



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

El Paso County Planning and Community Development has done research regarding the following request letter for Parcel No.: 53000-00621:

- **Zoning Compliance/Verification Letter:** Please supply a letter (or use the enclosed template and copy onto letterhead) stating in which zoning district the subject property is currently located, permissiveness of current use and any compliance information you may be able to provide. Please use municipality letterhead, or, if this is not possible for some reason, please enclose a municipality fax coversheet showing that the zoning letter is enclosed.

Parcel No.: 5300000621 is zoned I-3 (Heavy Industrial) and CAD-O (Commercial Airport Overlay). The Assessor's office shows this property as a warehouse, which is an allowed use in the I-3 (Heavy Industrial) zoning district. There are no site development plan applications made for the commercial activity on the property if it is indeed a warehouse.

- **Adjacent Property Designations and Uses (if known):** Current zoning district in which properties adjacent to the subject property (North, South, East & West) are located.
  - **North:** City of Colorado Springs jurisdiction, see City of Colorado Springs zoning map.
  - **South:** I-3 (Heavy Industrial)
  - **East:** I-3 (Heavy Industrial)
  - **West:** M (Industrial) and RR-5 (Residential Rural).
- **Any Variances, Special Permits, Conditions, etc:** Please note the existence of these items as they relate to the subject property and supply documentation, if available.
  - There are three (3) special use applications that have been applied for on this parcel, the project numbers are AL85020, AL96027, and AL1415. The recorded resolutions are attached.
- **Code Violations:** Please note whether or not there are currently any open/outstanding zoning, building or fire code violations of record that apply to the subject property.
  - There are no current or outstanding zoning/ordinance violations or pending enforcement proceedings for this property with the Planning and Community Development Department. These parcels have not been inspected for a violation and this letter does not conclude that the parcels are in compliance with applicable codes/ordinances. Please contact the Pikes Peak Regional Building Department to verify compliance with all other ordinances or regulations. There are no known outstanding fees associated with this property with the



PCDD. Please contact the PPRBD for any information on outstanding building, plumbing, etc. related fees or enforcement proceedings.

- You will need to contact Pikes Peak Regional Building Department for any building code violations (719) 327-2880.
  
- **Certificates of Occupancy:** Please supply copies of any existing certificates of occupancy for the subject property. If none are available, please state the reason for this and whether there is any expected enforcement action due to the lack of certificate copies.
  - Please contact Pikes Peak Regional Building Department ((719) 327-2880) regarding any certificate of occupancy questions.
  
- **Approved Site Plan and/or Conditions of Approval, if applicable:** Please supply available documents, particularly if the subject property is located in a Planned Development.
  - One (1) site development plan has been approved for this property, which can be found at the following web address (<https://epcdevplanreview.com/Public/ProjectDetails/37141> ) and is also attached. you can search the El Paso County Archive at the following website, <https://epcdevplanreview.com/Public/Search> and search for applications via the following parcel numbers:
    - 5300000621 (current) and 5300000551 (outed parcel), 5300000290 (outed parcel), and 5300000175 (outed parcel).

Sincerely,



Len Kendall  
Planner I

El Paso County Planning and Community Development  
[lenkendall@elpasoco.com](mailto:lenkendall@elpasoco.com)  
(719) 520-6447

AL-85-20

8/16/85 # 01288105  
BK 5049  
PG 357

Commissioner Harris moved adoption of the following Resolution:

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

RESOLUTION NO. 85-284, Land Use-180

WHEREAS, Rich L. Warner and M.O. Warner did file a petition with the Land Use Department of El Paso County on or about May 3, 1985, for approval of a special use of a concrete batch plant within the PHID (Planned Heavy Industrial) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 17, 1985, upon which date the Planning Commission did by formal resolution recommend approval of the subject special use petition with conditions; and

WHEREAS, a public hearing was held by this Board on July 11, 1985; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Land Use Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper posting, publication and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested parties were heard at those hearings.
3. That the proposed special use conforms to Section 35.8, Standards Governing the Approval or Disapproval of a Petition for a Special Use, of the El Paso County Zoning Resolution.
4. That the proposed land use will be compatible with existing and permitted land uses in the area.
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 special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED, that the petition of Rick L. Warner and M. O. Warner for approval of a special use for a concrete batch plant within the PHID (Planned Heavy Industrial) Zone District in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference be approved;

BE IT FURTHER RESOLVED, that the following conditions shall be placed upon this approval:

