

COMMISSIONERS: STAN VANDERWERF (CHAIR) CAMI BREMER (VICE-CHAIR) LONGINOS GONZALEZ, JR. HOLLY WILLIAMS CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

April 1, 2021

HCD Properties, LLC 2435 Majestic Plains Court Colorado Springs, CO 80915

T-Bone Construction, Inc. 1310 Ford Street Colorado Springs, CO 80915

RE: HCD Reconsideration – Map Amendment (Rezone) – (CS-20-004)

This is to inform you that the above-reference request for approval of a map amendment (rezoning) was heard and approved by the El Paso County Planning Commission on April 1, 2021, at which time a recommendation for approval of a map amendment (rezoning) from C-2 (Commercial) zoning district to the CS (Commercial Service) zoning district was made. 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. (Parcel No. 54180-00-069)

This recommendation for approval is subject to the following:

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.



- 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 <u>Land</u> 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.

The Planning Commission is advisory to the Board of County Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely

Ryan Howser, Planner II

File No. CS-20-004