

EL PASO COUNTY



COLORADO

COMMISSIONERS:
 STAN VANDERWERF (CHAIR)
 CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
 Stan VanderWerf, Chair

FROM: Nina Ruiz, Planning Manager
 Jeff Rice, PE, Senior Engineer
 Craig Dossey, Executive Director

RE: Project File #: VA-20-004
 Project Name: Western Mining Museum
 Parcel No.: 62072-00-017

OWNER:	REPRESENTATIVE:
Western Museum of Mining & Industry 225 North Gate Boulevard Colorado Springs, CO 80921	

Commissioner District: 1

Planning Commission Hearing Date:	11/2/2021
Board of County Commissioners Hearing Date	11/16/2021

EXECUTIVE SUMMARY

A request by the Western Museum of Mining & Industry for approval of a variance of use to allow a business event center. The 28.39-acre parcel is zoned RR-5 (Rural Residential) and is located at the southeast corner of the Interstate 25 and North Gate Boulevard Interchange and is within Section 7, Township 12 South, Range 66 West of the 6th P.M. The subject parcel is located within the Black Forest Preservation Plan (1987).

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by the Western Museum of Mining & Industry for approval of a variance of use to allow a business event center.

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



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

Waiver(s)/Deviation(s): There are no waivers or deviations requested in association with the variance of use request.

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

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the November 2, 2021 hearing.

Recommendation: Approval based on amended conditions and recommended notations.

Waiver Recommendation: N/A

Vote: 9 - 0

Vote Rationale: N/A

Summary of Hearing: The PC Draft Minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code, 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:	CS (Commercial Service)	Commercial
South:	City of Colorado Springs	Commercial
East:	City of Colorado Springs	Vacant
West:	RR-5 (Residential Rural)	Interstate 25/U.S. Air Force Academy

E. BACKGROUND

The 20-acre parcel was legally created by deed on April 26, 1965 (Bk. 2070, Pg. 727). The parcel was zoned A-4 (Agricultural) when zoning was first initiated for this area of unincorporated El Paso County on September 20, 1965, (BoCC Resolution No. 434870). A rezoning of the property from A-4 (Agricultural) to A-5 (Agricultural), as well as an approval of location for a museum was approved on May 1, 1975 (reference attached File No. P75002Z and File No. AL-75-3). The Land Development Code in 1975 defined a museum as “a building in which works of artistic, historical and scientific value are cared for and exhibited”. Due to nomenclature changes to the Code, the A-5 zoning district was renamed as the RR-5 (Rural Residential) zoning district. A museum, as a new use, would no longer be an allowed use in the RR-5 zoning district.

On August 7, 2019, Code Enforcement staff received information from the County Engineer that the WMMI had continued to advertise and hold events on the property that were unrelated to the museum activities, such as an Indie Festival, Oktober Fest, farmer’s markets, and other similar events. On August 14, 2019, a notice of violation was issued for violations of Table 5-1, Principal Uses, and Table 5-2, Accessory Uses, of the Land Development Code (LDC). Specifically, the violations were for operating outdoor concerts, outdoor amusement centers, flea markets, and agritainment activities in the RR-5 zoning district. On August 20, 2019, Code Enforcement staff was contacted by Grant Dewey, Executive Director of the WMMI, who believed the WMMI had an exemption to hold events on the property and said that the WMMI had been holding events for more than a decade. The events being held at the WMMI are unrelated to the museum activities and the WMMI does not have a legal non-conforming use that would authorize holding such events.

An Early Assistance meeting was held with Planning and Community Development Department staff and representative(s) from the WMMI on October 10, 2019. The events, not including those events related to the museum, which were being held at the WMMI were classified as a “business event center” which is not an allowed use in the RR-5 zoning district. A business event center would be allowed in

commercial zoning districts and as a special use in the forestry and agricultural zoning districts. An application for a variance of use was not made by the WMMI, which ultimately resulted in a new notice of violation being issued by Code Enforcement on April 4, 2020, to include a violation for operating a business event center.

An executive determination was issued on June 10, 2020, as a result of the WMMI failing to submit a complete variance of use application. A request by the WMMI to appeal the executive determination was received on June 19, 2020. The appeal was heard by the Board of County Commissioners on August 25, 2020 where the Board of County Commissioners upheld the Executive Director's determination but requested that staff continue to work with the applicant to allow a hearing to be scheduled for the event center as well as permitting temporary uses to occur for certain events as the WMMI worked through the variance of use process. Several temporary use permits have been issued to allow the applicant to continue hosting events while completing the variance of use application.

If the variance of use is approved, the applicant will be required to submit and receive approval of a site development plan to initiate the use. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and will need to provide a more detailed depiction of the proposed use, including landscaping, on-site and off-site parking, and lighting.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to legalize the existing business event center and to repurpose the existing structures on the property to be used for these events. The subject property is bordered by commercial properties within the City of Colorado Springs to the south and east, commercial and multi-family residential development to the north, as well as Interstate 25 and the United States Air Force Academy to the west. The proposed use is categorized as a “Business Event Center” pursuant to Section 1.15 of the El Paso County Land Development Code (2019). A Business Event Center is defined as:

“A for-profit business whose purpose is to provide a place for people to assemble for events in the nature of, but not limited to, recreational, social, cultural, political, or educational purposes.”

The proposed business event center is not a permitted principle use in the RR-5 (Rural Residential) zoning district pursuant to Table 5-1 of the El Paso County Land Development Code (2019).

The applicant has requested that the proposed Business Event Center also include the following as accessory uses to the event center:

- Library
- Store
- Farmers Market
- Agritainment
- Music
- Concerts
- Recreation
- Carnival
- Ranch
- Theater

Per the applicant's letter of intent, without the additional revenue generated from the Business Event Center and associated uses, the Museum would not be able to continue to operate. The letter of intent includes the following statement:

“WMMI also desires to utilize its assets for business center type activities to achieve long term sustainability, to continue servicing our community and to carry on our educational mission. Without the requested variance, the WMMI campus will continue to be underutilized, which will limit our vision and mission; or worse, insure our demise within a few years.”

There are several other zoning districts within the County that would allow for the proposed use without the need for approval of a variance of use. The F-5, A-5, and A-35 zoning districts allow for a business event center as a special use while the CC, CR, and CS zoning districts allow for a business event center as a permitted use. The applicant could have chosen to rezone the parcel to a commercial zoning district instead of applying for a variance of use. However, not all of the other accessory uses being requested by the Museum (as listed above) would not be allowed within a commercial zoning district. By comparison, the variance of use application affords applicants the ability to specifically request any combination or variety of land uses for a specific property. Additionally, rezoning the parcel to a commercial zoning district would permit uses with greater potential for impacts to the adjacent roadways than have

already been experienced and are further anticipated with the proposed Business Event Center.

The primary potential off-site impacts related to the proposed use include noise and traffic. The property is immediately adjacent to commercial parcels within the jurisdictional boundaries of the City of Colorado Springs to the south and east as well as commercial development within unincorporated El Paso County to the north. Potential noise impacts related to the event center will be of a similar nature to those uses allowed with commercial development. Property zoned RM-30 (Residential Multi-Dwelling) is located adjacent to the property, across North Gate Boulevard to the northeast. The closest residential dwelling unit to the northeast is located approximately 350 feet from the property line of the subject parcel and approximately 750 feet from the nearest structure associated with the business event center. This additional setback is anticipated to help mitigate the additional noise that may be generated as part of the business event center.

The applicant has submitted a traffic study in support of the variance of use request. Please see the Transportation section of this report for information regarding the findings of the traffic study.

The proposed use is compatible and consistent with those commercial uses surrounding the subject parcel and is not inconsistent with the multi-family residential development to the north with the additional setback and buffering.

Should the variance of use be approved, a site development plan will also need to be submitted and approved in order to legalize the use. County review and administrative approval of a site development plan will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, water quality, parking, and lighting standards.

2. Zoning Compliance

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

- Minimum zoning district area: 5 acres
- Minimum front, side, and rear yard setback: 25 feet
- Maximum height: 30 feet
- Maximum lot coverage: 25 percent

The existing structures meet the 25-foot setback from all property lines, the maximum height, and lot coverage limitations as required in the RR-5 zoning district. Should the variance of use request be approved, approval of a site development plan will be required prior to building permit issuance and initiation of the use. Review of the site development plan 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 in Chapter 6 of the Code.

3. Policy Plan Analysis

Consistency with the El Paso County Policy Plan (1998) is not a required review criterion for a variance of use request. For background, the El Paso County Policy Plan has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Policy 6.1.8 - Encourage incorporating buffers or transitions between areas of varying use or density where possible.

Policy 6.1.11 - Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 6.1.15 - Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions.

Policy 6.2.12 - Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.

The applicant is proposing to legalize the existing business event center and to repurpose the existing structures on the property to be used for these events. The subject property is bordered by commercial properties within the City of Colorado Springs to the south and east, commercial and multi-family residential development to the north, as well as Interstate 25 and the United States Air Force Academy to the west. The aesthetic nature of the property and scale of development will be consistent with the commercial scale of development on the surrounding properties.

Potential adverse impacts generated by the development include noise and traffic impacts. Please see the Transportation section below for information regarding anticipated traffic impacts. As discussed in the Land Development Code Analysis section above, potential noise is similar to what would be associated with the surrounding commercial parcels. Additionally, the business event center is approximately 750 feet from the closest multi-family dwelling. Additionally, the applicant's site plan shows that the buildings associated with the use are located primarily on the southwestern portion of the parcel, opposite from the nearby multi-family residential use. That distance provides a buffer between the activities associated with the use and the adjacent residential property. Should the variance of use to allow the business event center be approved, a site development plan must be reviewed and approved prior to issuance of any building permits and continued operation of the use on the parcel. Compliance with the applicable development standards, such as landscaping, parking, and ADA compliance, will be reviewed with the site development plan application.

4. Small Area Plan Analysis

Consistency with the small area plan is not listed as an applicable review criteria for a variance of use. However, for background purposes, the parcel is located within the boundaries of the Black Forest Preservation Plan (1987) and is specifically identified as being within the Northgate Cooperative Area. The Northgate Cooperative area recommends (Executive Summary Page 1):

“Any development should be coordinated with the City of Colorado Springs, since these areas may be subject to annexation.”

The City of Colorado Springs Planning and Development and Public Works Departments were each sent a referral for the variance of use request. City of Colorado Springs Public Works met with both the Planning and Community Development Engineering Division as well as the applicant to discuss potential traffic impacts related to the use. The City of Colorado Springs is not requesting annexation of the property at this time and has no outstanding concerns.

The Northgate Cooperative Area includes the following recommendations regarding urban development (page 92):

“Higher density and higher profile uses should be located between the Powers Boulevard alignment and Interstate 25.”

“It is anticipated that development within this unit will ultimately include a mix of urban density uses and significant open space.”

The Plan recommends urban density in this area of El Paso County. Urban Density Development is defined in the Plan as (page 71):

“Development which typically requires services of an urban nature. For the planning area this ordinarily includes residential parcels less than two- and one-half acres in area, and all but extremely small scale commercial, office and industrial uses.”

Based on the above definition, the business event center and associated uses could be considered urban development. The proposed variance of use is consistent with the Black Forest Preservation Plan.

5. 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 1.2 – Integrate water and land use planning.

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.

The subject parcel is in Region 1 of the El Paso County Water Master Plan and is served by an individual domestic well (permit no. 99064). Should the parcel be annexed into the City of Colorado Springs in the future, the owner may negotiate an extension of Colorado Springs infrastructure, to include water, with the annexation agreement.

The Plan does not include information for individual wells and instead focuses on centralized water providers. For informational purposes, Region 1 has a current water supply for central water providers of 99,001-acre feet per year and a current demand of 83,622-acre feet per year. The 2040 water supply is projected to be 119,001-acre feet per year and the projected demand is 111,086-acre feet. The 2060 water supply is projected to be 139,001-acre feet per year, whereas

the demand is anticipated to be 138,453-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County. A finding of water sufficiency is not required with a variance of use application.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. There is known habitat on the subject property for the Preble's mouse, an endangered species. The applicant received a clearance letter from the United States Fish and Wildlife Service identifying that the development will not result in an impact to the Preble's habitat provided the applicant utilizes temporary fencing to restrict event activities from entering the areas adjacent to Smith Creek.

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace and 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.

The El Paso County Parks Master Plan (2013) does not identify any parks or trails on the subject parcel.

Please see the Transportation section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The property is encumbered by floodplain. Please see the Floodplain section below for additional information.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential.

3. Floodplain

As shown on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0290G, effective December 7, 2018, a portion of the subject property is located within Zone A 100-year floodplain, without studied base flood elevations. The floodplain follows the Smith Creek drainageway, which flows through the site from east to west.

4. Drainage and Erosion

The subject parcel is located mostly within the Smith Creek drainage basin, which was studied in 1996. A small portion of the parcel, along the south edge, is in the Monument Branch drainage basin. Drainage and bridge fees are not required with variance of use applications. Site runoff drains into Smith Creek, which outfalls into Monument Creek and ultimately into Fountain Creek.

No drainage report was submitted with the variance of use application since no site disturbance or construction is currently proposed. A drainage report will be required along with a site development plan prior to construction of any significant improvements requiring those documents in the future.

