STATE OF COLORADO }
} ss
COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 14th day of June, 2017, there were present:

Danny Willcox	Chair
Christopher Richardson	Vice Chair
Grant Thayer	Commissioner
Dallas Schroeder	Clerk to the Board

When the following proceedings, among others were had and done, to wit:

APPROVE
RESOLUTION 17-15

PD-16-0030 DB SPEED PLANNED DEVELOPMENT. A REQUEST TO REZONE A 5.01 ACRE PROPERTY FROM XX TO PLANNED UNIT DEVELOPMENT IN A PORTION OF SECTION 10, TOWNSHIP 7, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

AND MD-16-0029 DB SPEED MINOR BUSINESS/COMMERCIAL/LIGHT INDUSTRIAL SUBDIVISION. A REQUEST TO CREATE A MINOR BUSINESS/COMMERCIAL/LIGHT INDUSTRIAL SUBDIVISION OF ONE LOT ON 5.01 ACRES IN A PORTION OF SECTION 10, TOWNSHIP 7, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

WHEREAS, the applicants, Lorene and David Brill, have submitted an application (case no. PD-16-0030) requesting approval to rezone approximately 5.01 acres from XX to Planned Unit Development (PUD) for the purposes of creating a one lot minor residential development subdivision; and permitting auto and ATV sales, repair and other associated uses, and;

WHEREAS, the applicant has submitted an application (case no. MD-16-0029) requesting approval of a minor business/commercial/light industrial development of one lot on approximately 5.01 acres; and

WHEREAS, the proposed project is located a portion of Section 10, Township 7, Range 65 West Of The 6th P.M. in Elbert County; and

WHEREAS, the existing zoning of the site is XX; and

WHEREAS, the proposed zoning is Planned Unit Development (PUD); and

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WHEREAS, the Community and Development Services Department has made the following Findings related to the application:

1. The proposal in general conformance with the Elbert County Master Plan; and
2. The proposal meets the criteria for approval in the Elbert County Zoning Regulations; and
3. The proposal meets the criteria for approval in the Elbert County Subdivision Regulations; and
4. The proposed land use is compatible with existing and allowable land uses in the surrounding area; and
5. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

WHEREAS, on May 16, 2017, the Planning Commission held a public hearing on these applications. At the hearing there were presentations by Staff and the applicant, and public comment was solicited. On a unanimous vote Planning Commission is forwarding the following recommendations to the Board of County Commissioners for their consideration; and

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise.

BE IT THEREFORE RESOLVED, the Board of County Commissioners does hereby approve **PD-16-0030 DB SPEED PLANNED DEVELOPMENT AND MD-16-0029 DB SPEED MINOR BUSINESS/COMMERCIAL/LIGHT INDUSTRIAL SUBDIVISION** with conditions of approval to include:

PD-16-0030 DB SPEED PLANNED DEVELOPMENT

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file prior to recordation

2. The rezoning will not become effective until all fees are paid, conditions of approval are met, and the rezoning exhibit is recorded; and

3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; including the PUD Development Guide and PUD Exhibit.

MD-16-0029 DB SPEED MINOR BUSINESS/COMMERCIAL/LIGHT INDUSTRIAL

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file prior to recordation

2. The minor development will not become effective until all fees are paid, conditions of approval are met, and the minor development documents are recorded; and

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3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and

4. The applicant shall comply with all requirements of the Elizabeth Fire Protection District; and

5. The Applicant, Wind Spirit LLC, and Elbert County will enter into a Subdivision Improvements Agreement prior to recordation of the plat that shall include language stating that:

   a. That DB Speed will meet with the County Engineer and obtain approval for road location, and obtain an approval letter from the adjacent landowner.

   b. That the northern portion of Wind Spirit Lane that will only be used by DB Speed in the interim will be built to Elbert County Commercial Driveway requirements (Elbert County Roadway Construction Standards Section 770) , and will be built at the sole cost of DB Speed. Elbert County will not issue certificates of occupancy for any buildings or site improvements to the DB Speed property until the driveway has been built and inspected, and approved by Elbert County.

   c. That once any other properties require use of Wind Spirit Lane, it will be improved to Elbert County Roadway Standards. (Elbert County Roadway Construction Standards Section 722.01 Minor Collector). DB Speed and Wind Spirit LLC will share the cost of this improvement between Singing Hills Road and the DB Speed driveway. Elbert County will require a financial surety from DB Speed in the form of cash or credit, based on the estimated cost of their portion of the road improvements.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

_____ Aye
DANNY WILLCOX, CHAIR

_____ Aye
CHRISTOPHER RICHARDSON, VICE CHAIR

_____ Aye
GRANT THAYER, COMMISSIONER

ATTEST: **DALLAS SCHROEDER**
COUNTY CLERK

BY: _____
Clerk to the Board

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