

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

