

Meggan Herington, AICP, Executive Director  
El Paso County Planning & Community Development  
O: 719-520-6300  
MegganHerington@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

## SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners  
FROM: Planning & Community Development  
DATE: 12/12/2024  
RE: VA241; Bartlett Hay Sales Variance of Use

### Project Description

A request by LaRon and Renee Bartlett for approval of a Variance of Use to allow for commercial hay sales in the RR-5 (Residential Rural) district. This item was heard as a pulled consent item on November 7, 2024, by the Planning Commission. The vote was split 8-1 for a recommendation for approval to the Board of County Commissioners. The dissenting vote was by Planning Commission Member Carlson who thought it was the appropriate time to rezone the property due to this being the fourth Variance of Use application. The two properties are located at the intersection of Old Meridian Road and Chicago Avenue. (Parcel Nos. 5312110004 5312110009) (Commissioner District No. 2).

### Notation

Please see the Planning Commission Minutes from November 7, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

### Planning Commission Recommendation and Vote

Fuller moved / Merriam seconded the motion to recommend approval of item VA241 utilizing the resolution attached to the staff report with four (4) conditions and three (3) notations. The motion was **approved (8-1)**. The item was heard as a called-up consent item at the Planning Commission hearing. Public opposition was received.

### Attachments

1. Planning Commission Minutes from 11/07/24.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comment.
5. Draft BOCC Resolution.

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**

O: 719-520-6300  
MegganHerington@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

---

## **EL PASO COUNTY PLANNING COMMISSION**

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

Planning Commission (PC) Meeting

Thursday, November 7th, 2024, El Paso County Planning and Community Development Department  
2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

**REGULAR HEARING at 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** Thomas Bailey, Sarah Brittain Jack, Becky Fuller, Jeffrey Markewich, Jay Carlson (remote), Eric Moraes (remote), Wayne Smith (remote), Christopher Whitney (remote) and Jim Byers (remote).

**PC MEMBERS PRESENT AND NOT VOTING:** (NONE)

**PC MEMBERS ABSENT:** Tim Trowbridge, Bryce Schuettpeiz

**STAFF PRESENT:** Meggan Herington, Justin Kilgore, Kari Parsons, Kylie Bagley, Joe Letke, Gilbert LaForce, Daniel Torres, Scott Shevock, Charlene Durham (remote) and Erika Keech and Lori Seago (remote) from the El Paso County Attorney's Office.

**OTHERS PRESENT AND SPEAKING:** Jeff Mark, Mr. Alwine, and Dan Kupferer.

---

### **1. REPORT ITEMS**

Meggan Herington updated Planning Commission about Miranda Benson becoming an Associate Planner.

Mr. Kilgore informed the Planning Commission that the hearing on December 19, 2024, has been cancelled.

---

### **2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA**

There were none.

---

### **3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held on October 17<sup>th</sup>, 2024.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).**

**FINAL PLAT  
MARIAH TRAIL FILING NO. 1**

A request by Wayne-Anthony Custom Homes for approval of a 35-acre Final Plat creating six single-family lots. The property is zoned RR-5 (Residential Rural) and is located 19205 Mariah Trail and is one mile south of the intersection of East County Line Road and East Thunder Road. (Parcel No. 5100000511) (Commissioner District No. 1).

**PLANNING COMMISSION DISCUSSION:** Planning Commission members inquired about whether the roads are privately owned or maintained by El Paso County. Engineering staff confirmed that the roads are public and maintained by the County.

**STAFF COMMENTS:** (NONE)

**APPLICANT COMMENTS:** (NONE)

**PUBLIC COMMENTS:** Mr. and Mrs. Norris opposed the development, citing concerns that it would use their roads and disrupt their covenants in Elk Creek Ranches. They requested the new development fall under their existing covenants. Additionally, they raised concerns about water and emergency access, noting that with only one entrance and exit, emergency services might be delayed during fires, bad weather, or other emergencies

**PC ACTION: FULLER MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER SF2315 FOR A FINAL PLAT MARIAH TRAIL FIL. NO. 1 UTILIZING THE ATTACHED RESOLUTION WITH NINE (9) CONDITIONS AND FOUR (4) NOTATIONS AND ONE (1) WAIVER AND A RECOMMENDED FINDING OF SUFFICANCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, FULLER, MARKEWICH, BYERS (remote), CARLSON (remote), MORAES (remote), WHITNEY (remote), AND SMITH (remote).

**IN OPPOSITION:** NONE

---

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

The Planning Commission called up File# VA241 to be heard as a regular item.

---

**5. REGULAR ITEMS**

**VARIANCE OF USE  
BARTLETT HAY SALES**

A request by LaRon and Renee Bartlett for approval of a Variance of Use to allow for commercial hay sales in the RR-5 (Residential Rural) district. The two properties are located at the intersection of Old Meridian Road and Chicago Avenue. (Parcel Nos. 5312110004 and 5312110009) (Commissioner District No. 2)

**STAFF PRESENTATION:** Mr. Letke noted that the applicants and property owners expressed concerns about Condition No. 1 of the Variance of Use approval, particularly how it could complicate selling the property, transferring the business, or passing it down to their children.

The applicants' representative stated that the owners have had a variance since 1991 but must reapply now that the original variance expired. They were unaware that selling the business would void the variance, requiring the new owner to re-apply. Their concern is that potential buyers may be deterred by the uncertainty of having to go through this process.

**PLANNING COMMISSION DISCUSSION:** Planning Commission members had questions about the Variance of Use conditions, particularly around the duration and ownership restrictions. They inquired whether it's typical for staff to impose such conditions, especially with indefinite terms, and how specific the variance is (i.e., limited to the hay business). Some members expressed concerns about requiring new owners to go through the same approval process, which could be costly, while others questioned whether this is the right approach.

The members noted that past variances had expiration dates. They discussed the potential impact of allowing a perpetual variance and whether this sets a good precedent for county policy. Alternatives, such as reapplying for a new 10-year variance or rezoning the property, were suggested.

Planning Commission members ultimately recommended a time limit on the variance due to the unique circumstances of the property. They emphasized that the variance should specify the allowable uses (e.g., hay, feed, and farm supplies), and if a future owner exceeds these uses, the variance would be voided. While some members were open to a perpetual variance, they agreed the new owner should be fully informed of the limitations. They also noted that the BoCC could impose a time restriction if needed, and it is unusual to attach ownership conditions to variances.

**STAFF COMMENTS:** Mr. Letke stated that Variance of Use approvals typically have expiration dates, but this one was crafted to allow the current owners to continue without issue if they own the business. If a new owner wants to change or expand the use, they will need to reapply. This helps avoid code violations, especially in the RR-5 zoning district. The business has been in place since 1991, and there's a desire to avoid continually reapplying for variances. However, concerns were raised about the condition tying the variance to the owner, and the applicant is seeking to remove that condition.

Mr. Letke noted that variances no longer require a time limit after 2007, though some cases still involve time limits based on unique circumstances. The area is transitioning, with nearby commercial and residential developments. If the property were rezoned for residential use, it would require a simple process with permits, but a commercial rezone would need a traffic study and improvements. Staff is open to a perpetual variance for this long-established business, as continuing to reapply every ten years doesn't seem practical.

