



EL PASO COUNTY

COLORADO

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PLANNING & COMMUNITY DEVELOPMENT

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

FROM: Ryan Howser, AICP, Planner III
Carlos Hernandez Martinez, EI Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: AL-19-018
Project Name: Rael Storage Rural Home Occupation
Parcel No.: 61000-00-489

OWNER:	REPRESENTATIVE:
Steve Rael 18220 Highway 83 Colorado Springs, CO, 80908	CTR Engineering, Inc. 16392 Timber Meadow Drive Colorado Springs, CO, 80908

Commissioner District: 1

Planning Commission Hearing Date: 10/20/2022
Board of County Commissioners Hearing Date: 12/06/2022

EXECUTIVE SUMMARY

A request by Steve Rael for approval of a rural home occupation as a special use for an existing automobile and boat storage yard. The 40-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Colorado Highway 83, approximately one-third of a mile south of Colorado Highway 105/Walker Road and is within Section 15, Township 11 South, Range 66 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Steve Rael for approval of a rural home occupation as a special use for an automobile and boat storage yard.



Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

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

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular Item at the October 20, 2022, hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 5 - 4

Vote Rationale: Mr. Carlson did not believe the application was in conformance with the character of the surrounding neighborhood.

Summary of Hearing: The Planning Commission 10/20/2022 adopted minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

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

- The special use is generally consistent with the applicable Master Plan;
- 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;
- 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;
- The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- 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
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

D. LOCATION

North:	RR-5 (Residential Rural)	Single-family residential
South:	RR-5 (Residential Rural)	Single-family residential
East:	RR-5 (Residential Rural)	School
West:	RR-5 (Residential Rural)	Single-family residential



E. BACKGROUND

The property was zoned A-4 (Agricultural) on January 3, 1955, when zoning was first initiated for this portion of El Paso County. Due to changes in the nomenclature of the Land Development Code, the A-4 zoning district is now known as the RR-5 (Residential Rural) zoning district.

On October 17, 2018, the applicant received a Notice of Violation regarding the use of the property for an automobile and boat storage yard and home occupation. The home occupation consists of outdoor parking and storage of equipment and vehicles. On July 5, 2019, the applicant submitted an application for a rural home occupation as a special use in order to legalize the use on the property through the special use process. The applicant has also submitted a site development plan for concurrent review with the proposed special use permit.

F. ZONING ANALYSIS

1. Land Development Code Analysis

A rural home occupation requires special use approval in the RR-5 zoning district pursuant to Chapter 5 of the Code. A rural home occupation as a special use shall comply with Section 5.2.29 of the Code which provides specific requirements for these types of uses. Vehicle storage is allowed as a rural home occupation pursuant to Section 5.2.29 of the Code.

The applicant has provided an analysis of the special use criteria of Section 5.2.29 of the Code in their letter of intent. The proposed special use area is adjacent to properties zoned RR-5 (Residential Rural) which are currently being used for rural residential purposes. Monument Academy is located adjacent to the site on the east side of Highway 83. In order to meet the criteria for approval of a special use, the applicant is required to demonstrate that the proposed use will be in harmony with the character of the neighborhood and will be generally compatible with all existing land uses in all directions. The applicant is proposing to locate all proposed outside storage activities a minimum of 50 feet from all property boundaries. Please see the Zoning Compliance section below for an analysis of all applicable dimensional and setback standards.

If the special use is approved, the applicant will be required to also receive approval of a site development plan prior to initiating any land disturbing activities on the property. The site development plan will need to be substantially consistent with the site plan provided with the special use application and provide a more detailed depiction of the proposed use. County review and administrative approval of a site development plan will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review



will also include compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, landscaping, parking, and lighting standards.

2. Zoning Compliance

The subject parcel is zoned RR-5 (Rural Residential). The RR-5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres *
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: 25%
- Maximum height: 30 feet

* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

The existing structure meets the 25-foot setback from all property lines and is under 30 feet in height. The applicant has provided a site plan indicating the proposed location of the outside storage area as located fifty (50) feet from the property boundary. Based on staff observation of the subject property, the existing storage area appears to be located less than five (5) feet from the property boundary. The applicant is required to relocate the outside storage use to be consistent with the proposed site plan prior to issuance of the special use permit.

In addition to the dimensional standards of the RR-5 zoning district, Section 5.2.40.B of the Land Development Code provides the following requirements for outside storage uses:

2. **Materials Screened by Solid Fence or Vegetation.** Outside storage shall be enclosed and concealed by a solid fence or wall at least 6 feet in height or any combination of berming, shrubs, trees fencing or walls which will provide at maturity a minimum of 6 feet of height and 100% opaque screening for the area utilized for outside storage.



3. **Outside Storage Not to Exceed Height of Screening.** Outside storage or stacked materials shall not exceed the height of the screening fence except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component.
4. **Storage of Equipment and Vehicles Exceeding Height of Fence.** All equipment and vehicles exceeding the height of the fence shall be stored on the rear $\frac{1}{3}$ of the property except when adjacent to a residential zoning district, in which case the equipment or vehicles shall be a minimum 50 feet from the residential zoning district boundary.

In addition to these standards, Section 5.2.29.B.7.a of the Code provides the following requirement for outside storage when proposed as part of a proposed rural home occupation:

“Outside storage, parking and work areas are allowed provided these are set-back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas.”

In order to meet the criteria in both Section 5.2.40 and 5.2.29 of the Code, the applicant is required to set back the storage area a minimum of 50 feet from the property line. According to the applicant’s letter of intent, the vehicles will be located 50 feet from the property line. The applicant will also be required to provide screening of the stored vehicles and equipment pursuant to Section 5.2.40 of the Code, as outlined above.

The applicant may choose to screen the use with a fence or barrier which exceeds the height of the vehicles. Pursuant to Section 6.2.1 of the Code, any fences or barriers exceeding 7 feet in height are considered structures and require a building permit, and therefore are required to meet the dimensional standards and setbacks of the zoning district; however, even if the applicant chooses to screen the vehicles with a fence or barrier exceeding the height of the vehicles pursuant to Section 5.2.40 of the Code, the outside storage area would still need to be located a minimum of 50 feet from the property line, pursuant to the rural home occupation criteria outlined in Section 5.2.29.B.7.a of the Code.

If the special use is approved, the applicant will need to demonstrate compliance with the special use criteria in Section 5.3.2 of the Code, as well as the dimensional standards for the RR-5 zoning district and the additional criteria outlined in Section 5.2.40 of the Code.



3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.1.8 – Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

Policy 6.1.11 – Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Goal 7.1 – Reasonably accommodate unique and special uses which provide value to the greater community and which can be made consistent with surrounding uses.

Policy 7.1.4 – Accommodate home-based businesses which do not detract from the character of residential areas, do not create substantial impacts on facilities and services, and do not require the imposition of conditions of approvals difficult to enforce.

The subject parcel is currently zoned RR-5 (Residential Rural) and is primarily surrounded by properties zoned RR-5 which are utilized for rural residential purposes. The subject parcel is adjacent to single-family residential dwellings within the RR-5 zoning district to the north, west, and south. The current use of the property is inconsistent with the RR-5 zoning district with regards to the outside storage use.

The applicant will need to provide 100% opaque screening of the outside storage use in order to minimize visual impacts to the surrounding properties. The applicant is proposing to screen the use with a 6-foot-tall opaque fence, pursuant to the specific use standards as well as the special use requirements of the Land Development Code.

4. Small Area Plan Analysis

The property is located within the Tri-Lakes Comprehensive Plan (2000). Relevant policies are as follows:

Objective 1.1.1 – Encourage good stewardship of the natural environment.



Objective 10.2.3 – Consider large undeveloped parcels of land as potential open space opportunities.

The property is located within Sub-Area 8 of the Plan: West Cherry Creek. According to the Plan:

“Development emphasis should be on rural and/or rural residential uses that focus on harmonizing with the natural rolling hills and open character of the area.”

The Plan also recommends:

“Consider commercial and non-residential-type development only if they serve a local need and compliment the rural character of the sub-area. Strongly discourage commercial and non-residential uses that depend on regional or non-local traffic.”

The applicant’s letter of intent states that the use of the property for commercial outside storage comprises approximately 2% of the total land area of the property. The applicant intends to locate the use in an area that minimizes impacts to the natural topography of the property and intends to retain much of the land as open space. The applicant proposes to limit the number of vehicles stored in the storage area to 25.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 – Integrate water and land use planning.

The property is located within Planning Region 2 (Monument Area) of the Water Master Plan and is not located within an estimated area of development. The Plan includes



demand and supply projections for central water providers in multiple regions throughout the County. The following has been included as it pertains to water demands and supplies in Region 2 for central water providers:

The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The Plan identifies the current demands for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 is at 11,713 AFY with a projected supply of 20,516 AFY (Figure 5.2). The projected demand at build-out in 2060 is 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

Water sufficiency analysis is not required as part of a special use. The applicant is proposing to use a portion of the property for an outside storage facility, which is not anticipated to use water.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Conservation District was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies stream terrace deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Land dedication and fees in lieu of park land dedication are not required for a special use application. The El Paso County Parks Master Plan (2013) does not identify any park lands or trails on the property.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the special use.



2. Floodplain

Per FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0285G, dated December 7, 2018, the subject site is located within Zone X, areas outside of the 100-year FEMA floodplain.

3. Drainage and Erosion

The subject site is located within the West Cherry Creek drainage basin (CYCY1400), which is a non-studied drainage basin with no drainage and bridge fees. Drainage and bridge fees are not assessed with special use requests.

4. Transportation

The site obtains access from State Highway 83. State Highway 83 is a two-lane highway under the jurisdiction of Colorado Department of Transportation (CDOT). Per the 2016 Major Transportation Corridors Plan Update (MTCP), State Highway 83 is classified as a 2-lane Principal Arterial with future road improvements anticipated by 2040.

CDOT should be contacted for access requirements or improvements that may be needed.

Per El Paso County Resolution 19-471 Road Impact Fees are applicable. Effective on and after January 1, 2020, the obligation to pay Road Impact Fees is triggered by issuance of a Land Use Approval. For uses that require multiple Land Use Approvals, the obligation is triggered by the final Land Use Approval required. The road impact fee would be due with this special use if a site development plan application is not required or else the fee is due with the site development plan application.

For RV Storage, this use is similar to a mini-storage category. Instead of gross square feet, the number of parking spaces is used to calculate the fee.

H. SERVICES

1. Water

Water is provided by an existing permitted well located on the property.