The Letter of Intent submitted for the variance of use states that no permanent structures will be placed in the floodplain or wetlands, and temporary fencing and barriers will be used during events to protect these areas.

An erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a financial assurance estimate (FAE), and a stormwater management plan (SWMP) will be required, according to County criteria, prior to any significant site disturbances in the future.

5. Transportation

The Western Museum of Mining and Industry is located immediately southeast of the I-25 and North Gate Boulevard interchange. A single access drive to the site exists directly from North Gate Boulevard, classified as a Principal Arterial County road at the time of staff report preparation. El Paso County Department of Public Works (DPW) is in the process of transferring North Gate Boulevard right-of-way ownership (and maintenance responsibility) to the City of Colorado Springs pending closing of the real estate transaction.

A traffic impact study (TIS), dated August 13, 2021, was provided with the variance of use submittal. The TIS evaluates trip generation and identifies traffic mitigation strategies for various sizes of events, based on the number of visitors. The TIS categorizes events as small, medium, and large, corresponding to increasing levels of mitigation. Small events have 125 to 250 daily visitors, medium events have 251 to 1,250 visitors, and large events have 1,250 to 1,750 visitors in the TIS analysis. Parking management, including off-site parking, and traffic control, including turn-movement restrictions are addressed for each event size.

Conformance with the MTCP is not a concern with this proposed variance of use, as addressed in the TIS. Traffic generation (for events up to the large size described in the TIS) does not raise concerns regarding the capacity of roads impacted by the traffic from uses allowed by the proposed variance; however, operations of the access drive and intersections adjacent to the site are of concern with events medium and larger in size, as reflected in the recommended conditions of approval below. No offsite improvements requiring financial contribution or construction by WMMI have been identified by the TIS consultant, City of Colorado Springs, Colorado Department of Transportation (CDOT), or County staff.

The City, CDOT, and County staffs have collaborated to provide several recommended conditions of approval, provided below, working with WMMI's staff and consultants to identify acceptable allowances and limitations of the variance of use for events of various sizes. In general, daily operations of the museum are not of concern; small events are of minor concern regarding onsite traffic control and parking; medium-size events are of some concern regarding left turns to and from North Gate Boulevard, traffic control, and parking; and large events raise those concerns previously stated as well as concerns about additional potential offsite traffic impacts. Submittals of certain items to the City, CDOT, and the County for medium and large events are required in the proposed conditions of approval; however, the intent of the variance of use approval is to limit submittals and reviews to event sizes that have been identified as causing concerns, utilizing the TIS baselines provided.

H. SERVICES

1. Water

Water is provided by an individual permitted domestic well.

2. Sanitation

Wastewater is provided by a permitted onsite wastewater treatment system (OWTS) (permit no.109029-A). The proposed business event center anticipates primarily utilizing portable toilets during events.

3. Emergency Services

The property is within the Donald Wescott Fire Northern Subdistrict Fire Protection District. The District was sent a referral and did not provide a response.

4. Utilities

Colorado Springs Utilities provides natural gas and electrical service to the subject property.

5. Metropolitan Districts

The subject parcel is not located within a 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.

I. APPLICABLE RESOLUTIONS

See Attached Resolution

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the 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:

CONDITIONS

1. The applicant shall apply for and receive approval of a commercial site development plan within six (6) months 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. The site development plan application shall include, but may not be limited to the following information:
 - a. Site development plan drawings;
 - b. Lighting plans and detailed specifications, including plans and specifications for temporary lighting, as applicable; and
 - c. Sign plans, if signage is proposed.
2. Any signage must be approved by the El Paso County Planning and Community Development Department in accordance with Chapter 6 of the El Paso County Land Development Code pursuant to submittal of a separate application for a sign permit.

3. Site lighting, including temporary lighting, will be limited to that shown on the site development plan. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and public roadways.
4. Operations shall comply with the County Noise Ordinance. If complaints occur, the County may require that the Applicant conduct additional testing to determine noise levels associated with site activities. If noise complaints are received by the County and it is determined that the noise generated from the site is in violation of the County Noise Ordinance, then the County may require changes to the hours of operation and/or require installation of noise controls to achieve acceptable levels as defined in the County Noise Ordinance.
5. The applicant shall comply with federal and state laws, regulations, ordinances, review and permit requirements of applicable agencies including, but not limited to: Colorado Parks and Wildlife, Colorado Department of Transportation (CDOT), Colorado Department of Public Health and Environment, State Water Engineer's Office, United States Army Corps of Engineers (USACOE), Environmental Protection Agency, FEMA, and the United States Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Any coordination and/or action required by the United States Fish and Wildlife Service or Colorado Parks and Wildlife which may be necessary to address the avoidance or mitigation of impacts of any current or future federally listed or locally sensitive species shall be considered binding. Copies and/or written notice of all documented coordination and/or required action shall be provided to the Planning and Community Development Department within 30 days of receipt by the applicant.
7. Hours of operation shall be limited to the following times, unless otherwise approved on a specific event basis by the Executive Director of the Planning and Community Development Department: WMMI daily operations 9:00am to 4:00pm, Monday to Saturday; business event center events 8:00am to 10:00pm, Friday to Sunday.
8. Temporary Use approval may be required for any event anticipated to have more than 1,750 visitors. A supplementary Transportation Memorandum may be required for an event of this size. Event information shall be submitted to the El Paso County Planning and Community Development Department for review and distribution no later than 60 days prior to the proposed event.*
9. Submittal of a traffic management plan will be required and shall be approved by the Planning and Community Development Department as a supporting document to the site development plan. The traffic management plan will need to

address events ranging in size from between 250 and 1,250 daily visitors, and between 1,250 and 1,750 daily visitors.

** - The required review timelines identified in these conditions of approval are provided based on typical review turnaround times. El Paso County is not responsible for events that may be cancelled or delayed due to the length of review and resubmittal timelines. The applicant is encouraged to begin coordination with each of the applicable review and permitting agencies several months in advance of the identified review timelines in order to avoid cancellation or delay of events.

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.
4. The City of Colorado Springs recommends that WMMI dedicate the 55 feet of right-of-way reserved on the Mining Museum Subdivision No. 1 plat to the City.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on October 14, 2021, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Site Plan

US Fish & Wildlife Clearance Letter

Well Permit

November 2, 2021 Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

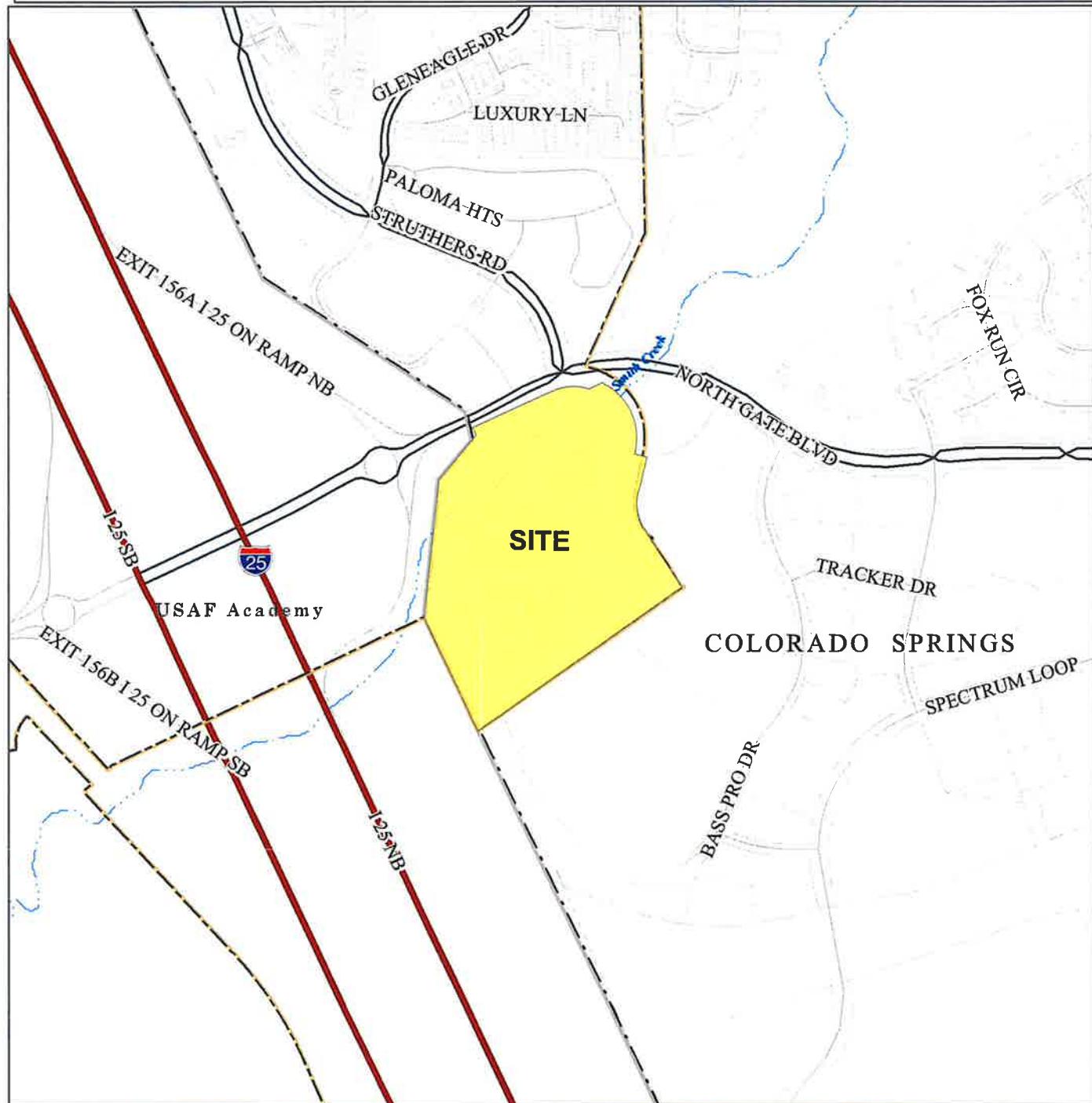
El Paso County Parcel Information

PA	NAME
620	WESTERN MU

File Name: VA-20-004

Zone Map No. --

Date: October 14, 2021



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained herein may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained herein.

August 21, 2020

Revised: November 20, 2020

Revised: February 16, 2021

Revised: May 14, 2021

Revised: August 16, 2021

El Paso County Planning and Community Development

2880 International Circle

Colorado Springs, CO 80910

RE: Letter of Intent – Variance of Use Application for a Proposed Business Event Center* at
225 North Gate Blvd., Colorado Springs, CO 80921
Parcel No. 6207200017 (plat no. 4835)
Variance of Use (VA204)

The Western Museum of Mining & Industry (WMMI) owns the property at the referenced address. This site consists of 28.39 acres and is zoned RR-5 (Residential Rural). On behalf of WMMI, a 501c3 nonprofit, I respectfully request your consideration to allow WMMI to hold business center activities on the referenced site, in other words, grant WMMI a Variance of Use. Please refer to the information below.

The structures existing on the site are listed on the site map key; there is a dirt/gravel driveway providing access from North Gate Blvd. These structures lie within the 28.39 acre parcel. WMMI intends to use the campus for activities such as: community events, museum events, rental spaces, educational tours, serving clubs, private parties, and other activities allowed as a business event center.

We also request that the following, pre-existing “principal uses” be included in this variance: **museum, theater, library, store, seasonal produce, agritainment, music concerts, recreation, carnivals and ranch.** *Please see Table 5.1, Principal Uses, from the EPC Land Development Code.

Per El Paso County Use ad Dimensional Standards Section 5.3.4c the following criteria may be considered for approving 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 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;
- 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 El Paso County, Colorado Land Development Code Use and Dimensional Standards.
- 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 designed and existing.

