

RESOLUTION NO. P&D 17-065

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION APPROVING MORGAN SUBDIVISION PRELIMINARY PLAN NO.
2017-002 LOCATED WITHIN A PORTION OF LOT 2, BLOCK 66, ST. CHARLES
MESA BEING WITHIN A PORTION OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE
64 WEST OF THE 6TH P.M., PUEBLO COUNTY, COLORADO**

WHEREAS, an application for preliminary plan approval was filed by Travis Morgan as Applicant and Mangini & Associates, Inc., c/o Rocky Mangini as Representative with the Pueblo County Planning Director to subdivide 2.0± acres into two (2) lots including right-of-way dedication as follows: Lot 1 - 0.88± acre, Lot 2 - 1.00± acre, and 0.12± acre right-of-way dedication for Daniel Road (15-foot dedication) and 29¼ Lane (5-foot dedication); and

WHEREAS, the property being subdivided is legally described within that Warranty Deed recorded on January 19, 1988 as Reception No. 853502 and more particularly described as follows:

A portion of Lot 2 in Block 66, St. Charles Mesa, according to the recorded plat thereof, more particularly described as follows:

Beginning at a point on the South line of said Lot a distance of 501.12 feet East of the Southwest corner of said Lot 2; thence Northerly parallel to the West line of said Lot 2 a distance of 525 feet; thence Easterly parallel to the said South line of the said Lot 2 a distance of 165.94 feet; thence Southerly parallel to said West line of the said Lot 2 a distance of 525 feet to a point on the said South line of the said Lot 2; thence Westerly along the said South line of the said Lot 2 a distance of 165.94 feet, more or less to the POINT OF BEGINNING, County of Pueblo, State of Colorado.; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on November 15, 2017, at the conclusion of which the Planning Commission voted to recommend approval of Morgan Subdivision Preliminary Plan No. 2017-002 to the Board of County Commissioners with two (2) comments, three (3) conditions, and a notation as follows:

COMMENTS

- A. Morgan Subdivision does generally comply with the development standards of the A-3, Agricultural Zone District regarding the minimum required lot width and depth. Lot 2 meets the minimum required lot area but a zone variance for lot area deficiency due to dedication of right-of-way will need to be submitted for Lot 1 in conjunction with the Final Plat.
- B. The proposed preliminary plan complies with the intent of and recommendations made by the Pueblo Regional Development Plan.

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CONDITIONS

1. Prior to Morgan Subdivision Preliminary Plan No. 2017-002 being heard by the Board of County Commissioners, updated comments from the Pueblo City-County Health Department shall be submitted. Updated comments shall be submitted by November 27, 2017 at 5:00 p.m. or a request for continuance to the January 17, 2018 Board of County Commissioners' hearing shall be submitted to the Department of Planning and Development.
2. The following items will need to be addressed and/or submitted prior to OR in conjunction with the submission of the final plat application.
 - a) A **Notice of Fire Impact Fee** statement indicating that the remaining one-half (½) of the applicable assessed fee shall be due at time of zoning authorization for a building permit (and collected by the Department of Planning and Development) in recordation ready format; and
 - b) The final approval letter from the St. Charles Mesa Water District that the owners have agreed to the conditions set forth by the St. Charles Mesa Water District and returned all the required signature pages regarding the commitment letter.
 - c) A revocable permit for any improvements located within the right-of-way to be dedicated shall be submitted to the Engineering and Public Works Department for processing before the Board of County Commissioners.
 - d) A signed and stamped copy of the drainage letter with all revisions requested by the Engineering and Public Works Department.
 - e) A zoning variance addressing the lot area deficiency of Lot 1 and, if necessary, for the setback deficiency for an accessory structure on Lot 1.
3. The preliminary plan map of Morgan Subdivision Preliminary Plan No. 2017-002 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Public Works.

Upon final approval, the final version of the preliminary plan map shall be submitted in .pdf format to the Department of Planning and Development.

NOTATION: Pursuant to Title 16 SUBDIVISIONS, Chapter 16.12, Section 010 of the Pueblo County Code, approval of the preliminary plan for Morgan Subdivision shall be effective for eighteen (18) months. Thereafter, approval of the preliminary plan will have expired unless a final plat has been submitted within that eighteen (18) months, or a mutually agreed upon extension has been granted.

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on December 13, 2017, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

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WHEREAS, the Board has reviewed and taken administrative notice of the recommendation of the Planning Commission and the testimony, application, evidence, documents submitted at the hearing, and the contents of the Planning Director's file; and

WHEREAS, the Board finds the proposed subdivision complies with the requirements of the Pueblo County Code, Title 16, SUBDIVISIONS and Title 17, LAND USE.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Morgan Subdivision Preliminary Plan No. 2017-002 is hereby **APPROVED** with two (2) comments, two (2) conditions, and a notation as follows:

COMMENTS

- A. Morgan Subdivision does generally comply with the development standards of the A-3, Agricultural Zone District regarding the minimum required lot width and depth. Lot 2 meets the minimum required lot area but a zone variance for lot area deficiency due to dedication of right-of-way will need to be submitted for Lot 1 in conjunction with the Final Plat.
- B. The proposed preliminary plan complies with the intent of and recommendations made by the Pueblo Regional Development Plan.

CONDITIONS

- 1. The following items will need to be addressed and/or submitted prior to OR in conjunction with the submission of the final plat application.
 - a) A **Notice of Fire Impact Fee** statement indicating that the remaining one-half (½) of the applicable assessed fee shall be due at time of zoning authorization for a building permit (and collected by the Department of Planning and Development) in recordation ready format; and
 - b) The final Approval letter from the St. Charles Mesa Water District that the owners have agreed to the conditions set forth by the St. Charles Mesa Water District and returned all the required signature pages regarding the commitment letter.
 - c) A revocable permit for any improvements located within the right-of-way to be dedicated shall be submitted to the Engineering and Public Works Department for processing before the Board of County Commissioners.
 - d) A signed and stamped copy of the drainage letter with all revisions requested by the Engineering and Public Works Department.
 - e) A zoning variance addressing the lot area deficiency of Lot 1 and, if necessary, for the setback deficiency for an accessory structure on Lot 1.

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- f) Letter from the Pueblo City-County Health Department that the remodel of the existing on-site wastewater treatment system on Lot 1 has been completed.
- 2. The preliminary plan map of Morgan Subdivision Preliminary Plan No. 2017-002 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Public Works.

Upon final approval, the final version of the preliminary plan map shall be submitted in .pdf format to the Department of Planning and Development.

NOTATION: Pursuant to Title 16 SUBDIVISIONS, Chapter 16.12, Section 010 of the Pueblo County Code, approval of the preliminary plan for Morgan Subdivision shall be effective for eighteen (18) months. Thereafter, approval of the preliminary plan will have expired unless a final plat has been submitted within that eighteen (18) months, or a mutually agreed upon extension has been granted.

PASSED AND ADOPTED this 13TH day of DECEMBER 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: Terry A. Hart
Terry A. Hart, Chairman

ATTEST:
By: Gilbert Ortiz
Gilbert Ortiz, County Clerk