2. Wastewater

Wastewater is provided by an existing permitted on-site wastewater treatment system (OWTS).

3. Emergency Services

The parcel is located within the Tri-Lakes-Monument Fire Protection District. The District was sent a referral and has no outstanding comments.



4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc. (MVEA) and natural gas service is provided by Colorado Springs Utilities (CSU). Both utility providers were each sent a referral and have no outstanding comments.

5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district.

6. Schools

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

I. APPLICABLE RESOLUTIONS

See Attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues.

K. 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 5.3.2 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

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 thirty (30) 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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twelve (12) adjoining property owners on September 22, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
Public Responses
Signed Planning Commission Resolution
Adopted Planning Commission Minutes
Draft BOCC Resolution



El Paso County Parcel Information

File Name: AL1918

Date: September 7, 2022

PARCEL	NAME	ADDRESS
6100000489	Steve Rael	18220 Highway 83



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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August 29, 2022

C/o El Paso County Planning Department
2880 International Circle, Ste 110
Colorado Springs, CO 80910

Re: Letter of Intent – Rael Storage – Special Use RHOC – AL1918

Property Address: 18220 State Highway 83, Colo. Spgs., CO 80908
Tax Schedule #61000-00-489

To whom it may concern:

Please accept this letter of intent from CTR Engineering, Inc. for a special use permit for RV/Trailer storage.

Site Location, size, and zoning:

This project is located along Highway 83, South of Highway 105 and east of the Canterbury East Subdivision. The property is 40.2 +/- acres, surrounded by other large land parcels to the north and south, Highway 83 to the east and RR-5 (horse and pastureland) to the west. The property is zoned RR-5.

Background:

This property owner wishes to reduce his current storage spaces from 42 to 25 spaces for RV/trailer's storage only, which is less than 2% of his overall land. Just north of this property is a barn and additional horse-riding areas. Horse trailers are parked weekly at the property to the north along with trucks and cars for people to ride their horses. Currently the existing RV/trailers are parked along the fence lines there is a no build area on the other side of the fence.

Existing and Proposed facilities, structures, roads, etc:

No onsite or offsite roadway improvements are required for this application. The land consists of an existing single-family home, horse out-barns, and horse-riding arenas.

Water Supply and Sewer Sanitation Services:

All land in this area is on well and septic. Electric and gas are provided to the existing residential home. No additional utilities are required for the storage area.

Drainage Improvements:

No drainage improvements are required. No grading is proposed. The RV/Trailers park on the grass.

Access:

This property along with an additional large lot located north of this project share an access off Highway 83. RV/trailers will share this same access point.

Necessary Service:

All necessary services, including police and fire protection, and transportation systems, are available to serve this location.

Fire Protection:

Tri-Lakes-Monument Fire Protection District will provide fire protection for this area. No waterlines exist within this area of the County, the potential for stored RV/Trailer fires is remote. The RV/Trailers are unoccupied.

Offsite & Public Improvements:

No offsite or public improvements will be required with this special use request.

Mining Deposits:

No mining deposits existing within this property.

Signage:

The LDC allows for 2 signs not to exceed 6sf and 8-feet in height. There are 3 existing signs on the property because two of them are for the horse stables and riding center, which is jointly owned by this property owner and the property owner to the north. This property owner is asking for a variance to the two signs rule to allow for 3 signs. The dimensions of the signs are as follows: First (6'x5'x8'H), second (5.9'x2.3'x8'H), and third (6'x2.4'x8'H). Because these existing signs are along Highway 83 they exceed the 6sf area the property owner is asking for a waiver of the 6sf maximum limit.

Land Use and the El Paso County Policy:

This project follows the same land patterns as set forth in the approve County zoning code for RR-5.

Request & Justification:

RV/Trailer for the current land zoning is acceptable, with a special use permit.

5.2.29.B.7 Rural Home Occupation Standards

(C)Rural Home Occupations as a Special Use.

(2) Intent. The intent of allowing a rural home occupation as a special use is to provide a mechanism by which a business owner or entrepreneur may reasonably establish or expand their home occupation on a large residential, forestry, or agriculturally zoned property in manner that protects neighboring properties from extreme or unreasonable impacts.

Allowed Home Occupations. The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met:

- Vehicle storage

Response – The owner is asking for Vehicle storage as a use as allowed in the County Land Development code. Furthermore, the storage area will have no extreme or unreasonable impact on neighbor's properties as home prices in the area continue to skyrocket.

(4) Minimum Lot Size Required. A rural home occupation is allowed on any parcel that is 35 acres or more in area.

Response – The proposed project is located on 40.2 +/- acres of land.

(7) General Standards for Rural Home Occupation. Rural home occupations shall conform to the requirements and standards of a residential home occupation with the following specific allowances:

(a) Outside Storage and Work Areas Allowed. Outside storage, parking and work areas are allowed provided these are set-back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas.

Response – A minimum setback of 50-feet will be used. The storage area will be less than 0.5 ac +/- . Screening standards will be followed.

(b) Employees. A maximum of 2 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel.

Response – There will be no employee.

(c) Trips Generated by Home Occupation Limited. The total number of one-way vehicle trips generated by the rural home occupation shall not exceed an average of 20 per day.

Response – With less than or equal to 25 storage vehicles, the trips per day will be well under 20 per day.

(d) Inoperable Vehicles. A maximum of 10 inoperable non-agricultural vehicles shall be allowed in conjunction with the rural home occupation.

Response – There will be no inoperable vehicle allowed. All trailers/boats/RV's can be moved in and out of the property.

(e) Environmental Impacts. The rural home occupation shall not result in any generation of solid waste or hazardous substances or petroleum or excessive noise, vibration, dust, glare, drainage, erosion or other environmental impacts to surrounding lot or parcel owners.

Response – There will be no environmental impacts.

(f) More than One Home Occupation Allowed. More than one rural home occupation is allowed on a single property, provided that aggregate impacts are limited to those allowed by this Code.

Response – No more than one home occupation is being requested.

Per LDC Sec. 5.3.2 (C). Special Use

• The special use is generally consistent with the applicable Master Plan;

Response – 2000 TRI-LAKES Comprehensive Plan, Goal 7.1.1 To allow for a balance of mutually supporting interdependent land uses, including office, commercial, light industrial, and residential which provide for employment, housing, and services.

This storage area provides needed income to the property owner and meets this intent. The proposed storage use is in line with the County Master Plan for ranch property.

• The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;

Response – Per County LDC, the storage of RV/Trailers is an allowable land use. The surrounding area to the north is horse property with horse trailers storage. To the south and west is large horse properties with barns and pastures and resident RV storage. To the east is Highway 83. On the east side of Highway 83 is the new school and large forested single family lots.

• 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;

Response – The proposed use will have no impact on any public facilities.

- The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;

Response – There will be no congestion or traffic hazards as people normally only use their RV/Trailers once or twice a month on average. There is an existing legal access off of Highway 83.

- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;

Response – This special use will not have any pollutants.

- 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

Response – The special use will not have any effect on public health or safety.

- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

Response – This special use does conform to all County rules.

5.2.40. Outside Storage

(A) Applicability. All outside storage is subject to the requirements of this Section.

(B) Outside Storage Standards. Outside storage shall meet the following standards.

- (1) Materials to be Stored and Principal Use Required. Outside storage may include vehicles, raw materials, supplies, finished or semi-finished products or equipment used in conjunction with, and specifically accessory to, an allowed principal use conducted on the premises unless listed as a principal use. Outside storage of inoperable vehicles or equipment in a location other than the salvage yard is only permitted to the extent allowed in the Parking, Storage and Repair of Vehicles and Machines, Personal Section of Chapter 5 of this Code, provided the standards of that section are met. Employee or customer parking or outdoor sales and display areas shall not be considered outside storage.

Response – Only trailers/boats/RV's are being stored and can be moved in and out of the site. No inoperable vehicles will be stored. No employee or customer parking or outdoor sales and display areas will be included in the storage area.

- (2) Materials Screened by Solid Fence or Vegetation. Outside storage shall be enclosed and concealed by a solid fence or wall at least 6 feet in height or any combination of berming, shrubs, trees fencing or walls which will provide at maturity a minimum of 6 feet of height and 100% opaque screening for the area utilized for outside storage.

Response – A 6-foot tall fence will be used on the north, south and westerly side of the storage area. Pine trees will be used for screening on the easterly side of the storage that faces Highway 83.

- (3) Outside Storage Not to Exceed Height of Screening. Outside storage or stacked materials shall not exceed the height of the screening fence except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component.

Response – Only operable vehicles will exceed the height of the screening.

- (4) Storage of Equipment and Vehicles Exceeding Height of Fence. All equipment and vehicles exceeding the height of the fence shall be stored on the rear 1/3 of the property except when adjacent to a residential zoning district, in which case the equipment or vehicles shall be a minimum 50 feet from the residential zoning district boundary.

Response – Storage is in the rear of the lot, but next to residential zoning, so the storage area will be 50-feet from the property line.

(C) Relationship to Site Development Plan. Outside storage areas shall be so identified on the site development plan prior to the establishment of the outside storage use.

Response – The storage area will be identified on a site development plan.

Landscape requirements for outside storage:

Section 6.2.2.G.1.f Site-Specific Landscaping Standards. The site-specific landscaping shall reflect a combination of berms, shrubs, trees, fences or walls which will provide, at maturity, a minimum 6 foot high, 100% opaque screening for the outside storage area.

Response – A 6-foot tall fence will be used on the north, south and westerly side of the storage area. Pine trees will be used for screening on the easterly side of the storage that faces Highway 83.

Parking

Section 6.2.5.C.2.c.iii Paving in Rural Areas. Parking areas for more than 25 cars in rural areas shall be paved with asphalt, concrete, Modular Porous Block Pavement or the equivalent. Parking lots for less than 25 cars in rural areas may use rock or gravel or other measures instead of pavement to prevent erosion or runoff of sediment and other contaminants and tracking of sediment onto paved roadways. Any access to a paved County-maintained road shall be paved for a distance of at least 50 feet from the paved County road.

Response – Only 25 vehicles will be allowed in the storage area. Natural grass areas will be used for the storage area to prevent erosion or runoff of sediment. The access road is cold mix asphalt for more than 50-feet.

Contact Information

CTR Engineering, Inc. is a full-service planning and engineering firm, representing Maingate Enterprises LLC (property owner). The following is the contact information for both parties.

