

SPECIAL USE (RECOMMEND APPROVAL) - ***This motion failed, resulting in a recommended denial.***

Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. AL-22-017
COLORADO KIDS RANCH PUMPKIN PATCH

WHEREAS, Colorado Pumpkin Patch, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow agritainment with additional conditions within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 7, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, 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 El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. 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. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, Section 5.3.2.C of the El Paso County Land Development Code (as amended), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety, and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations, or ordinances.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the requested special use submitted by Colorado Pumpkin Patch, LLC, to allow agritainment activities with additional conditions within the RR-5 (Residential Rural) zoning district with the following conditions and notations:

CONDITIONS

1. The Special Use shall be limited to the agritainment use as shown on the site plan. Any subsequent addition or modification to the agritainment use beyond that as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and

Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new Special Use application.

2. The applicant shall receive approval of a Site Development Plan within one-hundred and twenty (120) days of Special Use approval. The deadline for receipt of approval of the Site Development Plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. The applicant shall install all required screening and buffering of the use to adjacent properties, pursuant to the applicable requirements of Chapters 5 and 6 the Land Development Code, within one-hundred and twenty (120) days of Site Development Plan approval.
4. The applicant shall install all required roadway improvements, as outlined in the traffic impact study provided with the Special Use request, prior to September 1, 2024.

NOTATIONS

1. Special 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 special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Special Use is discontinued or abandoned for two (2) years or longer, the Special Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Merriam seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / <u>non-voting</u> / recused / absent
Jay Carlson	aye / <u>no</u> / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>

Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The motion failed
~~The Resolution was adopted~~ by a vote of 2 to 5 by the Planning Commission of the County of El Paso, State of Colorado, resulting in a recommendation to deny.

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

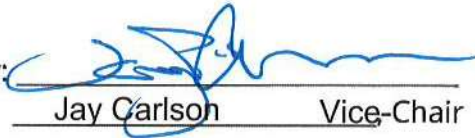
By: 
Jay Carlson Vice-Chair

EXHIBIT A

That portion of Section 16, Township 11 South, Range 66 West of the 6th Principal Meridian, El Paso County, Colorado, described as follows:

Beginning at a point on the North line of said Section 16, which Point is 2,355.00 feet East of the Northwest corner of said Section 16; thence Southerly at right Angles to the North line of said Section 16, along the Easterly line of Tracts 29 and 30, Canterbury West, a distance of 720.00 feet to the Southeast corner of said Tract 30; thence deflecting $35^{\circ} 00'$ to the right along the Southeasterly line of Tract 31, Canterbury West, a distance of 580.00 feet to the Southeast corner of said Tract 31;

thence Deflecting $35^{\circ}37'13''$ to the Left along the Easterly line of Tracts 32, 34 and 35, Canterbury West, a distance of 1,002.46 feet to the Southeast corner of said Tract 35; thence Deflecting $80^{\circ} 01'55''$, to the Left along the Northerly line of Saddlewood Road, a distance of 370 feet; thence continuing along the Northerly line of Saddlewood Road along a curve to the right, having a radius of 1,332.92 feet and being Tangent to the Last described Course, a distance of 211.99 feet to the Southwest corner of Tract 106, Canterbury East; thence Northerly along the Westerly line of said Tract 106 and being Radial to the Last described Curve, a distance of 97.78 feet; thence Deflecting $1^{\circ} 50'36''$ to the Left along the Westerly line of Tracts 106,112,111,110,109,108 and 107, Canterbury East, a distance of 2,281.00 feet to the Northwest corner of said Tract 107; thence Deflecting $16^{\circ}37'$ to the Left, a distance of 30 feet to a point on The North line of said Section 16; thence Westerly along the North line of said Section 16, a distance of 932.07 feet to the Point of Beginning.