

EL PASO COUNTY
COLORADO

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Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Ryan Howser, Planner III
Lupe Packman, EI Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: AL-21-009
Project Name: 7440 Templeton Gap Rd Billboard
Parcel No.: 53070-00-040

OWNER:	REPRESENTATIVE:
Roots Properties, LLC 7440 Templeton Gap Road Colorado Springs, CO, 80923	Lamar Advertising 2110 Naegele Road Colorado Springs CO, 80904

Commissioner District: 2

Planning Commission Hearing Date: 6/16/2022
Board of County Commissioners Hearing Date 6/21/2022

EXECUTIVE SUMMARY

A request by Lamar Advertising for approval of a special use for construction of a new electronic message display (EMD) billboard. The 5-acre property is zoned CC (Commercial Community), is subject to the CAD-O (Commercial Airport Overlay) district, and is located on the south side of E Woodmen Road, approximately one-half of a mile east of the intersection of E Woodmen Road and N Powers Boulevard and within Section 7, Township 13 South, Range 65 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request for a special use for construction of a new electronic message display (EMD) billboard.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a regular item at the June 16, 2022 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7-1

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the El Paso County Land Development Code (2021), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

- The special use is generally consistent with the applicable Master Plan;
- The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
- The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
- The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.



D. LOCATION

North:	City of Colorado Springs	Multifamily Residential
South:	A-5 (Agricultural)	Agricultural
East:	City of Colorado Springs	Vacant
West:	City of Colorado Springs	Vacant

E. BACKGROUND

The property was zoned A-2 (Agricultural) on September 20, 1965, when zoning was first initiated for this portion of the County (Resolution No. 434870). The Board of County Commissioners (BoCC) approved a map amendment (rezone) from A-2 to PBP (Planned Business Park) on October 5, 1984 (Resolution No. 84-451, Land Use-271). Due to changes in the nomenclature of the Land Development Code, the PBP zoning district was renamed as the CC (Commercial Community) zoning district in 2005.

The property is subject to an exemption of the subdivision regulations, which was approved by the BoCC on January 3, 1977 (El Paso County Public Records, Book 2890, Page 383). The property’s legal description and configuration has not changed since the subdivision exemption was approved, and therefore, the property is considered a legal division of land and is eligible for building permits.

There are several existing structures on the property; these structures were constructed in 2015 and are associated with a commercial tree farm and nursery, which was approved by the El Paso County Planning and Community Development Department on September 25, 2014 (PCD File No. PPR-14-018).

The applicant is requesting approval of a special use permit for an illuminated billboard on the property. The billboard is proposed to be illuminated with an electronic message display (EMD), which requires special use approval pursuant to Section 6.2.9.B.3.c of the Code. New billboards proposing to use EMD shall require BoCC approval.

If the special use request is approved, the applicant will be required to submit a site development plan in order to demonstrate compliance with the development standards of the Code. The site development plan will need to be substantially consistent with the site plan provided with the special use application and will need to provide a more detailed depiction of the proposed use, including landscaping and lighting.



F. ANALYSIS

1. Land Development Code Analysis

The Code requires special use approval for a billboard which proposes to use EMD. New billboards proposing to use EMD shall require BoCC approval. The application meets the special use criteria identified in Section 5.3.2(C) of the Code. The property is currently zoned for commercial uses and there is an existing commercial use on the property.

New billboards are required to be 245 square feet in size or less; however, larger billboards may be constructed using existing billboard credits pursuant to Section 6.2.9.D of the Code. The applicant is proposing to use existing billboard credits to construct a new double-sided billboard that is 378 square feet for each side. The applicant has adequate billboard credits to construct a billboard of this size and is proposing to use credits for two 400-square foot billboards in order to construct the billboard.

The applicant has demonstrated compliance with the regulations for EMD displays pursuant to Section 6.2.9.B.3.c of the Code. The applicant has provided a lighting plan which demonstrates how the brightness of the proposed billboard will meet the maximum lighting levels identified in the Code. If the special use request is approved, the applicant will be required to submit and receive approval of a commercial site development plan. The site development plan will need to be substantially consistent with the site plan provided with the special use application.

2. Zoning Compliance

The subject property is zoned CC (Commercial Community). The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods. The density and dimensional standards for the CC zoning district are as follows:

- Minimum lot size – N/A
- Minimum zoning district area – 1 acre
- Setbacks – front 25 feet, sides 25 feet / 0 feet internal to the CC district, and rear 25 feet / 0 feet internal to the CC district
- Maximum lot coverage – N/A
- Maximum building height – 45 feet

The existing structures meet the dimensional standards of the CC district. The billboard is proposed to be located 25 feet from the north property line and 25



feet east of the west property line, which will meet the setback requirements. The billboard is proposed to be 35 feet in height. Therefore, the proposed billboard is shown to meet the dimensional standards of the CC zoning district.

G. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Urban Residential

Placetype Character:

The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well. The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.

An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walkable internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.

Recommended Land Uses:

Primary

- Single-family Detached Residential (5 units/acre or more)
- Single-family Attached Residential
- Multifamily Residential

Supporting

- Mixed Use
- Restaurant
- Commercial Retail



- Commercial Service
- Institutional
- Parks
- Office

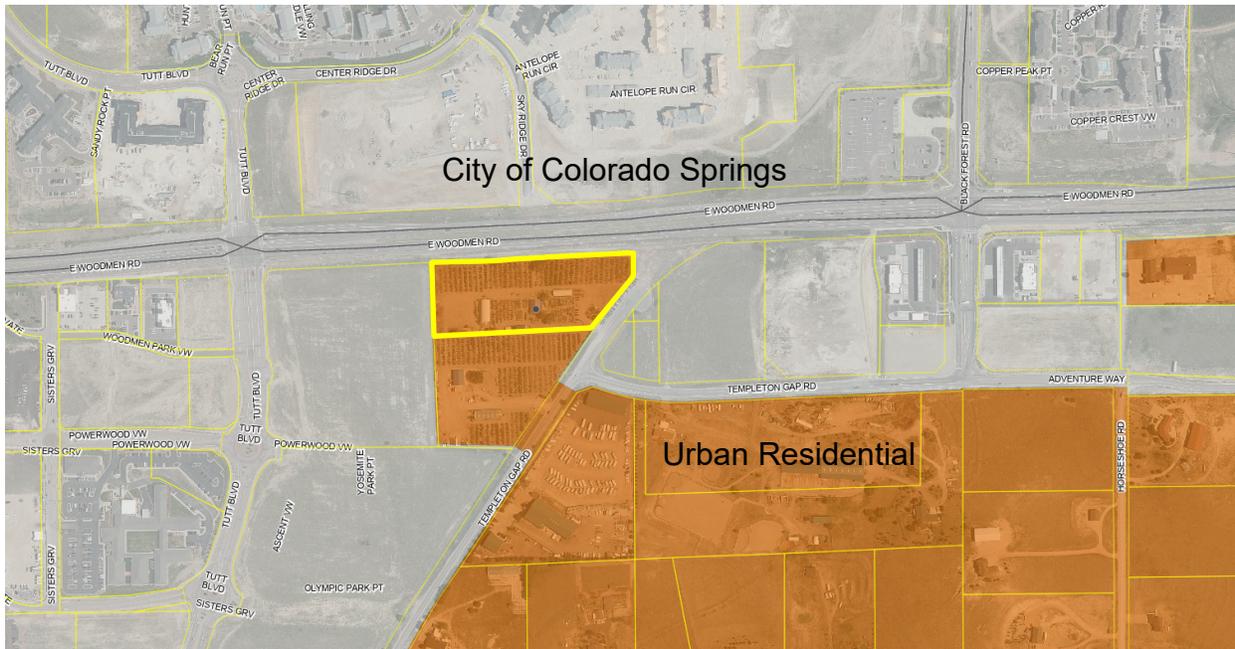


Figure G.1: Placetype Map

Analysis:

The property is located within the Urban Residential placetype. The Urban Residential placetype offers an opportunity for El Paso County to redefine its growth areas through highly desirable, connected, and complete neighborhoods with a mix of housing products and density. Relevant goals and objectives are as follows:

Goal LU1 – *Ensure compatibility with established character and infrastructure capacity.*

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Land Use Core Principle – *Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.*



The billboard is proposed to be constructed along a major corridor with frontage on Woodmen Road. While a billboard is not a listed principal or supporting use within any of the placetypes, it may be considered as an accessory to residential and commercial uses, as it provides off-site advertising to draw people to employment centers and subdivisions. A billboard may help to contribute to the area's development by providing advertisements to local businesses and new subdivisions in order to help manage growth in developing and developed areas within the Urban Residential placetype and within the City of Colorado Springs.