Owner:	Consultant:
Maingate Enterprises LLC	CTR Engineering, Inc.
Steve Rael, Manager	Jonathan Moore, P.E.
18220 State Highway 83	16392 Timber Meadow Drive
Colo. Spgs, CO 80908	Colo. Spgs, CO 80808
Ph: 719-339-0836	Ph: 719-964-6654
Email: sraeljr@sprintmail.com	Email: Jonathan.moore@ctrengineering.com

We trust you will find our application for RV/Trailer Storage Special Use Permit acceptable. We look forward to working with the County in processing this application and resolving any outstanding issues.

Sincerely,
CTR Engineering, Inc.

Jonathan Moore

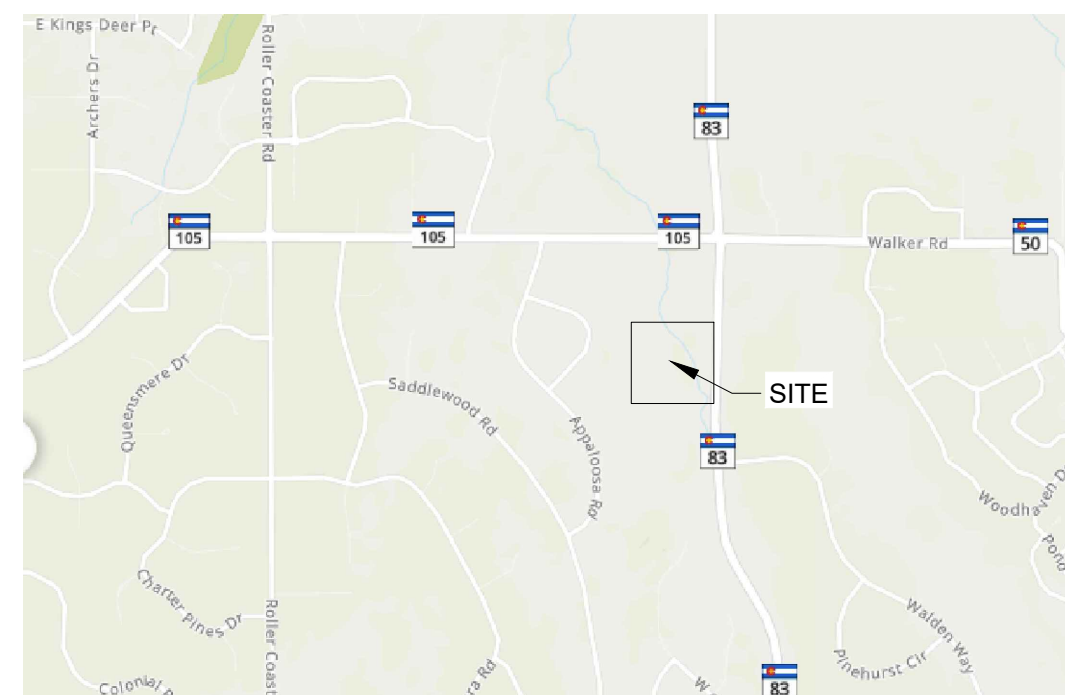
Jonathan Moore, P.E.
Principal



1-800-922-1987

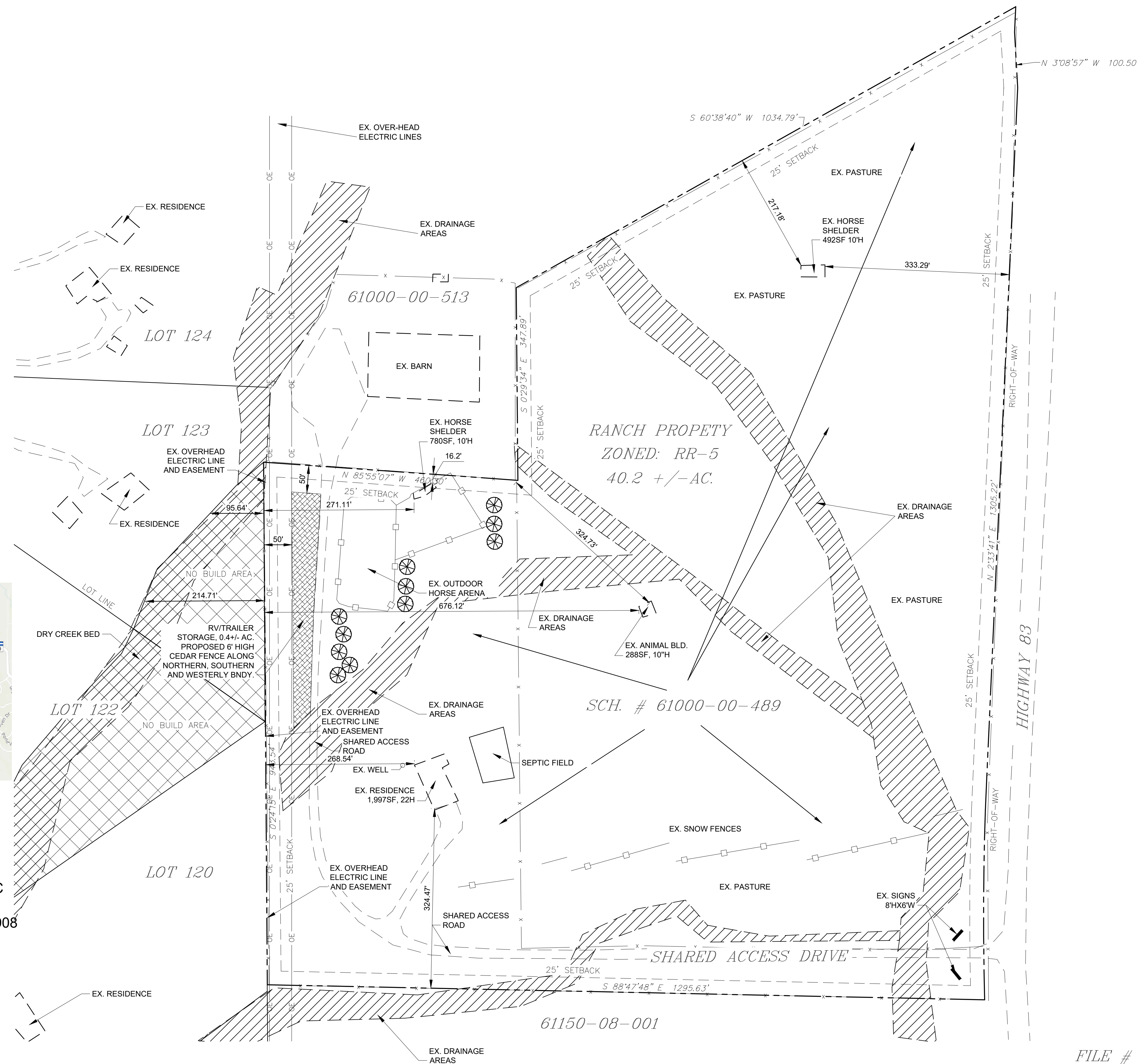
NOTE:

- 1) AN EXISTING OVERHEAD ELECTRIC LINE RUNS ALONG THE WESTERN PROPERTY LINE WITH A NO BUILD EASEMENT.
- 2) THE SUBDIVISION TO THE WEST CONTAINS A NO BUILDING AREA NEXT TO THE WESTERN PROPERTY LINE WITH A MINIMUM DISTANCE OF 95' AND 214' IN THE MIDDLE.
- 3) THE MAJORITY OF PROPERTY IS PASTURE (98.2%) WITH THE EX. HOUSE BEING APPROXIMATE. 4,253 SF.
- 4) PROPOSED STORAGE AREA IS 1.0% OF THE TOTAL SITE.
- 5) EXISTING FENCES ARE ALL BARBWIRE, 4- FEET TALL. .
- 6) NO OUTSIDE LIGHTS ARE PROPOSED.

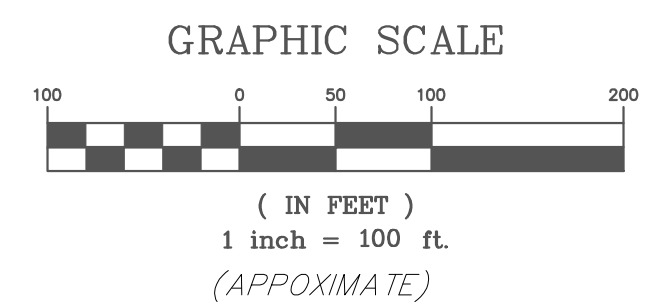
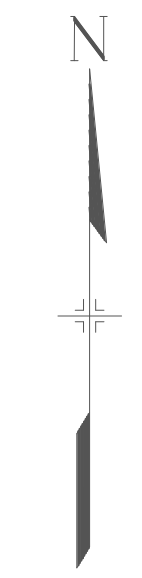


VICINITY MAP
N.T.S.

Owner/Applicant: Maingate Enterprises LLC
Steve Rael, Manager
 18220 State Highway 83 Colo. Spgs, CO 80908
 Ph: 719-339-0836
 Email: sraeljr@sprintmail.com



THE LOCATIONS OF EXISTING ABOVE GROUND AND UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE CAUSED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL ABOVE GROUND AND UNDERGROUND UTILITIES.



LEGEND

- EXISTING PROPERTY LINES
- x- EXISTING 4' BARBWIRE FENCE
- EXISTING 6' CORRAL FENCE
- ▨ NO BUILD AREA
- ⊗ 11-EVERGREEN TREES (20'Hx14'W)

NO.	DATE	DESCRIPTION	BY
REVISIONS			
CTR Engineering, Inc.			
16392 TIMBER MEADOW DRIVE COLORADO SPRINGS, CO 80908 (719) 964-6654			
PROJECT: RAEL STORAGE SPECIAL USE RHOC			
BENCHMARK:			
PROJECT TITLE: RV/TRAILER STORAGE			
SHEET TITLE: SITE PLAN			
DESIGNED BY: JCM	SCALE: 1"=100'	DATE ISSUED: AUGUST 2022	
DRAWN BY: JCM	V:	SHEET NO. 1 OF 1 SHEETS	
CHECKED BY: JCM			
DWG:			

FILE # AL1918

C:\RV Site\CAD\Site Plan.dwg, 8/25/2022 9:41:16 AM

Ryan Howser

From: jillfowler@earthlink.net
Sent: Thursday, August 11, 2022 2:14 PM
To: Ryan Howser; IVAN PAM ANTHONY; chairman@canterbury-hoa.com; Lynn Davis
Cc: Joe Letke; Mindy Madden
Subject: Re: Rael Storage Meeting

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.

