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RESOLUTION NO. 24-372

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

**FOR APPROVAL OF A VARIANCE OF USE
5935 TEMPLETON GAP ROAD (VA243)**

WHEREAS, Great West Construction did file an application with the El Paso County Planning and Community Development Department for approval of a Variance of Use to allow a contractor's equipment yard use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) 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 the El Paso County Planning Commission on September 5, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject Variance of Use.

WHEREAS, a public hearing was held by this Board on September 26, 2024; 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 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 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 Code would result in peculiar and exceptional practical difficulties or undue hardship;
2. The Variance of Use is generally consistent with the applicable Master Plan;
3. 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;
4. 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;
5. The proposed use will comply with all applicable requirements of the Code and all applicable County, State, and Federal regulations except those portions varied by this action;
6. The proposed use will not adversely affect wildlife or wetlands;
7. The applicant has addressed all off-site impacts;
8. The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
9. 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 for a Variance of Use to allow for a contractors equipment yard use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) 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 use of a contractor's equipment yard, as discussed and depicted in the applicant's Letter of Intent, and Variance of Use Site Plan. Any subsequent addition or modification to the use beyond that described in the applicant's Letter of Intent shall be subject to approval of a new Variance of Use request.
2. Applicant to obtain driveway access permit from City of Colorado Springs.
3. Applicant shall be required to pay road impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-471). Road impact fees shall be paid at time of building permit or within thirty days of Variance of Use application approval if no building permit is required.
4. Approval of the Variance of Use shall remain in effect only so long as the existing or any future property owner resides on the property. If the property owner is not a natural person, the owner or an employee of the entity that owns the property shall reside on the property to fulfill this requirement.

NOTATIONS

1. 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.
2. 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.
3. The underlying A-5 Zoning District and Commercial Airport Overlay District still govern the property and any future uses, density or dimensional changes to the property.

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

DONE THIS 26th day of September 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Carrie Brewer
Chair

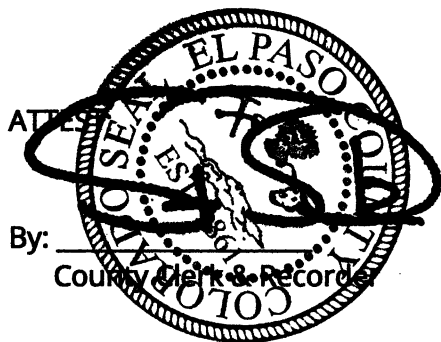


EXHIBIT A

Legal Description

A TRACT IN THE SE 1/4 OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY COLORADO DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY 189 WITH THE NORTH LINE OF TEMPLETON HEIGHTS SUBDIVISION, THENCE NORTHERLY ON SAID RIGHT OF WAY LINE FOR 726.61 FEET TO THE POINT OF BEGINNING FOR SAID TRACT; THENCE CONTINUE ALONG THE SAME COURSE FOR 301 FEET; ANGLE RIGHT 90 ° (SOUTHERLY) 847.84 FEET TO THE NORTH LINE OF AFOREMENTIONED TRACT; THENCE WESTERLY ALONG SAID NORTH LINE FOR 390.23 FEET, THENCE NORTHERLY 599.50 FEET TO SAID POINT OF BEGINNING.