These criteria are addressed as follows:

- Since WMMI is currently zoned RR5, the strict application of the code would result in significant reduction in beneficial community activities and undue financial hardship due to loss of revenue for operations. For example, **if WMMI were not allowed to continue long standing operations/activities such as our museum, theater, library, gift shop, seasonal produce, agritainment, music concerts, and ranch, then we would be headed for closure. Therefore, we need these “principal uses” included in our variance.** WMMI also desires to utilize its assets for business center type activities to achieve long term sustainability, to continue servicing our community and to carry on our educational mission. Without the requested variance, the WMMI campus will continue to be underutilized, which will limit our vision and mission; or worse, insure our demise within a few years.
- The proposed use is compatible with the surrounding area and harmonious with the character of the setting and situation. In fact, WMMI contributes to the thriving tourist industry in El Paso County, and by extension, helps support the many local hotels, restaurants, and small business in our area. WMMI events rarely have any noise producing activities such as band concerts. Other event organizers orient their layout to direct the noise to be harmonious with neighbors and they measure the sound/noise level to comply with County ordinance.
- There will not be any activities within or around the venue that would result in air or water contamination or odor. Any music or noise from within or around the venue will be monitored and during a limited timeframe so not to be bothersome to surrounding neighbors.
- The proposed use will comply with all applicable requirements within this code as well as state and federal regulations that apply. Since Smith Creek traverses our property, the WMMI campus contains a floodplain and has suspected Preble Mouse habitat; however, these areas have been “pre-disturbed” since the 1880’s by the Reynolds Ranch / Farm and other operations consistently during those 130 years. Our activities are very low impact (no digging) and usually very temporary (4 to 72 hours). Any activity in the floodplain or the possible habitat is usually light pedestrian traffic, specifically on our existing dirt roads or paths.
- The proposed use will not adversely affect wildlife or wetlands. The venue will be on the Owner’s parcel, which is inclusive of over 28 acres. The Owner’s will ensure that all trash and debris resulting from any event are collected and disposed of properly.
- There are no known off-site impacts. As discussed above, due to the commercial nature of the area surrounding neighbors will not be impacted. The nearest residential housing is more than 1000ft from our main event field/area. In addition, those apartments are separated from the venue by a thick hedge of tall trees and by the “noise” on North Gate Blvd.
- The site plan includes adequate parking and traffic circulation. Our parking lot (M) provides 2 handicap accessible spaces as well as 36 regular spaces. The proposed parking areas will be more than adequate to accommodate the facility’s needs most of the time. In general, the attendance at WMMI events is 125-600 people per day or less than 100 people per hour which translates to approx. 250 people on site at the same time. A few events have about 600 to 1250

people per day or approx. 150 people per hour. At peak times, the attendance could be 400-500 people on site at once. When we (WMMI & event organizer) predict large attendance numbers (>1250 per day), then the event organizer arranges off-site parking and perhaps a shuttle system as appropriate. WMMI and Organizers have existing relationships and parking arrangements with several neighboring businesses. For most events, especially larger events, we set up "one way" traffic through the property (enter from North Gate, loop around the property, then make a right turn "only" onto North Gate). Please see the attached table for a list of parking areas and capacities. Special note: most calculations use a factor of 2.5 people per vehicle, however, our family type events average 3.0 people per vehicle which equates to fewer vehicles.

- An onsite wastewater system (OTWS) exists to accommodate the wastewater demand resulting from the activities and will be supplemented by portable toilets as needed. Our operations use water from our well (permit #109029-A). The events do not require WMMI water, or the event organizers bring their own water sources. Existing storm water management practices and systems will be utilized to prevent erosion or sediment issues. First responders have clear access to the campus and the existing structures on site.

Additional Information:

- A site map has been included which shows the creek and floodplain boundaries. Smith Creek and two small ponds are shown on the map, plus the FEMA floodplain boundaries are outlined as determined by FWS.
- The dimensions, general shape and capacity of the event parking areas are included as individual sketches and also shown on the site map. The car capacity of each parking area was determined using the El Paso County Land Development Code (effective 12/12/17).
- Our septic tanks and leach field are located east of the main museum building and have been shown and labelled on a site map which is included in the documents. No building, parking or disturbance occurs in the leach field area as described by the Health Department. FYI, our leach field lays on a gentle slope which is not conducive for parking.
- We spoke with the Water Division 2, District 10 commissioner (Doug Hollister) and deputy commissioner (Jacob Olson) about our situation. Both confirmed that no change is needed for our events and operations. Our well permit allows for our residential and commercial buildings and limited irrigation as well. WMMI water rights have been adjudicated appropriately.
- Our properly permitted well is already regulated by Colorado Department of Public Health and Environment (CDPHE) and is tested weekly and is treated as necessary by a licensed commercial contractor. As confirmed by the Water District 10 Deputy Commissioner, our water service is appropriate and properly operated.
- Our onsite wastewater treatment system (OWTS) is inspected and cleaned annually by a local commercial contractor. In 2020 the main pump was replaced, by a professional contractor, with a properly sized new pump unit.
- The leach field or soil treatment area for the OWTS is located East South East of the main museum building. We do not allow parking or building on the soil treatment area which is shown on one of the uploaded site maps.
- We will continue to contact and work with the El Paso County Health Department for our special event permits and food service permits/licenses for our events or activities. We require any visiting food vendors to be permitted and/or licensed by the County/City.

General/LOI/Site Plan -Notes on Comments

1. Resolved
2. a. We no longer have access (ingress/egress) to the East since the Scholl property is under contract.
The new owner, developer, Continental Properties may or may not allow WMMI access, therefore, at this time we will not plan on having access to the East (as we did before El Paso County changed the ROW of North Gate Blvd. which eliminated our East entry/exit.)
2. b. Resolved
2. c. Resolved at this time, no additional construction is occurring.
- 2.d. The floodplain and potential wetlands will be shown on a site map. No permanent structures will be placed or built in those areas. Temporary fencing or barriers will be used during events to protect and minimize activity in these areas of the property.
- 2.e. Regarding “one way” options for vehicle traffic, WMMI sets up a one-way loop on the campus to minimize car conflicts and maximize safety for visitors and staff. We will not plan to use our former East Exit since that option is currently unavailable. Perhaps in the future, the new adjacent owner to the East will allow that option.

Transportation/Traffic Impact Study (TIS)

1. Resolved
 2. The level of TIS was discussed with the County traffic engineer and PCD.
 2. a. CDOT has no concern or interest in the WMMI existing access. Over the years and several CDOT projects adjacent to our property (entry), CDOT has not approached WMMI or expressed concern about our pre-existing driveway.
 2. b. During events the proposed traffic is managed by a parking team which directs the one-way loop and sets up a “right turn only” exit onto North Gate Blvd. This arrangement has been successful and safe for our visitors and local drivers.
 3. Resolved
 4. TIS was discussed with County and other interested parties.
 5. Reference provided was utilized for parking, planning, managing, and discussing traffic.
- Please see the TIS memorandum from LSC Transportation which is uploaded into the EDARP system.

End of criteria for the Variance of Use application

What follows are possible future requirements prior to site development or construction, which would be included in a typical Site Development Plan. WMMI has no current plans for new construction or site development since WMMI does not have the financial resources for these requirements nor the costs of construction.

Drainage/Grading and Erosion Control/Stormwater Management

1. NA (no construction)
2. NA (no construction)
3. NA (no construction)

Recommended (Draft) Conditions of Approval

WMMI has no intention or resources for site development, therefore, our answers reflect that position.

1. a. OK when the time comes, TBD
1. b. NA (no construction)
1. c. OK when the time comes, TBD
1. d. NA (no construction)
1. e. NA (no construction)
1. f. NA (no construction)
1. g. NA (no construction)
1. h. OK when the time comes, TBD
1. i. OK when the time comes, TBD
1. j. NA (no construction)
1. k. OK when the time comes, TBD
1. l. NA (no construction)
1. m. NA (no construction)
2. OK
3. OK
4. OK
5. OK
6. OK
7. Hours of Operation - WMMI 9:00 am to 4:00 pm Monday to Saturday (currently)
8. Hours of Operation - Events 8:00 am to 10:00 pm Friday to Sunday (usually)
9. Traffic Management Plan – Detailed plan is uploaded in the system. In general, when we (WMMI & event organizer) predict large attendance numbers, then the event organizer arranges off-site parking and perhaps a shuttle system as appropriate. For most events we set up “one way” traffic through the property (enter from North Gate, loop around the property, then make a right turn “only” onto North Gate).
10. Traffic Impact Study – modified intermediate level TIS. Study was done by LSC Transportation and is provided as part of the application. In response to a conversation between the County, City and CDOT traffic engineers regarding the Traffic Impact Study (TIS) level and components we will submit comments in our application and/or letter of intent (LOI). While there were not requirements, we are striving to predict and answer their questions.

Thank you for your consideration and please do not hesitate to contact me with questions. We look forward to an approval of our application for a Variance of Use (VA204). Kind regards,

Grant Dewey
Executive Director
Western Museum of Mining & Industry
501.c.3



Western Museum of Mining & Industry (WMMI)

WMMI parking and traffic management plans (3.1)

Please read these comments about our packet of information (Summary table and KEY; plus site map overlays) about our campus parking locations and capacities. Our parking areas are dirt (road base) surfaces or open fields (pre-disturbed by 120 years of activity). While we use a combination of temporary "barriers" and "permanent" fences to define the parking lots, they also have natural limits like hill sides. The packet includes a series of overlays to show general location and shape of the areas, dimensions and capacities, and orientation within our natural & man-made surroundings. The site maps show our many out-buildings, few roadways and natural features. The summary table (3.1) lists the buildings and parking areas with information about them such as: dimensions, names, labels and more. We trust this packet will provide sufficient information to meet your needs to recommend approval.

Packet includes:

Vicinity Map / General location (showing boundaries, neighbors, roads, etc.)

Explanation of parking and traffic management plan

Satellite plan view of site; floodplain, creek, septic, parking (with scale)

Summary Table 3.1 of WMMI Campus Layout (buildings, lots)

Sketch 1 – Campus layout

Sketch 2 – Dimensions and capacity of parking areas (M & O)

Sketch 3 – Dimensions and capacity of parking areas (Q & L)

Sketch 4 – Dimensions and capacity of parking areas (P & N)

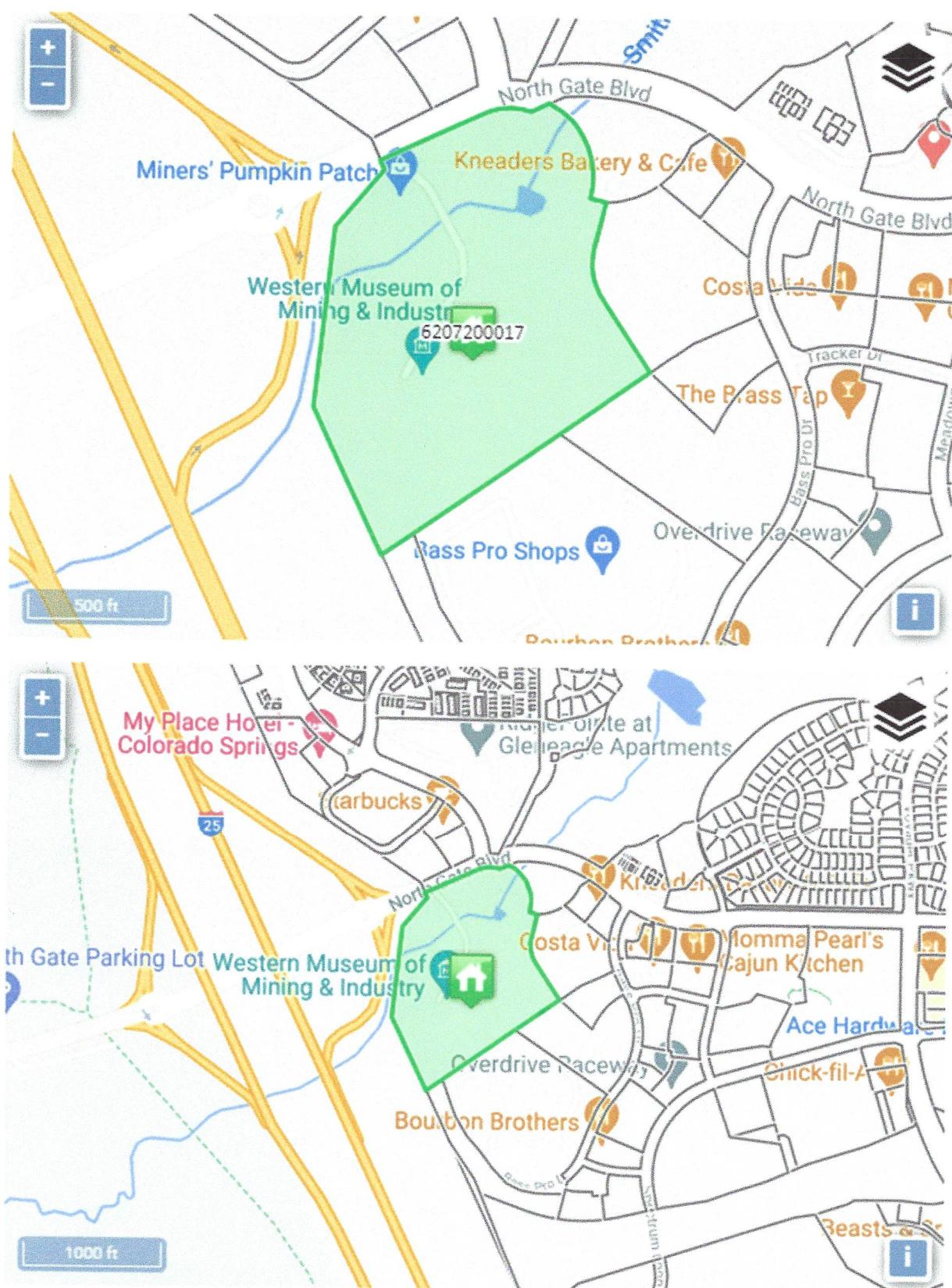
Sketch 5 – General event traffic flow on campus

Sketch 6 – Existing entry and exit traffic plan

Sketch 7 – Enlarged/Detailed entry & exit plan

225 North Gate Blvd.,
Colorado Springs, CO 80921
Main: 719.488.0880
Toll Free: 800.752.6558
www.wmmi.org

Western Museum of Mining & Industry (WMMI) - Vicinity Map



WMMI parking and traffic management plans (3.1)

The WMMI campus has 6 parking areas (lots) listed as "L, M, N, O, P, Q" on the master key or summary table. In a crude or rough sense, we have upper and lower portions of our campus. The upper portion, be it, parking or buildings, is rarely active or available to the public. For daily operations of the Museum and Reynolds Ranch House, parking areas L and M are utilized and easily handle our small daily volume of staff and visitors. For events of various sizes, we employ the parking areas in a rough sequence or grouping depending on the number of vehicles. Phase one (A) of parking would be areas L, M and Q which have a total capacity of 108 spots. Phase two (B) of parking would be area O which has a capacity of 60 spots. Phase three (C) of parking would be areas N and P which have a total capacity of 102 spots. Therefore, all 6 parking areas have a combined capacity of 270 spots.