Ryan,

I am responding on behalf of Mr. Rael's opposing neighbors who were invited to participate in this meeting. Because the intent of this meeting is to discuss options for Mr. Rael to be able to meet the County's code and regulations towards mitigation of the Code violations, we respectfully decline to attend this meeting. We see the Code as objective standards that Mr. Rael must meet and we are not experts in this area nor are we in a position to understand what the Board of County Commissioners may or may not approve.

Now that the setback variance request has been disapproved, it appears that significant changes will need to be made to Mr. Rael's last Special Use Letter of Intent dated December 29, 2021. We don't feel it is our place to help determine what revisions would need to be made in order to mitigate the Code violations – that is Mr. Rael's responsibility and obligation. We believe it would be inappropriate for his layman/women neighbors to be intimately involved in the decisions he now needs to make regarding the RV Storage or the revision process at this time.

That being said, our expectation is that Mr. Rael's revised site development plan/letter of intent fully complies with the Code, with no further requested exceptions, waivers, or variances should this proposed special use ultimately be approved. The County's various departments are expert in interpreting and applying the Land Development Code's requirements. Therefore, we neighbors defer to the County's expertise to review, comment on, and direct changes to the Rael Storage Site Development Plan and Letter of Intent.

If and when Mr. Rael's revised plan is submitted and various County departments have the opportunity to review it, we neighbors will also be able to better understand the experts' evaluations with particular attention to the location, setback, screening, landscaping, lighting, parking area surfacing, signage and reseeded requirements as stated in the Code. Once the Plan meets all Code requirements, it will then be up to the Board of County Commissioners to review and determine whether or not Mr. Rael's Special Use meets the criteria established in the Code to justify approval.

Given the number of years that Mr. Rael has been operating and growing his business while in violation of the code and considering that his setback variance request has been denied, we would ask that he extend a gesture of good faith at this time and move the RVs/trailers off of our property lines to some other temporary location without delay while he continues to go through the approval process.

By the way, one inaccuracy in Mr. Rael's last Letter of Intent for the Special Use (December 29, 2021) that we would like to see omitted from any revision of the Plan is the assertion that the value of neighboring residential properties will not be affected by an adjacent commercial business.

We look forward to a timely resolution to this matter.

Sincerely,

Jill Fowler

Lynn Davis

Ivan Anthony

-----Original Message-----

From: Ryan Howser <RyanHowser@elpasoco.com>

Sent: Aug 5, 2022 4:28 PM

To: IVAN PAM ANTHONY <AnthonyEnterprz@msn.com>, jillfowler@earthlink.net <jillfowler@earthlink.net>, chairman@canterbury-hoa.com <chairman@canterbury-hoa.com>, Lynn Davis <hotsauceangel1@gmail.com>

Cc: Joe Letke <JoeLetke@elpasoco.com>, Mindy Madden <MindyMadden@elpasoco.com>
Subject: Rael Storage Meeting

Hello,

Mr. Rael has reached out to the County regarding the use of his property and has requested that the Planning and Community Development Department facilitate a meeting between him and the aggrieved parties that have submitted formal opposition. This meeting is intended to discuss options for Mr. Rael to be able to meet the County's codes and regulations through the open special use permit application e has submitted. I want to be very clear that this is not intended to be an avenue to voice complaints. The intent of this meeting is to have a discussion towards mitigation of the Code violation. It is not the County's goal to deny or approve Mr. Rael's application, but to provide him with the opportunity to present his case in order to try to meet all of the Codes and regulations. The County is a neutral party and a facilitator in order to explain the Code. The County cannot enforce neighbor concerns or suggestions if they do not align with the Code; however, if Mr. Rael is agreeable to anything above and beyond the minimum requirements, that will be up to him. The County is only legally allowed to enforce the Code requirements.

Mr. Rael has scheduled the meeting with the County for Wednesday, August 17th at 2:00 pm. Please contact me directly if you would like to attend the meeting to discuss this project. The meeting will be at the Planning and Community Development Department at 2880 International Circle, Suite 110.

Thanks,



Ryan Howser, AICP

Planner III

Planning & Community Development

2880 International Circle, Suite 110

Colorado Springs, CO 80910

719.520.6317 (Office)

<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <http://ecpdevplanreview.com>

To review all El Paso County projects in **EDARP** go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2021) go to:
https://library.municode.com/co/el_paso_county/codes/land_development_code

Ryan Howser

From: IVAN PAM ANTHONY <AnthonyEnterprz@msn.com>
Sent: Friday, September 16, 2022 6:29 PM
To: Ryan Howser
Subject: AL1918 Rael variance request

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My name is Ivan Anthony. My property borders the Rael property and my address is 17925 Appaloosa Rd 80132. I am in total opposition to this commercial variance request AL1918 to store trailers on Mr. Raels property. I am able to list several reasons why , but I believe that is for a later date when necessary. Please inform myself when to do this!

Thank You Ryan for your service.

Regards Ivan Anthony

Ivan Anthony
Anthony Enterprises
719-648-0111
<http://ColoradoSyntheticLubricants.com>

Ryan Howser

From: treasurer@canterbury-hoa.com
Sent: Friday, September 16, 2022 11:44 AM
To: Ryan Howser
Cc: Board
Subject: Opposition to Steve Rael Storage RHOC -- File AL1918 et al

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Dear Mr. Howser,

First, our HOA Association thanks you for sending us notice of the Rael Storage RHOC application, file AL1918.

Second, our HOA Association, the Canterbury Improvement Association, Inc., representing the Canterbury East and Canterbury West subdivisions which are collectively known as Canterbury Estates, wishes to register its opposition to the subject application made by Steve Rael for a commercial Trailer-RV-Boat storage operation adjacent to our neighborhood.

Please keep our Association advised of when our opportunity will be to fully lay out the reasons why the Rael Storage Rural Home Occupation application should be disapproved by El Paso County.

Yours truly,

David Ellis

Treasurer and Registered Agent

Canterbury Improvement Association, Inc.

P.O. Box 333

Monument, CO 80132-0333

website <https://www.canterbury-hoa.com/>

cc: Board of Directors, CIA Inc.

**"My name is _____ and I oppose the
Administrative Special Use Request for Steve Rael Storage Rural
Home Occupation which is your File number AL1918. My address in
the Canterbury East neighborhood is _____ ,
Monument, CO 80132.**

Ryan Howser

From: Lynn Davis <hotsauceangel1@gmail.com>
Sent: Friday, September 16, 2022 4:19 PM
To: Ryan Howser
Subject: Rael Storage - Special Use RHOC -AL1918 Opposition

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Dear Mr. Howser,

First, thank you for sending me notice of the Rael Storage RHOC application, file AL1918.

Second, I wish to register my opposition to Steve Rael's application for a commercial Trailer-RV-Boat storage operation adjacent to my neighborhood.

Third, Mr. Rael has yet to comply with the 50 foot required set back distance, and it has been more than 30 days.

Four, In my opinion a 6-foot fence and landscaping will not hide a 14-foot trailer.

Five, I believe that his property is RR 5. In which, I don't think he should be allowed to run a business that increases traffic in the area as it could also affect property value in a negative connotation. It will set a precedent for more commercial buildings to come into our area that is meant to be residential.

Yours truly,

Anne Davis

Homeowner in Canterbury

Ryan Howser

From: Laura Davis <lauradavis.jlj@gmail.com>
Sent: Friday, September 16, 2022 9:38 AM
To: Ryan Howser
Subject: Opposition to Steve Rael Storage RHOC

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I apologize, I forgot to include a subject in my previous email. See message below. Thank you.

----- Forwarded message -----

From: Laura Davis <lauradavis.jlj@gmail.com>
Date: Fri, Sep 16, 2022, 9:35 AM
Subject:
To: Ryan Howser

Our names are Laura and Brenden Davis and we wanted to record our opposition to the Administrative Special Use Request for Steve Rael Storage Rural Home Occupation which is your File number AL1918. Our address in the Canterbury East neighborhood is 17815 Appaloosa Rd , Monument, CO 80132.

This area is a rural area, not a commercial business area. Our property values decrease when commercial activities that are found in more urban areas border our properties. In addition, HWY 83 is not set up to handle commercial traffic at this location and accidents due to trailer traffic, particularly making left turns, would be a serious concern.

Thank you for taking the time to record our opposition.

Laura and Brenden Davis

Ryan Howser

From: jillfowler@earthlink.net
Sent: Wednesday, September 14, 2022 11:17 AM
To: Ryan Howser
Subject: RE: RE: Rael RV Storage

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Hi Ryan,

Thanks for the quick response. I appreciate it. I think I have some follow up questions, but I will sit on it for a little in order to try to avoid unnecessary back and forth.

It was never my intention of carte blanche giving up my right to oppose the special use permit - I was actually holding off on making that decision until I saw a finalized, code compliant plan. To date, the County's process has forced me to compartmentalize issues vs. addressing the whole picture, and most recently I needed to focus on the variance request and the special use separately. Since you and others made it very clear that it wouldn't serve any purpose to address the special use itself at the BoA meeting (you were right about that, by the way as one of the Board members admonished the group and suggested other presenters stick to the variance criteria as they weren't there to vote on the special use), I did not want to use any of my precious 3 minutes to address anything regarding the special use. In fact, I was the only one at the meeting in July who stuck to the variance criteria - everyone else, including Jonathan Moore, Rael, Dunston, etc. all spoke to how the RV storage was offering such a great service to the community and shouldn't be taken away.

Because Rael has been saying (and writing) all along that he wasn't able to meet the 50 foot setback in the current location due to access/egress issues and spelled out that the storage is between an existing roadway and a fence which cannot be moved, that led me and everyone else to believe that he had no other option but to relocate the storage to another area on his property if he had to meet the 50 foot setback. Based on our previous conversations as well as your redline comments on the site map, I believe you and others in the County were also going on the premise that he would have to relocate the storage to comply with the code based on what he presented. I never even considered that he now would essentially say "just kidding" and wouldn't relocate the storage elsewhere on his property. In fact, Rael outlined all of the extra cost and reasons why he could not relocate the storage elsewhere, so even he presented it to the County and to the Board as if he had no other options but to get the 30 foot variance approved. As you know, that was the basis of my opposition statement for the variance request and no one said anything otherwise (like, "we could move it 50 feet, but we just don't want to..." It was all based on "can't"). Turns out, he essentially lied about this for his own personal gain (and yet another delay tactic).