**APPLICANT COMMENTS:** Mr. Kupferer stated the variance would allow hay sales and other agricultural-related activities, such as selling feed, farming equipment, clothing, and other agricultural items. Essentially, this is a land use where they are operating a business. If it were a typical zoning district, they would need to comply with all zoning regulations. This does not prevent the business from being sold, and the new owner can continue the same operations. If there are any violations, they would be reported, and the County for enforcement action. He stated he does not see any difference in how this would be handled.

**PUBLIC COMMENTS:** (NONE)

**PC ACTION: FULLER MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER VA241 FOR A VARIANCE OF USE FOR BARTLETT HAY SALES UTILIZING THE ATTACHED RESOLUTION WITH FOUR (4) CONDITIONS REMOVING CONDITION ONE (1) REGARDING IT AS BEING ATTACHED TO THE OWNERSHIP VERSES THE LAND AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-1).**

**IN FAVOR:** BAILEY, BRITAIN JACK, FULLER, MARKEWICH, BYERS (remote), MORAES (remote), WHITNEY (remote) AND SMITH (remote)

**IN OPPOSITION:** CARLSON stated the property to be rezoned.

**A. SKP233**

**PARSONS**

**SKETCH PLAN  
ROLLING MEADOWS BULL HILL**

A request by Murray Fountain, LLC, Eagle Development Company, Heidi, LLC, and Aeroplaza Fountain, LLC for approval of a 1,136.9-acre mixed-use Sketch Plan consisting of a maximum of 5,440 residential units. The property is currently zoned PUD (Planned Unit Development Conceptual) and is located immediately adjacent to the north and south of Bradley Road, and immediately adjacent to the west of the future Meridian Road Corridor. (Parcel Nos. 5500000385, 5500000383, 5500000329, 5500000328, 5500000327, 5500000326, 5500000325, 5500000324) (Commissioner District No. 4)

**STAFF PRESENTATION**

The Planning Commission asked if they are looking at a historical flood zone that is part of the next stage, or has it already been reviewed.

Mr. Torres answered this an historical flood zone and there is a drainage basin planning study that is currently in development by El Paso County. Master Development Drainage Plan proposes 11 onsite full spectrum ponds to mitigate the developments flows. The channel improvements to the east tributary of Jimmy Camp Creek that flows through the site are currently in review by staff for channel improvements basically, for the whole channel along their property. I believe right now that they are 60 to 70 percent set. They will have to go through the FEMA, CLOMR, and LOMR process for any modifications through that flood plain and propose improvements that they are wanting to do.

The Planning Commission members asked if the detention ponds are designed to handle flow moving to the west, meaning that any runoff from the property will be directed toward those ponds and then discharged into Jimmy Camp Creek.

Mr. Torres clarified that their drainage report, as well as the Master Development Drainage Plan, is at a high level. They are essentially identifying that a portion of the flow will be collected through roadways or proposed storm systems and directed into the full-spectrum detention ponds to mitigate runoff before it reaches the creek.

**APPLICANT PRESENTATION:** Applicant representative, Mr. Alwine, presented.

The Planning Commission asked the applicant if they are building four schools or are those potential sites.

Mr. Alwine stated that they have worked with Widefield School District #3 to identify four school sites: three elementary school sites and one middle school site. The district has identified the locations and sizes of the schools, totaling approximately 76 acres of land. This will be land dedication, and no school fees will be required as part of the project. In response to the Planning Commission's question, Mr. Alwine noted that while he doesn't know when the schools will be built, the district is satisfied with the four sites and the acreage, which will serve the community as well as the planned expansion to the west and south with Lorson Ranch.

**PLANNING COMMISSION DISCUSSION:** The Planning Commission discussed the number of units per acre and stated the plans are valuable. The Planning Commission also wants to see controlled and managed growth.

**APPLICANT DISCUSSION:** Mr. Mark acknowledged that the concerns raised about the development are typical for a project of this scale and at this early stage. They explain that the current "bubble map" is a Preliminary Plan, and the final details will depend on market demand. Using Lorson Ranch as an example, the speaker highlights that while the area was originally planned for 6,000 units, it ended up with around 4,500 units. The current project is approved for over 8,000 units, but they plan to start with approximately 5,100 units, which is lower than the approved maximum.

He also emphasized that it's too early to define exact plans, and detailed discussions with neighbors those will occur later during the Planned Unit Development (PUD) phase. The project will take 20-25 years to fully build out, and decisions about density, particularly at the intersection of Bradley and Meridian, have not been made. They also address concerns about sound barriers, lighting, dust control, and environmental regulations, assuring that all necessary permits and standards will be followed during development

Mr. Alwine said regarding roadway and right-of-way spacing, that is based on working with Engineering Staff. The County prefers that the access points align with one another particularly coming off collector roadways to minimize the conflicting turning movement. Most of our development is initially happening south of Bradley Road because of the infrastructure improvements required to ultimately serve to the north. The noise there are requirements from El Paso County the landscape code and planning code as far as when mitigation for that noise and whether it is concrete soundwall barriers, wood fencing or some kind of opaque fencing or landscaping berms etc. that help mitigate the noise concerns.

#### **PUBLIC COMMENTS:**

Ms. Rush spoke in opposition – she is concerned about the proposed high-density development in Phase 4, which she believes is inconsistent with the rural character of the surrounding area. She proposes a lower-density residential development along the northeastern edge of the property and suggest relocating the high-density housing to more suitable areas along Bradley and Meridian. Ms. Rush also raises questions about traffic impacts, road design, noise and light control, and dust pollution, as well as the overall need for such development given the existing housing surplus and the ongoing population growth in El Paso County. They seek clarification on the development schedule and ask that their concerns be added to the official record.

Mr. Henderson is advocating for more direct communication between the developers and the surrounding community. While not opposed to the development itself, they are concerned about the high-density nature of the proposal and its potential negative impacts on the surrounding area, particularly on traffic, noise, and property values. They express frustration with the limited time for community input and request that the developers engage more thoroughly with residents to address these concerns. The speaker emphasizes the importance of listening to neighbors and working

collaboratively to ensure that the development benefits both the new residents and the existing community.

Ms. Williams stated she is a homeowner in Hammer Ranch. She specifically wants to address the apartments being built in that area. According to the Colorado Housing and Finance authorities the vacancy rate for Colorado Springs sits at 7.5% which is about 2% higher than what is considered stable for the area. What that means is that as of December under half of the new apartment units constructed in Colorado Springs were occupied. I think that number speaks for itself. Continuing to build at this rate is not stable and will continue to de-value our properties. I encourage the developer to rethink some of these high-density areas and the continued demand for them.

**PC ACTION: MARKEWICH MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER SKP233 SKETCH PLAN ROLLING MEADOWS BULL RUN UTILIZING THE ATTACHED RESOLUTION WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND A FINDING FOR WATER SUFFICIENCY OR INSUFFICIENCY IS NOT REQUIRED AT THIS TIME AND THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, FULLER, MARKEWICH, BYERS (remote), CARLSON (remote), MORAES (remote) WHITNEY (remote) AND SMITH (remote).

**IN OPPOSITION:** (NONE).

---

**6. NON-ACTION ITEMS** – Mr. Bailey asked if the Land Use Code Rewrite Group meeting that was cancelled had been rescheduled. Ms. Bagley will update the Planning Commissioners when a date has been set.

