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Debra A Green
Park County Clerk

PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

Resolution No. 2016-27

A RESOLUTION DENYING THE REZONING FROM AGRICULTURAL (A) TO COMMERCIAL (C) FOR A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 7 SOUTH, RANGE 76 WEST, STATE ADDITION OF THE TOWN SITE OF GARO, LOT 3 LESS .189 ACRE RIGHT-OF-WAY PER BOOK 142, PAGE 45, AND ALL OF LOT 8, COMMONLY KNOWN AND NUMBERED AS 37671 HIGHWAY 9.

WHEREAS, the Applicant/Owner, CT Management Services, LLC, has applied to rezone the property described above from Agricultural (A) to Commercial (C); and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners, preceded by the required public notice, the Board of County Commissioners conducted a public hearing on the application for rezoning at which it reviewed the application and all supporting documentation, the recommendations of the Planning Department and the Park County Planning Commission, and considered the testimony of the Applicant and patrons; and

WHEREAS, based on the testimony and evidence presented at the public hearing the Board of County Commissioner determines and finds that compliance with the standards for approval of a rezoning set forth in Section 5-203 of the Park County Land Use Regulations has not been demonstrated by clear and convincing evidence; and

WHEREAS, the Board specifically finds and concludes, based on the evidence on the record, that the rezoning of the subject property from Agricultural (A) to Commercial (C) would be illegal "spot zoning" as that term is defined in *Clark v. City of Boulder,* 146 Colo. 526, 362 P.2d 160 (1961) and its progeny; and

WHEREAS, the Board further finds and concludes that the proposed commercial uses of the subject property are not compatible with other properties within the immediate surrounding area with the result that the requirements of Section 5-203 of the Park County Land Use Regulations are not met;

NOW THEREFORE, BE IT RESOLVED THAT:

The application to rezone the above-described real property from Agricultural (A) to Commercial (C) is DENIED.

Moved, seconded, and passed this 7th day of July, 2016.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS

Mark Dowaliby, Acting Chair

ATTEST:

Park County Clerk & Recorder

COUNTY CLERK • PARK COUNTY, COLO.