For our routine operations, which includes school groups, local visitors and tourists, WMMI uses phase one (A) of parking plans. This first phase also handles the vast majority of our private events, such as weddings, business parties, space rentals, etc. Phase one (A) and phase two (B) accommodate our own public activities and events such as Family Days, Demo Days or Miners' Pumpkin Patch. Only a few events, usually outside vendor events, require all 3 phases of parking (A, B, C). A couple of examples of these public, vendor/renter organized events include: Celtic Fest and Oktober Fest. These event names and examples are provided ONLY as samples, in no way, do they represent all activities or possible future events, since it would be pointless to attempt predicting the future, especially with Covid 19.

Our parking plans and phases are managed by a group of parking attendants, signs & cones, portable barriers and temporary fencing. For the majority of the events/activities (especially phase two (B)), we conduct a one-way loop traffic pattern around the lower campus. We also encourage right turn only entry and exit on North Gate Blvd. This is accomplished using attendants, signs and cones at critical points along the path of travel.

If an event's attendance, vehicle volume, is predicted to exceed the campus parking capacity (or for other reasons), then off-site parking will be arranged with other nearby locations such as Bass Pro Shop, Boot Barn or Discovery Canyon Campus. WMMI and/or vendor (organizer) will have a written arrangement/agreements with these businesses/organizations. Depending on the location, customers may be able to walk (without crossing a roadway) or a shuttle service will be arranged/provided. WMMI and most event organizers already have connections, experience and resources to accomplish parking arrangements as needed.

Special notes:

Public School Districts already design and suggest "right turn only or limited left turn" routes of travel for their buses. WMMI will encourage school vehicles, tour buses and shuttles to use "right turn" entry and exit for their visits.

Without placing limitations, WMMI intends to hold events which may utilize parking phases one (A) and phase two (B) of vehicle volumes (less than 249 spots) usually over the course of the event time period. As mentioned before, we predict that most activities will only need phase one (A) for parking and the vehicle traffic will be insignificant to local roadways (background noise in traffic volume). Regarding number and frequency of activities, we hope to be available to the public year-round, however, most likely the warmer months of May to October will be requested. Whether private or public, most activities will be on weekends (Fri, Sat, Sun) and will be "smaller" with a few dozen vehicles and perhaps a couple hundred people on property over the course of several hours.

WMMI Campus – Parking Areas – Green shaded areas



- Floodplain Limits
- Creek Bed
- Septic Field
- Scale (red) 100 ft
- Pond

Lot	Length (ft)	# of Cars
L	169	24
M	196	38
N	254	50
O	NA	60
P	260	52
Q	228	46

WMMI Campus Layout - Summary Table 3.1 — Variance for Business Event Center

Key

Item	Name	Dimension – Area	Notes	Setback
A +	Reynolds Ranch House	2000 sf	Historic site, under renovation (RRH)	110 ft
B +	Bunk Houses (2)	200 sf	Historic, education, tour	225 ft
C +	Hay Barn	2280 sf (60x38)	Education, rental space	320 ft
D +	Milk Barn	2730 sf (72x38)	Maintenance, storage	240 ft
E +	Ore Mill	864 sf (24x36)	Storage, rental space	280 ft
F +	Air Shed	300 sf (20x15)	Storage, maintenance	430 ft
G +	Museum	12000 sf	Education, Museum	350 ft
H +	Blacksmith shop	400 sf	Education	115 ft
I +	Hoist house	400 sf	Education	105 ft
J +	Burro Barn	500 sf	Storage	110 ft
K +	Stamp Mill	3000 sf	Education	255 ft
X +	Cell, Hoist Bldg.	900 sf	Storage, cell tower equipment	40 ft
L	Parking Area, NW	63x169 ft	Gravel, for RRH and events, T posts	24
M	Parking Area, central	196x63 ft	Gravel, for Museum, stop blocks	38
N	Parking Area, SE	254x75 ft	Grass, upper SE corner, T posts	50
O	Parking Area, central	210x75 & 120x75 ft	Grass, main field, lower, T posts	60
P	Parking Area, south	260x69 ft	Grass, upper south ridge, T posts	52
Q	Parking Area, south	228x72 ft	Grass, south field, lower, T posts	46
R				
S				
T				
U				

+ Existing building

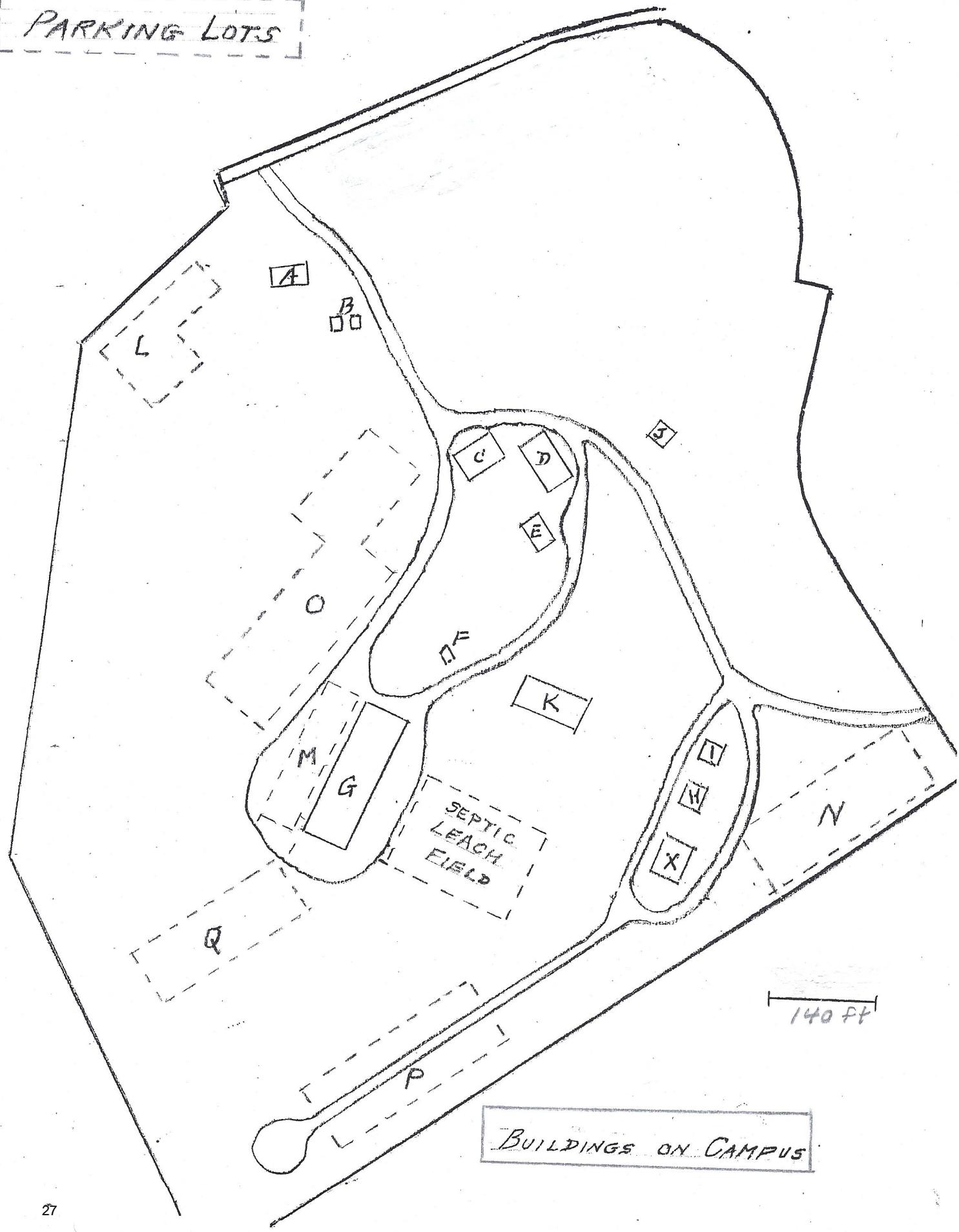
45 Parking area car capacity

_____ Building outline (and dirt roads)

— — — — Parking area outline

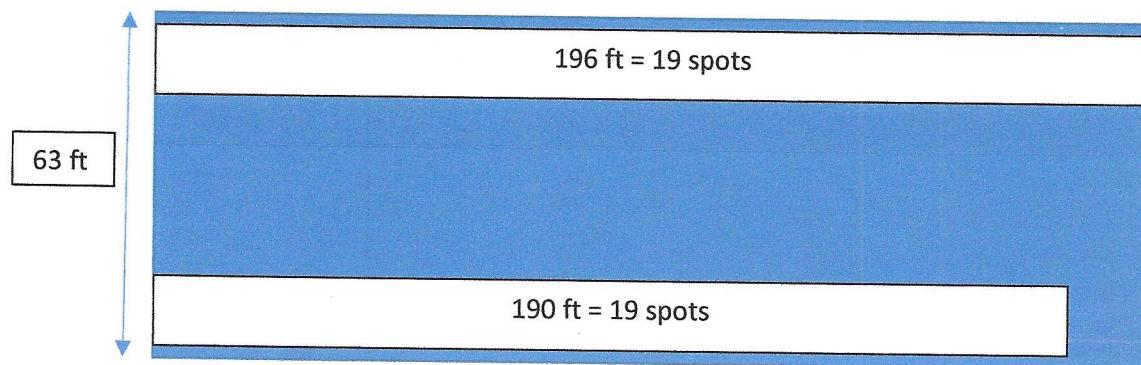
WMMI CAMPUS 2020

PARKING LOTS

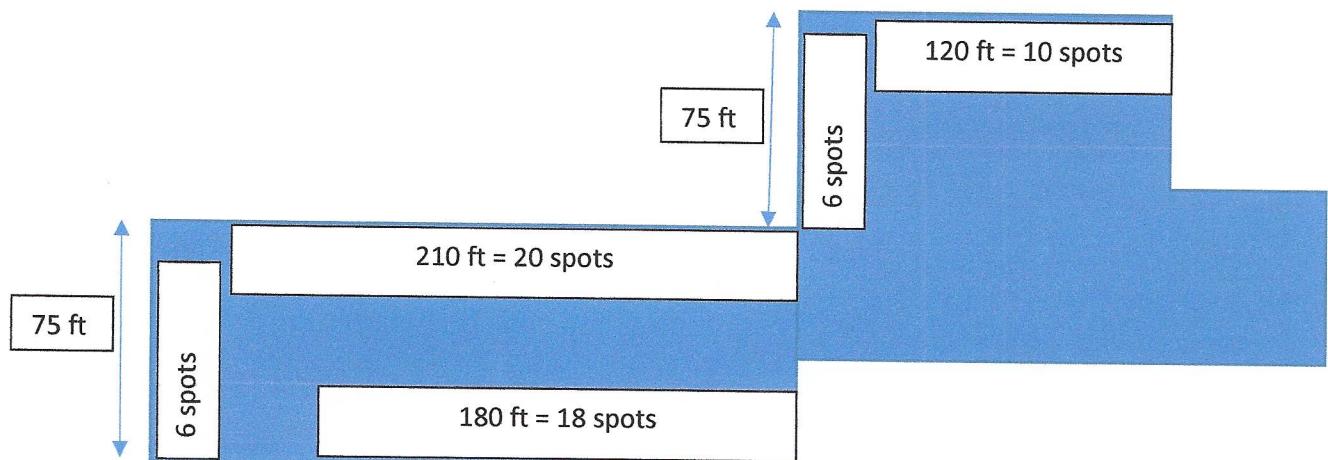


WMMI parking lots – Lower Campus

Lot M – Museum Parking Lot (2 way and 2 rows) – (38 parking spots)

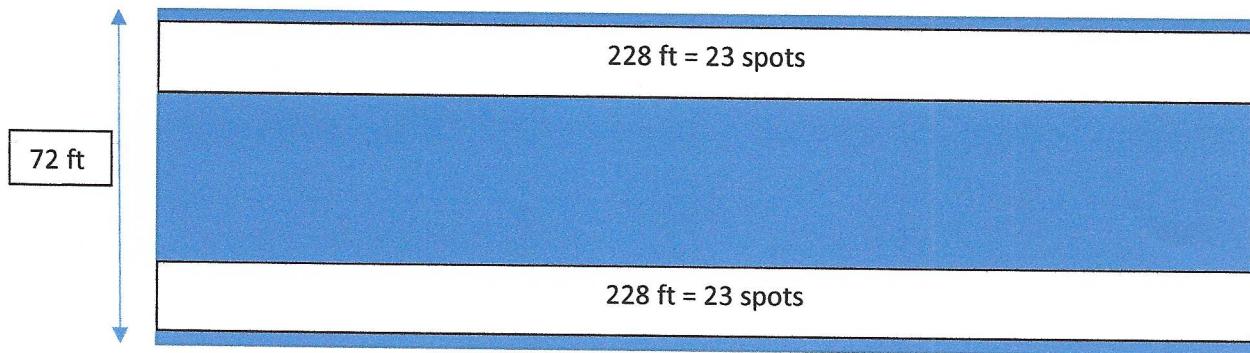


Lot O – Main Field Lot (1 way and partial 2 rows) – (60 parking spots)

