

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**  
**OF THE COUNTY OF EL PASO**  
**STATE OF COLORADO**  
**RESOLUTION NO. CS-20-004**  
**HCD Reconsideration Map Amendment (Rezone)**

WHEREAS, HCD Properties, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the C-2 (Commercial) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on April 1, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
4. 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.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. 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
7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of HCD Properties LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the C-2 (Commercial) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends the following conditions and notations shall be placed upon this approval:

#### **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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Brittain Jack seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

|                            |     |
|----------------------------|-----|
| Commissioner Risley        | aye |
| Commissioner Bailey        | aye |
| Commissioner Trowbridge    | aye |
| Commissioner Lucia-Treese  | aye |
| Commissioner Fuller        | aye |
| Commissioner Brittain Jack | aye |
| Commissioner Blea-Nunez    | aye |
| Commissioner Carlson       | aye |
| Commissioner Moraes        | aye |

The Resolution was adopted by a vote of 9 to 0 the El Paso County Planning Commission, State of Colorado.

Dated: April 1, 2021



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Brian Risley, Chair

**EXHIBIT A**

**LEGAL DESCRIPTION:**

A TRACT OF LAND LOCATED IN THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 665 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF EL PASO, STATE OF COLORADO