

VACATION AND REPLAT (RECOMMEND APPROVAL)

PATTERSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO

RESOLUTION NO. VR-22-009  
**THE GLEN AT WIDFIELD FILING No. 11A**

WHEREAS, Glen Investment Group No. VIII, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a vacation and replat to replat a portion of public right of way for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. within the RS-6000 (Residential Suburban) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on October 20, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified, or additional lots are created. In approving this vacation and replat, the El Paso County Planning Commission considered one or more of the following criteria:

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

WHEREAS, Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.

Delayed finding: A finding of sufficient water supply in terms of quantity, quality, and dependability is hereby postponed until the final plat. With each final plat filing the applicant shall submit documentation in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code and shall make a request to the Board of County Commissioner for a finding of water sufficiency.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the vacation and replat to allow Glen Investment Group No. VIII, LLC within the RS-6000 (Residential Suburban) zoning district with the following conditions and notations:

#### CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

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

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

BRITTAIN-JACK seconded the adoption of the foregoing Resolution.

The adoption of this plan shall be by resolution as carried by the affirmative votes of a majority of the entire membership of the commission.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

The Resolution was adopted by a unanimous vote of 9-0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20<sup>th</sup> day of October, 2022, at Colorado Springs, Colorado

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley

Brian Risley, Chair

## EXHIBIT A

### THE GLEN AT WIDEFIELD SUBDIVISION FILING NO. 11A LAND DESCRIPTION

A tract of land located in a Portion of the South One-half (S1/2) of Section 22, Township 15 South (T15S), Range 65 West (R65W) of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Lots 25, 71 and a portion of Pennycress Drive as platted in The Glen at Widefield Subdivision Filing No. 11 as recorded under Reception No. \_\_\_\_\_ in the records of the Clerk and Recorder's Office, County of El Paso, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 25; Thence N00°18'38"W along the West line of said Lot 25, a distance of 133.09 feet to the Northwest corner of said Lot 25; Thence N89°51'21"E along the North line of said Lot 25, a distance of 72.65 feet to the Northeast corner of said Lot 25; Thence N00°18'38"W, a distance of 50.00 feet to a point on the North line of said Glen at Widefield Subdivision Filing No. 11; Thence N89°51'21"E along the North line of said Glen at Widefield Subdivision Filing No. 11, a distance of 50.00 feet; Thence S00°18'38"E, a distance of 50.00 feet to the Northwest corner of said Lot 71; Thence N89°51'21"E along the North line of said Lot 71, a distance of 75.39 feet to the Northeast corner of said Lot 71; Thence S00°08'39"E along the East line of said Lot 71, a distance of 132.52 feet to the Southeast corner of said Lot 71 and a point on the Northerly Right-of-Way line of Golden Buffs Drive as described in said Glen at Widefield Subdivision Filing No. 11; Thence S89°41'22"W along the Northerly Right-of-Way line of said Golden Buffs Drive, a distance of 197.64 feet to the Point of Beginning.

Said Parcel contains 0.661 acres (28,774 S.F.) more or less.

