

**Meggan Herington, AICP, Executive Director**  
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**Board of County Commissioners**

Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

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**SUMMARY MEMORANDUM**

**TO:** El Paso County Board of County Commissioners  
**FROM:** Planning & Community Development  
**DATE:** 09/26/24  
**RE:** VA243; 5935 Templeton Gap Road Variance of Use

Project Description

A request by Great West Construction for approval of a Variance of Use to allow a contractor's equipment yard in the A-5 (Agricultural) with CAD-O (Commercial Airport Overlay) Zoning District. This item was heard as a called-up consent item on September 5, 2024, by the Planning Commission to discuss whether the property owner needs to reside on the property. The Planning Commission also recommended an additional condition. The vote was 8-0 for a recommendation of approval to the Board of County Commissioners. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2).

Notation

The Planning Commission added a Condition of Approval to 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. Please see the Planning Commission Minutes from September 5, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Carlson moved / Smith seconded the motion to recommend approval of item VA243 utilizing the revised resolution with four (4) conditions and three (3) notations. The motion was approved (8-0). The item was heard as a called-up consent item at the Planning Commission hearing. Written public opposition was received. The concern was that the contractor's equipment yard will add traffic congestion to the area.

Attachments

1. Planning Commission Minutes from 09/5/24.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comment.
5. Draft BOCC Resolution

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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, September 5th, 2024  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, JEFFREY MARKEWICH, BRYCE SCHUETTEL, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** JIM BYERS AND BECKY FULLER.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, MINDY SCHULZ, KARI PARSONS, RYAN HOWSER, ASHLYN MATHY, SCOTT WEEKS, ED SCHOENHEIT, CHARLENE DURHAM, ERIKA KEECH, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** CLEMENT 'BUD' SILVERS JR, CHARLES MANLY JR, PAELEIGH REED, DAVE ELLIOTT, DANIEL JACQUOT, AND MICHAEL BARR.

#### **1. REPORT ITEMS**

**Ms. Herington** advised the board that there would be a non-action item at the end of the hearing. This is a presentation regarding the Your El Paso Master Plan's 3-year implementation report. Additionally, she mentioned that the Land Development Code (LDC) Update's website is now live. There is a link to the that webpage, which includes the consultant's LDC assessment, on the County's Planning and Community Development (PCD) homepage. Commission members and the public are all welcome to submit comments on that LDC Update website. The next PC Hearing is Thursday, September 19th, at 9:00 A.M.

#### **2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)**

#### **3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held August 15th, 2024.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**B. MS235**

**MATHY**

**FINAL PLAT  
DOUBLE SPUR RANCH FINAL PLAT**

A request by Daniel Kupferer for approval of a 40-acre Final Plat creating 3 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12420 North Meridian Road, one-tenth of a mile south of the Latigo Boulevard and North Meridian Road intersection. (Parcel No. 5213000007) (Commissioner District No. 1)

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: SCHUETTPELZ MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER MS235 FOR A FINAL PLAT, DOUBLE SPUR RANCH FINAL PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**C. VA245**

**PARSONS**

**VARIANCE OF USE  
8304 & 8308 CESSNA DRIVE VARIANCE OF USE**

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER CITIZEN REQUEST.**

**D. SP217**

**HOWSER**

**PRELIMINARY PLAN  
PEERLESS FARMS**

A request by Robert and Wendy Williams for approval of a 40.01-acre Preliminary Plan depicting 7 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 16975 Falcon Highway. (Parcel No. 4313000001) (Commissioner District No. 2)

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: MARKEWICH MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SP217 FOR A PRELIMINARY PLAN, PEERLESS FARMS, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, THREE (3) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND**

**DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**E. CS243**

**HOWSER**

**MAP AMENDMENT (REZONING)  
UDON**

A request by Thani Holdings, LLC, for approval of a Map Amendment (Rezoning) of 15.75 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 12150 State Highway 94. (Parcel No. 4400000185) (Commissioner District No. 4)

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER CS243 FOR A MAP AMENDMENT (REZONING), UDON, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**F. VR2324**

**HOWSER**

**VACATION AND REPLAT  
PONDEROSA PINES ESTATES**

A request by Clifford A Joyner for approval of a 3.07-acre Vacation and Replat creating 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots. The property is zoned RR-0.5 (Residential Rural), and is located at 18810 Cloven Hoof Drive, Palmer Lake, CO, 80133. (Parcel Nos. 7109002018 & 7109002019) (Commissioner District No. 3)

**Mr. Trowbridge** mentioned that Mr. Howser had indicated a member of the public wanted to be called in to speak on the item.

**Mr. Bailey** acknowledged that Mr. Kilgore was speaking with the Audio/Video staff regarding the call-in. While that was taking place, item 3G was discussed. They returned to agenda item 3F afterward. The members of the public were called, but both attempts went to voicemail.

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: CARLSON MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3F, FILE NUMBER VR2324 FOR A VACATION AND REPLAT, PONDEROSA PINES ESTATES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITION, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND**

**DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**G. VA243**

**WEEKS**

**VARIANCE OF USE  
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

**NO PUBLIC COMMENTS**

**DISCUSSION**

**Mr. Carlson** suggested adding a condition of approval that stipulates the owner of the property must reside on the property, which he acknowledged is the current situation. He further believes that it would be best to have the approval tied to ownership instead of running with the land.

**Mr. Bailey** remarked that he had a similar concern regarding duration of approval for a later agenda item.

**Mr. Trowbridge** expressed his understanding that approval for a Variance of Use application typically runs with the land.

**Ms. Herington** confirmed. A standard Variance of Use approval does not include either a condition that approval is tied to current ownership or for a specific amount of time. A condition of approval could be added to include information detailed in the applicant's Letter of Intent. The applicant has declared their intention to reside on the property. She suggested the applicant could address whether they would be agreeable to adding that condition.

**Mr. Trowbridge** asked if the first condition, *"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."*, would be sufficient to tie approval to the current owner or owner occupation.

**Mr. Bailey** asked if adding a condition of occupation by the owner strays from the intent of the rules as they're written.

**Ms. Herington** added that it would be very difficult for future County planning staff to review the Letter of Intent 10 years post approval to interpret conditions of approval. It would be much easier for future to staff to reference a clearly written condition of approval on the adopted resolution.

**Ms. Seago** asked Mr. Carlson if his intent for adding a condition of approval was to require the *property owner* or the *business owner* to reside on the property.

**Mr. Carlson** clarified that he meant for it to apply to the property owner.

**Ms. Seago** clarified that if the property owner lives on the property, it wouldn't matter to Mr. Carlson that a different entity operated the contractor's equipment yard.

**Mr. Carlson** confirmed. He explained that he wants to avoid the residence being demolished in the future and the only remaining use of the land being a contractor's equipment yard.

**Ms. Seago** then asked if it would be acceptable that the residence be occupied by anyone so long as it continues to exist. The occupant of the house may not be the property owner in that scenario.

**Mr. Carlson** stated he would prefer that the property owner be the occupant.

**Ms. Seago** proposed that she could assist with crafting a condition of approval to meet that request. She suggested that instead of crafting the condition to require that the property owner live on the property, phrasing it in a way that approval of the variance would expire upon the residence no longer being occupied by the property owner.

**Mr. Bailey** asked if that would be restricted to the current owner or apply to any future owner.

**Ms. Seago** clarified that it could applied either way.

**Mr. Carlson** stated that he agreed with her suggestion.

**Mr. Whitney** clarified his understanding that if the property owner moved away, approval of the variance would lapse. (This was confirmed.)

**PC ACTION: THIS ITEM WAS THEN PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. BAILEY.**

**H. MS239**

**LETKE**

**MINOR SUBDIVISION**

**3275 CENTER ICE VIEW – MINOR SUBDIVISION TO LEGALIZE LOT**

A request by Andrew C Alm for approval of a Minor Subdivision creating two (2) single-family residential lots. The 12.72-acre property is zoned RR-5 (Residential Rural) and is one-quarter of a mile north of Hay Creek Road. (Parcel No. 7133007024) (Commissioner District No. 3)

**PUBLIC COMMENT**

**Mr. Charles Manly Jr.** spoke in opposition. He expressed a concern about adding a well in the location. He discussed his current rate of water flow.

**Mr. Bailey** stated that the water report was included in the packet, and he did not believe pulling the item to hear a full presentation would be necessary.

**Mr. Trowbridge** explained that all water in Colorado is owned and managed by the State Engineer. Property owners have the right to access the water via well, but ownership remains with the State. He mentioned that the County Attorney's Office also reviews water rights, which is provided in the full water report for each applicable project. If the State Engineer says that someone has the right to sufficient water, the Planning Commission cannot naysay them. He further mentioned that El Paso County has a more stringent, 300-year water requirement, where the state mandates a 100-year finding.

#### **NO FURTHER DISCUSSION**

**PC ACTION: SCHUETTELZ MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER MS239 FOR A MINOR SUBDIVISION, 3275 CENTER ICE VIEW - MINOR SUBDIVISION TO LEGALIZE LOT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWELVE (12) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED CONDITIONAL FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

#### **4. CALLED-UP CONSENT ITEMS**

**3C. VA245**

**PARSONS**

##### **VARIANCE OF USE 8304 & 8308 CESSNA DRIVE VARIANCE OF USE**

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

#### **STAFF & APPLICANT PRESENTATIONS**

**Mr. Carlson** asked if the underlying R-4 zoning would have allowed for the current request.

**Ms. Parsons** stated that information would be included later in the presentation. She then resumed.

**Mr. Trowbridge** asked if the roadway and taxiway were clearly separated (i.e., berm).

**Ms. Parsons** answered that there is no berm because planes and cars travel across both.

**Mr. Trowbridge** clarified that he is asking if they are identified as being separate from each other so that drivers are aware when they are crossing the taxiway.

**Ms. Parsons** stated that County staff was able to determine where roadways were different from taxiways, but she doesn't know if the public would be able to make that determination. She stated

she would defer to airport officials regarding an accident log. The applicant may also provide clarification. Her presentation then continued.

**Mr. Carlson** asked if the repair garage would also work on aircraft.

**Ms. Parsons** stated the applicant would be able to answer that question.

**Mr. Markewich** asked what property the Variance would include.

**Ms. Parsons** explained that the Variance of Use would apply to Lots 7 and 9 as depicted in the Site Development Plan. She reiterated that approval would be tied to the Site Development Plan instead of a Letter of Intent.

**Mr. Markewich** asked if approval would run with the land, regardless of current owner.

**Ms. Parsons** confirmed.

**Mr. Markewich** verified that the restricted uses in the subject approval would apply regardless of a change in business owner.

**Ms. Parsons** confirmed. The allowed uses are depicted in the Site Development Plan. Her presentation concluded and the applicant's representative began their presentation.

**Ms. Nina Ruiz**, with Vertex Consulting Services, presented for the applicant.

**Ms. Esther Sund**, the owner and applicant, addressed Mr. Carlson's earlier question regarding whether the repair shop would work on aircraft. Their company does and will provide services to aircraft when requested and when they are capable. They have worked on airplanes in the past and have done custom painting on airplane parts. There is a current project being delivered to the site which includes custom work on an experimental aircraft being brought in piece-by-piece. She stated that they have also assisted Springs Aviation with tool loans. Overall, she stated that her business does not exclude aviation.

**Mr. Smith** asked for a visual explanation of the road versus taxiway on an aerial image.

**Ms. Sund** explained that there are taxi easements on the property. Easements are typically utilized by the hangars that store aircraft, like the buildings south of the subject property. She used the image to point out what that taxiway would look like if it existed. There are no taxiways paved on her property because there are no planes stored there or anywhere on her block. She stated that aircraft is not driven within the easement in front of her property, but the easement does still exist.

**Mr. Markewich** clarified that there is a taxi easement.

**Ms. Sund** confirmed and stated it is not utilized.

**Mr. Markewich** asked if the easement was marked.

**Ms. Sund** answered that it is not marked.



**Mr. Markewich** asked if taxiways within easements that are in front of hangars (like the property south of the subject area) are marked.

**Ms. Sund** replied that those *are* marked. The identification of a taxiway dead-ends at her property line.

**Mr. Markewich** asked if the taxiway identification began again on the other side of her property.

**Ms. Sund** referred to the aerial image to identify a property 3 lots north of hers that likely has an identified taxiway. The 3 lots north of her property are vacant and there is no taxiway.

**Mr. Markewich** asked which direction the airplanes would taxi once they are on Cessna Drive.

**Ms. Sund** replied that it would depend on where the planes enter. The property located 3 lots north does not have direct access onto Cessna Drive, so once the aircraft uses the taxiway easement on that property, they enter the road perpendicular to Cessna Drive. Those airplanes do not cross in front of her property. Regarding the hangars south of her property, the aircraft will use the taxi easement to enter Cessna Drive and will then taxi along Cessna Drive in front of her property. They do not use the taxi easement on her property.

**Mr. Bailey** asked for explanation of how vehicles access her property.

**Ms. Sund** used the aerial image on the screen to indicate that vehicles on Judge Orr Road will turn south onto Cessna Drive, proceed south, and then turn west directly into the subject property. Cessna Drive is the same shared taxiway/road used by any vehicle that enters Meadow Lake Airport ("MLA") to access any hangar. She mentioned that members of the public attending an airport event would also use the same road.

**Mr. Bailey** asked for clarification of the private road ownership.

**Ms. Sund** replied that she knows MLA owns most of the road, but she's unsure of the entirety. She suggested that Dave [Elliott] may have more information.

**Mr. Bailey** clarified that the application is for the subject parcels only and the applicant does not have ownership or maintenance responsibility for the roads leading up to her property.

**Ms. Sund** confirmed.

**Ms. Ruiz** added that the applicant has the legal right to access.

**Mr. Bailey** then compared the situation to anyone leaving their private property and entering a public roadway. Any traffic concerns become the burden of the right-of-way owner, in this case, MLA. He asked if that would be a fair assessment.

**Ms. Ruiz** stated the property owners pay associate dues to MLA, which provides the maintenance.

**Mr. Bailey** further stated that the private property owners do not have the authority to implement signage warning vehicle drivers to watch out for aircraft. (The presentation resumed.)

**Mr. Whitney** asked if there was anything restricting the applicant from providing general services such as oil changes. (In response to Ms. Ruiz' description of the custom work provided by Sund.) The presentation has described the average customer as a Governmental entity, but could that change?

**Ms. Ruiz** stated that nothing precludes that type of use in the application as it has been presented. She stated that County staff recommended applying for a Variance to allow for vehicle repair, which is what has been requested. She further stated that the applicant would be agreeable to adding a condition of approval to restrict the type of use to reflect that identified in the letter of intent.

**Mr. Markewich** discussed the various other commercial businesses listed on the presentation slideshow. He mentioned that there are several that don't appear to be aviation-related but are in the immediate area. He asked if those business owners would need to apply for Variance of Use approval as well.

**Ms. Ruiz** replied that Ms. Parsons addressed that subject in her staff report. She identified that it is possible some of the existing uses may not have gone through the proper application process.

**Ms. Herington** added that there are 23-27 open Code Enforcement complaints/violations in the vicinity. How each will be resolved is uncertain.

**Mr. Markewich** clarified that before the current owner purchased the property, it was being used as a diesel mechanic shop and battery shop. He asked if it had been non-conforming for 20 years.

**Ms. Ruiz** stated that the property had not been used as an airplane hangar for 20 years.

**Mr. Markewich** asked if the current owner was aware of the restrictions when purchasing. He asked if they assumed a vehicle repair shop was okay because of the past uses.

**Ms. Sund** confirmed and further stated the building no longer has hangar doors, but garage doors. The financier of their business loan didn't have any questions due to the R-4 zoning and because the building is no longer considered a hangar. It was her assumption that she could do what she wanted on her private property since the land is not owned by the airport. She further mentioned that she rented the property for her business for 2 years before buying the land. The previous owner who rented and sold the property to her was an aviation-related individual.