---

**MEETING ADJOURNED** at 11:18 A.M.

**Minutes Prepared By:** MM

VARIANCE OF USE (RECOMMEND APPROVAL)

Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA241  
BARTLETT HAY VARIANCE OF USE

WHEREAS, LaRon and Renne Bartlett did file an application with the El Paso County Planning and Community Development Department for approval of a Variance of Use to allow commercial hay sales within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on November 7, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

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



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

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

1. The strict application of any of the provisions of the Code would result in peculiar and exceptional practical difficulties or undue hardship;
2. The Variance of Use is generally consistent with the applicable Master Plan;
3. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
4. The proposed use will be able to meet air, water, odor or noise standards established by County, State, or Federal regulations during construction and upon completion of the project;
5. The proposed use will comply with all applicable requirements of the Code and all applicable County, State, and Federal regulations except those portions varied by this action;
6. The proposed use will not adversely affect wildlife or wetlands;
7. The applicant has addressed all off-site impacts;
8. The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
9. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of LaRon and Renne Bartlett for approval of a Variance of Use to allow commercial hay sales within the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. No expansion, enlargement, or modification of the Variance of Use for the existing hay, grain, feed sales and associated farm-ranch supply business shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The applicant shall comply with all applicable local, State, and Federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous materials on and off the site.
3. All storage, loading, and unloading of materials, vehicles and equipment shall occur within the subject property.
4. Vehicles shall not be parked along Old Meridian Road outside of the fenced area. Vehicles shall not be parked overnight or stored in the Chicago Avenue right-of-way, and this right-of-way shall not be obstructed.

NOTATIONS

1. Variance of 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 Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

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.

BRITAIN - JACK seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / <u>no</u> / non-voting / recused / absent

Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 0 to 1 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 7th day of November 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

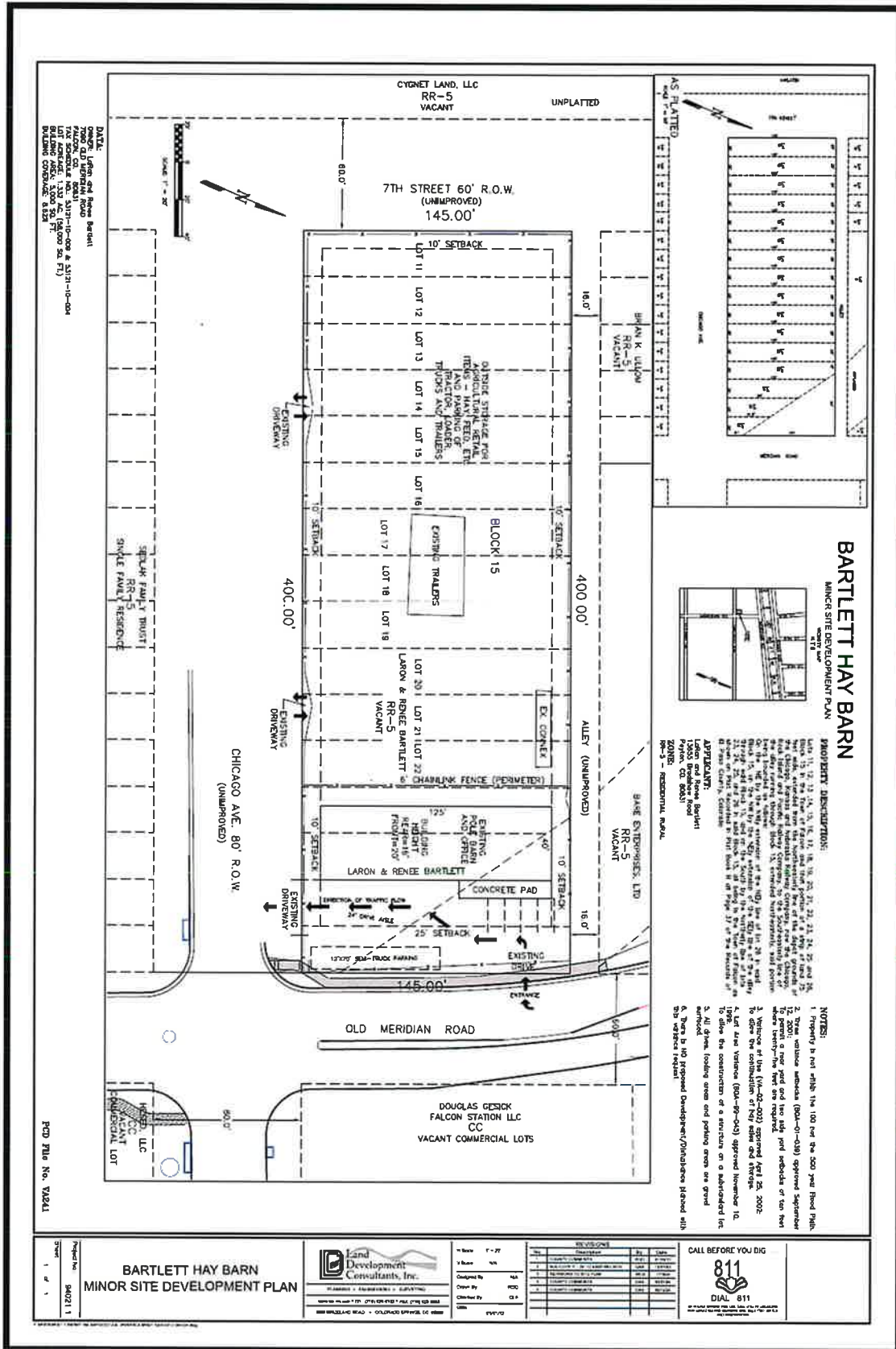
By:   
Chair

EXHIBIT A

Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, Block 15 in the Town of Falcon and that portion of a strip of land 75 feet wide, extended from the Northwesterly line of the depot grounds of the Chicago, Kansas and Nebraska Railway Company, now the Chicago, Rock Island and Pacific Railway Company, to the Southeasterly line of the alley running through Block 15, extended Northeasterly, said portion being bounded as follows:

On the NE by the NWly extension of the NEly line of lot 26 in said Block 15, on the NW by the NEly extension of the SEly line of the alley through said Block 15, and on the South by the Northerly line of lots 23, 24, 25, and 26 in said Block 15, all being in the Town of Falcon as shown on Plat Recorded in Plat Book B at Page 37 of the Records of El Paso County, Colorado

EXHIBIT B



**COMMISSIONERS:**  
**HOLLY WILLIAMS, DISTRICT 1**  
**CARRIE GEITNER, DISTRICT 2**

**STAN VANDERWERF, DISTRICT 3**  
**LONGINOS GONZALEZ, JR., DISTRICT 4**  
**CAMI BREMER, DISTRICT 5**

**PLANNING & COMMUNITY DEVELOPMENT**

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

**FROM: Joseph Letke, Planner**  
**Edward Schoenheit, Associate Engineer**  
**Meggan Herington, AICP, Executive Director**

**RE: Project File Number: VA241**  
**Project Name: Bartlett Hay Variance of Use**  
**Parcel Numbers: 5312110004 and 5312110009**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Laron A. Bartlett Renee U. Bartlett 13655 Bradshaw Road Peyton, CO 809831-9006	Land Development Consultants c/o Daniel Kupferer 3898 Maizeland Road Colorado Springs, CO 80909

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>11/7/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>12/12/2024</b>

