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El Paso County, CO



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**RESOLUTION NO. 21-250**

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

**APPROVE VARIANCE OF USE TO PERMIT AN AGRICULTURALLY RELATED  
COMMERCIAL BUSINESS (VA-20-002)**

WHEREAS, Monica Phelan and Old Ranch Road Properties, LLC, 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 an agriculturally related commercial business where such is not permitted for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 3, 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 June 22, 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 Monica Phelan and Old Ranch Road Properties for a variance of use to allow an agriculturally related commercial business 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. Approval is limited to the agriculturally-related commercial business known as the Shire at Old Ranch as proposed and discussed in the applicant's letter of intent. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site development plan shall be applied for and approved to initiate the existing use on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. The applicant/developer and/or property owner(s) shall be required to participate in a fair and equitable manner in upgrading/construction of the surrounding roads and intersections impacted by the anticipated traffic from this development, as identified in both the approved deviation request (PCD File No. DEV-19-001) and the recommendations and conclusions section of the associated The Shire at Old Ranch traffic impact study dated September 11, 2020. A development agreement to construct these necessary off-site public improvements with the first phase of development shall be completed with the site development plan.

**NOTATIONS**

1. The 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 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 use shall be deemed abandoned and of no further force and effect.

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

DONE THIS 22nd day of June, 2021, at Colorado Springs, Colorado.

ATTEST  
By:   
County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By:   
Chair

**EXHIBIT A**

A PARCEL OF LAND LOCATED IN THE SW1/4 OF THE SW1/4 OF SEC. 23 T. 12 S., R. 69 W. OF THE 6TH P.M., EL PASO COUNTY, COLORADO

Address	Zoning	Legal Description	Parcel Number	Reception Number
3820 Old Ranch Rd.	RR-5	W 315 FT OF S2S2SW4 EX RDS SEC 23-12-66	6223000061	216003121
3890 Old Ranch Rd.	RR-5	E 385 FT OF W 715 FT OF S2S2SW4 EX S 30 FT SEC 23-12-66 19	6223000060	216003167
10655 Howells Rd.	RR-5	TRACT IN SW4SW4 SEC 23-12-66 AS FOLS, BEG ON W LN OF SW4 AT PT 660 FT N FROM SW COR THEREOF, TH N ON W LN 322.5 FT, E AT R/A 715 FT, S AT R/A 322.5 FT, TH W 715 FT TO POB EX W 30 FT	6223000059	216003151
10755 Howells Rd.	RR-5	TRACT IN SW4SW4 SEC 23-12-66 AS FOLS, BEG ON W LN OF SW4 AT PT 982.5 FT N FROM SW COR THEREOF, TH N ON W LN 322.5 FT, E AT R/A 715 FT, S AT R/A 322.5 FT, TH W 715 FT TO POB EX W 30 FT	6223000058	213027769