


EL PASO COUNTY
COLORADO

COMMISSIONERS:
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
 Brian Risley, Chair**

**FROM: Ryan Howser, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director**

**RE: Project File #: CS-20-004
 Project Name: HCD Reconsideration
 Parcel No.: 54180-00-069**

| | |
|---|---|
| OWNER: | REPRESENTATIVE: |
| HCD Properties, LLC 2435 Majestic Plains Court Colorado Springs, CO 80915 | T-Bone Construction, Inc. 1310 Ford Street Colorado Springs, CO 80915 |

Commissioner District: 4

| | |
|---|-----------|
| Planning Commission Hearing Date: | 4/1/2021 |
| Board of County Commissioners Hearing Date: | 4/27/2021 |

EXECUTIVE SUMMARY

A request by HCD Properties, LLC, for reconsideration of an approval of a map amendment (rezoning) of 7.13 acres from the C-2 (Commercial) zoning district to the CS (Commercial Service) zoning district. The request for reconsideration includes a proposed amendment to Condition of Approval No. 3 to allow for a 30-day extension for submission of a minor subdivision beyond the current 60-day requirement. The property is subject to the CAD-O (Commercial Airport Overlay) district and is located on the south side of Platte Avenue approximately one-third (1/3) of a mile east of the Platte Avenue and South Powers Boulevard intersection and is within Section 18, Township 14 South, Range 65 West of the 6th P.M. The property is not located within the boundary of a small area plan.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

www.ELPASOCO.COM

This property was previously considered for a map amendment (rezone) to the CS zoning district and was approved by the Board of County Commissioners on November 12, 2019 (PCD file no. CS-19-001). A condition of approval of the map amendment required a minor subdivision application be submitted within 60 days of approval of the map amendment (rezone).

A Code Enforcement notice of violation was sent to the property owner regarding the use of the property as a contractor's equipment yard, storage of inoperable vehicles, and vehicle repair on February 5, 2018. The property is currently being used for vehicle storage, maintenance, and repair, and a contractor's equipment storage yard. The applicant intends to remove the vehicle repair use from the site and the proposed uses of the property would consist of the contractor's equipment storage yard and associated office building and vehicle storage building.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by HCD Properties, LLC for reconsideration of an approval of a map amendment (rezoning) of 7.13 acres from the C-2 (Commercial) zoning district to the CS (Commercial Service) zoning district. The request for reconsideration includes proposed amendment to Condition of Approval No. 3 to allow for a 30-day extension for submission of a minor subdivision beyond the current 60-day requirement.

Waiver(s)/Deviation(s): There are no waivers or deviations submitted in association with this request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019):

- A. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.
- B. The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
- C. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- D. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

| | | |
|--------|--------------------------|-----------------------------|
| North: | I-2 (Limited Industrial) | Industrial |
| South: | City of Colorado Springs | Vacant |
| East: | C-1 (Commercial) | RV park, motel, and |
| | RR-5 (Residential Rural) | outdoor vehicle storage |
| West: | CS (Commercial Service) | Contractor’s equipment yard |

E. BACKGROUND

The 7.13-acre parcel was zoned A-3 (Airport Farm) at the time of initial implementation of zoning for this portion of El Paso County on May 11, 1942 (BoCC Resolution No. 669212). The property was rezoned to the A-1 (Agricultural) zoning district in 1949 and again rezoned to the current C-2 (Commercial) zoning district on October 2, 1959.

The 7.13-acre parcel was illegally created outside of the El Paso County subdivision process by a land purchase by the City of Colorado Springs on November 21, 1996. The larger parent parcel was subsequently annexed into the City in 2014 for the Colorado Springs Airport (PCD file no. ANX-14-010). To be considered a legal lot, the parcel would have needed to have been created prior to July 17, 1972, or have been created legally through a subdivision action recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139. Therefore, the parcel does not meet the definition of a “Legal Lot” as discussed in detail in the Code Analysis section below. Pursuant to Section 1.13.3 of the Code, no building permits may be authorized for a parcel of land that has not been included within a final plat action, or otherwise exempted by the Code.

