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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 VanderWef, Chair

FROM: Kylie Bagley, Planner II
Edward Schoenheit, Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: VA-22-001
Project Name: 6550 Chief Rd Brewery
Parcel No.: 43070-04-005

OWNER:	REPRESENTATIVE:
Joseph Prue 1118 E Dale St Colorado Springs, CO 80903	Joseph Prue 1118 E Dale St Colorado Springs, CO 80903

Commissioner District: 2

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

EXECUTIVE SUMMARY

A request by Joseph Prue for approval of a variance of use for light manufacturing and restaurant in the A-5 (Agricultural) district. The 13.4-acre property is zoned A-5 (Agricultural) and is located west of the intersection of Falcon Highway and Chief Road and is within Section 7, Township 13 South, Range 64 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Joseph Prue for approval of a variance of use for light manufacturing and restaurant in the A-5 (Agricultural) district.

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 consent item at the June 16, 2022 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing. Planning Commission minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code (2021), 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.

D. 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)	Single Family Residential

E. BACKGROUND

The property was zoned A-4 (Agriculture District) on September 20, 1965, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 434870). The property was rezoned from A-4 (Agriculture District) to A-2 (Agriculture District) on December 27, 1984 (PCD File No. P-84-041Z). Due to changes in the nomenclature of the El Paso County Land Development Code, the A-2 zoning district was renamed as the A-5 (Agriculture) zoning district. The property was legally created through the subdivision process on December 27th, 1984, as part of the Arrowhead Estates Filing No. 1 subdivision (Plat No. 7108).

The structures located on the property consist of a barn and a stable, permitted through a special use permit in 1984 (PCD File No. AL-84-035Z) to allow for a commercial stable in the A-2 zoning district. According to the applicant's letter of intent, he intends to use the property as his main residence with a portion of the property to be used for agricultural hops, a brewery and taste room. The brewery is classified as light manufacturing and restaurant in the Land Development Code. The variance of use for light manufacturing and restaurant is being requested to operate a brewery in the A-5 zoning district.

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.

F. ANALYSIS

1. Land Development Code Analysis

Pursuant to Table 5-1 of the Land Development Code, light manufacturing and restaurant are not a permitted use in the A-5 zoning district. The requested use is



not consistent with the character and use allowances of the A-5 zoning district without approval of a variance of use.

The Land Development Code defines “Light Manufacturing” as:

“Manufacturing and processing in which no operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or which will be detrimental to the health, safety, or general welfare of the community. The following are examples of light manufacturing or processing: beverage manufacturing; book binding; canvas products manufacturing; clothing or cloth manufacturing; computer manufacturing; dry cleaning plant; electronics manufacturing; fish hatchery; furnace installation, repair, and cleaning; hosiery manufacturing; machine shops; machine tool manufacturing; machinery sales; public utility storage, yards, and service installments; sheet metal shops; shoe manufacturing; sign manufacturing, repair, and maintenance.”

Light manufacturing is allowed by special use in the CS (Commercial Service), and C-2 (Commercial) zoning districts, and as a permitted use in the I-2 (Limited Industrial), I-3 (Heavy Industrial), and M (Industrial) zoning districts. Due to the lack of availability of central services necessary for most commercial and industrial uses, rezoning to a higher intensity commercial or industrial zoning district is not considered appropriate at this time.

The Land Development Code defines “Restaurant” as:

“A food service establishment whose primary business is the sale of food in a ready-to-consume state. Any such establishment serving alcoholic beverages under C.R.S. § 12-47-119 (Hotel and Restaurant License) shall also be regarded as a restaurant.”

Restaurant is allowed as a permitted use in the CC (Commercial Community), CR (Commercial Regional), CS (Commercial Service), C-1 (Commercial), C-2 (Commercial), and M (Industrial) zoning districts. Due to the lack of availability of central services necessary for most commercial and industrial uses, rezoning to a higher intensity commercial or industrial zoning district is not considered appropriate at this time.



The property is surrounded primarily by vacant properties and properties used for rural residential and agricultural purposes. There are commercial properties within a half mile of the subject property.

2. Zoning Compliance

The A-5 (Agricultural) zoning district density and dimensional standards are as follows:

- Minimum lot size: 5 acres
- Minimum width (at front setback line): 200 feet
- Minimum front, side, and rear yard setback: 25 feet
- Maximum lot coverage: None
- Maximum height: 30 feet

The existing structures meet the 25-foot setback from all property lines and are under 30 feet in height. The applicant has provided a site plan indicating the locations of the structures associated with light manufacturing and restaurant. The proposed site plan complies with the A-5 zoning district density and dimensional standards. The applicant is not proposing any setback encroachments or dimensional variances.

Should the variance of use request be approved, approval of a site development plan will be required prior to initiating the use. The site development plan review will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

G. Master Plan Analysis

1. Policy Plan Analysis

Consistency with Your El Paso County Master Plan (2021) is not a required review criterion under the current (2021) version of the Land Development Code for a variance of use request. However, for informational purposes, the following is an analysis of the Plan as it applies to the application being considered with a specific focus on Chapter 3, Land Use, including identifying Key Area influences and the applicable Areas of Change and Placetype designations as well as the applicable Core Principles, Goals, Objectives, and Specific Strategies of the Action Matrix included in Chapter 14, which is the Implementation chapter of the Plan.



a. Placetype: Large Lot Residential

Placetype Character:

“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 wastewater 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)
- Agricultural