**EXECUTIVE SUMMARY**

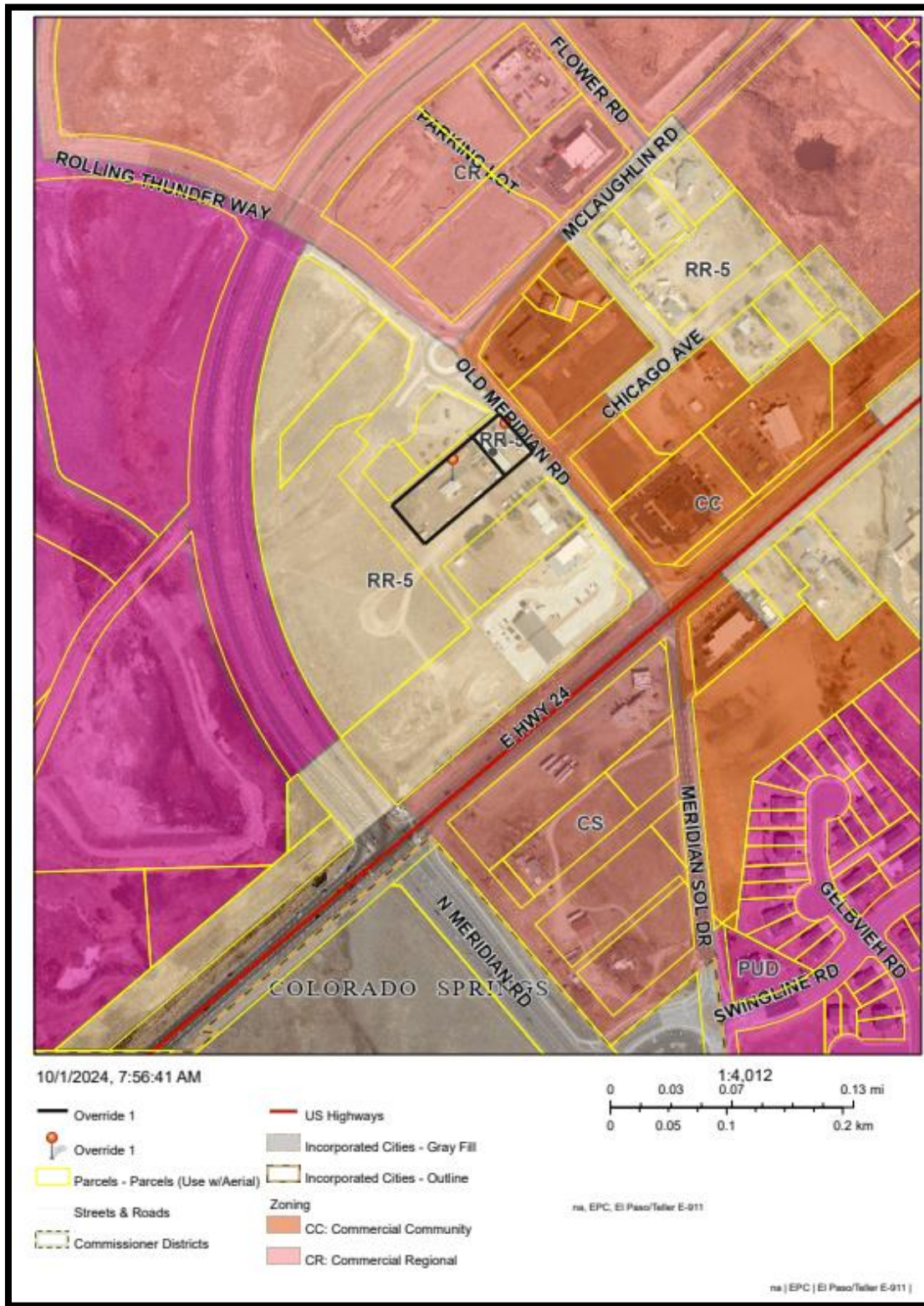
A request by LaRon and Renee Bartlett for approval of a Variance of Use to allow for commercial hay sales in the RR-5 (Residential Rural) district. A rezoning application was discussed in 2007, but ultimately rejected by the property owners. The two properties are located at the intersection of Old Meridian Road and Chicago Avenue. (Parcel Nos. 5312110004 and 5312110009)

2880 INTERNATIONAL CIRCLE  
 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
 PLNWEB@ELPASOCO.COM

# ZONING MAP



2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

**A. APPROVAL CRITERIA**

Pursuant to Section 5.3.4 of the Land Development Code (As Amended), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a Variance of Use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

**B. LOCATION**

North:	RR-5 (Residential Rural)	Vacant Residential
South:	RR-5 (Residential Rural)	Single Family Residential
East:	CC (Commercial Community)	Vacant Commercial
West:	RR-5 (Residential Rural)	Vacant Residential

**C. BACKGROUND**

From 1991 to 2023, property owners La Ron and Renee Bartlett consistently applied for and received Variance of Use approval to continue their commercial hay sales business within the RR-5 (Residential Rural) zoning district. The prior approvals — VA-91-015,

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



VA-96-027, VA-02-002, and most recently VA-12-008 — were all conditionally approved with set expiration dates. The most recent Variance of Use approval expired in 2023.

The property owners are currently requesting a Variance of Use approval to allow for the continuance of the commercial hay sales in the RR-5, without an expiration date.

## D. ANALYSIS

### 1. Land Development Code and Zoning Analysis

Pursuant to Table 5-1 of the Land Development Code, an Agricultural Business and Retail Sales, are not permitted principal land uses in the RR-5 zoning district.

The Land Development Code defines “Agricultural Business” and “Retail Sales” as:

**“Agricultural Business** - A commercial activity directly related to or resulting from the cultivation of the soil, production of crops or the raising of livestock which are not necessarily produced on the premises, which may also include feed and seed sales and hay sales which would otherwise be classified as retail sales.”

**“Retail Sales** - Establishments engaged in the sale of goods or merchandise to the general public and rendering services incidental to the sale of these goods. A retail sales establishment is usually a place of business and is engaged in activity to attract the general public to make purchases, including but not limited to: antiques or art, clothing, department store items, drugs, dry goods, feed and seed, hay, flowers, furniture, gifts, groceries, hardware, hobby items, office supplies, package liquor, paint, pets, shoes, sporting goods, appliances and repairs, copies and toys.”

Agricultural Businesses are only permitted as a Special Use in the A-35 (Agricultural) zoning districts. Retail Sales, General is not permitted in the RR-5 zoning district and is only permitted in the Commercial and Industrial zoning districts.

## F. MASTER PLAN ANALYSIS

### 1. Your El Paso County Master Plan

#### a. Placetype Character: Regional Center

*The fundamental purpose of a Regional Center is to provide access to necessary and desired commercial goods and services in El Paso County through a unique mix of uses.*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

*This placetype differs from Rural Centers by providing a level of goods and services that attract people from across the County, and depending on location, from adjacent counties. Regional Centers often incorporate a lifestyle live-work-play environment and can include multifamily housing elements in their design as standalone apartments or part of mixed-use developments.*

*This placetype includes large scale shopping centers that house a variety of commercial businesses and support a high activity of users on a regular basis such as grocery stores, pharmacies, clothing stores, automotive centers, restaurants, entertainment opportunities, home improvement stores, and other major retailers. Multifamily apartments provide commercial businesses direct access to potential customers.*

*Regional Centers are major commercial destinations for residents and are easily accessible from major transportation routes throughout the County. Regional Centers in El Paso County are surrounded by Urban Residential, Suburban Residential, and Employment Center placetypes. In addition, Regional Centers can also be extensions of commercial areas within incorporated municipalities such as the Gleneagle area.*

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

##### Primary

- *Restaurant*
- *Commercial Retail*
- *Commercial Service*
- *Entertainment*
- *Multifamily Residential*

##### Supporting

- *Office*
- *Institutional*
- *Mixed Use*
- *Single-Family Attached Residential*

#### **Analysis:**

The property is located within the Regional Center Placetype. The Falcon area has the most established Regional Center which serves the communities in the northeastern region of El Paso County. The County should continue to promote commercial development in this area.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

Relevant strategies and goals include:

*The Regional Center in Falcon and the Rural Center in Peyton should be expanded to meet the growing commercial needs of the expanding residential development in this area.*

**Objective ED3-6:** *Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*

Small family-owned retail sales business such as Bartlett Hay Sales are a recommended land use in the regional center placetype.

