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El Paso County Planning & Community Development
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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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 7/25/2024
RE: VA235; 1185 North Curtis Road Variance of Use

Project Description

A request by Andrii Varko for approval of a Variance of Use on 5 acres to allow RV/Boat Storage, shipping containers, and mini warehouse storage in the RR-5 (Residential Rural) district. The property is located at 1185 North Curtis Road, which is at the intersection of Dragonman Drive and North Curtis Road. (Parcel No. 4410000052) (Commissioner District No. 2)

Notation

Please see the Planning Commission minutes from June 20, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Mr. Moraes moved and Ms. Brittain-Jack seconded the motion to recommend approval of item VA235 utilizing the resolution attached to the staff report with four (4) conditions and three (3) notations. The motion was **approved (7-1)**. The item was heard as a regular item at the Planning Commission hearing. Public opposition was received.

Discussion

Discussion included how this project meets the criteria of approval. Questions were asked about the surrounding commercial uses in the area, what the uses were, and what process those applications went through to be approved. The Planning Commissioner who recommended denial this project identified that just because other commercial uses are in the area where previously approved does not mean this proposal should be.

Attachments

1. Planning Commission Minutes from 6/20/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, June 20, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITAIN JACK, JIM BYERS, BECKY FULLER, JEFFREY MARKEWICH, BRANDY MERRIAM, ERIC MORAES, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JAY CARLSON, TIM TROWBRIDGE, BRYCE SCHUETTELPELZ, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, ASHLYN MATHY, KARI PARSONS, BRET DILTS, CHARLENE DURHAM, HAO VO, DANIEL TORRES, ED SCHOENHEIT, ELIZABETH NIJKAMP, JOSH PALMER, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RANDY NOVAK, PAULA & JORDAN LYLES, HEATHER RUBENAKER, KATE JOHNSON, MARY ARLINGTON, KATIE HARMS, JO D. HEFFNER, GREG MIRANDA, ED KOVITZ, NIKI FIELDS, PAUL OTIS, MONTE GOODRICH, ALEX MARTINEZ, BONNIE KATTAU, BRIAN HADFIELD, TERESA FIELDS, DANIEL SOLIGNY, _ , WILLIAM MISTRETTA, CAROL HIGDON, AND ED HENNING.

1. REPORT ITEMS

The next PC Hearing is Thursday, July 18, 2024, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held June 6, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

C. VA235

MATHY

**VARIANCE OF USE
1185 NORTH CURTIS ROAD VARIANCE OF USE**

A request by Andrii Varko for approval of a Variance of Use on 5 acres to allow RV and mixed storage in the RR-5 (Residential Rural) zoning district. The property is located at 1185 North Curtis Road, at the intersection of Dragonman Drive and North Curtis Road. (Parcel No. 4410000052 (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

4. CALLED-UP CONSENT ITEMS

3C. VA235

MATHY

**VARIANCE OF USE
1185 NORTH CURTIS ROAD VARIANCE OF USE**

A request by Andrii Varko for approval of a Variance of Use on 5 acres to allow RV and mixed storage in the RR-5 (Residential Rural) zoning district. The property is located at 1185 North Curtis Road, at the intersection of Dragonman Drive and North Curtis Road. (Parcel No. 4410000052 (Commissioner District No. 2)

Mr. Whitney explained that in his review of the proposal, he was looking for evidence of meeting the required regulations (i.e., LDC 5.3.4(C) *"The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship."*). He asked the applicant to provide justification for that criterion.

Mr. Andrii Varko answered that the location of the property is directly west of Dragonman's, which comprises of a shooting range, motocross racetrack, and military museum. Directly north, is an established dog kennel. He stated that residential use is less desirable because of the traffic and noise produced by the surrounding uses. He views the restriction of residential use in that location to be a hardship.

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney mentioned that potential support for compatibility is provided by surrounding commercial uses. He asked for a map to show where those properties are located.

Ms. Mathy presented a vicinity map. The Dragonman property, a well-known commercial use, is directly west of the subject property. There are several commercial uses, including paintball, motocross, and a shooting range. As previously mentioned, there are also dog kennels north of the subject property. The adjacent Area of Change is identified as New Development, so development and change can be expected.

Mr. Bailey asked if the surrounding, approved commercial uses were established through Variances or by right through zoning.

Ms. Mathy answered that she believes the Dragonman approval was done in the 1990s and stated that she would need to do additional research to identify the process that was used.

Mr. Bailey asked for that research to be done during the applicant's presentation. He stated that not being allowed to do things surrounding properties have been granted permission to do may identify the hardship.

Mr. Markewich asked for additional information regarding drainage. If the entire parcel is covered in asphalt, how does that impact drainage? How is the applicant addressing any concerns.

Mr. Schoenheit explained that a Site Development Plan will be needed, but what has been identified in the initial concept drawings shows grading across the parcel with gravel. There are plans for water detention to address additional runoff.

Mr. Markewich asked if RV rooftops that fill each space would be part of the evaluation.

Mr. Schoenheit replied that only structures affixed to the ground are used in the drainage study. He stated that vehicles are not counted as having an impervious value. Water runoff will still go into the ground surface. He reiterated that drainage would be further addressed during review of the Site Development Plan. Water runoff will need to meet historic rates.

Mr. Markewich remarked that shipping containers are not considered permanent structures.

Mr. Schoenheit agreed and further stated that only permanent structures are included when evaluating the total imperviousness of the surface type(s).

Mr. Markewich asked for verification that a detention pond would be utilized.

Mr. Schoenheit replied that if the Variance request is approved, a Site Development Plan would be reviewed and the drainage report would need to be examined to determine how drainage should be addressed.

NO PUBLIC COMMENTS

DISCUSSION

Ms. Mathy answered the previous request for additional information regarding the surrounding commercial uses. Dragonman's was initially approved as a Special Use in 1996 for an outdoor recreational facility (military museum). There have been multiple Variance of Use approvals. Additionally, there was a Special Use Amendment approved in 2012 to allow for the retail sale of firearms. The dog kennel north of the subject property is an approved Special Use and Site Development Plan for a Doggy Dude Ranch.

Ms. Fuller asked if the two mentioned properties were still zoned residential.

Ms. Mathy confirmed.

Mr. Markewich asked if there was a height restriction. Could shipping containers be stacked?

Ms. Mathy answered that there is a maximum height in the RR-5 zoning district (30 ft) that would still need to be met.

Mr. Markewich asked if the maximum height applied to temporary structures.

Ms. Mathy confirmed.

PC ACTION: MORAES MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER VA235 FOR A VARIANCE OF USE, 1185 NORTH CURTIS ROAD VARIANCE OF USE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-1).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, FULLER, MORAES, MARKEWICH, AND MERRIAM.

IN OPPOSITION: WHITNEY.

COMMENTS: Mr. Whitney explained that the surrounding properties are still zoned RR-5 and are residential. He further stated that while there are commercial uses in the neighborhood, he doesn't think two wrongs make a right.

