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

FROM: **Ryan Howser, Planner I**
Daniel Torres, PE Engineer II
Craig Dossey, Executive Director

RE: **Project File #: VA-20-001**
Project Name: Space Village Apartments Variance of Use
Parcel No.: 54170-00-019

OWNER:	**REPRESENTATIVE:**
Bridle Dale, LLC 4356 Montebello Dr Colorado Springs, CO, 80936	Kimley-Horn & Associates 2 N Nevada Ave, Suite 300 Colorado Springs, CO, 80903

Commissioner District: 4

Planning Commission Hearing Date:	2/18/2021
Board of County Commissioners Hearing Date	3/9/2021

EXECUTIVE SUMMARY

A request by Bridle Dale, LLC, for approval of a variance of use to legalize an existing multi-family residential development. The 0.63-acre property is zoned CC (Commercial Community), is subject to the CAD-O (Commercial Airport Overlay) district, and is located on the south side of Space Village Avenue, approximately 785 feet east of the intersection of Space Village Avenue and Peterson Boulevard and is within Section 17, Township 14 South, Range 65 West of the 6th P.M. The property is not located within the boundaries of a small area plan.

The existing multi-family dwelling includes a total of twenty-two (22) units. A complaint was received on May 6, 2018, regarding the use of the property as a multi-family dwelling. A Notice of Violation was sent to the property owner regarding the illegal conversion of the structure from a hotel to a multi-family dwelling on May 17, 2018. The variance of use is being requested to legalize the existing multi-family use of the structure.

The 0.63-acre parcel was illegally created outside of the El Paso County subdivision process on November 19, 1986. Staff is recommending Condition of Approval No. 2, which requires the applicant to legalize the illegal division of land through the El Paso County subdivision process within six (6) months of the date of approval.

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

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Bridle Dale, LLC, for approval of a variance of use to legalize an existing multi-family residential development. The 0.63-acre property is zoned CC (Commercial Community) and is subject to the CAD-O (Commercial Airport Overlay) district.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this 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 February 18, 2021 hearing.
Recommendation: Approval based on recommended conditions and notations.
Waiver Recommendation: N/A
Vote: 8 to 0
Vote Rationale: N/A
Summary of Hearing: The applicant was represented at the hearing. Planning Commission draft minutes are attached.
Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code (2019), the 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:	C-1 (Commercial)	Multifamily/Restaurant
South:	CC (Commercial Community)	Hotel
East:	CS (Commercial Service)	Colorado Military Academy
West:	CC (Commercial Community)	Hotel

E. BACKGROUND

The parcel was zoned A-3 (Airport Farm) on May 11, 1942 (BoCC Resolution No. 669212). A portion of the property was rezoned from A-3 to C-1 (Commercial) on July 30, 1956. The remainder of the parcel was rezoned from A-3 to M-1 (Industrial) on November 5, 1959. The portion of the property that was rezoned to M-1 was rezoned to PHID (Planned Heavy Industrial) on July 31, 1980. The property was rezoned in its entirety from PHID and C-1 to the PBP (Planned Business Park) zoning district on February 24, 1983 (PCD File No. PBP-83-017). Due to changes in

the nomenclature of the Land Development Code, the PBP zoning district was renamed to the CC (Commercial Community) zoning district.

The existing structure was constructed in 1983 and permitted as a hotel, which was a permitted principal use in the PBP zoning district, now known as the CC zoning district, at the time of construction. On May 1, 1991, changes to the El Paso County Land Development Code re-designated the hotel/motel use as a special use within the PBP zoning district. On December 23, 2002, the applicant received approval of a special use permit to operate the hotel as a conforming use rather than as a nonconforming use (PCD File No. AL-02-022). According to the applicant's letter of intent, the current owner purchased the property in 2013 and has since used it as a multi-family dwelling.

The 0.63-acre parcel was illegally created outside of the El Paso County subdivision process on November 19, 1986 by quit claim deed (El Paso County Public Records, Book 5273, Page 127). To be considered a legal lot, the parcel would have needed to have been created prior to July 17, 1972, or have been created legally through a subdivision action recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139. Therefore, the parcel does not meet the definition of a "Legal Lot" as discussed in detail in the Land Development Code Analysis section below. On August 20, 1990, the Board of County Commissioners approved the Highway 94 Preliminary Plan, which included the subject parcel (PCD File No. SP-90-001).The associated final plat was never submitted for review; therefore, the parcel remains an illegal division of land. Pursuant to Section 1.13.3 of the Land Development Code no building permits may be authorized for a parcel of land that has not been included within a final plat action or otherwise exempted by the Code.

Staff is recommending Condition of Approval No. 2, which would require the applicant to legalize the illegal division of land through the El Paso County subdivision process within six (6) months of the date of approval, should the current variance request be approved. The applicant has submitted a concurrent request for approval of a final plat, but due to the outstanding comments, the final plat is not ready to be scheduled for public hearing (PCD File No. SF-20-005). If the variance of use is approved, the applicant will be required to also submit and receive approval of a site development plan. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

A complaint was received on May 6, 2018, regarding the use of the property as a multi-family dwelling. A Notice of Violation was sent to the property owner regarding illegally converting the structure from a hotel to a multi-family dwelling on May 17, 2018. The applicant participated in an Early Assistance meeting with County staff on June 19, 2018, to discuss submittal of a formal application. The variance of use application was ultimately submitted by the applicant to the County approximately a year and a half later on March 2, 2020.

The existing structure includes 22 multi-family dwelling units. If the variance of use and final plat are approved, the applicant will be required to submit and receive approval of a site development plan to legalize conversion of the structure from a hotel to the existing multi-family dwelling. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

F. ANALYSIS

1. Land Development Code Analysis

Pursuant to Table 5-1 of the El Paso County Land Development Code (2019), a multi-family dwelling is not a permitted principle use in the CC (Commercial Community) zoning district. The requested use is not consistent with the character and use allowances of the CC zoning district without approval of a variance of use.

The Land Development Code (2021) defines “Dwelling, Multifamily” as:

> “A structure containing 3 or more dwelling units designed for or used exclusively as a residence by 3 or more families, living independently of one another with accessory uses, limited to an office, laundry and recreational facilities, used in common by the occupants.”

A multi-family structure is allowed as a permitted use in the RM-12 (Residential Multi-Dwelling) and RM-30 (Residential Multi-Dwelling) zoning districts. However, the proposed density of 35 units per acre would exceed the allowances within the RM-12 and RM-30 zoning districts, which only allow 12 and 30 units per acre, respectively. Therefore, rezoning to either zoning district is not considered appropriate. There is no zoning district within El Paso County that would allow for the proposed use and density. The Planning Commission and Board of County Commissioners could consider this zoning density limitation as a hardship; however, the applicant could also reduce the number of dwelling units in order to

conform to the density limitation of one of the multi-family residential zoning districts.

