signature]  
Deputy, Clerk to the Board
STATE OF COLORADO

COUNTY OF ELBERT

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 11th day of February, 2009, A.D., there were present:

Hope Goetz
Del Schwab
Geri Scheidt
Commissioner Chairman
Commissioner Vice Chairman
Deputy, Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

APPROVE
RESOLUTION NO. 09-14

PD 08-0034 BANDERA WEST PLANNED UNIT DEVELOPMENT – A REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW 706 DWELLING UNITS ON 776.63 ACRES, LOCATED IN A PORTION OF SECTION 15, PART OF THE WEST 1/2 OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 65 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN ELBERT COUNTY.

PP 08-0036 BANDERA WEST PRELIMINARY PLAT – A REQUEST TO SUBDIVIDE 776.63 ACRES TO CREATE 706 RESIDENTIAL LOTS, LOCATED IN A PORTION OF SECTION 15, PART OF THE WEST 1/2 OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 65 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN ELBERT COUNTY.

1041 10-08-0038 BANDERA WEST 1041 PERMIT – A REQUEST TO OBTAIN A 1041 PERMIT AS A NEW COMMUNITY

WHEREAS, the applicant, TIMBER RIDGE, LLC, has submitted an application requesting approval to rezone approximately 776.63 acres to Residential Planned Unit Development for the purpose of creating a maximum of 706 residential units for Bandera West within a base density area of 1 unit / 3.01 acres, and

WHEREAS, the project is located in a portion of Sections 14 and 15, Township 7 South, Range 65 west, in Elbert County, and

WHEREAS, the existing zoning designation is Agriculture and

WHEREAS, the proposed zoning is Residential Planned Unit Development, and
WHEREAS, the project is located in the Rural Residential-High Density Land Use Area as identified in the Master Plan. The development density for this Land Use Area is one unit per 3.00 acres to one unit per 10.00 acres. This proposal is for parcels beginning with a base density within that density range; and

WHEREAS, the minimum lot size will be as small as 7,000 square feet, after density bonuses are applied, and

WHEREAS, Community & Development Services has made the following Findings related to this application:

The applicant has submitted the required documentation detailed in Part I, Section 6, B, 2, b, “Rezoning Procedures and Requirements, and Part II, Section 16, C, “Requirements for PUD Rezoning”, and

The applicant has submitted the required documentation to comply with the following Sections of the Subdivision Regulations; Sections II, IV, V, VIII, XV, and XVII, and

The submitted documentation has satisfied and shows compliance with the specified requirement contained in Chapter 4, Article 4-307 of the 1041 Regulations:

WHEREAS, on January 8, 2009, the Planning Commission held a public hearing on this application. At the hearing, there were presentations by Staff and the applicant, and comment from the public. The associated staff report dated February 11, 2009 contains comments of the Planning Commission.

Community & Development Services Office’s recommendation was “Approval with Conditions”.

The Planning Commission voted 5-0 to “Approve with Conditions”, PD 08-0034 BANDERA WEST PLANNED UNIT DEVELOPMENT, PP 08-0038 BANDERA WEST PRELIMINARY PLAT, and BANDERA WEST 1041 PERMIT 10-08-0038 and is forwarding a similar recommendation, to the Board of County Commissioners.

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Community & Development Services, the Planning Commission, the documentation of the applicant, and having heard public comment, and being fully advised in the premise.
BE IT THEREFORE RESOLVED, the Board of County Commissioners do hereby approve PD 08-0034 BANDERA WEST PLANNED UNIT DEVELOPMENT, PP 08-0036 BANDERA WEST PRELIMINARY PLAT, and BANDERA WEST 1041 PERMIT 10-08-0038. “Conditions of Approval” to include:

**PD 08-0034 Bandera West Planned Unit Development Rezoning:**

1.) The submitted “Bandera West Rezone Plan Exhibit” and the “Planned Unit Development Standards” will be modified as per the red-marked print dated December 6, 2008.