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

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

**Analysis:**

Approval of the Variance of Use will permit the land use to continue as it has existed since 1991. The area surrounding the property has seen major transitional change and commercial development. Relevant goals and objectives are as follows:

**Goal LU3.:** *Encourage a range of development types to support a variety of land uses.*

**Priority:** *The Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment will be intense enough to transition the existing development setting to an entirely new type of development.*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

**c. Key Area Influences: Potential Areas for Annexation**

*A significant portion of the County's expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.*

*This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.*

**Analysis:**

The property is located within the key area of potential areas for annexation. At present, annexation has not been proposed for this property and the current development. The County will continue to work with municipal efforts to coordinate annexation plans, proposals, and encourage annexation if significant growth occurs.

**3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

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



## G. PHYSICAL SITE CHARACTERISTICS

### 1. Hazards

No hazards have been initially identified.

**2. Floodplain:** The property is not located within a floodplain as determined by a review of the FEMA Insurance Rate map number 08041C0561G, effective December 7<sup>th</sup>, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-year flood zone.

**3. Drainage and Erosion:** The property is located in the Falcon Drainage basin. No drainage basin or bridge fees are applicable with this request. Drainage on the parcel generally flows from north to south. A drainage report was not required to be submitted with this request as there is no new disturbance or increase in impervious area. The owner has stated that the development will not have adverse stormwater impacts to surrounding properties. No public drainage improvements are proposed or required with this request.

**4. Transportation:** The property is located at the intersection of Old Meridian Road and Chicago Avenue. Old Meridian is a County maintained paved collector road south of McLaughlin Road connecting to U.S Highway 24. Chicago Avenue is a local gravel road. The property gains access from both Old Meridian Road and Chicago Avenue. Driveway access permits have been obtained for both access points. A traffic impact study was not required to be submitted under the Engineering Criteria Manual Section B.1.2.D exemption for less than 100 daily trips or 10 peak hour trips. Road Impact fees are not applicable with this Variance of Use request as no new uses, increased traffic or new building construction will occur. No public road improvements are proposed or required with the Variance of Use request.

## H. SERVICES

### 1. Water

Water is provided by an onsite well.

### 2. Sanitation

Wastewater is provided by an onsite wastewater treatment system.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

**3. Emergency Services**

The Falcon Fire Department has reviewed the VA (Variance of Use application). Upon review of the variance proposal, Falcon Fire Department has no comments or concerns for the variance of use on this property.

**4. Utilities**

Mountain View Electric currently provides electricity.

**5. Metropolitan Districts**

Upper Black Squirrel Creek Ground Water Management District reviewed the application and did not have comments.

**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 5.3.4 of the El Paso County Land Development Code (As Amended), staff recommends the following conditions and notations:

**CONDITIONS**

1. Variance of Use Approval will cease when the current property owners sell the property or business. At time of sale, the new owners shall reapply for land use approval.
2. No expansion, enlargement, or modification of the Variance of Use for the existing hay, grain, feed sales and associated farm-ranch supply business shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
3. The applicant shall comply with all applicable local, State, and Federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous materials on and off the site.



4. All storage, loading, and unloading of materials, vehicles and equipment shall occur within the subject property.
5. Vehicles shall not be parked along Old Meridian Road outside of the fenced area. Vehicles shall not be parked overnight or stored in the Chicago Avenue right-of-way, and this right-of-way shall not be obstructed.

#### **NOTATIONS**

1. Variance of 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 Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified twelve adjoining property owners on October 14, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

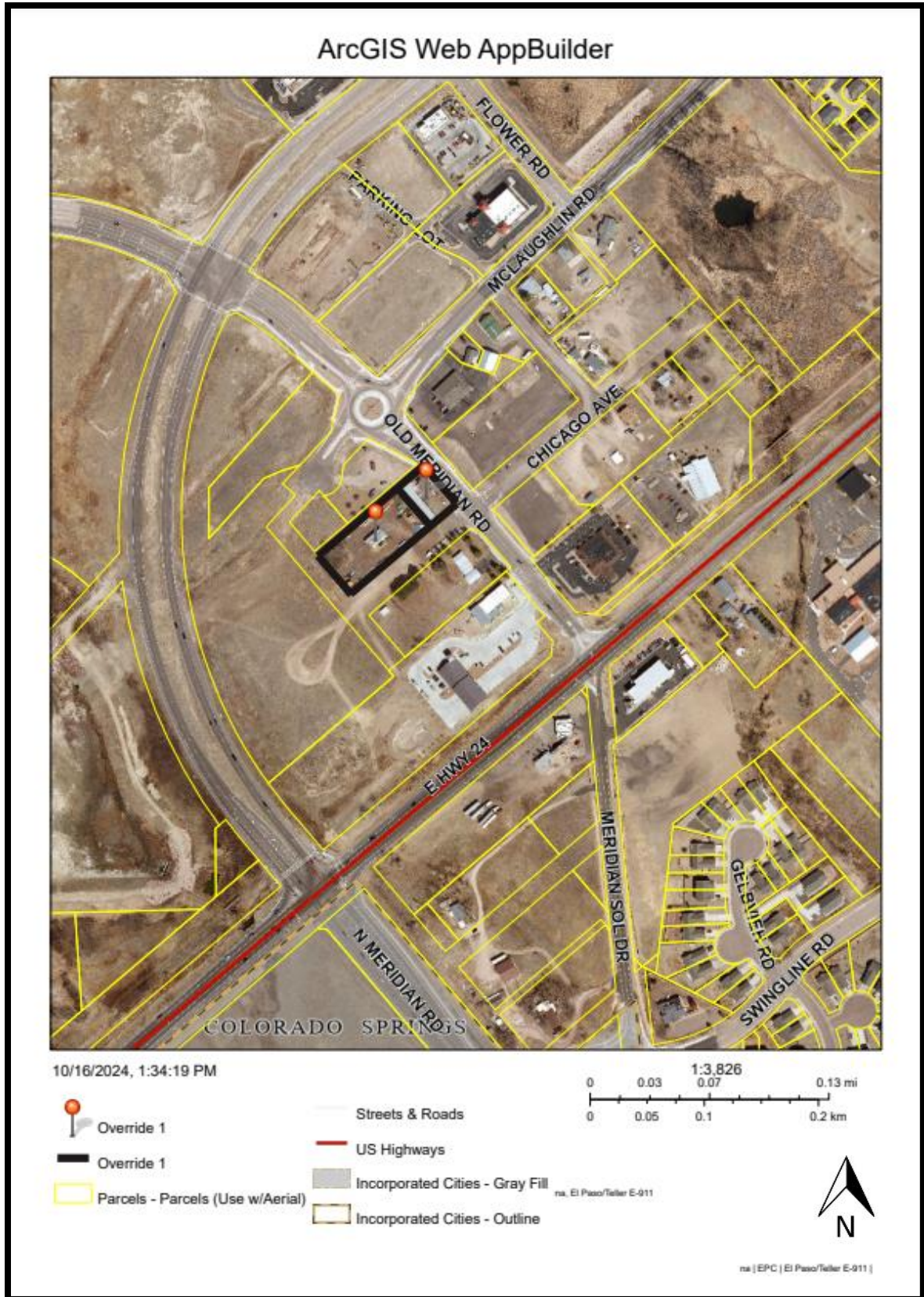
Map Series  
Letter of Intent  
Site Plan  
Draft Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

