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RESOLUTION NO. 17- 280

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE HELLBUSCH REZONE MAP AMENDMENT (REZONING) (CS-17-001)

WHEREAS David P. Hellbusch, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 5, 2017, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on October 10, 2017; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.
7. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of David P. Hellbusch to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the CS (Commercial Service) zoning district;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS OF APPROVAL

1. The applicant shall apply for and receive approval of site development plan demonstrating compliance with all development standards, to include landscaping within 120 days of this action.
2. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are 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 threatened species.
3. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Services) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
4. This map amendment (rezoning) action is subject to compliance with the County Road Impact Fee Program, however the initial intended uses of a small engine repair and automobile and boat storage yard do not collectively meet the 100 additional daily trip threshold for payment of Road Impact fees.

Additional development of the site pursuant to the CS (Commercial Services) zoning, including but not limited to changes in use or expansion of the existing uses, may trigger application of the Road Impact fee. The fee imposed is on the cumulative trips generated by uses not accounted for under the previous RR-5 (Residential Rural) zoning.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 10th day of October, 2017, at Colorado Springs, Colorado.

ATTESTO
By: 
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

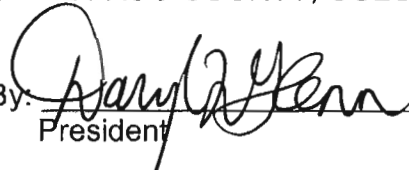
By: 
President

EXHIBIT A

A tract of land being a portion of the Southwest Quarter of the North- east Quarter of Section 15, Township 11 South, Range 67 'West of the 6th Principal Meridian, County of El Paso, State of Colorado described as follows:

Beginning at a point on the North Right-of -Way line of the present Colorado Springs and Denver State Highway, the said point being 266 feet Southeasterly from the North and South centerline of the said Section 15 as measured on the North Right-of -Way line of the said State highway and 366 feet Northeasterly from the center of the said Section 15; Thence Southeasterly on the North Right-of -Way line of the said State Highway 455 feet to the former Colorado Springs and Denver Road; Thence Northerly along the former Colorado Springs and Denver Road 900 feet;

Thence Westerly at right angles 210 feet to a point approximately 10 feet West and 50 feet North of a certain springs;

Thence Southerly 800 feet, more or less, to the Point of Beginning in the Town of Monument, El Paso County, Colorado. EXCEPT that portion to Charles M. Whittier and Hilda M. Whittier by deed recorded September 27, 1960 in Book 1826 at Page 246,