**Mr. Bailey** asked if Ms. Sund was required to be a member of the airport's association.

**Ms. Sund** replied that she is not required to be a member and there are no covenants on her property. She does, however, pay dues to MLA.

**Mr. Bailey** compared the situation to that of an HOA. If covenants applied to the subject parcel, that information should have been disclosed to the buyer at the time of the sale.

**Mr. Carlson** pointed out that the application is a request for approval of a vehicle repair shop, but it appears that the current business operates more like a customization shop.

**Ms. Ruiz** agreed. Typically, when requesting a Variance of Use, County staff will advise an applicant to choose a closely related use. The definition for vehicle repair shop includes a broader list than

what the applicant is providing, but that was deemed to be the closest related option. The applicant's Letter of Intent details the exact use, which is mainly customization of emergency response vehicle. She reiterated that they would work on aircraft when necessary or requested. The applicant is not opposed to adding a condition of approval that limits the uses to those identified in the Letter of Intent.

**Ms. Parsons** explained that the LDC does not define a use for aircraft maintenance. It does, however, define a repair garage. She pulled up the LDC.

**Mr. Trowbridge** noted that what the applicant has experienced in this situation is a result of broad language that references separate documentation. There are flaws in attempting to interpret what the intention was from the early 1980's. This is the scenario that Ms. Herington mentioned preferring to avoid. He pointed out that the more specific the board can be in the resolution, the better.

**Mr. Bailey** brought up that leaving things open to interpretation also causes issues when enforcing the terms of approval. He stated he is concerned that non-conforming uses have been occurring for so long and that there are now a significant number of Code Enforcement complaints.

**Ms. Parsons** presented the LDC definition for a vehicle repair garage. County staff did not recommend limiting the uses within the definition because the applicant had mentioned in a preliminary meeting that they have provided a variety of those related services in the past. Staff did not want to take that ability away. Perhaps that has changed and they are now willing to limit those allowed uses. A restriction was placed on the site plan that identified heavy trucks, recreational vehicles, and trailers are repaired only for governmental contracts. This was done to avoid the customization of RVs, etc., for the typical public, and was placed on the site plan to avoid referencing a Letter of Intent for future interpretation. The underlying R-4 zoning did come with a Letter of Intent, but it also included a development plan that described specific allowed uses, which is what led staff to the conclusion that a Variance of Use was the best solution.

**Mr. Carlson** asked for clarification regarding what notes trump others. The 1980s development plan, Letter of Intent, zoning regulations, etc., all seem to have differing recommendations.

**Ms. Parsons** explained that staff from Planning, Code Enforcement, and the County Attorney's Office collaborated to determine that the underlying zoning and development guidelines permit commercial uses that support the airport. Regardless of what was highlighted by the applicant in their Letter of Intent, the County staff's interpretation of the 1981 R-4 zoning was that PVP (now CC) zoning uses *if* they support the airport. If the commercial use does not support the airport, a Variance of Use is required. She then reminded the board that Code Enforcement is complaint driven, so County staff was not driving through the airport looking for violations.

**Mr. Bailey** asked if the "Vehicle Repair Garage, Commercial" definition on the presentation slideshow was pulled directly from the LDC. (It was.) He then asked Ms. Parsons if there was any other definition that may better define the applicant's business of a customization shop.

**Ms. Parsons** verified there is no other definition that would be more precise to the subject request.

**Mr. Markewich** asked if anything would prevent the current owner from selling the property after Variance approval, and new owners establishing a Jiffy Lube, for example.

**Ms. Parsons** requested to consult with Ms. Seago before answering.

**Mr. Bailey** mentioned during that time that Mr. Markewich's question relates to his concern of the duration of the approval. He mentioned that the MLA letter of support specified that their support only extends to the current use and current owner. He suggested that they could add language in a condition of approval.

**Mr. Whitney** further stated that it seemed like the applicant would be agreeable to a condition of approval that restricted the Variance to the current use.

**Ms. Parsons** returned to answer the earlier question regarding limits to the approval after future sale of the property. A condition could be implemented that states approval of the variance expires upon sale of the property. That could be enforced with sales history. There could also be a condition that limits the type of work the business owner is allowed to provide. However, it would be difficult for Code Enforcement to visually identify unmarked government vehicles.

**Ms. Herington** confirmed that the business operates as a body shop, which is not defined in the LDC. She suggested that a condition of approval could specify that major/minor work such as paint, body, and fender work be allowed. They would exclude most engine/transmission work, preventing the possibility of a Jiffy Lube-type business. She confirmed that Ms. Ruiz gave a thumbs up to that suggestion from the audience.

**Mr. Markewich** stated defining allowed uses would probably be a better solution than restricting approval to the current owner. For example, the current owner could one day decide they wanted to establish their own Jiffy Lube.

**Ms. Parsons** stated she would present the applicant's site plan. She suggested modifying the notes on that item to be more specific. That way, when the Variance of Use approval resolution refers to the site plan, there is no room for interpretation.

**Ms. Herington** suggested having the public speak while County staff works on recommended language for conditions of approval.

**Mr. Markewich** expressed concerns over "opening a can of worms". If the current application is allowed, he wonders how that will impact the surrounding non-compliant uses.

**Ms. Herington** stated that there would not be a way to prevent that from happening. She stated that every variance is evaluated independently to determine if they meet the criteria. Each variance could be proposing a completely different use in a unique location. Approving one does not necessarily set a precedent.

**Mr. Carlson** expressed a desire to condition approval of the variance to the current owner as well as the types of allowed uses.

## PUBLIC COMMENTS

**Mr. Clement 'Bud' Silvers Jr** spoke in opposition (before the item was pulled to the called-up agenda). He is a longtime pilot. He and his wife own a hangar in the Meadow Lake Airport. He advised that Cessna Drive is not a road, but a taxiway [for aircraft]. Airplanes have the right of way. He discussed different types of airplanes and how one type, the taildragger, has a blocked view of the road ahead. This type of plane can only be safely taxied by making s-turns. As the general public does not understand that necessity, they could drive their car into a blind spot and be hit by a taxiing plane. His concern is for the general safety of the public driving on Cessna Drive.

**Mr. Whitney** mentioned that the subject parcel is involved in a Code Enforcement case in which they have been operating the vehicle repair shop in the existing hangar. He asked Mr. Silvers Jr if he had observed any issues with vehicle drivers on Cessna Drive. (This was answered later by Mr. Elliott.)

**Ms. Paeleigh Reed** spoke in opposition (before the applicant's presentation). She owns and operates Metal Bird Hangars at Meadow Lake Airport. She stated that the location is within the airport. She does not agree with a variance for something that does not support the airport. She stated there are several businesses that are operating under the guise of supporting the airport, but it needs to be brought under control. She stated that there are 76 aircraft on a waitlist for hangar space. While on the waitlist, the aircraft is left outside or stored elsewhere. She asked the Planning Commission to support restricting uses to aircraft related uses only.

**Mr. Dave Elliott** serves as President of the Board for the Meadow Lake Airport Association serves as the Airport Manager. He acknowledged the letter of no objection he wrote on behalf of the MLA Association. He stated the Sunds are great members and are in good standing with the Association. The deeds for the properties within MLA make no mention of the MLA Association because it did not exist when the airport was established. The bylaws for the Association apply to the individuals, not the private property. It is not an HOA and has no authority over the property. Neither does the FAA. The private hangar complex at MLA is considered a "through the fence" operation. The only authority the Association has in the event an individual does not want to pay the dues is to deny their access to the runway complex.

He acknowledged that there are many non-aeronautical activities taking place at the airport. He discussed three examples. Overall, the Association has taken the stance that as long as the activities occurring inside the private hangar are legal, the Association will not submit complaints. If those activities have a negative impact on airport operations, however, then the Association will get involved. He reiterated that there is an extensive aircraft waitlist for hangar space. While he does not condone using hangar space for non-airplane uses, the Sunds have been good members of the Association and have assisted with airport security. They also assist when people are building airplanes, painting parts, lending tools, etc.

He stated that Cessna Drive is technically a roadway. There are taxiway easements platted on both sides of Cessna Drive, but they have not been improved contiguously. Therefore, Cessna Drive is used for both vehicles and aircraft. The road is maintained by the Association. The Association owns half of the runway and owns the pavement on the taxiway easements.

**Mr. Markewich** asked for a description of the signage or delineation between roadway and taxiway.

**Mr. Elliott** answered that when a person leaves Judge Orr Road and travels south on Cessna Drive, there is immediately a fence. During the day, the gate is lifted. It remains open from 7:00 a.m. – 7:00 p.m. but after that time, a code is required. Most people will see the open gate, realize there is an airport on the other side, and turn around. He further explained that there is a sign by the gate that identifies aircraft have the right-of-way. Beyond that point, there are speed limit signs. There are three taxiways that cross Cessna Drive. At the end of Cessna Drive, there is a runway. On that runway, there is aeronautical signage that the public would not understand. He acknowledged that there is an issue with speeding on Cessna Drive. When that happens, there would be little reaction time when a vehicle encounters an airplane. He further stated that there has only been one accident he is aware of, which occurred on a taxiway, not Cessna Drive.

**Mr. Whitney** summarized that portions of Cessna Drive are both road and taxiway.

**Mr. Elliott** clarified that Cessna Drive is not officially a taxiway, but it is used that way.

**Mr. Whitney** asked if there was signage to warn drivers that the road is used as a taxiway in addition to the “aircraft has the right-of-way” sign.

**Mr. Elliott** answered that there is not.

**Mr. Whitney** concluded that drivers would be surprised to come nose-to-nose with an airplane.

**Mr. Elliott** replied that they shouldn’t be surprised because it’s an airport.

**Mr. Daniel Jacquot** spoke in opposition. He is also a board member on the Association. He stated that at their board meeting, he thought it was unusual that the Sunds were in attendance because people might not want to express concerns in front of an applicant. He stated that he voted against supporting the variance at that meeting, but he did not express his reasoning why afterwards. They voted once. He questioned other members’ votes. He stated that if the Sunds (AccuFix) left the airport, there is another paint shop on the airport property that could still provide services. He stated that most existing businesses that opened on their properties didn’t first declare their intentions. He stated that there have been complaints of cars parked in taxiways at a different transmission shop. He detailed conflicts he’s had with another business (not the Sunds). He further stated that he has not observed body shops operating at other airports like COS, APA, or DEN. He concluded by stating that the Sunds are excellent neighbors and that if any variance were granted, he would be okay with keeping them as neighbors, but he generally does not support non-aviation related businesses being allowed to operate at the airport.

**Mr. Michael Barr** spoke in opposition. He is also a board member on the Association. He also voted against the variance at their board meeting. He stated he is not worried about AccuFix now, but is worried about the use in the future. He stated that non-aviation related uses got out of control. He expressed the hope that if the Planning Commission approves the variance request for the Sunds, that there be a caveat that approval expires upon the sale of the property.

**Ms. Parsons** stated that someone contact the downtown office requesting to speak on the item. She is attempting to get their contact info so that they can be called in.

**Ms. Herington** advised the board that the member of the public did not provide their full phone number, so they were not able to be called in. They will be asked to provide their comments for the BOCC hearing which will take place on 9/26/2024.

## DISCUSSION

**Ms. Parsons** pulled up the note on the site plan, *"Repair of vehicles is limited to the following: electrical work, structural work, paint, body and fender work be permitted in association with a governmental contract and Meadowlake Airport Association Members on the site."* She further explained that the applicant would like to maintain the ability to service vehicles for MLA property owners. A second note did not change from how it was previously presented on the site plan.

**Mr. Bailey** read the condition of approval currently listed on the drafted resolution; *"Additional aviation-related repair is allowed on the subject properties pursuant to the General Aviation Overlay District and the 1982 R-4 (Planned Development) Zoning District."* He noted that the condition doesn't mention approval is tied to a site plan or Letter of Intent. He asked if a condition was missing.

**Ms. Parsons** explained that the coinciding site plan defines the allowed uses, and the applicant would not be able to expand beyond what is defined on that approved document.

**Mr. Bailey** mentioned that on past variance approvals, language that tied in the site plan or Letter of Intent was typically present in some way.

**Ms. Parsons** reminded the board that the County would prefer to identify restrictions on plat notes instead of referring to Letters of Intent that are open to interpretation.

**Mr. Bailey** asked for Ms. Seago's recommendation.

**Ms. Seago** replied that the board can add a condition referring to the site plan if they so choose. She referenced the drafted resolution for another Variance of Use application, which does include language that makes that reference.

**Ms. Parsons** asked that the board not impose a condition that references the applicant's Letter of Intent because that document references the confusing 1981 R-4 language. The condition of approval and the site plan notes do not remove the underlying allowed uses. If a future owner of this property wanted to create an airplane repair shop, they would be allowed to do so by right.

**Mr. Whitney** clarified that Mr. Bailey would prefer to have a condition of approval that ties to or matches what is found on the site plan.

**Mr. Bailey** acknowledged that it would be his personal preference for consistency and to draw attention to the additional restrictions.

**Ms. Herington** suggested that a condition of approval be added to the drafted resolution that refers to the site plan. She further suggested that the board can have a conversation with staff later to discuss moving away from referencing applicants' Letters of Intent. She advised that the board should evaluate the language Ms. Parsons presented on the site plan because that would be the condition that future staff looks at when determining compliance.

**Mr. Schuettpelz** agreed with the request to add a condition of approval on the resolution. He further requested that approval be tied to ownership of the property rather than running with the land. If there is a new property owner in the future, they should be required to submit a new variance request if their intention is to pursue non-aviation related uses.

**Mr. Bailey** explained that the site plan note would address the acceptable use issue, but the other topic which they discussed was limiting approval to current ownership. That was requested for the other variance request on the agenda as well.

**Mr. Markewich** asked if that limitation should be on the site plan or the resolution.

**Ms. Seago** answered that it should be on the resolution.

**Mr. Ruiz** provided rebuttal to the public comments and discussion. The applicant is agreeable to the condition/note that was presented on the site plan by Ms. Parsons. The applicant is concerned about adding a condition of approval that ties the variance to current ownership. If the business thrives, she may want to expand to another location. If she were to do that, she wouldn't be able to sell the business she built up at the current location. Adding that condition of approval may cause a financial burden if she is only allowed to market the property as a vacant building. However, any future owner of the business would be restricted by the site plan note.

**Mr. Bailey** asked if it would be enough that the underlying zoning permits aviation related uses.

**Ms. Ruiz** mentioned that there is a previous plat note that restricts the uses to airport hangars and does not allow for maintenance. She then addressed the public comments. She reiterated that AccuFix is a good neighbor and is well liked among Association members. Examples of business owners that have contributed to problems are separate from Ms. Sund. She believes that the opposition is more concerned about setting a precedent than in allowing Ms. Sund's business to continue.

**Mr. Markewich** stated that the note on the site plan seemed reasonable, and he did not see a need to add an additional condition tying approval to the current ownership. He expressed support of the application with the language Ms. Parsons added to the site plan.

**Mr. Trowbridge** agreed with Mr. Markewich's comments. He agreed with the applicant's remarks that if they were to sell the business, there shouldn't be an issue with the same type of business continuing in that location (under the same site plan restrictions). He further stated that although the property is within the confines of Meadow Lake Airport, it remains private property. He believes the language added to the site plan is sufficient.

**Mr. Whitney** agreed with both Mr. Markewich and Mr. Trowbridge.

**Mr. Carlson** agreed with the site plan note but disagreed with dismissing a condition restricting approval to current ownership. He believes there is a problem at the airport and that there is a mess. He stated that conditioning approval to the current owner for this project would help clean up that mess.



**Mr. Schuettpelz** agreed with Mr. Carlson's remarks. He reiterated that property and hangars were sold in the past without discretion. To attempt now at reeling that back in for airport uses only will be difficult.

**Ms. Brittain Jack** stated that the Planning Commission's responsibility is to evaluate the request for a variance, not to clean up what has been going on for 20 years.