2.) While the Bandera West Platted Unit Development allows for a maximum of 706 lots, only 210 dwelling units will be issued building permits, after final platting for either Bandera East or Bandera West, until off-site improvements are made, or a pro-rata share of improvements is contributed for improvements to the intersection of Hilltop Road and Flintwood Road. The number of building permits beyond the 210th building permit will be issued based upon when off-site improvements are made, or a pro-rata share of the off-site improvements is contributed by the applicant. Timing of off-site improvements relative to the number of building permits issued shall be clearly defined in the Subdivision Improvement Agreement.

3.) The applicant shall coordinate with the Elizabeth Fire Protection District and comply with all necessary conditions including Resolution 99-35 as related to fire protection. A letter confirming agreement will be submitted to the Community & Development Services Office prior to recording of any documentation.

4.) The current site layout shows residential clusters abutting the property boundaries on the north, west, and east. To avoid potential conflicts between agricultural uses and the smaller lots (1/2 acre), the buffer area along these property boundaries should be increased. This will require shifting some of the perimeter lots toward the interior to create additional buffer area, eliminating the perimeter lots, or re-locating them elsewhere on the property. Serenity Point is a proposed development adjacent to and immediately north of Bandera. The lot configuration being proposed along Bandera’s north boundary may be appropriate, provided the open space and road connections are coordinated between the two proposed developments.

5.) The name of the Planned Unit Development rezoning is to be reviewed for any duplication of names by the County Mapper, prior to recordation.
6.) The rezoning will not become effective until all conditions of approval are met, all fees paid, and documents recorded.

7.) The applicant will record the Planned Unit Development Rezoning Exhibit (Development Guidelines), Weed Management Plan, and associated documents within ninety (90) days of approval by the Board of County Commissioners.

8.) The applicant will be required to remove the public notice sign within seven (7) days of approval by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services Office file, prior to recordation of the Planned Unit Development Rezoning Exhibit.

9.) Adopt the Findings enumerated herein.

**PP 08-0036 Bandera West Preliminary Plat**

1.) A letter confirming that the design, water supply, and fire flow requirements are sufficient to meet all Fire District standards and requirements, will be submitted to the Community & Development Services Office prior to Final Plat recordation.

2.) While the Bandera East Planned Unit Development allows for a maximum of 706 lots, only 210 dwelling units will be issued building permits after final platting for either Bandera East or Bandera West, until off-site improvements are made, or a pro-rata share of improvements is contributed by the applicant for improvements to the intersection of Hilltop Road and Flintwood Road. The number of building permits beyond the 210th building permit will be issued based upon when off-site improvements are made, or a pro-rata share of the off-site improvements is contributed by the applicant. Timing of off-site improvements relative to the number of building permits issued shall be clearly defined in the Subdivision Improvement Agreement.

3.) A Subdivision Improvement Agreement will be prepared that addresses all public improvements and other development-related improvements as part of the Final Plat process.

4.) The “Ecological Resources Survey” shall be amended as part of the Final Plat submittal items to provide additional information to determine whether or not the site is critical habitat, calving area, or critical winter range for the pronghorn antelope. A determination as to whether or not the property has a burrowing owl population shall also be included in the Ecological Resources Survey.
5.) As part of the Final Plat submittal items, a determination shall be made by the Division of Water Resources which indicates that the Running Rivers Water & Sanitation District has sufficient water, based upon Elbert County’s 300-year supply, to service Bandera East and Bandera West. The determination by the Division of Water Resources shall also include a statement rendering their opinion as to whether or not there is a potential for causing material injury to any decreed water rights.

6.) Prior to the release of any building permits, the Colorado Department of Health, the County Engineer, and the County Environmental Health Department must review and approve the central water and sanitary sewer systems design.

7.) The applicant will coordinate with Qwest regarding phone service and necessary easements to set equipment. The final plat exhibit will indicate easement locations together with a letter to the Community & Development Services Office from Qwest confirming satisfactory access to all lots prior to recordation of the final plat.

8.) The applicant shall satisfactorily demonstrate compliance with the requirements of HB 08-1141, which requires among other items, that the water supply report is to be prepared by a registered professional engineer or water supply expert, acceptable to and approved by the County Engineer. This information shall be required as part of the Final Plat application submittal items.

9.) The applicant will coordinate with Public Service Company of Colorado regarding gas service and necessary easements to set equipment. The final plat exhibit will indicate easement locations together with a letter to the Community & Development Services Office from Public Service Company of Colorado confirming satisfactory access to all lots prior to recordation of the final plat.

