

VACATION AND REPLAT (RECOMMEND APPROVAL)

Commissioner Trowbridge moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. VR-20-004  
Mountain States Supply Re-Plat**

WHEREAS, BBP-740, LLC, did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of Mountain States Supply 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 June 17, 2021; 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. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.

7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. 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.
12. The proposed replat of land conforms to the El Paso Zoning Resolutions.
13. For the above-stated and other reasons, the 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the vacation and replat of Mountain States Supply 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. A joint access easement granting access between Lots 1 and 2 shall be provided and recorded with the vacation and replat map.
6. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
7. 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.
8. 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.
9. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
10. Drainage fees in the amount of \$37,672 and bridge fees in the amount of \$15,409 for Sand Creek drainage basin (FOFO4000) shall be paid to El Paso County at the time of final plat recordation.

## **NOTATIONS**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

21-034

Commissioner Bailey	aye
Commissioner Fuller	aye
Commissioner Brittain Jack	aye
Commissioner Lucia-Treese	aye
Commissioner Moraes	aye
Commissioner Blea-Nunez	aye
Commissioner Trowbridge	aye

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

DATED: June 17, 2021

  
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Brian Risley, Chair

## EXHIBIT A

Legal Description: Mountain States Pipe and Supply

That portion of the East Half of Lot 5 in Aker's Acres Subdivision No. 1, El Paso County, Colorado described as follows:

Commencing at the southeast corner of said Lot 5; thence North 89 Degrees 37 Minutes 59 Seconds East, along the south line of said Lot 5 a distance of 50.36 feet to the point of beginning at the southwest corner of a parcel of land described in a document recorded at Reception Number 210051876;

- 1) thence North 89 Degrees 37 Minutes 59 Seconds East, continuing along said south line 578.14 feet to the southwest corner of said East Half;
- 2) thence North 0 degrees 22 minutes 01 second East along the west line of said East Half 337.04 feet to the northwest corner thereof;
- 3) thence South 89 degrees 37 minutes 59 seconds East along the north line of said Lot 5 a distance of 551.66 feet to the northwest corner of said parcel described at Reception Number 210051876;
- 4) thence South 29 degrees 41 minutes 39 seconds East along the west line of said parcel 52.26 feet;
- 5) thence South 0 degrees 18 minutes 21 seconds West, continuing along said west line 291.81 feet to the point of beginning.

Containing a calculated area of 194,206 square feet (4.4584 acres), more or less.