The parcel is bounded on the west and south sides by property which is currently being utilized for a hotel within the CC (Commercial Community) zoning district. The Colorado Military Academy, a charter school, is located to the south. To the east is vacant property zoned CS (Commercial Service). Property to the north is utilized for multi-family residential and commercial retail.

The property may be deemed suitable for a high-intensity residential use due to the proximity of urban uses. Due to the similarity to surrounding uses and previous approved uses on the parcel, which include both short-term and long-term lodging, the proposed use may be considered compatible and harmonious with the surrounding area.

Potential off-site impacts related to the proposed use could include noise, visual/aesthetics, and traffic. The applicant has submitted a traffic memo in support of the variance of use request, which indicates that no detriments to any road facilities would occur as a result of approval. Visual and noise impacts to the site are expected to be minimal, as the applicant is not proposing any land disturbance or expansion of the use at this time, and the site has operated as a multi-family dwelling since 2013. Additionally, allowance of the multi-family use may reduce impacts to the property and surrounding area by extending the lease periods from short-term leases commonly associated with commercial lodging facilities to long-term leases commonly associated with multi-family dwellings.

The property is subject to the CAD-O (Commercial Airport Overlay) District and is located within the ANAV (Airport Navigation) Sub-Zone. Pursuant to the Land Development Code, Table 4-7, Commercial Airport Overlay District Land Use, multi-family dwellings are an allowed use within the ANAV Sub-Zone. The Colorado Springs Airport Advisory Commission was sent a referral and has no objection to the variance of use.

Section 1.15 of the Code defines a “Legal Lot” as:

> “A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July

> 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity."

The 0.63-acre parcel was created after July 17, 1972 and was not created legally through a subdivision action recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139. The parcel was illegally created outside of the El Paso County subdivision process on November 19, 1986 and, therefore, does not meet the above definition of a "Legal Lot." Staff is recommending Condition of Approval No. 2, which would require the applicant to legalize the illegal division of land through the El Paso County subdivision process within six (6) months of the date of approval, should the current variance request be approved. The applicant has submitted a concurrent request for approval of a final plat, but due to the outstanding comments, the final plat is not ready to be scheduled for public hearing (PCD File No. SF-20-005).

Should the variance of use be approved, a site development plan will also need to be 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, and parking and lighting standards.

The applicant has indicated that the use of the site will require a request for consideration of alternative parking to be considered at the site development plan stage. The applicant is proposing to utilize the existing thirty-three (33) parking spaces required for the hotel use in lieu of the required 35 parking spaces as required pursuant to Table 6-2, Minimum Parking Requirements by Use of the Land Development Code. This request will require the applicant to make a

request to the Planning and Community Development Director for consideration of an alternative parking plan with the site development plan.

2. **Zoning Compliance**
   The CC (Commercial Community) zoning district density and dimensional standards are as follows:
   - Minimum zoning district area: 1 acre
   - Minimum front, side, and rear yard setback: 25 feet from perimeter boundary of zoning district, 0 feet internal to zoning district
   - Maximum height: 40 feet

   On July 11, 1983, the Board of Adjustment approved a dimensional variance to allow for a side yard setback of ten (10) feet where twenty-five (25) feet is required. The existing structure is setback 20 feet from the east property line adjacent to the CS zoning district. The existing structure is in compliance with all other dimensional standards.

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 (1998) 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 6.1.1 – *Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.*

   Policy 6.1.7 – *Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.*

   Policy 6.1.16 – *Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.*

   Goal 13.1 – *Encourage an adequate supply of housing types to meet the needs of county residents.*

Policy 13.1.1 – *Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.*

Policy 13.1.2 – *Support the provision of land use availability to meet the housing needs of county residents.*

Policy 13.4.1 – *Consider the impact of housing density on the transportation system.*

The parcel is bounded on the west and south sides by property which is currently being utilized for a hotel within the CC (Commercial Community) zoning district. The Colorado Military Academy, a charter school, is located to the south. To the east is vacant property zoned CS (Commercial Service). Property to the north is utilized for multi-family residential and commercial retail. Peterson Air Force Base is located immediately to the south of the Colorado Military Academy, which borders the subject property. Proximity to the Air Force Base may demonstrate a unique or exceptional need for additional high-density housing in the area.

Previously, this site has been permitted, developed, and utilized as a commercial lodging establishment. Should the variance of use request be approved, the use would be updated from a hotel use consisting of temporary lodging to a long-term residential lodging product; this promotes infill development rather than requiring the existing hotel to remain and forcing more affordable housing opportunities to locate elsewhere. The use supports an existing unique combination of land uses when compared to the surrounding properties, given that the surrounding uses include short-term lodging, restaurants, and other small-scale commercial establishments, along with a major military installation in the immediate vicinity.

Additionally, permitting the use to transition from a short-term lodging use to a more permanent residential use with longer lease periods may help support and provide a unique combination of employment and residential opportunities in close proximity. The applicant has provided an analysis of off-site impacts in their letter of intent and has suggested that any off-site impacts may be negligible.

4. Small Area Plan Analysis

The property is not located within the boundaries of a small area 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 1.1 –*** *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
>
> ***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.*
>
> ***Goal 1.2 –*** *Integrate water and land use planning.*
>
> ***Goal 3.6 –*** *Develop and maintain partnerships with water providers.*

The property is located within Planning Region 5 (Cherokee Metropolitan District Service Area) of the Plan and is not located within an estimated area of development. The Plan identifies the current demands for Region 5 to be 4,396 acre-feet per year (AFY) (Figure 5.1) with the projected need in 2040 at 6,468 AFY (Figure 5.2) and at build-out in 2060 at 9,608 AFY (Figure 5.3). Region 5 currently has 4,849 AFY in supplies, and by 2060 Region 5 is expected to have 10,131 AFY in supplies, resulting in an anticipated surplus of 523 AFY (Table 5-2). Region 5 consists of areas served by Cherokee Metropolitan District and is not expected to experience significant growth by 2060 due to the area being already built out.

Water and wastewater services for the parcel are provided by Cherokee Metropolitan District. Coordination with the water service provider and an understanding of available facilities is a necessary step in analyzing water sufficiency and ensuring there are adequate resources to support proposed uses. Water and wastewater analysis are not required as part of a variance of use application process; however, a finding of water sufficiency will be required as part of the final plat process to legalize the illegal parcel.

6. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies sand and gravel with silt and clay deposited by water in one or a series of stream valleys and coal 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.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the variance of use application which would restrict the existing development.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division, and Colorado Parks & Wildlife were each sent referrals with the concurrently reviewed final plat and have no outstanding comments.

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0754G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Sand Creek (FOFO4000) drainage basin, which is a studied basin with drainage and bridge fees. Drainage and bridge fees are not assessed with variance of use requests. A drainage report has been submitted with the concurrently reviewed final plat application (PCD File No. SF-20-005). Per the submitted drainage report, the site will not adversely affect the surrounding or downstream developments. No land disturbance is proposed within the site with the exception of the need to construct a sidewalk along Space Village Avenue, therefore, a grading and erosion control plan is not required. No public drainage improvements are anticipated to be required in association with the variance of use, final plat, or site development plan.