10.) The “soft trail” pedestrian circulation system, built pursuant to Elbert County Construction and Specification Standards, shall connect the various open space parcels and parks within the development and shall provide connectivity throughout the subdivision. A meandering trail shall be provided along collector streets. A schematic of this pedestrian circulation system shall be included as a submittal items for the Final Plat application. Specific trail construction costs estimates shall be included in the Subdivision Improvements Agreement.
11. The applicant will provide utility easements to accommodate the installation of front-lot design for electric facilities in this project; a ten foot (10') easement on all front lots will be required. Further, a five foot (5') utility easement is required on one side lot line of each lot and will coordinate with the Intermountain Rural Electric Association to have service lines from the drop pole, installed underground.

12.) Should there be a need to conduct over-lot grading, the applicant will coordinate with the Kiowa Conservation District and obtain a grading and erosion control permit from the County.

13.) The applicant will mitigate impacts to County roads by payment of TAZ fees of $2,521 per dwelling unit at the time of Final Plat recordation. All internal roads will be constructed and paved to County standards. The applicant will coordinate an agreement with the Road & Bridge Department and the County Engineer regarding improvements to County Road 158 and County Road 5 and to County Road 158 and Road “A” (the second entrance to the development off County Road 158); said agreement shall be specified in detail in the Subdivision Improvements Agreement.

14.) Any right-of-way required for widening of County Road 158 shall be dedicated to the County at the time of Final Plat.

15.) The applicant shall pay to Elbert County, growth related impact fees of $2,453 per single-family unit and $1,999 per multi-family unit at each final plat filing, based upon the number of units in the filing.

16.) The County will withhold building permits until the proposed roads are constructed to County standards and approved. A letter of confirmation will be provided to the Community & Development Services Office from the Elbert County Road and Bridge Department.

17.) The County will withhold building permits until the water supply and fire protection systems are in place and have been inspected and approved. A letter of confirmation will be provided to the Community & Development Services Office from the Elizabeth Fire Protection District.

18.) The applicant and the Elizabeth Fire Protection District have agreed to a fee being paid to the District in lieu of two lots being deeded to the District. The Elizabeth Fire Protection District and the applicant will agree on an acceptable fee to be paid to the District, in lieu of lots being dedicated. Prior to recordation of the Final Plat, the District shall provide the Community & Development Services Office with a letter indicating that an acceptable fee has been collected by the District.
19.) The applicant shall dedicate a school site of approximately 14.5 acres to the Elizabeth School District No. C1 prior to recordation of the Final Plat of the first filing.

20.) The applicant shall continue to work with Elbert County and Douglas County for an acceptable solution to the off-site intersections improvements, a portion of which are generated by this development.

21.) Lot lines will be shown on the Final Plat document.

22.) Additional detail to the geotechnical studies shall be provided at the time of Final Plat to satisfy the concerns mentioned in the referral letter from Colorado Geologic Survey.

23.) The applicant shall construct Delbert Road from County Road 158 to Singing Hills Road, according to Elbert County Construction Standards and Specifications Manual, prior to release of the 370th residential building permit.

24.) The Final Plat must be applied for within one (1) year of approval of the Preliminary Plat by the Board of County Commissioners.

25.) Should the Elbert County Sheriff's Office determine that there is a need for a sheriff's substation within the Bandera development, at any time during the phasing of the various filings, to adequately address law enforcement concerns, the applicant will coordinate with the Sheriff's office regarding deeding a parcel to Elbert County, not to exceed two (2) acres in size, for the substation."

26.) The community center, as presented at the Planning Commission public hearings and as referenced in the application submittal items, shall be constructed and a certificate of occupancy issued by the Elbert County Building Department, prior to the release of the 361st building permit.

27.) Adopt the Finding enumerated herein.

