

I-18-001
ROCKY TOP
RESOURCES

Gabe Sevigny
Beck Grimm

CRITERIA FOR APPROVAL

■ 5.3.5 Map Amendment

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

ROCKY TOP RESOURCES, INC

- Owner: Fredrick D Martin
- Representative: Land Development Consultants, Dave Hostetler

REQUEST

- Rezone from RR-0.5 to I-3
- Recycling Facility
- I-3 dimensional standards
 - 1 acre
 - Setback 30' all sides except 175' from residential
 - Lot coverage 25%

BACKGROUND

- The County initiated zoning of this area from unzoned to the A-1 (Garden Home Half Acre) zoning district in 1942. Subsequent nomenclature changes have renamed the A-1 zoning district to the RR-0.5 (Rural Residential) zoning district.
- A variance of use (VA-04-010) was approved in 2004 for a wood recycling and composting facility, with a condition of approval for an expiration of the variance of use ten (10) years from the Board of County Commissioners approval date. The variance expired September 23, 2014. An Early Assistance meeting was conducted in December 2017 to discuss with county staff actions for renewing the variance of use or rezoning the property to the proper zoning for a wood recycling and composting facility. The proper use classification is for a recycling center, pursuant to the definitions included in Chapter 1 of the Land Development Code.

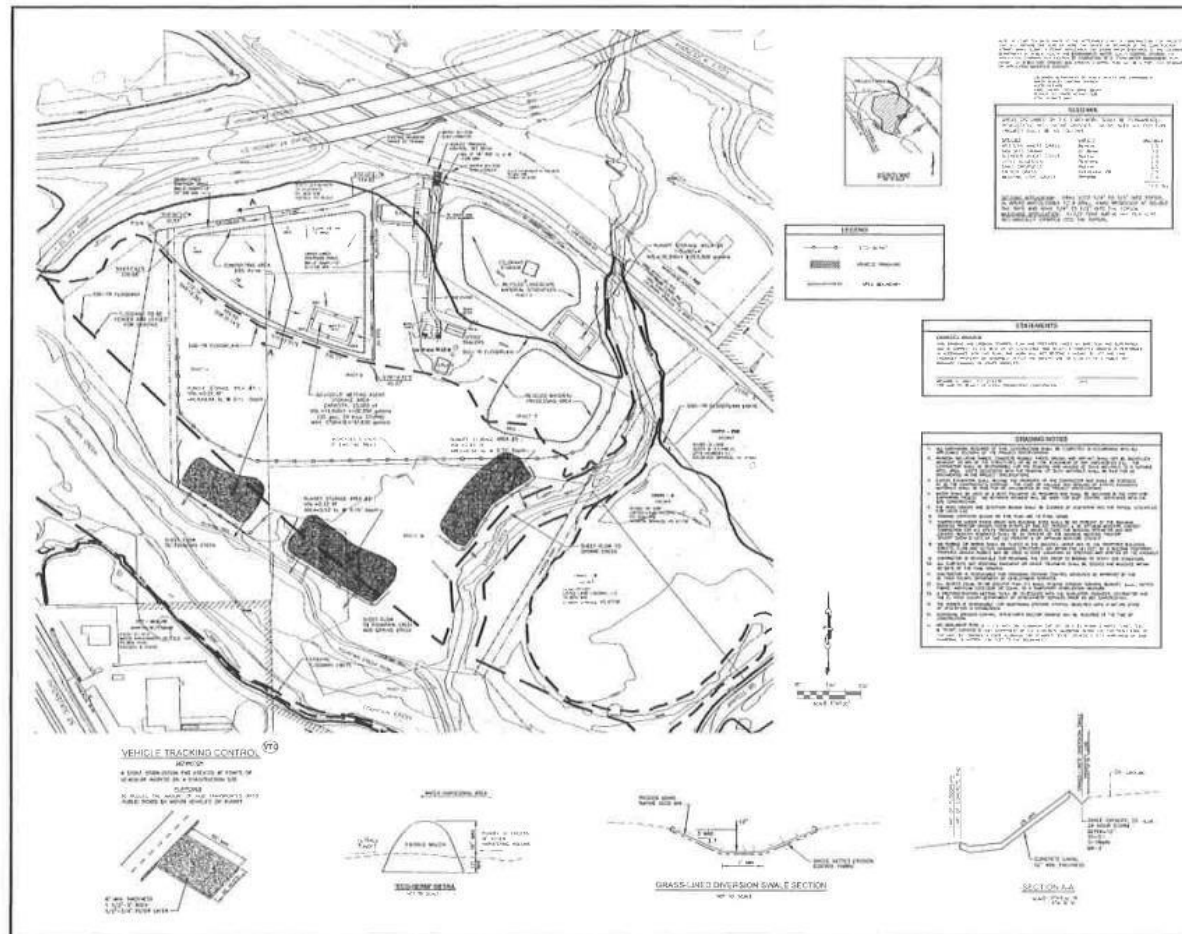
Kiewit Engineering Corporation
1804 South 2nd St.
Commerce Springs, Colorado
80014 • 42020
(303) 835-2742