5. **Transportation**

The site is accessed by two existing driveways off of Space Village Avenue, which is a public roadway. There are existing auxiliary turn lanes at the two driveways. The associated traffic study does not recommend any alterations or improvements to these auxiliary turn lanes. The traffic study indicates that the existing driveways will remain appropriate access locations with adequate sight distance. According to the traffic study the site will generate an estimated 161 average daily trips, which is 23 daily trips less than the anticipated traffic generation for the previously approved hotel use.

The Colorado Department of Transportation (CDOT) indicated in their September 23, 2020, letter to El Paso County that they had no comments on the submitted traffic study and that a CDOT access permit will not be required at this time.

The 2016 Major Transportation Corridor Plan (MTCP) does not depict roadway improvement projects in the immediate vicinity of the site.

H. SERVICES

1. **Water**

Water is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments. The District provided a letter indicating that they currently provided service to the site and will continue to do so.

2. **Sanitation**

Wastewater is provided by Cherokee Metropolitan District. The District was sent a referral and has no outstanding comments. The District provided a letter indicating that they currently provide service to the site and will continue to do so.

3. **Emergency Services**

The property is within the Cimarron Hills Fire Protection District. The District was sent a referral and has no outstanding comments.

4. **Utilities**

Electrical and gas services are provided by Colorado Springs Utilities (CSU). CSU was sent a referral and has no outstanding comments.

5. **Metropolitan Districts**
   The property is located within Cherokee Metropolitan District. The District does not collect a mill levy, but instead charges fees based upon the water and wastewater service rates.

6. **Parks/Trails**
   Land dedication and fees in lieu of park land dedication are not required for a variance of use application; however, land dedication or fees in lieu of land dedication will be required as part of the final plat process to legalize the illegal parcel. The El Paso County Parks Master Plan (2013) does not identify any park lands or trails on the property.

7. **Schools**
   Land dedication and fees in lieu of school land dedication are not required for a variance of use application; however, land dedication or fees in lieu of land dedication will be required as part of the final plat process to legalize the illegal parcel.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major 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 (2021), staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a multifamily structure consisting of not more than twenty-two (22) residential units, as discussed and depicted in the applicant's letter of intent and site plan drawings. 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 final plat shall be required to legalize the parcel prior to approval of a site development plan, establishment of a new use, or continuation of any existing use. Approval of an application for final plat shall occur within 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.

3. A site development plan shall be applied for and approved to legalize 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.

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified four (4) adjoining property owners on January 28, 2021, for the Board of County Commissioners meeting. Responses may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
Planning Commission Draft Minutes
Planning Commission Resolution
Board of County Commissioners' Resolution

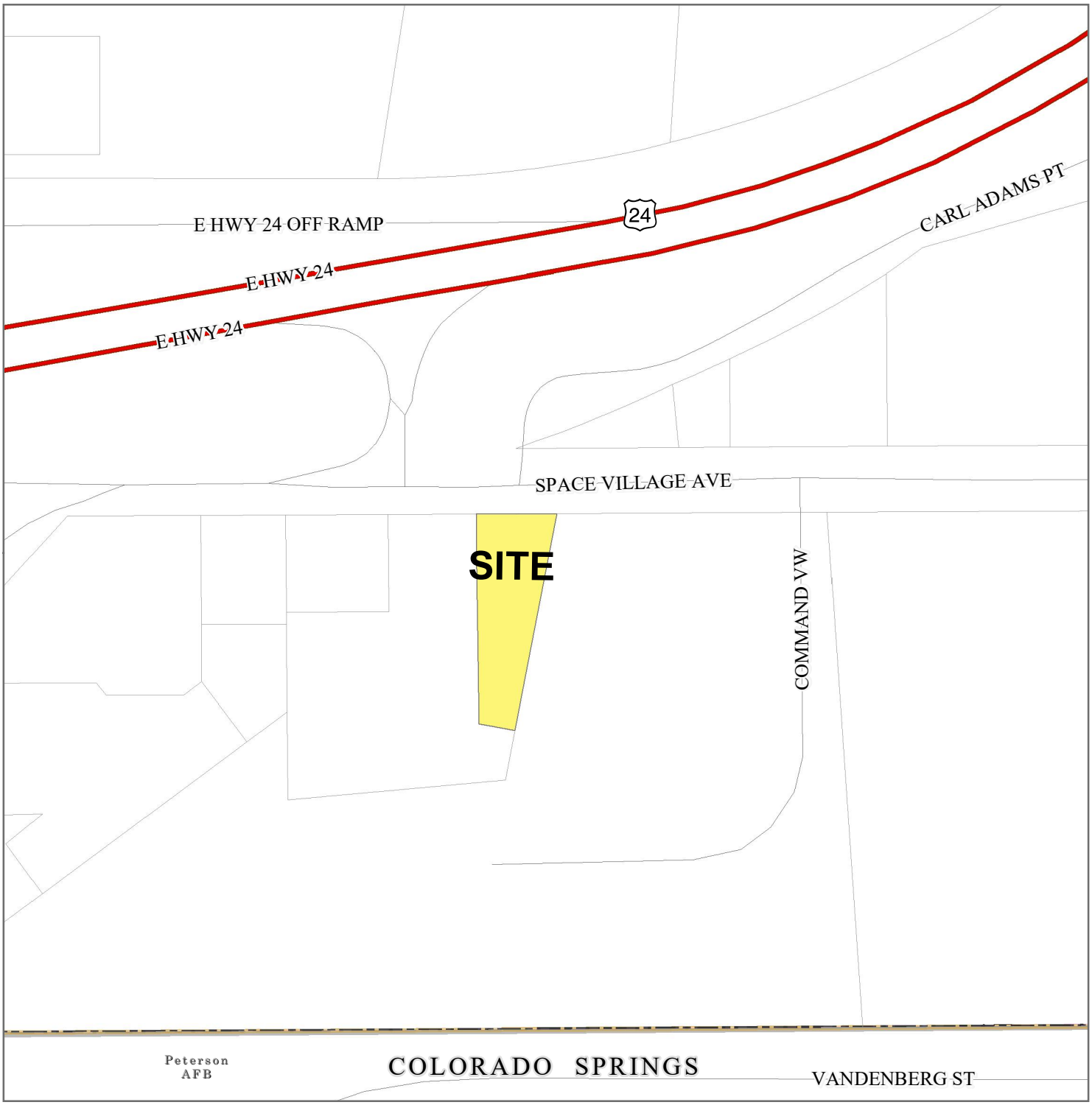
El Paso County Parcel Information

PARCEL	NAME
5417000019	BRIDLE DALE LLC

File Name: VA-20-001

Zone Map No. --

Date: January 27, 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

N W E S

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Kimley»Horn

October 29, 2020

LETTER OF INTENT: SPACE VILLAGE APARTMENTS VARIANCE OF USE

Property/Owner Information:

OWNER:	Elite Property Group, LLC
Address:	6895 Space Village Drive Colorado Springs, CO 80936
Parcel ID #:	54170-000-019
Zoning:	CC (Commercial Community) District
Acreage:	0.628 acres (survey performed by Drexel, Barrell & Co.)

