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El Paso County, CO



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RESOLUTION NO. 21-166

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**APPROVAL OF THE HCD RECONSIDERATION MAP AMENDMENT
(REZONING)(CS-20-004)**

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

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 1, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on April 27, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. For the above-stated and other reasons, the proposed Amendment to 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.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of HCD Properties, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the C-2 (Commercial zoning district to the CS(Commercial Service) zoning district;

BE IT FURTHER RESOLVED that 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.

NOTATION

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.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 27th day of April, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:



By: 
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 6TH P.M., COUNTY OF EL
PASO, STATE OF COLORADO