1041 Permit No. 10-08-0038

The health and safety of the citizens of Elbert County are addressed via letters to the Community & Development Services Office confirming satisfactory completion of:
Prior to any building permits being approved:

a.) Central water system adequate to serve Bandera East and Bandera West shall be approved by the Elbert County Building Department and the State Health Department.

b.) Central sanitary sewerage system approval by the Elbert County Building Department, Elbert County Environmental Health Department and the County Engineers.

c.) Roads approved by Elbert County Road & Bridge Department and the County Engineer.

d.) The water supply and fire protection systems are in place and have been inspected and approved by the Elizabeth Fire Protection District.

Prior to Recordation of the Final Plat:

a.) It is understood the applicant will provide equity funds for the infrastructure. Running Rivers Water & Sanitation District will own and manage the water and sanitary sewer system. The adjudicated water necessary to meet all the obligations of the District shall be transferred to the District prior to recording of the Final Plat of the first filing.

b.) Elbert County and the applicant will sign and have recorded a Subdivision Improvement Agreement and the County will issue a 1041 Permit after the recordation of the Final Plat and prior to initiation of any construction.

c.) The applicant and the Elizabeth School District #C-1 will comply with Resolution 99-14 prior to the recordation of each final plat filing. A letter from the district indicating compliance will be provided to Community & Development Services Office prior to recordation of the Final Plat.
Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

HOPE GOETZ, CHAIRMAN

DEL SCHWAB, VICE CHAIRMAN

ATTEST: AMY FORDYCE
COUNTY CLERK

BY: Deputy, Clerk to the Board
**Planned Unit Development Standards**

**1 PROJECT INTENT**

Banderas is proposed as a residential community in Elbert County. The objective of the Banderas Planned Unit Development (PUD) zoning is to:
- provide quality housing opportunities for Elbert County residents;
- respect the unique site features, land forms and preserve areas of natural open space.

**2 SITE DATA**

The entire Banderas site consists of 1011.0 acres. The development has been divided into two Planning Areas, Banderas East and Banderas West. The project’s 374 lots are located throughout of Elbert County. Primary access to the site will be Elbert County Road 158.

*The property is all of section 15, the west 1/2 of section 14, and the southeast 1/4 of the southeast 1/4 of section 14 (township 7 south, range 25 east, Elbert County, State of Colorado).*

Site Area:
- Banderas East: 395.57 more or less acres
- Banderas West: 715.35 more or less acres
- Banderas TOTAL: 1,110.92 acres, more or less

**3 DEFINITIONS**

- Standard Single Family Residential Unit or Lot (Standard Unit or ‘Standard’): A single family dwelling on a residential lot. Not more than 3100 sq. ft.
- Alternative Residential Unit or Lot (Alternative Unit or ‘Alternative’): Residential building with lot or lots of not less than 3100 sq. ft. In a residential development. Conveys include but are not limited to single family homes, townhomes, bungalows, etc.

**4 PUD LAND USE STANDARDS**

**4.1 Residential**

**4.1.1 Intent**

Banderas is a residential development planned with a pedestrian-friendly town design integrated around private community open spaces, a community center and school-parks. The public street system provides access to a connection through the neighborhood to the established county road system. Banderas will consist of a mixture of 803 residential units with an overall density of 803 units per 200 acres. Banderas East consists of not more than 214 residential units and Banderas West consists of not more than 566 residential units.

**4.1.2 Permits Required**

- One (1) Standard Single Family Residential Unit or Lot.
- Minimum of 120 Alternative Residential Units or Banderas
- Accessory buildings, apparatus, machinery, including but not limited to those private amenities further defined in the CSSRs.
- Home occupants
- Temporary construction and residential sales offices. Such facilities shall be removed within 30 days of sale of any unit in the project or phase of the project associated with the trailer or sales office.

**4.1.3 Uses Permitted by Special Review**

- Non-commercial antenna support structures as regulated by Elbert County
- Cellular Communication Facilities
- Mining activities.

**4.1.4 Lot Area for Standard Lot**

- Minimum lot size shall be 10,000 sq. ft.

