FINDINGS AND RESOLUTION APPROVING THE NYTES REZONING

The petition of Rock Solid Foundation/Jim Nytes to rezone the property described on Exhibit "A" attached hereto from E-Estates to CH-Heavy Commercial has heretofore been filed with the Board of County Commissioners of the County of Larimer.

The Estes Valley Planning Commission on August 16, 2005, conducted a public hearing on said petition, and having duly considered the same and the evidence presented to the Board, by resolution recommended approval.

On September 6, 2005 in the County Board Hearing Room of the Larimer County Courthouse, Fort Collins, Colorado, the Board of County Commissioners of the County of Larimer conducted a public hearing on this petition. The Board of County Commissioners, having heard the testimony and evidence adduced at said hearing, and having considered and carefully weighed the same, now makes the following findings:

- 1. The petition to rezone and the public hearing thereon have been duly advertised in a local newspaper of general circulation.
 - The general characteristics of the property are as follows:

a. Location:

Tract 2, Hillery Parrack Exemption (1753 Wildfire

Road)

b. Area:

2.

2.33 Acres

c. Existing land use:

Residential/Commercial

d. Surrounding Zoning:

East: CO-Commercial West: RE-Rural Estate

North: RE-Rural Estate

South: E-Estate

e. Surrounding Land Use:

East: Residential/Commercial

West: Residential

North: Undeveloped (approved for 30

residential lots)

South: Undeveloped

3. At a joint public hearing on November 3, 1999, the Board of County Commissioners and the Estes Park Town Board of Trustees adopted the official zoning map for the Estes Valley to implement the Estes Valley Comprehensive Plan. The zoning was a legislative rezoning that occurred valley-wide after extensive public hearings, mailings, and

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RESOLUTION

WHEREAS, the Board of County Commissioners has made its findings upon the petition and upon the resolution of the Larimer County Planning Commission, which findings precede this resolution, and by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the petition, resolution, evidence and testimony presented to it and has given the same such weight as it in its discretion deems proper, and is now fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED, that the petition of Rock Solid Foundation/Jim Nytes to rezone the property described on Exhibit "A" from E-Estate to CH-Heavy Commercial be and the same hereby is approved and said property is rezoned from E-Estate to CH-Heavy Commercial as provided in the Larimer County Land Use Code subject to the following:

- 1. Permitted uses are limited to the existing single-family dwelling which may be used for employee housing, maintenance and repair services associated with the business on Elm Road, and with the shop building as shown on the site plan.
 - 2. Equipment storage shall be limited to the equipment list provided by Mr. Nytes.
- 3. No outside storage of business or construction material shall be allowed on the property.
 - 4. No outside maintenance of vehicles shall be allowed.
 - 5. The shop building shall remain earth tone color.

IT IS FURTHER RESOLVED that the Deputy Clerk of this Board shall forthwith cause a certified copy of this resolution to be filed with the Clerk and Recorder for the County of Larimer and that the County Planner shall cause the Official Zoning District Map for the Estes Valley, filed in the County Clerk's office, which is a part of the Estes Valley Development Code, to be amended and to amend the maps in the Larimer County Planning Department in accordance with this resolution.

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outreach regarding the Comprehensive Plan, proposed rezoning, and the Estes Valley Development Code.

- 4. During this process, staff made every effort to zone properties consistent with the known use of the property. At the time of the rezoning, the lot under consideration, as well as the adjoining lot to the east, were owned by Mr. Hillery Parrack. Mr. Parrack requested that the adjacent lot remain zoned "C" Commercial. That request was accommodated during the valley-wide rezoning process in 1999. Mr. Parrack did not request retention of the "C" Commercial zoning for the lot currently owned by Mr. Nytes. Therefore, the lot was rezoned from "C" Commercial to "E" Estate.
- 5. On February 24, 1998, prior to the "E" Estate rezoning, the property received a Special Exception from the County to allow a single-family dwelling and a shop building to be built in the commercial zoning district. The conditions of the Special Exception approval were:
 - a. No outside storage of materials shall be allowed on the property;
 - b. No outside storage or maintenance of vehicles shall be allowed; and,
 - c. The shop building shall be an earth-tone color.
- 6. Mr. Nytes contends that when he purchased the property from Mr. Parrack the change of zoning, as recommended by the Estes Valley Plan, was not brought to his attention; he was not aware of the proposed change and would have requested that the zoning for the property remain "C" Commercial.
- 7. Staff and applicant agree that the full range of uses allowed under "CH" Heavy Commercial zoning would not be appropriate. Staff is recommending the rezoning be approved only for the existing uses on the site, which include a single-family residence (employee housing), the shop building, and storage of two (2) construction trailers. Additionally, the limitations imposed by the Special Exception approved in 1998 shall apply, with the exception that the definition of outside storage will not include the limited equipment currently located on the site.
- 8. Rezoning the subject property as requested would fit into the general scheme of development for the area.
- 9. To rezone the area as requested would thus promote the harmonious development of the area, would be in the best interest of the people of Larimer County, would increase the tax base, and would promote the convenience, prosperity and general welfare of the immediate inhabitants of the area.

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Commissioner Rennels and Gibson voted in favor of the Findings and Resolution, and the same were duly adopted. Commissioner Wagner was absent.

Chair

Dated this 6 day of December, 2005.

By:

BOARD OF COMMISSIONERS OF LARIMER COUNTY, COLORADO

(SEAL)

ATTEST:

DATE: 11-4-05

ASSISTANT COUNTY ATTORNEY

to City