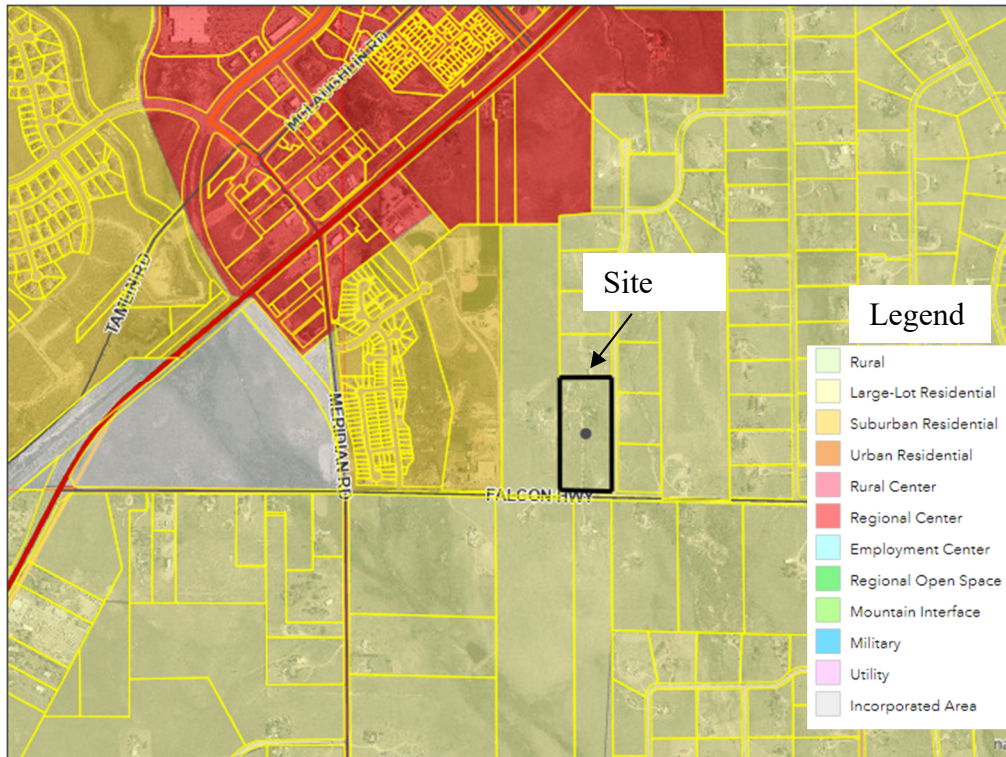


Figure G.1: Placetype Map

Analysis:

The property is located within the Large-Lot Residential placetype. The Large-Lot placetype supports the rural character of the County while providing for unique and desirable neighborhoods. Relevant goals and objectives are as follows:

Goal LU3: “Encourage a range of development types to support a variety of land uses.”

Objective LU1-1: “Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built forms and guidelines.”

Specific Strategy: “The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.”

Goal ED1-1: *“Recruit new businesses and spur the development of growing sectors.”*

Objective ED1-5: *“Allow residents to manage compatible, low-intensity personal businesses from their home to create greater opportunities for new companies to be established.”*

The proposed variance of use proposes a commercial retail that is a supporting land use within the Large-lot Residential placetype. The applicant states in the letter of intent that he would like to establish a rural Destination Brewery/Tasting Room on the property while maintaining the property as his primary residence. The applicant will maintain the rural character of the surrounding properties while spurring economic development.

The site plan shows that the majority of the 13.40-acre property will remain undeveloped. A site development plan is required to be submitted and approved prior to issuance of a building permit for the property. The site development plan will be required to meet the development standards of the Land Development Code, not limited to buffering, landscape, lighting, drainage and parking.

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.”



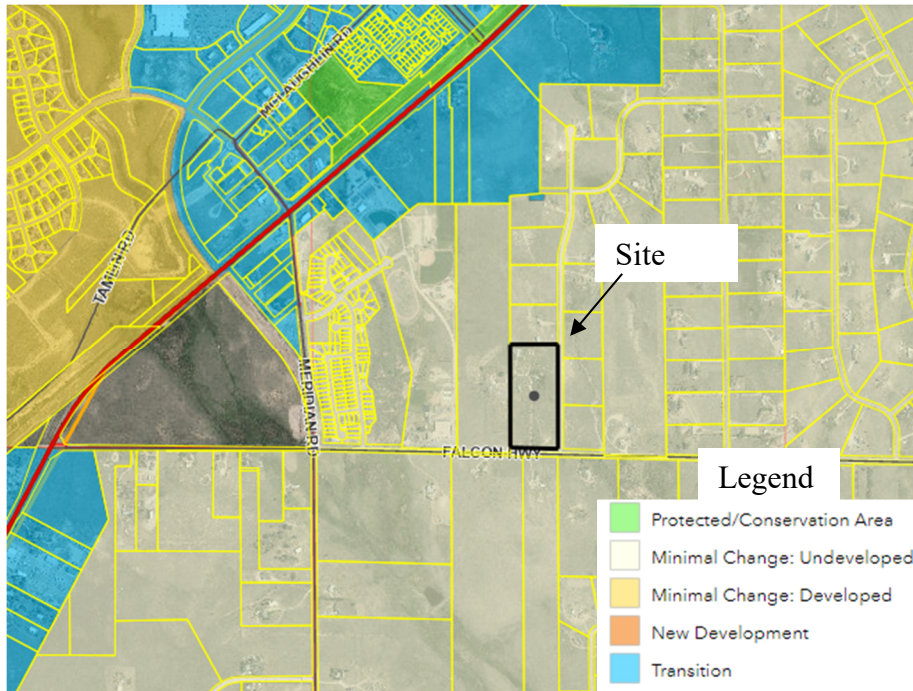


Figure G.2: Area of Change Map

Analysis:

Approval of the variance of use will allow for light manufacturing and restaurant. The applicant intends to build a rural brewery and tasting room while preserving the majority of the 13.40-acre parcel as open space. The subject property is within a quarter mile of transition area of change which states “in these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development”. The variance of use would allow for a more intensive use while maintaining the rural character of the surrounding properties.