**Mr. Bailey** agreed with Ms. Brittain Jack. He doesn't believe cleaning up the mess should fall on the current applicant. He reiterated that the current proposal is one of many. He is concerned about limiting the current applicant (with a conditional approval) when other situations are in existence. He doesn't think they should be looking so broadly outside the subject request. He believes the use is compatible because it's been there for a long time and there are other uses like it. He agreed that the hardship falls within the limitations of the LDC. Fixing the situation with a variance seems appropriate.

**Mr. Smith** agreed with Mr. Bailey's remarks.

**Mr. Trowbridge** requested a second condition of approval to tie the resolution to the site plan.

**Ms. Parsons** read the added second condition into the record: *"Uses are limited to the Site Plan submitted in support of the Variance of Use."*

**PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER VA245 FOR A VARIANCE OF USE, 8304 & 8308 CESSNA DRIVE VARIANCE OF USE, AMMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-2).**

**IN FAVOR:** BAILEY, BRITTAIN JACK, MARKEWICH, SMITH, TROWBRIDGE, AND WHITNEY.

**IN OPPOSITION:** CARLSON AND SCHUETTPELZ.

**ADDITIONAL COMMENTS**

**Mr. Carlson** disagreed that it's not the Planning Commission's job to clean up the existing mess. Where else would that take place? This application process is where issues happening in the community should be brought.

**Mr. Schuettpelz** added that when the applicant purchased the property, they should have done their due diligence in researching if their intended use was allowed instead of assuming.

**3G. VA243**

**WEEKS**

**VARIANCE OF USE  
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

## STAFF & APPLICANT PRESENTATIONS

**Mr. Weeks** presented a fourth condition of approval proposed due to previous discussion. This was drafted by Ms. Seago and has been reviewed and agreed upon by the applicant. He read the condition into the record: *"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."*

**Mr. Chuck Crum**, representing the applicant with M.V.E., Inc., confirmed that the applicant is agreeable to the added condition of approval.

## NO PUBLIC COMMENTS

## NO FURTHER DISCUSSION

**PC ACTION: CARLSON MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3G, FILE NUMBER VA243 FOR A VARIANCE OF USE, 5935 TEMPLETON GAP ROAD VARIANCE OF USE, AMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

## 5. REGULAR ITEMS

### A. ID244

**PARSONS**

#### **SPECIAL DISTRICT SERVICE PLAN SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3**

A request from Edw. C. Levy Company, and White Bear Ankele Tanaka and Waldron, for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Southern Colorado Rail Park Metropolitan District Nos. 1-3. The 3,108-acre area included within the request is zoned A-5 (Agricultural) and RR-5 (Residential Rural) and is located south of Charter Oak Road and east of the Fort Carson Military Installation. The service plan includes the following: a maximum debt authorization of \$430,000,000.00, a debt service mill levy of 50 mills for commercial, and an operations and maintenance mill levy of 15 mills, for a total maximum combined mill levy of 65 mills. The statutory purposes of the districts include the provision of the following:

- 1) street improvements, transportation, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) solid waste disposal;
- 6) design, construction, and maintenance of water systems including fire hydrants;
- 7) sanitation systems; and
- 8) security services.

(Parcel Nos. 6600000030, 6600000040, 6600000041, 6600000046, 6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010, 6600000011, 6600000012, and 6600000014) (Commissioner District No. 4)

## **STAFF & APPLICANT PRESENTATIONS**

**Mr. Markewich** reiterate that the City of Colorado Springs finds the application acceptable. He asked for verification that the language about eminent domain is transferable to the City.

**Ms. Parsons** confirmed and read condition of approval number one: *"If any portion of the land within the Southern Colorado Rail Park Metropolitan District Nos. 1-3 annexes into a municipality, City Council or the appropriate body within the municipality shall be the authorizing entity in regard to: eminent domain powers, increase to the maximum mill levy or debt, and modification of the Service Plan as described in Conditions of Approval Nos. 2-6 of the Southern Colorado Rail Park Board of County Commissioners Resolution approving the subject Service Plan (ID244)."* She confirmed that that City is agreeable to that condition.

**Ms. Brittain Jack** asked if the Ray Nixon power plant was located in unincorporated County.

**Ms. Parsons** confirmed but added that it is owned and operated by the City of Colorado Springs. Most of the City's utilities are in the County, including the WSEO's that will come before the Board.

**Mr. Steve Mulliken**, attorney representing the applicant, introduced the proposal and gave a brief presentation.

**Mr. Sean Allen**, attorney representing the applicant, explained that there is approximately 5.6 million square feet of commercial space to support the \$430 million maximum debt authorization. The estimated value of that commercial square footage is taken, and that value is extrapolated out to approximately \$410 million in PAR. In the three series of debts, the first will be all new money (first issuance), the second series will occur 5 years later (to refund the first series and issue new money), and the third series will occur 5 years later (to refund again and issue the final phase of new money). At that point, the total project funds, total PAR, will be issued. That is the method used to estimate what money is needed. He then reiterated the points covered by Ms. Parsons regarding mandatory criteria of approval.

**Mr. Carlson** asked how phase one, specifically the railroad, was paid for.

**Mr. Mulliken** answered that the Metro District will not pay for the railroad. That will either be paid for privately by the applicant or through grants.

**Mr. Carlson** expressed his understanding of how the first 3 phases of development would help pay for their own infrastructure, but he asked if any infrastructure would be completed in phase 4 prior to development in that area.

**Mr. Mulliken** answered that the location of the last phase includes where the mining operation currently exists and is already approximately 70% completed. The bluff will not serve the railroad and will be industrial only. When it comes time to finish development of that area, there will be 2 different Metro Districts providing issuance.

**Mr. Trowbridge** asked for more information about the repayment plan along with build-out of all phases of development.

**Mr. Mulliken** explained that the subject proposal differs from the typical residential Metro District in that there are no homeowners. He had considered including a small area of affordable housing within the vicinity, but that was decided against due to proximity to the industrial rail park, Ft. Carson, etc. He stated that when the financial projections were done, they estimated \$225/sq ft for the value of the industrial properties. He stated they are usually estimated at a higher value than that. He believes their estimates produced a conservative number. As the first manufacturer is brought in, the value of the property will increase. Property owners will pay taxes on the current assessed values. He anticipates that after the first property user moves in, the cost of phase 1's development will nearly be paid for.

**Mr. Carlson** clarified that the estimated value of \$225/sq ft was for the improvements, not the land.

**Mr. Mulliken** confirmed.

**Ms. Brittain Jack** asked if annexation to the City of Colorado Springs would result in a flagpole.

**Mr. Mulliken** replied that the annexation statute states that contiguity cannot be disrupted or prevented due to an intervening governmental or public land, which occurs with Fort Carson in this case. He further stated that they are currently working with the City.

#### **NO PUBLIC COMMENTS**

#### **NO FURTHER DISCUSSION**

**PC ACTION: BRITTAIN JACK MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER ID244 FOR A SPECIAL DISTRICT SERVICE PLAN, SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITTAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

#### **6. NON-ACTION ITEMS**

**A.** A Presentation regarding the implementation action matrix in the Master Plan (3-year update).

**PC ACTION: THIS ITEM WAS POSTPONED TO THE PLANNING COMMISSION HEARING ON 9/19/2024.**

**MEETING ADJOURNED** at 12:16 p.m.

**Minutes Prepared By:** Miranda Benson

VARIANCE OF USE (RECOMMEND APPROVAL)

CARLSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA243  
5935 TEMPLETON GAP ROAD VARIANCE OF USE

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 Districts 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 5, 2024; 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 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, when approving a Variance of Use, the Planning Commission and Board of County Commissioners may consider criteria found in Section 5.3.4.C of the El Paso County Land Development Code ("Code") (as amended):

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 El Paso County Planning Commission recommends that the petition of Great West Construction for approval of a Variance of Use to allow a contractors equipment yard use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts be approved by the Board of County Commissioners with the following conditions and notations:

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

SMITH seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	<u>aye</u> / 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 Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Chair



EXHIBIT A

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.

# EL PASO COUNTY



COMMISSIONERS:  
CAMI BREMER (CHAIR)  
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Scott Weeks, Senior Planner  
Edward Schoenheit, Associate Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: VA243  
Project Name: 5935 Templeton Gap Road Variance of Use  
Parcel Number: 6313000009

OWNER:	REPRESENTATIVE:
Wayne DeCosta Great West Construction 5935 Templeton Gap Rd Colorado Springs, Colorado 80923	MVE Inc 1903 Lelaray Street Suite 200 Colorado Springs, CO 80909

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>9/5/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>9/26/2024</b>

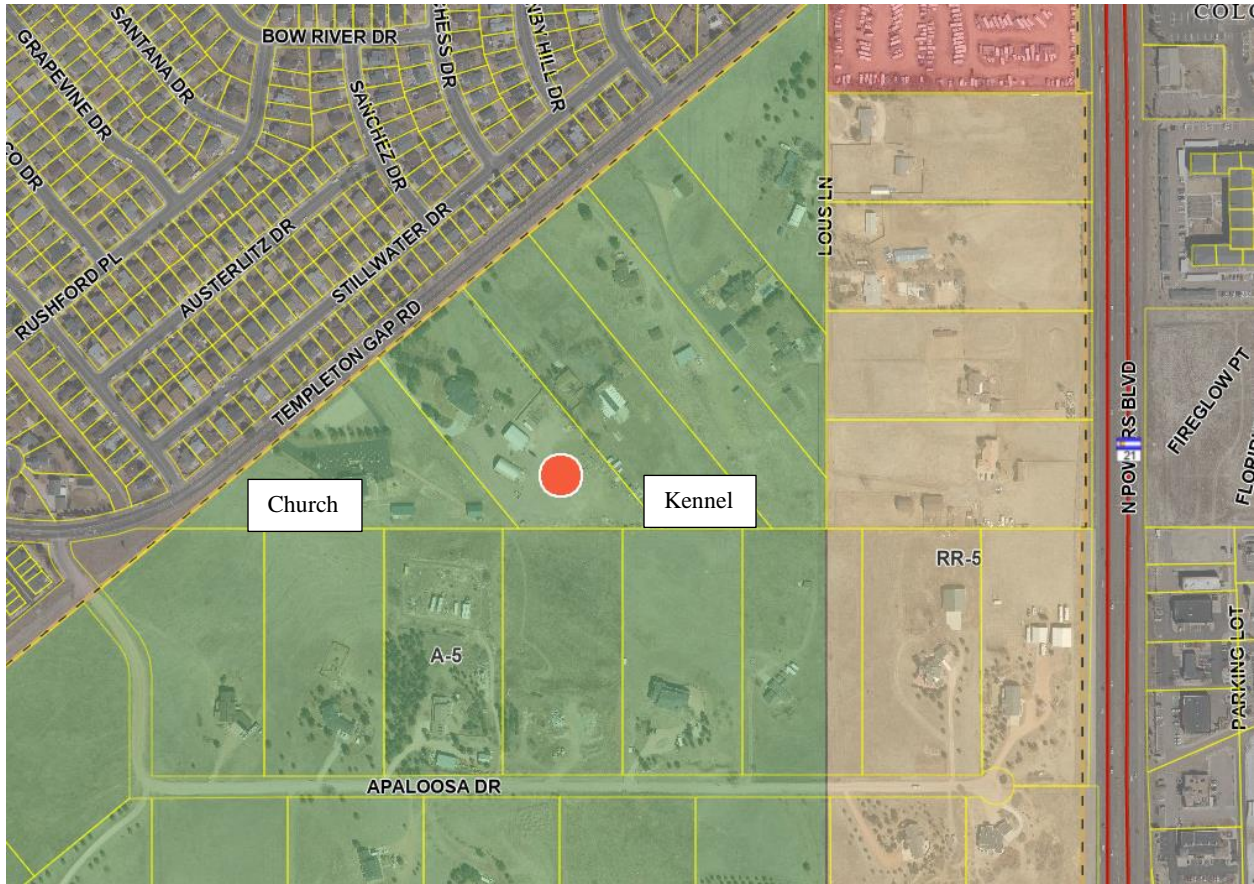
### EXECUTIVE SUMMARY

A request by Great West Construction for approval of a Variance of Use to allow a contractor's equipment yard to include offices, and indoor and outdoor storage areas in support of the business, in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning District. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



Vicinity Map

#### A. WAIVERS AND AUTHORIZATION

**Waiver(s):** There are no waivers associated with this request.

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

#### B. APPROVAL CRITERIA

Pursuant to Section 5.3.4, Variance of Use of the Land Development Code (as amended), the Planning Commission and Board of County Commissioners evaluate each proposed Variance of Use for general compliance with the review criteria in this Code and the development standards that apply to all development. The Planning Commission and Board of County Commissioners may consider the following criteria in approving a Variance of Use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

- 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.

**C. LOCATION**

North:	City of Colorado Springs	Single-Family Residential
South:	A-5 (Agricultural)	Church
East:	A-5 (Agricultural)	Kennel
West:	A-5 (Agricultural)	Vacant/Agricultural

**D. BACKGROUND**

The five-acre parcel was created in 1942 and is a legal division of land per the El Paso County Land Development code. A home was built on the property in 1964, which will continue to be occupied by the applicant. Two agricultural equipment buildings were built in 2007. If the Variance of Use is approved, the existing agricultural buildings will be utilized for a contractor’s equipment yard.

The Land Development Code defines “Contractor’s Equipment Yard” as:

“A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment.”



A Variance of Use is required because a Rural Home Occupation as a Special Use would limit the approval to 5 years and limits the number of employees to ten. No expiration is proposed with the Variance of Use, and the approval will run with the land. The applicant will continue to reside in the home that is located on the property and the intent is to run the business from the property utilizing the existing accessory structures.

## **E. ANALYSIS**

### **1. Land Development Code and Zoning Analysis**

The applicant is proposing a Variance of Use to allow for a contractor's equipment yard in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts.

The requested Variance of Use to allow for a contractor's equipment yard in the A-5 Zoning District would be similar in nature with non-residential uses adjacent to the property. The proposed contractor's equipment yard is anticipated to have less average daily trips than the adjacent church and kennel. The applicant's letter of intent indicates 26 daily trips, The contractor's equipment yard is anticipated to have less noise than the adjacent kennel. Visual impacts are anticipated to be screened by a combination of landscape and opaque fencing. Screening of the outdoor storage area will be addressed at the Site Development Plan stage, if the Variance of Use is approved.

As stated in the applicant's letter of intent, the proposed conversion of one existing building will include offices, conference room, copy/plan room, restrooms, and janitorial room. The owner will utilize the other existing outbuilding as inside storage for construction tools, materials and vehicles in support of the business. An outside area will be used for the parking of construction vehicles and equipment.

If the Variance of Use is approved, the underlying A-5 Zoning District and Commercial Airport Overlay District would still govern the property.

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, screening, parking, and lighting.



## F. MASTER PLAN ANALYSIS

### 1. Your El Paso County Master Plan

#### a. **Placetype Character:** Urban Residential

*The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well. The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.*

*An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walkable internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.*

#### **Recommended Land Uses:**

##### **Primary**

- *Single-family Detached Residential (5 units/ acre or more)*
- *Single-family Attached Residential*
- *Multifamily Residential*

##### **Supporting**

- *Mixed Use*
- *Commercial Retail*
- *Commercial Service*
- *Restaurant*
- *Institutional*
- *Parks*
- *Office*





**b. Area of Change Designation: Transition**

*Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. For example, a failing strip of commercial development could be redeveloped with light industrial, or office uses that result in a transition to an employment hub or business park. Another example of such a transition would be if a blighted suburban neighborhood were to experience redevelopment with significant amounts of multifamily housing or commercial development of a larger scale in line with a commercial center.*

**c. Key Area Influences:** The property is not located within a key area.

**Analysis:**

The subject property is zoned agricultural but located in a transition area, with single family residential located to the north across a major collector road, and business use located to the east and west of the property. The property is in the Urban Residential Placetype, which supports a residential primary use. The proposed contractor’s equipment yard contains a supporting office use within the Urban Residential Placetype, and provides a transitional use in an area anticipated to annex into the City of Colorado Springs, and develop into urban development.