VARIANCE OF USE (RECOMMEND APPROVAL)

Mr. Moraes moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA235
1185 NORTH CURTIS ROAD VARIANCE OF USE

WHEREAS, Andrii Varko did file an application with the El Paso County Planning and Community Development Department for approval of a Variance of Use to allow RV/Boat Storage, shipping containers, and mini warehouse storage within the RR-5 (Residential Rural) 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 this Commission on June 20, 2024; 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, and comments by the El Paso County Planning Commission members during the hearing, this Commission 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 hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
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;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations; and
7. For the above-stated and other reasons, the proposed Variance of Use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Variance of Use, the Planning Commission and Board of County Commissioners may consider criteria found in Section 5.3.4.C of the El Paso County Land Development Code ("Code") (as amended):

1. The strict application of any of the provisions of the Code would result in peculiar and exceptional practical difficulties or undue hardship;
2. The Variance of Use is generally consistent with the applicable Master Plan;
3. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
4. The proposed use will be able to meet air, water, odor or noise standards established by County, State, or Federal regulations during construction and upon completion of the project;
5. The proposed use will comply with all applicable requirements of the Code and all applicable County, State, and Federal regulations except those portions varied by this action;
6. The proposed use will not adversely affect wildlife or wetlands;
7. The applicant has addressed all off-site impacts;
8. The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
9. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Andrii Varko for approval of a Variance of Use to allow RV/Boat Storage, shipping containers, and mini warehouse storage within the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a Recreational Vehicle/Boat storage in addition to shipping containers as mini warehouse storage, as described and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new Variance of Use request.
2. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of Variance of Use approval by the Board of County Commissioners. 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.
3. The applicant shall on behalf of himself or herself and any successors and assignees that applicant and or successors and assignees shall pay the required road impact fee in accordance with Resolution 19-471, at time of site development plan approval.
4. Landscaping and screening will be provided and reviewed at the Site Development Plan stage and shall meet Sections of the Land Development Code more specifically, sections 5.2.40, 5.2.50, and 6.2.2.

NOTATIONS

1. Variance of 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 Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Ms. Brittain Jack seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / <u>absent</u>

Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 1 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 20th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Thomas Bailey, Chair

EXHIBIT A

N2NW4SW4NW4 EX W 30 FT FOR CURTIS ROAD SEC 10-14-64

EL PASO COUNTY COLORADO

COMMISSIONERS:
 CAMI BREMER (CHAIR)
 CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
 Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner II
 Ed Schoenheit, Engineer I
 Meggan Herington, AICP, Executive Director

RE: Project File Number: VA235
 Project Name: 1185 N Curtis Rd Variance of Land Use
 Parcel Number: 4410000052

OWNER:	REPRESENTATIVE:
ANDRII VARKO andriivarko@gmail.com (786) 394-0094	ANDRII VARKO andriivarko@gmail.com (786) 394-0094

Commissioner District: 2

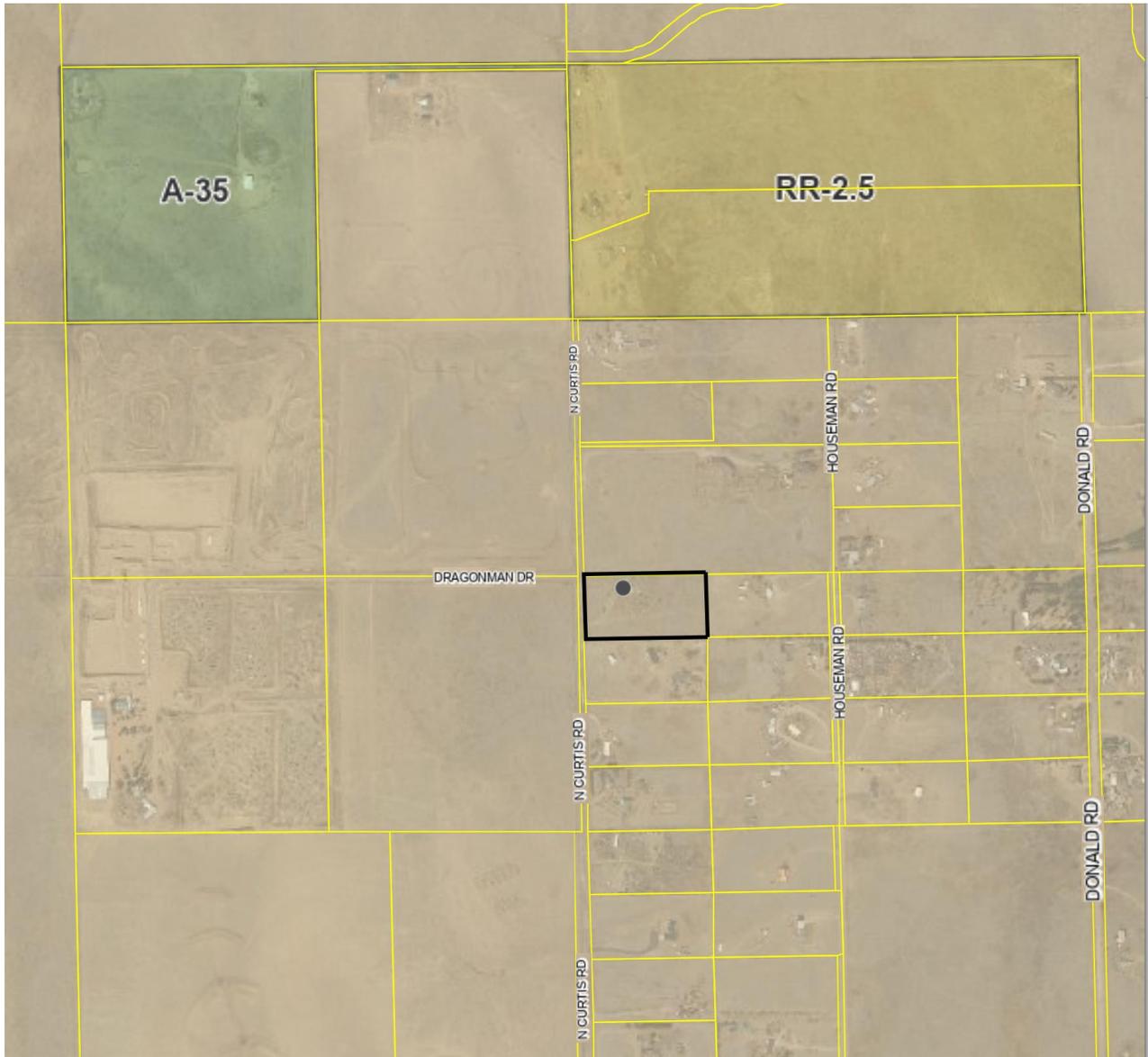
Planning Commission Hearing Date:	6/20/2024
Board of County Commissioners Hearing Date:	7/25/2024

EXECUTIVE SUMMARY

A request by Andrii Varko for approval of a Variance of Use on 5 acres to allow Recreational Vehicle/Boat Storage, and mini-warehouse storage utilizing shipping containers in the RR-5 (Residential Rural) district. The property is located at 1185 North Curtis Road, at the intersection of Dragonman Drive and North Curtis Road.



Zoning Context Map



A. WAIVERS AND AUTHORIZATION

Waiver(s): There are no waivers associated with this request.

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

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

B. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code (As Amended), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a Variance of Use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor, or noise standards established by County, State, or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

C. LOCATION

North:	RR-5 (Residential Rural)	Single Family Residential
South:	RR-5 (Residential Rural)	Single Family Residential
East:	RR-5 (Residential Rural)	Single Family Residential
West:	RR-5 (Residential Rural)	Grazing Land

D. BACKGROUND

The property and those in the surrounding area were zoned RR-5 on April 13, 1983. The subject property is considered a legal division of land based on an old file number within EDARP, EX73003.



The applicant is proposing Recreational Vehicle/Boat storage and mini-warehouse storage utilizing shipping containers. The Variance of Use is required because Recreational Vehicle and Boat Storage and Mini-warehouses are not allowed in the RR-5 zone district.

An Early Assistance meeting was held in 2023 discussing rezoning versus variance of use. The applicant chose to move forward with the Variance of Use option. While there are other commercially zoned properties in the area, the Variance of Use is specific to the uses proposed by the applicant versus a rezone which would allow for additional commercial uses by right.