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 one Key Area: Potential Areas for Annexation.

Potential Areas for Annexation

“A significant portion of the County’s expected population growth will locate in one of the eight incorporated municipalities. As the largest

municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.”

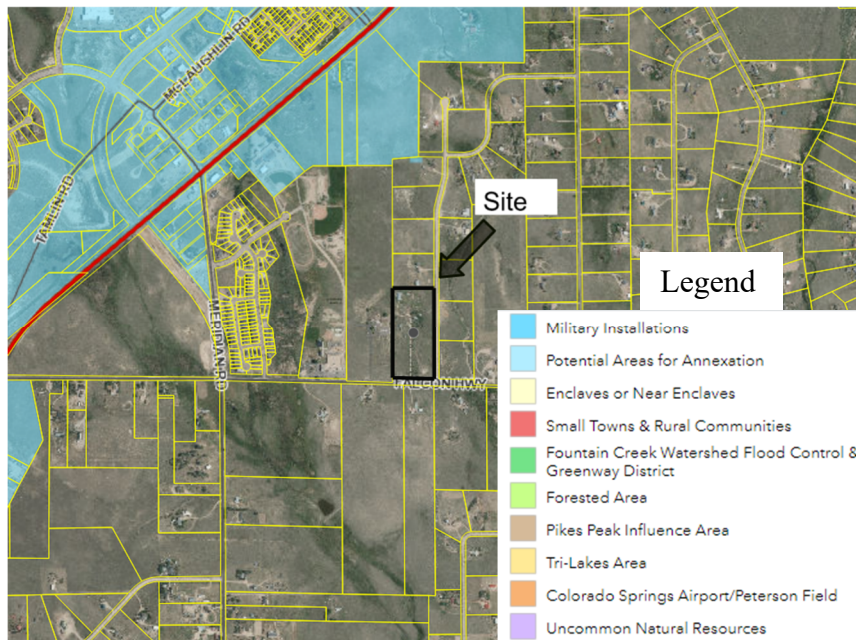


Figure G.3: Key Area Map

Analysis:

The variance of use will allow for light manufacturing and restaurant for a brewery, which will serve the existing development as well as the

anticipated new development within the areas anticipated to be annexed into the City of Colorado Springs.

2. Water Master Plan Analysis

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. For background, the Water Master Plan 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.

Goal 4.3 – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.

The subject parcel is in Region 3 of the El Paso County Water Master Plan. Region 3 has a current central water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the projected demand is 6,403-acre feet. The 2060 water supply is projected to be 8,284-acre feet per year, whereas the demand is anticipated to be 8,307-acre feet per year; therefore, there is projected to be a deficient supply of water for central water providers in this region of the County.

Water service for the parcels will continue to be provided by an existing well. The proposed expansion of the use on the property will not result in increased staffing and is, therefore, not anticipated to negatively impact water supplies on the property or in the region.



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 each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies eolian 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.

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 (MTCP).

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the variance of use application which would restrict continued use or expansion of the facility.

2. **Floodplain:** The site is not located within a defined floodplain as determined by staff following a review of the FEMA Flood Insurance Rate Map Panel No. 08041C0561G, effective on December 7, 2018.

3. Drainage and Erosion:

The property is located within the Falcon drainage basin (CHWS1400). Drainage basin and bridge fees are not applicable in this case due to no new platting or subdivision action. Soil disturbance for the new 2400sqft brewery house and required gravel surface parking lot (6375sqft) is less than one acre and will not cause drainage or erosion issues from the 13.4 acre parcel. The variance of use application is not required to include a drainage report or a grading and erosion control plan.



4. Transportation

The property is currently accessed from a singular residential driveway off Falcon Highway, currently classified as a Major Collector. Falcon Highway is identified as part of the El Paso County 2016 Major Transportation Corridors Plan (MTCP) to be upgraded to Minor Arterial. With this action, the driveway access from Falcon Highway will be permanently closed and property access gained exclusively from Chief Road, a rural local road. A traffic impact memorandum was required pursuant to Section B.1.2.C of the El Paso County Engineering Criteria Manual due to the expected site trip generation. A traffic report memorandum was prepared and submitted by Drexel Barrel & Co, Engineer Surveyors on April 11, 2022. County Road impact fees are applicable. A new commercial driveway access permit will be required with only one access point along Chief Road.

I. SERVICES

1. Water

Water is provided by well permit number 85704-F. The use of groundwater from this well is limited to domestic: irrigation of lawn, garden, and greenhouse; agricultural; commercial' replacement; firefighting; the watering of domestic animals and stock; and fish and wildlife.

2. Sanitation

Wastewater is provided by an existing onsite wastewater treatment system (OWTS) (Permit No. 39621). Any modifications to the existing OWTS shall be coordinated with El Paso County Public Health and any such modifications will need to be installed prior to the County authorizing issuance of the certificate of occupancy.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc., (MVEA) and natural gas is provided by Black Hills Energy. MVEA and Black Hills Energy were sent a referral and have no outstanding comments.

5. Metropolitan Districts



The parcel is not located within any Metropolitan District.

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.

J. APPLICABLE RESOLUTIONS

See attachment

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 5.3.4 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

M. CONDITIONS

1. Approval is limited to the use of light manufacturing and restaurant, as discussed 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 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

M. NOTATIONS

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



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

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.

N. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight adjoining property owners on May 27, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

O. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
BoCC Resolution



El Paso County Parcel Information

PARCEL	NAME
4307004005	PRUE JOSEPH L

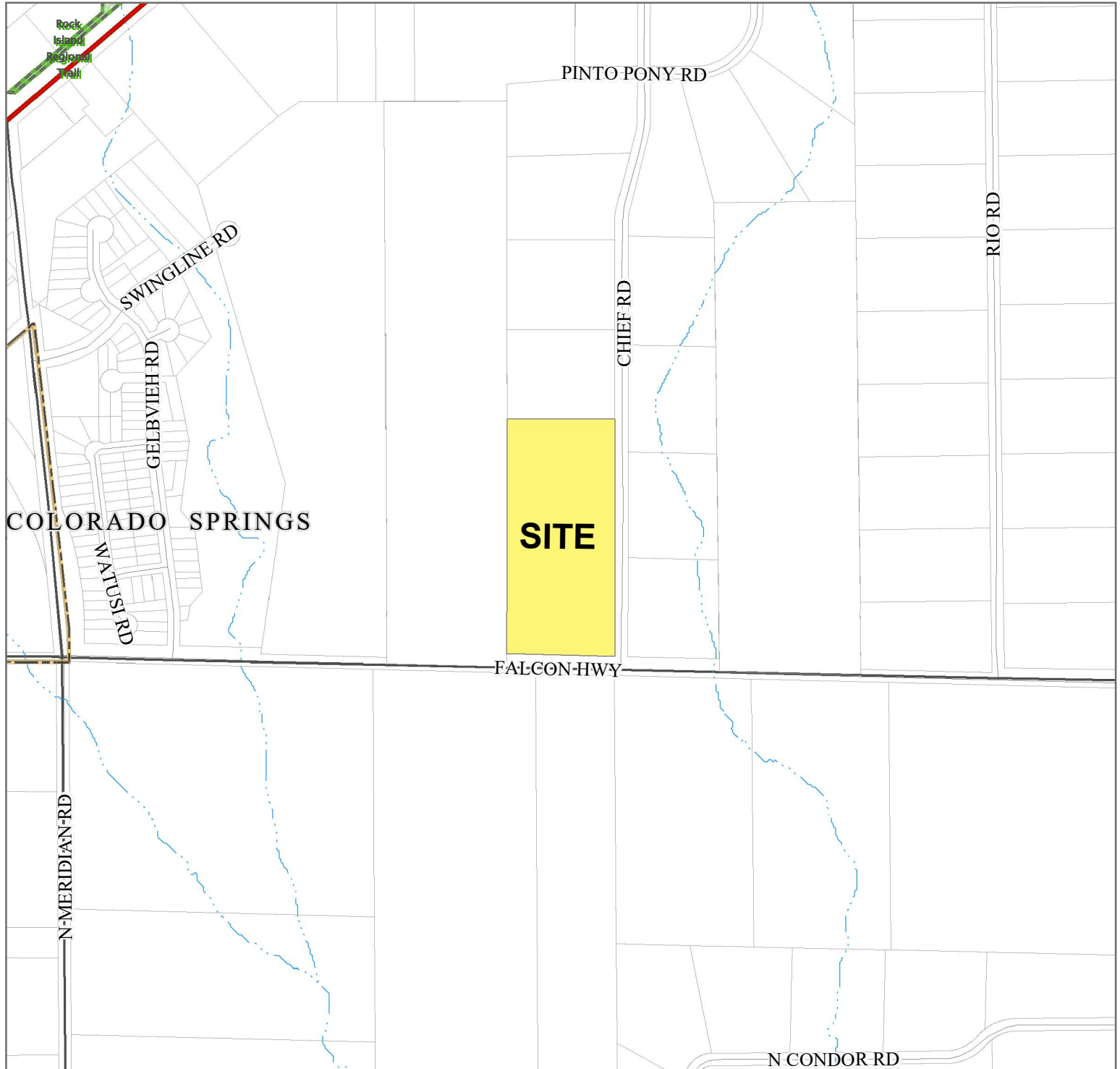
File Name: VA-22-001

Zone Map No.: --

ADDRESS	CITY	STATE
1118 E DALE ST	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80903	

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 10, 2022

El Paso County Planning and Community Development
28890 International Circle
Peyton, CO 80910

RE: Letter of Intent – Variance of Use Application for a Proposed Rural Destination Brewery at 6550 Chief Road, Peyton, CO 80831
Parcel No. 4307004005

Joseph Prue and Stephanie McDiarmid own the property at the referenced address. This property consists of 13.4 acres and is zoned A-5 (Agricultural). We respectfully request your approval of a Variance of Use to allow us to establish a rural Destination Brewery/Tasting Room on the property.

The structures existing on the site are listed on the site map; there will be a new driveway providing access to the property from Chief Road. These structures lie within the 13.4-acre parcel. We intend to use the property as our primary residence, a .5-acre agricultural hops and vegetable garden, and with approval of a Variance of Use, establish a rural Destination Brewery/Tasting Room on the property.

Per El Paso County Use and Dimensional Standards Section 5.3.4c the following criteria may be considered for approving variance of use:

1. The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the health, safety, or welfare of the inhabitants of the area and 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 this Code and all applicable County, State and Federal regulations.
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 El Paso County, Colorado Land Development Code Use and Dimensional Standards.
8. Sewer, water, storm water drainage fire protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designated and existing.

9. The proposed use will not adversely affect the El Paso County Master Plan, including the Master Water Plan, Major Transportation Corridor Plan, and the Parks Plan.