**2. Water Master Plan Analysis**

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 1 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 1 for central water providers:

The Plan identifies the current demand for Region 1 to be 83,622 acre-feet per year (AFY) (Figure 5.1) with a current supply of 99,001 AFY (Figure 5.2). The projected demand in 2040 for Region 1 is at 111,086 AFY (Figure 5.1) with a projected supply of 119,001 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 1 is at 138,453 AFY (Figure 5.1) with a projected supply of 139,001 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 548 AFY is anticipated for Region 1.



Findings of sufficiency with respect to water quality, quantity, and dependability are not required with consideration of a Variance of Use.

### **3. 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 no significant resources in the area of the subject parcels.

## **G. SERVICES**

### **1. Water**

Water is provided by an onsite well.

### **2. Sanitation**

Wastewater is provided by an onsite wastewater system.

### **3. Emergency Services**

El Paso County Sheriff is responsible for providing emergency services to the property. The property is not located in a fire protection district.

### **4. Utilities**

Mountain View Electric Association (MVEA) provides electric service and Colorado Springs Utilities provides natural gas service to the existing structures.

### **5. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a Variance of Use application.

### **6. Schools**

Land dedication and fees in lieu of school land dedication are not required for a Variance of Use application.

## **H. APPLICABLE RESOLUTIONS**

See attached resolution.





## **I. STATUS OF MAJOR ISSUES**

No major issues are associated with the request.

## **J. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4, Variance of Use, of the El Paso County Land Development Code (As Amended), staff recommends the following conditions and notations:

### **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.

### **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.

## **K. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 54 adjoining property owners on August 23, 2024, for the Planning Commission and Board of County



Commissioners meetings. Responses will be provided at the hearing. No responses have been received to date.

**L. ATTACHMENTS**

Letter of Intent

Variance of Use Site Plan

Public Comment

Draft Resolution

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PLNWEB@ELPASOCO.COM

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August 5, 2024

PCD File No. VA243

**LETTER OF INTENT  
5935 Templeton Gap Road  
Variance of Use  
(MVE Project No. 61206)**

**Owner / Applicant:**

Great West Construction Properties LLC  
5935 Templeton Gap Road  
Colorado Springs, CO 80923  
(719) 380-8100

**Consultant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO 80909  
(719) 635-5736

**Property Tax Schedule No:**

63130-00-009

**Current Zoning:**

A-5 CAD-O

**Site Location, Size and Zoning:**

The tract for 5935 Templeton Gap Road is within the southeast one-quarter of Section 13, Township 13 South, Range 66 West of the 6th Principal Meridian, El Paso County, Colorado. The site is 5.0± acres in area, has a tax schedule number of 63130 00 009 and street address of 5935 Templeton Gap Road. The site is located south of Templeton Gap Road and northeasterly of its intersection with Corinth Drive in El Paso County. The site is zoned Agricultural – 5 Acres with Commercial Airport Overlay District (A-5 CAD-O). The site is developed with a single family residence and out structures.

**Request:**

The request is for a Variance of Use and a Site Development Plan approval for the conversion of the existing 2,400 square foot (SF) out structure to an office building. Great West Construction Company desires to have seven small offices for their company employees. The site will continue as the personal residence of the owner of Great West. The proposed offices would be utilized by Great West employees consisting of the Owner, Accounting Manager, and Construction Managers. They are a small family run firm that manages construction. They utilize subcontractors from the different trades for the actual construction work. The subcontractors have their own business locations and do not utilize Great West offices. The other out structure on the site would be used as inside storage/garage space for the business. This out structure would be used for storage of construction tools and vehicles owned by the business.

***Engineers • Surveyors  
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736  
Fax 719-635-5450 • e-mail mve@mvecivil.com***

The remainder of the tract located southeasterly of the out structures will provide an outside staging area for the interim parking of construction vehicles and construction equipment. This outside staging area consists of some gravel surfaces with native grasses and will remain undisturbed. Note that no permanent outdoor storage is proposed under this application. The Variance of Use will also consist of parking spaces, entrance drive, connected utilities, and permanent landscaping. This Variance of Use project is shown on the Site Plan.

**Justification:**

Strict application of the purpose of the A-5 Zoning District for this site would result in exceptional practical difficulties. The site consists of an existing residential single-family home, out structures, and an existing outside storage area which do not fit the zoning description. The A-5 Zone District is intended for 5-acre parcels to serve agriculture. The surrounding A-5 zoned properties consist of non-agriculture uses. A church use is located adjacent to the south with entrance drives, paved parking, and out structures. A small lot single-family detached residential subdivision is located northwesterly, separated by Templeton Gap Road. These lots have no direct access to Templeton Gap Road. A large lot single-family residence is adjacent to the northeast with a commercial dog kennel business, including a building and kennel structures. A single-family residential subdivision with 5-acre lots is adjacent to the south.

The proposed conversion of the existing 2,400 SF metal building into six (7) offices at 1300 SF along 1100 SF of hallways, conference room, copy/plan room, restrooms, and janitorial room. The Owner will utilize the other out structure as inside storage/garage space for the proposed business which will be compatible with the surrounding area. A plan showing the proposed elevations of the office renovation along with the proposed floor plan is included for readers reference. There will be a separate new entrance drive for ingress & egress to the proposed offices in said converted building along with parking area, and exterior upgrades to the converted building elevations. The area of disturbance will not exceed 30,000 SF. The general drainage patterns existing on the site will be maintained. The new hard surfaced entrance drive will accommodate the existing overland storm water flows. The proposed parking lot area will be graded to match existing conditions and will allow the existing overland storm water flows to continue in the same general direction. These changes will be harmonious with with the existing character of the neighborhood and not be detrimental to the surrounding area. This proposed use with the hard surfaced drive and parking lot will not cause adverse drainage or erosion to adjacent and downstream properties. The existing single-family residence and proposed conversion of the existing metal building to offices will not be detrimental to health, safety, and welfare for the inhabitants of the area and El Paso County.

The proposed use will not generate noises or odors that would be uncharacteristic of standard residential use. The converted existing building, access driveway, and parking lot will meet all air, water, odor, and noise standards that are established by El Paso County, State of Colorado, and Federal Regulations. The proposed use will not adversely affect wildlife or wetlands.

Offsite impacts of the new vehicular entrance and minimum traffic ingress & egress have been addressed as offsite impacts. Adjacent Templeton Gap Road is a City of Colorado Springs public right-of-way. The type and location of the new driveway connection to Templeton Gap Road was established by coordination with and input from the City of Colorado Springs Traffic Engineer. The offsite impact of traffic generation is based on office space for the seven (7) offices of 1,300 SF which corresponds with a Average Daily Trip generation of 15 vehicles per day. Initially five (5) office employees will use the facilities with the future possibility of adding two (2) more office employees for a total of seven (7) office employees.

The Site Plan provided with this Variance of Use request provides for adequate parking, traffic circulation, open space, fencing, screening, and landscaping. Sewer, water, stormwater drainage, fire protection, police protection, and roads are available and adequate to serve the needs of this proposed Variance of Use as designed and proposed.

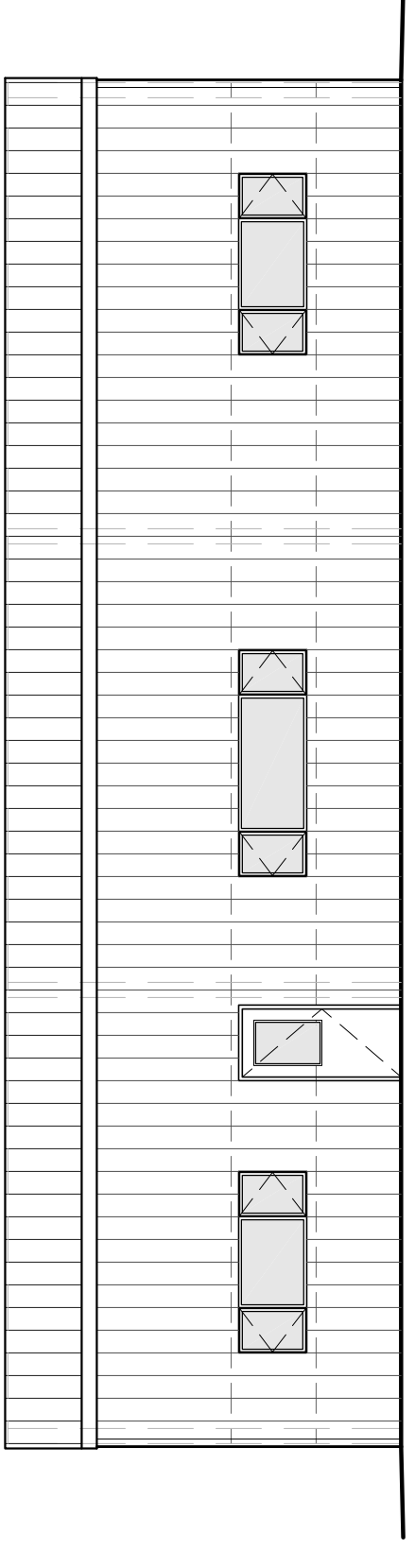
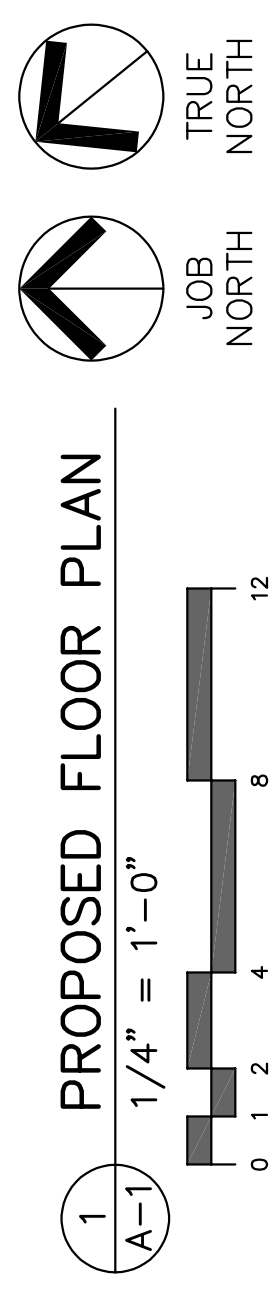
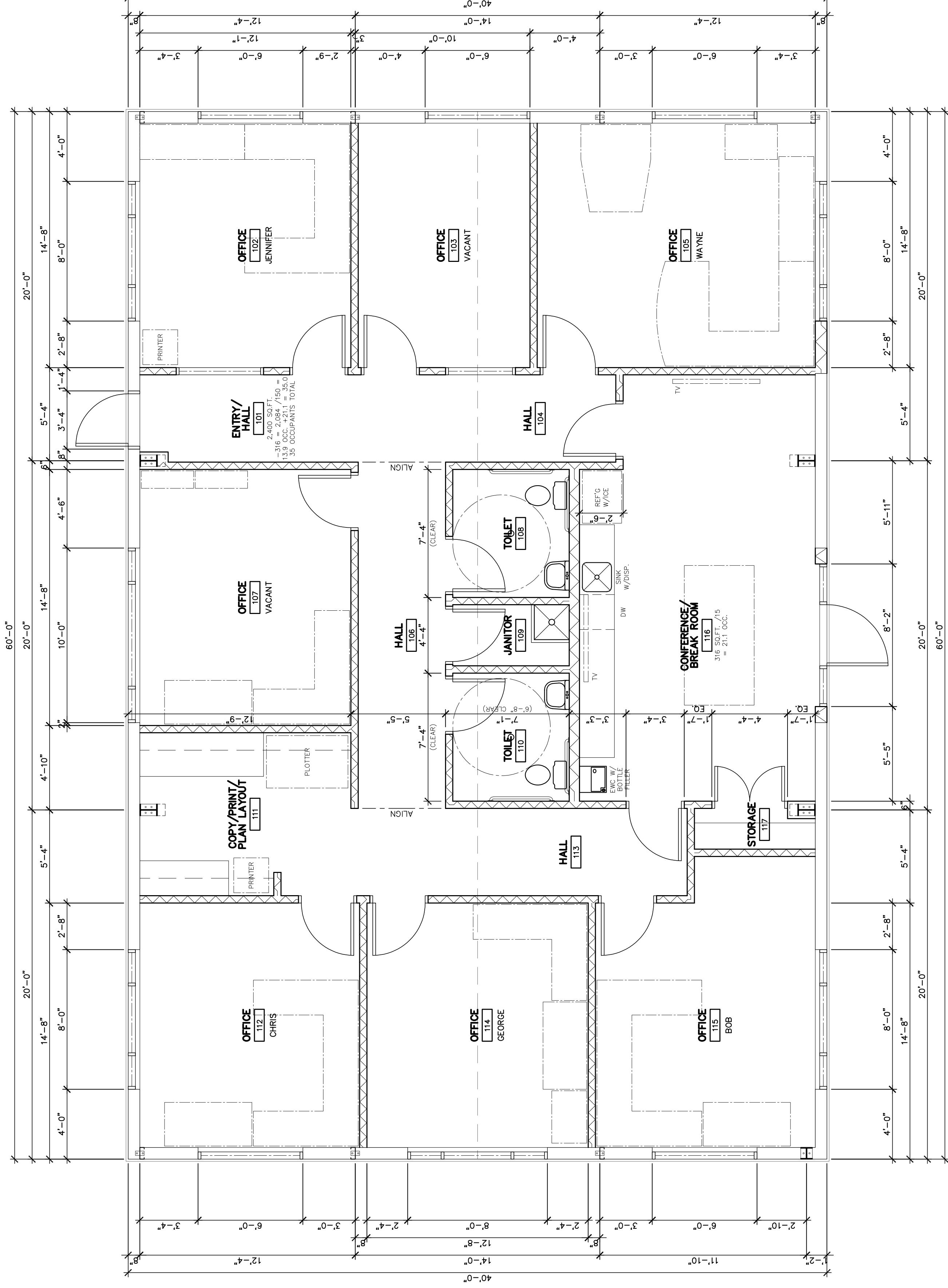
The existing Commercial Airport Overlay District (CAD-O) is the only overlay zone for the A-5 zoned site. No new structures are planned for our site and therefore the existing building heights remain the same with no increase or decrease. The only outside lighting to be added will consist of building mounted full cut-off wall packs. No storage are lights are planned.

Land Development standards for El Paso County will be met. The drive entrance will be permitted through the City of Colorado Springs. The new drive entrance is the only public facility or public improvement for this project. The drive and parking will be constructed in accordance with an approved Site Development Plan for the site. ADA Standards are incorporated with the parking area layout and will be met along with number of parking spaces including accessible space requirements.