If the Variance of Use is approved, the applicant will be required to submit and receive approval of a Site Development Plan. The Site Development Plan will need to be substantially consistent with the site plan provided with the Variance of Use application and provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

E. ANALYSIS

1. Land Development Code and Zoning Analysis

Pursuant to Table 5-1 of the Land Development Code, Recreational Vehicle and Boat Storage is not a permitted use in the RR-5 zoning district. The requested use is not consistent with the use allowances of the RR-5 zoning district without approval of a Variance of Use. The proposed shipping containers are allowed; however, Recreational Vehicle/Boat Storage and mini-warehouse storage utilizing shipping containers are not allowed in the RR-5 zoning district. The intent, as explained in the applicant's Letter of Intent, is for self-storage to customers and can be short or long term. A Site Development Plan is required if the Variance of Use application is approved. At the Site Development Plan stage, staff will review landscaping, parking, and lighting plans, to ensure the use will not negatively impact the surrounding neighbors.

The Land Development Code (as amended) defines Mini-Warehouse and Recreational Vehicle as the following:

Mini-Warehouse — *Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided*



except for the service of a manager's apartment and for lighting and climate control of individual storage units.

Recreational Vehicle — *A vehicle used for temporary habitation and used for travel, vacation or recreation purposes. The term shall include travel trailers, campers, motor homes, truck campers and similar terms.*

The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 5 acres +
- Minimum front yard setback: 25 feet *
- Minimum side yard setback: 25 feet *
- Minimum rear yard setback: 25 feet *
- Maximum lot coverage: 25%
- Maximum height: 30 feet

+ In the event that the land to be partitioned, platted, sold, or zoned abuts a section line County Road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

* Agricultural stands shall be setback a minimum of 35 feet from all property lines.

F. MASTER PLAN ANALYSIS

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for



development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Analysis:

The lot size exceeds the minimum requirement of 2.5 acres for this placetype. A supporting use is Commercial Service and Retail, the proposed use of Recreational Vehicle and Boat storage, in addition to shipping containers and mini warehouse storage could fall within these supporting uses and be considered a use that services the surrounding area. The area has a low impact wildlife potential and concerns about wildlife are at a minimum. At the Site Development Plan stage, staff can capture the parking, lighting, and landscaping/buffering measures at the property to ensure that the uses do not negatively impact neighbors adjacent to the property. At the Variance of Use stage, staff can add conditions of approval to ensure that there is adequate landscaping and buffering at the subject property.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select



underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.

Analysis:

While there are large areas without development, and vacant properties, there still is development seen in the area. For example, Dragon Arms, Inc., which includes motocross rentals, gun range, and paintball fields. The area of change expects development, but to be done in a responsible way that ensures natural and rural areas are preserved. To ensure this use is compatible, the Site Development Plan will capture the landscaping and screening to neighbors.

c. Key Area Influences: The property is not located within a key area.

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

There are no other implications associated with the project.

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 property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth



by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

Findings of sufficiency with respect to water quality, quantity, and dependability are not required with consideration of a Variance of Use.

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 Environmental Services were sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits 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 associated with the project.

2. Floodplain

There property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0785G, effective December 7, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-year flood zone area.

3. Drainage and Erosion

The property is in the Livestock Company drainage basin. No drainage basin or bridge fees are applicable with the Variance of Use application. A drainage report



was not required with the Variance of Use application but will be reviewed with the site development plan submission.

4. Transportation

The property is located along Curtis Road, which is a County maintained paved road, and classified as a rural arterial roadway. The property is accessed via Curtis Road. The development is expected to add approximately six daily trips to the surrounding road network. No public road improvements are proposed or required with the development. The property is subject to the El Paso County Road Impact Fee program. The applicant will be required to obtain a County commercial driveway access permit.

H. SERVICES

1. Water

Water is provided by a well.

2. Sanitation

Wastewater is provided by an onsite wastewater system.

3. Emergency Services

The property is within the Ellicott Fire Protection District.

4. Utilities

Colorado Springs Utilities provides electricity and Black Hills Energy- Aquila provides gas, these utilities were notified for this project and did not have any outstanding comments.

5. Metropolitan Districts

The associated Metropolitan District for the subject property is Ellicott Metropolitan.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a Variance of Use application.

7. Schools

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



I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with the project.

K. 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 5.3.4 of the El Paso County Land Development Code (As Amended), staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a Recreational Vehicle/Boat storage in addition to shipping containers as mini warehouse storage, as described and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new Variance of Use request.
2. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of Variance of Use approval by the Board of County Commissioners. 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.
3. The applicant shall on behalf of himself or herself and any successors and assignees that applicant and or successors and assignees shall pay the required road impact fee in accordance with Resolution 19-471, at time of site development plan approval.
4. Landscaping and screening will be provided and reviewed at the Site Development Plan stage and shall meet Sections of the Land Development Code more specifically, sections 5.2.40, 5.2.50, and 6.2.2.

NOTATIONS

1. Variance of 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 Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 7 adjoining property owners on June 4, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

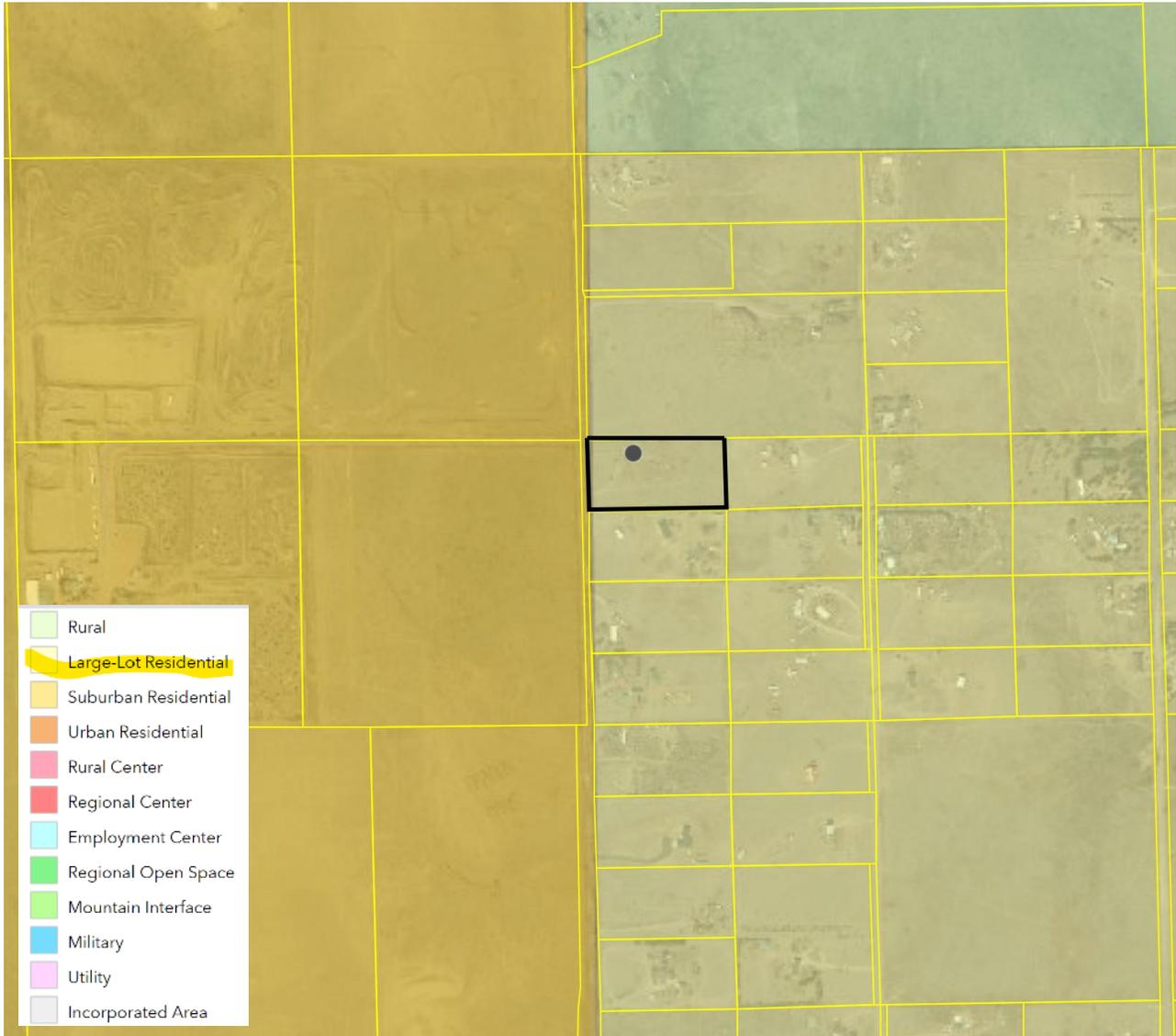
Map Series
Letter of Intent
Site Plan
Public Comment
Draft Resolution



