

RESOLUTION NO. P&D 19-054

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

**A RESOLUTION APPROVING SHREE HARI SUBDIVISION PRELIMINARY PLAN
NO. 2019-005 LOCATED IN THE S½ OF THE NE¼ OF SECTION 17, TOWNSHIP 24
SOUTH, RANGE 66 WEST OF THE 6TH P.M., PUEBLO COUNTY, COLORADO**

WHEREAS, an application for preliminary plan approval was filed by Bhaveshkumaf M. Patel (Applicant) on behalf of Shree Hari, LLC (Owner), c/o Daniel Wachob, Wachob and Wachob, Inc. (Representative) with the Pueblo County Planning Director to subdivide 6.26± acres into two (2) lots consisting of 3.06± acres (Lot 1) and 3.20± acres (Lot 2), within an R-6, Multiple-Residential and Commercial Zone District; and

WHEREAS, the property being subdivided is legally described within that Deed recorded on July 19, 2012 as Reception No. 1913394 being more particularly described as follows:

A parcel of land located in the South ½ of the NE¼ of Section 17, Township 24 South, Range 66 West of the 6th P.M., Pueblo County, Colorado; and

WHEREAS, a public meeting was scheduled before the Pueblo County Planning Commission for August 21, 2019; however, the Department of Planning and Development received a 60-day continuance request from the applicant's representative in order to obtain information regarding water supply; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on October 16, 2019, at the conclusion of which the Planning Commission voted by action on the consent agenda to recommend approval of Shree Hari Subdivision Preliminary Plan No. 2019-005 to the Board of County Commissioners with two (2) comments, three (3) conditions, and a notation as follows:

COMMENTS

- A. Shree Hari Subdivision does generally comply with the development standards of the R-6, Multiple-Residential and Commercial Zone District.
- B. The proposed preliminary plan complies with the intent of and recommendations made by the Pueblo Regional Development Plan.

CONDITIONS

- 1. The applicant shall submit to the Department of Planning and Development a letter from the Division of Water Resources that provides evidence, "...that definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed."

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This letter from the Division of Water Resources shall be submitted by 5:00 P.M. on October 28, 2019.

If the applicant is unable to submit the required letter from the Division of Water Resources, then a letter of continuance should be submitted requesting the Preliminary Plan No. 2019-005 be continued to the **December 12, 2019** Board of County Commissioners' hearing. One-month continuances are highly discouraged due to the short amount of time for the requested items to be submitted to staff for review prior to staff's memorandum/review needing to be completed to be delivered to the Board of County Commissioners to give them adequate review time.

2. The plat of Shree Hari Subdivision Preliminary Plan No. 2019-005 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to the depiction of any easements (public or private), plat notes, etc.

Upon final approval, the owner/applicant's representative shall submit to the Department of Planning and Development the final version of the preliminary plan plat in the appropriate .pdf format.

3. The following items will need to be addressed and/or submitted in conjunction with the submission of the final plat application.
 - a) The applicant shall submit the signed and stamped final drainage report with the final application; and
 - b) The applicant shall submit to the Department of Engineering and Public Works a Drainage Easement and Maintenance Agreement for review and approval; and
 - c) The owner/applicant will need to clarify with CDOT whether or not they are requiring the existing access be reflected as a shared access or if another access point will be permitted with the development of proposed Lot 2. A note shall be reflected on the plat stating that future development will require a letter of access approval from the Colorado Department of Transportation prior to zoning authorization and the issuance of any building permits; and
 - d) A note shall be reflected on the plat indicating that future development shall first be reviewed and approved by the Rye Fire Protection District prior to zoning authorization and the issuance of any building permits.

RESOLUTION NO. P&D 19- 054 (CONT.)

NOTATION: Pursuant to Title 16 SUBDIVISIONS, Chapter 16.12, Section 010 of the Pueblo County Code, approval of the preliminary plan for Shree Hari 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 opened by the Board of County Commissioners on September 12, 2019; however, based upon a request for continuance received from the applicant's representative and to allow the Pueblo County Planning Commission to make a recommendation, the hearing was continued to November 14, 2019; and

WHEREAS, a public hearing was held by the Board of County Commissioners on December 12, 2019 and, at said hearing, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

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 Shree Hari Subdivision Preliminary Plan No. 2019-005 is hereby **APPROVED** with two (2) comments, three (3) conditions and a notation as follows:

COMMENTS

- A. Shree Hari Subdivision does generally comply with the development standards of the R-6, Multiple-Residential and Commercial Zone District.
- B. The proposed preliminary plan complies with the intent of and recommendations made by the Pueblo Regional Development Plan.

CONDITIONS

- 1) The plat of Shree Hari Subdivision Preliminary Plan No. 2019-005 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to the depiction of any easements (public or private), plat notes, etc.

RESOLUTION NO. P&D 19- 054 (CONT.)

Upon final approval, the owner/applicant's representative shall submit to the Department of Planning and Development the final version of the preliminary plan plat in the appropriate .pdf format.

- 2) **PRIOR TO the submission of an application for final plat**, the owner/applicant shall.
 - a) Submit to the Department of Engineering and Public Works a drainage Easement and Maintenance Agreement for review and approval; and
 - b) Obtain written documentation from the Colorado Department of Transportation (CDOT) outlining the required means of access (i.e., shared access or separate accesses) for the proposed subdivision; and
 - c) Address the issue of water availability by providing an estimated water supply demand for the entire subdivision and obtaining an updated letter from the Colorado City Metropolitan District committing to providing a future water supply to proposed Lots 1 and 2; and
 - d) Obtain an updated letter from the Division of Water Resources that provides evidence, "...*that definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed.*"
 - e) Obtain an updated letter from the Rye Fire Protection District addressing the adequacy of the existing fire hydrant once the water availability is determined.
- 3) The following items will need to be submitted in conjunction with the submission of the final plat application:
 - a) The applicant shall submit the final drainage report with the final application;
 - b) The final approved version of the Drainage Easement and Maintenance Agreement in recordation ready format;
 - c) The determination from the Colorado Department of Transportation (CDOT) outlining the required means of access (i.e., shared access or separate accesses) for the proposed subdivision. Should a shared access be required, then an Ingress-Egress Easement Agreement will need to be drafted and submitted for review;
 - d) The updated letter from the Colorado City Metropolitan District committing to providing a future water supply to proposed Lots 1 and 2;

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- e) The updated letter from the Division of Water Resources that provided evidence, "...that definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed."

NOTATION: Pursuant to Title 16 SUBDIVISIONS, Chapter 16.12, Section 010 of the Pueblo County Code, approval of the preliminary plan for Shree Hari 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 12th day of December 2019, in Pueblo County, Colorado.

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

By: _____

Garrison M. Ortiz, Chairman

ATTEST:

By: _____

Gilbert Ortiz, County Clerk