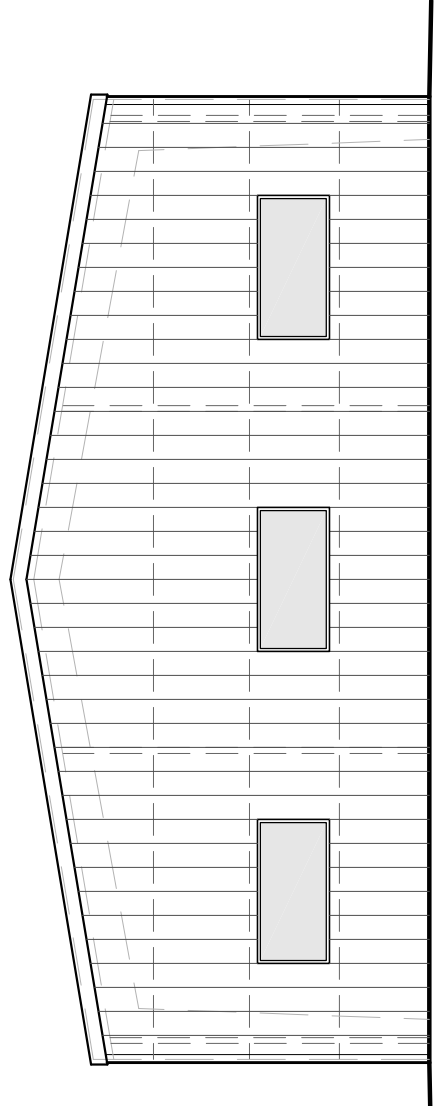
Said new entrance and drive will access Temple Gap Road for the traffic generated from the conversion of the existing out structure to six (7) offices as described above. The development is expected to generate a total of 26 trips per day (Average weekday trips ends) and 4 trips in the peak hour based on 2,400 SF of General Office space with actual office space of 1,300 SF (according to Trip Generation, 9th Edition, by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a full Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. Traffic Impact Fees should be assessed on the 1300 SF of office area and will be paid at time of building permit.

Pikes Peak Regional Building Department (PPRBD) will receive and review for approval the building renovation plans to include building elevations and Site Development Plan for this site. The required number and type of parking spaces have been established using proposed office use square footage and comply with El Paso County Land Development requirements for parking spaces and ADA requirements. All proposed dimensions and slopes for new building access ways have been examined and are deemed compliant with the Department of Justice 2010 ADA Standards for Accessible Design. The entrance drive has been laid out in accordance with City of Colorado Springs Engineering Standards. Surfacing of the entrance drive and parking lot will comply with El Paso County Engineering Standards. A Site Development Plan has been prepared with the El Paso County Community Development Standards and has been submitted under a separate application.

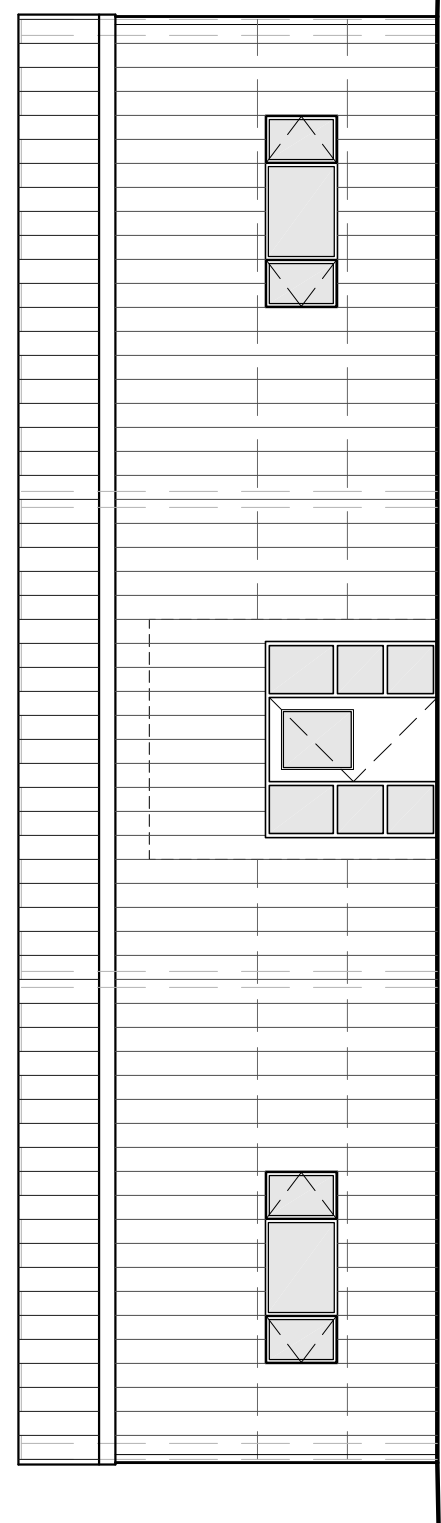
NO.	DATE	REVISIONS
1	11.28.23	INITIAL LAYOUTS
2	01.05.24	REVISED LAYOUTS
3	01.24.24	SCHMATIC DESIGN
4	02.12.24	REVISED SCHMATIC DESIGN



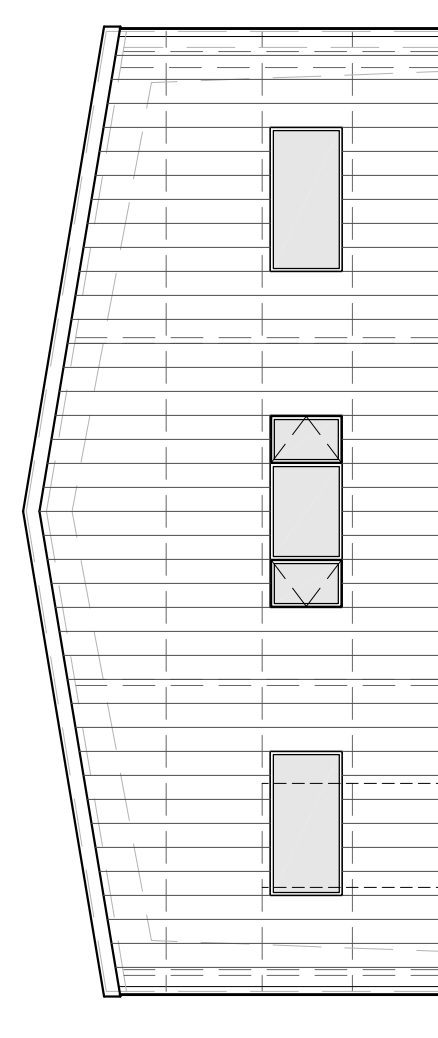
2 NORTH ELEVATION  
 1/8" = 1'-0"



3 EAST ELEVATION  
 1/8" = 1'-0"



4 SOUTH ELEVATION  
 1/8" = 1'-0"



5 WEST ELEVATION  
 1/8" = 1'-0"

# SITE PLAN FOR 5935 TEMPLETON GAP ROAD

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
EL PASO COUNTY, COLORADO

## LEGEND

---	PROPERTY LINE
---	EASEMENT LINE
---	LOT LINE
---	BUILDING SETBACK LINE
---	ADJACENT PROPERTY LINE

### EXISTING

---	INDEX CONTOUR
---	INTERMEDIATE CONTOUR
---	SIGN
---	WATER LINE
---	WATER VALVE
---	FIRE HYDRANT
---	OVERHEAD ELEC LINE
---	ELECTRIC POLE
---	GAS LINE
---	FIBER OPTIC LINE
---	TELECOMMUNICATIONS VAULT
---	GAS LINE
---	BARBED WIRE FENCE
---	REGULATORY SIGN

### PROPOSED

---	INDEX CONTOUR
---	INTERMEDIATE CONTOUR
---	CONCRETE AREA
---	ASPHALT AREA
---	CURB AND GUTTER

## ABBREVIATION LEGEND

ASPH	ASPHALT
CONC	CONCRETE
C & G	CURB & GUTTER
DET.	DETAIL
ESMT	EASEMENT
ME	MATCH EXISTING
P.B., PG.	PLAT BOOK, PAGE
PVMT	PAVEMENT
RET. WALL	RETAINING WALL
REC. NO.	RECEPTION NUMBER
ROW	RIGHT-OF-WAY
SF	SQUARE FOOT
STBK	SETBACK
SW	SIDEWALK
UTIL	UTILITY
⊙	CATCH CURB
⊙	SPILL CURB

## ADA NOTE

THE DESIGNER HAS REVIEWED THE PLAN AND HAS ADVISED THAT ALL CURBS, ACCESSIBILITY CURBS, AND SIGNAGE AND THE PROPOSED PAVEMENT ARE IN ACCORDANCE WITH THE ADA DESIGN STANDARDS AND GUIDELINES AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF JUSTICE. APPROVAL OF THIS PLAN BY EL PASO COUNTY DOES NOT ASSURE COMPLIANCE WITH THE ADA OR ANY REGULATIONS OR GUIDELINES ENACTED OR PROMULGATED UNDER OR WITH RESPECT TO SUCH LAWS.

## FLOODPLAIN STATEMENT

NO PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN FEMA DESIGNATED SPECIAL FLOOD HAZARD AREA (SFHA) AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR EL PASO COUNTY, COLORADO AND INCORPORATED AREAS. MAP NUMBER 680463886, EFFECTIVE DATE 06/27/2016.

## SITE DATA

**OWNER**  
GREAT WEST CONSTRUCTION  
PROPERTIES LLC  
5935 TEMPLETON GAP ROAD  
COLORADO SPRINGS, CO 80923  
(719) 380 - 8100

**CONSULTANT/ENGINEER**  
M.V.E., INC.  
1903 LELARAY STREET, SUITE 200  
COLORADO SPRINGS, CO 80909  
(719) 635 - 5736

**ZONING**  
AGRICULTURE (A-S)  
COMMERCIAL AIRPORT OVERLAY DISTRICT  
(CAD-O)

**TAX SCHEDULE NO.**  
63130 - 00 - 009

**PROPERTY ADDRESS**  
5935 TEMPLETON GAP ROAD

### EXISTING COVERAGE DATA

BUILDINGS: 8,023 SF 1.6%  
PAVEMENT (DRIVE/WALK): 7,616 SF 3.5%  
LANDSCAPING: 93,911 SF 43.1%  
STAGING AREA: 108,250 SF 49.7%

TOTAL AREA: 217,800 SF 100.0% = 5.0± ACRES

### PROPOSED COVERAGE DATA

BUILDINGS: 8,023 SF 1.6%  
PAVEMENT (DRIVE/PARKING/WALK): 91,300 SF 42.2%  
LANDSCAPING: 91,289 SF 42.2%  
STAGING AREA: 86,688 SF 39.8%

TOTAL AREA: 217,800 SF 100.0% = 5.0± ACRES

### PROPOSED DISTURBANCE DATA

AREA TO BE DISTURBED = 30,000 SF

### PARKING SCHEDULE

**REQUIRED:**  
OFFICE = 1300 SF  
1 SPACE PER 200 SF = 7 SPACES  
INCLUDING VAN ACCESSIBLE ADA SPACE = 1  
TOTAL SPACES REQUIRED = 7

**PROVIDED:**  
STANDARD SPACES = 11  
VAN ACCESSIBLE ADA SPACE = 1  
TOTAL SPACES PROVIDED = 12

### BUILDING TYPE

OFFICE BUILDING AREA - 2400 SF  
TWO STORY - TYPE V-B  
NON - SPRINKLED (N5)

### BUILDING HEIGHT

ALLOWED MAXIMUM BUILDING HEIGHT = 25'-0"  
ACTUAL BUILDING HEIGHT = 17'-4" TO 18'-0"

### SETBACKS

25' FRONT  
25' SIDE  
25' REAR

## LAND 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 S 39° 31' 28" E 847.84 FEET TO THE SAME CORNER FOR THE NORTH SOUTHERLY BEARING TO THE NORTH LINE OF THE SAME CORNER FOR THE TRACT, THENCE WESTERLY ALONG SAID NORTH LINE FOR 390.23 FEET, THENCE NORTHERLY 599.50 FEET TO SAID POINT OF BEGINNING.

## ROAD IMPACT FEE

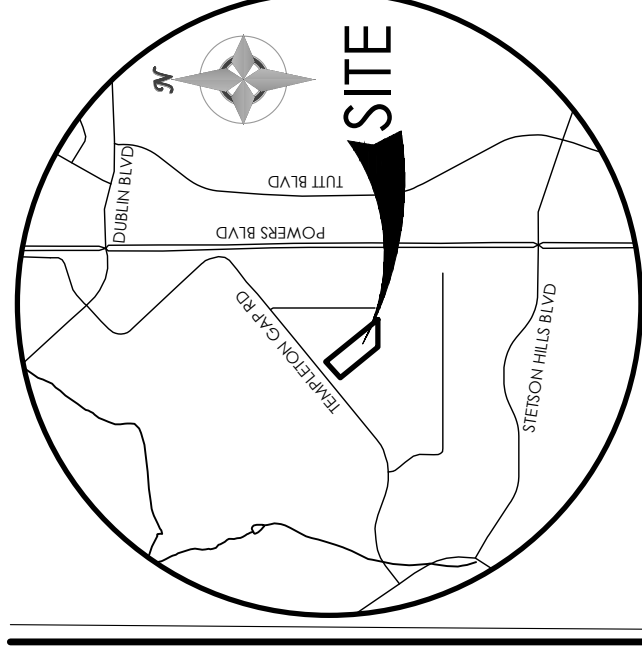
THE OWNER AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER, SUCCESSORS AND/OR ASSIGNS THAT SUBDIVIDER AND/OR SAID SUCCESSORS OR ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM RESOLUTION (RESOLUTION NO. 19-471). ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE CALCULATION SHALL BE BASED ON THE PROPOSED DEVELOPMENT AND THE TRAFFIC IMPACT SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.

## DEVELOPMENT NOTES

1. NO DOMESTIC WATER OR SEWER SERVICE PROVIDED. WELL AND SEPTIC IN PLACE.
2. NATURAL GAS SERVICE PROVIDED BY COLORADO SPRINGS UTILITIES.
3. ELECTRIC SERVICE PROVIDED BY COLORADO SPRINGS UTILITIES.
4. FIRE SERVICE PROVIDED BY COLORADO SPRINGS FIRE DEPARTMENT.
5. NO PERMANENT OUTDOOR STORAGE UNDER THE DEVELOPMENT APPLICATION.

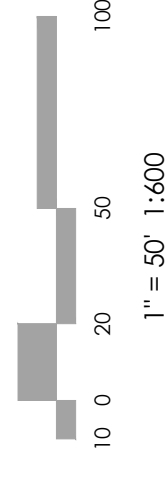
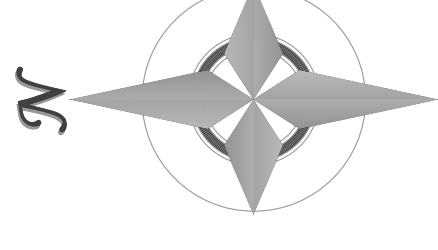
## SITE LOCATION MAP

(SEE SITE PLAN ON PAGE 2 FOR SITE DETAILS)



VICINITY MAP  
NOT TO SCALE

BENCHMARK



1" = 50' 1:600



REVISIONS

DESIGNED BY  
DRAWN BY  
CHECKED BY  
AS-BUILTS BY  
CHECKED BY

5935 TEMPLETON  
GAP ROAD

SITE PLAN

SP-1

MVE PROJECT  
61206  
SP-CS

VA243

JULY 1, 2024  
SHEET 1 OF 3



# SITE PLAN

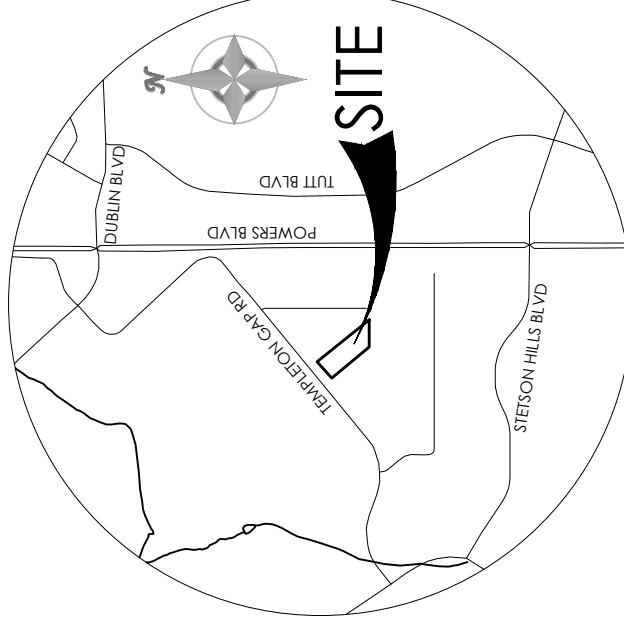
FOR

# 5935 TEMPLETON GAP ROAD

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

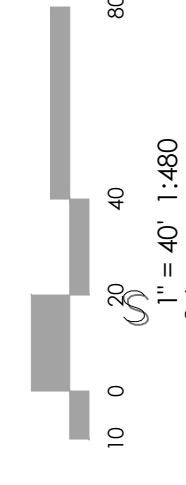
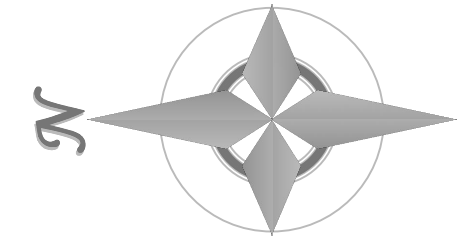