At this point, because Rael has been dragging his feet on this and has been less than truthful and forthright during this entire process, and because he has not made one good faith gesture to move those RVs off my property line even a little after his variance request was denied, I **do intend** to oppose the special use permit and wish to speak at the public hearings. And, I know most, if not all of the others, who were in opposition to the variance request will also be opposing the special use permit. Had he simply relocated the storage to another area on his property, like we all thought he had no choice but to do based on everything he stated, we might not be in this same place.

I believe I can make a case that Rael's request does not meet all of the special use criteria, nor do I believe he meets the Intent of a Rural Home Occupation as a Special Use. He is choosing to locate the storage where it has the most negative impact on me and my other neighbors and I am meeting with my real estate professional today to start the process of quantifying and documenting that impact. He had other options on his 40 acre property to mitigate negative impact for everyone concerned vs. just taking his personal preferences into account (I will add that at this point his current actions come across to me as spiteful). In my verbal opposition, I will plan to speak to the relevant criteria in the Code. The Special Use criteria and Rural Home Occupation as a Special Use seems a bit more subjective than the Variance criteria, and I am aware that I may not get the outcome I would like. But I feel like I might have just as much chance of prevailing as Rael has. On the other hand, if I do nothing at this point, then I'm fairly certain the special use permit would be approved out right since he would theoretically be in compliance with the Code in terms of setback, screening, etc.

I still would like a better understanding of the difference in focus of the Planning Commission meeting from the BoCC so I know where my focus should be on my verbal remarks. Could you please give me a call when you have a few minutes so we can discuss? Thank you.

Jill

-----Original Message-----

From: Ryan Howser <RyanHowser@elpasoco.com>
Sent: Sep 13, 2022 8:48 AM
To: jillfowler@earthlink.net <jillfowler@earthlink.net>
Subject: RE: RE: Rael RV Storage

Jill,

Please see below for answers to all your questions. Let me know if you have any questions. If you are opposed and wish to speak in the public hearings, please let me know.

-----Forwarded Message-----

From: <jillfowler@earthlink.net>
Sent: Sep 9, 2022 3:57 PM

To: Ryan Howser <RyanHowser@elpasoco.com>

Subject: RE: Rael RV Storage

Hi Ryan,

Thanks for the heads up on this. I'll just say straight up that it is very interesting that all along, Rael has been saying (in writing as well) that he can't comply with the 50 foot setback in the current location due to access/egress issues as well as the fact that the storage is between an existing roadway and a fence which cannot be moved. His variance request was even based on this premise. Well, it's a MIRACLE! Turns out he apparently was not being forthright since now he is simply going to move everything out 50 foot after his variance request was denied. This is yet another example about why I am concerned about what is accurate and what is inaccurate in his site plan and letter of intent and I have always wondered who validates what he submits.

That be as it may, I do have some questions. Since I have a few, I wanted to email them to you so you had the opportunity to do any research, if required. Hoping we can talk about these once you are ready in case I have any follow up questions and to avoid back and forth emails.

1. Re: the 6'foot, 3 sided privacy fence - where will the fence be located? Is it at the 50 foot setback line on the north and west side (the south side is a moot point) or somewhere else? If it's less than the 50 foot setback requirement, what will be put in place so the RV owners know where the 50 foot mark is?

The fence is required to be located surrounding the entire storage use. It will need to meet the 50 foot setback requirement.

2. Regardless of where the fence will be located, is Mountain View OK with a fence potentially still in the utility easement?

If the fence is 50 feet from the property lines, it will no longer be located in the MVEA easements.

3. I assume he went with 25 trailers so he can continue to simply park everything on the grass/weeds/dirt? I think I remember at the BoA meeting that someone said there needs to be parking gravel or something else for anything more than 27 trailers. (And before anyone thinks he is being the big man by reducing the number of proposed trailers by almost half, there was no way he was ever going to get 45-50 trailers in the space he has always had designated as the RV storage area. The most I have seen in that area along my property line was 27 and there was no room for others. I had always wondered how he thought he was going to get up to 50 trailers in unless it extended beyond my southeast property line on to my neighbors property and outside of the area he had designated on the site map. But, I was told that I don't need to worry about that, because if anything was approved, he would be held to whatever area he designated on the map.) I assume all of the other stuff he has parked beyond my property line and on the property line of my neighbors to the south will have to be removed or moved, if it fits in where he has outlined it on his map.

Correct. He has elected to keep the number of vehicles stored at 25 to meet this requirement.

4. How is the rear of the property determined? I'm referring to the code where it talks about Storage of Equipment and Vehicles, specifically "All equipment and vehicles exceeding the height of the fence shall be stored on the rear 1/3 of the property except when adjacent to a residential zoning district..." I know that's what is partly resulting in the 50 foot setback requirement, but I'm curious what the rear of the property is, especially since there is at least one side of his property that is not adjacent to a residential zoning district. When I think rear, it seems like it's the property at the back of the residence, which in this case would be on the north side of his property. But, maybe it's determined based on the access off of Highway 83?

The rear of his property is the site adjacent to your property. His 'front' is the side facing Hwy 83.

5. Is there some setback requirement off of the access roadway going into a commercial business? Or, is it within code to possibly have the hitches/front of some of those RVs just inches from the access road?

Everything that is being stored is required to be enclosed within the fenced area.

6. What is the specific purpose of the Planning Commission meeting? Is it a public hearing that anyone can speak at? If so, I assume we get only 3 minutes each to speak? I'm thinking the meeting is just to confirm that the Site Plan and letter of Intent meet the requirements of the Code in order to have the BoCC review the special use? If that's the case, I'm trying to figure out if there is a purpose of me attending and/or speaking at that meeting. Just trying to assess what I would need to speak to since my opposition of the use is not approved or denied at this meeting but rather the BoCC?

This is correct. Special use permits by default are considered administratively by the Planning and Community Development Director. The hearing is the Director's decision if there are neighbor concerns. That is why we sent out the mailings advertising administrative approval, since the gauge we received from the neighbor input several weeks ago seemed to imply that your opposition (and the others that had issued formalized opposition statements) would go away if he demonstrates that he meets the Code requirements. Since it is not clear and I don't want to eliminate neighbor involvement, we have given the option – if neighbors are still in opposition and wish to speak at the public hearing and have substantial evidence that the project does not meet the special use criteria, I will need confirmation in writing (you can reply to this email to confirm). Planning Commission is advisory to the BoCC so they make a recommendation based on the testimony they hear and then the BoCC makes the final decision. I would recommend if you are opposed that you attend both hearings and plan to speak at both hearings.

7. If I decide it makes sense for me to speak (depending on what I am speaking to), is there a way to contact the Chair of the Planning Commission to get approval ahead of time to speak for up to 6 minutes? Again, that will depend on what I might need to be ready to address, but I want to be prepared ahead of time. (What I'm trying to get at here is that at the BoA meeting, I knew I needed to speak to the variance criteria. And, at the BoCC, I need to speak to the special use criteria. I'm trying to understand what I need to direct my remarks toward for the Planning Commission meeting, if that makes sense - and I'm not asking you to advise me on what to say; I just need to know where I am best served to place my focus.) FYI that I plan on

contacting the County Clerk ahead of time to ask for 6 minutes at the BoCC meeting. I know at least one of my neighbors is agreeable to having me take his time at the meeting.

You would need to have someone else present who is also opposed and wishes to donate their time to speak to you in order to increase your time. They must be present at the hearing and it will waive their right to speak. Same concept applies at BoCC.

8. Am I reading the site map correctly? All of the previous versions show the round pen on the northern end of Rael's property, but this revised one does not. I'm thinking he is planning on taking out the round pen and possibly moving the storage area further north?

Correct.

9. Everything I see shows that the storage area is less than 2% of the overall land. Is there anywhere where the actual dimensions are indicated?

This is accurate. It is approx.. 1% of the property under the current configuration.

10. I found info in the code regarding Recreational Vehicle Setback Standards. It indicates that a 20 foot setback from other recreational vehicles is required. I assume that applies to this storage? Currently the RVs are stored less than 20 feet from each other in most cases.

That is specific to the RVP (RV Park) zoning district and does not apply to storage of vehicles. It is intended for situations where people are residing in RVs in an RV park.

11. Also, there is a 25 foot setback from local or collector roads (this relates to question #5 below). Rael has called the road in front of the storage an "access" road and a "roadway" but I don't know how that might be different from local or collector roads.

The 'road' across his property is not a road per our standards. It's a private driveway. The Code you reference only applies to setbacks from roadways.

12. Lastly, I noticed on EDARP that you sent a letter out on September 7. I imagine we will get that any day now, but I'm confused about it. It indicates that the Planning and Community Development Director may make a formal decision on 9/22. How is that different from the Planning Commission meeting that you said would likely be October 20th? And I thought it was a public hearing?

13. The letter also says the approval process may be elevated to the BoCC for consideration. I'm confused on that as well because I thought BoCC is the one who approves or denies the special use request? And, you told me that would likely be November 2. I'm confused.

These last two questions are answered in my response to question 6 above. We are prepared to take this case to the October 20th and November 1st hearings if it is going to be elevated to a public hearing.

Thanks for your time Ryan. Please give me a call to discuss at your convenience.

Jill

719-660-4349

-----Original Message-----

From: Ryan Howser <RyanHowser@elpasoco.com>

Sent: Aug 30, 2022 1:28 PM

To: jillfowler@earthlink.net <jillfowler@earthlink.net>

Subject: RE: Rael RV Storage

Jill,

They resubmitted the applications today. I am anticipating a Planning Commission hearing of October 20th and a Board of County Commissioners hearing of November 1st.

From: jillfowler@earthlink.net <jillfowler@earthlink.net>

Sent: Monday, August 29, 2022 5:01 PM

To: Ryan Howser <RyanHowser@elpasoco.com>

Subject: Rael RV Storage

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Hi Ryan,

I know Rael's revised application needs to be in by today, but I don't yet see it on the website. Can you please confirm that this is where it will be posted?

<https://epcdevplanreview.com/Public/ProjectComments/111156>

Thanks.

Jill

Ryan Howser

From: Joanne Jensen <champy719@gmail.com>
Sent: Friday, September 16, 2022 9:51 AM
To: Ryan Howser
Subject: Opposition to Steve Rael Storage RHOC - File Number AL1918

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My name is Joanne Jensen and I oppose the Administrative Special Use Request for Steve Rael Storage Rural Home Occupation which is your File number AL1918. My address in the Canterbury East neighborhood is 2645 Mohawk Way, Monument, CO 80132.