These criteria are addressed as follows:

1. A rural Destination Brewery/Tasting Room differs from a typical Urban Brewery in that an Urban Brewery is focused on maximizing craft beer sales and access to customers in densely populated areas (i.e. city centers) with a high rate of traffic. A rural Destination Brewery/Tasting room, by contrast, is focused on providing customers with a unique opportunity to sample craft beer while appreciating the local rural landscape. Furthermore, our project will take it one step further and provide customers with an opportunity to further understand the craft brewing process by being exposed to the hops growing process and other fermentable ingredients (1/2-acre hops/vegetable garden). Since the referenced parcel is zoned as A-5, there is no zoning code that addresses our concept of a Destination Brewery/Tasting room located and operating on the same piece of rural property that has a hops/vegetable garden and residential dwelling. Strict application of the provisions of this Code would result in peculiar and exceptional difficulties or undue hardship in our ability to bring this project to fruition without a Variance of Use.

This parcel is located within the Colorado Enterprise Zone—designated to promote a business-friendly environment in economically distressed areas and incentivizes business to locate and develop in these communities. It is our belief that this property is in an ideal business-friendly environment as the Pikes Peak Region's first true rural Destination Brewery/Tasting Room. Without the requested variance, the property will continue to be underutilized, and limits the ability to establish a thriving business in a Colorado Enterprise Zone while providing a rural ambiance and educational experience to the local community.

2. The proposed use is compatible with the surrounding area, is harmonious with the character of the setting and situation, and is not detrimental to the health, safety, or welfare of the inhabitants of the area and county. The operation of the Destination Brewery/Tasting Room will not generate any type of emissions or excessive light or noise. Normal business hours will be observed and access in and out of the site will be via Chief Road consistent with the intended use as a rural collector road.

Supporting the County Master Plan: As indicated on the Areas of Change map, this area is expected to create new development. As a Large-Lot Residential placetype, this property conforms with the established primary and supporting land uses categories. Primary land use focuses on Single-Family Detached Residential (typically 2.5-acre lots or larger) and Supporting land uses includes Commercial Retail (limited), Commercial Services (limited) and Agriculture. As mentioned earlier, our 13.4-acre lot will be our primary residence, the Destination

Brewery/Tasting room would be our Commercial Retail and the Hops Farm would be our Agriculture land use designations.

3. There will not be any activities within or around the venue that would result in air, water, odor or noise contamination. Any noise from within or around the venue will meet standards established by the county, state and federal regulations.
4. This proposed use will comply with all applicable requirements of this Code and all applicable county, state and federal regulations.
5. The proposed use will not adversely affect wildlife or wetlands. The Destination Brewery/Tasting Room will be on our property; which is inclusive of 13.4 acres and has no designated wetlands. We will ensure that all trash and debris associated with the Destination Brewery/Tasting Room will be collected and disposed of properly as this property is also our primary residence.
6. Off-site impacts are addressed with the use of fencing and screening on the property and is detailed in subsequent paragraphs below. Our intent is for the Destination Brewery/Tasting Room to be harmonious with the surrounding area. The nearest residential house is more than 600 ft from the Destination Brewery/Tasting Room. Any additional off-site impacts will be addressed in accordance with existing codes and regulations.
7. Site Plan:
 - a. Parking: The site plan drawing includes adequate parking and traffic circulation. Parking will be based on an estimated 2,000 sf of seating space with a maximum 60 seats, thus requiring at a minimum 1 parking space for every 3 seats in the seating space. Therefore, our parking lot will provide a minimum of 20 (rock or gravel) regular parking and 2 (asphalt or paved) ADA parking spaces to accommodate the facility's needs per the Department of Justice's Americans with Disabilities Act and the El Paso County Colorado Land Development Code Chapter 6.
 - b. Traffic: we have secured two transportation consultants; LSC and Drexel Barrell & Co. Both companies have provided a cost estimate on performing a comprehensive traffic evaluation regarding the traffic within the area of 6550 Chief Rd. (to include Falcon Highway (major collector) and Chief Rd. (rural collector). Our intent is to construct an access driveway to the Destination Brewery/Tasting Room from Chief Rd in order to minimize any impacts to Falcon Highway traffic. The existing dirt/gravel access to the property from Falcon Highway will be blocked off and rendered non-accessible.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, the Destination Brewery/Tasting Room will generate 11.34 trips per pm peak hours per thousand square feet of the establishment. Since it is estimated that our Destination Brewery/Tasting Room would be 2000 sf, then this project will require a TIS (Traffic Memorandum).

- c. Fencing: Current fencing exists on all borders of the property. It is our intent to convert the existing fence to a more esthetically pleasing fence of either split rail vinyl or wood around the entire property (except in the area identified below in the "Screening Section").
 - d. Screening: we will install 6-ft high fencing on the eastern, northern, and western borders around the Brewery/Tasting Room and parking area. The eastern fence line will be 150 ft long along Chief Rd. The northern fence line will be 260-ft long. Lastly, the western fence line will be 150 ft (please see attached Site Plan for detailed placement). All refuse equipment will also be screened with fencing at least 6 ft high.
 - e. Landscaping: landscaping will be done in accordance with El Paso County Colorado Land Development Code Use and Dimensional Standards where required.
8. Wastewater: although the property does not currently have an onsite wastewater treatment system (OWTS), upon approval of the Variance of Use we will be installing a commercial-grade OWTS (designed by a Colorado Registered Professional Engineer) in conjunction with the construction of the Brewery/Tasting Room that will accommodate wastewater demands.

Water: our existing well (permit #85704) is currently permitted for domestic; irrigation of lawn, garden, and green house; agricultural; commercial; replacement; firefighting; the watering of domestic animals and livestock; and fish and wildlife. We were recently awarded water rights associated with the property by the Colorado Division of Water Resources and will have adequate water to accommodate our desired uses for the property—to include the intended use in accordance with this Variance of Use request.