A notice of violation was sent to the property owner regarding the use of the property as a contractor’s equipment yard, storage of inoperable vehicles, and vehicle repair

on February 5, 2018. An Early Assistance meeting was held between staff and the applicant to discuss a map amendment (rezone) from the C-2 zoning district to the CS (Commercial Service) zoning district on March 22, 2018. An application was received for a map amendment (rezone) from the C-2 zoning district to the CS zoning district as a first step to legalizing the uses on the property on April 22, 2019 (PCD file no. CS-19-001). The Board of County Commissioners approved the map amendment (rezone) request on November 12, 2019, with a condition of approval requiring a subdivision application be submitted within 60 days of the date of approval. A subdivision application has not been submitted and a revised notice of violation was sent to the property owner on March 17, 2020, which was further revised on August 24, 2020. On December 15, 2020, an application was received to reconsider the map amendment (rezone) approval.

The C-2 zoning district is an obsolete zoning district, which is intended for the purpose of providing for large commercial activities. The CS zoning district allows for similar commercial uses and would maintain most of the allowed uses from the C-2 zoning district while allowing some additional uses. Currently there is an open code enforcement violation for the subject property (PCD file no. CE-19-167) for a contractor's equipment storage yard, which requires a special use permit to initiate, outside storage uses as accessory uses, which require a site development plan to initiate, and automobile and boat storage, which is not an allowed use in the C-2 zoning district. The proposed map amendment (rezone) to the CS zoning district would allow the existing uses that are not permitted in the C-2 zoning district with special use and/or site development plan approval, as applicable.

The property is currently being used for vehicle storage, maintenance, and repair, and a contractor's equipment storage yard. Vehicle storage and repair are allowed within the CS zoning district, and a contractor's equipment yard would require special use approval. Both existing uses would require approval of a site development plan to legalize those uses. The applicant has indicated in their letter of intent that they intend to remove the vehicle repair use from the site and the proposed uses of the property would consist of the contractor's equipment storage yard and associated office building and vehicle storage building. Staff is recommending Conditions of Approval Nos. 4 and 5 which were included in the original approval. These Conditions of Approval would require the applicant to legalize the existing uses that are proposed to remain through the appropriate site development plan and special use permit processes.

Approval of the reconsideration of the map amendment (rezoning) to CS (Commercial Service) would reaffirm the the prior map amendment (rezone)

approval to a district that is not obsolete and would be the first of several steps required to bring the parcel into compliance for the existing uses that were established without approval from the County.

F. ANALYSIS

1. Land Development Code Analysis

The C-2 (Commercial) zoning district is an obsolete zoning district, which means that no land shall be zoned or rezoned to C-2 on or after May 1, 1991. All land zoned C-2 prior to May 1, 1991 shall remain zoned C-2 and shall be subject to all the provisions of the C-2 zoning district until such time as the land is either rezoned or annexed. The subject application is for a reconsideration of a map amendment (rezoning) of the property to the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district allows similar uses to the C-2 (Commercial) zoning district.

The property is subject to the CAD-O (Commercial Airport Overlay) District and is located within the APZ-1 (Accident Potential Zone 1) Sub-Zone. Pursuant to the Land Development Code, Table 4-7, Commercial Airport Overlay District Land Use, industrial uses are allowed within the APZ-1 Sub-Zone and commercial uses are allowed with a special use permit within the APZ-1 Sub-Zone. Vehicle storage and contractor's equipment yard uses are classifiable as industrial uses and are, therefore, allowed within the APZ-1 Sub-Zone. The Colorado Springs Airport Advisory Commission was sent a referral and has no objection to the map amendment but has requested an aviation easement as a condition.

The property to the west is zoned CS (Commercial Service) and the current land use is a garden supply and landscape material retailer. The parcel to the east is split zoned between C-1(Commercial) and RR-5 (Rural Residential) and is used as an RV (Recreational Vehicle) park offering long term rentals, a motel, and outdoor storage for recreational vehicles, boats, cars, and trailers. The RR-5 portion of the lot appears to include part of the RV park and the outdoor storage area. Opposite the site, across East Platte Avenue, are commercial and industrial zoning districts and uses. The parcel to the south is located within the City of Colorado Springs and is vacant. Although there is some residential use within the adjacent lot to the east in the form of an RV park, that parcel also contains a motel and outdoor vehicle storage, which are considered commercial uses. The area surrounding the subject site is predominantly comprised of commercial and industrial uses. The map amendment (rezoning) to CS (Commercial Service) is expected to have a minimal impact to the existing character of the area.

Section 1.15 of the Code defines a “Legal Lot” as:

“A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity.”