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

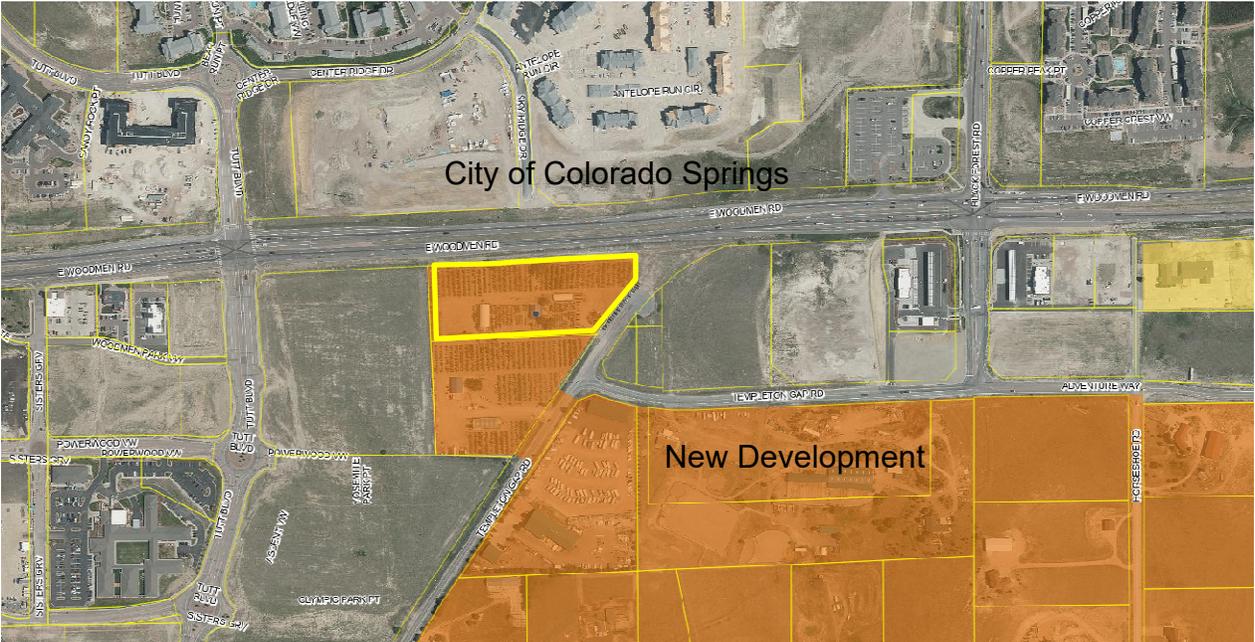


Figure G.2: Area of Change Map

Analysis:

The property is located within an area which is expected to substantially change. The subject property is surrounded on the north, east and west sides by property located within the City of Colorado Springs. The majority



of property on the east and west sides of the subject property is vacant; however, a mixed-use center is currently developing north of the subject property north of Woodmen Road. This area is determined to be appropriate for urban development. A billboard may substantially change the character of the property with high visibility on Woodmen Road and would therefore be consistent with the Area of Change designation and with the current development pattern in the area. It is possible that the proposal, if approved, would contribute to a change in character for the area.

c. Key Area Influences

El Paso County represents a vast area composed of many distinct areas. These “Key Areas” have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is potentially influenced by the “Enclaves or Near Enclaves” Key Area.

Enclaves or Near Enclaves

Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave is Cimarron Hills, an urbanized community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.

The majority of the enclaves are developed or partially developed in a manner that would require significant improvement for annexation. These include roadway improvements, stormwater improvements and utility infrastructure upgrades. Most enclave areas are accessed by municipal roads, experience the impacts of urban stormwater runoff, or are otherwise served by one or more municipal utilities. The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration.



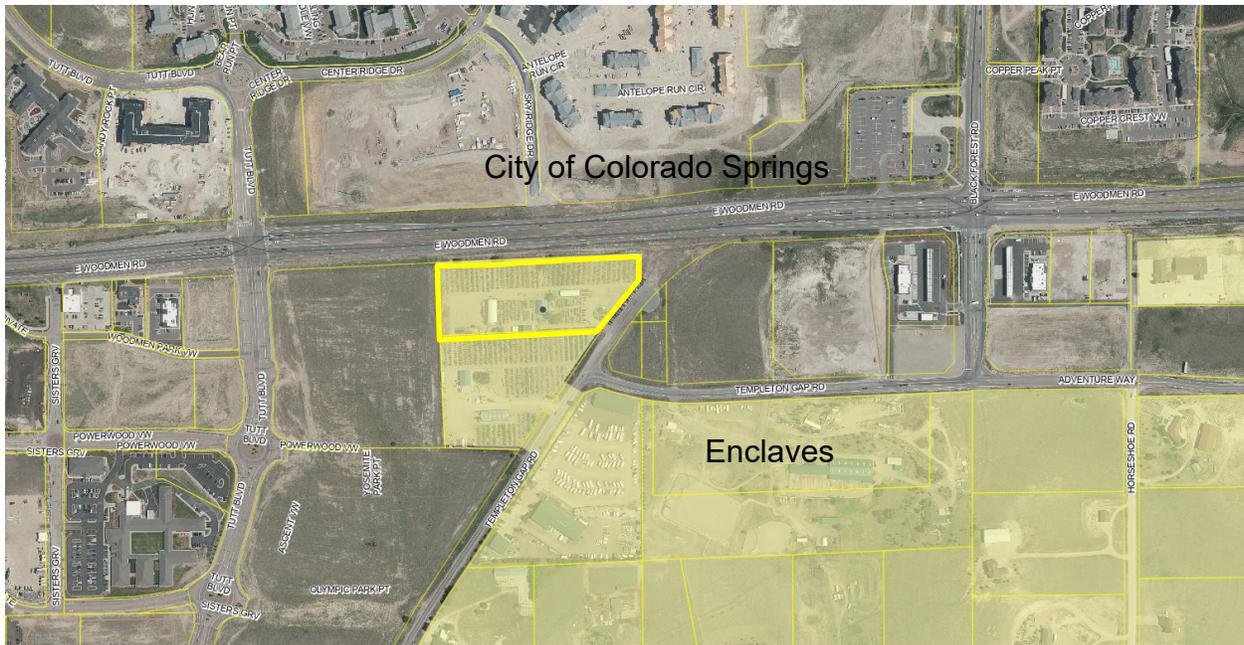


Figure G.3: Key Area Map

Analysis:

The Enclaves or Near Enclaves key area has been identified as an area of El Paso County that is anticipated to experience significant growth. Since these areas are surrounded by municipal boundaries, it is expected that these areas will likely be annexed into the appropriate municipalities. The subject property is located within an enclave of the City of Colorado Springs. A billboard serves as off-site advertising to commercial and residential uses and can promote a transition from a rural area to an urban area or promote a level of change which may be expected in transitional areas such as the urban enclaves.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is located the Smaller Enclaves Urban Residential Priority Development Area. The Master Plan identifies these areas as appropriate for redevelopment and transitions from lower density residential uses to higher density residential and commercial uses. A billboard may help to facilitate this transition and may be appropriate in this area.

