

VACATION AND REPLAT (RECOMMEND APPROVAL)

Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR-21-014

VILLA CASITAS FILING NO. 4

WHEREAS, Jesus Barron did file an application with the El Paso County Planning and Community Development Department for approval of a vacation and replat to replat 5.80 acres illustrating one single-family residential lot 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 July 20, 2023; 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, in approving a vacation and replat of a subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Land Development Code 7.2.3(C)(4):

1. The replat complies with the 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 the 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 the 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Jesus Barron for approval of the vacation and replat to allow for a 5.80-acre single-family residential lot within the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners 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 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.

Merriam seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / <u>non-voting</u> / recused / absent
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission,
State of Colorado.

DONE THIS 20th day of July 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:


Thomas Bailey, Chair

EXHIBIT A

Lot 14, Villa Casitas Filing No. 1, County of El Paso, State of Colorado;

AND

That portion of the Calle Bernardo right-of-way lying adjacent to the Northerly line of Lot 14, Villa Casitas Filing No. 1, as recorded under Plat Book R-2 at Page 63, records of El Paso County, lying within the Southwest Quarter of Section 35, Township 17 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

BASIS OF BEARINGS: Bearings are based upon the South line of Lot 14, Villa Casitas Filing No. 1, monumented at the East end with a #5 rebar and orange plastic cap stamped "PLS 38141", and on the West end with a #4 rebar and is assumed to bear N 87°37'25" W, a filed measured distance of 1,251.81 feet.

COMMENCING at the Northwest corner of said Lot 14;

Thence along the Northerly line of said Lot 14, 373.80 feet along the arc of a 1070.00 foot radius curve to the left, having a central angle of 20°00'59" and a chord that bears N 81°41'43" E, 371.91 feet to the POINT OF BEGINNING;

thence N 58°35'26" E, a distance of 25.26 feet;

thence S 31°24'34" E, a distance of 5.56 feet to a point on the Northerly line of said Lot 14;

thence along the Northerly line of said Lot 14, 25.86 feet along the arco of a 1070.00 foot radius curve to the right, having a central angle of 01°23'05" and a chord that bears S 70°59'41" W 25.86 feet to the POINT OF BEGINNING.

Containing a calculated area of 72 square feet of land, more or less.