REQUEST:

Approval of a variance of use to permit the continued reuse of a multifamily residential housing within an existing motel structure together with the historic parking ratio in the CC zoning district. The structure contains a total of 22 units: 12 one – room (studio) units, & 10 two-room (efficiency) units. Each unit has a small kitchen and individual bathroom.

JUSTIFICATION

The motel building constructed in 1983 and was used to provide short term lodging and extended stay accommodations for travelling patrons, out of town/state contractors, and other short term/non-permanent guests. The variance will allow the long-term lease/occupancy of units for residential rather than transient daily/weekly occupancy.

A special use permit (AL-02-022) was approved April 2003 that recognized the non-conforming hotel/lodging use of the subject site, including adjacent hotel facilities currently under separate ownership and not included in this variance request. The current owner, Bridledale, LLC, purchased the property in 2013 and has continued its operation as a multifamily apartment use.

Major long-term development activity and master planning efforts are being considered on adjacent and nearby properties in and along the US Highway 24, State Highway 94, Meadowbrook Parkway, Peterson Road, Marksheffel Road corridors, and Peterson Air Force Base. The multifamily use of the 22- unit building has responded positively to changing rental housing market and economic growth occurring adjacent to the site.

The applicant acknowledges responsibility to maintain compliance with applicable County, State or federal regulations air, water, odor or noise standards, and all other applicable requirements and/or Board imposed conditions of approval. A traffic memo prepared by

Drexel, Barrell & Co. dated, July 2, 2020 has been submitted in support of the use variance. The finds that the "proposed change in use for this site, vehicular traffic will be more than adequately accommodated by the existing access locations and Space Village Avenue". Additional detailed review of traffic, drainage, and other plans and reports will be reviewed at the site development plan process and completion of the final plat for the property.

The attached variance site plan includes parking, circulation, open space, fencing, screening, and landscaping details associated with the site and use. Additional detailed site development plan review is required to demonstrate compliance with all applicable development standards of the Land Development Code under an administrative process. The existing infrastructure and levels of public service which have served the property is in use and adequate to support the multifamily residential use of the existing hotel/motel structure.

PARKING CONISDERATIONS

The applicant requests the BOCC approval include authorization to use the existing historic hotel parking ratio of 1 space per unit instead of the multifamily parking ratios. The original development plan approval included a parking ratio for motels/hotels of one (1) space per lodging unit. A total of 22 spaces were provided for patrons, with additional spaces for non-patron guests and ADA parking.

As a multifamily use, parking ratios require 1.5 spaces per single bedroom units and 1.7 for two-bedroom units. The motel structure contains 12 single (1) bedroom units and 10 two (2) bedroom units. According to the multifamily parking ratios, 18 spaces are required for the 12 single-bedroom units, and 17 spaces are required for the 10 two-bedroom units. One (1) space per three (3) units is required for guest parking for a total of 7 guest spaces (22units/3= 7.33 spaces, rounded down to 7 spaces). ADA requires 2 compliant spaces where 26 to 50 standard spaces are required.

A total 44 spaces are required to meet multifamily parking ratio requirements to include:

- 35 resident spaces
- 7 guest spaces
- 2 ADA compliant spaces (to include a van accessible space)

The applicant wishes to use the existing historic hotel parking ratio of 1 space per unit instead of the multifamily parking ratios. The applicant requests approval of variance to multifamily parking requirements (parking) to authorize 33 parking spaces (22 resident, 8 guest, & 3 ADA spaces to include a van accessible space), where 44 spaces are required (see parking category totals above) based on an equitable consideration of the conditions affecting the property, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property.

The site has operated as a multifamily use with hotel parking ratios for several decades. Despite the reduced number of parking the site has maintained its viability as a multifamily housing option. According to the applicant, parking or the availability of adequate parking for residents has not been an issue since acquiring and operating the site in 2013.

The property is irregularly shaped. The property width tapers from 118.00 feet at the Space Village Drive frontage to a width of 53.77 at the property rear. The site was designed to maximum spatial capacities in support of the existing structure, compliance with setback requirements, and parking & vehicular maneuverability for the previous authorized use.

Review and Approval Criteria:

In approving a variance, the Board may consider the following:

- ***The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.***
  Since the property can be used to provide short term lodging and housing as a hotel, the variance approval will permit the continued use of the property and units for longer term residential leases.

  Strict application of the Code would require a residential rezoning of the property from the CC to the RM-30 multifamily zone, additional bulk, density, and dimensional variances approved by the Board of Adjustment, and potential recognition of legal non-conformities.

  Rezoning the property to a residential land use shifts the burden of compliance with certain buffering and screening requirements to surrounding and adjacent commercial property owners to protect the residential property from future impacts commercial land uses and development within the immediate area. Approval of the variance retains the underlying commercial zoning and permits the BOCC to impose additional development or impact mitigating conditions on the approval and ongoing operation of the use on the site.

- ***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 conversion of the hotel use to multifamily housing is compatible with surrounding land uses in the immediate vicinity which are commercially zoned and include the following land uses:

- Value Inn & Suites: extended stay motel (lodging)
- Travel Lodge by Wyndham
- Loaf and Jug
- Kum & Go
- Colorado Military Academy
- Sandy's Restaurant
- The Sod Depot

The motel has provided short term lodging and extended accommodations for travelling patrons, out of town/state contractors, and other short term/non-permanent guests. The change in use authorizes the lease/rental of units for longer periods of time to a single tenant rather than requiring daily or weekly renewable leases. The continued occupancy of the units does not change, but rather fewer people are residing in the area for longer periods of time.

Continuation of the multifamily use within the existing hotel structure is not detrimental to development within the area.

Since the use has been in operation, the BOCC approved a service plan for the Peterson Gateway Metropolitan District which authorities include the financing design, and maintenance of gateway landscaping improvements surrounding the Peterson Rd/Space Village Drive/Highway 24 interchange, the Space Village 3 Final Plat, and development plan for a new gas station/convenience store at the Peterson/Space Village intersection. Approval of the variance has not been nor will be detrimental to development in the area. Approval of the variance will not be detrimental to the health, safety, or welfare of the inhabitants of the County or the area.

- ***The proposed use will be able to meet air, water, odor or noise standards established by during construction and upon completion of the project;***

  The applicant, Elite Property Group, LLC, acknowledges responsibility to maintain compliance with applicable County, State or federal regulations air, water, odor or noise standards, and all other applicable requirements and/or Board imposed conditions of approval.

- ***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;***

  Elite Property Group, LLC acknowledges its responsibility to maintain compliance 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 proposed use will not adversely affect wildlife or wetlands.

