

RESOLUTION NO. 06-327BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE REZONE FROM RR-3 ZONE DISTRICT TO PBP DISTRICT (PBP-06-003)-LARON AND RENEE BARTLETT

WHEREAS, Laron and Renee Bartlett did file a petition with the Development Services Department of El Paso County to Rezone the herein described property in El Paso County from the RR-3 (Rural Residential) Zone District to the PBP (Planned Business District) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 18, 2006, upon which date the Planning Commission did by formal resolution recommend approval of the subject Zone change petition with conditions and notations; and

WHEREAS, a public hearing was held by this Board on September 14, 2006; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. 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.
2. 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 parties were heard at those hearings.
3. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
4. The proposed land use will be compatible with existing and permitted land uses in the area.
5. 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.

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EPC DEVELOPMENT SERVICES

6. For the above-stated and other reasons, the proposed Zoning 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 Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Laron and Renee Bartlett for a Zone change from the RR-3 (Rural Residential) Zone District to the PBP (Planned Business Park) Zone District for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

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

CONDITIONS:

1. Prior to establishing any new commercial land use, or any expansion of any of the existing buildings, the following shall occur:
 - a. A plot plan meeting the requirements of Section 37 of the El Paso County Land Development Code shall be submitted and approved by the Development Services Department. Among other things, the plot plan shall address parking, landscaping, lighting and traffic circulation.
 - b. A vacation and replat creating appropriately sized commercial pad sites shall be approved by the Board of County Commissioners.
 - c. The property shall be annexed into the Woodmen Hills Water and Sanitation District. All new commercial uses are required to have central water and sewer services.
2. This re-zoning action is intended to legalize an existing use in an existing structure. Any change in use or alterations to the physical site will require engineering studies and potential improvements.

- a. Any change in use shall require the completion of an acceptable traffic analysis in accordance with the Engineering Criteria Manual. Design and construction of any off-site improvements determined necessary to mitigate impacts of the change in use, shall be the responsibility of the applicant/owner, and shall be completed before the new use is allowed to operate.
 - b. Any change to the physical character of the site shall require a plot plan and an acceptable drainage analysis in accordance with the Engineering and Drainage Criteria Manuals. The applicant shall be responsible for any improvements required to mitigate drainage impacts.
3. Prior to approval of any plot plan on this site, the owner shall grant an access easement for the benefit of the adjacent property on the southeast boundary. The easement shall allow access from that lot to Chicago Avenue.

NOTATION:

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.

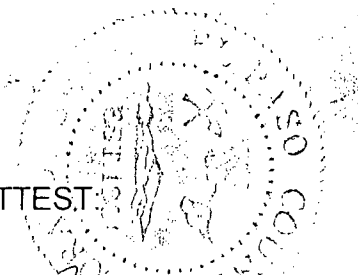
AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 14th day of September 2006, at Colorado Springs, Colorado.

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ATTEST



By: *Lynelle Miller*
Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: *Sally Clark*
Chair

Resolution No. 06-327
EXHIBIT A

LOTS 1-8 BLK 20 & LOTS 14-16 BLK 19
FALCON AND THAT PT OF VAC ST AND VAC 20.0 FT
ALLEY ADJ TO SD LOTS