1. The applicant deed to El Paso County the requisite additional right-of-way along Marksheffel Road to provide 105 feet of right-of-way east of the section line.
2. The applicant agree to proportionately participate in the upgrading of Marksheffel Road.
3. Petitioner's granting of an avigational easement and that same is recorded with the El Paso County Clerk so as to be a burden on the title to the property included in this request.
4. Prior to approval of any Plot Plan within this project, the applicant will be required to complete Federal Aviation Administration (FAA) Form 7460-1 and receive approval from the FAA.
5. The following notations appear upon the requisite Plot Plan:
  - a) This property is subject to Avigational Easements as recorded at Book \_\_\_\_, Page \_\_\_\_ of the Records of the El Paso County Clerk and Recorder.
  - b) No obstructions be allowed to penetrate the 40:1 approach surface to Runway 17L/35R.
  - c) All exterior lighting plans be approved by the Director of Aviation to prevent a hazard to aircraft.
  - d) No radio or other emissions which might interfere with aircraft and tower and aircraft and navigational aids be allowed.

NOTATION:

1. A Plot Plan conforming to the standards of Section 37 of the Land Development Code must be approved by the Land Use Administrator prior to the issuance of a building permit.

AND BE IT FURTHER RESOLVED, that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 11th day of July, 1985, at Colorado Springs, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

Devis Hardy  
Deputy County Clerk

By Gene R. Whittemore  
Chairman

Commissioner Meier seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Whittemore	aye
Commissioner Morrison	aye
Commissioner Meier	aye
Commissioner Harris	aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of El Paso, State of Colorado.

Resolution No. 85-284, Land Use-180  
EXHIBIT A

That portion of the Southwest Quarter of Section 28, Township 13 South, Range 65 West of the 6th P.M., described as follows: Beginning at the Southwest corner of said Southwest Quarter; thence on the West line of said Southwest Quarter, N. 00° 12' 12" W a distance of 298.20 feet to intersect the Southeasterly right of way line of the Chicago, Rock Island and Pacific Railroad; thence Northeasterly and Easterly on said right of way line on a curve to the right whose radius is 1,795.32 feet, through a central angle of 63° 33' 20" an arc distance of 1,991.47 feet; thence angle right from said curve, S 00° 12' 46" W a distance of 1,457.19 feet more or less to intersect the South line of said Southwest Quarter; thence S 90° 00' 00" W a distance of 1,488 feet to the point of beginning.

AL-96-027

533.28

ADMINISTRATIVE  
EL PASO COUNTY CLERK & RECORDER175  
Free

Commissioner Bremer moved adoption of the following Resolution:

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

RESOLUTION NO. 96-406, Land Use-148

WHEREAS, Transit Mix Concrete did file a petition with the Planning Department of El Paso County on or about August 30, 1996, for approval of a Use Subject to Special Review to locate a concrete batch plant within the PHID (Planned Heavy Industrial) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 15, 1996, upon which date the Planning Commission did by formal resolution recommend approval of the subject Use Subject to Special Review petition with conditions and notations; and

WHEREAS, a public hearing was held by this Board on November 14, 1996; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper posting, publication, and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That the proposed Use Subject to Special Review conforms to Section 35.8, Standards Governing the Approval or Disapproval of a Petition for a Use Subject to Special Review, of the El Paso County Zoning Resolutions.
4. That the proposed land use will be compatible with existing and permitted land uses in the area.
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.

Resolution No. 96-406, Land Use-148  
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6. That for the above-stated and other reasons, the proposed Use Subject to Special Review is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the petition of Transit Mix Concrete for approval of a Use Subject to Special Review to locate a concrete batch plant within the PHID (Planned Heavy Industrial) Zone District in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, be approved;

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

CONDITIONS:

1. Prior to operation, the applicant shall submit/install the following:
  - a. A traffic study acceptable to the El Paso County Department of Transportation.
  - b. Acceleration and deceleration lanage acceptable to the El Paso County Department of Transportation.
  - c. Landscaping along Marksheffel Road at the ultimate right-of-way location which complies with Section 35.12 B. of the El Paso County Land Development Code.
  - d. Connection to both central water and sewer.
  - e. Adequate drainage facilities shall be constructed to the satisfaction of the El Paso County Department of Transportation to ensure runoff water is accommodated.
2. No storage shall be closer than 100 feet from the drainage ditch.
3. Provisions shall be incorporated to prevent water-transported aggregate and sand from entering the drainage ditch.

NOTATIONS

1. No man-made or non-man-made obstructions shall be allowed to penetrate the 40:1 Surface.



Resolution No. 96-406, Land Use-148  
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Commissioner Jones seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Whittemore	absent
Commissioner Bremer	aye
Commissioner Brown	aye
Commissioner Howells	absent
Commissioner Jones	aye

The Resolution was unanimously adopted by the Board of County Commissioners of the County of El Paso, State of Colorado.