**4.1.5 Setback Regulations for Standard Residential Units**

Minimum building setbacks and building separations are as follows:
- Minimum setbacks in percentile property the existing public roadway:
  - on Delbert Road: 50 feet
  - Front Yard setback (or garage door to right-of-way): 30 feet
  - Front Yard setback (or living space to right-of-way): 20 feet
  - Side yard setback: 5 feet
  - Rear yard setback: 20 feet
- Minimum lot frontage at setback along Road East: 70 feet

**4.1.6 Setback Regulations for Alternative Residential Units**

Minimum building setbacks and building separations are as follows:
- Minimum setbacks in percentile property the existing public roadway:
  - on Delbert Road: 50 feet
  - Front Yard setback (or garage door to right-of-way): 30 feet
  - Front Yard setback (or living space to right-of-way): 12 feet
  - Side yard setback: 5 feet
  - Rear Yard setback: 10 feet
- Minimum lot frontage at setback along Road East: 30 feet

**4.1.7 Minimum floor area: Standard Residential Units**

- kost 1500 square feet habitable area per unit.
- Garages and basements do not count in calculating floor area for the purposes of the provision.

**4.1.8 Minimum floor area: Alternative Residential Units**

- kost 500 square feet habitable area per unit. Garages and basements do not count in calculating floor area for the purposes of this provision.

**4.1.9 Height**

- Maximum average building height in feet is 25 feet. (measured as an average of elite building perimeter grade to site grade).

**4.1.10 Landscaped / Irrigated Area**

- a. Since more than 5000 square feet of this area may be landscaped for high demand soil
- b. Landscaped areas, including storm water conveyance and street facilities, shall be incorporated into the common landscaped area and pedestrian circulation system for this development.

**4.1.11 Fences and Enclosures**

- Fences, hedges and walls shall not exceed 4' in height on the rear facade and in the front facade setback.
- Front yard fence setback is a fixed space to the street and back of the face of the building.
- Back yard fence setback must be at least 8 feet from back yard fence setback, more from walkway, and comply with the standards details.
- The fence or partition fences are allowed only when attached to a deck or porch.
- Electrical and barbed wire fences shall be prohibited in this zone with the exception of non-continuous fences.

**4.1.12 Sign Requirements**

- Signs shall comply with the requirements of the Elbert County sign ordinance.
- The residential identification sign shall be limited to two (2) permanent signs for each parceling area (street and/or neighborhood) with a maximum height of 4 feet. The maximum allowable sign area of any permanent sign shall be 48 square feet. See Part II, Section 11 of Elbert County regulations.

**4.1.13 Parking**

- Two off-street parking spaces shall be provided for each dwelling unit.

**4.1.14 Addresses**

- Each lot shall have an address clearly marked with sandblasting or securely attached 6x10" aluminum or stone sign measuring as least 18" by 24", and placed at the side of the road within 90 feet of the lot, or will be connected to the house/property. The street name is not required in a street which includes local low level lighting, fire lane details.

**4.1.15 Water and Sanitation Requirements**

- Water supply is to be a central water and sewer facility (District) approved by the State Health Department.

**4.1.16 Utility Requirements**

- All public power and gas lines shall be underground. Uninstalled underground, acceptable above-ground options, such as meters, pedestals, transformers, etc. will not be required. The installation is to be at the sole discretion and shall be approved by the developer.

**4.1.17 Design Standards**

- Architecture, building materials, colors, lighting and landscape standards shall be subject to private development agreements as required through the Homeowners Association, Design Review Committee and the CSSRs.

**4.1.18 Temporary Uses:**

- Agricultural uses shall be allowed as temporary uses, such uses shall terminate within 9 months from the time approval is issued.

**4.2 Open Space Areas**

**4.2.1 Intent**

Preservation of open space and natural features is a very important component of the Banderas PUD. The amenities will include in this project or phase of the project, area parks, playgrounds, natural areas and open space.

**4.2.2 Permitted Uses:**

- Passive Open Space
- Active recreation fields
- Pedestrian / Bicycle / Rec-recreational vehicle Trails
- Drainage systems and open space improvements
- Transit pedestrian shelters
- Mail box / mail box clusters
- Trash collection receptacles
- Vehicle drives and parking lot entrances
- Vehicle parking structure, covered (canopy, sidewalk)
- Information and directional signage, kiosks, benches, monument/facilities
- Tot lot, Playground, Play area, includes volleyball, Basketball, tennis courts, and similar outdoor recreation facilities
- Photo area, photo shelter, outdoor gym area
- Off-road day activity areas
- Clubhouse / hot tub / swimming pool, Tennis court, Sport court
- Utility Service facilities including wells, pumps, public wastewater treatment, and water storage facilities
- Temporary construction and residential sales facilities. Such facilities shall be removed within 30 days of sale of this in the project or phase of the project associated with the trailer or sales office.