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jwilandarch@gmail.com  
www.jwilandscaparchitect.com



VICINITY MAP  
NOT TO SCALE

BENCHMARK



1" = 40' 1:480



REVISIONS

DESIGNED BY  
DRAWN BY  
CHECKED BY  
AS-BUILTS BY  
CHECKED BY

5935 TEMPLETON  
GAP ROAD

SITE PLAN

SP-2

MVE PROJECT 61206  
MVE DRAWING SP-CS

JULY 31, 2024  
SHEET 2 OF 3

VA243

### EXISTING TREE LEGEND

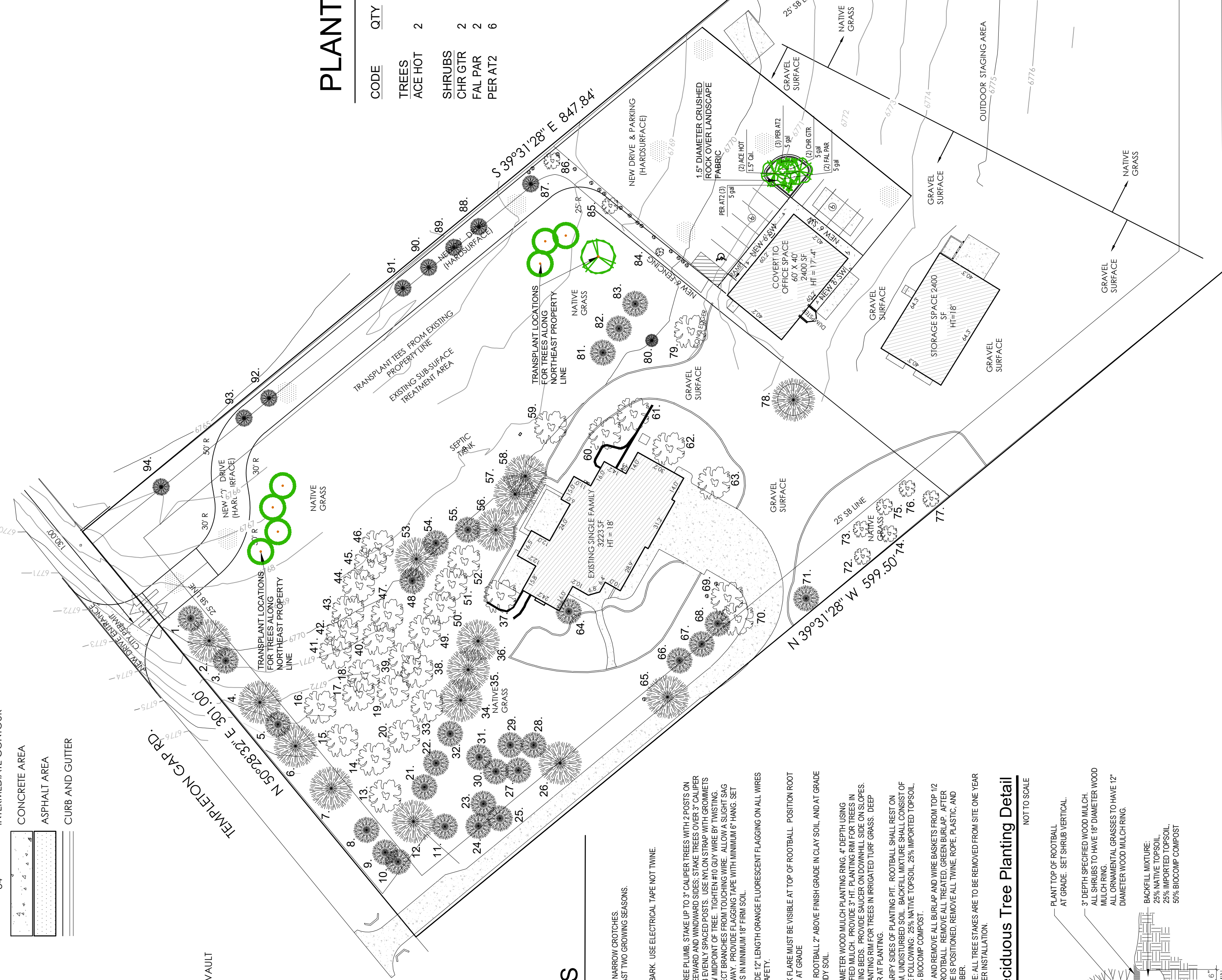
NO.	SPECIES	SIZE	CONDITION
1.	5935 TEMPLETON GAP ROAD IS A PRE-DEVELOPED SINGLE FAMILY LOT.		
2.	TEN PLUS ROADWAY TREES EXIST ALONG TEMPLETON GAP ROAD.		
3.	TREES AND FENCING EXIST ALONG THE NORTHEASTERN AND SOUTHEASTERN PROPERTY LINES AND PROVIDE BUFFERING OF ADJACENT PROPERTIES.		
4.	FENCING EXISTS ALONG SOUTHERN PROPERTY LINE AND PROVIDES BUFFERING OF ADJACENT PROPERTIES.		
5.	NEW CONSTRUCTION ON SITE WILL CONSIST OF AN ENTRANCE DRIVE AND PARKING AREA FOR NEW OFFICE RENOVATION.		
6.	NEW DRIVE WILL HAVE FIVE (5) TRANSPLANTED TREES ALONG THE SOUTHEASTERN SIDE OF DRIVE AND TWO (2) TRANSPLANTED TREES ALONG NORTHWESTERN SIDE OF NEW PARKING AREA.		
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8.	TWO (2) TREES AND TEN (10) 36" HIGH LOW WATER SHRUBS WILL BE PLANTED IN THE NEW PARKING ISLAND SITUATE AT THE CORNER OF NEW DRIVE AND NEW PARKING AREA.		
9.	NOT MORE THAN 30,000 SF OF AREA WILL BE DISTURBED AND THE EXISTING AND PROPOSED LANDSCAPING MEETS THE CURRENT COUNTY INTERNAL LANDSCAPE REQUIREMENTS.		
10.	TRANSPLANT LOCATIONS FOR TREES ALONG NORTHEAST PROPERTY LINE		
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### LANDSCAPE NOTES

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### PLANT SCHEDULE

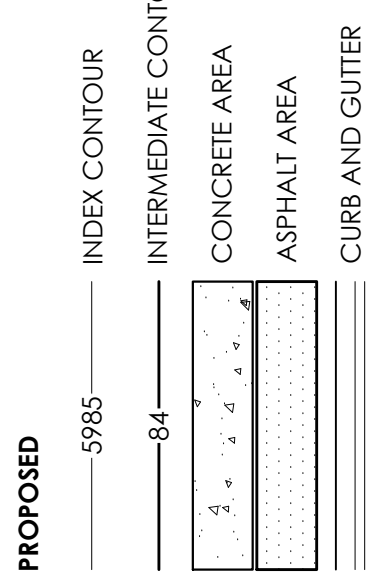
CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
TREES					
ACE HOT	2	<i>Acer latianum</i>	Hot Wings Tatarian Maple	1.5" Cal.	B & B
SHRUBS					
CHR GTR	2	<i>Chrysothamnus nauseosus</i>	gravelolens		5 gal
FAL PAR	2	<i>Fallugia paradoxa</i>	Apache Plume		5 gal
PER AT2	6	<i>Perovskia altipifolia</i>	Russian Sage		5 gal



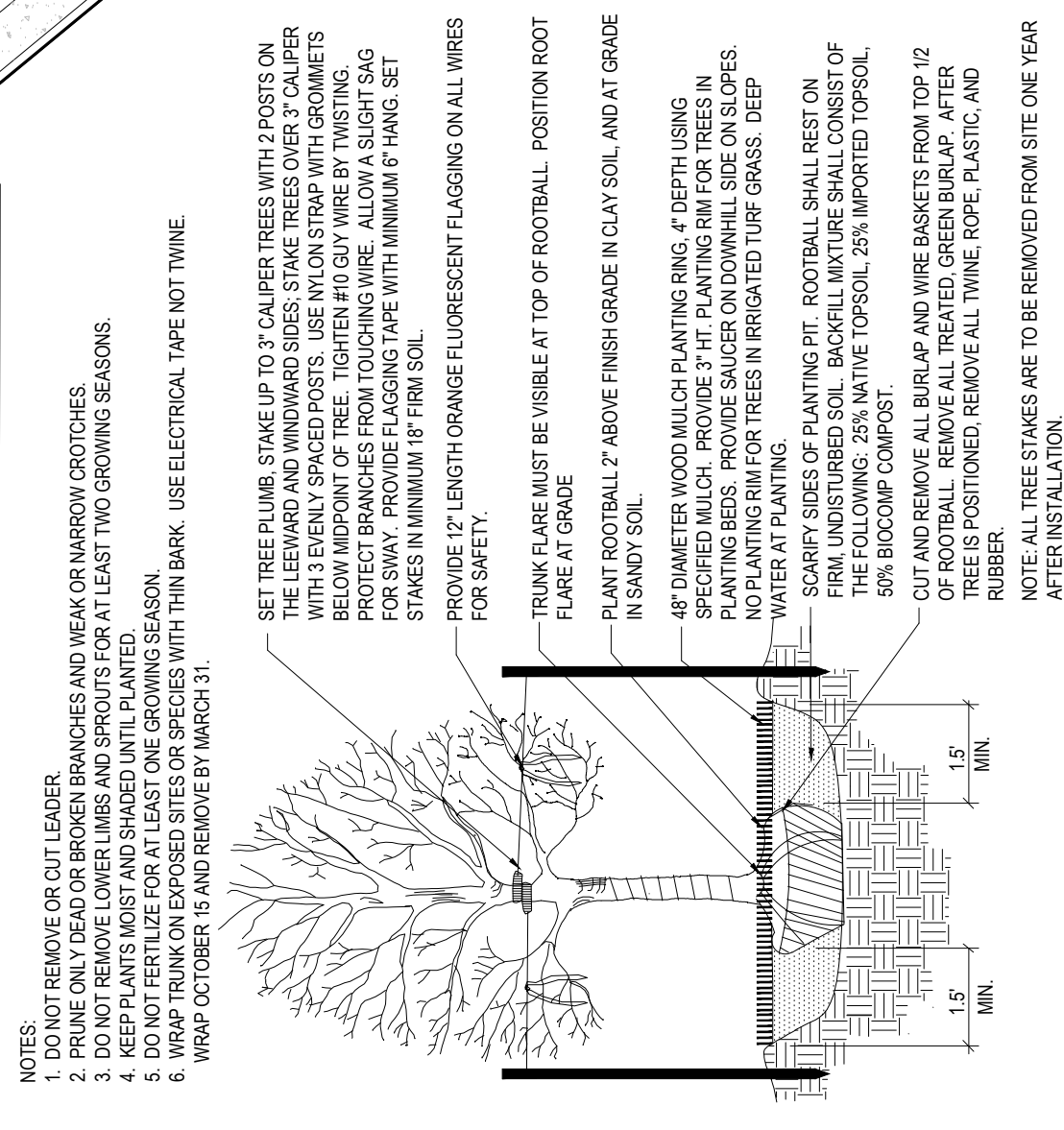
### LEGEND

---	PROPERTY LINE
---	EASEMENT LINE
---	LOT LINE
---	BUILDING SETBACK LINE
---	ADJACENT PROPERTY LINE
---	INDEX CONTOUR
---	INTERMEDIATE CONTOUR
---	SIGN
---	WATER LINE
---	WATER VALVE
---	FIRE HYDRANT
---	OVERHEAD ELEC. LINE
---	ELECTRIC POLE
---	GAS LINE
---	FIBER OPTIC LINE
---	TELECOMMUNICATIONS VAULT
---	GAS LINE
---	BARBED WIRE FENCE
---	REGULATORY SIGN

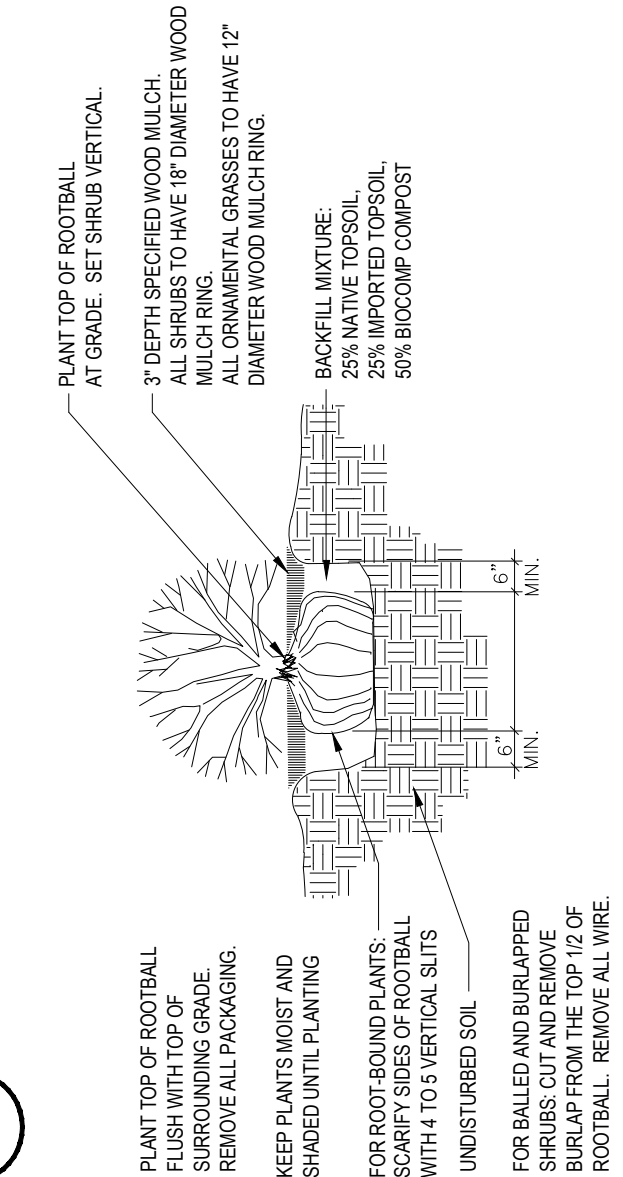
### PROPOSED



### PLANTING DETAILS



### Deciduous Tree Planting Detail



### Shrub Planting Detail



S 89°59'56" W 390.23'

