


**EL PASO COUNTY**  
**COLORADO**

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

**FROM: Lindsay Darden, Planner II**  
**Daniel Torres, PE Engineer II**  
**Craig Dossey, Executive Director**

**RE: Project File #: CS-19-001**  
**Project Name: HCD Rezone to CS**  
**Parcel No.: 54180-00-069**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
HCD Properties, LLC 2435 Majestic Plains Court Colorado Springs, CO 80915	Darin Weiss T-Bone Construction, Inc. 1310 Ford Street Colorado Springs, CO 80915

**Commissioner District: 4**

Planning Commission Hearing Date:	9/17/2019
Board of County Commissioners Hearing Date:	10/8/2019

**EXECUTIVE SUMMARY**

A request by HCD Properties, LLC, for approval of a map amendment (rezoning) of 7.13 acres from C-2 (Commercial) to CS (Commercial Service). The property is located on the south side of Platte Avenue approximately one-third (1/3) of a mile east of the intersection of Platte Avenue and South Powers Boulevard. The property is not located within a comprehensive planning area. The parcel is adjacent to property zoned CS (Commercial Service) to the west and the adjacent parcel to the south is within the City of Colorado Springs.

C-2 (Commercial) is an obsolete zoning district, which allows for large commercial activities. The CS (Commercial Service) zoning district allows for similar commercial uses and would maintain most of the allowed uses from the C-2 (Commercial) district while adding some additional uses. Currently, there is an open code enforcement violation for the subject property (CE-19-167) for a variety of uses that are either not allowed in the C-2 (Commercial) zoning district or, if allowed, would require a special use approval and/or

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



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

#### **D. LOCATION**

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

#### **E. BACKGROUND**

This 7.13-acre parcel was initially zoned A-3 (Airport Farm) at the time of the initial zoning of El Paso County on May 11, 1942. Since that time this parcel has been rezoned from the A-3 (Agricultural) zoning district to the A-1 (Agricultural) zoning district in 1949 and then rezoned to the current obsolete C-2 (Commercial) zoning district on October 2, 1959.

Prior to the current configuration, the land area of the subject parcel was included within a larger parent parcel that was created in 1966, prior to the date that subdivision regulations were adopted in El Paso County on July 17, 1972. On November 21, 1996, the 7.13-acre parcel was split from the larger parent parcel in a land purchase by the City of Colorado Springs. The larger parent parcel was subsequently annexed into the City in 2014 for the Colorado Springs Airport (ANX-14-010). The 7.13-acre parcel is considered an illegal division of land because it is less than 35 acres and was conveyed by deed rather than being divided through the El Paso County subdivision process. A minor subdivision will be required prior to establishment of any new uses or continuation of any existing uses on the site and/or site development plan.

Although there are currently several existing uses on the site, the applicant anticipates narrowing down the uses to be a contractor's equipment yard and vehicle storage and repair. Vehicle storage and repair are allowed within the CS (Commercial Service) 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 Code requires that vehicle repair uses provide an enclosed building in which to repair and dismantle vehicles and for storage of parts and accessories. Currently, there are no structures on the site.

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 encompass 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 within Colorado Springs' jurisdiction to the south 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 the motel and the outdoor vehicle storage, which are considered commercial uses. The area surrounding the subject site is prominently

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

**Policy 15.1.13** – Address obsolete zone districts through a comprehensive County-initiated rezoning processes.

Although not a County-initiated rezoning process, the request to rezone a parcel of land that is located within an obsolete zoning district would address Policy 15.1.13 by updating the parcel to a current zoning district. The rezoning request is consistent with the adjacent parcel to the west which is also zoned CS (Commercial Service) and the allowed uses for that zoning district are consistent with the existing uses located in the vicinity of the subject parcel.

### **4. Small Area Plan Analysis**

The property is not located within a comprehensive (small area) planning area.

### **5. 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**

FEMA Flood Insurance Rate Map panel number 08041C0754G which has an effective date of December 7, 2018, shows the property as being outside the 500-year floodplain (Zone X).

### **4. Drainage and Erosion**

## **K. 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 60 days of rezoning approval by the Board of County Commissioners.
4. A site development plan shall be applied for and approved to legalize any 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 recordation of the minor subdivision plat.
5. A special use shall be applied for and approved prior to approval of any existing or new use that requires special use approval. If required, a special use application shall be submitted within 14 days of recordation of the minor subdivision plat.
6. An enclosed structure shall be proposed and shown on the site development plan if the existing vehicle repair use is proposed to continue.