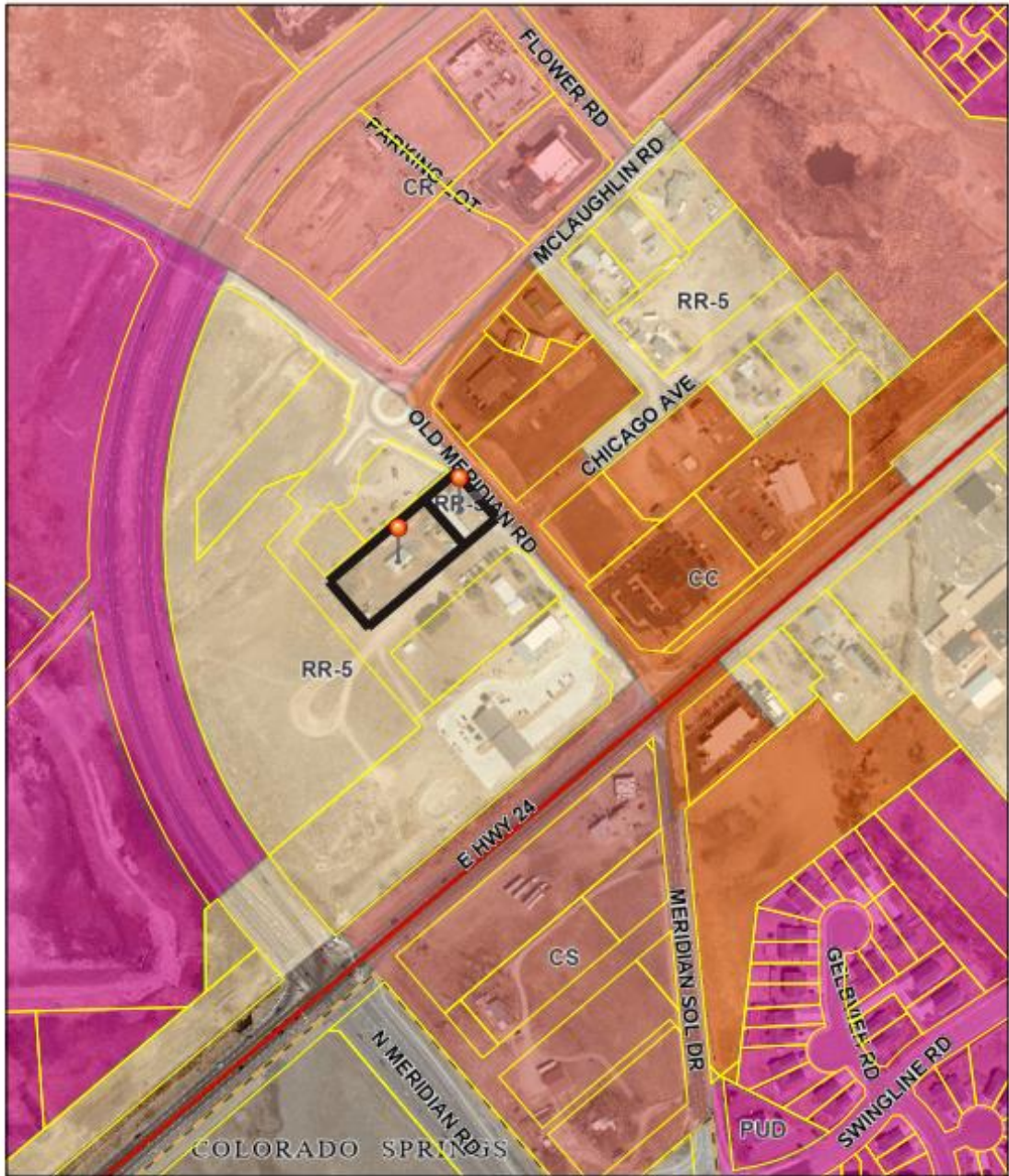
# Map Exhibit #1: Aerial





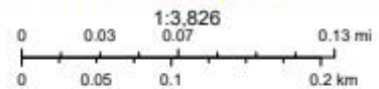
# Map Exhibit #2: Zoning

ArcGIS Web AppBuilder



10/16/2024, 2:20:06 PM

- Override 1
- Override 1
- Parcels - Parcels (Use w/Aerial)
- Streets & Roads
- US Highways
- Incorporated Cities - Gray Fill
- Incorporated Cities - Outline
- Zoning**
- CC: Commercial Community
- CR: Commercial Regional
- CS: Commercial Service