Resolution No. 96-406, Land Use-148  
EXHIBIT A

That portion of the Southwest Quarter of Section 28, Township 13 South, Range 65 West of the 6th P.M., described as follows: Beginning at the Southwest corner of said Southwest Quarter; thence on the West line of said Southwest Quarter, N 00°12'12" W a distance of 298.20 feet to intersect the Southeasterly right-of-way line of the Chicago, Rock Island and Pacific Railroad; thence Northeasterly and Easterly on said right-of-way line on a curve to the right whose radius is 1,795.32 feet, through a central angle of 63°33'20" an arc distance of 1,991.47 feet; thence angle right from said curve, S 00°12'46" W a distance of 1,457.19 feet more or less to intersect the South line of said Southwest Quarter; thence S 90°00'00" W a distance of 1,488 feet to the point of beginning.



ADMINISTRATIVE SPECIAL USE APPROVAL  
Transit Mix Off-Premise Advertising (Billboard) (AL-14-15)

WHEREAS, Transit Mix Concrete Company did file an application with the Development Services Department of El Paso County for approval of a special use permit to allow an off-premise sign within the I-3 (Industrial) District; and

WHEREAS, an administrative review was conducted by the Development Services Director was conducted on November 19, 2014; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, comments and recommendations of the El Paso County Development Services Division, comments of public officials and agencies, and comments from all interested parties, Development Services Director finds as follows:

1. That proper public notice was provided to adjacent property owners of the request and of the administrative decision date.
2. That the review completed by Development Services Staff was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties' comments during the review period were placed on file with Development Services and duly considered in the approval process.
3. That the proposed special use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.2, Special Use, of the El Paso County Zoning Resolutions.
4. The special use is consistent with the applicable Master Plan.
5. That the special use is consistent with the intent and purposes of the zoning district where the use is proposed to be located or conforms to the approved development plan.
6. The special use will be in harmony with the character of the neighborhood, and compatible with the existing and allowable land uses in the surrounding area.
7. That the special use will not result in an over-intensive use of land.
8. The impact of the special use does not overburden or exceed the capacity of public facilities and services or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner.

9. That the special use will not create undue traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access.
10. That the special use will not cause significant air, water, light, or noise pollution.
11. That the special use will not be otherwise detrimental to the public health, safety and welfare of the present or future residents of El Paso County.
12. That the special use conforms or will conform to all other applicable County rules, regulations or ordinances.
13. That 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.
14. That for the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED, that the Development Services Director of El Paso County, Colorado, hereby approves the petition of Transit Mix Concrete Company for a special use permit to allow an off-premise sign within the I-3 (Industrial) District for property located within the unincorporated area of El Paso County more particularly described in Exhibit A, which is attached hereto and incorporated by reference;

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

#### **CONDITIONS OF APPROVAL**

1. Prior to installation of any off-premise sign (billboard), the applicant shall obtain an approved sign permit from Development Services.
2. Prior to installation of any electronic message display (EMD) or mechanical message display (MMD) the applicant shall obtain approval of an amended special use permit to authorize any display other than a static copy.

#### **NOTATIONS**

1. The administrative special use approval may be revoked and/or suspended if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
2. If the administrative special use is not implemented or has been discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.
3. Special use approval includes conditions of approval and the accompanying site plan. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the Land Development Code.

DONE THIS 22<sup>nd</sup> day of December, 2014 at Colorado Springs, Colorado.

DEVELOPMENT SERVICES DIRECTOR  
EL PASO COUNTY, COLORADO

By: Max Z. Batschelt  
Director

## Legal Description

TRACT IN SW4 SEC 28-13-65 AS FOLS: BEG AT SW COR OF SD SW4, TH NLY ON W SEC LN 298.20 FT TO INTSEC SELY R/W LN OF CRI & P RR, NELY & ELY ON SD R/W LN ON A CUR TO R WHOSE RAD IS 1795.23 FT AND C/A IS 63<33'20" AN ARC DIS OF 1991.47 FT, ANG R FR SD CUR S 00<12'46" W 1457.19 FT M/L TO INTSEC S LN OF SD SEC, TH S 90<00'00" W 1488.0 FT TO POB TOG WITH R/W EASEMENT BY BK 2722-87, SUBJ TO NON-EXCLUSIVE EASEMENT FOR RD BY BK 3807-034 EX WLY 30.0 FT OF ABOVE DES TRACT BY BK 5238-1053, EX THAT PT CONV BY REC #205184816 & THAT PT TO COUNTY FOR R/W BY REC #209112383