Ryan Howser

From: Greg Curnow <gbcurnow@comcast.net>
Sent: Wednesday, July 27, 2022 6:02 AM
To: Ryan Howser
Subject: Whispering Winds Farm - Steve Rael Jr

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.

Hello Ryan,

I am providing this statement on behalf of Steve Rael jr of Whispering Winds Farm.

My name is Greg Curnow of 780 Sage Forest Lane, Monument, CO. I have been storing my camper at Whispering Wind Farms for the past 2 years. The RV storage is only 8 minutes from my house, so needless to say, it is very convenient for me personally. I feel Steve's contract has the safety of the community in mind since it addresses items that you can't store in your RV when the RV is on his lot. His contract also outlines the 'do's and don'ts' concerning maintenance issues you can address while the RV is on his site. Over the years, I have never encountered any traffic issues at the lot. Steve has the lot setup for 'easy in/easy out'. The road in and out of Whispering Winds Farm is is well maintained. The storage area is also well maintained and organized. Steve provides a great service to the people in the community, and I feel he should be able to continue with his RV Storage lot.

Thank you,

Greg Curnow
Space #16 Whispering Winds Farm

Subject: Alleged code violation at Highway 83 property

Attention El Paso County Board of Commissioner's,

Recently, I was made aware that Jill Fowler brought forth a code enforcement complaint to the El Paso Board of County Commissioners (BOCC) regarding Steve Rael's RV storage located on his property at 18220 Highway 83. I have been renting an RV storage site on Steve's property for several years now shortly after moving to the Monument area. As I'm sure you are currently aware, RV storage space in and around Monument is difficult to find and extremely expensive. Steve's RV storage provides for a convenient location at a fairly reasonable cost.

What I can tell you about Steve's RV storage is that the property is well maintained and the frequency with which vehicles travel into the storage area is minimal. Steve keeps the road maintained and free from dust or dirt blowing around. The majority of traffic in and out of his property is centered around the horse and stable activity.

Why do I bring this to your attention? I do not know the background on this situation or whether Jill has personal issues with Steve, or whether this is nothing more than an ongoing neighbor dispute. Simply, it is apparent that Steve isn't trying to hide his business-in fact, he advertises the business and maintains the property. The storage slots are all numbered and units are parked orderly along the property line. The separation between Steve and Jill's property is clearly marked.

Jill admits in her remarks to the board in June that Steve initiated the special use process approval in 2019. It is abundantly clear that she is not happy with the legal process and the length of time it has taken for this issue to be resolved. It is also unfortunate that one neighbor, without overwhelming majority neighbor support can push this issue through a county board before the process or approval can be completed, and to allow the home owner/private property owner his/her due process.

Additionally, I could understand Jill's concern for a screening requirement given another geographical location, but the implementation of screening on Steve's ranch property would certainly be more of a detraction to the natural state of all the surrounding properties than a few RVs. This might be understandable if Jill's view of the mountains was obstructed, which is far from the case. I do not say this to minimize her concern or complaint. I do believe, however, that individuals have a right to due process, and more importantly a right to utilize their private property as they deem necessary.

I am requesting the board give Steve his due process and not be swayed by one disgruntled neighbor to deviate from normal practice. I would also urge the board to physically go to Steve's property to see for themselves that Jill's complaint about screening is unnecessary.

Sincerely,

Roy Ditzler

Ryan Howser

From: Carl O. Graham <carl@carlgraham.com>
Sent: Tuesday, July 26, 2022 10:17 AM
To: Ryan Howser
Subject: Whispering Winds RV Storage

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Mr. Howser,

I am writing in support of Steve Rael continuing to be permitted to store RVs on his property at Whispering Winds Farm..

I have stored my RV there for about two years, and having driven past the ranch on many occasions, have trouble even seeing the trailers from Highway 83.

Whispering Winds plays a valuable role for those of us who live outside city limits - it "levels the playing field" for those of us who cannot store them at home. Moreover, there are no alternative nearby RV storage options, which means driving further distances to Monument or Colorado Springs, and then paying more to keep the RV on a concrete slab.

I urge you to allow us to continue using Whispering Winds Farm for our RV storage.

Thank you for your consideration.

Carl O. Graham
(719) 661-7705.

Ryan Howser

From: William Hardin <whardin@centurylink.net>
Sent: Monday, July 25, 2022 5:22 PM
To: Ryan Howser
Subject: Vehicle/RV Storage on Rael Property

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Dear Mr. Howser,

I am writing in support of Steve Rael and the Vehicle/RV Storage facility he operates on his property off Hwy 83, just North of the Baptist/Rt. 83 intersection. I have personally stored a trailer on the property and would be negatively impacted by any adverse rulings in this petition. Mr. Rael already manages and operates a Riding/Boarding facility for horses with the vehicle storage alongside. Horse trailers commonly come and go, passing the storage area, with some stored therein. As there are RV's that are openly stored in most of the adjacent properties, I would discount any claims of property devaluation or impingement of views, These claims would appear to be quite self-serving and after 18 years of operation, a bit disingenuous. I will be significantly impacted by any actions that might compromise my agreements with Steve Real, as I live in the Settler's Ranch subdivision. I appreciate your consideration of this issue and look forward to hearing of your decision.

Sincerely,

William D, Hardin, Jr., MD
16692 Timber Meadow Dr.
Colorado Springs 80908

Ryan Howser

From: Ang <ang-rad@juno.com>
Sent: Friday, July 22, 2022 12:02 PM
To: Ryan Howser
Subject: Whispering Winds Farm/Maingate Enterprises

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.

Dear Mr. Howser,

For the last 6 years there's never been a problem parking RV's and trailers on Steve Rael's property. (Maingate Enterprises)

Now, all of a sudden, there seems to be a problem.

Wouldn't you think that if someone had a problem with the RV's, they would have said something 6 years ago? Or even mentioned it to Mr. Rael?

I support the continual use of the RV storage.

Thank you for listening.

Angelo Radice

Ryan Howser

From: Virginia READ <readfam4@msn.com>
Sent: Monday, July 25, 2022 6:44 PM
To: Ryan Howser
Subject: RV Storage @ Whispering Pines

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.

Dear sir,

We wish to express our whole-hearted, full support of the RV Storage at Whispering Pines on Hwy 83. As you may or may not be aware, the majority of HOA's in the region prohibit the parking/storage of personal RV's on one's property. This prompts the need to secure a space for that storage when not in use. After great research and inquiries, we have found that availability of safe, reasonably priced, well-maintained and secure space is most difficult to find. Of the few lots that actually have available space for rent the cost is beyond excessive or fair, thus presenting a nearly impossible task.

After such a lengthy search we were most fortunate to find Whispering Pines. Not only is it fairly priced, but most secure as the owner, Steve Rael, lives on the property. Additionally, all protentional clients are screened thoroughly and the number of RV's stored is limited to avoid, heavy traffic and maintain optimal security. Finally, the storage lot, is at least a quarter of a mile off the highway, which is not obvious to anyone unless they are actively looking for it, one additional factor that protects the safety of the RV's on site.

We not only support the continued practice of storing RV's, we also highly recommend continued RV storage at Whispering Pines. We are so grateful to have such a well maintained, and secure site, that is very near our home, in which we can entrust our investment knowing it will remain safe and ready for our use at any time.

Thank you for considering our continued support.

Most respectfully,

David and Virginia Read
16555 Cherry Crossing Dr
Colorado Springs, CO 80921

readfam4@msn.com

SPECIAL USE (RECOMMEND APPROVAL)

Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. AL-19-018
RAEL STORAGE RURAL HOME OCCUPATION

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 this Commission on October 20, 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, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

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

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

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

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will 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, the El Paso County Planning Commission recommends approval of the 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:

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 thirty (30) 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 that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

PATTERSON seconded the adoption of the foregoing Resolution.

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

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	aye / <u>no</u> / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	<u>aye</u> / no / abstain / absent
Jay Carlson	aye / <u>no</u> / abstain / absent
Eric Moraes	<u>aye</u> / no / abstain / absent

Joshua Patterson
Bryce Schuettpelz
Christopher Whitney
Brandy Merriam

aye / no / abstain / absent
aye / no / abstain / absent
aye / no / abstain / absent
aye / no / abstain / absent

The Resolution was adopted by a unanimous vote of 5-4 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20th day of October, 2022, at Colorado Springs, Colorado

EL PASO COUNTY PLANNING COMMISSION

By: Brian Y

Brian Risley, Chair

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

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development

O: 719-520-6300
KevinMastin@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

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

Planning Commission Meeting
Thursday, October 20, 2022
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: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY

PC MEMBERS PRESENT AND NOT VOTING: MERRIAM

PC MEMBERS ABSENT: ERIC MORAES – VIRTUAL AND VOTING

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, LUPE PACKMAN, EDWARD SCHOENHEIT, DANIEL TORRES, CARLOS HERNANDEZ, PETRA RANGEL, MARCELLA MAES, JOE LETKE, AND EL PASO COUNTY ATTORNEY LORI SEAGO

1. REPORT ITEMS

A. Planning and Community Development – Kevin Mastin or Justin Kilgore

Mr. Mastin Planning and Community Development has advertised the Executive Director position. We have received 46 applicants. It will be posted till October 30th, 2022. It will probably be the first of the year before the position will be filled. Matthew Fitzsimmons one of our Senior Planner's has accepted another position. PCD is in the process of hiring a new planner. Will work with HR to look at the correct number of applicants. We are trying to get two out of this next hiring cycle to bring it to a total of eight. I briefed the BoCC about the critical need for two (2) additional planners to bring the total to ten (10). Mr. Mastin thanked the Board members for their efficiency.

Mr. Kilgore Ms. Parsons will be taking over the presentation for 2D and 4D.
Ms. Parsons has some staff report and resolution updates for the Board.

Ms. Parsons in your packets the resolutions are now attached to each item. Conditions of approval were specifically spelled out in those resolutions as well as the findings for each item. That is very consistent with the Board of County Commissioners and their process. To be consistent with the Board of County Commissioners and more transparent as the El Paso County strategic plan requires us to be. We have attached those resolutions so that the people who look at the staff report online, the people in the audience and the commissioners themselves can see those resolutions from the Planning Commission, rather than identifying a page in a book that the public has no access to. We don't have to vote on this it is just for clarification.

Mr. Trowbridge how do we reference that in a motion to approve?