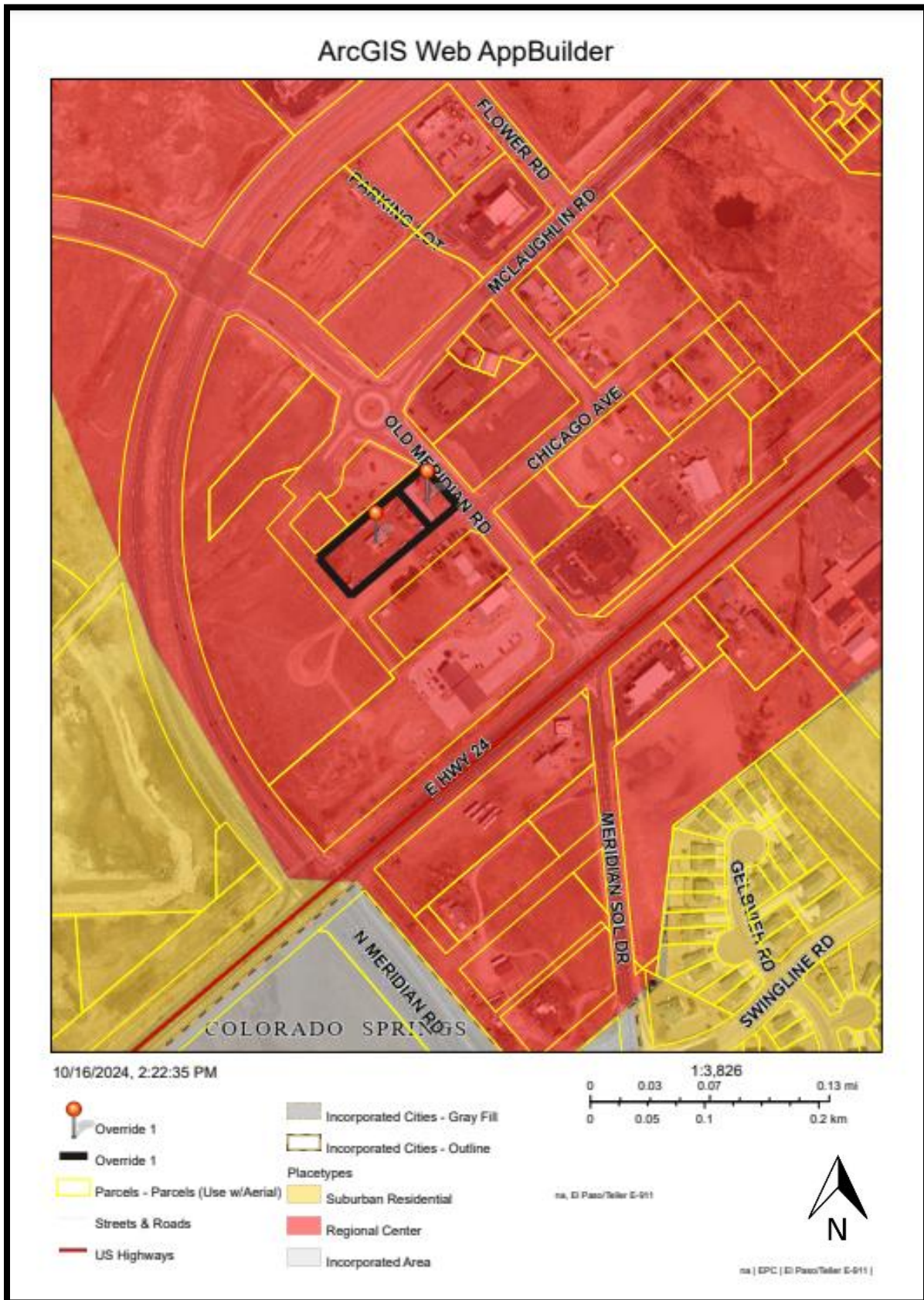


na, El Paso/Teller E-911

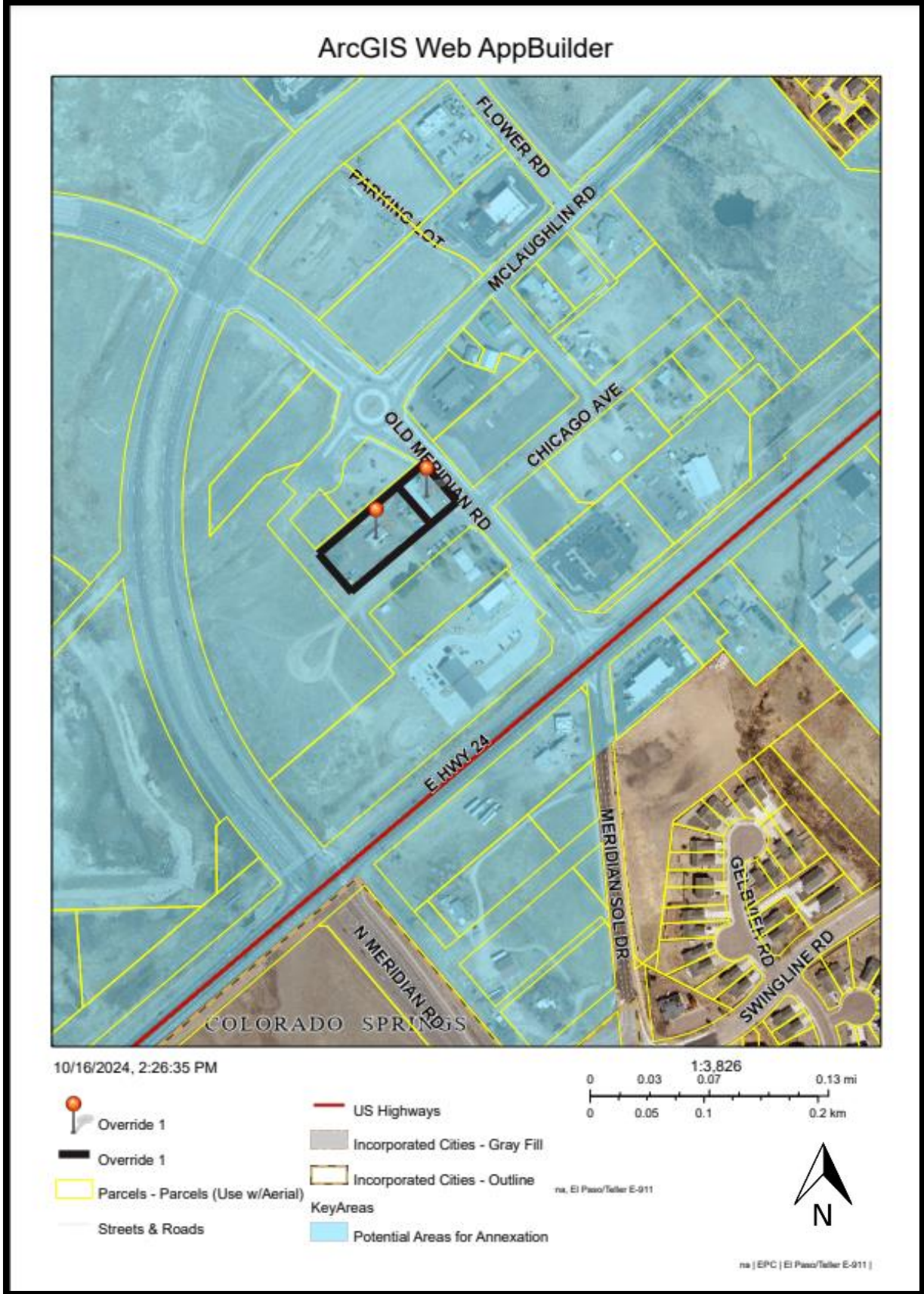


na | EPC | El Paso/Teller E-911 |

# Map Exhibit #3: Placetype

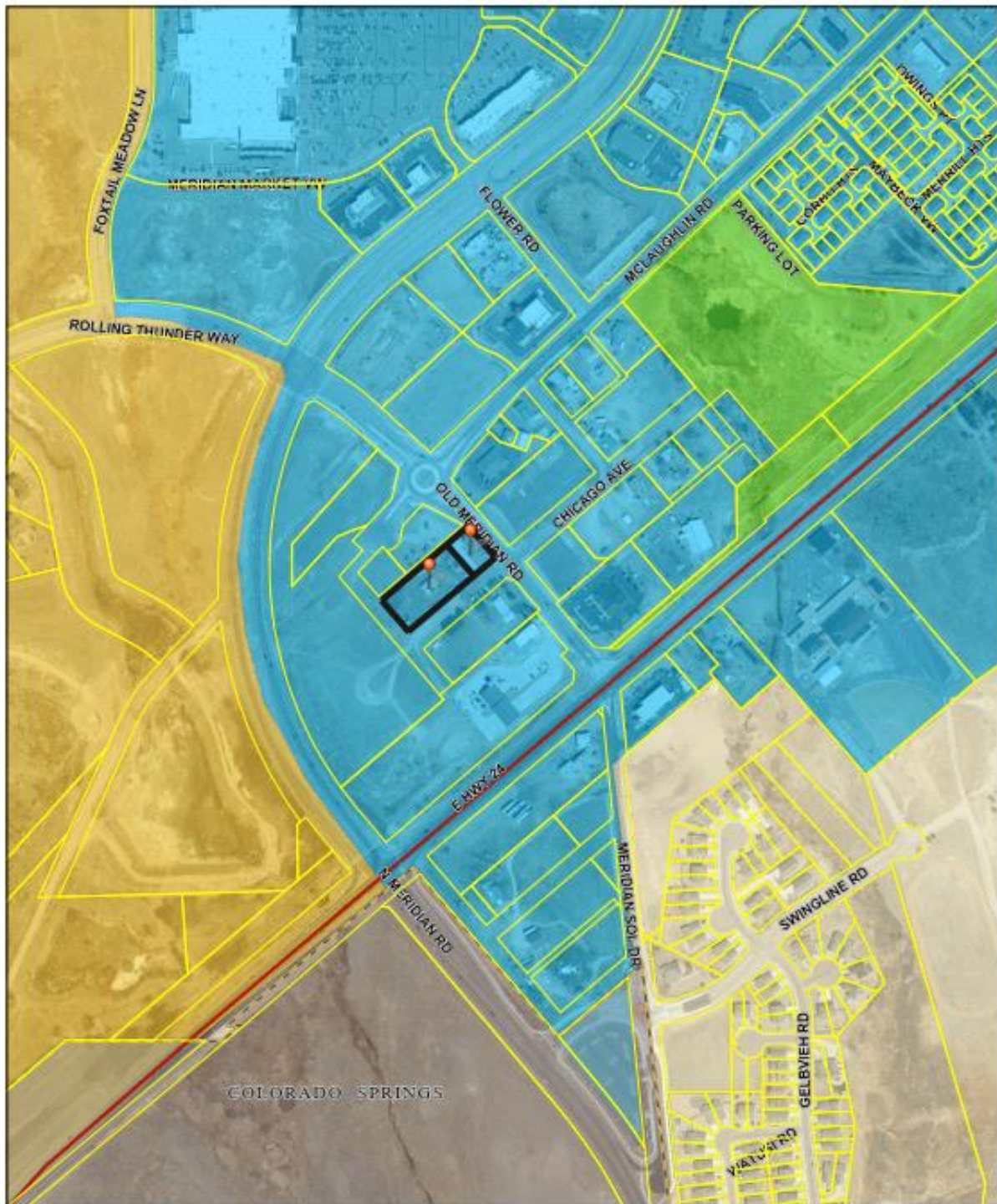


# Map Exhibit #4: Key Areas of Influence



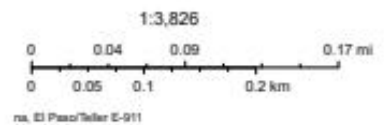
# Map Exhibit #5: Area of Change

ArcGIS Web AppBuilder



10/16/2024, 2:29:57 PM

- Override 1
- Incorporated Cities - Outline
- Areas Of Change
- Protected/Conservation Area
- Parcels - Parcels (Use w/Aerial)
- Minimal Change: Undeveloped
- Streets & Roads
- Minimal Change: Developed
- US Highways
- Transition
- Incorporated Cities - Gray Fill



es, El Paso/Teller E-911

August 28, 2024

El Paso County Planning and Community Development Department  
2880 International Circle  
Colorado Springs, CO 80910

RE: Bartlett Hay Sales – Parcel No. 53121-10-009 & 53121-10-004

**LDC, Inc.** is representing LaRon and Renee Bartlett, 13655 Bradshaw Road, Peyton, CO, 80831, (719) 749-2213. The Bartlett family owns and operates their hay sales business located at the NW Corner of Old Meridian Road and Chicago Ave. In 2017 They bought the property to the west bounded by Chicago Ave. and 7<sup>th</sup> Street. This additional property is zoned RR-5 and was approved for outside storage which expired in 1999. The total property is 1.33 acres and is zoned RR-5. The Bartlett family is requesting renewal of the Variance of Use (VA-12-008), to include the additional property, which was approved by the BOCC on March 26, 2013, which will allow them to continue their business which includes hay, grain, feed and products and supplies associated with the farming and ranching industry. The immediate adjoining properties are: to the North is zoned RR-5 and is vacant; to the West across 7<sup>th</sup> Street is vacant and zoned RR-5; the property across Chicago Ave. (80' R.O.W.) to the South is zoned RR-5 and is a single-family residence. The property to the East is zoned CC/RR-5 and is vacant. The property to the NE is zoned CC and currently has commercial type buildings on it. The property to the Southeast is zoned CC and is under construction. This property still retains the same physical limitations and hardships as existed when the first Variance of Use was granted in 1991. The variance of use has allowed this business to provide jobs, pay property taxes and provide a needed service to this community.

During the 31 years this business has been operating there have been no known negative off-site conditions created and no known complaints of the business itself. The only change to the site plan is the addition of the property to the west. This additional property will provide for hay storage and semi-truck parking. The Site Plan still provides for adequate parking, driveways, fencing and storage as it has for their past 31 years of operation. There will be no additional impact on public services such as fire protection, law