**4.2.3 Uses Permitted by Special Review**

- Non-commercial antenna support structures as regulated by Elbert County
- Cellular Communication Facilities
- Mining activities.

**4.2.4 Setback Regulations**

- Minimum setback to a primary Property line - 15 feet from public street frontage.
- Above ground utility service improvements shall have a 25 feet setback from paved developable property.

**4.2.5 Height**

- Structures that exceed a building permit shall not exceed 30 feet. Community identification elements, such as a windmill, silo, tower element or similar features, will be limited to 50 feet.

**4.2.6 Landscape, Pedestrian Amenities and Trails**

- Landscape areas, including storm water conveyance and street facilities, shall be incorporated into the common landscaped area and pedestrian circulation system for this development.
- Trails and foot bridges shall be designed for active pedestrian use and incorporated into the development to maintain connectivity and allow pedestrians to safely travel through the neighborhood and connect to adjacent public ways. The pedestrian trail shall be constructed by the developer, pursuant to Section 1005-200 - Walkways, Streetscape Paths and Surf Trails of the Elbert County Construction Standards and Specifications, 2007 Edition. The pedestrian trail shall be shown on the final plan.
- The architectural character of the amenities and project entry features shall incorporate the same or similar streetscape elements that are consistent and integrated.
- All private common elements, including internal trails will be constructed by the Owner or its designers and maintained by the Metropolitan District or the HOA.
- Fencing, hedges and walls shall be permitted in this district and do not have to comply with the minimum setbacks of the zone. These can not restrict safety (light traffic) from the street.

**5 ENFORCEMENT**

The developer shall be responsible for establishing a Home Owners Association (HOA) as per planning and recording Condominium, Covenants, Conditions and Restrictions (CC&Rs), to be in place not later than Building Permit approval for the first permit development.

**6 GENERAL REQUIREMENTS**

- Other issues specifically not addressed herein will be addressed by the general provisions and regulations and those standards in the Zoning Resolution in effect at the time of the building permit application.
- Outbuilding Signage. All outdoor storage tanks and trash containers shall be surrounded with a fence, wall or landscaping materials. The point of access shall be screened by an opaque, glass, or similar stonework that does not require the gate that would allow access to a public right-of-way.
- No materials or waste shall be disposed upon any in such form or manner that it may be transported off the site by flood, fire or erosion.
- The entire area within this Planned Unit Development shall be developed so that it does not result on obstructions or dangerous degrees of height, glare, vibration, oscillation, dust noise from, or fumes beyond the property boundaries.

**Case Number:** PD 08-00-33

**Zoning:** PUD

**Planned Unit Development (PUD)**

**Section:** 15, 14, 14

**Township:** 7

**Range:** 25

**County:** Elbert

**State:** Colorado

**Date:** 2008

**Rezoning Plan Exhibit**

ALL OF SECTION 15, THE WEST 1/2 OF SECTION 14, AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14 TOWNSHIP 7 SOUTH, RANGE 25 EAST, COUNTY OF ELBERT, STATE OF COLORADO 235.57 Acres 214 RESIDENTIAL LOTS
1.6.1.1 Setback Regulations for Alternative Residential Units
Minimum building setbacks and building elevations are as follows:

Minimum setbacks to primary residential building public ROW on:
- Delbert Road: 50 feet
- Front yard setback: 30 feet
- From yard setback: living space to road right-of-way: 12 feet
- Side yard setback: 5 feet
- Rear yard setback: 15 feet
- Minimum lot frontage at setback along Road Easement: 30 feet

1.6.1.2 Minimum floor area: Standard Residential Units
- 1500 square feet habitable area per unit
- Garages and basements do not count in calculating floor area for the purposes of this provision.