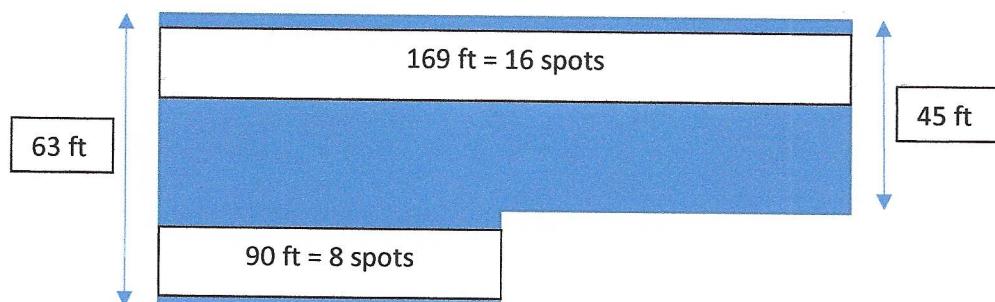


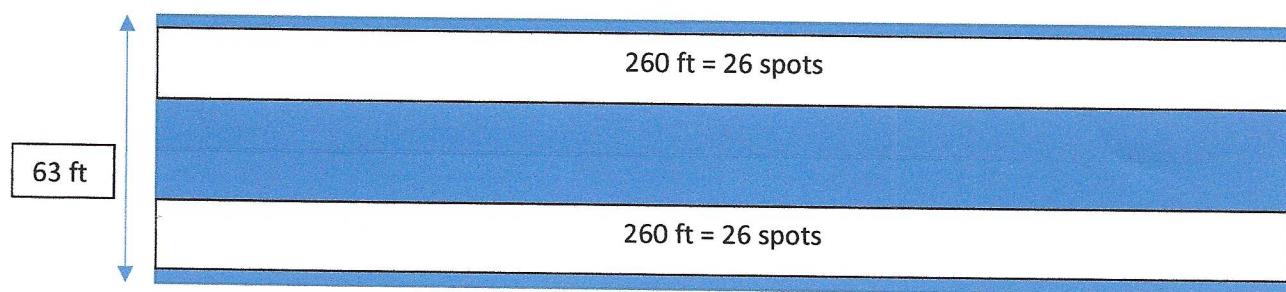
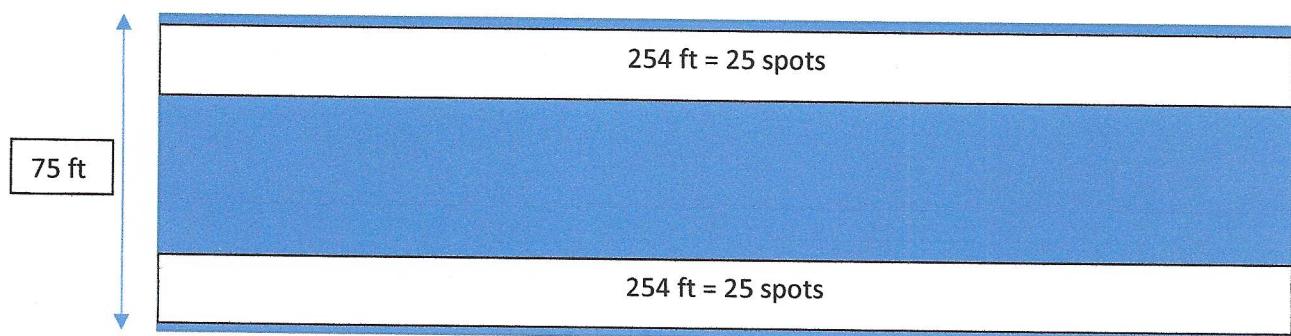
WMMI parking lots – Lower Campus

Lot Q – South Field Lot (2 way and 2 rows) – (46 parking spots)



Lot L – Reynolds Ranch House Lot (2 way and partial 2 rows) – (24 parking spots)



WMMI parking lots – UPPER Campus**Lot P – South Ridge Lot (2 way and 2 rows) – (52 parking spots)****Lot N – South East Field Lot (2 way and 2 rows) – (50 parking spots)****Lot ? – X Field Lot (2 way and 2 rows) – (xx parking spots).**

End

Western Museum of Mining & Industry (WMMI)
Event traffic flow – Medium / Large Events



WMMI Entry Traffic Flow and Control Plan

For Events of More than 100 vehicles



Traffic Flow Direction →

Traffic Control Cones ● ● ● ●

Traffic Direction Signs □

Traffic Control Personnel X

UNIVERSITY - ENTRY EXIT

RPH

NORTH GATE BLVD.

L

N



United States Department of the Interior



FISH AND WILDLIFE SERVICE
134 Union Boulevard, Suite 670
Lakewood, Colorado 80228

In Reply Refer to:
FWS/IR05/IR07/COFO

TAILS: 06E24000-2020-TA-0084

November 10, 2020

Mr. Grant Dewey
Executive Director
Western Museum of Mining and Industry
225 North Gate Boulevard
Colorado Springs, Colorado 80921

Subject: ESA Consultation for Museum Events at the Western Museum of Mining and Industry,
El Paso County, Colorado

Dear Mr. Dewey:

The U.S. Fish and Wildlife Service (Service) received your email on October 23, 2020, for the Western Museum of Mining and Industry's proposed events on their property in El Paso County, Colorado. Your email requested concurrence with your determination that the proposed project would not result in incidental take of the federally threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*) and its critical habitat. These comments have been prepared under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C 1531 *et. seq.*).

The proposed action involves the continued hosting of museum events on the 28-acre campus at the Western Museum of Mining and Industry. Outdoor events will use the existing roads and picnic areas that are present on the site. The proposed project will not result in additional ground disturbances, and no roads or structures will be constructed. Temporary fencing will be used to restrict event activities from entering the adjacent areas along Smith Creek, which contains habitat for the Preble's mouse.

Based on the information provided in your email and the site maps that you provided, the Service agrees with your determination that the proposed project would not result in incidental take of the Preble's mouse and its critical habitat.

INTERIOR REGION 5 MISSOURI BASIN

KANSAS, MONTANA*, NEBRASKA, NORTH DAKOTA,
SOUTH DAKOTA

*PARTIAL

INTERIOR REGION 7 UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

We appreciate your efforts to ensure the conservation of threatened and endangered species. If you have questions or comments related to this project, please contact Leslie Ellwood of this office at 303-236-4747.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liisa M. Schmoele".

Liisa Schmoele
Assistant Field Supervisor
Colorado Field Office – Lakewood

Reference: Projects\Western Museum of Mining_Clearance Letter_FWS concur

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street Room 818
Denver, Colorado 80203

JAN 6

WATER REGULATIONS
STATE OF COLORADO
2010THIS FORM MUST BE SUBMITTED
WITHIN 60 DAYS OF COMPLETION
OF THE WORK DESCRIBED HERE-
ON. TYPE OR PRINT IN BLACK
INK.

WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER 109029-A

WELL OWNER Western Museum of Mining & Industry NW 1/4 of the NW 1/4 of Sec. 7
1025 Northgate Rd.

ADDRESS Colorado Springs, Colo. 80908 T 12 S R 66 W 6th P.M.

DATE COMPLETED October 2, 1978 HOLE DIAMETER

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	1	top soil	
1	45	sand & clay in layers with water	
45	100	hardpacked sand & clay	
100	200	sandstone & clay in layers x	

TOTAL DEPTH 200 ft.
Use additional pages necessary to complete log.

10 in. from 0 to 45 ft.

7 in. from 45 to 200 ft.

in. from to ft.

DRILLING METHOD Cable tool

CASING RECORD: Plain Casing

Size 3" & kind steel from 0 to 48 ft.

Size 5" & kind PVC from 30 to 100 ft.

Size 5" & kind PVC from 190 to 200 ft.

Perforated Casing

Size 5" & kind PVC from 100 to 190 ft.

Size & kind from to ft.

Size & kind from to ft.

GROUTING RECORD

Material Cement

Intervals 6-47 ft.

Placement Method poured from the top.

GRAVEL PACK: Size none

Interval

TEST DATA

Date Tested October 8, 1978

Static Water Level Prior to Test 50 ft.

Type of Test Pump Submersible

Length of Test two hours

Sustained Yield (Metered) 30 gpm

Final Pumping Water Level 125 ft.

PUMP INSTALLATION REPORT

Pump Make Sta-Rite

Type Submersible

Powered by Electricity HP 2

Pump Serial No. 20P4

Motor Serial No. G02S

Date Installed October 8, 1978

Pump Intake Depth 185 ft.

Remarks _____

WELL TEST DATA WITH PERMANENT PUMP

Date Tested October 8, 1978

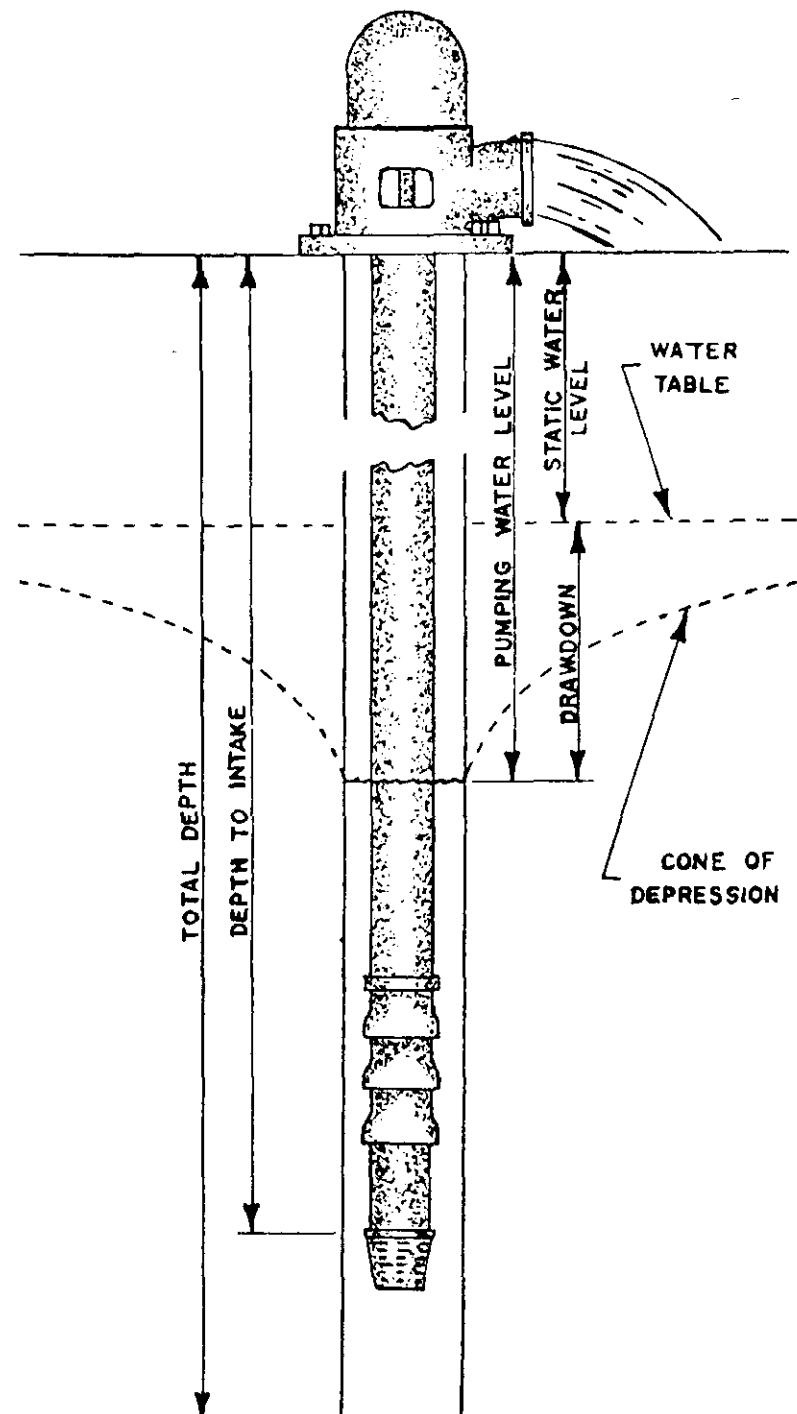
Static Water Level Prior to Test 50 ft.

Length of Test two Hours

Sustained yield (Metered) 30 GPM

Pumping Water Level 125 ft.

Remarks _____



CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature *Stan E. Hark* License No. 150

State of Colorado, County of El Paso SS

Subscribed and sworn to before me this 7 day of Oct, 1980.

My Commission expires: 10-12, 1981.