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand



management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 – Integrate water and land use planning.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The following information pertains to water demands and supplies in Region 1 for central water providers:

The property is located within Planning Region 1 of the Plan, which is an area anticipated to experience growth by 2040. The Plan identifies the current demands for Region 1 to be 83,622 acre-feet per year (AFY) (Figure 5.1) with a current supply of 99,001 AFY (Figure 5.2). The projected demand in 2040 is at 111,086 AFY (Figure 5.1) with a projected supply in 2040 of 119,001 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 138,453 AFY (Figure 5.1) with a projected supply in 2060 of 139,001 AFY (Figure 5.2). This means that by 2060 a surplus of 548 AFY is anticipated for Region 1.

Water sufficiency is not required for a special use application. The applicant is proposing to construct a billboard, which does not use water and will not increase the water usage on the property.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Conservation District was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies eolian deposits (wind blown sands) 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, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.



Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified on the property during the review of the special use permit.

2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel number 08041C0529G, dated December 7, 2018.

Drainage and Erosion

The property is located on the border between the Cottonwood Creek Drainage Basin (FOMO2200) and Sand Creek Drainage Basin (FOFO4000). A drainage report was not required for this request.

No public improvements are required for this project. The applicant is not proposing to change the natural direction of runoff on the property.

3. Transportation

The site receives access off Templeton Gap Road, which is owned and maintained by the City of Colorado Springs. A traffic study was not required for this application.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent building permit.

I. SERVICES

1. Water

The applicant is proposing to construct a billboard, which does not use water and will not increase the water usage on the property.



2. Sanitation

The applicant is proposing to construct a billboard, which does not use wastewater and will not increase the wastewater usage on the property.

3. Emergency Services

The property is not located within the boundaries of a fire protection district.

4. Utilities

Colorado Springs Utilities (CSU) provides electric and natural gas services to the property. CSU was sent a referral and has no outstanding comments.

5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a special use application. The El Paso County Parks Master Plan does not identify any County parks or trails in the immediate vicinity of the proposed billboard.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a special use application.

J. APPLICABLE RESOLUTIONS

See attached

K. STATUS OF MAJOR ISSUES

There are no major issues.

L. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. The special use shall be limited to the billboard as described in the applicants' letter of intent and as shown on the site plan. Any subsequent addition or modification to the billboard beyond that described in the applicants' letter of



intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new special use application.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten (10) adjoining property owners on June 1, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

N. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
BoCC Resolution



El Paso County Parcel Information

PARCEL	NAME
5307000040	ROOTS PROPERTIES LLC

File Name: AL-21-009

Zone Map No.: --

ADDRESS	CITY	STATE
7440 TEMPLETON GAP RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80923	1225

Date: May 25, 2022



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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March ~~14~~²⁴, 2022

El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910

LETTER OF INTENT

Lamar Advertising of Colorado Springs, L.L.C. ("Lamar") is requesting "Special Use" approval to install an Electronic Message Display ("EMD") billboard with two digital faces (the "Proposed Billboard") upon real property located at 7440 Templeton Gap Road (the "Property") in the unincorporated County of El Paso (the "County").

1. Parties

Property Owner: Roots Properties, LLC
Attn: Levi Heidrich
7440 Templeton Gap Road
Colorado Springs, Colorado 80923
719-659-8598
Levi@ColoradoTreeFarmNursery.com

Applicant: Lamar Advertising of Colorado Springs, L.L.C.
Attention: Justin Johnston
2110 Naegele Road
Colorado Springs, Colorado 80904
719-473-4747
jujohnston@lamar.com

2. Location

The Proposed Billboard will be constructed off-premise at 7440 Templeton Gap Road, Colorado Springs, Colorado 80904, with a Tax Parcel No. of 5307000040.

3. The Billboard

A “**Billboard**” is defined by the El Paso County Land Development Code (the “**Code**”) as an off-premise sign erected to direct attention to a business, commodity, service, activity or product sold, conducted, or offered off the lot or parcel where the sign is located. *Code, § 1.15.* The Proposed Billboard will portray an EMD on two static, rotating sides of 378 square feet each. A new Billboard may only exceed 245 square feet if a Billboard credit for a larger size is being used, and the new Billboard does not exceed the maximum size allowed by the Billboard credit. *Code, § 6.2.9.B.1.* Lamar intends to use two of its 400 square foot credits for the Proposed Billboard, attached hereto as *Exhibit E.* Accordingly, the Proposed Billboard size, although over 245 square feet, complies with the Code because Lamar possesses two credits of 400 square feet each.

4. Zoning

The Property is within the Commercial Community zone district (the “**CC District**”), with a Commercial Airport Overlay (the “**CAD-O**”). The CC District is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods. *Code, § 3.2.5.A.* The Proposed Billboard is not with a CAD-O subzone.

5. Existing and Proposed Facilities, Structures and Roads

The five-acre Property is used and owned by Heidrich’s Colorado Tree Farm Nursery, LLC, and currently operates as a tree farm (the “**Tree Farm**”). The Property already includes four existing structures related to the operation of the Tree Farm. Other than the addition of the Proposed Billboard, the current use of the Property will not change.

The Property is situated off of East Woodmen Road to the north and Templeton Gap Road to the east. The Property is primarily surrounded by vacant land. Across Templeton Gap Road to the east of the Property is vacant land. Directly to the south of the Property is vacant land, owned by the same individual who owns the Property. A storage facility is located southeast of the Property. Immediately west of the Property is also vacant land, although, residential development may occur on this site in the next few years (“**Proposed Residential**”). Finally, across East Woodmen Road to the north of the Property is also vacant land.

The Proposed Billboard will be located on the northwest corner of the Property off of East Woodmen Road. It will occupy an area of fifteen cubic feet and will be located approximately 290 feet from the Proposed Residential. As described in greater detail below, because the Proposed Residential is not within a “**Residential Zoning District**,” the Proposed Billboard’s location within 500 feet of the Proposed Residential is permitted. Nevertheless, to mitigate any impacts on the Proposed Residential, the Proposed Billboard will be built as a V-structure, will face away from the Proposed Residential and will not illuminate towards the Proposed Residential.

6. Setbacks and Height

Property for the development of 320 units of multi-family (the “**Proposed Residential**”). However, the Proposed Residential property is located in the Planned Business Center zoning district (“**PBC District**”), under the CO Springs Code. The PBC District is intended to accommodate commercial land uses and preserve and enhance areas for a range of sales and service establishments. *CO Springs Code, 7.3.202(C)*. Residential uses are not the primary intended use in the PBC District, and “multi-family dwelling use” is a conditionally permitted use. As such, the PBC District does not qualify under the Code’s definition as a Residential Zoning District. Based on the foregoing, while there will be residential dwelling units within 500 feet of the Proposed Billboard, the Proposed Billboard is not within 500 feet of a Residential Zoning District, as is prohibited under the Code.