The 7.13-acre parcel was created after July 17, 1972 and was not created legally through a subdivision action recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139. The parcel was illegally created outside of the El Paso County subdivision process on November 21, 1996 and, which means that it does not meet the above definition of a “Legal Lot.” Staff is recommending Condition of Approval No. 3, which would require the applicant to legalize the illegal division of land through the El Paso County minor subdivision process, should the request for reconsideration of the approved map amendment (rezone) be approved. Previously, this map amendment (rezone) was approved with a condition requiring the applicant to submit a minor subdivision within 60 day of approval of the map amendment (rezone). The reconsideration and revised Condition of Approval No. 3 would extend this requirement to 90 days and allow a six (6) month time period for the subdivision to be approved and recorded.

Should the reconsideration be approved, a site development plan will also need to be approved in order to legalize the uses on the property. County review and administrative approval of a site development plan will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the Land Development

Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, water quality management, and parking and lighting standards. Any commercial uses will also require approval of a special use permit prior to site development plan approval to satisfy the requirements of the APZ-1 Sub-Zone as discussed above.

2. Zoning Compliance

The applicant is requesting a reconsideration of the approved map amendment (rezone) to the CS (Commercial Service) zoning district. The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The density and dimensional standards for the CS zoning district are as follows:

- Minimum district area – two (2) acres
- Minimum lot size – no minimum lot size
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet. The minimum setback is 25 feet from the perimeter boundary of the zoning district, but no minimum setback is required from any internal side or rear lot line within the same zoning district.
- Maximum building height – 45 feet
- Maximum lot coverage – no maximum lot coverage

The property is located within an obsolete zoning district and the zoning district that is requested as part of this application has similar use allowances. The property is 7.13 acres and will meet the minimum size of the zoning district. If the rezone request is approved, there would be no minimum setback required between the property to the west and the subject parcel, which is currently zoned CS.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 5.1.3 – Encourage economic development strategies tailored to the unique conditions of particular subareas of the County.

Policy 6.2.1 – Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

The rezoning request is consistent with the adjacent parcel to the west which is also zoned CS (Commercial Service). By allowing the property to rezone from the obsolete C-1 district, future redevelopment of this site is likely to occur in a manner consistent with the surrounding properties. Conformance with the Policy Plan was made with the original map amendment (rezone) application; since this is a reconsideration, staff recommends that the request is still in general compliance with the Plan.

4. Small Area Plan Analysis

The property is not located within the boundaries of a small area plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

***Goal 1.1** – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

***Policy 1.1.1** – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

***Goal 1.2** – Integrate water and land use planning.*

***Goal 3.6** – Develop and maintain partnerships with water providers.*

The property is located within Planning Region 5 (Cherokee Metropolitan District Service Area) of the Plan and is not located within an estimated area of development. The Plan identifies the current demands for Region 5 to be 4,396 acre-feet per year (AFY) with a current supply of 4,849 AFY (Figure 5.1). The demand in 2040 is projected to be 6,468 AFY with a projected supply of 6,800 AFY (Figure 5.2). At build-out in 2060, the demand for Region 5 is projected to be 9,608 AFY with a projected supply of 10,131 AFY, which means by 2060 there is anticipated to be a surplus of 523 AFY (Figure 5.3, Table 5-2). Region 5 consists of areas served by Cherokee Metropolitan District and is not expected to experience significant growth by 2060 due to the area being greatly built out.

Water and wastewater services for the parcel are provided by Cherokee Metropolitan District. Coordination with the water service provider and an understanding of available facilities is a necessary step in analyzing water sufficiency and ensuring there are adequate resources to support proposed uses. Cherokee Metropolitan District was sent a referral and has no outstanding comments at this time. Water and wastewater analysis are not required as part of a map amendment (rezone) application process; however, a finding of water sufficiency will be required as part of the final plat process to legalize the illegal division of land.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies valley fill and coal in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There are no hazards on the property.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0754G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Sand Creek drainage basin (FOFO4000), which is included in the Drainage Basin Fee Program; however, drainage or bridge fees are not assessed with rezoning requests. It is anticipated that a drainage report as well as a grading and erosion control plan will be required with the site development plan application.

5. Transportation

The property is accessed via the East Platte Avenue frontage road. A traffic study was not required as the site is not expected to generate 100 more daily vehicle trips than the property would be expected to generate with the current zoning. It is anticipated that a traffic study will be required with further development of the site.

The site is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

H. SERVICES

1. Water

Water is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments.

2. Sanitation

Wastewater is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments.

