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El Paso County, CO  
  
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**RESOLUTION NO. 22-446**

**BOARD OF COUNTY COMMISSIONERS**

**COUNTY OF EL PASO**

**STATE OF COLORADO**

**APPROVAL OF SPECIAL USE  
RAEL STORAGE RURAL HOME OCCUPATION (AL-19-018)**

WHEREAS, Steve Rael did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow a rural home occupation as a special use for an existing automobile and boat storage yard within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 20, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on November 1, 2022, at which time the Board approved a continuation of this item to December 6, 2022; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission and Board of County Commissioners.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission and Board of County Commissioners.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
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.

WHEREAS, pursuant to Section 5.3.2.C of the Land Development Code (2019), the Planning Commission and Board of County Commissioners considered the following criteria in approving a special use:

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

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow a rural home occupation as a special use for an existing automobile and boat storage yard within the RR-5 (Residential Rural) zoning district with the following conditions and notations placed upon this approval:

#### CONDITIONS

1. Approval shall be limited to the use as described in the applicant's letter of intent and as shown on the site plan. Any subsequent addition or modification to the operation or facility beyond that described in the applicant's letter of intent or depicted on the site plan shall be subject to administrative review, and if the Planning and Community Development Department Director determines that it constitutes a substantial addition or modification, then such addition or modification shall be subject to a new special use application.
2. Within thirty (30) days of special use approval, the applicant shall receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

3. Within ninety (90) days of special use approval, the applicant shall provide 100% screening in the form of an opaque barrier, such as a solid wall or privacy fence (chain link fencing is not acceptable), on all sides of the use to screen the use from residential properties. The barrier shall be a minimum of six (6) feet in height and shall meet all applicable criteria as specified in the El Paso County Land Development Code.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

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

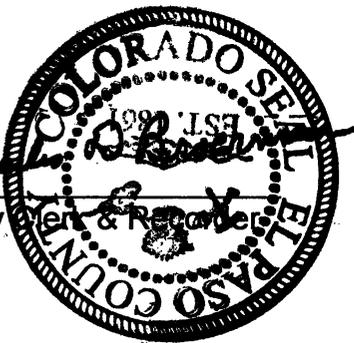
DONE THIS 6th day of December 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO

ATTEST:

By:

County Clerk & Recorder



By:

Chair

*Stanley VanderWeil*

EXHIBIT A

TR IN NW4 SEC 15-11-66 DESC AS FOLS: COM AT SW COR NW4 SD SEC 15 & POB, TH NLY ALG WLY LN N 00<15"12" W 943.66 FT, S 85<55"07" E 461.76 FT, N 00<29"34" W 347.89 FT, N 60<38"40" E 1034.79 FT TO THE WLY LN OF HWY 83, TH S 02<33"41" W 45.85 FT, S 03<08"57" E 100.50 FT, S 02<33"41" W 1305.22 FT, TH ALG ARC OF CUR TO THE L HAVING A RAD OF 5780.0 FT A C/A OF 03<24"07" WHICH CHORD BEARS S 00<51"36" 343.13 FT, TH WLY ALG SLY LN N 88<47"48" W 1295.63 FT TO SW COR NW4 & POB