8. Lighting Standards

Lamar’s “**Lighting Plan**” and documentation from the sign manufacturer which verifies compliance with auto dimming and brightness requirements is attached hereto as *Exhibit B*. The Lighting Plan demonstrates that the lighting for the Proposed Billboard complies with the Code’s lighting standards. Each message displayed on the Proposed Billboard will be displayed for at least four to eight seconds. *Code § 6.2.9.C.iii*. The Proposed Billboard will be equipped with technology that automatically dims the EMD according to ambient light conditions to a luminance, or nighttime brightness level of up to 500 NIT. *Code § 6.2.9.C.vi*. The Proposed Billboard will also be equipped with the ability to be shut off within 24 hours if a malfunction occurs, including the demonstration of prohibited transition methods. *Code § 6.2.9.C.vii*. Accordingly, the Lighting Plan complies with the Code.

9. Request and Justification

A Billboard is a permitted Special Use within the CC District. *Code, Table 5-1*. Special Use approval is required for the use of a mechanical or EMD Billboard. *Code, § 6.2.9.A.5*. The Proposed Billboard will utilize EMD technology, displaying a digital message on both sides, and therefore requires a Special Use permit.

Lamar requests that the County approve its request for a Special Use permit. Lamar currently possesses two 400 square foot billboard credits in the County for billboards it has removed, copies of which are attached hereto as *Exhibit E*. Lamar has thoughtfully selected the location for the Proposed Billboard, taking into consideration the surrounding area. The Property is mostly surrounded by vacant land and other low-density uses. As explained in detail below, the Proposed Billboard is in harmony with the surrounding uses and meets all of the criteria for approval of a Special Use permit.

Special Use Approval Criteria

The Proposed Billboard complies with the Code’s Special Use approval criteria. *Code, § 5.3.2.C*.

The Code requires a twenty-five foot minimum setback for the front, rear and side of a lot at least one acre in size in the CC District. *Code, Table 5-5*. The maximum height for a structure in the CC District is forty feet. *Code, Table 5-5*. The Proposed Billboard will be 35 feet in height and setback twenty-five feet. Thus, the Proposed Billboard complies with the County’s setback and height requirements.

7. Spacing Standards

The Code requires that Billboards must be spaced 1,000 feet apart and only one Billboard may be within a 250 foot radius of the center point of any intersection. *Code, 6.2.9(B)(4)(c)*. The Proposed Billboard is not within 1,000 feet of any other Billboard and is over 500 feet from the nearest intersection of Tuft Boulevard and East Woodmen Road.

The Code also requires that Billboards not be placed within 500 feet from a Residential Zoning District. *Code, 6.2.9(B)(4)(iv)*. The Code defines Residential Zoning District as a zoning district where the primary intent is to provide for human habitation in dwelling units or recreational vehicles while accommodating some other uses. *Code, 1.15*. The Proposed Billboard is not within 500 feet of a Residential Zoning District because the primary intent of the immediately adjacent zoning districts are not to provide for human habitation in dwelling units or recreation vehicles while accommodating some other uses. The land to the north and east of the Property is located in the City of Colorado Springs (the “City”) and is regulated under the City’s Zoning Code (“CO Springs Code”). The land directly north of the Property is zoned Planned Unit Development (“PUD”). The PUD zoning district’s purpose is to allow for a variety of residential, commercial, office and industrial land use types and to encourage appropriate mixed use development, rather than to primarily provide for human habitation. *CO Springs Code, 7.3.601(B)*. The land east of the Property, across Templeton Gap Road, is zoned “Agricultural.” While the Agricultural zoning district includes residential development as one of its intended purposes, this Agricultural property is located over 500 feet from the northwest corner of the Property where the Proposed Billboard will be placed. *CO Springs Code, 7.3.102(A)*. As such, the Proposed Billboard will not be within 500 feet of any Colorado Springs Residential Zoning Districts.

The properties directly to the south of the Property are zoned under the County Code and are located in the Agricultural District (“A-5 District”) and Commercial Services District (“CS District”). The A-5 District is primarily intended to conserve agricultural resources and ranching operations and, unlike the City Agricultural district, to accommodate limited residential use. *Code, 3.2.1(C)*. As such, while the A-5 District permits some residential development, agricultural use is the primary intent. The CS District is intended to accommodate retail, wholesale or service commercial uses. *Code, 3.2.5(C)*. Based on the Code’s A-5 District and CS District intended purposes, they do not qualify as Residential Zoning Districts.

Finally, on June 17, 2021, over a year after Lamar’s application submittal, the City Planning Commission approved a Site Development Plan (“SDP”) for the land directly to the west of the

- *The Special Use is generally consistent with the applicable Master Plan.*

The vision of the County, as depicted in the Your El Paso County Master Plan (the “**Master Plan**”) is to accommodate growth, while maintaining the special character, unique places, and environmental and natural amenities that have helped define the region. *Master Plan, at 13.* The County is interested in responsible development to provide complete communities with the necessary housing, commercial opportunities and public services to allow current and future residents to experience a high quality of life. *Master Plan, at 13.*

The Master Plan identifies the following land use and development principle that is applicable to Client’s Proposed Billboard: manage growth to ensure a variety of compatible land uses that preserve all character areas of the County. *Master Plan, at 14.* One of the primary goals of the land use and development principle is to encourage a range of development types to support a variety of land uses. *Master Plan, at 14.* Another is to ensure compatibility with character and infrastructure capacity. *Master Plan, at 14.* In regard to land use, the Master Plan aims to identify the different development and land use characteristics for areas of the County that make up the various placetypes that will serve as the base for long-range planning. *Master Plan, at 15.* This principle supports the Proposed Billboard. The Proposed Billboard is different from the other surrounding uses – which are currently a mix of commercial, agricultural and residential – and will contribute as an addition to the area’s development of varying types of land uses. Additionally, the Proposed Billboard is also compatible with surrounding uses, as discussed below.

The Master Plan identifies certain areas as key areas. The Proposed Billboard is located in the “**Enclaves or Near Enclaves**” key area. *Master Plan, at 17.* This is an area of unincorporated El Paso County that is surrounded on all sides by an incorporated municipality. *Master Plan, at 18.* The character and intensity of new development or redevelopment in the Enclaves or New Enclaves areas should match that of the development in the municipalities surrounding it. *Master Plan, at 18.* The City of Colorado Springs lies to the north, west, and east of the Property. The City recognizes that Billboards are necessary and appropriate advertising medium and that there are acceptable and viable locations for Billboards within the community. *CO Springs Code, 7.4.414.* Billboards remain an important aspect of advertising that serve to engage audiences in the City of Colorado Springs. They provide words and visions that lead to distinct and unique art. In Colorado Springs, as in the County, Billboards have historically served as an important means of communication in the modern world. The County and Colorado Springs continues to employ Billboards for these very reasons. The Proposed Billboard thus matches the development in the area of Colorado Springs. Additionally, to the east of the Property is primarily vast and vacant land – an area where Billboards are typically placed to provide drivers with interesting, yet not overly-distracting, information to take in during long drives. The Proposed Billboard is thus in harmony with the surrounding area.

The Proposed Billboard is also located in an area designed by the Master Plan as a “**New Development**” area of change. *Master Plan, at 20*. The New Development area is characterized as an area that will be significantly transformed as new development takes place on lands that are currently designated as mostly undeveloped or agricultural areas. *Master Plan, at 21*. The Master Plan notes that the undeveloped portions of this area that are adjacent to a built out area will be developed to match the character of that adjacent development, or to a different supporting or otherwise complementary one. *Master Plan, at 21*. The Proposed Billboard complies with this vision by providing development in an agricultural area that consists of primarily vacant land.