3. Emergency Services

The property is within the Cimarron Hills Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Electric and natural gas services are provided by Colorado Springs Utilities.

5. Metropolitan Districts

The property is located within the boundaries of Cherokee Metropolitan District. During the review process, Cherokee Metropolitan District indicated that the proposed map amendment (rezoning) request would not trigger any changes to water or wastewater services.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication is not required for a map amendment (rezoning) application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

I. APPLICABLE RESOLUTIONS

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. A minor subdivision shall be required to legalize the parcel prior to approval of a site plan, establishment of a new use, or continuation of any existing use. Submittal of an application for minor subdivision shall occur within 90 days of approval of the reconsideration by the Board of County Commissioners. Failure by the applicant to pursue approval of the minor subdivision in good faith, as determined by the PCD Director, may result in enforcement against the property for violation of this condition.
4. A site development plan shall be applied for and approved to legalize all existing uses on the site and/or prior to authorization of a building permit or the establishment of any new uses on the property. Submittal of a site development plan shall occur within 14 days of approval the minor subdivision plat. Failure by the applicant to pursue approval of a site development plan in good faith, as determined by the PCD Director, may result in enforcement against the property for violation of this condition.

5. A special use shall be applied for and approved prior to approval of any existing or new use requiring special use approval. If required, a special use application shall be submitted within 14 days of approval of the minor subdivision plat. Approval of the special use shall occur within six (6) months of receipt of the special use application. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on March 16, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map

El Paso County Parcel Information

File Name: CS-20-004

| PARCE | NAME |
|---------|--------------------|
| 5418000 | HCD PROPERTIES LLC |

Zone Map No. --

Date: March 12, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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T-Bone Construction, Inc.
1310 Ford St.
Colorado Springs, CO 80915
(719) 570-1456 Fax (719) 591-5217
~~12 March 2021~~
Rev March 12, 2021

LETTER OF INTENT

1. Owner: HCD Properties LLC
2435 Majestic Plain Court
Colorado Springs, CO 80915

Applicant: Darin Weiss
T-Bone Construction, Inc.
1310 Ford St.
Colorado Springs, CO 80915
2. Site Location, Size and Zoning:
 - a. Parcel #5418000069 (6201 East Platte Avenue), zone C-2; 7.13 acres, legal description: A Tract of Land Located in the NE 1/4 of the NW 1/4 of Section 18, Township 14 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado.
3. Request the reconsideration of the rezone to CS (Commercial Service). Current zoning of C-2 is obsolete as of May 01, 1991 per the LDC Section 4.4.2. Rezoning to CS, will bring the zone classification into a current zoning classification in compliance with the County Master Plan. The rezone to CS is most compatible to the previous CS classification and would match the adjacent property. The property is not located within a comprehensive planning area.
 - a. Land Development Code Section 5.3.5 (B) Map Amendment Criteria:
 - The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
 - The reconsideration of the rezone for the above referenced lot will establish current zoning classification in compliance with the County Master Plan.
 - The request for the zone change is a requirement by the El Paso County Planning Department for development of the site. The C-2 zoning was recommended at the Early Assistance meeting. This is to bring the zoning classification into a current classification prior to a Subdivision and the Site Development Plan submittal.
 - The rezone to CS is the most compatible classification to the obsolete C-2 zoning.
 - The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;
 - C.R.S. § 30-28-111. Zoning plan: The current C-2 (Commercial) zoning classification for this property which allows for large commercial activities is similar to the proposed

CS (Commercial Service) zoning classification, while adding some additional uses. Both classifications have the intent to accommodate retail, wholesale or service commercial uses that serve the general public.