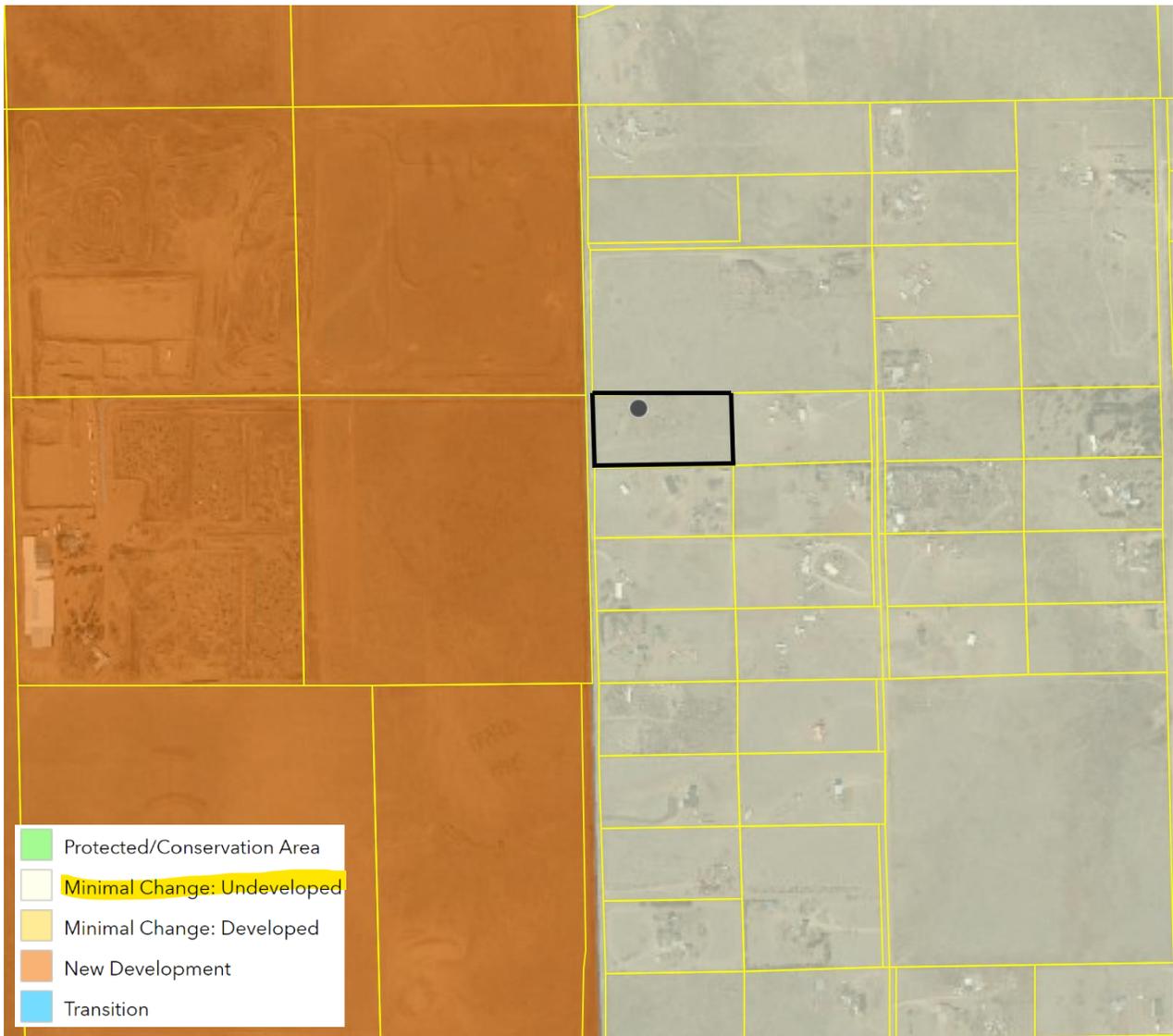
Map Series

VA235

Placetype Map:



Area of Change Map:



**To:
2023**

November 16,

**Ashlyn Mathy
El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910
(719) 520-7943**

STORAGE AREA PROJECT DESCRIPTION

➤ Owner Name:

**Andrii Varko
(786) 394-0094
andriivarko@gmail.com**

➤ Address of the project:

**1185 N Curtis Rd
Colorado Springs, CO 80930**

➤ Legal description:

**N2NW4SW4NW4 EX W 30 FT FOR CURTIS ROAD SEC
10-14-64**

➤ Tax Schedule Number: 4410000052

➤ Current Zoning: RR-5, Residential Rural District

▣ To ensure the proposed use of a storage facility is compatible with the surrounding area, a research is conducted on the neighborhood's current land uses, zoning regulations, and community needs. The design of the facility should complement existing structures in terms of height, scale, and style. Additionally,

integrating landscaping and buffer zones can help the facility blend seamlessly with its surroundings.

- **Maintaining the character of the neighborhood is about respecting its visual aspects. This means using building materials and colors that are prevalent in the area, or incorporating local art and design elements. It's also important to consider the impact of lighting and signage on the neighborhood's ambiance.**

- **To ensure the facility is not detrimental to the surrounding area, traffic and environmental impacts are assessed and conducted. This includes managing traffic flow to avoid congestion, ensuring adequate parking, and implementing noise reduction strategies. Environmental considerations might include sustainable building practices, efficient waste management, and measures to protect local nature.**

- **Aligning the self-storage facility with the area's future development plans is key. This requires understanding the long-term vision for the community and ensuring that the facility can adapt to future changes or demands. For example, designing the facility with flexible spaces that can be repurposed as the neighborhood evolves.**

- **The health and safety aspects are paramount. This includes ensuring the facility has proper fire safety measures, secure storage units, and well-lit, safe access areas.**

- **The proposed land use will be a gravel covered outdoor area intended for RV / boat trailer storage and enclosed CONNEX type containers that will be encircled by a solid fence as shown in a development plan.**
- **The storage area, as proposed, will cover approximately 2.5 acres.**
- **The currently vacant portion of the lot will be lightly graded to smooth out the surface and create a gradual slope. In order to achieve a flatter storage area, dirt will be brought in and compacted to bring the grade up to match the existing entrance driveway grade in order to be able to make an entrance from the Curtis road.**
- **Two water detention ponds will be built on north and south of the property lot as shows on the site development plan.**
- **Non-woven geotextile underlayment or porous rock will be installed under the gravel area to stabilize the gravel and prevent erosion at the edges.**
- **The entire storage area will be encircled by a 7-foot galvanized chain link fence that has gates at the entrance and exit. The fence will be topped with 3 strands of barbed wire on extended posts and barbed wire arms.**
- **RV, boat and storage container placement is proposed on the premises. The proposed area encircled by the fence will be the storage area.**
- **The gravel area will be marked out and spots will be offered for rent to prospective customers on a month**

to month basis. Customers will store their own RVs and boats with trailers within the storage area that will be opened to the public – 10-15 such spaces will be offered according to the plan. Storage containers will be placed alongside north, south and east property edges. About 20-30 CONNEX type storage containers sized 20'x8' will be offered as an enclosed storage to store customer's personal belongings.