Storm water drainage: the total acreage for the residential house, brewery and hops/vegetable garden does not disrupt an area greater than 1 acre and therefore a storm water drainage plan/permit is not required. However, we will comply with all storm water drainage regulations that pertain to projects less than 1 acre in size.

First responders: will have clear access to the property and existing structures on the property. Likewise, the Destination Brewery/Tasting Room will comply with all fire protections codes and regulations.

9. Master Plan: This Variance of Use proposal is consistent with the El Paso County Master Plan, including the Water Master Plan, Major Transportation Corridor Plan, and the Parks Plan. This proposal supports the county's vision of economic growth and land use while maintaining good stewardship of the environment.

- a. Water Master Plan: The El Paso Water Master Plan (February 2019) stresses the importance of understanding water supply and the need for water conservation. The plan highlights the need to *"ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development."*

This proposed Variance of Use has no adverse impacts on the county's Water Master Plan. In fact, the parcel of land associated with proposal has an existing well and will include the installation of septic systems to maximize water reclamation. A water meter will be installed on the well to track water use and provide data on methods to minimize water usage. Additionally, xeriscaping will be a priority in the landscaping of this property for the purpose of this proposal. Likewise, water reuse will be used throughout all phases of operation on the property to maximize efficient water use. Water is the central element of the brewing process and its conservation is critical in the future success of this proposal.

- b. Major Transportation Corridor Plan: According to *El Paso County Major Transportation Corridor Plan Update (2016) Chapter 4*; there are no plans affecting Chief Rd.

This proposed Variance of Use for this parcel of land will require a driveway access permit from Chief Rd (gravel road) in order to access the property. This requirement was previously identified during the initial Early Assistance Meeting with county planners and engineers and will be in compliance with county code and regulations. This proposed Variance of Use has no adverse impacts to the El Paso Major Transportation Corridor Plan.

- c. Parks Plan: Falcon Regional Park (*February 2015*) is 215- acre parcel of land located in the Falcon/Peyton area of El Paso County, Colorado. The park is bordered by the Trails Subdivision to the north, Eastonville Road to the east, the Meridian Ranch Development to the west, and is north of the District 49 Falcon High School. The intent of the Falcon Regional Park Master Plan is to establish a vision for development of the park in its entirety, identifying all of the park facilities and amenities that will ultimately be constructed.

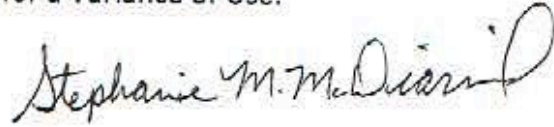
This proposed Variance of Use for this parcel of land is located neither in the vicinity of nor within the above described boundaries of the Falcon Regional

Park. This proposed Variance of Use will have no adverse impacts to the Falcon Park Regional Master Plan.

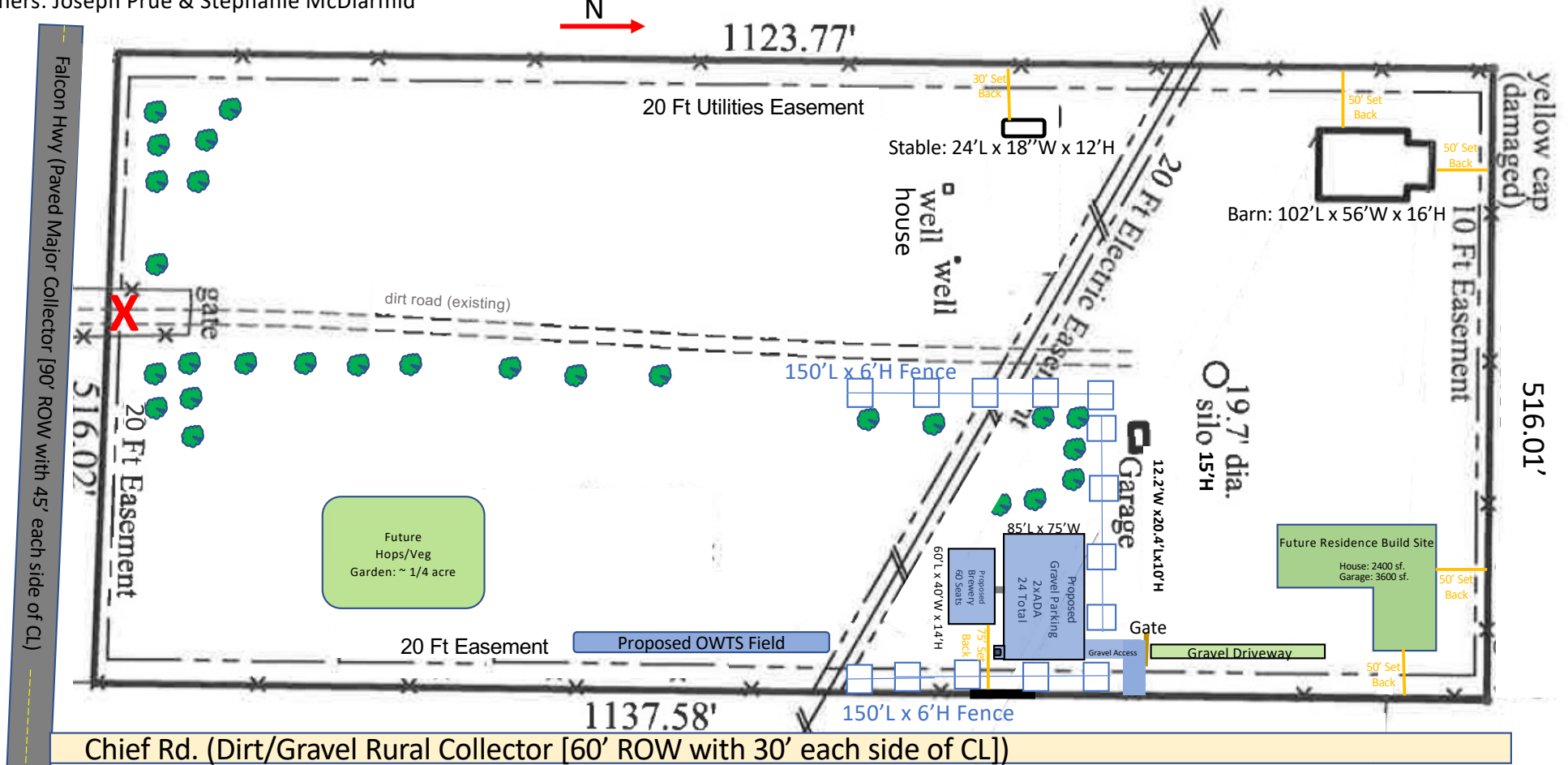
Thank you for your consideration and please feel free to contact me with any questions. We look forward to an approval of our application for a Variance of Use.