Notary Public Craig Bennett

FORM TO BE MADE OUT IN QUADRUPLETCATE: WHITE FORM must be an original copy on both sides and signed.
WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80263

RECEIVEDAUG 10 1978
SEP 29 1978**PERMIT APPLICATION FORM**

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

A PERMIT TO USE GROUND WATER
 A PERMIT TO CONSTRUCT A WELL
 FOR: A PERMIT TO INSTALL A PUMP

REPLACEMENT FOR NO. Un Registered

() OTHER

WATER COURT CASE NO. _____

OCT 11 1978

WATER RESOURCES
STATE ENGINEER
COLD.WATER RESOURCES
STATE ENGINEER
COLD.**(1) APPLICANT - mailing address**NAME **Western Museum of Mining & Industry**STREET **1025 Northgate Rd.**CITY **Colorado Springs, Colorado** 80908
(State) (Zip)TELEPHONE NO. **495-2182**

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. **99064**

Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

APPROVED AS A REPLACEMENT FOR WELL NO. **109029** FOR DOMESTIC USE, INCLUDING THE IRRIGATION OF NOT OVER ONE ACRE OF LAWNS AND GARDENS AND FOR DRINKING AND SANITARY FACILITIES IN A MUSEUM. THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE REVISED AND AMENDED RULES AND REGULATIONS FOR WATER WELL AND PUMP INSTALLATION CONTRACTORS. THE ENCLOSED AFFIDAVIT MUST BE SUBMITTED WITHIN SIXTY (60) DAYS AFTER THE CONSTRUCTION OF THE NEW WELL, AFFIRMING THAT WELL NO. **109029** WAS PLUGGED AND ABANDONED.

(2) LOCATION OF PROPOSED WELLCounty **El Paso**NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section **7**
Twp. **12** S. Rng. **66** W. **6th** P.M.
(N.W. E.W.)**(3) WATER USE AND WELL DATA**Proposed maximum pumping rate (gpm) **15**Average annual amount of ground water to be appropriated (acre-feet): **1**Number of acres to be irrigated: **none**Proposed total depth (feet): **200 ft.**

Aquifer ground water is to be obtained from:

DawsonOwner's well designation **Not Only well****GROUND WATER TO BE USED FOR:**

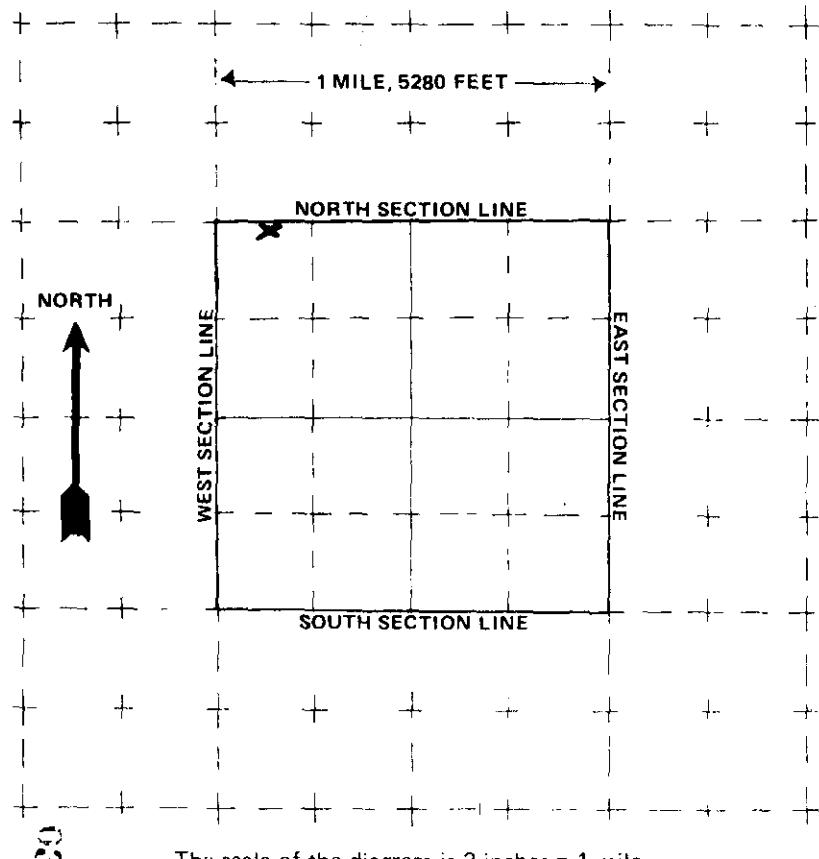
- () HOUSEHOLD USE ONLY - no irrigation (0)
 DOMESTIC (1) () INDUSTRIAL (5)
 LIVESTOCK (2) () IRRIGATION (6)
 COMMERCIAL (4) () MUNICIPAL (8)
 () OTHER (9)

DETAIL THE USE ON BACK IN (11)

(4) DRILLERName **W.V. Harding & Sons**Street **1409 Bates Dr.**City **Colorado Springs, Colorado** 80909
(State) (Zip)Telephone No. **633-9775** Lic. No. **150****APPLICATION APPROVED**PERMIT NUMBER **109029-A**DATE ISSUED **JUL 27 1979**EXPIRATION DATE **JUL 27 1981**

Bruce E. DeBrine
 STATE ENGINEER
 DEPUTY
DeWayne R. Schowden
 I.D. **2-10** COUNTY **21**

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

1342

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) ... 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot ... 43,560 cubic feet ... 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): Western Museum of Mining & Industry

No. of acres: 70

Legal description: NW 1/4 NW 1/4 Sec 7 T 12 S R 66 W 6th PM

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Water to be used for Domestic purposes, a replacement of Farm Well.

Septic System meets County specifications, water will also be used

FOR A SMALL MUSEUM RESTROOM AND FOR FARM PROTECTION FOR THE FARMHOUSE, BARN, STABLES, ETC.

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right

Used for (purpose)

Description of land on which used

none

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

J. Fred M. Fava, Chairman
SIGNATURE OF APPLICANT(S)

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

150 ft. from north sec. line
(north or south)

725 ft. from west sec. line
(east or west)

LOT BLOCK FILING #

SUBDIVISION

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: Western Museum of Mining & Industry No. of acres 70. Will this be the only well on this tract? No

(8) PROPOSED CASING PROGRAM

Plain Casing

5 in. from 0 ft. to 150 ft.

 in. from ft. to ft.

Perforated casing

5 in. from 150 ft. to 200 ft.

 in. from ft. to ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

100 ft. Northwest of old well.

Old Well to be filled & plugged

SUPPLEMENTAL INFORMATION

Div II

Initial Permit No.	REQUEST FOR VERBAL APPROVAL		Date verbal approval given: 7-25-78
Final Permit No.			
Owner <u>EL PASO MINE CO.</u> <u>MINING & END</u>	Driller <u>TRAVIS HARDING</u>	Location County: <u>EL PASO</u>	
Address:	Lic. No.	Phone	
Phone	New <input type="checkbox"/>	Repl. <input checked="" type="checkbox"/>	Permit No. <u>DEM</u>
Approved Yes <input type="checkbox"/> No <input type="checkbox"/>	Alt. Pt. Div <input type="checkbox"/>	T.H. <input type="checkbox"/>	Distances from Sec. Lines
By:	Proposed Depth:	Date of Construction	Casing: Plain: _____
ID _____ County _____		Subdivision	Perf: _____

Date	Initial	Contact and Number	REMARKS
			LR & REPL. at each house they have rented
			C-9-29-78
			7-10-78
			* A* 10-11-78
			A 11-2-78
			C-11-3-78
			C-12-1-78
			C-12-25-78
			C-1-8-79
			checked w/Delaware C-1-19-79
			7-30-79 ← C-3-14-79
			* C-4-14-79
			AR -10-11-78
			C-4-28-79
			C-5-30-79
			C-6-22-79
			checked w/Delaware C-7-7-79
			7-3-79 C-7-24-79
			Permit #108029-A ISSUED 7-27-79

EL PASO COUNTY



COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, November 2, 2021
El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado 80910

SPECIAL HEARING
9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE,
JAY CARLSON, ERIC MORAES, BRANDY MERRIAM, TIM TROWBRIDGE, AND
SARAH BRITTAJN JACK

PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ

PRESENT AND NOT VOTING: BRYCE SCHUETTPELZ

ABSENT: BECKY FULLER

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, DANIEL TORRES, JEFF RICE,
CARLOS HERNANDEZ, MERCEDES RIVAS, GILBERT LAFORCE, ELIZABETH
NIJKAMP (VIA REMOTE ACCESS), SPENCER PIRZADEH, KYLIE BAGLEY,
EDWARD SCHOENHEIT, CHARLENE DURHAM, KARI PARSONS, ELENA KREBS,
AND EL PASO COUNTY ATTORNEYS LORI SEAGO AND MARY RITCHIE

OTHERS SPEAKING AT THE HEARING: GRANT DEWEY

Report Items

**1. A. Report Items -- Planning and Community Development Department –
Mr. Dossey** -- The following information was discussed:

- a) The next scheduled Planning Commission meeting is for
Thursday, November 18, 2021 at 9:00 a.m.
- b) **Mr. Dossey** gave an update on the year-to-date building permits
and also provided an update of the Planning Commission agenda



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

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

items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

- c) **Mr. Dossey** introduced **Mr. Carlos Hernandez, Mr. Edward Schoenheit, and Ms. Charlene Durham** as newly hired engineers for the department. He then introduced the newly hired planner III **Kylie Bagley** and the newly hired associate planner, **Spencer Pirzadeh**. Welcome everyone!

B. Public Input on Items Not Listed on the Agenda – NONE

2. CONSENT ITEMS

A. Approval of the Minutes – October 7, 2021

The minutes were unanimously approved as presented. (9-0)

B. P-21-004

RIVAS

**MAP AMENDMENT (REZONE)
WATERVIEW NORTH RESIDENTIAL**

A request by CPR Entitlements LLC, and PHI Real Estate Services LLC, for approval of a map amendment (rezoning) of 23.54 acres from A-5 (Agricultural District) to RS-5000 (Residential Suburban District). The three (3) parcels are located northeast of the Bradley Road and South Powers Boulevard intersection and are within Section 9, Township 15 South, Range 65 West of the 6th P.M. (Parcel Nos. 55000-00-436, 55000-00-438, and 55000-00-439) (Commissioner District No. 4)

Mr. Trowbridge- Can staff show us the zoning in the area, I was concerned about some of the comments in the staff report about how this is not conforming in some ways, to the master plan.

Mr. Dossey – Regarding the master plan element, when we were looking at this area in terms of the placetype, this area was already sketch planned for some of these uses, but the way we looked at it is if it does change from how we looked at it to something else, we want to make sure it is in keeping of the master plan. Specifically, in consistency with the airport and the overlay. It is not that we ignored the sketch plan when we created that place type but recognized that things do change. We did what thought was right in the context overall, but certainly not ignore the sketch plan. That is where that disconnect comes from. Recognizing the presence of the airport and that key area. Before you today is an attempt to implement the sketch plan that was already approved.

Ms. Rivas – Presented zoning information of the questioned parcel, her presentation is part of the full record.

Mr. Trowbridge - It wasn't clear to me that there was other residential in the immediate vicinity, it is under the runway practically, so the airport overlay is a bit of a concern.

Mr. Bailey – Just a general comment on that, I think this is one of many examples of places where there are areas that the Master Plan identified for one use, but it is also appropriate for a variety of uses. I appreciate the question because the same kind of issues arose in my mind as well.

Mr. Dossey – You're in a transition period where you have existing approvals out there that may or may not be consistent with the Master Plan, and that is ok. The approvals got done with guidance that was different, but you are in a transitional period where existing approvals are going to be hanging out there until new sketch plans come in under the new Master Plan. You're going to see some inconsistencies, but that is the nature of implementing a new Master Plan.

Mr. Moraes – I thought we were going to use the sketch plan amendment that was approved back in July, we were going to use the policy plan that was in place prior to the Master Plan.

Mr. Dossey – It is based on when the application was made and the reason why, let's say they came in for a commercial rezoning instead of residential. You would want to look at it in context of the new Master Plan, not the old policy plan. That is where the background come into effect.

PC ACTION: LUCIA-TREESE MOVED/MORAES SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, P-21-004, FOR A MAP AMENDMENT (REZONE), FOR WATerview NORTH RESIDENTIAL, UTILIZING RESOLUTION PAGE NO. 27, CITING 21-061, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. SP-20-003

PARSONS

PRELIMINARY PLAN
STERLING RANCH PHASE II PRELIMINARY PLAN

A request by SR Land, LLC, 8335 Vollmer Road, LLC, and Challenger Communities, LLC, for approval of a preliminary plan to create 212 residential lots. The four (4) parcels totaling 74.62 acres, are zoned RS-5000 (Residential Suburban) and I-3 (Heavy Industrial) and are located north of Woodmen Road, south of Vollmer Road and Dines Road, and are bisected by Sterling Ranch

Road. The parcels are within Sections 4 and 33, Township 12 South, and Section 5, Township 13 South, Range 65 West of the 6th P.M. (Parcel Nos. 52330-00-012, 52330-00-013, 53000-00-173, and 53000-00-222) (Commissioner District No. 2)

Ms. Merriam – I have a question regarding the traffic study. I don't see anything that goes into a main artery. How far out does the traffic study go?