Ms. Parsons just like the Board of County Commissioners reference the resolution, number of conditions, approval and a finding of sufficiency that is applicable.

Ms. Seago I would recommend that you use language similar too: I make a motion to approve item xyz in accordance with the resolution included in the packet.

Ms. Parsons handed resolutions to the chair so he can circle if approved or denied.

Mr. Risley asked if there were any questions for staff. Chair saw none. I don't see it on the agenda but customarily we allow a period for the members of the audience that would like to comment on items that are not on the agenda. Chair asked if there was anyone that would like to address the Board. Chair would like that put back on the agenda.

B. The next scheduled Planning Commission meeting is for Thursday, November 3, 2022, at 9:00 A.M.

2. CONSENT ITEMS

A. Approval of Minutes – September 15, 2022 – Board Approved 10/20/22

B. VR-22-004

**VACATION AND REPLAT
PAWNEE RANCHEROS FILING NO. 2A**

HOWSER

A request by Mason, LLC for approval of a vacation and replat to replat one (1) residential lot as two (2) residential lots. The 5.37-acre property is zoned RR-2.5 (Residential Rural), and is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and is within Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53040-02-017) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: BAILEY MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, VR-22-004 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH TEN (10) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. VR-22-005

HOWSER

**VACATION AND REPLAT
PEYTON RANCHES FILING NO. 1B**

A request by Maddie Investments, LLC for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots. The 17.82-acre property is zoned RR-5 (Residential Rural), and is located on the east side of Chaparral Loop East, approximately one and one-quarter of a mile east of Peyton Highway, and approximately two (2) miles north of Highway 24 and is within Section 33, Township 11 South, Range 63 West of the 6th P.M. (Parcel No. 31330-01-001) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: CARLSON MOVED/TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, VR-22-005 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH NINE (9) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

D. CS-21-003

BAGLEY

**MAP AMENDMENT (REZONE)
CIRCLE K AT NEW MERIDIAN AND HIGHWAY 24 REZONING**

A request by Circle K Stores Inc. for approval of a map amendment (rezoning) from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service). The 8.99 acre property is located northeast of the intersection of New Meridian and Highway 24 and southeast of the intersection of Old Meridian and Highway 24 and within Section 12, Township 13 South, and Range 65 West of the 6th P.M. (Parcel Nos.53124-02-015, 53124-02-016, 53124-03-003, 53124-03-004, 53124-04-003, 53124-05-003 and 53124-05-005) (Commissioner District No.2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There were none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. **Mr. Trowbridge** asked for clarification of the Letter of Intent for zoning and residence on the lots. Also had a question about traffic. **Ms. Parsons** gave clarification of the zoning that was taken care of last night in passageway it was changed from CC to CS. Residential homes are participating in the rezone. Residences will be occupied. The contracts for those individuals have been uploaded into EDARP. **Ms. Parsons** also gave clarification about the traffic. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: TROWBRIDGE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, CS-21-003 FOR AN APPROVAL OF A MAP AMENDMENT (REZONE), UTILIZING ATTACHED RESOLUTION, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

E. VR-22-009

HOWSER

**VACATION AND REPLAT
THE GLEN AT WIDEFIELD FILING NO. 11A**

A request by Glen Investment Group No. VIII, LLC for approval of a vacation and replat to replat a portion of public right-of-way as a tract for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. The 0.661-acre property is zoned RS-6000 (Residential Suburban), and is located within the Glen at Widefield Filing No.11A subdivision, which is located west of the intersection of South Marksheffel Road and Peaceful Valley Drive and are within Section 22, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55220-00-010) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this heard as a regular item. There was none. Asked if there were any members in the audience the wanted this heard as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: PATTERSON MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2E, VR-22-009 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

3. Called Up Consent Items.

4. REGULAR ITEMS

A. AL-19-018

HOWSER

SPECIAL USE RAEL STORAGE RURAL HOME OCCUPATION

A request by Steve Rael for approval of a rural home occupation as a special use for an existing automobile and boat storage yard. The 40-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Colorado Highway 83, approximately one-third of a mile south of Colorado Highway 105/Walker Road and is within Section 15, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-489) (Commissioner District No. 1)

Mr. Howser presented Staff's presentation for the Special Use for rural home occupation request.

Ms. Seago summarized the criteria for approval.

Ryan Howser presented the background for the request in 2018, El Paso County code enforcement issued a notice of violation. In 2019, the applicant formally applied for the special

use to legalize the storage on the property. In early 2022, the applicate submitted the appropriate site plan to complete the application process.

Mr. Rael – Owner gave his presentation.

Mr. Howser presented arial view of the property with the trailers. It shows the intent of the 50-foot setback as opposed to the current location which is quite close to the property line.

Mr. Hernandez discussed the transportation and roadway fees. Roadway improvements are with CDOT.

Mr. Whitney had questions about CDOT.

Mr. Mastin confirmed that it is the applicant's responsibility, and it would not affect the ability to vote on this.

Ryan Howser presented the conditions and notations. This is a long running code enforcement violation. We have applied a 30-day time window for the applicant to receive the approval of the Commercial Site Development plan, also have applied 30-days to move the trailers and put up 100% Opaque fence screening. The Staff presentation was concluded.

Mr. Trowbridge, Mr. Carlson and Ryan Howser discussed the fencing. The fencing must surround the outside storage use, just around the trailers. If it goes higher than 7-feet, it would be considered a structure and would need a building permit.

Mr. Schuettpelz questioned the paving. Is it 25 or 42 spaces?

Mr. Howser our code requires paving for a parking area of more than 25 spaces. If the applicant does only 25, he does not have to pave. If he does more than 25 it is tripped in our parking standards of our code, it would have to be paved. If he would exceed the 25 spaces, he would have to come back for a revision of the Special Use. Today for the Special Use it is 25.

Mr. Risley has it been paved?

Mr. Rael I have acquired the asphalt but have not paved. It is on the westside of the property. It will be 25 spaces.

Mr. Trowbridge and Mr. Bailey the current letter of intent is only to pave 25. That is what is tide to any resolution that we decide for approval.

Mr. Risley questioned the grading of the property per the letter of intent.

Mr. Rael – you just grade the asphalt we will not disturb the land. It is just crushed asphalt.

Mr. Mastin- the crushed asphalt is something like millings that will be put down. No machinery.

Mr. Whitney just to make clear for the record it will be 25 spaces millings on the ground covering the spaces no paving.

Mr. Bailey further on to that the specific details of how the site development plan will follow this approval within 30 days. The 25 spaces in the letter of intent ties to our task today which is to look at the existing code what's allowed for a Special use how that gets implemented comes next. It probably won't come to this commission.

Mr. Mastin yes that is correct. If he goes over the 25 spaces, he will not be complying with what this board approves.

Mr. Risley are there any folks that would like to speak. There are only those that are opposed to the Special Use.

Jill Fowler I'm here to oppose. I am directly across from Mr. Rael. He has been in violation for the past 4 years. The RV's and Semi have been parked for 15 years. Jill Fowler presented pictures. I hired a certified appraiser. He is currently the president of the Colorado Association of Real Estate Appraisers. He did an analysis and submitted an impact statement that indicated that the RV storage has an estimated negative impact of 5.5% for my overall property. The Special use does not meet the criteria or the letter of intent.

DAVE ELLIS – Representative for the Canterbury Estates – Equestrian Community. Mr. Ellis referenced a photo. Mr. Rael's property is about 800 feet off to the right. Mr. Rael's property does not keep up to the character of the neighborhood. The picture shows a person riding a horse behind the trailers on Mr. Rael's property. It makes an iron curtain between our equestrian community and his. We are asking for a buffer of equivalent characters to the size of our properties. I looked at 7 storage properties. My spread sheet column 3 looks at the zoning and none of them are RR-5. Showed pictures of the storage lots with very high opaque fences. They have easy access from a paved road. The Rael Storage as proposed here is not in harmony with our neighborhood. Incompatible, safety concerns, flammable materials. Please protect the value of the present and future owners. If was up next to highway 83 our association has no problem with that.

Ivan Anthony my property is on the southeast corner. Mr. Rael said he emailed everybody I did not get an email. Rael Storage is for RV's and trailers not vehicles or boats as stated in the Staff Report. If approved, it will set a precedent to other landowners RR-5. I have lived here since 1991. I moved here for the rural feel. Mr. Rael has been in violations for at least 15 years. It was in 2019, that I was notified. Mr. Rael kept adding more and more RV's. You can see part of the trailers from my house. What is the purpose of zoning laws if we do not follow them.

Debra Duey I have lived in monument since 1969. I have known the Rael's for 40 years. The gentleman who spoke before me owns his own business on his property. The horse barn on the other side of Rael that is a business. I have looked personally at the changes of our views. That I have had to put up with because it is the law. Steve is doing the best he can. We all have the right to own a business within the law.

Mr. Risley we will close the public testimony of the hearing.

Mr. Rael closed his testimony. If you could give me till November, I will have the RV's moved.

Mr. Whitney asked to question David Ellis about the compatibility of Canterbury and Mr. Rael.

Mr. Carlson, Mr. Bailey, Mr. Schuettpelz, Mr. Patterson discussed the fencing issue, 50' foot set back. Our job is to apply the criteria that exists today.

Mr. Risley asked for a vote.

Mr. Carlson moved for a disapproval of agenda item 4A file number AL-19-018 for Special Use Rael Storage Rural Home Occupation. Siting that it is not consistent or in character or in harmony with the surrounding neighborhood. Mr. Trowbridge seconded for disapproval.

Mr. Risley any discussion? Seeing none the chair will call for vote and reminded commissioners that a yes vote is a vote for disapproval.

Mr. Carlson, Mr. Schuettpelz, Mr. Trowbridge, and Mr. Whitney voted Aye.

Mr. Bailey, Ms. Brittian-Jack, Mr. Patterson, Mr. Moraes, and Mr. Risley the chair voted No.

Mr. Risley that is a vote of 5 to 4 in opposition to the disapproval. A point of order in this situation what would the recommendation be for the BoCC? It is a recommendation of non-approval. It is a non-acceptance of the disapproval it is a double negative.

Mr. Bailey if that motion fails there is another motion in order.

Ms. Seago a motion to approve would be to capture the conditions and notations. If it passes that would be the recommendation to go forward.

Mr. Risley the chair would entertain a motion as it regards to 4A.

Mr. Bailey with regards to agenda item 4A file number AL-19-018 for Special Use Rael Storage Rural Home Occupation. I move for approval in accordance with the attached resolution with 3 conditions and 3 notations and this item be forwarded to the BoCC for their consideration. Mr. Patterson seconded.