A large, stylized handwritten signature in black ink, appearing to read 'J. Prue', with a long horizontal flourish extending to the right.

Joseph Prue & Stephanie McDiarmid
Owners
6550 Chief Rd, Peyton, CO 80831

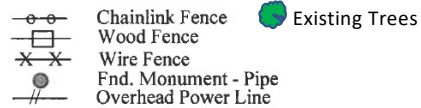
A handwritten signature in black ink that reads 'Stephanie M. McDiarmid' in a cursive script.

Owners: Joseph Prue & Stephanie McDiarmid



6550 Chief Road (A-5)
Lot 19 Arrowhead Estates
(4307004005)
13.4 Acres
Not in a flood zone.

Page 1 of 3









- Proposed: part of Variance of Use Request
- Intended (Future): **NOT** part of Variance Request
- Existing Structures

Drawing is not to scale.
PCD File No. VA-22-001
Current as of: 10 Mar 22

Owners: Joseph Prue & Stephanie McDiarmid

6550 Chief Road (A-5)
Lot 19 Arrowhead Estates
(4307004005)
13.4 Acres
Not in a flood zone.

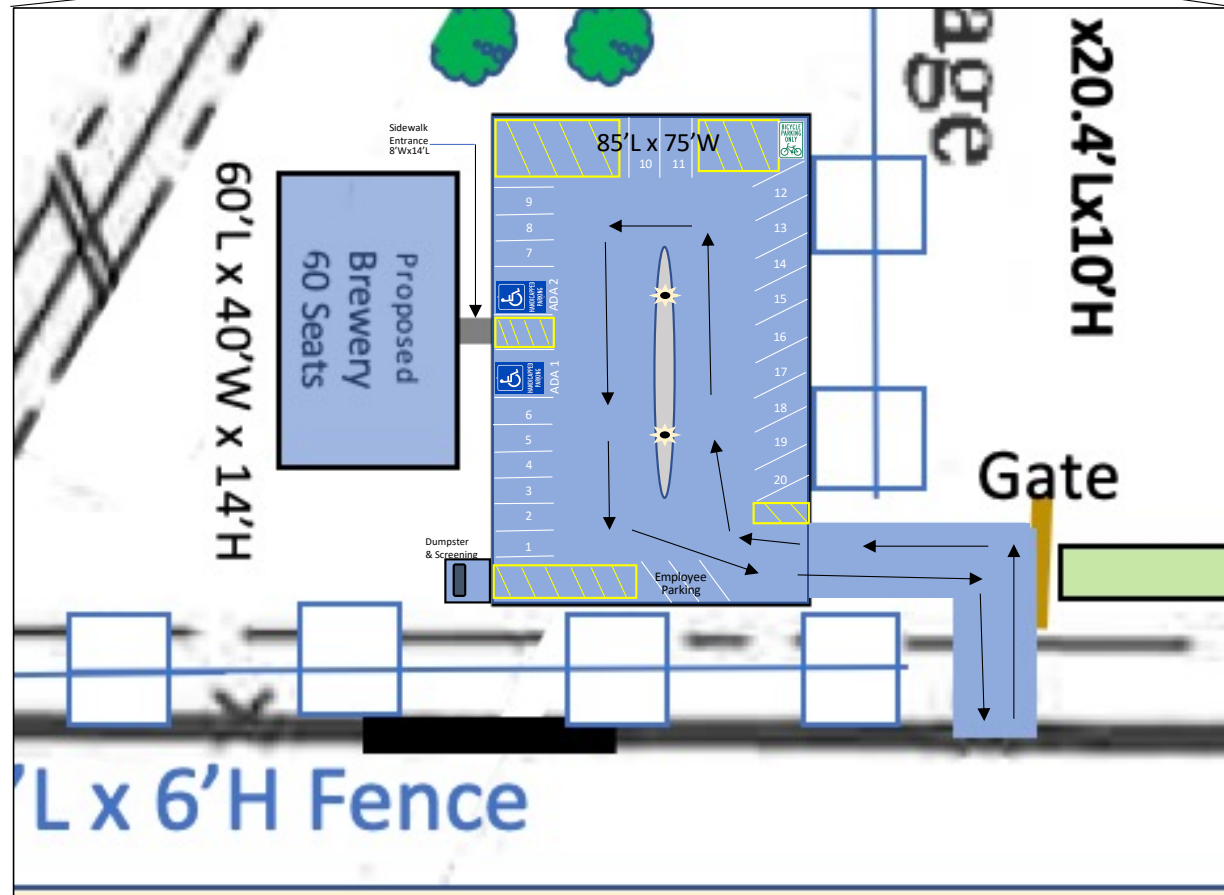
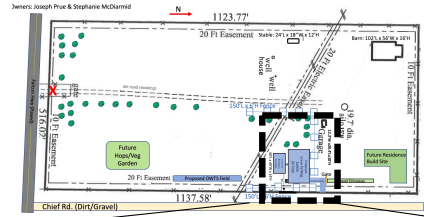
-  Chainlink Fence
-  Wood Fence
-  Wire Fence
-  Fnd. Monument - Pipe
-  Overhead Power Line
-  Light Pole $\leq 10'$ & < 1800 lumens/light