- No utilities are to be disturbed during the construction process.**
- No traffic will be disturbed during the construction process, as the normal flow of traffic will not be impeded or altered in any way during the construction process.**
- Existing one story single family residence will remain locked and unoccupied until brought back to good condition in coming years and then offered as a residence to a full-time premises caretaker. Until then, the access to storage facilities will be controlled via automatic key code gate on a 24/7 basis.**

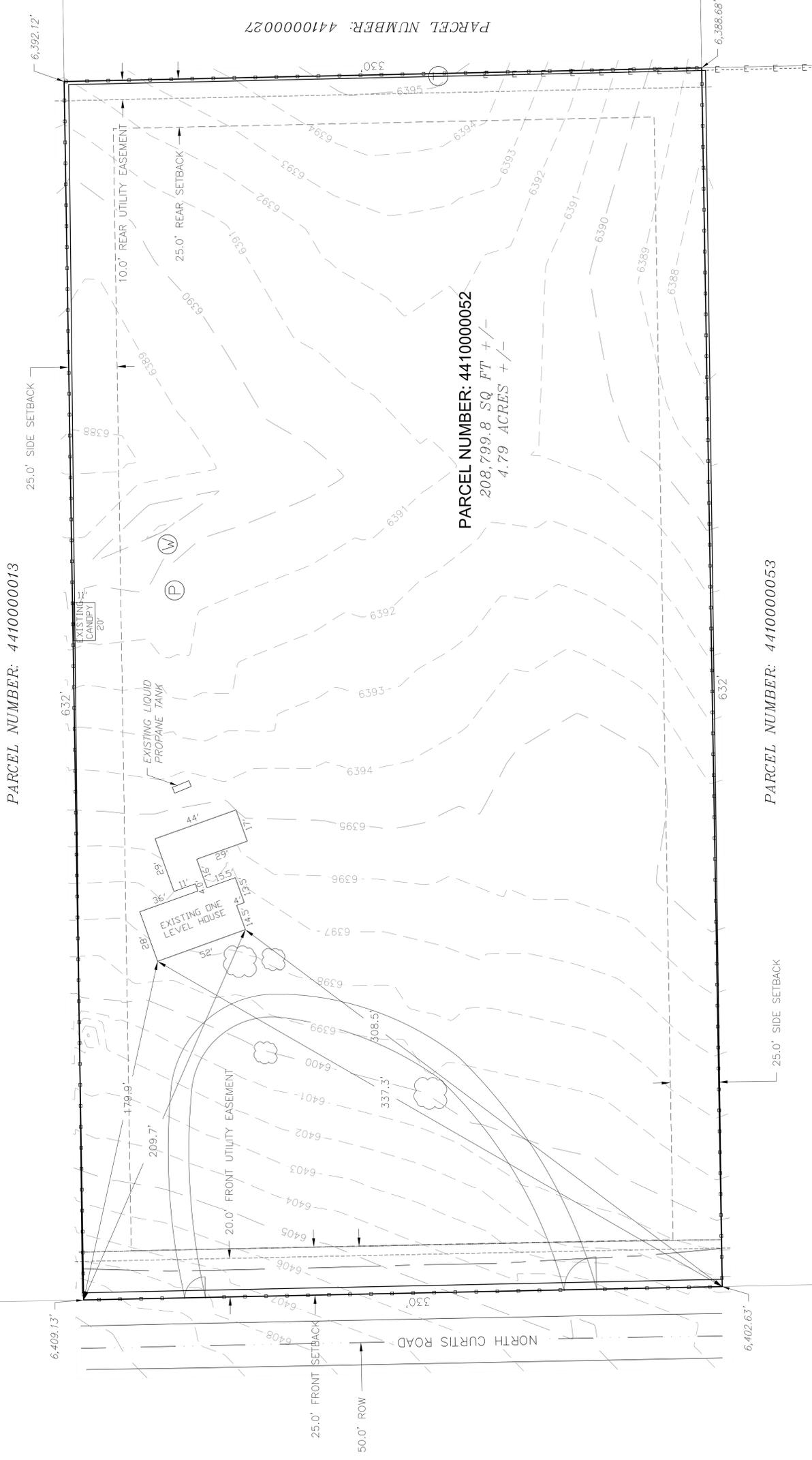
**Respectfully,
Andrii Varko
265 Harris Dr
Idaho Springs, CO 80452
Phone: 786-394-0094
Email: andriivarko@gmail.com**

SITE PLAN - EXISTING CONDITION

1185 N Curtis Rd, Colorado Springs, CO 80930

THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,
EXCEPTING THEREFROM THE WESTERLY 30 FEET FOR CURTIS ROAD, IN EL PASO COUNTY, COLORADO.

Property tax schedule number: 4410000052



1 inch = 30 feet
Contour Interval = 1 ft

LEGEND

—	PROPERTY LINE
- - -	NEIGHBORING PROPERTY LINE
- - -	SETBACK
- - -	EXISTING FENCE
- - -	EXISTING GATE
- - -	EXISTING FIBER OPTIC LINE
- - -	EXISTING OVERHEAD ELECTRIC LINE
⊖	EXISTING ELECTRIC TRANSFORMER
⊖	EXISTING LIQUID PROPANE TANK
⊖	EXISTING WATER WELL
⊖	EXISTING MANHOLE TO WATER PRESSURE TANK
⊖	EXISTING TREE
⊖	EXISTING MAJOR CONTOUR
⊖	EXISTING MINOR CONTOUR

PARCEL NUMBER: 4410000027

PARCEL NUMBER: 4410000052
208,799.8 SQ FT +/-
4.79 ACRES +/-

PARCEL NUMBER: 4410000053



LOCATION MAP



DESIGNED BY:
Engineering
9235 W EUCLID AVE
LITTLETON, CO 80123
(720) 325-6876
MJ@MILOSHENG.COM

FILE NUMBER: **VA235**
JOB NUMBER: **2023-8-1-Varko**
PRINTED DATE: **4/21/2024**

No.	Date	Revised By	City Comments
1	10/31/23	EL PASSO	A.Mahy & E. Schoenhel
2	12/20/23	EL PASSO	A.Mahy & E. Schoenhel
3	04/05/24	EL PASSO	E. Schoenhel