25' 58" LINE

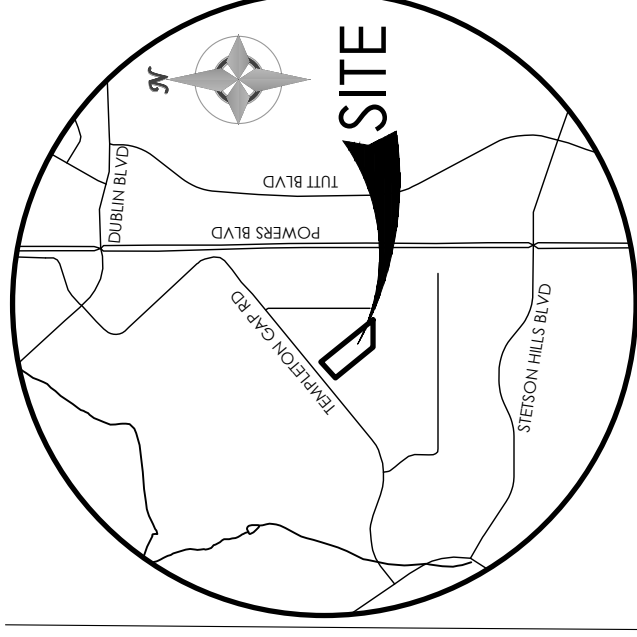
1

2

NOT TO SCALE

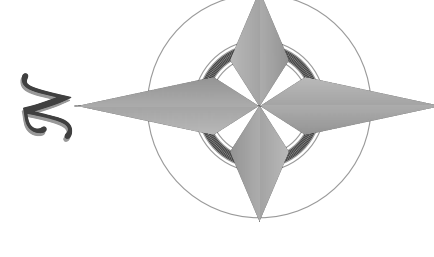
SCALE NOT TO SCALE





VICINITY MAP  
NOT TO SCALE

BENCHMARK



REVISIONS

DESIGNED BY  
DRAWN BY  
CHECKED BY  
AS-BUILTS BY  
CHECKED BY

5935 TEMPLETON  
GAP ROAD

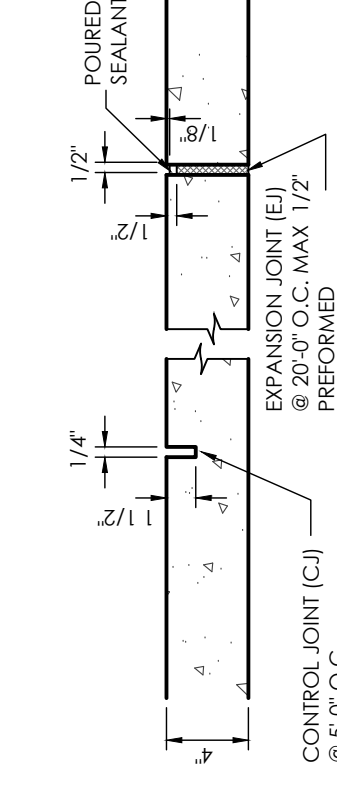
SITE PLAN  
DETAIL SHEET

SP-3

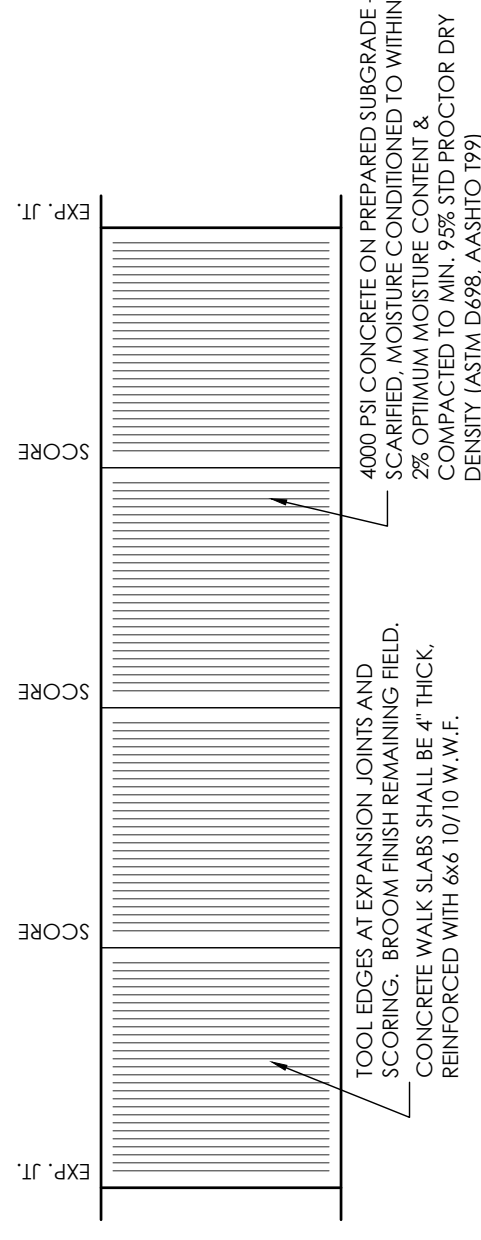
MVE PROJECT 61206  
MVE DRAWING SP-DS

JULY 1, 2024  
SHEET 3 OF 3

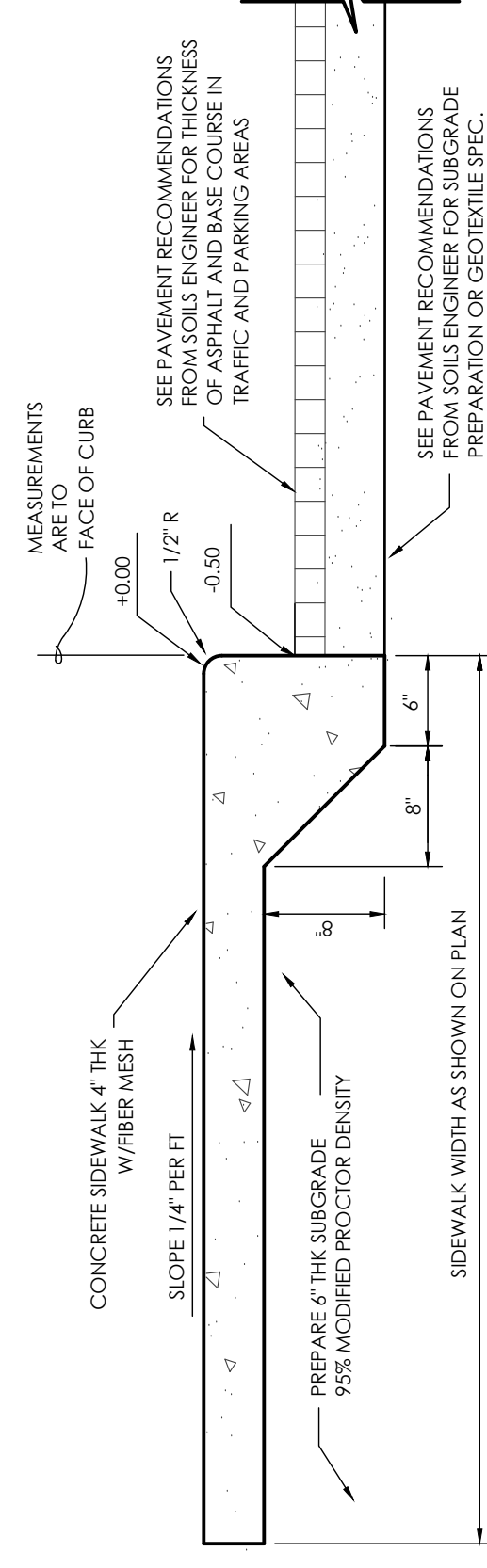
VA243



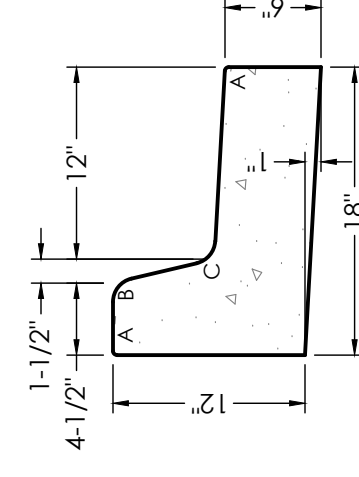
CONCRETE SIDEWALK  
DETAIL  
NOT TO SCALE



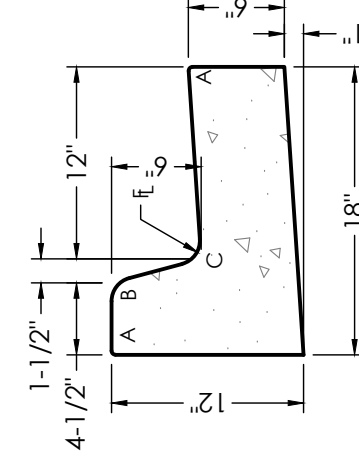
TYPICAL SIDEWALK DETAIL  
SCALE: 1" = 4"



THICKENED EDGE SIDEWALK  
SCALE: 1" = 1"



18" SPILL CURB  
& GUTTER  
SCALE: 1" = 1"



18" CATCH CURB  
& GUTTER  
SCALE: 1" = 1"

NOTE: CURB AND GUTTER SHOWN ON THESE PLANS ARE PRIVATE. NO PUBLIC (EPC) CURB AND GUTTER IS PROPOSED.

NOTE: CURB & GUTTER SHALL BE CITY OF COLORADO SPRINGS ENGINEERING DIVISION STANDARD SPECIFICATIONS.

4" THICK HOT MIX ASPHALT (HMA) IN ACCORDANCE WITH THE GEOTECHNICAL EVALUATION, SUPERPAVE MIXTURES IN CDOT SPECIFICATIONS & TOWN OF CASTLE ROCK PAVING GUIDELINES

7 1/2" CDOT CLASS 5 OR 6 AGGREGATE BASE CONSTRUCTED IN ACCORDANCE WITH SECTION 304 OF CDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION INCLUDING MOISTURE TREATMENT AND COMPACTION (ASTM D1557/AASHTO T-180)

SUBGRADE SCARIFIED 12" MIN BELOW BOTTOM OF BASE COURSE. FILL COMPACTED IN 8" MAX LIFTS. MOISTURE CONDITIONED TO MIN. 10% OPTIMUM MOISTURE CONTENT & COMPACTED TO MIN. 95% STD PROCTOR DRY DENSITY (ASTM D698, AASHTO T99) & PROOF ROLLED

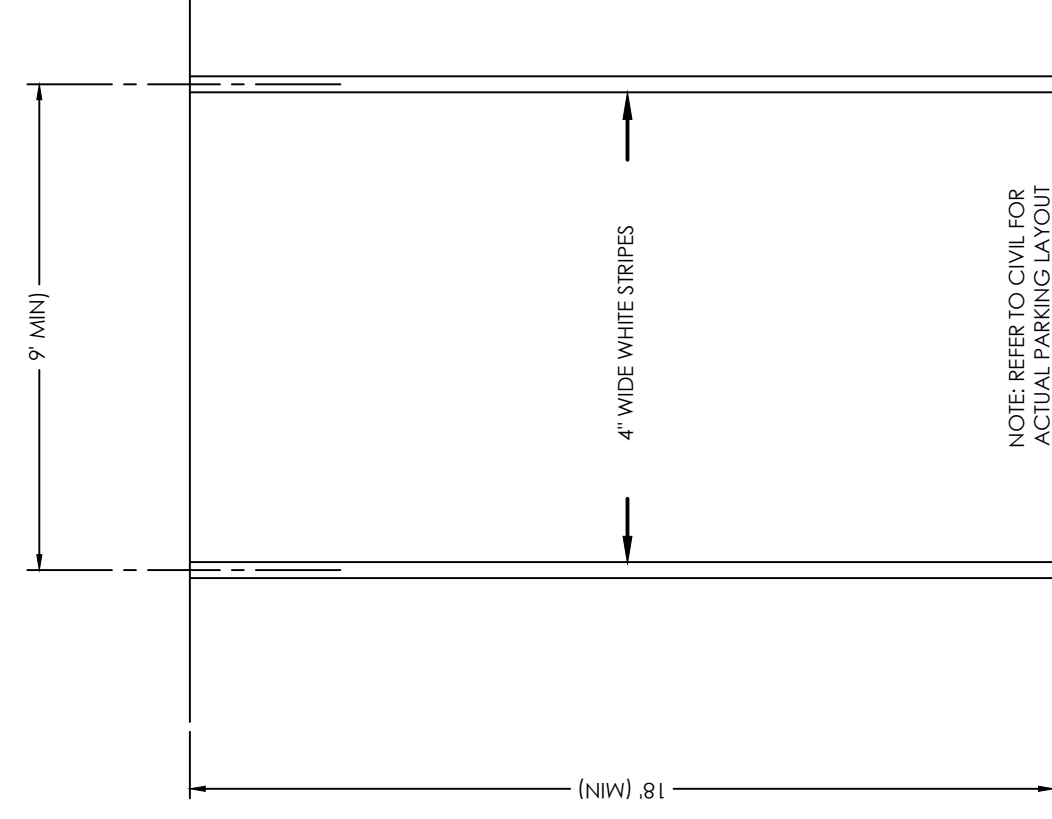
3 1/2" THICK HOT MIX ASPHALT (HMA) IN ACCORDANCE WITH THE GEOTECHNICAL EVALUATION, SUPERPAVE MIXTURES IN CDOT SPECIFICATIONS & TOWN OF CASTLE ROCK PAVING GUIDELINES

6 1/2" CDOT CLASS 5 OR 6 AGGREGATE BASE COURSE PER CDOT TABLE 703.2 & SECTION 304 OF CDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION INCLUDING MOISTURE TREATMENT AND COMPACTION (ASTM D1557/AASHTO T-180)

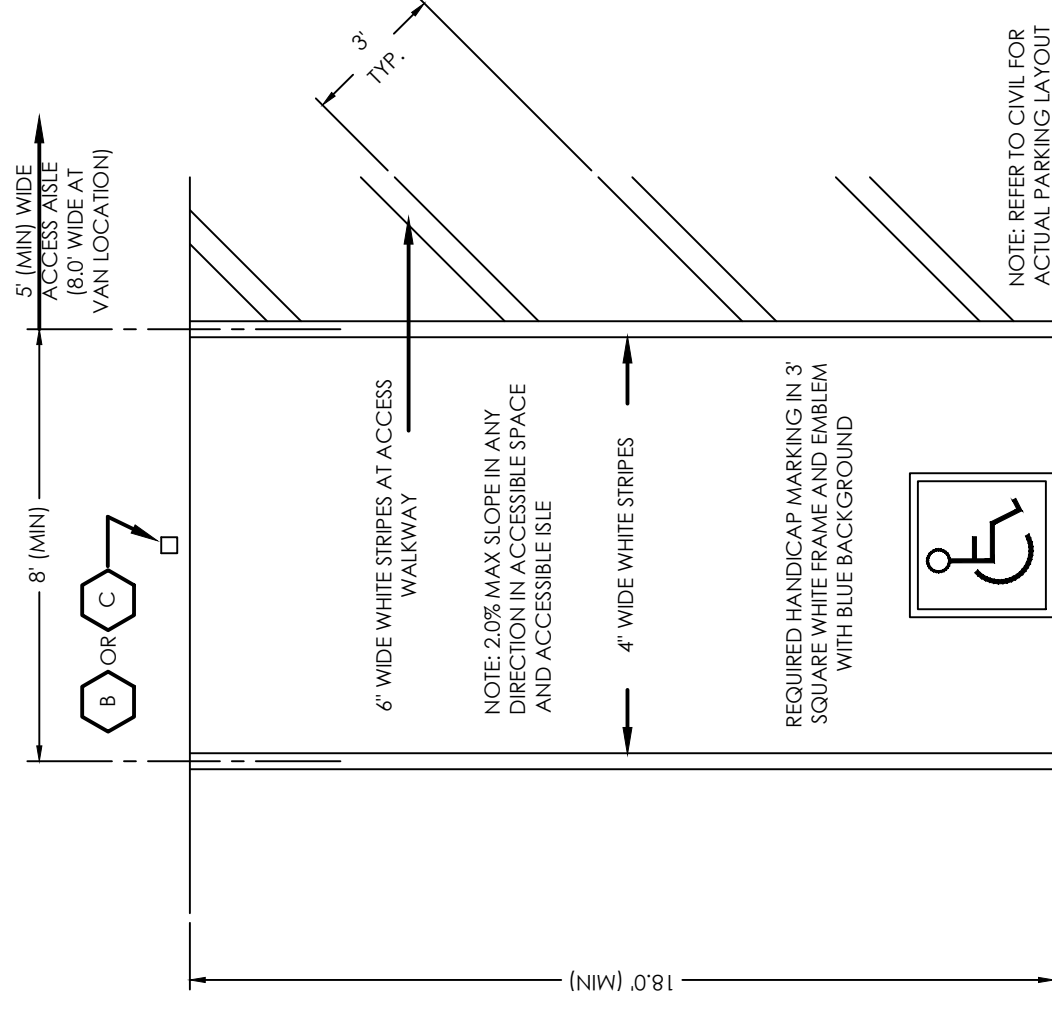
SUBGRADE SCARIFIED 12" MIN BELOW BOTTOM OF BASE COURSE. FILL COMPACTED IN 8" MAX LIFTS. MOISTURE CONDITIONED TO MIN. 10% OPTIMUM MOISTURE CONTENT & COMPACTED TO MIN. 95% STD PROCTOR DRY DENSITY (ASTM D698, AASHTO T99) & PROOF ROLLED