- ***The applicant has addressed all off-site impacts;***
  All impacts with respect to meeting the variance application criteria have been addressed. Additional detailed review of traffic, drainage, and other plans and reports will be reviewed at the final plat and site development plan process.

- ***The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or***
  The attached variance site plan demonstrates adequate parking, circulation, open space, fencing, screening, and landscaping associated with the site and use. Additional detailed site development plan review for compliance with all applicable development standards of the Land Development Code under an administrative process.

  Studio/Efficiency units require 1.1 space per dwelling unit with an additional 1 parking space per 3 units for guest parking. The site contains 22 Units (1.1) = 24.2 (24) spaces required for residents with 7 (22units/3) guest spaces required. A total of 31 spaces is required to comply with on-site parking standards with two (2) additional accessible spaces to meet ADA accessibility standards. The plan provides a total 33 on-site parking spaces: 31 spaces to meet resident and guest parking and two (2) spaces for ADA compliance.

  The request includes an authorization to maintain the previous parking ratio and configuration as discussed under the ***'Parking Considerations'*** section of this report.

- ***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.***
  The existing infrastructure and levels of public service which have served the property will continue to provide services and are currently adequate to support the proposed (existing) multifamily residential use of the existing hotel/motel structure including future projected demands. Utilities and public services impacts are reviewed with additional detail with the final plat application process. A final plat is required to remedy the existing subdivision violations and to confirm the availability and adequacy of required services needed to support the permitted and allowed land uses in the underlying zone or as otherwise authorized.

  Water and wastewater service is provided by Cherokee Metropolitan District; electrical and gas services are provided by CSU. Emergency and fire protection services are provided by Cimarron Hills Fire Protection District. Police protection is provided by the El Paso County Sheriff Department.

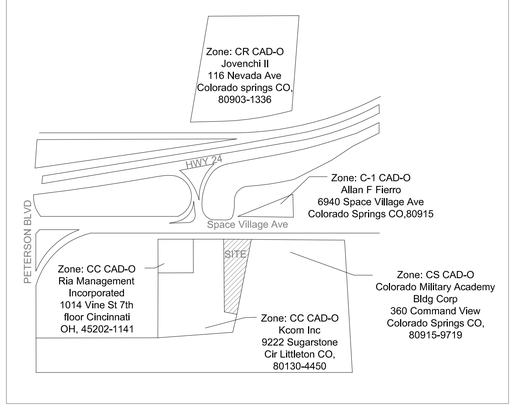
Property History/Development Timeline

The following summary is presented for reference and background information purposes and not intended to be a complete land use history of the site.

- Portions of the property were zoned I-3 (Heavy Industrial) and C-1 (Commercial)
- PBP-83-002Z: rezoned CC (Community Commercial, formerly PBP) February 24, 1983
    - Split zoned (portions of property zoned I-3 and C-1)
    - Hotel/lodging were permitted uses in C-1
    - Staff encouraged zoning to PBP (Currently CC)
- PBP-83-017: Site Development Plan Approval which included:
    - 22,000 SF 70- unit hotel with conference and business facilities.
    - Two (2) extended stay lodges with suite/studio style units with kitchenettes and laundry facilities
    - Convenience commercial and retail
    - Lodging (hotel/motel/extended stay options)
    - Single story 20-unit building.
- BOA -83-074: approved dimensional variances necessary to mitigate limitations of zoning district with respect to existing development on the property. See attached for additional information.
- Hotel constructed in 1985 together with hotel on adjacent property (parcel ID No. 54170-00-020)
- Subject property in current configuration created Cir 1986 in support of development of hotels located on both the subject and adjacent parcel (not part of this application or associated with applicant and/or subject property.)
- SP-90-001: Approved as part of 4 lot preliminary plan
- 1991 County LDC amendments CC (Community Commercial) district required special use for hotel/lodging uses. Subject property becomes legal nonconforming use.
- AL-02-022: made nonconforming use as hotel conforming in new CC zone district

SPACE VILLAGE APARTMENTS: VARIANCE SITE PLAN

VICINITY MAP
(WITH ADJACENT LAND USE/OWNERSHIP)



LEGAL DESCRIPTION:

THAT PORTION OF THE NORTHWEST QUARTER, SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIZTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PROTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 OF THE RECORDS OF SAID COUNTY, ALSO BEING A PROTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489 OF SAID RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 00 DEGREES 29 MINUTES 53 SECONDS E, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID SECTION 17 TO INTERSECT THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 1005 AT PAGE 262 OF SAID RECORDS, (ALL BEARINGS REFERRED TO HEREIN ARE RELATIVE TO THE NORTH LINE OF SAID SECTION 17, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST);

THENCE, NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 533.50 FEET ALONG SAID WESTERLY EXTENSION AND SOUTHERLY LINE TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DECSCRIBED IN BOOK 3630 AT PAGE 188;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 280.10 FEET ALONG THE NORHTERLY LINE OF SAID TRACT OF LAND DESCIBED IN BOOK 3630 AT PAGE 188 TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST 118.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCIBED IN BOOK 3630 AT PAGE 188 TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 10 DEGREES 54 MINUTES 42 SECONDS WEST, 330.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOK 3679 AT PAGE 489;

THENCE NORTH 79 DEGREES 5 MINUTES 8 SECONDS WEST, 53.77 FEET

THENCE NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 227.41 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489;

THENCE CONTINUING NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 85.84 FEET TO THE POINT OF BEGINNING.

OWNERSHIP:
BRIDLE DALE, LLC
4356 MONTEBELLO DRIVE
COLORADO SPRINGS, CO 80936

CONSULTANT(S):
KIMLEY-HORN
2. N. NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903