1.6.1.3 Minimum floor area: Alternative Residential Units
- 1200 square feet habitable area per unit

1.6.1.4 Height
- Minimum average building height is 36 feet. (measured as an average of entire building (perimeter grade to ridge line))

1.6.1.5 Landscape / Irrigated Area
- No more than 900 square feet of the front yard area may be landscaped in high water demand soil
- Landscaped areas, including storm water conveyance systems and detention facilities, shall be incorporated into the common landscape area and pedestrian circulation system for this development.

1.6.1.6 Fences and Enclosures
- Fences, hedges and walls shall not exceed 4\(^2\) feet in height on the side and rear and in the front yard setback. The front yard fence setback is a line parallel to the side and behind the face of the structure (higher fence). The use of plastic, wire mesh and other fence materials is acceptable. The front fence shall be secured with a lock or a self-closing door. Fences or walls shall not be installed on common boundaries.

1.6.1.7 Sign Requirements
- Standard street signs shall comply with the requirements of the Elbert County sign ordnance.
- The residential identification signage at any management shall be limited to two (2) square meters for each management area.
- The maximum allowable square footage of any non-signage shall be 45 square feet per sign (See Part I, Section 19 of the Elbert County Ordinances).

1.6.1.8 Parking
- Two off-street parking spaces shall be provided for each dwelling unit.

1.6.1.9 Addresses
- Each building shall have an address clearly marked with a sign on a wall or a pole that is at least 18 inches in height and 24 inches in width, and placed next to the entrance of the building within 10 feet of a public street.
- The address board shall be made of metal, wood or other materials of similar strength.

1.6.1.10 Water and Sanitation Requirements
- Utility service shall be provided by a central water and sewer facility (District) approved by the State Health Department.

1.6.1.11 Utility Requirements
- Minimum utility lines shall be underground. Necessary above-ground utility systems, such as meters, pedestals, transformers, etc. shall be installed underground, and shall be accessible.

1.6.1.12 Design Standards:
- Architecture, building materials, colors, lighting and landscape standards shall be subject to private control through the Homeowners Association (Design Review Committee and the CSSP).

2.3.1.9 Temporary Uses:
- Agricultural uses shall be allowed as temporary uses, such uses shall terminate within the time period established by the development plan.

2.3.2.1 Open Space Areas
2.3.2.1.1 Intent
Preservation of open space and natural features is a very important component of the Bandera PUD. The amenities will include on-site community, open space, playgrounds and natural features.

3.1.2.1 Permitted Uses:
- Passive Use
- Active recreation facilities
- Pedestrian / Bicycle (non-motorized) vehicle Trails
- Drainage conveyance improvements
- Transit passenger shelter
- Mail box / mail lockers
- Trash collection receptacles
- Drive vehicle parking and for the proper use provided.

3.1.2.2 Vehicle parking structure, covered (sheds, garages, etc.)
- Information and display signage, signs, banners, monument facilities
- Toll to Toll Play, Playground areas, including volleyball, Bosch ball, horseshoes and similar outdoor recreation areas
- Parking area, parking shelter, outdoor golf area
- Off-street day activity park
- Boat house, marina, swimming pool, tennis courts, Sport court
- Utility Service facilities including well sites, public/private wastewater treatment, and water storage facilities
- Temporary construction and residential sales offices. Such facilities shall be removed within 30 days after use or the use and project is associated with the final use or sale of land.
- Other public uses consistent with private open space use as primary use.

6.2.1.1 Uses Permitted by Special Review
- Non-commercial antenna support structures regulated by Elbert County
- Cellular Communication Facilities
- Mining activities.

4.2.4.2 Setback Regulations
- Minimum setback from the property line - 15 feet from public street frontage.
- Above ground utility service improvements shall have a 20 foot setback from public developable areas.

4.2.5.3 Height
- Structures that require a building permit shall not exceed 20 feet. Community identification systems, such as a windmill, tower element or similar features, will be limited to 15 feet.

