

Commissioner Odom moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. CC11-187

Case No.	11-103417RZ	Map No.	177
Owner/Applicant:	Keith A. Briggs and Rebecca J. Briggs		
Location:	4477 Independence Trail Section 11, Township 5 South, Range 71 West		
From:	Mountain Residential-One (MR-1)		
To:	Planned Development (PD)		
Purpose:	To rezone from Mountain Residential-One (MR-1) to Planned Development (PD) to allow for the short-term rental of the existing house.		
Approximate Area:	0.5 Acre		

WHEREAS, Keith A. Briggs and Rebecca J. Briggs filed an application with the Planning and Zoning Division of Jefferson County to rezone the subject property from Mountain Residential-One to Planned Development to allow for the short-term rental of the existing house; and

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on April 27, 2011, at which time the Planning Commission, by formal resolution, recommended denial of the subject rezoning application; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on May 17, 2011; and

WHEREAS, based on the study of the Comprehensive Master Plan and the Zoning Resolution, recommendations of the Jefferson County Planning Commission, recommendations of the Jefferson County Planning and Zoning Division, comments of public officials and agencies, and testimony and written comments from all interested parties, this Board finds as follows:

1. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of Jefferson County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. The proposal is in conformance with several sections of the Comprehensive Master Plan and the Evergreen Community; however the proposal is not in conformance with the Housing, General Land Use, Economic Development, Air, Light, Odor and Noise, Transportation and Recreation and Tourism sections of the Plans' policies pertaining to the requirements for a commercial type of use outside of an Activity Center.
4. The proposed land use is not compatible with existing and allowable land uses in the surrounding area because the applicant cannot resolve all potential adverse impacts through appropriate design measures and have a sufficient acreage to ensure compatibility with adjacent land uses.
5. The proposed land uses may result in impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.
6. That each of the factors set forth above is adequate independently to support this resolution.
7. The subject property is served by the Evergreen Fire District and Evergreen Metropolitan District.
8. No known commercial mineral deposits exist on the subject property.

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NOW, THEREFORE, BE IT RESOLVED that Rezoning Case No. 11-103417RZ to rezone from Mountain Residential-One to Planned Development the following described unincorporated area of Jefferson County, attached hereto as Exhibit A, be and hereby is DENIED.

EXHIBIT A

Case No. 11-103417RZ

Legal Description

Street Location of Property 4477 Independence Trail
Is there an existing structure at this address?

Yes X No

Type the legal description and address below.

Lot 18, Independence Heights Unit One, Plat Book 24, Page 28,
Reception Number 63971131, Located in Sec. 11, Township 5 South,
Range 71 West, 6th Principal Meridan, County of Jefferson, State of Colorado.

Advise of Ortho Map No. 177 Section 11 Township 5 S. Range 71 W.
Calculated Acreage 0.5 Acres Checked by: Ed Wieland
Address Assigned (or verified) 4477 Independence Trail

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Commissioner Griffin seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner John Odom	Aye
Commissioner Donald Rosier	No
Commissioner Faye Griffin, Chairman	Aye

The Resolution was adopted by majority vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: May 17, 2011