### **NOTATIONS**

1. If a zone or rezone petition is 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

# El Paso County Parcel Information

File Name: CS-19-001

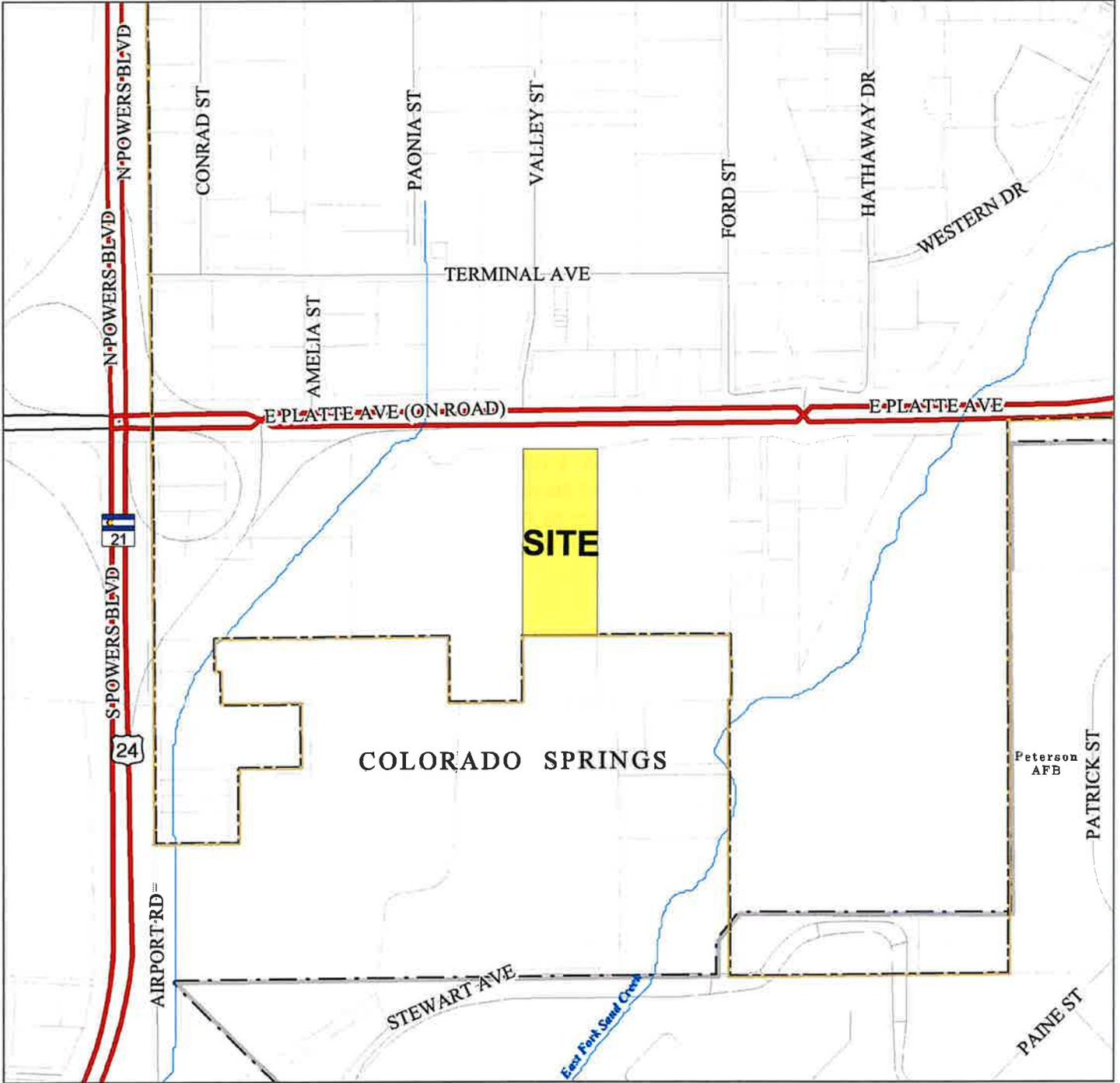
PARCEL	NAME
541800069	HCD PROPERTIES LLC

Zone Map No. --

ADDRESS	CITY	STATE
2435 MAJESTIC PLAINS CT	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80915	1969

Date: August 13, 2019



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (919) 520-6600



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2. The site also had a tenant using part of the land for automotive repair. This use ended on June 10, 2019 and the associated equipment is being removed from the site.
3. The current owner's is utilizing a portion of the property for nightly storage of company equipment. This is overflow storage from his current business location.

**Proposed Use:**

The proposing 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 proposed rezone classification will not increase the average daily trips at the property.

**5. Waiver Requests:**

No waivers are requested with this submittal.

**6. Purpose for Rezone**

The zone change is a requirement by the El Paso County Planning Department to bring the zoning classification into compliance prior to a full development plan submittal.

**7. Notice to Mineral Rights Owners**

An attempt was made to acquire contact information to notify any existing mineral rights owners, however no contact information was found for the existing deeds dated 9/27/1927 & 12/24/1928.