

VACATION AND REPLAT (RECOMMEND APPROVAL)

CARLSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR-22-005

**VACATION AND REPLAT
PEYTON RANCHES FILING NO. 1B**

WHEREAS, Maddie Investments, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots within the RR-5 (Residential Rural) 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;

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 a replat, the following findings shall be made:

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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of a vacation and replat of PEYTON RANCHES FILING NO. 1B 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, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$1,380.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$370.00 shall be paid to El Paso County for the benefit of Peyton School District 23 at time of plat recording.

NOTATIONS

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

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.

TROWBRIDGE seconded the adoption of the foregoing Resolution.

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

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 Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

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

DONE THIS 20th day of October, 2022, at Colorado Springs, Colorado

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley

Brian Risley, Chair

EXHIBIT A

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 1196.29' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 12°57'19" W ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 95.38'; THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 24°11'22", RADIUS OF 670.00' FEET, ARC LENGTH OF 282.86' AND CHORD BEARING OF N 00°51'38" W; THENCE N 11°14'03" E A DISTANCE OF 205.38' FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°05'41", RADIUS OF 730.00' FEET, ARC LENGTH OF 64.10' FEET AND A CHORD BEARING OF N 08°43'16" E; THENCE N 88°30'35" E ALONG THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 381.98' FEET; THENCE S 01°00'22" E A DISTANCE OF 641.17' FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 417.30' FEET TO THE POINT OF BEGINNING. CONTAINING 6.2791 ACRES, MORE OR LESS.

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 778.98' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 01°00'22" W A DISTANCE OF 641.17' FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE N 88°30'35" E ALONG THE NORTH LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 632.57' FEET; THENCE S 28°53'41" E, A DISTANCE OF 285.27' FEET; THENCE S 84°03'18" W A DISTANCE OF 86.43' FEET; THENCE S 12°57'10" E A DISTANCE OF 393.17' FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 491.27' FEET TO THE POINT OF BEGINNING. CONTAINING 6.5282 ACRES, MORE OR LESS.

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 287.71' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 12°57'10" W A DISTANCE OF 393.17' FEET; THENCE N 84°03'18" E A DISTANCE OF 86.43' FEET; THENCE N 28°53'41" W A DISTANCE OF 285.27' FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE N 88°30'35" E ALONG THE NORTH LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 417.59' FEET; THENCE S 01°27'57" E ALONG THE EAST LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 42.90' FEET; THENCE S 00°51'55" E CONTINUING ALONG THE EAST LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 604.87' FEET TO THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 287.71' FEET TO THE POINT OF BEGINNING. CONTAINING 5.0084 ACRES, MORE OR LESS.

