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RESOLUTION NO. 21- 35

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

APPROVE VARIANCE OF USE TO LEGALIZE AN EXISTING RECREATIONAL  
RV PARK AND RECREATION CAMP FOR ROCKY TOP CAMPGROUND (VA-  
18-005)

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 C-2 (Commercial) zoning district to legalize an existing  
recreational RV park and recreation camp 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 January 7, 2021 and February 4, 2021, 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 February 23, 2021; 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.

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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 G&D Enterprise, Corp., for a variance of use to legalize an existing recreational RV park and recreation camp within the C-2 (Commercial) 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. 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.

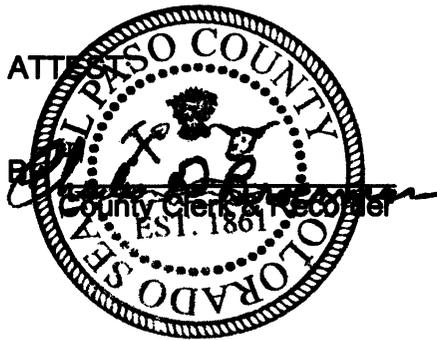
3. If the variance of use is discontinued or abandoned for two (2) years or longer, the variance of use shall be deemed abandoned and of no further force and effect.

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

DONE THIS 23rd day of February, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: *Stant VanderWeij*  
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.**