SITE DATA

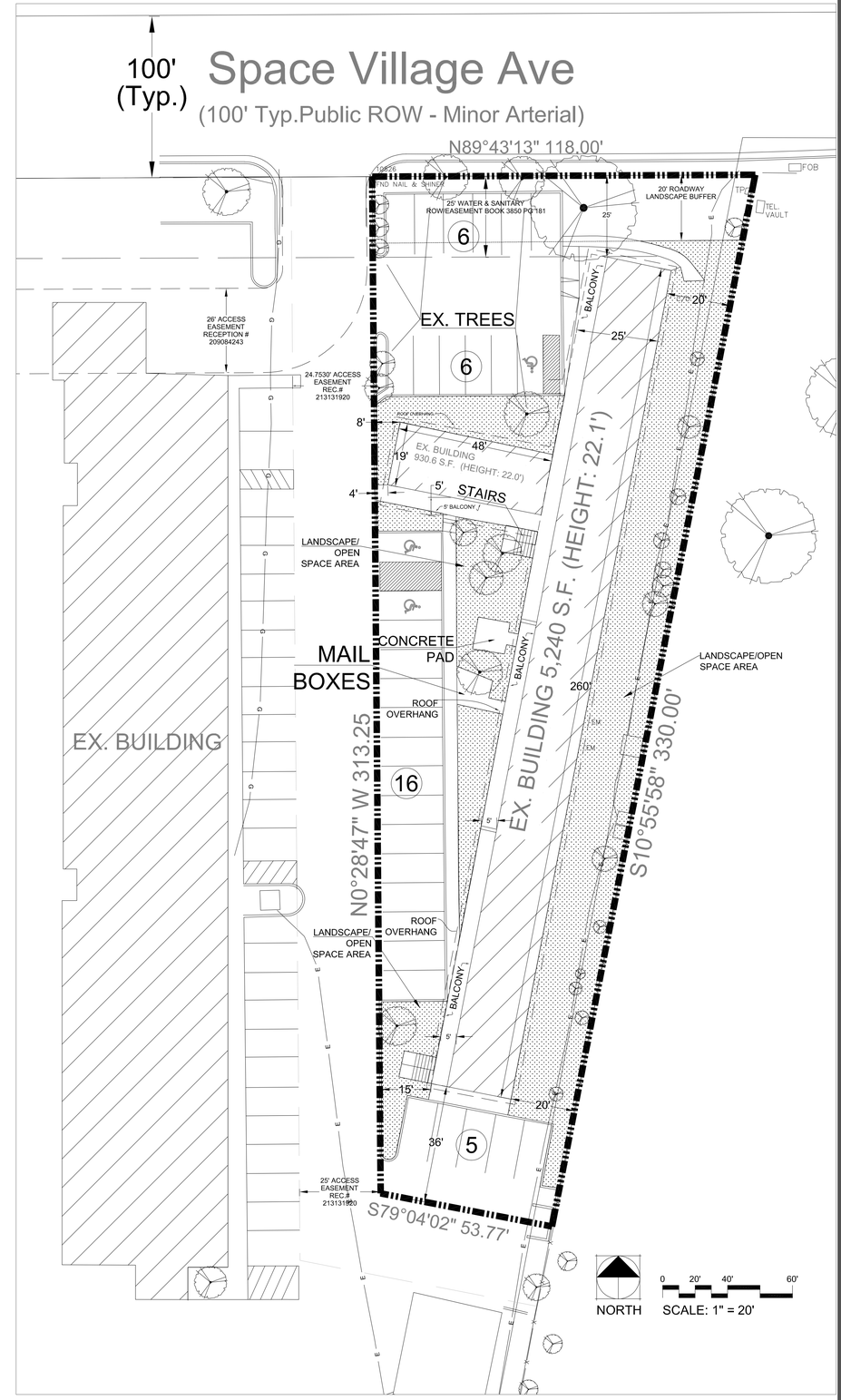
ADDRESS/LOCATION:	6895 & 6875 SPACE VILLAGE AVE
PARCEL ID #:	5417000019
ACREAGE:	0.628 AC (27,625 SF)
ZONING:	CC
SETBACKS FRONT/SIDE & REAR	25' FRONT, 0' SIDE/REAR WHEN IN SAME ZONE DISTRICT. 10' SIDE YARD SETBACKS APPROVED FOR EXISTING STRUCTURE BY BOA 83-074
BUILDING HEIGHT	±22.1'
REQUIRED PARKING (PROPOSED ALTERNATE RATIO)	33 SPACES (TOTAL OF RESIDENT, GUEST, ADA)
RESIDENT PARKING	22
GUEST PARKING	8
ADA PARKING	3
BUILDING HEIGHT	±22.1'

OPEN SPACE AREA	
TOTAL MULTIFAMILY OPEN SPACE REQ/ PRO	4,144 SF/ 8,377 SF

OPEN SPACE/LANDSCAPE LEGEND:

MULTIFAMILY OPEN SPACE AREAS

EXISTING TREES



Kimley»Horn
© 2020 KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903
PHONE: 719-453-0180

Space Village Apartments
VARIANCE SITE PLAN
Colorado Springs, CO

STAMP:

REV #	REVISIONS	DATE
1	1ST COUNTY COMMENT REVISIONS	6.24.20
2	2ND COUNTY COMMENT REVISIONS	10.29.2020
3		
4		
5		
6		

DESIGNED	RSF	02.14.19
DRAWN	RSF	02.14.19
CHECKED	RSF	2.5.2020
PROJECT NUMBER:	3837.00	
SCALE:	AS NOTED	

VARIANCE SITE PLAN V1
PCD File No. VA-20-001

Planning Commission Meeting
Thursday, February 18, 2021
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, BECKY FULLER, SARAH BRITTAIN JACK, AND JOAN LUCIA-TREESE

PRESENT VIA ELECTRONIC MEANS AND VOTING: TIM TROWBRIDGE, THOMAS GREER, AND GRACE BLEA-NUNEZ

PRESENT AND NOT VOTING: NONE

ABSENT: JAY CARLSON AND ERIC MORAES

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, TRACEY GARCIA, ELENA KREBS, RYAN HOWSER, ELIZABETH NIJKAMP, AND EL PASO COUNTY ATTORNEY COLE EMMONS (VIA REMOTE ACCESS)

OTHERS SPEAKING AT THE HEARING: RAIMERE FITZPATRICK AND LES GRUEN

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, March 4, 2021 at 1:00 p.m.**

b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

c) **Mr. Dossey** announced that he will give his Annual Report at the end of the hearing.

B. Public Input on Items Not Listed on the Agenda – Ms. Fuller mentioned that there is a grant program open for local businesses for $3,500 to $7000. Go to https://coloradoenterprisefund.org/PikesPeakSmallBusinessReliefProgram for more information.

CONSENT ITEMS

2. A. Approval of the Minutes – February 4, 2021
The minutes were unanimously approved as presented. (8-0)

B. P-18-009 RUIZ

MAP AMENDMENT (REZONE)
RIVERBEND

A request by Avatar Riverbend, LP., for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RS-5000 (Residential Suburban). The two parcels total 51.99 acres and are located southwest of the Highway 85/87 and Main Street intersection and within Section 14, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65141-00-043 and 65141-00-033) (Commissioner District No. 4)

Mr. Trowbridge requested that they receive additional background information on this item and the preliminary plan request by Riverbend.

Ms. Ruiz gave a brief background to the Planning Commission and offered the opportunity for any questions. There were no questions and the members felt comfortable with not pulling the Riverbend items to Regular and moved to a motion.

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, P-18-009, FOR A MAP AMENDMENT (REZONE) FOR RIVERBEND UTILIZING RESOLUTION PAGE NO. 27, CITING 21-007 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-0).

