

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. CC12-190

Case No.	11-134226RZ	Map No.	3
Owner/Applicant:	Robert Bandach and Bernice A. Bandach		
Location:	6855 West 94 <sup>th</sup> Avenue Section 23, Township 2 South, Range 69 West		
From:	Agricultural-One (A-1)		
To:	Planned Development (PD)		
Purpose:	To rezone from Agricultural-One (A-1) to Planned Development to allow the property to be subdivided into two (2) residential lots.		
Approximate Area:	1.16 Acres		

WHEREAS, Robert Bandach and Bernice A. Bandach filed an application with the Planning and Zoning Division of Jefferson County on or about November 14, 2011, to rezone the subject property from Agricultural-One to Rural Residential One-Half (RR1/2) to allow the property to be subdivided into two (2) residential lots; and

WHEREAS, at the time Robert Bandach and Bernice A. Bandach filed the rezoning application, Jefferson County and the City of Westminster were parties to the Northeast Comprehensive Development Plan Intergovernmental Agreement (the "NECDP") which governed the land use recommendations in this area of the County. The NECDP recommended 12,500 square foot lot sizes in this area and based on the NECDP the Planning and Zoning Staff supported the rezoning of the subject property.

WHEREAS, on February 27, 2012, the NECDP was formally terminated by Jefferson County and the City of Westminster, as a result, the NECDP plan recommendations no longer govern the subject property and the County's Comprehensive Master Plan recommendations now govern. The NECDP and the Comprehensive Master Plan contain different land use recommendations for the subject property.

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on May 9, 2012, at which time the Planning Commission, by formal resolution approved a plan exception to the Comprehensive Master Plan and recommended approval of the rezoning subject to conditions which included modifying the rezoning to a Planned Development Zone District which will follow all requirements of the RR1/2 Zone District except it will allow for a 30 foot rear setback where 20 feet would have been required with the RR1/2 Zone District; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on May 22, 2012; 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 general conformance with the Northeast Comprehensive Development Plan and the Jefferson County Comprehensive Master Plan because it meets all applicable sections of the Plans policies; except for the density recommendations in the Comprehensive Master Plan for which the Planning Commission approved a plan exception.

4. The proposed land uses are compatible with existing and allowable land uses in the surrounding area because the allowed use is complimentary with adjacent land uses and lot sizes.
5. The proposed land uses will not result in significant 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 North Metro Fire Rescue District and the City of Westminster Water and Sanitation.
8. No known commercial mineral deposits exist on the subject property.

NOW, THEREFORE, BE IT RESOLVED that Rezoning Case No. 11-134226RZ to rezone from Agricultural-One to Planned Development the following described unincorporated area of Jefferson County, attached hereto as Exhibit A, be and hereby is APPROVED with the following condition:

- a. Revisions to the Official Development Plan in accordance with the red-marked print dated May 22, 2012.

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

Commissioner John Odom	Aye
Commissioner Faye Griffin	Aye
Commissioner Donald Rosier, Chairman	Aye

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

Dated: May 22, 2012

# EXHIBIT A

Case No. 11-134226RZ

Legal Description

Street Location of Property 6855 West 94th Ave

Is there an existing structure at this address?

Yes X No \_\_\_\_\_

Type the legal description and address below.

Lot 7, Greenlawn View Acres, and a portion of Outlot B, Trendwood Filing No. 2 as described in Warranty Deed Rec. No. 2010070497, recorded August 16, 2010 and that portion of vacated Pierce Street as described in Bargain and Sale Deed Rec. No. 2012031165 recorded March 22, 2012.

Advise of Ortho Map No. 3 Section 23 Township 2 S. Range 69 W.

Calculated Acreage 1.16 Acres Checked by: Ed Wieland

Address Assigned (or verified) 6855 West 94th Ave