Client’s Property is within the “**Urban Residential**” placetype. *Master Plan, at 22*. This placetype is supportive of “commercial service” and “mixed-use” land uses within the area. The Urban Residential placetype offers an opportunity for El Paso County to redefine its growth areas through highly desirable, connected and complete neighborhoods with a mix of housing products and density. *Master Plan, at 30*. In this placetype, commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. *Master Plan, at 30*. The Proposed Billboard sits along East Woodmen Road, a main thoroughfare, and is not imbedded within a residential area. Currently, there are two billboards along East Woodmen Road. The Billboard at the intersection of Lexington Drive and East Woodmen Road is next to self-storage, as will be the Proposed Billboard. A Billboard is also located at the intersection with North Marksheffel Road and East Woodmen Road. The Proposed Billboard therefore meets this criterion for approval.

- *The Special Use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area.*

The Property is surrounded mostly by vacant land and low-intensity uses. The property immediately to the north is vacant and no development has been proposed or is anticipated at this time. The Property is also located next to other neighboring agricultural districts. Agricultural uses would not be negatively impacted by the placement of a nearby Billboard, which is supported by the fact that the owner of the agricultural land directly to the south also owns the Tree Farm and approved the Proposed Billboard. The property to southeast contains a storage facility and is zoned to accommodate commercial uses, which are enhanced by commercial advertising devices such as Billboards. The Proposed Billboard is thus in harmony with this commercial development. While residential development may be constructed on the property to the west, at the time Lamar applied for the Proposed Billboard, the property was—and continues to be—vacant. Based on the property’s commercial zoning designation, it was not anticipated, nor is it intended, for residential uses to occupy the property. Despite this, Lamar intends to be a good neighbor and will take measures to mitigate any impacts on the residential development. The Proposed Billboard will utilize a “V shape” and will be faced away from the residential units to minimize glare and lighting. Accordingly, the Proposed Billboard is compatible with the mixed-use development occurring in the surrounding area.

- *The impact of the Special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner.*

The Proposed Billboard will not overburden or exceed public facilities and services. It will not require water or parking facilities, and will be completely self-sufficient in its lighting regime as set forth in the Lighting Plan on Exhibit B attached hereto. Therefore, the Proposed Billboard meets this criterion for approval.

- *The Special Use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access.*

The Proposed Billboard will not create any impact on traffic during servicing or operations. Lamar's lease with the Tree Farm for the Proposed Billboard includes access by private drive on the Property for maintenance, as shown on Exhibit C attached hereto. Maintenance vehicles will not directly access the Proposed Billboard by a public right-of-way nor will park along any publicly accessible roads. As such, the Proposed Billboard meets this criterion for approval.

- *The Special Use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light or noise pollution.*

The Proposed Billboard will comply with all applicable local, state and federal laws and regulations regarding air, water, light or noise pollution. The Proposed Billboard light intensity is monitored by electronic sensors that dim the display to levels that fall within the EMD requirements. Specifically, as previously described, the displays are equipped with technology that automatically dims the EMD according to ambient light conditions to a luminance, or nighttime brightness level of up to 500 NIT, which will result in a reduction of display brightness between five and twenty-five percent. Lamar intends to operate its Proposed Billboard display at one to five percent of maximum brightness after dark, which is significantly less than that required by the EMD regulations. Documentation from the sign manufacturer, which verifies compliance with the Code's auto dimming and brightness requirements, are included on Exhibit D attached hereto. Thus, the Proposed Billboard meets this criterion for approval.

- *The Special Use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County.*

Lamar prioritizes the safety and welfare of the present and future residents of the County. As such, Lamar's Billboards are designed safely with adequate dimming and lighting technology that does not interfere with road or air space travel. Lamar utilizes modern and cutting-edge equipment and materials for its Billboards. A video depicting how Lamar's Billboards appear from air space can be

March 24 2022

Page 8

found here: <https://www.youtube.com/watch?v=72EFpQOUU9Y>. The Proposed Billboard therefore meets this criterion for approval.

- *The Special Use conforms or will conform to all other applicable County rules, regulations or ordinances.*

Lamar will obtain all necessary permitting in conformance with the Code. As previously discussed above, the Proposed Billboard meets the setback requirements of twenty-five feet and the height restriction of forty feet in the CC District. The Proposed Billboard is also not within 1,000 feet of any other Billboard, 250 feet of an intersection, or 500 feet of a Residential Zoning District. As such, the Proposed Billboard meets this criterion, and all criteria for approval of a Special Use permit.

Thank you for your consideration.

Sincerely,

Sarah Mercer
Brownstein Hyatt Farber Schreck, LLP

EXHIBIT A Site Plan

7440 Templeton Gap Rd.
 Colorado Springs, CO 80923
 Schedule #: 5307000040
 Size: 8 acres
 Zoned: CC for Retail Nursery

Purposed Project:
 Remove + Replace existing Mobile
 Heat Office with a 30'x52'
 Mobile Building.