ROCKY TOP RESOURCES

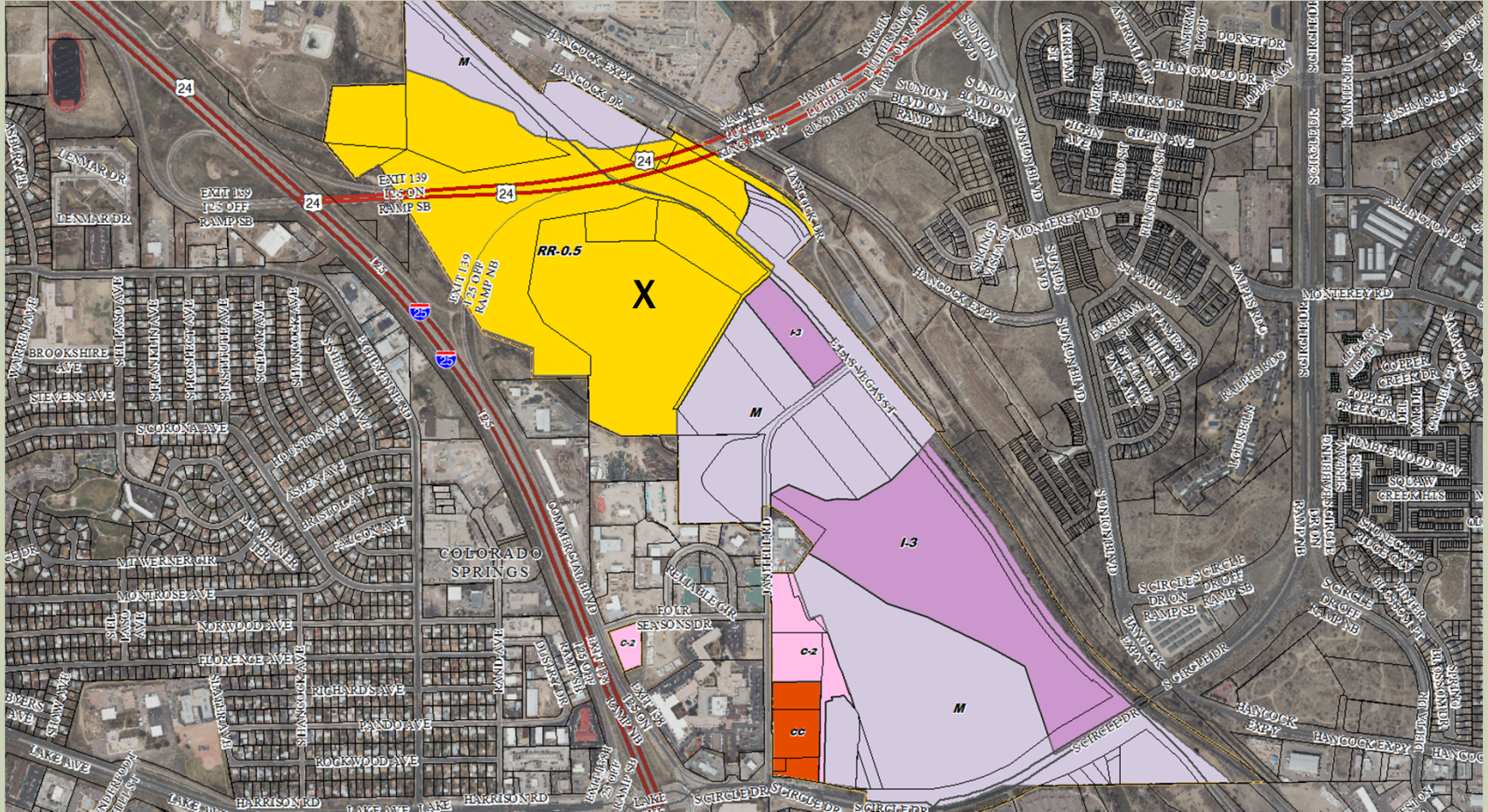


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ZONING



SURROUNDING LAND USES



SURROUNDING LAND USES



SURROUNDING LAND USES



SURROUNDING LAND USES



POLICY PLAN

- ***Policy 2.1.8-** Carefully consider all proposed land uses adjacent to interstate highways, railroads, military training areas, and in designated flight zones to protect them from associated disruptive noise levels.*
- The parcels are located adjacent to two major roadways, Interstate 25 and Highway 24, which could trigger noise mitigation if the parcel were developed for residential uses pursuant to the current residential zoning. The proposed rezoning of the property from residential to industrial will allow continued use and potential future development of the property in a manner that is much more compatible with the two major roadways.
- ***Policy 6.1.3-** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*
- The existing use of the parcels as a recycling facility is generally compatible with the other industrial land uses in every direction.
- ***Policy 5.1.12-** Discourage or prevent land uses which threaten the long-term operating viability of critical infrastructure, such as the airport and industrial areas which must grow to accommodate new primary jobs for the County's growing population.*
- ***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 PLAN CONTINUED