Mr. Rice – Our criteria require them to look up to the intersections and roads where they have a significant impact, which is at least 5% at the intersections. So, this project when they did their original sketch plan I believe they analyzed the intersections at Vollmer up to possibly Briargate and Marksheffel and then the general traffic going south on Vollmer and the future traffic going east. There is a master traffic study that looked at all those and then when we do each preliminary plan, they narrow down the impact of each final plat. So this prelim plan was looking at the intersections of Marksheffel and Volmer and improvements that would need to be done on Vollmer with conjunction of filing two. In this case Marksheffel road has been reviewed by the City and they will take over maintenance.

Ms. Merriam – Using the human body as an example those are veins and using Powers as an artery. It is much larger and more important and the same with Woodmen. When you have a completely new development, with this you have rural traffic and you put in that urban density.

Mr. Rice – With the larger roads since there is background traffic already. It is less percentage impact from the project.

PC ACTION: MORAES MOVED/ LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, SP-20-003, FOR A PRELIMINARY PLAN FOR STERLING RANCH PHASE II, UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-059, WITH SIX (6) CONDITIONS AND FOUR (4) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

D. SP-20-010

PARSONS

**PRELIMINARY PLAN
BENT GRASS EAST COMMERCIAL FILING NO. 3**

A request by Land First, Inc., for approval of a preliminary plan to create six (6) commercial lots. The 5.05-acre parcel is zoned CS (Commercial Service) and is located at the southwest corner of the Meridian Park Drive and Bent Grass Meadows Drive intersection, approximately 350 feet west of Meridian Road,

and is within Section 1, Township, 13 South, Range 65 West of the 6th P.M. (Parcel No. 53011-01-060) (Commissioner District No. 2)

PC ACTION: TROWBRIDGE MOVED/BRITTAJN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2D, SP-20-010, FOR A PRELIMINARY PLAN FOR BENT GRASS EAST COMMERCIAL FILING NO. 3, UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-060, WITH SIX (6) CONDITIONS AND THREE (3) NOTATIONS, ONE (1) WAIVER, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Regular Items

3. VA-20-004

RUIZ

**VARIANCE OF USE
WESTERN MINING MUSEUM**

A request by the Western Museum of Mining & Industry for approval of a variance of use to allow a business event center. The 28.39-acre parcel is zoned RR-5 (Rural Residential) and is located at the southeast corner of the Interstate 25 and North Gate Boulevard Interchange and is within Section 7, Township 12 South, Range 66 West of the 6th P.M. (Parcel No. 62072-00-017) (Commissioner District No. 1)

Ms. Ruiz gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a Variance of Use, **Ms. Ruiz** then introduced the applicant, **Mr. Grant Dewey** to provide their presentation.

Mr. Bailey – The decision to use a business center as a standard was something that you all came up with in consultation with, the applicant to get as close as possible to what they have been doing for a very long time. Is that accurate? **Ms. Ruiz** – That is accurate, yes. **Mr. Bailey** – Ok, I just don't want us to get caught up in the terminology, because business event center seems to me a little awkward here because we are trying to shoehorn this application because we don't have standards for this type of application as neatly as we would like. **Ms. Ruiz** – That's true. So in the Land Development Code it gives the authority for the director to make a determination on the most similar use. It also includes within the Land Development Code that an applicant, through the variance of use process could request a different type of use. In this case we identified that their primary use would be just the business event center, but we thought it was important that the applicant describe fully what their use is in their letter of intent and that they outline that list of additional items that they are putting under the event center that aren't specific to the events but that are associated, so that they don't run into issues in the future.

Mr. Bailey – I just don't want to lose sight that this museum has been there for a long time, it is going to continue to function as a museum as one of the ways to

keep the museum operating, business event center type activities that they want to add on this property but it's not a significant change from what they have been doing for a number of years. **Ms. Ruiz**- You are correct, they have been operating what we would consider a business event center for a number of years now out of compliance. What they are proposing is not a change. **Mr. Bailey**- But the museum is not out of compliance, the museum aspect is legitimate. **Ms. Ruiz**- The museum was approved in 1975.

Mr. Carlson- Will they continue to do the haunted mines?

Ms. Ruiz- The applicant will go over their proposed events in their application. We didn't want them to limit themselves too much because with a variance of use request you are limited to what you asked for.

Mr. Dewey presented his application to the Planning Commission.

Mr. Carlson – What prompted the need for the application?

Mr. Dewey – Back in 2015 someone asked the museum to allow them to host a tiny home jamboree and when they held that, it was bonkers due to a turnout that was far expected. Then in 2019 with the Celtic Festival, someone in the neighborhood had an issue with the traffic, so that raised the attention to the County again.

Ms. Brittain Jack – When you were doing an event, did you need to apply for a permit prior to this?

Mr. Dewey – For our own events no, but for those that were coming on to our property to hold their own events, yes. Since this has begun, we have started applying for special use permits for all of ours.

Mr. Trowbridge – Reading through several conditions and notations, I assume you read through all of those and are ok with all of those, number four caught my eye, the one that states you will be dedicating part of the right-of-way to the City. **Mr. Dewey** – Numbers one through seven are fairly familiar as far as the county putting those out there if we were to do future development and such. Number eight and beyond are relatively new, I just saw them yesterday. I haven't had enough time to process what they might mean. I think they may be more restrictive than necessary.

Mr. Trowbridge – There are a lot of restrictions about notifying different organizations a month in advance and a lot of traffic stuff in here. I am wondering how much of a burden that places on you. I am a little concerned about some of these.

Mr. Dewey – I appreciate that. I do consider them burdensome both with the amount of time in advance and extra duties that I don't think are really necessary.

Ms. Ruiz – Before I go through our presentation, I wanted to address a few things that came up during the applicants presentation that aren't part of the staffs presentation. The applicant has now made a request that the site development plan condition be eliminated. That is not an option per the Land Development Code. **Ms. Seago** can correct me if I am wrong, but I don't believe the Planning Commission and the Board of County Commissioners has the authority to remove that as part of the process. We have to formalize the site plan and have an understanding of the improvements of the property currently and if there are any improvements necessary. **Ms. Seago** – I would agree with that.

Mr. Bailey – That is part of the process that you work with the applicant to understand the site development plan that would be particular with this particular use. **Ms. Ruiz** – A lot of it is already included with the information already provided, we just need a little more information. We understand the flexibility of its use and we aren't going to tell them that each event needs to be operated the same. We just need a better understanding of the activity area and then we will put together a bubble that this is where activities will occur and then we want the parking delineated where they are going to put up the fencing per the Fish and Wildlife, just little details like that.

Mr. Bailey – A lot of the info presented today speaks to that. **Ms. Ruiz** – Yes.

Ms. Lucia-Treese – My understanding is that this was not residential community concern, but rather a concern from the county? So, you've brought up the variance of use and not because they have been bad.

Ms. Ruiz – So it came to our attention a couple of years ago that they were holding events due to significant traffic concerns. Traffic was backed up and it was creating a situation that the County did not want to see reoccurring, that is why we sent a notice of violation out to them. It was not because of anyone complaining, this is purely brought to the County's attention due to traffic concerns. The second item that I wanted to address was the conditions of approval. He had discussed items 8 – 12 that he had potential concerns. I know that the traffic study was not included in the staff packets but those conditions of approval actually mirror what the traffic study recommends and calls for in order to deal with the traffic, **Mr. Rice** will present that in greater detail. There was also a question about submitting applications for each event. So, we have the ability to submit for a temporary use now the temporary use within the land development code states it should be temporary in nature and should not have significant impacts, staff felt that it would be inappropriate to ask him to submit a temporary use for each of these events, that is why we chose the variance of use route versus submitting multiple temporary uses. In the long run it will actually be better for him to do one variance of use, it will cost him a lot less and he will have that peace of mind knowing the variance of use has been approved.

Mr. Moraes – On that point, for example, one of the uses spoke about a carnival. In the Land Development Code, it says a carnival can't be held no more than three times a year, because the variance of use is there that restriction goes away? So, he can

have it four times a year and be ok. **Ms. Ruiz** – He could. He is going to be limited to everything that is discussed in the letter of intent.

Ms. Ruiz gave her full presentation to the Planning Commission. Her presentation is part of the public record.

Mr. Rice presented his engineering report/findings on behalf of **PCD**. His report is part of the public record.

Mr. Bailey – That is an important discussion here because these all say, “if an event is anticipated to have”. The impact of traffic is an issue. Is there any way to help them anticipate what this is or what happens if they do see an amount of people they weren’t anticipating for an event?

Mr. Rice – We reviewed what they had on their website and we recommended that they change their website to specify parking rather than saying parking wherever you want. We would look at whether or not an organizer of an event has it under control.

Mr. Bailey – You reiterated the point that for the larger events its typically an outside event organizer that has more experience dealing with the bureaucracy to make this type of thing happen. You put some of my fears to rest.

Mr. Carlson – What happens when they assume there is going to be 300 people coming but 10,000 show? Do we cancel their variance and shut down their operation?

Ms. Ruiz – In order to revoke their variance of use it has to go to the Board of County Commissioners for their approval. If it is a one time offense, we’re not going to revoke their variance of use. A lot of their events have been in operation for years, so they do have a good idea of anticipated number of people.

Mr. Moraes – I don’t have a problem with the recommended conditions. I have an issue with the note that mentions the review timelines and that the County is not responsible for the delay due to review. If they meet the time lines and all of a sudden the County can’t process in time, when do you tell them that? And does it look bad on the County.

Mr. Rice – The County isn’t going to say they need to cancel an event because the County doesn’t have time to review that. Those are timelines that we can meet, as long as the organizer is working with us. We don’t want to be put in a situation where they do submit something, and we say a change needs to occur and they don’t submit the revision until a week out. That puts us in a bad spot.

Mr. Moraes – What is the cut off? **Mr. Rice** – With these types of projects it is typically within a week. **Mr. Moraes** – I guess I wouldn’t want to see the blame put on the county.

Ms. Seago – Many of these approvals aren't issued by the county, as you can see they are issued by the City or by CDOT. In setting forth these timelines the County is trying to provide the applicant a reasonable amount of time to get these approvals. We have no control over whether or not they can obtain these approvals from the City or CDOT. That is why the applicant is encouraged to engage in this process well ahead of time if possible. If CDOT doesn't issue their special use permit, then the event can't go further. That is out of the county's hands, that is out of the applicants' hands, so the earlier the better.

Ms. Brittain Jack – Does the applicant have to go to the City, CDOT and the county for a permit?

Mr. Rice – If it is more than 250 daily visitors that is between the applicant, CDOT, and the state patrol. Typically, if it is under 250 the City doesn't have a huge concern as long as they are getting their permitting from CDOT.

Ms. Brittain Jack – So if the City and CDOT says its ok, you aren't going to do anything. **Mr. Rice** – Right.

Mr. Risley – Perhaps the applicant can tell us how many events per year they anticipate in the medium/ large range.

Mr. Dewey – I would say five for events, days would be 12 to 20. They will be seasonal. It is mostly weekends. It won't be more than 30 days. That would be the max.

Mr. Risley- If you are anticipating five events per year as you just indicated, as soon as one event is over you or the event organizer will be starting the application process for the next event which means this will be a continual process, I would go as far to say a continual burden. Very rarely do I see the overreach of the County, but in my opinion, this is an overreach. I personally struggle with this because I don't see this being asked of any other users in the area.

Ms. Ruiz – The requirements from CDOT would apply regardless if the county is putting it as a condition of approval, because the City and CDOT have rules and regulations outside of the County. What we are trying to do is to ensure per the criteria, that there aren't going to be any negative offsite impacts and we fully accommodated and considered the transportation impact, that includes the impact to CDOT and the impact to the City of Colorado Springs. We also want to make sure the applicant is fully aware of the steps that they have to take and so the county can facilitate those discussions. If we didn't have this as a condition of approval, the applicant would still need to go to CDOT and to the City, but he wouldn't have the benefit of the County assisting in the reviews and facilitating that conversation.

Mr. Dewey- The way this looks to me is that I have to have to apply for a special use permit every time, so why do I need to apply for a variance. The other piece is if CDOT has this requirement then they should come talk to me about it. I don't think it's the City or the County's job to do that for them.

Mr. Carlson- You said you didn't receive a lot of these conditions until the last few days. **Mr. Dewey** – Correct, they were in the report and so when I saw the report yesterday is when I was made aware of a lot of these. **Mr. Carlson** - Are you in a position to move forward with this? **Mr. Dewey**- I would rather have the time with my Board and others in the County to talk about these.

Ms. Ruiz – These recommended conditions of approval have been in staff comments for quite a while. The recommended conditions of approval have also been included with the traffic report prepared by his consultant.

Mr. Rice – We are trying to put this under one umbrella instead of having a separate review for each event.

Mr. Risley- Essentially what we are doing here is legitimize something that has been here since 1975.

Ms. Ruiz – The museum doesn't include these types of events, so these events are not specifically related to the museum. We consider this as a separate use. So, these types of events have not been occurring since 1975.

Mr. Risley- Understood.

Ms. Brittain Jack – Have any of the neighbors had complaints? Any public comment?

Ms. Ruiz- We haven't received any public comment at all.

Ms. Lucia-Treese – I think we are putting an undue burden on the applicant that we seem to be signaling this one applicant for these conditions, that CYA for the county to help this applicant keep their museum open and generate some additional revenue that is needed to keep it in the county. I feel like there is an overreach here. It is just not settling with me.