C. SP-18-007 **RUIZ**

PRELIMINARY PLAN
RIVERBEND

A request by Avatar Riverbend, LP., for approval of a preliminary plan to create 203 single-family residential lots, public rights-of-way, and tracts for open space, drainage, and utilities. A concurrent application is under review for approval of a map amendment (rezone) from the PUD (Planned Unit Development) to the RS-5000 (Residential Suburban) zoning district. The two parcels total 51.99 acres and are located southwest of the Highway 85/87 and Main Street intersection and within Section 14, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65141-00-043 and 65141-00-033) (Commissioner District No. 4)

PC ACTION: FULLER MOVED/BRITTAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, SP-18-007, FOR A PRELIMINARY PLAN FOR RIVERBEND UTILIZING RESOLUTION PAGE NO. 25, CITING 21-008 WITH FIVE (5) CONDITIONS AND THREE (3) NOTATIONS WITH A FINDING OF WATER SUFFICIENCY FOR QUALITY, QUANTITY, AND DEPENDABILITY AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-0).

Regular Items

3. VA-20-001 **HOWSER**

VARIANCE OF USE
SPACE VILLAGE APARTMENTS

A request by Bridle Dale, LLC, for approval of a variance of use to legalize the existing multi-family residential development. The 0.63-acre property is zoned CC (Commercial Community), is subject to the CAD-O (Commercial Airport Overlay) district, and is located on the south side of Space Village Avenue, approximately 785 feet east of the intersection of Space Village Avenue and Peterson Boulevard, approximately one mile west of Marksheffel Road and is within Section 17, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54170-00-019) (Commissioner District No. 4)

Mr. Howser gave a brief overview of the project and asked **Mr. Emmons** to go over the review criteria for a variance of use. He then introduced the applicants' representative **Mr. Raimere Fitzpatrick** to give their presentation.

Mr. Howser gave his full presentation to the Planning Commission.

Ms. Fuller – You mentioned that no zoning districts would allow this density. What zone would allow this density? And there's no other residential close to this? **Mr. Howser** – The RM-12 zone district would allow 12 units per acre, the RM-30 zone

district allows 30 units per acre, and the applicant is proposing approximately 33 units per acre. There's a small portion of residential located to the north.

Ms. Fuller – Do we know when that became extended living? **Mr. Fitzpatrick** – From the activities prior to 2013, it began being used as an extended stay for several week or month-long occupancy used by traveling construction crews. It was an apartment use prior to 2013. Cherokee Metro District confirmed that water usage patterns changed in the late 90s to show more usage.

Ms. Fuller -- What else is specifically there? **Mr. Fitzpatrick** – There is a gas station and laundry mat, and there are other higher density use businesses located across the street there as well. Some of the trends are showing extended stay beyond a month or so; they've become more of permanent residence and just move from room to room in order to be able to stay there. The client purchased the property knowing it was a violation and wanted to get things done correctly.

Ms. Fuller – Is I-3 zoning for junkyards or storage? **Mr. Fitzpatrick** – Its storage that is located there and other uses that fit in the I-3 zone.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:
Mr. Dossey – This is close to the gated Peterson AFB here. I see this area as in transition. You will see areas that have some new residential housing. This area is seeing some change driven by the base as well other families moving into the area. This is what we have been talking about with our Master Plan Advisory Committee pertaining to the areas of change. Large scale developments are coming in as a higher and better use. This is part of the transitional area in Cimarron Hills that we have identified in the Master Plan process.

Mr. Risley – Given the need for this type of housing, this application is ideal and very much needed in our region.

Ms. Lucia-Treese – This type of housing is definitely needed. The property is well maintained. Next to it is a small shopping center with dry cleaners and restaurants. It's a good use for that land and area.

Mr. Trowbridge – I want to echo what **Ms. Lucia-Treese** said. It's a well-maintained property and I'm in support of this application.

<u>PC ACTION:</u> LUCIA TREESE MOVED/BAILEY SECONDED FOR APPROVAL REGULAR ITEM NUMBER 3, VA-20-001 FOR A VARIANCE OF USE FOR SPACE VILLAGE APARTMENTS UTILIZING RESOLUTION NO. 21-009 WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS UTILIZING

RESOLUTION PAGE 51 AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (8-0).

4. VA-20-001 HOWSER

VARIANCE OF USE
FIVE STAR EQUESTRIAN CENTER

A request by Urban Strategies, Inc., for approval of a variance of use to legalize multiple single-family detached and attached residences, a vehicle repair garage, an equestrian center, and horse boarding facility. The 85.66-acre property is zoned A-5 (Agricultural) and is located on the west side of Midway Ranch Road, approximately one-half mile north of Rancho Colorado Boulevard and is within Sections 15 and 22, Township 17, and Range 65 West of the 6th P.M. (Parcel No. 57000-00-104) (Commissioner District No. 4)

Mr. Howser gave a brief overview of the project and asked **Mr. Emmons** to go over the review criteria for a variance of use. He then introduced the applicants' representative **Mr. Les Gruen** to give their presentation.

Ms. Fuller – is this asking for a change in how the corvette center and repair is used? **Mr. Gruen** – I neglected to mention that. Right now, it is classified as a vehicle repair facility. The LDC is very specific in its uses, so the PCD staff recommended that it be expanded to include recreational vehicle repair so that it covers that use as well and provides greater flexibility.

Ms. Fuller – Vehicle repair can create very dirty water. Has that been addressed? **Mr. Gruen** – 5-6 acre feet of water is currently being used where they are approved for 10 acre feet of water. I'm not aware of any restriction for another type of owner and how much water they use. **Ms. Fuller** – I'm more concerned about oils. I thought it was just repair and not a garage use. **Mr. Gruen** – The corvette center operates as a restoration center for 1-3 cars per year only. There are only 3 to 5 cars there currently. All the uses are regulated by the state and are inspected on a regular basis. **Mr. Howser** – The use of heavy machinery is not in the request. It would have to be amended to include heavy machinery. If we were to consider that additional use, we need to update the conditions to include it. All variance of uses require a site development plan. The condition says 14 units and a vehicle repair garage. His letter of intent includes truck repair. **Ms. Fuller** – so the use is identified. **Mr. Gruen** – My request clearly asks for a truck and recreational repair garage in response to questions from staff that related to being foresightful so that the owner doesn't have to come to this body to expand the use.

Mr. Gruen – This is not an abandoned use. A full restoration will take much longer than a repair, but it is in operation. I would request that the conditions and notations reflect all the uses.

Mr. Risley – Condition 4 should be revised to state what? **Mr. Gruen --** The applicant is aware that the existing well permit does not specifically allow for commercial uses including the vehicle repair garage use that exists on the property and is the subject of this variance of use application. The applicant will need to apply for a revised well permit from the State Water Engineer allowing for the vehicle repair garage use.

Ms. Brittain Jack – My brother in law has a business like this and it is highly regulated by the state as far as environmental impacts.

Mr. Trowbridge – It's noted in the staff report that ranch residences are permitted by right on property. Could this applicant establish additional ranch residences or does the LOI and Condition #1 supersede that? As far as the water issue, I would think a condition be added that they provide evidence that they have applied for appropriate permit. **Ms. Ruiz** – It's a use by right, so if they want to add additional ranch residences, there would be no issue. I understand that you want this to be a condition of approval, but the County has no jurisdiction or authority to approve a well permit. It has been included as a notation since the state has the authority and all enforcement powers. **Mr. Emmons** – I am fine with those responses. I have nothing different. If there is a concern such that **Ms. Fuller** expressed with regard to environmental matters, that a condition be added to essentially say the developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species. It's a catch all condition that is typically in all of our approvals, and that would cover any concerns that Ms. Fuller has with regard to environmental impacts. **Mr. Gruen** – I have no issue with that notation.

