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January 6, 2019

El Paso County Planning and Community Development
c/o Mr. Craig Dossey
Executive Director
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: EA19235

*A request for a condominium plat for Highway 24 Eastgate Business Park in the Vicinity
of Peterson Road and Space Village Drive*

Dear Mr. Dossey, Mr. Sevigny, and Planning Department Members,

I represent the Applicant named below and am submitting this request on the Applicant's behalf. This letter is divided into the sections required for a letter of intent pursuant to Chapter IV, Section 36, of the El Paso County Land Development Code. The Applicant respectfully requests that you review the Type C application and other documents submitted herewith and approve the action requested herein.

The Owner: 7235 E Hwy 24, LLC
1459 Woolsey Heights
Colorado Springs, CO 80915

The Applicant: Laca-Loja, LLC, as the authorized agent for 7235 E Hwy 24, LLC
c/o James Whidden
PO Box 75903
Colorado Springs, CO 80970
719-591-0337

The Consultant: Oliver E. Watts, PE
Oliver E. Watts Consulting Engineer, Inc.
614 Elkton Drive Colorado Springs, CO 80907
719-593-0173

The Consultant/Attorney: Mark D. Francis, Esq.
1880 Office Club Pointe, Suite 1000
Colorado Springs, CO 80919
719-265-6900

Project Manager: Gabe Sevigny, Planner II, El Paso County Planning

The Site Location: 7235 East Highway 24, Colorado Springs, CO 80915

The Size: 16,408 square feet more or less

The Zoning: CS CAD-O

The Request and Justification:

This is a request for approval of a condominium plat and map for a newly constructed condominium building in the Highway 24 Eastgate Business Park located in the vicinity of Peterson Road and Space Village Drive. This is the most recent building constructed in the project and contains 16,408 square feet more or less.

Pursuant to past practices, this request is being made because construction of the exterior shell is complete, the surveyor prepared the usual condominium map setting forth the physical airspace defined therein, thereby constituting a legal condominium that was measured and defined. El Paso County's definitions define a Condominium as "A legal form of ownership whereby an owner gains title to an interior air space of individual units in a multi-unit project together with interest in the common areas and facilities appurtenant to the units where the land within the project is owned in common." Thus, a condominium can exist when the interior air space is created with the construction of all surrounding floors, walls, and roofs.

A Plat is defined as a map that provides a "permanent and accurate record of the legal description, dedications, exact size, shape, and location of lots, blocks, roads, easements, and parcels of land. The plat, when recorded by the Clerk and Recorder, becomes the legal instrument whereby the location and boundaries of separate parcels of land within a subdivision or subdivision exemption are identified." The El Paso County Land Use Code for 2019 in section 7.2.2 (d) defines a Completed Action as "An action establishing a condominium" that is "considered completed and in effect when an approved condominium map or townhome plat is filed for recording with the Clerk and Recorder." Further, Section 7.2.1(3)(a) reads as follows: "Description of Final Plat. The final plat is the last step in the approval process for a division of land." In this case, the final plat was recorded in May 2018, and is denoted as plat 1005.

Section 7.2.2 (E)(1) of the Code states that its purpose is to “provide standards and criteria for approving an exemption plat . . . for new construction where the intent to create condominium units or townhome units was established with the approval of the final plat. In subsection (1)(b) it states a “condominium map or . . . plat may be approved where a condominium or townhome is proposed to be established on land that was platted in a manner intended for condominium . . . uses at the density proposed, where the proposal involves . . . The construction of a building in order to establish condominium.”

In this case, the condominium is established on land that was already platted in a manner intended for condominium construction at the density proposed in the initial Plat (recorded in 2005 as number 917), and the construction of the building has been completed so as to establish a condominium in strict conformance with that approved Plat. Through the construction effort, the Applicant has fully complied with the intent of the condominium Plat.

Furthermore, as to drainage considerations under the County’s June 20, 2019, engineering criteria letter, the Applicant hereby states and affirms that activities in the project on the remaining two buildings will not disturb more than 1 acre of land nor involve movement of more than 500 cubic yards of material. According to information received from the engineer of record, Oliver Watts, P.E., the area of disturbance is .999 acre.

Existing and Proposed Facilities, Structures, Roads:

This is a partially constructed project with 3 existing structures in the form of finished and occupied commercial condominium buildings (including the one that is the subject of this application) and with two proposed structures remaining to be built, both of which are beginning the permit application process at this time. They are shown on the information prepared by Mr. Watt’s office and filed herewith. The site infrastructure is complete, drainage facilities in place and approved by El Paso County, and no new roads or site improvements are planned except for improvements related to parking and other requirements for occupancy of the other two new buildings.

Waiver Requests:

The Applicant is not making any requests for waivers at this time as it believes none are required.

To finalize the platting process, the Applicant requests that the County complete its administrative review of the materials submitted herewith, so that the platting process can be completed and the condominium defined in the plat be legally recognized by the County.

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Please let me, or the Applicant, know how else we can help. Thank you.

With best regards,

/s/

Mark D. Francis

Enclosures: Type C Application