

RESOLUTION CORRECTING AND RESTATING THE RESOLUTION APPROVING OF APPLICATION IN CASE # PRC2019-00013 MCCARTY AND HEINZ ACRES

WHEREAS, this case involved requests for: a Minor Subdivision Final Plat to create two lots, a zoning map amendment to designate a property from Agricultural-2 to Agricultural-1, and a waiver from subdivision design standards to exceed the maximum lot depth-to-width ratio. All three requests are on the following described property:

LOCATION: 12730 Brighton Road (Parcel number 0157135000035)

LEGAL DESCRIPTION: THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH AND SOUTH CENTERLINE OF SECTION 35, WHICH IS 400 FEET SOUTH OF THE NORTH QUARTER CORNER OF SAID SECTION; THENCE WESTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION, 1204.7 FEET, MORE OR LESS, TO THE CENTERLINE OF COUNTY ROAD NO. 131 (BRIGHTON ROAD); THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID COUNTY ROAD, 387.7 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION, 1400.9 FEET, MORE OR LESS, TO THE NORTH AND SOUTH CENTERLINE OF SAID SECTION; THENCE NORTHERLY ALONG THE NORTH AND SOUTH CENTERLINE OF SAID SECTION, 334.4 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THE PORTION OF SUBJECT PROPERTY LYING WITHIN BRIGHTON ROAD, COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, the Adams County Planning Commission held a public hearing on the application on the 28th day of May, 2020, and forwarded a recommendation of APPROVAL to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners held a public hearing on the application on the 16th day of June, 2020; and

WHEREAS, the resolution approving the case contained an error in the Location; and

WHEREAS, the Community and Economic Development Department now wishes to amend that resolution to ensure that the correct address is reflected.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that based upon the evidence presented at the hearing and the recommendation of the Adams County Planning Commission, the application in this case is hereby APPROVED based upon the following findings-of-fact, conditions of approval, and notes to the applicant:

Findings-of-Fact:

1. The final plat is consistent and conforms to the approved sketch plat.
2. The final plat is in conformance with the subdivision design standards.

3. The applicant has provided evidence that 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.
4. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.
8. The final plat is consistent with the Adams County Comprehensive Plan and any available area plan.
9. The final plat is consistent with the purposes of these standards and regulations.
10. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
11. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
 - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
 - b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
 - c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
 - d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design; and
 - e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of the County services and facilities.
12. The Zoning Map amendment is consistent with the Adams County Comprehensive Plan.
13. The Zoning Map amendment is consistent with the purposes of these standards and regulations.

14. The Zoning Map amendment will comply with the requirements of these standards and regulations
15. The Zoning Map amendment is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
16. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations.
17. The purpose of the standards and regulations are served to a greater extent by the alternative proposal.
18. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

Note to the Applicant:

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations during the development of the subject site.