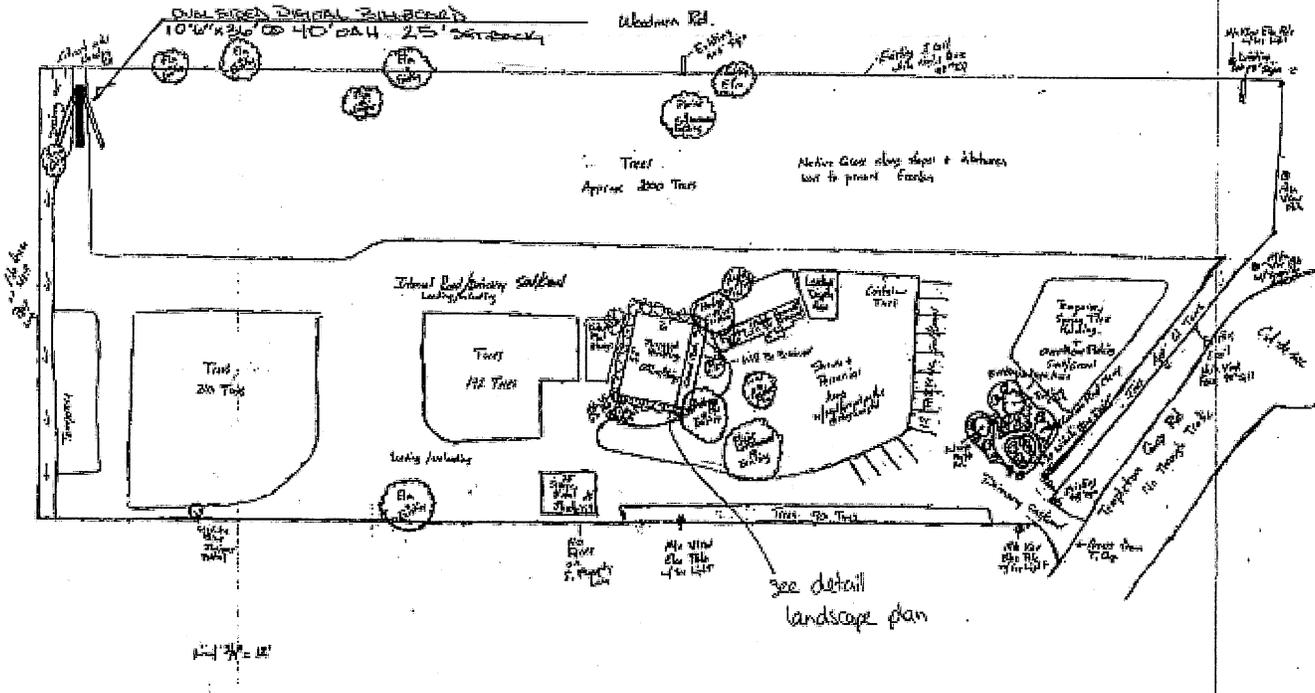
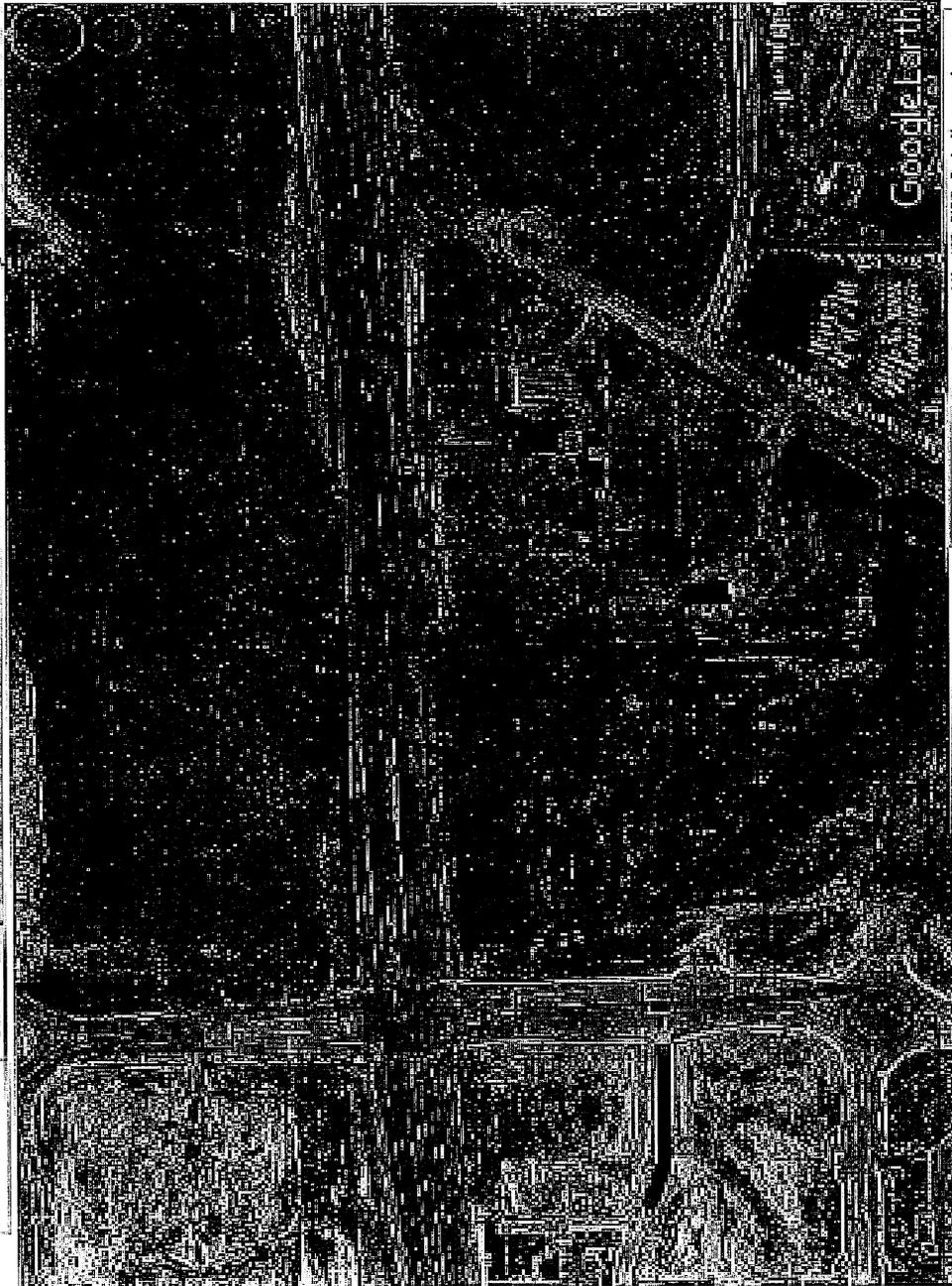


EXHIBIT B
Lighting Plan

	Date: 2/24/2020 Prepared by: Eric Johnson 
	Light Analysis for DB 20'6" x 36' Templeton Gap Road Colorado Springs CO Lamar Outdoor Advertising Values expressed are specific to Daktronics product only



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C

EXHIBIT C
Maintenance Access Map



EXHIBIT D
Manufacturer Documentation



DAKTRONICS.COM

231 Daktronics Drive PO Box 5128
Brookings, South Dakota 57006-5128
T 800-325-8756 605-692-0200 F 605-697-4700
signagelegislation@daktronics.com

13 August 2021

Re: Digital Signage Manufacturer's Brightness Certification
Installation site: 7440 Templeton Gap Road, Colorado Springs, CO

To Whom It May Concern:

The following information pertains to the above-referenced display, manufactured by Daktronics, Inc.

The subject display complies in all respects with El Paso County Land Development Code section 6.2.9. The display is equipped with a light-sensor (photocell) that detects ambient light levels and adjusts the display intensity automatically according to natural ambient light conditions. With the ambient light sensor operating, this intensity is factory programmed and password-protected from manipulation. This display is programmed to not exceed a nighttime brightness level of 500 nits (cd/m²).

Daktronics, Inc. is the world leader in the design and manufacture of electronic display systems. We are committed to providing LED displays that adhere to the regulatory environment, working closely with our customers for a responsible approach to the market.

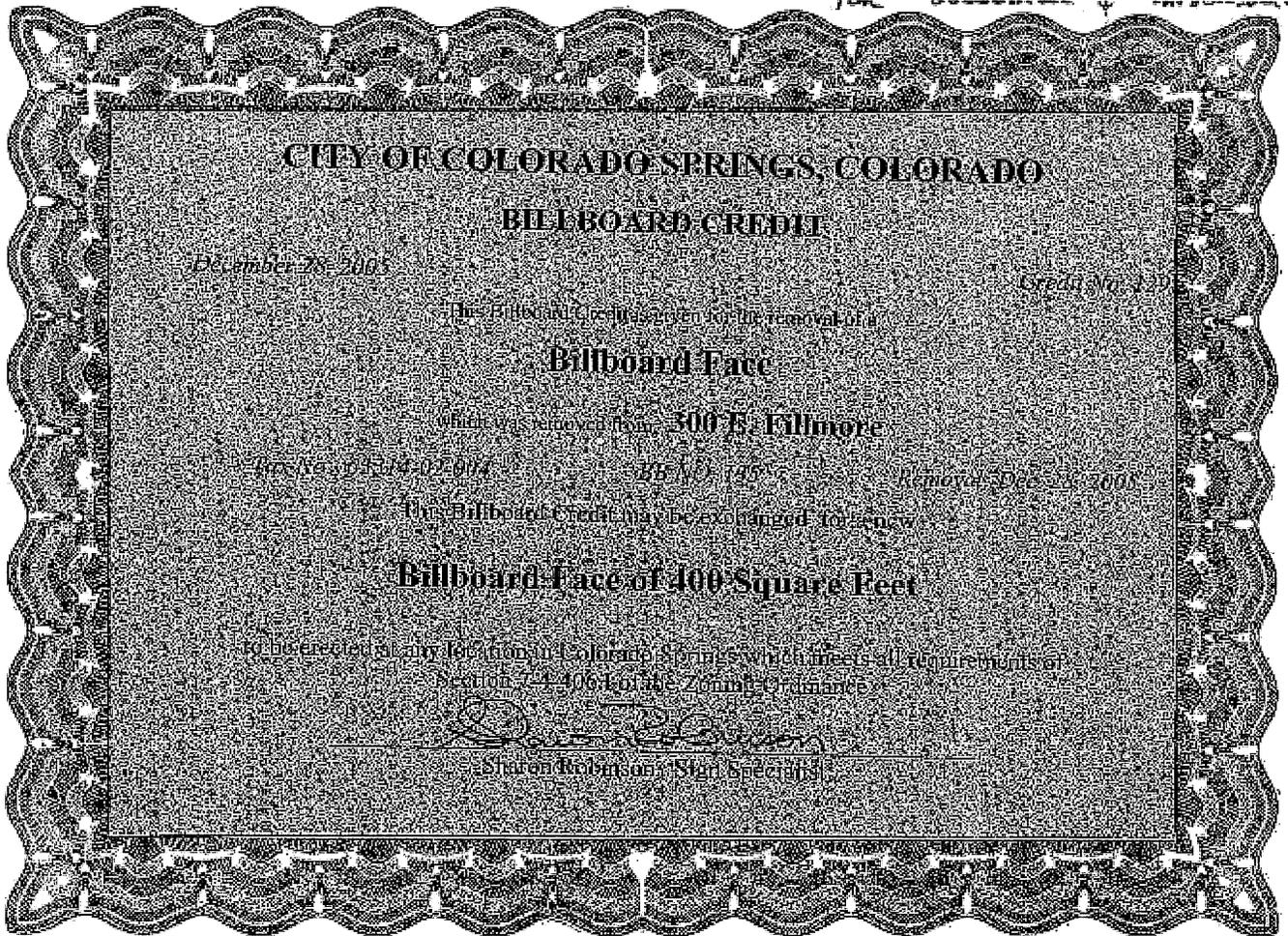
Please let me know if you have any questions or concerns.