CLIENT: **ANDRII VARKO**
1185 N CURTIS RD,
COLORADO SPRINGS, CO 80930
(786) 394-0094
ANDRIIVARKO@GMAIL.COM

TITLE: **SITE PLAN EXISTING CONDITION**

PROJECT NAME: **VARIANCE OF LAND USE**

PROJECT ADDRESS: **1185 N Curtis Rd, Colorado Springs, CO 80930**

PARCEL NUMBER: **4410000052**

SHEET NUMBER: **S-1**

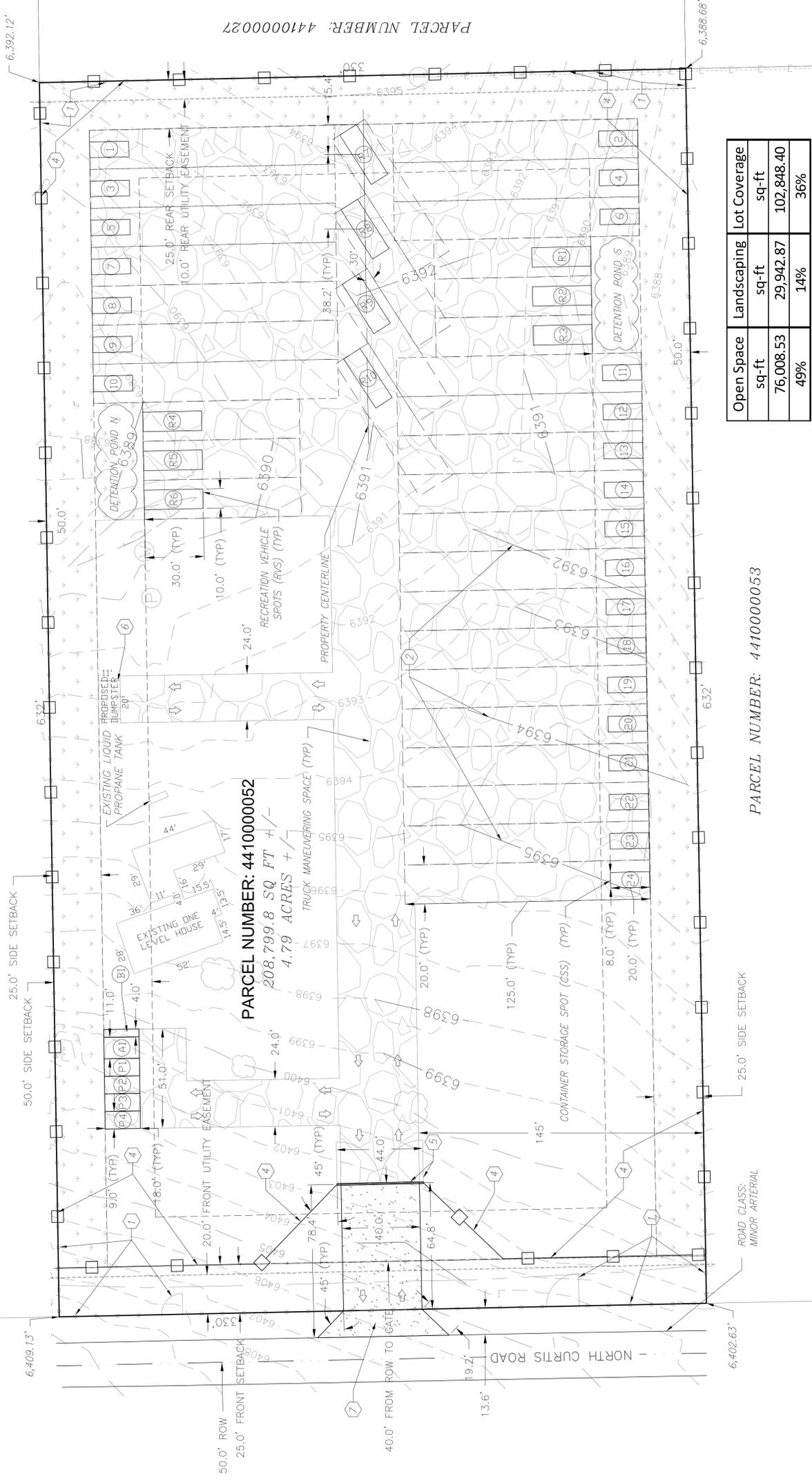
SITE PLAN - PROPOSED CONDITION

1185 N Curtis Rd, Colorado Springs, CO 80930

THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,
EXCEPTING THEREFROM THE WESTERLY 30 FEET FOR CURTIS ROAD, IN EL PASO COUNTY, COLORADO.

Property tax schedule number: 4410000052

PARCEL NUMBER: 4410000013



PARCEL NUMBER: 4410000027

PARCEL NUMBER: 4410000053

Open Space	Landscaping	Lot Coverage
sq-ft	sq-ft	sq-ft
76,008.53	29,942.87	102,848.40
49%	14%	36%

Required Parking			Provided Parking		
Bicycle	Regular	ADA	Bicycle	Regular	ADA
1	3	1	1	4	1
			B1	P1 to P4	A1

Container Storage Spots (CSS)			Recreational Vehicle Spots (RVS)		
Labeled	Total Spots	Dimension	Labeled	Total Spots	Dimension
1 to 24	24	20' x 8'	R1 to R10	10	30' x 10'
		sq-ft			sq-ft
	3,840	3,840		3,000	3,000



LOCATION MAP

SCHEDULE

- 1 DEMOLISH EXISTING FENCE AND GATES.
- 2 PERFORM GRADING TO FLATTEN SURFACE.
- 3 PLACE AND COMPACT PROPOSED MIN. 6" DEPTH GRAVEL COVER (ROAD BASE) IMPROVEMENTS.
- 4 INSTALL PROPOSED 6' OR HIGHER CHAIN LINK FENCE WITH VINYL SLATS IMPROVEMENTS.
- 5 INSTALL PROPOSED 6' OR HIGHER CHAIN LINK GATE WITH VINYL SLATS IMPROVEMENTS.
- 6 MOVE EXISTING CANOPY AND USE TO SCREEN AND COVER DUMPSTER (RIBBED METAL FOR SIDING AND ROOFING)
- 7 BUILD PROPOSED CONCRETE (OR ASPHALT PAVED) DRIVEWAY



1 inch = 30 feet
Contour Interval = 1 ft

LEGEND

	PROPERTY LINE
	NEIGHBORING PROPERTY LINE
	SETBACK
	EXISTING FENCE
	EXISTING GATE
	EXISTING FIBER OPTIC LINE
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING ELECTRIC TRANSFORMER
	EXISTING LIQUID PROPANE TANK
	EXISTING WATER WELL
	EXISTING MANHOLE TO WATER PRESSURE TANK
	EXISTING TREE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED FENCE
	PROPOSED GATE
	PROPOSED GRAVEL COVER (ROAD BASE)
	PROPOSED LANDSCAPING AREA
	PROPOSED CONCRETE OR ASPHALT DRIVEWAY
	PROPOSED DETENTION POND LOCATION

SITE PLAN
PROPOSED CONDITION

PROJECT NAME:
VARIANCE OF LAND USE

PROJECT ADDRESS:
1185 N Curtis Rd,
Colorado Springs,
CO 80930

PARCEL NUMBER:
4410000052

SHEET NUMBER:
S-2

No.	Date	Revised By	City Comments
1	12/31/23	EL PASSO	A.Mathy & E.Schoenherr
2	12/20/23	EL PASSO	A.Mathy & E.Schoenherr
3	04/05/24	EL PASSO	E.Schoenherr