- *Policy 7.3.3- Specifically encourage the recycling of yard and other clean organic wastes in the County*
- **Per Policy 5.1.12, Goal 7.1, Policy 7.3.3**, the continued operation of the Rocky Top Resources, Inc., recycling facility not only serves to benefit the employees that work onsite, but it also helps to serve many other small businesses in the region, such as, landscaping companies and grass mowing operations, by offering yard waste recycling services. The operation of the facility has made an impact on the community by providing a place for customers, whether they are an individual property owner or a business owner, to drop off grass clippings, pallets, soil, branches, and other yard waste to be recycled into usable soil, ground coverings, and fertilizer.
- As noted in Recommended Condition of Approval No. 3, the applicant is required to submit a site development plan for expansion of current operation. The site development plan application is approved administratively to verify if the proposed plan for using the parcels is in compliance with the requirements of Chapter 6 of the Code. Based upon the previously approved variance of use, neighboring land uses, and the reduced potential for development of the property for residential uses, staff recommends that legalizing the existing use via approval of a map amendment (rezone) would be more appropriate for these parcels. Staff has no concerns with regard to compatibility with neighboring areas or with regard to the uses on the immediately adjacent parcels. Staff recommends that a finding of consistency with the Policy Plan can be made.

ENGINEERING – DRAINAGE

- A final drainage report will be required with the subsequent site development plan application. The report will be required to evaluate the means to mitigate the drainage impact caused by the development.
- A grading and erosion control plan is required with the site development plan application. These plans will be required to identify temporary and permanent best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.
- FEMA Flood Insurance Rate Map (FIRM) panel 08041C0741F shows that a majority of the site lies within Zone AE, an area determined to be within the 100-year floodplain.

ENGINEERING –TRANSPORTATION

- The site is accessed off of East Las Vegas Street. A traffic memorandum/study was not required with this rezone; however, a traffic memorandum/study has been requested with the concurrent site development plan application. No public roadway improvements will be required with this rezone request.

CONDITIONS

- The property owners shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
- Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
- The applicant shall apply for and receive approval of a site development plan, within 120 days of the date of approval. The due date may be administratively extended by the Planning and Community Development Department Director if the Director determines that the applicant is making a good faith effort to obtain site development plan approval.

NOTATIONS

- If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
- Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety

NOTIFICATION

- August 15, 2018
 - 10 adjoining property owners
 - 1 Response, in favor

El Paso County Assessor's Office

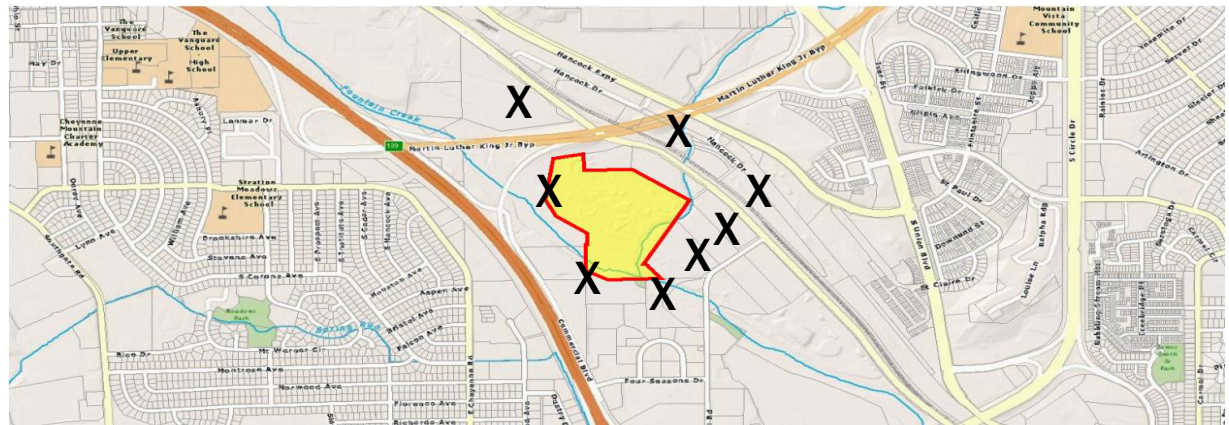
1755 LAS VEGAS ST E

SCHEDULE: 6429101029

OWNER: ROCKY TOP RESOURCES INC

MJ & M LLLP

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QUESTIONS?