Note for the record – The Chair called for a recess at 10:40, hearing reconvened at 11:15. Quorum is still in place.

Ms. Ruiz – We were trying to save the applicant time and hassle but have determined that it is best if they do all the work up front and that they put more time in the site development stage, and for the County requirements that will relieve them moving forward. We will eliminate recommending conditions of approval eight, nine, ten, and twelve. We will leave number 11, regarding the temporary use. What we

anticipate happening is that when they submit their site development plan, they will include a traffic management plan. The traffic management plan will account for the small, medium and large events, it will not account for events that are larger than 750, which is why condition number 11, which will become number 10 is still included. That says if attendees could get over 750, they need to submit a temporary use to the County. There was also a question about CDOT and the City of Colorado Springs coordination, as I mentioned before the applicant has to do that, regardless if the County has a condition of approval that acknowledges that. They understand that. Condition of approval number five does include CDOT as well as other entities, so we believe we are covered.

Mr. Trowbridge- Why doesn't it just say from 250 to 1,750?

Ms. Ruiz – The reason why it is split is because we anticipate that the plan will look different for the small, medium and large events. The need for off- site parking could be different.

Mr. Dossey – There are two types of events that we need to address, those two specific ranges. My concern leaving it vague, is if we don't have the same engineer reviewing it the conditions of approval address two different type of events based upon these windows we provided, that way it is clear that what we need is based on the analysis of those two ranges.

Mr. Trowbridge – Why not put in that qualifier then? What's the difference between the two ranges? Is it medium and large events?

Mr. Bailey – Were those called out in the traffic impact study they did?

Mr. Dossey – I would prefer to leave it to the numbers and have their engineer evaluate it based off that.

Mr. Dewey – Simply those numbers are estimates I made to create some framework. I didn't find any thresholds from the City, County or CDOT. We are sticking with them in a sense because they are now in the traffic impact study.

Mr. Risley - But they were arbitrary numbers essential, yes. **Mr. Dewey** – Yes.

Mr. Moraes – I looked at previous variances of use requests and they always have the first condition that says that the variance of use is going to be in accordance with the applicants' letter of intent. I don't see that in this one. So, what condition as written says the variance is in accordance with the letter of intent?

Ms. Ruiz – With this one we were a lot more specific in the conditions of approval. If you look at notation number one, it does state "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." Because we have removed so many conditions of approval, if you would like to make a suggestion to add that one back in, staff has no issue or concern.

Mr. Moraes – With how you are saying it, you don't think it is necessary because you are covered by the notation **Ms. Ruiz** – Well we did take away quite a few conditions. **Mr. Moraes** – If the use goes away for more than two years, the variance is discontinued or revoked, how does that work again with multiple uses?

Ms. Ruiz - That is in the Land Development Code, we just carry the language over to our resolutions. We would look at the use wholistically. Let's say they stop having events, but they are listed as agritainment, we're not going to say your variance of use is gone. **Mr. Moraes** – Lastly, peddlers' sales as a use is just merchandise that is made off of property that is sold there. I don't know if that is something the applicant does want to include. **Ms. Ruiz** - We would consider that part of the gift shop, farmer's market, we would consider that as an accessory.

Ms. Merriam- I am still unclear with whether or not they need an approval per event.

Ms. Ruiz – They wouldn't have to come back. The only time they will need to come back is if they expand or if they are out of compliance with their variance of use. The applicant may have to go to CDOT and the City every single time, we don't know we can't speak for them, but for the county they do not.

Mr. Dewey- I want to thank the County staff. I expressed concern about the site plan, it is my hope it can be very minimal, hopefully both in time and cost. We are open to the suggestion because of that.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Ms. Lucia-Treese – I am feeling much more comfortable now with some of those conditions removed. I just felt they were an undue burden on the applicant. I want to thank the applicant and staff for coming together and mesh out the concerns we had as members of this board. I am in favor.

Mr. Carlson- I just want to say I appreciate what you are doing for the community, and I am sorry you have to go through this after all these years.

Mr. Moraes – Do we want to include a condition of approval that talks about that they have to adhere to their letter of intent?

Ms. Lucia-Treese- I think we have enough conditions and notations. I think that the applicant certainly understands the concerns of the board and the county.

Mr. Bailey – Generally I would like to see the language be the same for all of these, but I think the argument is that because we have separate conditions that call out traffic, signage, noise and that we want the applicant to adhere to the letter of intent. In this case I think what we have written here is sufficient. I am content with as it is written.

Mr. Risley – I apologize to staff about my comment about overreach. I do think where we ended up is much more reasonable and sustainable. Having grown up here I have seen what this museum represents for the community and I think it is an important part of our culture. I align with other comments about the burdensome process that you've had to go through here but hopefully that will legitimize what you are doing.

PC ACTION: LUCIA-TREESE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, VA-20-004, FOR A VARIANCE OF USE FOR WESTERN MINING MUSEUM, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-062, WITH NINE (9) CONDITIONS, FOUR (4) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

VARIANCE OF USE (Approved)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. VA-20-004
WESTERN MINING MUSEUM**

WHEREAS, Western Museum of Mining & Industry, did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the RR-5 (Residential Rural) zoning district to permit a business event center where such use is not permitted; and

WHEREAS, a public hearing was held by this Commission on November 2, 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 the Western Museum of Mining & Industry for a variance of use within the RR-5 (Residential Rural) zoning district to permit a business event center at 125 North Gate Boulevard where such is not a permitted use for the following described unincorporated area of El Paso County be approved,

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. The applicant shall apply for and receive approval of a commercial site development plan within six (6) months 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. The site development plan application shall include, but may not be limited to the following information:

- a. Site development plan drawings;
 - b. Lighting plans and detailed specifications, including plans and specifications for temporary lighting, as applicable; and
 - c. Sign plans, if signage is proposed.
2. Any signage must be approved by the El Paso County Planning and Community Development Department in accordance with Chapter 6 of the El Paso County Land Development Code pursuant to submittal of a separate application for a sign permit.
 3. Site lighting, including temporary lighting, will be limited to that shown on the site development plan. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and public roadways.
 4. Operations shall comply with the County Noise Ordinance. If complaints occur, the County may require that the Applicant conduct additional testing to determine noise levels associated with site activities. If noise complaints are received by the County and it is determined that the noise generated from the site is in violation of the County Noise Ordinance, then the County may require changes to the hours of operation and/or require installation of noise controls to achieve acceptable levels as defined in the County Noise Ordinance.
 5. The applicant shall comply with federal and state laws, regulations, ordinances, review and permit requirements of applicable agencies including, but not limited to: Colorado Parks and Wildlife, Colorado Department of Transportation (CDOT), Colorado Department of Public Health and Environment, State Water Engineer's Office, United States Army Corps of Engineers (USACOE), Environmental Protection Agency, FEMA, and the United States Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
 6. Any coordination and/or action required by the United States Fish and Wildlife Service or Colorado Parks and Wildlife which may be necessary to address the avoidance or mitigation of impacts of any current or future federally listed or locally sensitive species shall be considered binding. Copies and/or written notice of all documented coordination and/or required action shall be provided to the Planning and Community Development Department within 30 days of receipt by the applicant.
 7. Hours of operation shall be limited to the following times, unless otherwise approved on a specific event basis by the Executive Director of the Planning and Community Development Department: WMMI daily operations 9:00am to 4:00pm, Monday to Saturday; business event center events 8:00am to 10:00pm, Friday to Sunday.

8. Temporary Use approval may be required for any event anticipated to have more than 1,750 visitors. A supplementary Transportation Memorandum may be required for an event of this size. Event information shall be submitted to the El Paso County Planning and Community Development Department for review and distribution no later than 60 days prior to the proposed event.*
9. Submittal of a traffic management plan will be required and shall be approved by the Planning and Community Development Department as a supporting document to the site development plan. The traffic management plan will need to address events ranging in size from between 250 and 1,250 daily visitors, and between 1,250 and 1,750 daily visitors.

** - The required review timelines identified in these conditions of approval are provided based on typical review turnaround times. El Paso County is not responsible for events that may be cancelled or delayed due to the length of review and resubmittal timelines. The applicant is encouraged to begin coordination with each of the applicable review and permitting agencies several months in advance of the identified review timelines in order to avoid cancellation or delay of events.

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.
4. The City of Colorado Springs recommends that WMMI dedicate the 55 feet of right-of-way reserved on the Mining Museum Subdivision No. 1 plat to the City.

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 Trowbridge seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Trowbridge	aye
Commissioner Lucia-Treese	aye
Commissioner Blea-Nunez	aye

Commissioner Moraes	aye
Commissioner Carlson	aye
Commissioner Merriam	aye
Commissioner Brittain Jack	aye

The Resolution was adopted by a vote of 9 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: November 2, 2021

Brian Risley, Chair

EXHIBIT A

Western Museum of Mining & Industry
225 North Gate Blvd.
Colorado Springs, CO 80921

Legal description of property know as 125 and/or 225 North Gate Blvd.

**LOT 1 BLK 1 MINING MUSEUM SUB NO 1, TOG WIH VAC OLD NORTH GATE RD ADJ BY REC #208007172,
EX THAT PT CONV BY REC #208013928, TOG W/ THAT PT DESC BY REC # 208013927**

RESOLUTION NO. 20-

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

APPROVE VARIANCE OF USE TO PERMIT A BUSINESS EVENT CENTER AT
125 NORTH GATE BOULEVARD (VA-20-004)

WHEREAS, Western Museum of Mining & Industry did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the RR-5 (Residential Rural) zoning district to permit a business event center 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 November 2, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use for a business event center; and

WHEREAS, a public hearing was held by this Board on November 16, 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.

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 Western Museum of Mining & Industry for a variance of use to allow a business event center 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. The applicant shall apply for and receive approval of a commercial site development plan within six (6) months 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. The site development plan application shall include, but may not be limited to the following information:
 - a. Site development plan drawings;
 - b. Lighting plans and detailed specifications, including plans and specifications for temporary lighting, as applicable; and
 - c. Sign plans, if signage is proposed.
2. Any signage must be approved by the El Paso County Planning and Community Development Department in accordance with Chapter 6 of the El Paso County Land Development Code pursuant to submittal of a separate application for a sign permit.
3. Site lighting, including temporary lighting, will be limited to that shown on the site development plan. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and public roadways.
4. Operations shall comply with the County Noise Ordinance. If complaints occur, the County may require that the Applicant conduct additional testing to determine noise levels associated with site activities. If noise complaints are received by the County and it is determined that the noise generated from the site is in violation of the County Noise Ordinance, then the County may require changes to the hours of operation and/or require installation of noise controls to achieve acceptable levels as defined in the County Noise Ordinance.
5. The applicant shall comply with federal and state laws, regulations, ordinances, review and permit requirements of applicable agencies including, but not limited to: Colorado Parks and Wildlife, Colorado Department of Transportation (CDOT), Colorado Department of Public Health and Environment, State Water Engineer's Office, United States Army Corps of Engineers (USACOE), Environmental Protection Agency, FEMA, and the United States Fish and Wildlife Service regarding the

Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

6. Any coordination and/or action required by the United States Fish and Wildlife Service or Colorado Parks and Wildlife which may be necessary to address the avoidance or mitigation of impacts of any current or future federally listed, or locally sensitive species shall be considered binding. Copies and/or written notice of all documented coordination and/or required action shall be provided to the Planning and Community Development Department within 30 days of receipt by the applicant.
7. Hours of operation shall be limited to the following times, unless otherwise approved on a specific event basis by the Executive Director of the Planning and Community Development Department: WMMI daily operations 9:00am to 4:00pm, Monday to Saturday; business event center events 8:00am to 10:00pm, Friday to Sunday.
8. Temporary Use approval may be required for any event anticipated to have more than 1,750 visitors. A supplementary Transportation Memorandum may be required for an event of this size. Event information shall be submitted to the El Paso County Planning and Community Development Department for review and distribution no later than 60 days prior to the proposed event.*
9. Submittal of a traffic management plan will be required and shall be approved by the Planning and Community Development Department as a supporting document to the site development plan. The traffic management plan will need to address events ranging in size from between 250 and 1,250 daily visitors, and between 1,250 and 1,750 daily visitors.

** - The required review timelines identified in these conditions of approval are provided based on typical review turnaround times. El Paso County is not responsible for events that may be cancelled or delayed due to the length of review and resubmittal timelines. The applicant is encouraged to begin coordination with each of the applicable review and permitting agencies several months in advance of the identified review timelines in order to avoid cancellation or delay of events.

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.
4. The City of Colorado Springs recommends that WMMI dedicate the 55 feet of right-of-way reserved on the Mining Museum Subdivision No. 1 plat to the City.

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

DONE THIS 16th day of November, 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION:

Western Museum of Mining & Industry
225 North Gate Blvd.
Colorado Springs, CO 80921

Legal description of property know as 125 and/or 225 North Gate Blvd.

**LOT 1 BLK 1 MINING MUSEUM SUB NO 1, TOG WIH VAC OLD NORTH GATE RD ADJ BY REC
#208007172, EX THAT PT CONV BY REC #208013928, TOG W/ THAT PT DESC BY REC #
208013927**