

RESOLUTION NO. P&D 18-020

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

A RESOLUTION APPROVING MAP AMENDMENT NO. 2018-001 REZONING TRACT 4, ST. CHARLES CREEK ESTATES TOGETHER WITH THE WEST 25 FEET OF VACATED ZOELLER ROAD ADJOINING SAID PARCEL CONTAINING 1.70± ACRES FROM AN S-1, PUBLIC USE ZONE DISTRICT TO AN A-3, AGRICULTURAL (MINIMUM 1 ACRE) ZONE DISTRICT DESIGNATION, LOCATED WITHIN A PORTION OF THE NW¼ OF SECTION 17 AND NE¼ OF SECTION 18, TOWNSHIP 24 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
PUEBLO COUNTY, COLORADO

WHEREAS, an application for map amendment was filed by Brian B. and Shari R. Elson with the Pueblo County Planning Director to rezone Tract 4, St. Charles Creek Estates together with the west 25 feet of vacated Zoeller Road adjoining said parcel containing 1.70± acres from an S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District designation in order to recognize its private ownership, use, and size; and

WHEREAS, the parcel subject to the map amendment request carries a physical address of 9695 State Highway 165 and is legally described within that Quit Claim Deed recorded on March 15, 2018 as Reception No. 2099483 which reads as follows:

Tract 4, St. Charles Creek Estates, along with the West 25 feet of vacated Zoeller Road adjoining said Tract 4 as shown on the plat of Road/Alley Vacation No. 2017-002, County of Pueblo, State of Colorado, being more particularly described as follows: Beginning at the southeast corner of said Tract 4; thence N 16°53'34" E, a distance of 99.28 feet; thence S 73°06'26" E, a distance of 25.00 feet; thence S 16°53'34" W, a distance of 96.59 feet; thence N 79°15'00" W, a distance of 25.14 feet, to the Point of Beginning.; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on May 16, 2018, at the conclusion of which it voted by action on the consent agenda to forward a recommendation of **APPROVAL** of Map Amendment No. 2018-001 to the Board of County Commissioners and pursuant to Chapter 17.144, Section 060 *Hearing and Findings* of the Pueblo County Code, the action of the County Planning Commission contained the following findings of fact and statements setting forth those factors which the Planning Commission considered controlling factors in reaching its decision as follows, with staff's comments thereafter:

A. The proposed amendment is in conformance with the Land Use Plan.

The main object of the map amendment is to assign a zone district designation that better reflects the parcel's private ownership, intended use, and size. The existing S-1 designation is not an appropriate zone district classification for these parcels. The proposed A-3, Agricultural designation for the subject properties is more appropriate and consistent with the zone district designation that has been assigned to other parcels within the immediate area.

B. The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice.

This map amendment request has been filed by the current landowners, at the request of the Department of Planning and Development and, if approved, will assign a zone district

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zone district designation that better reflects the private ownership, personal use, and size of the parcels.

Provided the landowners utilize the property in a manner consistent with the imposed zone district development standards, staff believes the change requested would promote the public necessity, health, safety, and general welfare and would be consistent with land use and zoning practices.

- C. If the proposed change involves property bounded on one (1) or more sides by the boundary of a City or Planning or Zoning District, the matter has been referred to the Planning Commission of that City or Planning or Zoning District for its review and recommendation.**

The properties are not directly bounded by the City of Pueblo, they are within and entirely surrounded by unincorporated Pueblo County; therefore, the map amendment application and related submittal documents were not sent for review and comment.

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on June 13, 2018 and, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board of County Commissioners 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 of County Commissioners finds as follows:

- The main object of the map amendment is to assign a zone district designation that better reflects the parcel's private ownership, intended use, and size. The existing S-1 designation is not an appropriate zone district classification for these parcels. The proposed A-3, Agricultural designation for the subject properties is more appropriate and consistent with the zone district designation that has been assigned to other parcels within the immediate area.
- The map amendment request has been filed by the current landowners, at the request of the Department of Planning and Development and, if approved, will assign a zone district designation that better reflects the private ownership, personal use, and size of the parcels.

Provided the landowners utilize the property in a manner consistent with the imposed zone district development standards, staff believes the change requested would promote the public necessity, health, safety, and general welfare and would be consistent with land use and zoning practices.

- The properties are not directly bounded by the City of Pueblo, they are within and entirely surrounded by unincorporated Pueblo County; therefore, the map amendment application and related submittal documents were not sent for review and comment.

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NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Pueblo County, Colorado, does hereby approve Map Amendment No. 2018-001 rezoning Tract 4, St. Charles Creek Estates together with the west 25 feet of vacated Zoeller Road adjoining said parcel containing 1.70± acres from an S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District designation in order to recognize its private ownership, use, and size. The Board makes the following findings in its approval:

- A. The proposed amendment is in conformance with the Land Use Plan;
- B. The change requested promotes the public necessity, health, safety, and general welfare and is consistent with good land use and zoning practice; and
- C. The properties are not bounded on any side by the boundary of a City or Planning or Zoning District and are within, and entirely surrounded by, unincorporated Pueblo County.

PASSED AND ADOPTED this 13TH day of JUNE 2018, in Pueblo County, Colorado.

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

By: _____

Terry A. Hart, Chairman

ATTEST:

By: _____

Gilbert Ortiz, County Clerk