- C.R.S. § 30-28-113. Regulation of size and use – districts - repeal: The current C-2 (Commercial) zoning classification for this property is similar to the proposed CS (Commercial Service) zoning classification. The lot size, setbacks, coverage percentage, building allowances, and general development standards are similar in the requirements.
 - C.R.S. § 30-28-116. Regulations may be amended:
Acknowledged.
 - The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions;
 - The zone change to CS is compatible with the existing adjacent zoning classifications. The adjacent zoning classifications are as follows:
 - a. North: I-2 (Limited Industrial)
 - b. South: City of Colorado Springs APD
 - c. West: CS (Commercial Service)
 - d. East: C-1 (Commercial) & RR-5 (Residential Rural)
 - The area around the site is prominently commercial and industrial, so the rezoning to CS (Commercial Service) would maintain the existing character of the area.
 - The proposed use for the site is a Commercial Contractors Main office space, a connected vehicle maintenance/storage building with an associated exterior screen fenced storage area.
 - The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.
 - Approval will not adversely affect the public health, safety and welfare, as the original land use intent has not changed.
- b. Subdivision Submittal Request.
- A condition from the previous Rezone Approval was that the Subdivision Submittal was to be submitted to the Planning Department within 60 days of BOCC approval of the Rezone. Per discussions and guidance from our planner we are requesting that this time frame be extended to 90 days for application submittal from BOCC approval.
4. Approval of a map amendment (rezoning) to CS (Commercial Service) would update the zoning district to a district that is not obsolete and would be the first of several steps required to bring the parcel into compliance for the existing uses that were established without approval from the County
 5. After this rezoning process, we will follow up with the Subdivision submittal to correct the illegal subdivision of the property back in November of 1996, a Special Use for a Contractors Equipment Yard, and a Site Development Plan.
 6. Per the Engineering Criteria Manuals, Transportation Impact Study Guidelines Appendix B, a Transportation Memorandum will be required to be included with the Site Development Plan submittal package. The anticipated development for this property will generate less than 500 daily vehicle trips and a peak hour trip generation of less than 50.

This business will not generate an increase to pedestrian or bicycle traffic. The current use of the property generates approximately 25 trips per day.

7. No waivers are requested in this submittal.

8. Uses and condition of the property.

a. Current Property Uses:

- The front corner of the property is utilized by a vehicle repossession business. The client has another location for storage and is in the process of removing the vehicles from this property.



- The owner is utilizing the back portion of the property for nightly storage of company equipment.



- The remainder of the property has been cleaned up and is currently vacant.



b. Proposed Use:

- The proposed use for the site, which will be addressed with a full Development Plan submittal, is for a Commercial Contractors Main office space and a connected vehicle maintenance/storage building with an associated exterior screen fenced storage are. The site will include grading of the site, required paved parking and landscaping.
- The client has experienced vandalism of their vehicles and truck mounted equipment at their current location, due to their outdoor of vehicles. This new building will facilitate overnight inside storage of their vehicles and truck mounted equipment. The use will not include any vehicle repair.

9. History of Request: The previous request to rezone went thru the review process and was recommended for approved by the County Planning Commission on 10/15/2019 with conditions of a Minor Subdivision submittal to legalize the parcel. With the time of year and then the subsequent Covid-19 Pandemic the client put a hold on the project. This caused us to exceed the time requirement for submittal of the Minor Subdivision Submittal package. This is a Reconsideration submittal for the Rezone Approval. To our knowledge there are no Code Enforcement Actions against this property.

PROJECT INFORMATION

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

TAX SCHEDULE NUMBER: 54180-00-069

LOT SIZE: 7.13 acres

BUILDING AUTHORITY: EL PASO COUNTY

ZONING CLASSIFICATION: PREVIOUSLY C-2 (OBSOLETE) ; REZONING TO CS

STRUCTURE SETBACK REQUIREMENTS:

FRONT: 25 FT
SIDE AND REAR: 25 FT

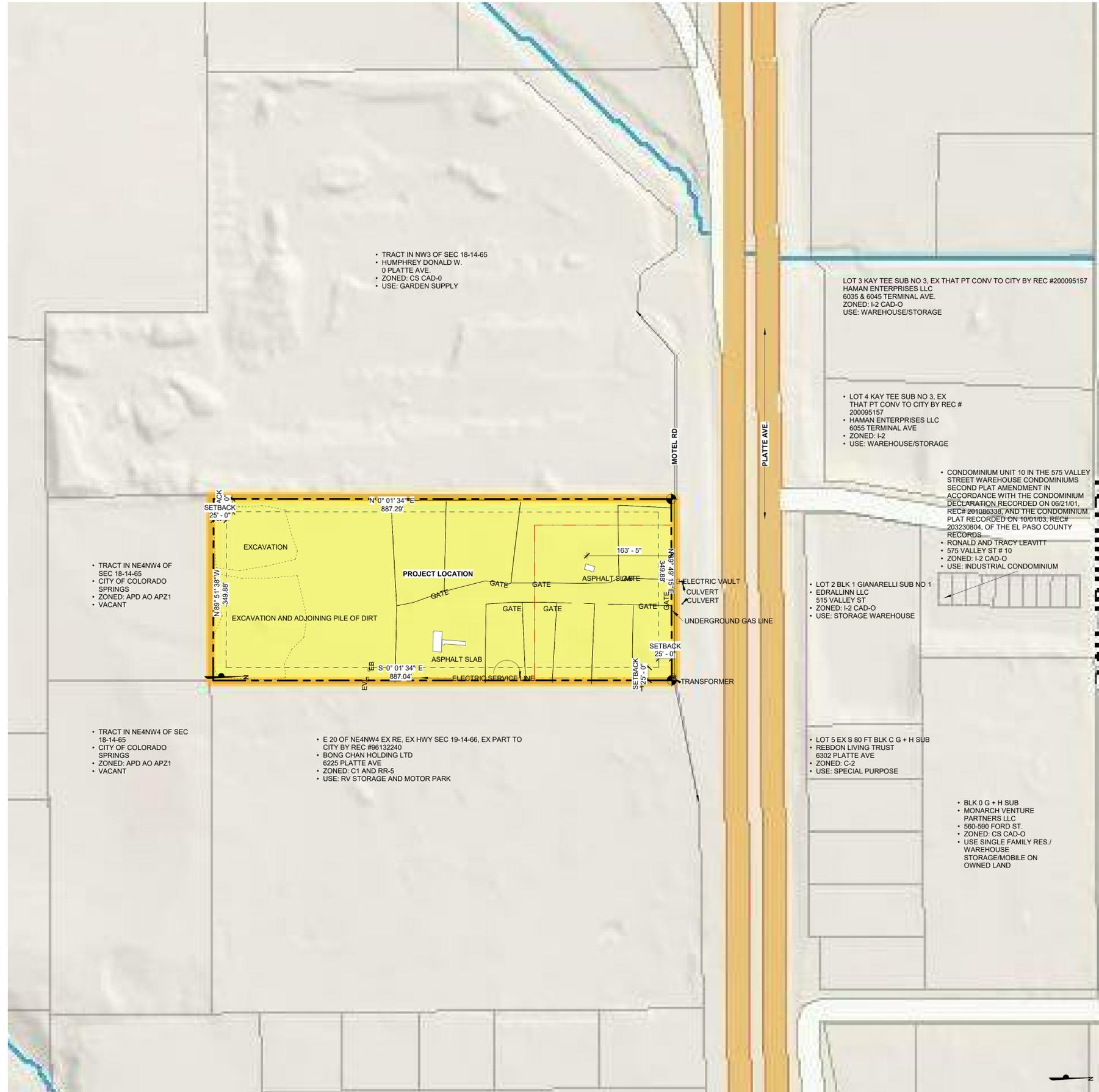
METES AND BOUNDS DESCRIPTION:

TRACT IN NE4NW4 SEC 18-14-65 AS FOLS: COM AT NW COR OF SD SEC 18 FROM WHICH THE NE COR OF THE NW4 OF SD SEC 18 BEARS S 89°49'15" E 2724.73 FT, TH S 85°53'45" E 1753.14 FT TO INTSEC A LN THAT IS 45.00 FT SLY AS MEAS AT R ANG FROM & PARA WITH S R/W LN OF US HWY 24 & POB, TH S 00°01'34" W 887.29 FT, S 89°51'38" E 349.88 FT, N 00°01'34" E 887.04 FT TO A PT ON A LN THAT IS 45.00 FT SLY AS MEAS AT R ANG FROM & PARA WITH SLY R/W LN OF SD US HWY 24, TH N 89°48'15" W 349.88 FT TO POB

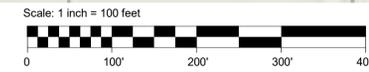
PROJECT DESCRIPTION:

REZONE OF OBSOLETE ZONE TYPE FROM C-2 TO CS- COMMERCIAL SERVICE

OWNER: HCD INC.
2435 MAJESTIC PLAINS CT
COLORADO SPRINGS CO, 80915-1969



1
RZ 1
EXISTING SITE
1" = 100'-0"



Design Development
Consultants @
1310 FORD STREET
COLORADO SPRINGS, CO 80915
(719) 570-1456

| Revisions | |
|-----------|------|
| # | DATE |
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D1-8128

HCD DRILLING
6201 E. PLATTE AVE
COLORADO SPRINGS, CO 80916

DP
DATE 4 FEB 2019
CHECKED DCW
DRAWN BY GKV

EXISTING SITE
RZ 1