6.2.5.3 Landscape, Pedestrian Amenities and Trails
- Landscaped areas, including storm water conveyance systems and detention facilities, shall be incorporated into the common landscape area and pedestrian circulation system for this development.
- Trails that this housing shall be designed for a vehicle and pedestrian use and incorporated into the development to circulate systems and allow pedestrians to safely travel throughout the neighborhood and connect to adjacent public ways. The pedestrian trail shall be constructed by the developers, pursuant to Section 1305.06, Walkways, Wainwright Parks and Small Trails of Elbert County Construction Standards and Specifications, 2007 Edition, and shall be shown on the final plat.
- The architectural character of the entrances and project entity features shall incorporate the character of the existing structure and the aesthetic standards established by the Homeowners Association.
- All private common elements, including internal trails shall be constructed by the owner and must be maintained by the Metropolitan District or the HOA.
- Fencing, hedges and walls shall be permitted in this district and do not have to comply with the minimum setback from the residence. Their use can result from visibility (right) advantage from the street.

7.1.1.5 Fencing, landscaping and other improvements shall be limited to as not to restrict the flow of water within to the extent designated for drainage.
- A landscape plan shall be provided showing plant type, location, quantity, and size for any landscape area within the development of the time of final plat survey.
- Prior to filing of final Plat Plan. An entry landscape plan for entries on CR 188 will be submitted to community and development services for approval.

7.2.3.1 Parking
- Off-street parking shall be provided to allow for convenient access for persons wanting to exceed the restrictions or other activity areas within the open space.
- Off-street parking shall comply with the minimum requirements as established by Elbert County Zoning Regulations and in effect at the time of development.

8.1.2 Lighting
All light fixtures including porch lights, shall be covered, inoffensive shaped light fixtures, installed to reduce glare and the consequent interference with boundary streets and adjacent properties. Fixtures providing direct illumination shall be characterized with the architectural and landscape characteristics of the development.

9.2.1 Maximum height of light poles along vehicular access drives shall not exceed 12 feet.

10.4.5 Streets and Roads
- Street segments are provided as part of the subdivision Plan. The design of public streets and private access drives for the development will be in accordance with the standards as approved by Elbert County.
- The developer, his successors and assigns shall be responsible for the construction of all roads not shown on final Plat Plan prior to issuance of the first building permit for the final plat and prohibitory acceptance period of public streets prior to the County accepting maintenance of public streets.

5.1.1 Enforcement
The developer shall be responsible for establishing a Home Owners Development (HOA) as an addendum and reviewing Conditions, Covenants and Restrictions (CC&R), to be in place not later than Building Permit approval for the first permit for development.

6.1.1.1 General Requirements
- Other issues specifically not addressed herein will be addressed by the general provisions and regulations and those standards in the Zoning Resolution in effect at the time of building permit application.
- Outbuilding. All outdoor structures and trash containers shall be screened with a fence, wall or landscaping materials. This point of access shall be screened by an entrance gate, however, no landscaping or structure shall be registered on the site that would be visible from the public.
- No materials or wastes shall be disposed upon any lot in form or manner, that may be transferred by the use of the site natural forces or wastes.
- Every holder of the preliminary plat development shall be operated so that it does not result in an objectionable or objectionable height of noise, glare, vibration, radiation, smoke, odors or fumes beyond the property boundaries.

1.1.1.1 Project Intent
Bandera is planned on a conservation of the natural beauty within Elbert County. The objective of the Bandera Planned Development Unit (PDU) zoning is to:
- provide quality housing opportunities for Elbert County residents.
- respect the unique site features, land forms and preservation areas of natural open space.

2.2.1.1 SITE DATA
The entire Bandera site consists of 101.36 acres. The development has been divided into two Planning Areas, Bandera East and Bandera West.
- The property is located on the northeast portion of Road.
- Primary access to the site will be off Elbert County Road 184.

3.1.1.1 DEFINITIONS
- Standard Single Family Residential Unit or Lot ("Standard Unit") refers to a single family dwelling on a double-lot size. The term includes a single-family residence.
- Alternative Residential Unit or Lot ("Alternative Unit") is defined as a single-family residence with an overall smaller footprint area. Such that the maximum building/building area is not limited to those single-family residences. Bandera East and Bandera West consist of not more than 913 residential units and Bandera West consists of not more than 706 residential units.

5.1.1.1 Development
The developer shall be responsible for establishing a Home Owners Development (HOA) as an addendum and reviewing Conditions, Covenants and Restrictions (CC&R), to be in place not later than Building Permit approval for the first permit for development.