Ms. Fuller – if this were approved, it could be expanded for more people to be on the ranch? Or is it limited to the 13? **Ms. Gruen** – There is no intent to build any more dwelling units. The last building was added in the 90s. The zoning itself allows for one dwelling unit for every five acres related to employee housing. Under the existing zone, they would have the right to do so under the zoning. **Ms. Ruiz** – He is correct, it's 1 dwelling unit per 5 acres. If there are concerns there and they are stating they have no intentions to add more, then you could add a condition to place a cap on the number of units total.

Mr. Risley – The site development plan would delineate those details, is that correct? **Ms. Ruiz** – That is correct; it would be done administratively but they would be required to get the appropriate permits. For someone living and working

on site, the impacts would be less because there is less traffic generated due to there being no need to leave the site for work.

Mr. Howser gave his full presentation to the Planning Commission.

Mr. Howser -- If we are to consider the truck repair, then Condition Number 1 needs to be amended.

Mr. Bailey – The applicant has requested the truck repair use be approved as well. The staff report and conditions need to be revised to reflect the applicant's request.

Mr. Risley – Was it an oversight that the truck repair was omitted? **Mr. Howser** – It was an oversight.

Revised Condition No. 1 – To add in truck and recreational vehicle repair.

Revised Notation No. 4 – To state all of the uses proposed.

New Condition No. 4 – Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:
Ms. Fuller – if a new owner came to ask for the truck repair, I would not have an issue with it.

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR APPROVAL REGULAR ITEM NUMBER 4, VA-20-005 FOR A VARIANCE OF USE FOR FIVE STAR EQUESTRIAN CENTER WITH THREE (3) CONDITIONS AND FOUR (4) NOTATIONS REVISING CONDITION NUMBER 1, NOTATION NUMBER 4 AND ADDING CONDITION NUMBER 4 AS STATED ABOVE UTILIZING RESOLUTION PAGE NO. 21-010 CITING RESOLUTION ON PAGE 51 AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (8-0).

Mr. Dossey gave his Annual Report of Activities to the Planning Commission.

5. **El Paso County Master Plan – Information Update – No Action Needed**

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.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

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-20-001
Space Village Apartments Variance of Use

WHEREAS, Bridle Dale, 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 Choose an item. zoning district to legalize an existing multi-family residential development where such use is not permitted; and

WHEREAS, a public hearing was held by this Commission on February 18, 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 Bridle Dale, LLC, for a variance of use within the CC (Commercial Community) zoning district and is also subject to the CAD-O (Commercial Airport Overlay) district, to legalize an existing multi-family residential development 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. Approval is limited to the use of a multifamily structure consisting of not more than twenty-two (22) residential units, as discussed and depicted in the applicant's letter of intent and site plan drawings. 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 final plat shall be required to legalize the parcel prior to approval of a site development plan, establishment of a new use, or continuation of any existing use. Approval of an application for final plat shall occur within 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.

3. A site development plan shall be applied for and approved to legalize 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.

NOTATIONS

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.

2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.

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

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

Commissioner Bailey seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Lucia-Treese	aye
Commissioner Bailey	aye

Commissioner Fuller	aye
Commissioner Brittain Jack	aye
Commissioner Blea-Nunez	aye
Commissioner Trowbridge	aye
Commissioner Greer	aye

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: February 18, 2021

_____
Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER, SECTION 17, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIZTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING A PROTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3630 AT PAGE 188 OF THE RECORDS OF SAID COUNTY, ALSO BEING A PROTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489 OF SAID RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17;
THENCE SOUTH 00 DEGREES 29 MINUTES 53 SECONDS E, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID SECTION 17 TO INTERSECT THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 1005 AT PAGE 262 OF SAID RECORDS, (ALL BEARINGS REFERRED TO HEREIN ARE RELATIVE TO THE NORTH LINE OF SAID SECTION 17, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST);

THENCE, NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 533.50 FEET ALONG SAID WESTERLY EXTENSION AND SOUTHERLY LINE TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DECSCRIBED IN BOOK 3630 AT PAGE 188;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST, 280.10 FEET ALONG THE NORHTERLY LINE OF SAID TRACT OF LAND DESCIBED IN BOOK 3630 AT PAGE 188 TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST 118.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCIBED IN BOOK 3630 AT PAGE 188 TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 10 DEGREES 54 MINUTES 42 SECONDS WEST, 330.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOK 3679 AT PAGE 489;

THENCE NORTH 79 DEGREES 5 MINUTES 8 SECONDS WEST, 53.77 FEET

THENCE NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 227.41 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489;

THENCE CONTINUING NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 85.84 FEET TO THE POINT OF BEGINNING.

RESOLUTION NO. 21-

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

APPROVE VARIANCE OF USE TO LEGALIZE AN EXISTING MULTI-FAMILY RESIDENTIAL DEVELOPMENT. VA-20-001 – SPACE VILLAGE APARTMENTS

WHEREAS, Bridle Dale, 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 CC (Commercial Community) and CAD-O (Commercial Airport Overlay) zoning districts to legalize an existing multi-family residential development 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 February 18, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use; and

WHEREAS, a public hearing was held by this Board on March 9, 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 Bridle Dale, LLC, for a variance of use to legalize an existing multi-family residential development within the CC (Commercial Community) and CAD-O (Commercial Airport Overlay) zoning districts 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 use of a multifamily structure consisting of not more than twenty-two (22) residential units, as discussed and depicted in the applicant's letter of intent and site plan drawings. 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 final plat shall be required to legalize the parcel prior to approval of a site development plan, establishment of a new use, or continuation of any existing use. Approval of an application for final plat shall occur within 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.

3. A site development plan shall be applied for and approved to legalize 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.

NOTATIONS

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.

2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.

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

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

DONE THIS 9th day of March 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

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COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 00 DEGREES 29 MINUTES 53 SECONDS E, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID SECTION 17 TO INTERSECT THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 1005 AT PAGE 262 OF SAID RECORDS, (ALL BEARINGS REFERRED TO HEREIN ARE RELATIVE TO THE NORTH LINE OF SAID SECTION 17, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST);

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THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 7 SECONDS EAST 118.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND DESCIBED IN BOOK 3630 AT PAGE 188 TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 10 DEGREES 54 MINUTES 42 SECONDS WEST, 330.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOK 3679 AT PAGE 489;

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THENCE NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 227.41 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 3679 AT PAGE 489;

THENCE CONTINUING NORTH 00 DEGREES 29 MINUTES 53 SECONDS WEST, 85.84 FEET TO THE POINT OF BEGINNING.