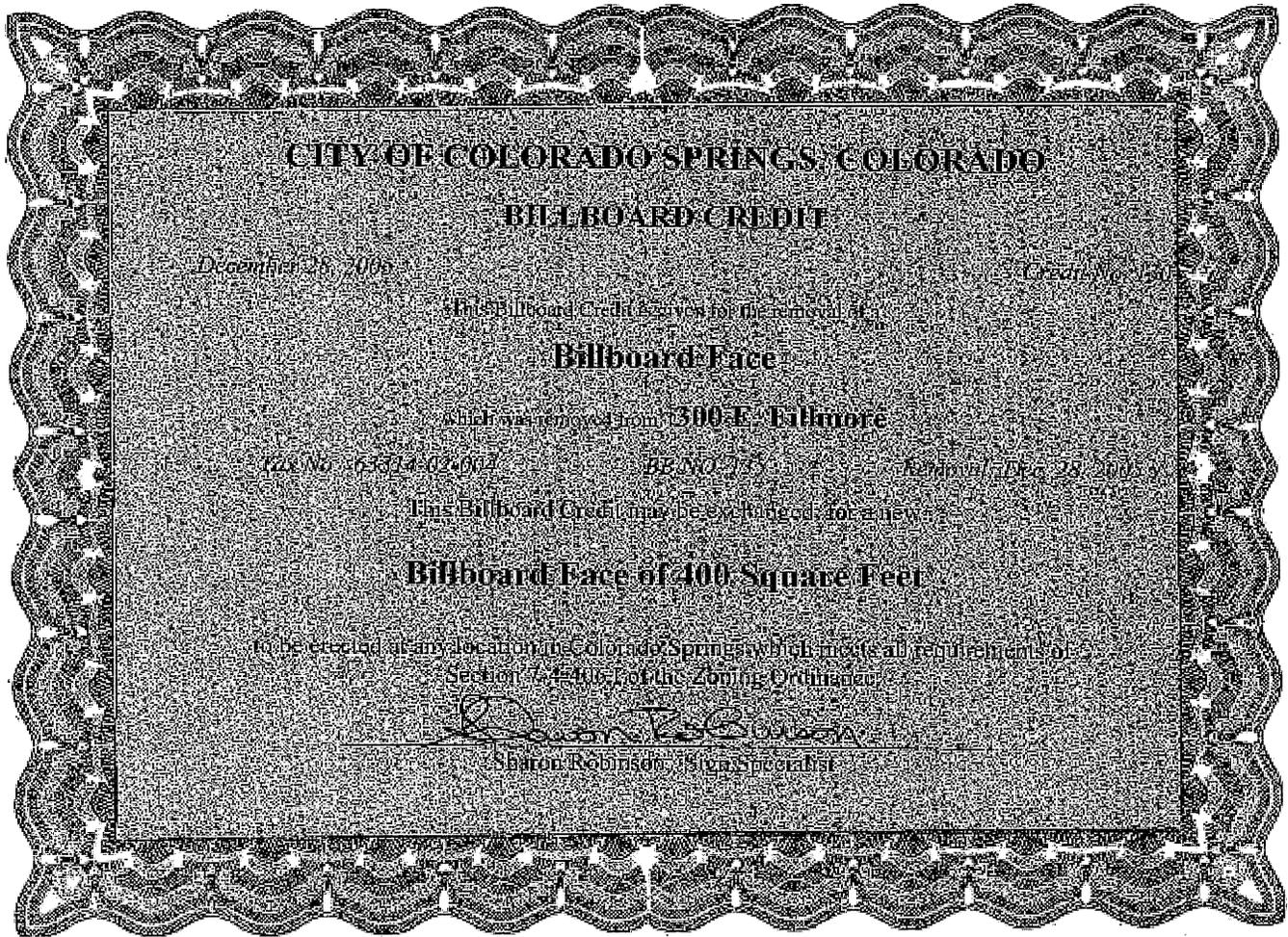
Sincerely,
DAKTRONICS, INC.