Proposed: part of
Variance of Use Request

Intended: **NOT** part
of Variance Request

Parking Computation:

- 60 Brewery Seating Area w/ 24 Parking spaces
- Code Requires: 1 Space per 3 Seats
- 60/3 = 20 Parking Spaces (Min)
- Parking spaces 1-20: Typical Size
- Employee parking (2): Typical Size
- ADA Parking Spaces Req: 1 (2 Provided)
- Bike rack parking: 3

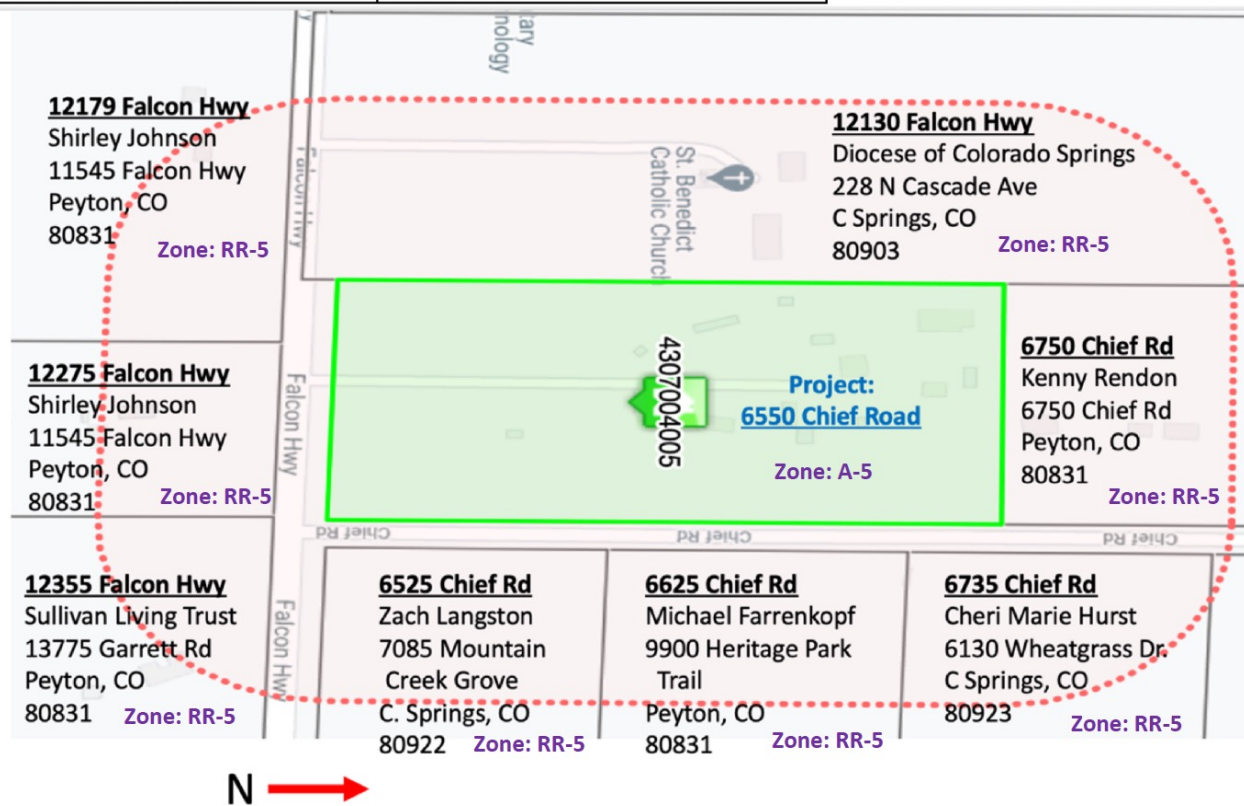


Drawing is not to scale.
PCD File No.: VA-331
Current as of: 10 Mar 22

Project: 6550 Chief Road, Peyton CO 80831 Parcel# 4307004005

Vicinity map showing the adjacent neighbors

St Benedict Catholic Church	12355 Falcon Highway	6735 Chief Rd
12179 Falcon Highway	6525 Chief Rd	6750 Chief Rd
12275 Falcon Highway	6625 Chief Rd	



Drawing is not to scale.
PCD File No.: VA-331
Current as of: 10 Mar 22

RESOLUTION NO. 22-

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

APPROVE VARIANCE OF USE FOR A LIGHT MANUFACTURING AND
RESTAURANT
VA-22-001– 6550 CHIEF RD BREWERY

WHEREAS, Joseph Prue, did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use for light manufacturing and restaurant in the A-5 (Agricultural) zoning district where such is not permitted for property located 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 16, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use; and

WHEREAS, a public hearing was held by this Board on June 21, 2022; 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 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 by Joseph Prue for a variance of use to allow for light manufacturing and restaurant, 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 light manufacturing and restaurant, as discussed 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 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

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 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
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LOT 19 ARROWHEAD ESTATES FIL NO 1