ASPHALT PAVEMENT SECTION  
HEAVY DUTY TRAFFIC DRIVE LANES  
SCALE: 1" = 10"

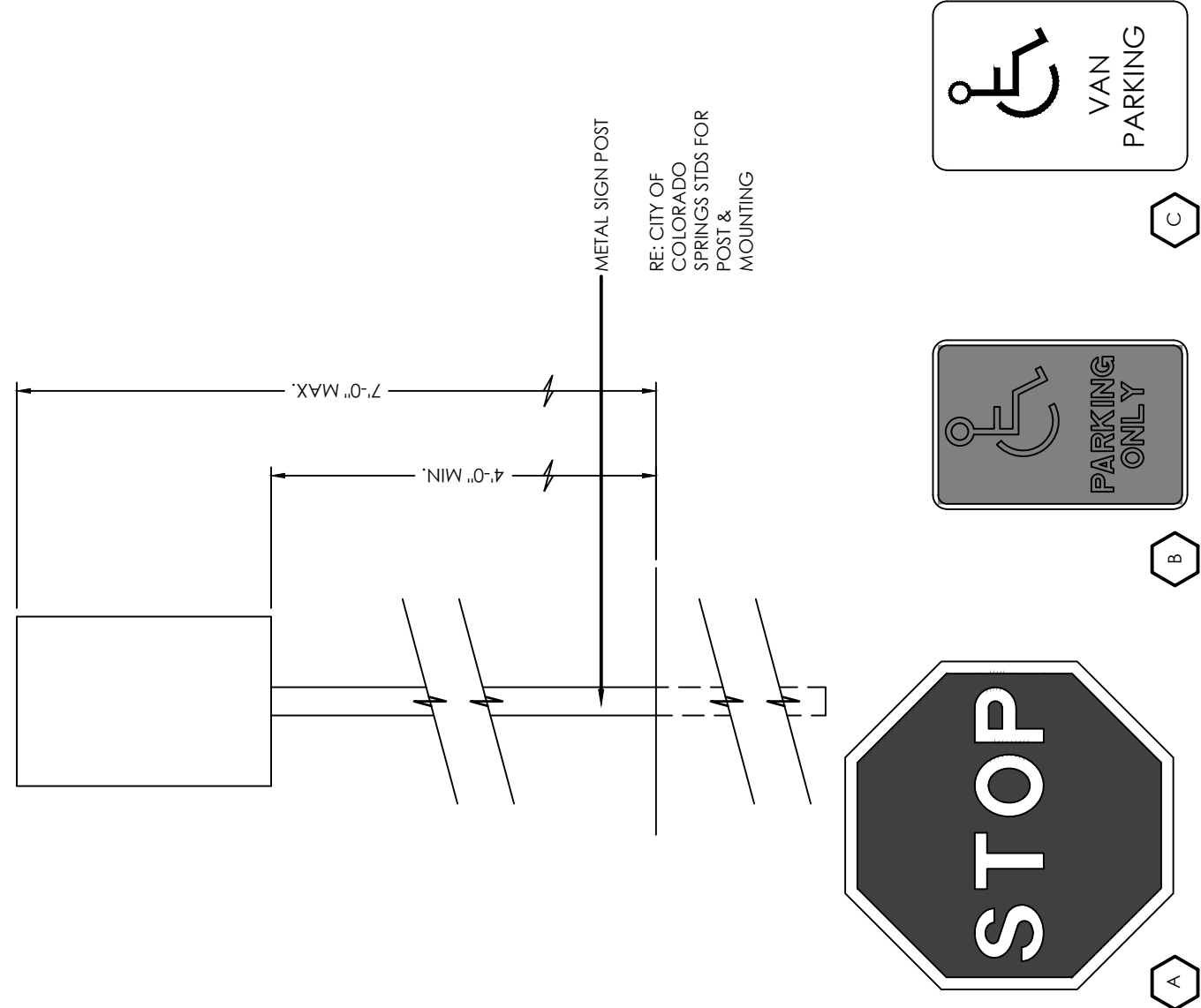
ASPHALT PAVEMENT SECTION  
LIGHT DUTY TRAFFIC PARKING STALLS  
SCALE: 1" = 10"



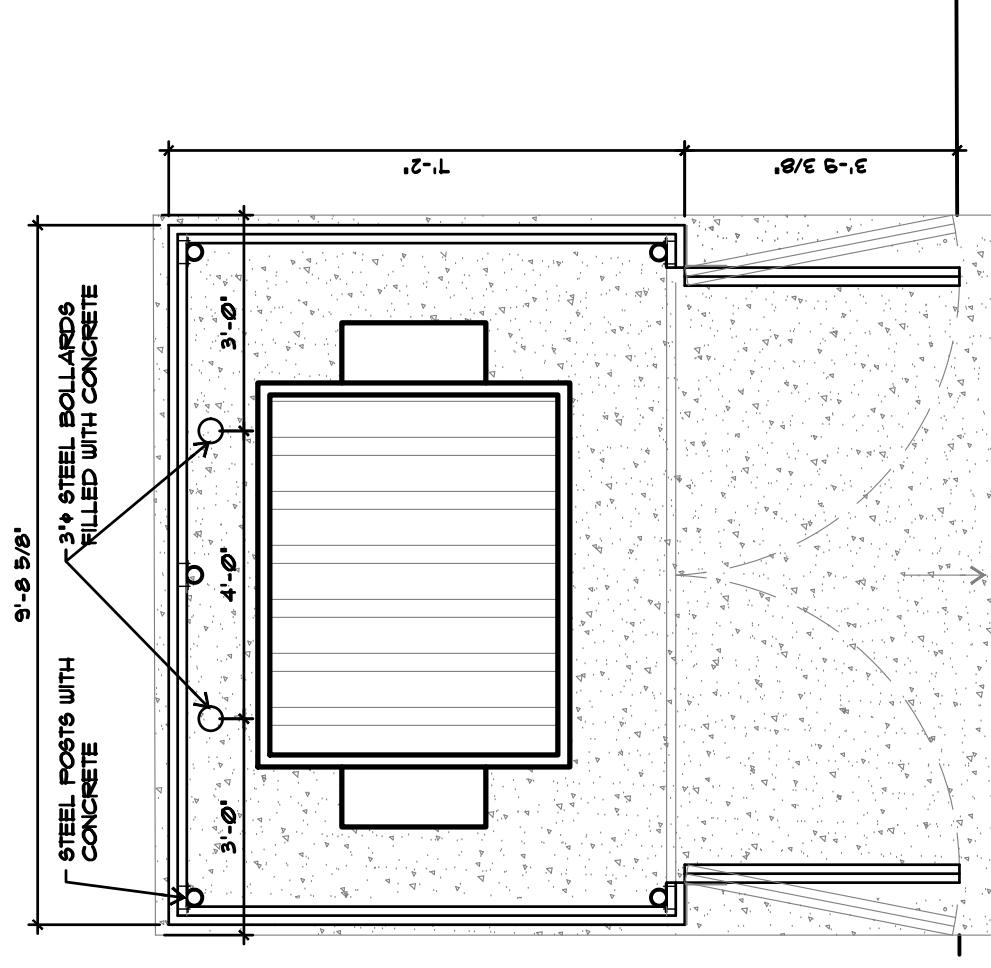
TYPICAL STANDARD PARKING SPACE  
SCALE: 1" = 4"



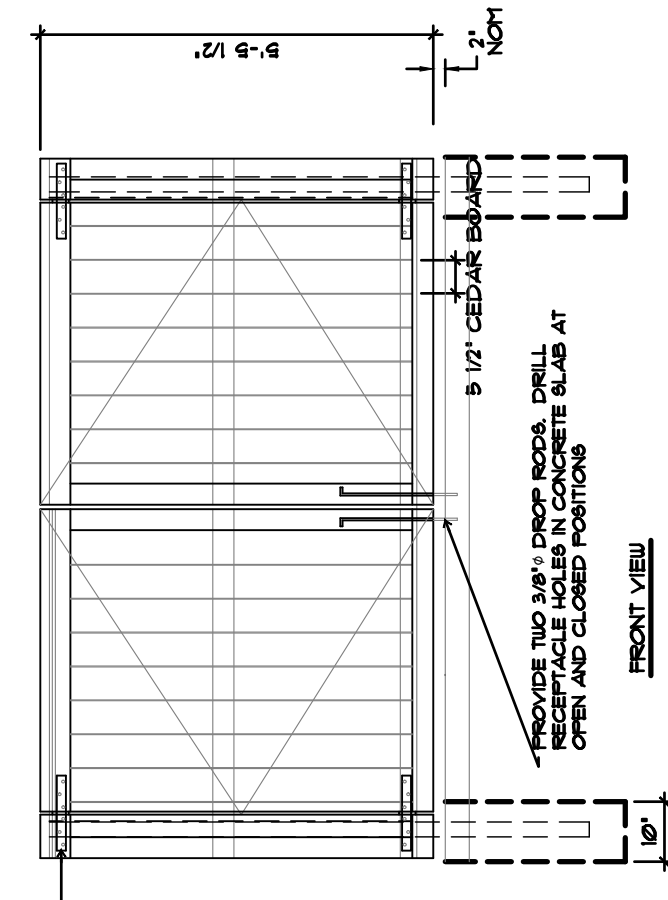
TYPICAL HANDICAP PARKING SPACE  
SCALE: 1" = 4"



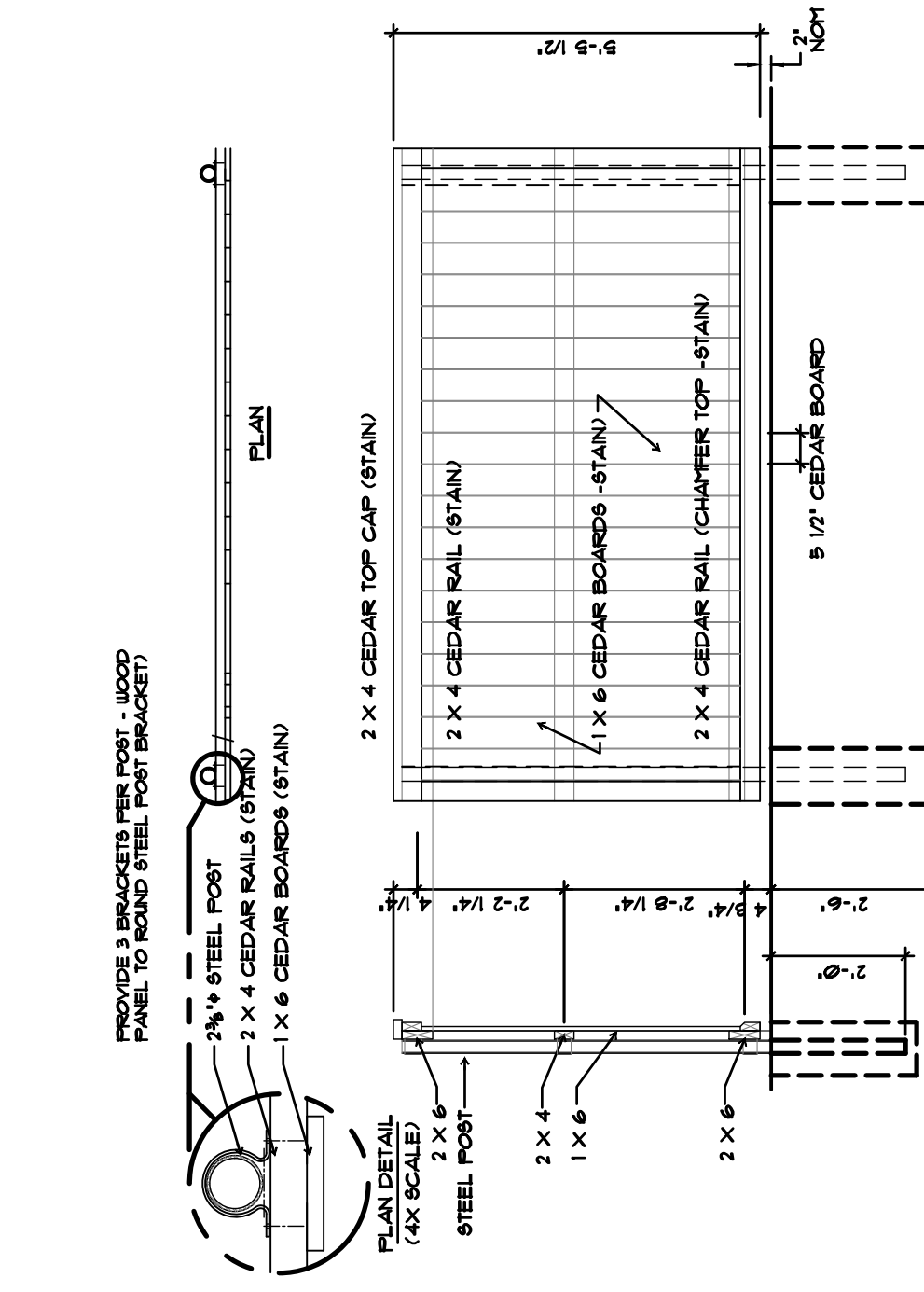
- SITE SIGNAGE**  
SCALE: 1" = 12"
1. TYPOGRAPHY TO BE HERVECA MEDIUM
  2. NOTE: REFER TO SITE PLAN FOR LOCATIONS
  3. REMOVE EXISTING SIGNS AND REUSE WHERE APPLICABLE (NOT SHOWN)
  4. SIGN POSTS WILL BE FABRICATED BY THE DEVELOPER AT THE LOCATIONS SHOWN ON THE DEVELOPMENT PLAN TO MEET ALL APPLICABLE STANDARDS AND THE CITY OF COLORADO SPRINGS TRAFFIC ENGINEERING STANDARDS.



DUMPSTER SCREEN PLAN  
SCALE: 3/8" = 1'-0"



DUMPSTER SCREEN GATE ELEV.  
SCALE: 3/8" = 1'-0"



DUMPSTER SCREEN SECTION / ELEV.  
SCALE: 3/8" = 1'-0"

NOTE:  
- PROVIDE 3 BRACKETS PER POST - WOOD PANEL TO ROUND STEEL POST BRACKET?  
- FASTEN EACH RAIL END USING THREE 8 x 1 1/4" RAIL SCREWS  
- ATTACH CEDAR BOARDS TO RAILS WITH COATED SCREWS

Miranda Benson

---

**From:** Julius Ulit <jrulit@gmail.com>  
**Sent:** Wednesday, August 28, 2024 7:30 PM  
**To:** PCD Hearings  
**Subject:** File Number: VA243

You don't often get email from jrulit@gmail.com. [Learn why this is important](#)

**CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.**

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We oppose 5935 Templeton Gap Road Variance of Use. It will add more traffic congestion to the road between Austin Bluffs Pkwy, Corinth Rd and Oakwood Rd.

R/

Julius Ulit  
5227

RESOLUTION NO. 24-  
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 26<sup>th</sup> day of September 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

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.