Mr. Risley asked if there is any additional discussion.

Mr. Carlson what we must vote on today is what is before us. That is the configuration of what the applicant is asking for. In my opinion I think the configuration is not in character of the surrounding neighbors. There is a lot of land on that property. I don't think that the way the applicant is proposing it is the way to go in reference to the people around him.

Mr. Trowbridge let everyone know that it will going in front of the BoCC on November 1st. Everyone that spoke today will have another opportunity.

Mr. Bailey Mr. Carlson concerns could be addressed with a different site plan.

The board re-voted

PC ACTION: BAILEY MOVED/PATTERSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, AL-19-018 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-4).

C. MP-22-001

MEYER

**EPC PARKS MASTER PLAN
UPDATE 2022**

El Paso County Community Services Department requests adoption of the El Paso County Parks Master Plan. This Master Plan repeals and/or replaces the existing El Paso County Parks Master Plan (2013). The Master Plan area includes all land within El Paso County located outside the incorporated municipalities and includes the accompanying maps, charts, and descriptive and explanatory matter. The Master Plan is an advisory document to guide park, trail, and open space development and preservation decisions.

Type of Hearing: Legislative

Ms. JACKSON – Presented the Presentation.

Mr. Carlson were the early evaluations processed by your own people for each asset? Evaluations were not on public use just on grading landscaping. Do consider volunteers.

Ms. Jackson in our firm we have an individual that is a past landscape architect and a GIS specialist who went in the field first. The second round we had a local landscape architect to ensure the grading was done correctly. It was all parks to see all the elements if they were in poor, fair or good condition.

Mr. Trowbridge looking at the cost of 14 million. How does that fit with historical spending by the county. It was over 8 million alone for Fox Run.

Mr. Marts – In previous years we have not. In future years the work that they have done will tie to the strategic plan. Not proposing funding 45% is third party funding. We have over twenty thousand hours of volunteer service that we do. We are not able to do what we do without volunteers.

Mr. Risley this is a regular hearing Is there anybody wanting to speak on this topic?

Scott Layman – I'm just a concerned citizen. One of the things you can use is a work release program to help with the parks. It would be a training exercise for the inmates. It would help with cost.

Ms. Seago Mr. Chair I neglected to provide any criteria at the beginning of the hearing. This is a legislative item. This is an item on which the Planning Commission's action is the final action, and it will be provided as an information item if approved to the BoCC. The BoCC will not vote on it because it is a legislative item. There is a lot of discretion in terms wither to approve or deny the item. If it has a rational connection to public purpose and does not violate the Constitution you are free to approve as you see fit.

Mr. Risley this is like the Water Master Plan and the County Master plan. Our job is to certify that the first eight statues that the parks division has followed the statutory requirements in terms of public input. Ms. Jackson walked us through that. We are certifying this if we choose to take that action.

Mr. Bailey – requirements for 2 hearings. No vote.

El Paso County Attorney - Lori Seago confirmed NO vote

DISCUSSION:

PC ACTION: NO VOTE

D. AL-22-014

BAGLEY

**SPECIAL USE
17340 FAIRPLAY DRIVE MINOR KENNEL**

A request by Mark and Anne Seglem for approval of a minor kennel as a special use for eight (8) personal dogs. The 1.06-acre property is zoned RS-20000 (Residential Suburban) and is located approximately west of West Higby Road and one-half of a mile northwest of the intersection of West Higby Road and Fairplay Drive and is within Section 24, Township 11 South, Range 67 West of the 6th P.M. (Parcel No. 71241-03-061) (Commissioner District No. 1)

Ms. Parsons – Presented Presentation.
Applicant is Virtual

Mr. Risley is there anybody present that might be in the hallway? Nobody is present.

Ms. Seago read criteria for approval

Mr. Seglem – Presented Presentation.

Mr. Risley any questions for the applicant.

Ms. Parsons continued the presentation

Mr. Risley one of the emails about opposition spoke about a walking path adjacent to the property. Can you indicate where the open space is located?

Mr. Seglem – We were part of the WASC in which the county was very much in favor we worked with a developer. One hundred twenty-eight of us here in South Woodmoor purchased land from the original owners. We were permitted to purchase additional land approximately .468 acres which is about ½ of what you see. There is a walking trail behind the land. WASC donated land for the trails. We asked that they move the trails further from our home so it would not be a problem. WASC did not do that. We asked Woodman HOA to move the trail 10 to 20 feet further from the house.

Ms. Parsons continued the presentation.

Mr. Bailey is there a time limit on the approval of this special use? In general, once a special use is granted does this continue and the applicant can replace the dogs in the future.

Ms. Parsons I do not believe so we did not want to guess when the dogs would pass. that is correct unless there was a specific condition added that did not allow them to do that.

Mr. Carlson on the first condition would that include that they are not going to operate a kennel. Concerned another homeowner would want to have kennel

Ms. Seago yes you are correct they would not be able to run a kennel.

Mr. Trowbridge If you sold the property would the special use be void?

Ms. Seago the special use does run with the land.

Ms. Parsons anybody online? No

Mr. Risley – Does the applicant have anything further they would like to say?

Mr. Seglem I would also say that again within 5 years we will be below the 8 dogs. We would like our dogs to stay home.

Mr. Trowbridge can we put a 5 year limit? That would help reassure everybody.

Ms. Parsons can we put this just for the dogs that are there now. We do not want another code enforcement issue.

Mr. Trowbridge can we revisit in 5 years that is all I'm saying

Mr. Carlson in the presentation you stated you fit your dogs with anti-bark collars. Does that work.

Mr. Seglem it does work. In recent trip to the vet, it is a concern about zapping the dogs due to their age. We are doing everything we can. They bark only when someone is walking down the trails close to our fence. The homeowners' dogs are not on a leash, not in control and they run up to the fence.

Mr. Mastin are all the dogs chipped?

Mr. Seglem all the dogs are all registered with the county.

Mr. Mastin it would be a concern if there is a new dog was brought in.

Mr. Risley Commissioners have concerns if this runs with the land it would extend the problem we have now.

Ms. Seago It does not have to run with the land with the sale of property

Mr. Patterson sounds reasonable to me.

Mr. Bailey have a question about condition number two.

Ms. Parsons what the applicant has on the site plan is sufficient.

Mr. Carlson – Wouldn't it allow 8 dogs for ever more.

Mr. Trowbridge, Mr Carlson, Mr. Risley, Mr. Bailey have concerns about the 5 years.

Mr. Seglem We use a local vet which is easy to trace if we were trying to slip in a new dog.

Mr. Carlson, Mr. Risley, Mr. Trowbrige would it be easier to give him the extension for 5 years.

Ms. Parsons to be frank we would have staff time involved with processing a special use which requires an engineer, code enforcement, planning staff, planning commission, admin staff, BoCC, added expense to the applicant it would be about 25 hours. Staff is not concerned about the issue.

Ms. Seago – I would like to make some un-legal comments that you could take for how they are worth having done code enforcement in the past I ask that you consider some of the burden. Is it worth the county resources? The special use is consistent with the letter of intent. He has named all the eight dogs. I question is this good use of staff and county time. As you deliberate to consider what you are trying to achieve here, what impacts you are trying to mitigate and what is realistic based on future resources necessary to enforce whatever conditions you impose.

Ms. Brittian-Jack bottom line is they are making a request given us their intent in keeping their family together. Their pets are their family. I do not see nit picking is serving anybody. If we are going to put a condition it should end when they no longer own the property.

Mr. Trowbridge the expiration on the property is the way to go.

Mr. Risley called the vote.

DISCUSSION:

PC ACTION: TROWBRIDGE MOVED/ CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4D, AL-22-014 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH AN ADDITIONAL CONDITION WILL MAKE IT THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0)

**SPECIAL DISTRICT POLICIES AND MODEL SERVICE PLANS
PROCEDURES AMENDMENT**

A request by the El Paso County Planning and Community Development Department to amend the Special District Policies and Model Service Plans, as referred to in Chapter 9 of the El Paso County Land Development Code (2022). The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

Type of Hearing: Legislative

Ms. Parsons – No vote – This is a courtesy to let you know what the proposed changes are because you do make recommendations for special districts. In an overall summary to tell you why we did this is that these policies were adopted in 2007 prior to the land development code prior to the adoption of the water master plan prior to the adoption of the El Paso County master plan there was language riddled throughout that reference the old small area plan and the old countywide policy plan which does not exist anymore. It had to be cleaned up so it met our current criteria's and plans. We are seeing a trend for special districts to build, design, construct the infrastructure. Keep that burden of ownership and maintenance on themselves. The operational costs for districts are being raised as more district's purpose unique developments that may have private roads. The county is not owning and maintaining them. It costs more money to operate those districts. Working with the industry we purposed a small increase to allow them to have an additional 5 mils yet over all of 65 mil cap is still recommended to be the maximum.

That is the bulk of improvements. The Gallagher adjustment was taken out of state statue as a reflection

We have stricken that language throughout the policy and model service plans as indicated in this proposal. This is the policy for the board to adopt

Mr. Trowebridge recommending addition of an overall of 5 mil 65 is still the upper limit you are proposing. not the 70.

Ms. Parsons – Yes it does state that in the report. Overall maximum is still 65.

Mr. Trowebridge has this been discussed with the BoCC. Are they aware this is coming?

Mr. Mastin yes, they are aware.

Mr. Risley are there any other comments? Just to be aware this was included as a regular item. We do have an information section only on the agenda was it an oversight

Ms. Parsons we have not taken policies to the Planning Commission. It was kind of a grey area. We do not take procedures to you we usually go direct to the BoCC. It was just to make you aware.

Mr. Risley we do not need to open to public testimony.

Mr. Bailey the grey area knowing we do not have to go through the process. Thank you for the courtesy Lets use the Non action item area moving forward.

Mr. Risley the master plan will be heard on November the 3rd which tells me we have a meeting that day.

Are there any other items?

Mr. Mastin Flying Horse North will have a lot of citizen input.

Ms. Brittian- Jack I have a 9:00 appointment, is it appropriate to come later?

Mr. Kilgore currently we have 5 items that day

Mr. Risley adjourned the meeting.

MEETING ADJOURNED at [time].

12:24

Minutes Prepared By: __MM__

RESOLUTION NO.
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 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 thirty (30) 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: _____
Chair

By: _____
County Clerk & Recorder

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