CLIENT:
ANDRII VARKO
1185 N CURTIS RD,
COLORADO SPRINGS, CO 80930
ANDRIIVARKO@GMAIL.COM



DESIGNED BY:
EL Engineering
9235 W EUCLID AVE
LITTLETON, CO 80123
MJ@MILOSHENG.COM
(720) 325-6876

FILE NUMBER:
VA235
JOB NUMBER:
2023-8-1-Vark
PRINTED DATE:
4/21/2024



DESIGNED BY:
Engineering
 9235 W EUCLID AVE
 LITTLETON, CO 80123
 (720) 325-6876
 MJ@MILOSHENG.COM

FILE NUMBER:
VA235

JOB NUMBER:
2023-8-1-Vark

PRINTED DATE:
4/21/2024

No.	Date	Revision By	City Comments
1	12/31/23	AM	
2	12/20/23	AM	
3	04/05/24	EV	

CLIENT:
ANDRII VARRO
 1185 N CURTIS RD,
 COLORADO SPRINGS, CO 80930
 ANDRIIVARRO@GMAIL.COM

TITLE:
DETAILS

PROJECT NAME:
VARIANCE OF LAND USE

PROJECT ADDRESS:
 1185 N Curtis Rd,
 Colorado Springs,
 CO 80930

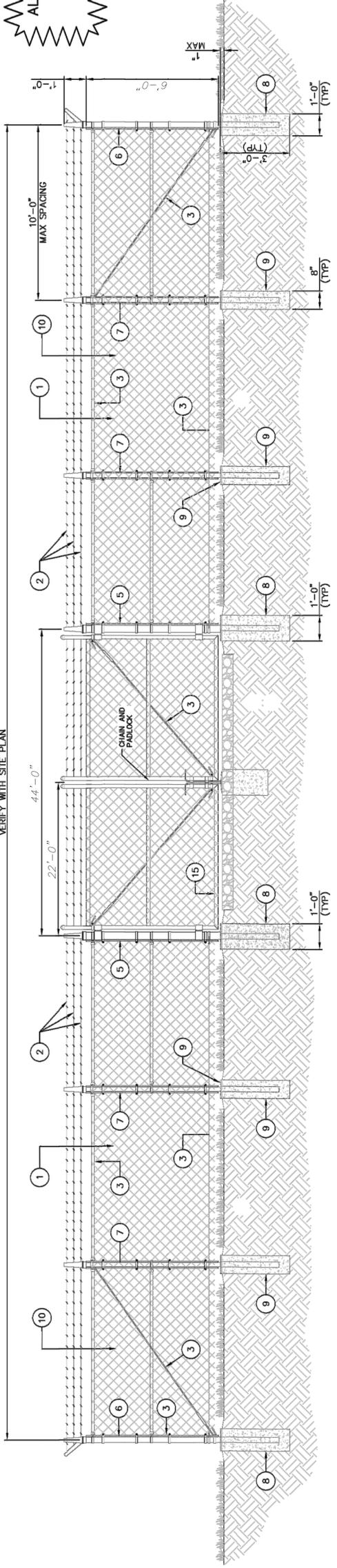
PARCEL NUMBER:
4410000052

SHEET NUMBER:
S-3

ALL FENCING TO BE INSTALLED PER MANUFACTURER'S DESIGN, RECOMMENDATION AND SPECIFICATIONS.

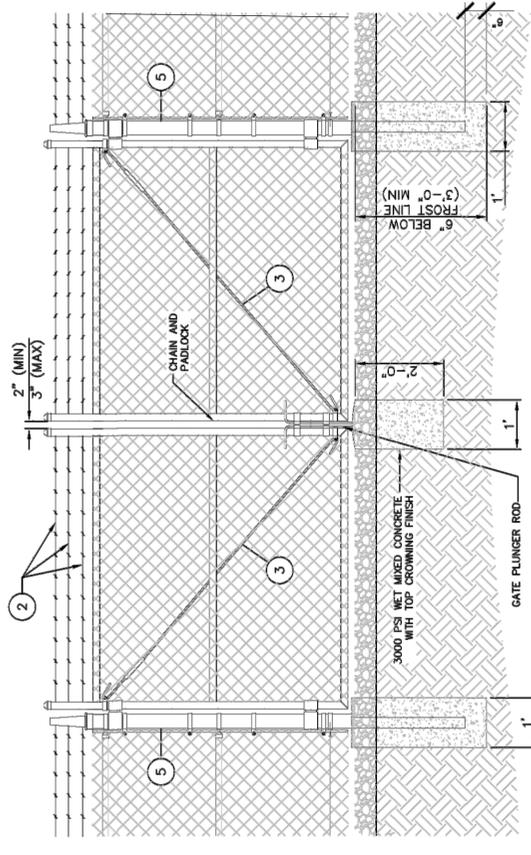
NOTE:

1. CALL 811 AND MARK ALL UTILITIES PRIOR TO COMMENCING WORK
2. DEMOLISH EXISTING FENCE AND GATES
3. CONSTRUCT CHAIN LINK FENCE AND GATES OR SIMILAR
4. MINIMUM GATE POST EMBEDMENT: 3 FT



1 TYPICAL FENCING DETAIL

SCALE: NTS



2 DOUBLE SWING GATE DETAIL

SCALE: NTS

REFERENCE NOTES

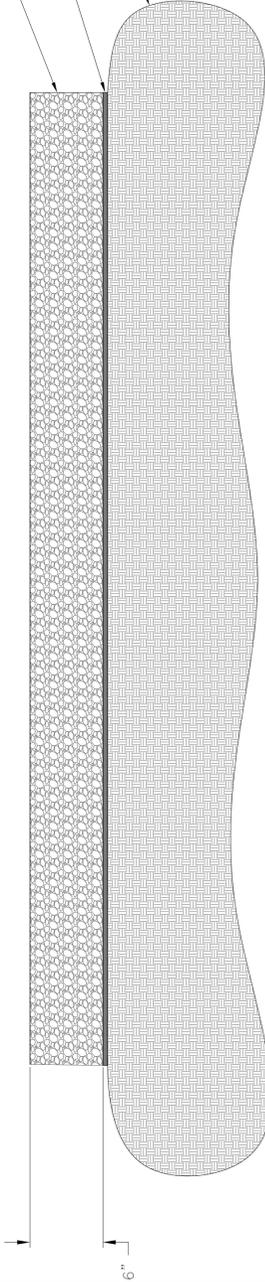
1. 6 FOOT TALL, 2 INCH, 9 GAUGE, 1.2 OZ. COATING, GALVANIZED CHAIN LINK FENCE
2. 3 STRANDS OF BARBED WIRE ON EXTENDED POSTS AND BARBED WIRE ARMS
- 1-1/2" O.D. TOP RAIL AND CORNER BRACING WITH DOUBLE TRUSS RODS AND BOTTOM 7 GAUGE COIL TENSION WIRE
- 24 FOOT OPENING DOUBLE SWING GATES WITH 1.9 INCH O.D. FRAMES AND INDUSTRIAL GATE HARDWARE
- 4 INCH DQ-40 GATE POSTS
- 6 FOOT TALL, 2-1/2" O.D. DQ-40 TERMINAL POSTS
- 6 FOOT LONG, 2" O.D. DQ-40 LINE POSTS
- 12X50#, 3000 PSI WET MIXED FOOTING WITH TOP CROWNING FINISH
- 8X50#, 3000 PSI WET MIXED FOOTING WITH TOP CROWNING FINISH
- 7 CHAIN LINK FENCE FABRIC (9 GAUGE, 2" MESH)

GENERAL NOTES

1. INSTALL FENCING PER ASTM F-567.
2. INSTALL SWING GATES PER ASTM F-900.
3. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALVANIZED (HOT DIP, ASTM A100 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (2) COATS OF X-O RUST PROFESSIONAL ALUMINUM PAINT.
4. ALL OPEN POSTS SHALL HAVE END-CAPS.
5. USE GALVANIZED HOO-RING WIRE TO MOUNT ALL SIGNS.
6. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.
7. MISROOM ANCHOR & FLUNGER REQUIRED FOR GATE.
8. G.C. RESPONSIBLE FOR GATE LOCK.

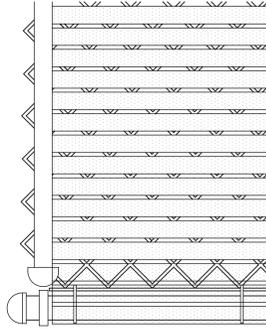
3 NOTES

- NOTE:**
1. The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice. Approval of this plan by El Paso County does not assure compliance with the ADA or any regulations or guidelines enacted or promulgated under or with respect to such laws.



GRAVEL COVER DETAIL

4 VISUAL SCREENING



CODE REQUIREMENTS:

1. MATERIALS SCREENED BY SOLID FENCE OR VEGETATION. OUTSIDE STORAGE SHALL BE ENCLOSED AND CONCEALED BY A SOLID FENCE OR WALL AT LEAST 6 FEET IN HEIGHT OR ANY COMBINATION OF BERMING, SHRUBS, TREES FENCING OR WALLS WHICH WILL PROVIDE AT MATURITY A MINIMUM OF 6 FEET OF HEIGHT AND 100% OPAQUE SCREENING FOR THE AREA UTILIZED FOR OUTSIDE STORAGE.
2. OUTSIDE STORAGE NOT TO EXCEED HEIGHT OF SCREENING. OUTSIDE STORAGE OR STACKED MATERIALS SHALL NOT EXCEED THE HEIGHT OF THE SCREENING FENCE EXCEPT FOR OPERABLE VEHICLES, TRAILERS, OR OTHER EQUIPMENT DESIGNED TO BE TOWED OR LIFTED AS SINGLE COMPONENT.