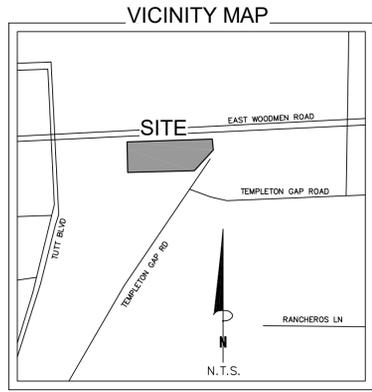
Jennifer Clites

Signage Legislation
605-692-0200

EXHIBIT E
Billboard Credits



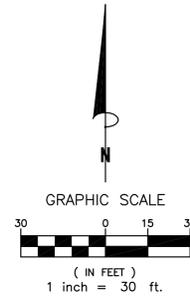




OWNER: WOODMEN LAND DEVELOPMENT LLC
 REC. NO. 205028943
 CITY ZONING: PLANNED UNIT DEVELOPMENT

OWNER: LODGE APT II ASSOCIATES LLC
 CITY ZONING: PLANNED UNIT DEVELOPMENT

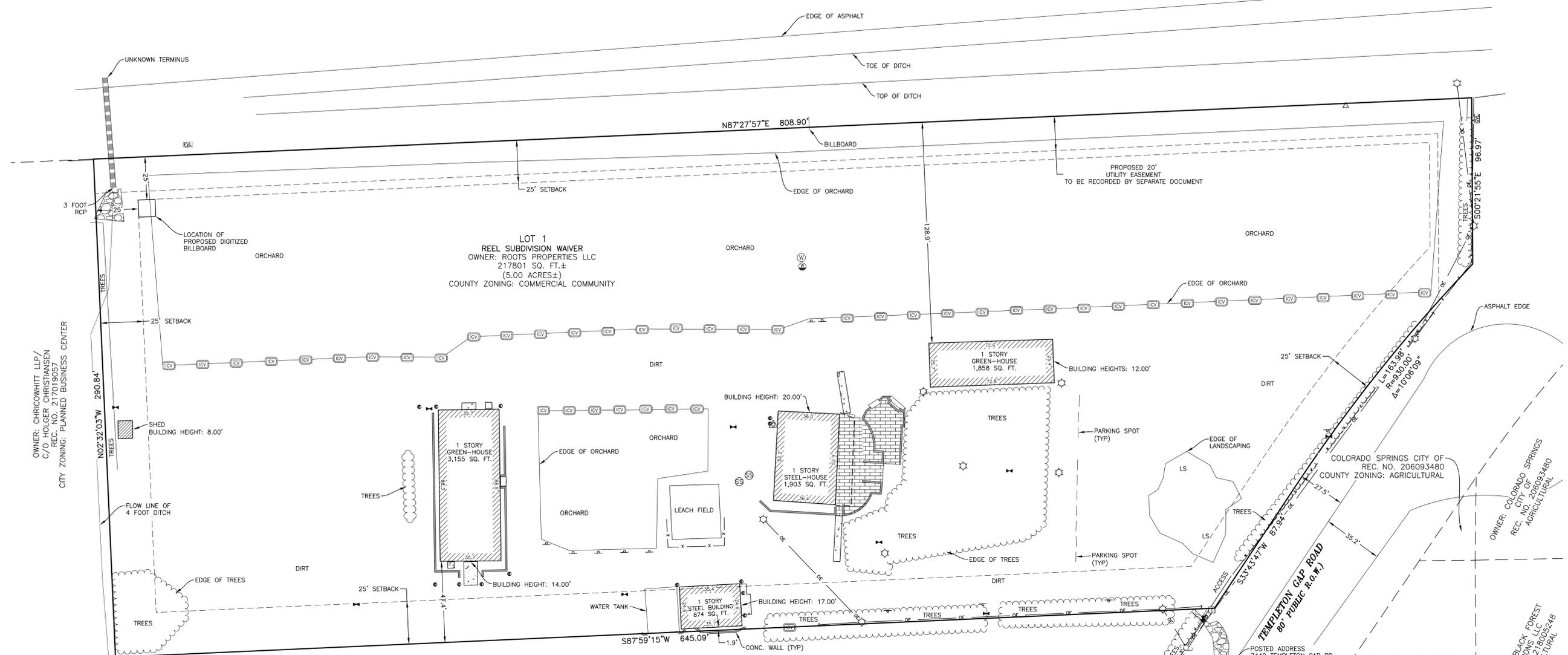
WOODMEN ROAD
 (120' PUBLIC R.O.W.)



LEGEND:

(SM)	SANITARY MANHOLE	(FV)	FIBEROPTIC VAULT	(---)	CULVERT
(WV)	WATER VALVE	(TP)	TELEPHONE PEDESTAL	(---)	ELECTRIC LINE (OVERHEAD)
(ICV)	IRRIGATION CONTROL VALVE	(GM)	GAS METER	(---)	PICKET FENCE
(WM)	WATER MANHOLE	(GAS)	GAS MARKER	(---)	STRAND FENCE
(WW)	WATER WELL	(GV)	GAS VAULT	(---)	CONCRETE AREA
(LP)	LIGHT POLE	(MB)	MAILBOX	(---)	BRICK AREA
(GUY)	GUYWIRE	(LS)	LANDSCAPED AREA	(---)	RIP-RAP AREA
(UP)	UTILITY POLE	(B)	BOLLARD		
		(S)	SIGN		

Clark Land Surveying, Inc.
 177 S. Tiffany Dr., Unit 1 • Pueblo West, CO 81007 • 719.582.1270
 www.clarkls.com



- NOTES:**
- This is a Plot Plan/Special Use Map. It is not a Land Survey Plat or Improvement Survey Plat. No research of easements, encumbrances or title of record was performed Clark Land surveying Inc. No Title Commitment was provided for this survey.
 - Any underground utilities shown have been located from field survey information. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available.
 - Field work for this survey was completed on November 19, 2019.
 - This site is zoned "CC" (Commercial Community).
 Building Setbacks:
 Front: 25'
 Side: 25'
 Rear: 25'
- Subject to CADO overlay: Commercial Airport District Overlay
 For additional zoning information please contact the County of El Paso Planning Department at 719.520.6300.

LEGAL DESCRIPTION:
 A tract of land located within the northwest quarter of the northeast quarter of Section 7, Township 13 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows: All of Lot 1, Reel Subdivision Waiver, County of El Paso, State of Colorado, recorded January 20, 1977 in book 2890 at page 382.

OWNER: Roots Properties LLC
 7440 TEMPLETON GAP Rd
 Colorado Springs, Colorado 80923

PETITIONER: Lamar Advertising
 c/o Adam Sanchez
 2110 Noejele Road
 Colorado Springs, Colorado 80904

SURVEYOR: Clark Land Surveying
 177 Tiffany Drive
 Pueblo West, Colorado 81007



Revisions	No.	Description	By	Date
	1	Addressed client comments	SCG	10/29/2021

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

PLOT PLAN/ SPECIAL USE MAP
 A PORTION OF THE NE1/4 OF SECTION 7,
 TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH P.M.,
 CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

Project No. **190931**
 Drawn By: SCG
 Checked By: SLW
 Date: 12/13/2019
 Sheet 1 of 1

RESOLUTION NO.

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF A SPECIAL USE TO ALLOW FOR CONSTRUCTION OF A NEW
ELECTRONIC MESSAGE DISPLAY (EMD) BILLBOARD WITHIN THE CC
(Commercial Community) ZONING DISTRICT
(AL-21-009)

WHEREAS, Roots Properties, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow a new electronic message display (EMD) billboard within the CC (Commercial Community) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 16, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on June 21, 2022; 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 was provided as required by law for the hearing before the Planning Commission.
3. That the hearings before the Planning Commission and 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. All exhibits were received into evidence.

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.
8. That for the above-stated and other reasons, the proposed special use 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 El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow a new electronic message display (EMD) billboard within the CC (Commercial Community) zoning district.

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

CONDITIONS

1. The special use shall be limited to the billboard as described in the applicants' letter of intent and as shown on the site plan. Any subsequent addition or modification to the billboard beyond that described in the applicants' letter of intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new special use application.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.

If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 21st day of June, 2022 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: _____
President

By: _____
County Clerk & Recorder

EXHIBIT A

TRACT IN NW4 NE4 SEC 7-13-65 AS FOLS, COM AT NE COR OF NW4 NE4 OF SD SEC, TH S 00<09'33" W ON MOST ELY LN OF NW4 NE4 120.09 FT TO MOST SLY R/W LN OF WOODMEN RD, S 00<09'33" W ON SD ELY LN 96.97 FT TO INTSEC NWLY R/W LN OF TEMPLETON GAP RD, SWLY 163.98 FT ON ARC OF A CUR HAVING A C/A OF 10<06'10" A RAD OF 930.0 FT, A CHORD THAT BEARS S 39<18'20" W, S 34<15'15" W 87.94 FT, S 87<59'15" W 645.09 FT, N 02<00'35" W 290.84 FT TO INTSEC SLY R/W LN OF WOODMEN RD, TH N 87<59'25" E ALG SD SLY R/W LN 808.90 FT M/L TO POB - LOT 1 REEL SUB WAVIER -