

VARIANCE OF USE (Approved)

Commissioner Trowbridge moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. VA-18-005**

**Rocky Top Campground**

WHEREAS, G&D Enterprise, Corp., did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the Choose an item. zoning district to legalize an existing recreational vehicle park, recreation camp, and automobile and boat storage yard where such use is not permitted; and

WHEREAS, a public hearing was held by this Commission on January 7, 2021 and also on February 4, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, 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 Planning Commission Members during the hearing, this Commission finds as follows:

1. That the application was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That 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. 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 the proposed variance of use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.4, Variance of Use, of the El Paso County Zoning Resolutions.

7. 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, and

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Planning Commission 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 that the application of [Click here to enter text.](#) for a variance of use within the [Choose an item.](#) zoning district to permit [Click here to enter text.](#) where such is not a permitted use for the following described unincorporated area of El Paso County be approved: See Exhibit A.

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following condition(s) and notation(s) shall be placed upon this recommendation:

## CONDITIONS

1. Within 180 days of variance of use approval, the applicant shall apply for and receive approval of a site development plan. The deadline for receipt of approval of the site development plan 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.
2. Prior to site development plan approval, the applicant shall provide the Planning and Community Development Department with evidence that an access permit from the Colorado Department of Transportation (CDOT) has been obtained for the existing access.
3. No vehicular traffic and/or parking or storage of construction equipment, materials, or supplies shall occur over the existing onsite wastewater treatment system components.
4. Approval is limited to the use of a recreational vehicle park and recreation camp, as discussed and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the operation or facilities beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to review and approval of a new variance of use request.

**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 recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Bailey seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

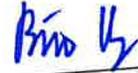
|                         |     |
|-------------------------|-----|
| Commissioner Risley     | nay |
| Commissioner Bailey     | aye |
| Commissioner Trowbridge | aye |
| Commissioner Blea-Nunez | nay |
| Commissioner Fuller     | nay |

Commissioner Moraes  
Commissioner Carlson  
Commissioner Lucia-Treese  
Commissioner Greer

aye  
aye  
nay  
aye

The Resolution was adopted by a vote of 5 to 4 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: February 4, 2021



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Brian Risley, Chair

**EXHIBIT A**

**LEGAL DESCRIPTION: 10090 W. HIGHWAY 24, GREEN MOUNTAIN FALLS, CO**

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE U.S. HIGHWAY NO. 24, WHENCE THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 9 BEARS

SOUTH 36 DEGREES 08

MINUTES WEST, 635 FEET;

THENCE SOUTH 55 DEGREES 22 MINUTES EAST ON SAID EASTERLY RIGHT OF WAY LINE, 605.3 FEET; THENCE NORTH 27 DEGREES 31 MINUTES EAST, 722 FEET; THENCE NORTH 55 DEGREES 08 MINUTES WEST, 513.8 FEET; THENCE SOUTH 35 DEGREES 18 MINUTES WEST, 723 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PORTION CONTAINED WITHIN U.S. HIGHWAY 24, COUNTY OF EL PASO, STATE OF COLORADO.

SAID TRACT CONTAINS 9.30 ACRES OF LAND, MORE OR LESS.