Vertex Consulting Services, LLC
455 Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903-3672
719-733-6605

October 13, 2023

Ashlyn Mathy
El Paso County Planning and
Community Development Department
2880 International Circle
Colorado Springs, CO 80910

RE: 1185 N. Curtis Road Variance of Land Use

Dear Ms. Mathy,

My client, Kelli O'Neil, is the landowner of the property located at 1135 North Curtis Road (Parcel No. 44100-00-053), which is located immediately adjacent to the south of the property located at 1185 North Curtis Road, which is owned by Andrii Varko. My client is in receipt of a notice from Andrii Varko dated September 25, 2023 requesting approval from the County to allow for "commercial outdoor boat, trailer, and RV storage together with cargo containers for enclosed storage."

The letter accurately identifies that the property is zoned RR-5 (Residential Rural). Having said that, the letter is very confusing with regard to the actual land use process being followed by the applicant. In various sentences in the letter the applicant states the request is for "special land use project" and "a special use." However, upon review of Table 5-1" Principal Uses of the El Paso County Land Development Code, the RR-5 zoning district does not allow Recreational Vehicle and Boat Storage as either an allowed or special use. Instead, an applicant seeking to operate a Recreational Vehicle and Boat Storage in the RR-5 zoning district would be required to submit and receive approval of a Variance of Use. This egregious error in the neighbor notice causes the notice to be misleading, particularly given the fact that special use applications can be approved administratively by the Planning and Community Development Director and variance of use applications require two full public hearings, one before the El Paso County Planning Commission and one before the El Paso County Board of County Commissioners. In addition, the criteria for approval of a variance of use are considerably more difficult to meet than the criteria for approval of a special use. Again, this is misleading to all neighbors who received the notice from the applicant and is likely to create confusion throughout the public response and hearing processes.

Upon researching the project on EDARP, we discovered that the applicant has, in fact, submitted a variance of use application under PCD File No. VA235. The EDARP file includes documents titled as follows:

- Adjacent Property Owner Notification
- Application/Petition Form
- Legal Description
- Letter of Intent
- Title Commitment
- Vicinity/Location Map
- Mineral Rights Certification

- Site Plan Drawing
- Traffic Memo

Our review of the documents has resulted in identification of a number of issues and concerns with the application as submitted to the County for review, including, but not limited to, the following:

- Adjacent Property Owner Notification – erroneously presented information as discussed above regarding a “special use” application as opposed to the required and submitted variance of use application.
- Application/Petition Form – the application form submitted to the County identifies that is for a Site Development Plan, Major. This application should be denied outright by the County since the proposed use is not allowed under the RR-5 zoning. Without prior approval of the required variance of use application, a site development plan cannot be approved. Approval of the site development plan application as proposed would be a violation of the Land Development Code pursuant to the RR-5 (Residential Rural) zoning district under Section 3.1 and Table 5-1 of the Code.
- Letter of Intent – the applicant’s letter of intent is woefully deficient in describing the proposed variance of use. The letter neglects the need to address the criteria for approval of a variance of use found in Section 5.3.4 of the Code. Further, we do not believe that even with revisions of the letter of intent that the applicant could provide any reasonable justification in support of there being “peculiar and exceptional practical difficulties or undue hardship” necessary to approve the variance of use application outside of an argument against the RR-5 zoning district, which is not a basis for establishing a difficulty or hardship.

Under the El Paso County Land Development Code, the only zoning districts that allow a Recreational Vehicle and Boat Storage facility by right are the CR (Commercial Regional) and CS (Commercial Service) zoning districts and all three industrial zoning districts. The CC (Commercial Community) zoning district only allows such facilities with approval of a special use application. This means that in adopting the Land Development Code, the Board of County Commissioners has already determined that Recreational Vehicle and Boat Storage facilities are not compatible with any of the residential or agricultural zoning districts, including the applicable RR-5 (Residential Rural) zoning district. There are a number of nearby commercially and industrially zoned properties that would allow for the applicant to initial the use without encroaching into a rural residential neighborhood.

- Mineral Rights Certification – Exceptions 10 and 11 of the Title Commitment provided by the applicant with the variance of use application indicate that the mineral rights associated with the property have been halved and separated from the surface estate. The mineral rights certification submitted by the applicant identifies that “there are no mineral estate owners”, as certified by notarized signature of the applicant’s legal counsel. We request that the applicant provide chain of title documentation proving that such severed mineral rights have been obtained by the owner of the property sufficient to re-combine the surface and mineral estate ownerships and that notice to a separate mineral estate owner, as required under state statute, is not necessary.
- Site Plan Drawing – the applicant’s site plan drawing in support of the variance of use only provides the “Existing Condition” of the site, as labeled on the drawing. This document in no way meets the requirements of the El Paso County Land Development Code and associated

Procedures Manual Checklists and should be wholly rejected by the Planning and Community Development Department. Without a site plan that shows the intended layout of the proposed use, it is impossible to determine any potential impacts to the neighborhood and to County-owned infrastructure. In addition, the County would be totally unable to enforce against any future violation of the facility pursuant to the any approved variance of use request without accurate and proper site planning of the use on the property.

The proposed variance of use request does not meet numerous requirements of the Land Development Code and fails to provide reasonable justification for approval. For these reasons, my client is opposed to the use and requests the Planning Commission and Board of County Commissioners deny the request.

Please feel free to contact me with any questions and please continue to provide all courtesy and legal notices to my client at the address on file with the County Assessor's office and provide copy of such notices to myself at the address below as the variance of use application proceeds through the staff review and public hearing processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Dossey". The signature is stylized and cursive.

Craig Dossey
President

Vertex Consulting Services
P.O. Box 1385
Colorado Springs, CO 80901

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL FOR A VARIANCE OF USE
1185 NORTH CURTIS ROAD VARIANCE OF USE (VA235)

WHEREAS, Andrii Varko did file an application with the El Paso County Planning and Community Development Department for approval of a Variance of Use within the RR-5 (Residential Rural) zoning district to permit RV/Boat Storage, shipping containers, and mini warehouse storage within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 20, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject Variance of Use.

WHEREAS, a public hearing was held by this Board on July 25, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, 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, and comments by the County Commissioners during the hearing, this Board finds as follows:

1. That the application for the variance of use was properly submitted for consideration by the Board of County Commissioners.
2. That 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. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested persons and the general public were heard at those hearings.
4. That all exhibits were received into evidence.
5. That 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.

6. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this Variance of Use, the Board of County Commissioners considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County;
3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State, and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the application for a Variance of Use to allow an RV/Boat Storage, shipping containers, and mini warehouse storage within the RR-5 (Residential Rural) zoning district where such is not a permitted use for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

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

CONDITIONS

1. Approval is limited to the use of a Recreational Vehicle/Boat storage in addition to shipping containers as mini warehouse storage, as described and depicted in the applicant's letter of

intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new Variance of Use request.

2. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of Variance of Use approval by the Board of County Commissioners. 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.
3. The applicant shall on behalf of himself or herself and any successors and assignees that applicant and or successors and assignees shall pay the required road impact fee in accordance with Resolution 19-471, at time of site development plan approval.
4. Landscaping and screening will be provided and reviewed at the Site Development Plan stage and shall meet Sections of the Land Development Code more specifically, sections 5.2.40, 5.2.50, and 6.2.2.

NOTATIONS

1. The Variance of 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 Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of 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 25th day of July 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

N2NW4SW4NW4 EX W 30 FT FOR CURTIS ROAD SEC 10-14-64