enforcement, utilities or storm water runoff. The County has installed a traffic circle at McLaughlin Road and Old Meridian Road and right-in, right-out lanes at Old Meridian Road and US Highway 24, which has significantly reduced traffic on Old Meridian Road. A TIS has not been required in the past because the business does not generate the traffic volume that would require one. The traffic at this business is less than 10VPH and less than 100VPD and is therefor exempted by ECM B.1.2D.

This business has operated essentially from 7:30 AM to 6:00 or 6:30 PM Monday through Saturday. However we believe it is an improper condition to restrict the hours of operation to 8:00 AM to 6:00 PM Monday through Saturday. Other businesses across the street are not restricted to hours or days of operation and other roadside businesses pop up adjacent to this property with no restrictions whatsoever, add nothing to the tax base and create traffic congestion because they have no established access points or driveways. With the growth of commercial businesses within a few blocks such as; McDonalds, Wal-Mart, Falcon Liquor, etc. that are open at all hours, it has become necessary for the Bartletts to have the ability to set their operating hours to the best benefit of their business. The Bartletts have no intention of increasing their hours of operation at this time but respectfully request the hours of operations not be restricted

## HISTORY

- The site was zoned RR-3 (now RR-5) in 1991, formerly it was A-4.
- VA-91-015 – Variance of Use granted for sale and storage of hay approved by the BOCC on October 10, 1991 with the following conditions: The following vehicles and equipment shall be allowed on site in association with this business: one tractor with a forklift, two delivery pickup trucks with sixteen foot trailers, one semi-truck, three semi trailers.
- VA-96-027 – Variance of Use granted for the sale and storage of hay with the following conditions: The following vehicles and equipment shall be allowed on site in association with this business: one tractor with a forklift, one delivery pickup truck, two sixteen foot trailers, two semi-trucks, and three semi-trailers.
- BOA-99-045 – Variance for the construction of a structure on a substandard lot to continue the approved use of hay sales, and a Variance for rear setback from 25’ to 10’. This BOA Variance has expired.
- BOA-01-039 – Variance to allow setbacks of 10’ in the rear yard and two side yards where normally in the RR-3 zone 25’ is required. This variance stipulated the condition that any construction or additions will require separate Board of Adjustment application and approvals in the event the development requirements of the applicable zoning district cannot be met.
- VA-02-002 – Variance of Use granted for sale and storage of hay approved by the BOCC on April 25, 2002 for a ten year term with essentially the same conditions as previously approved.
- VA-12-008 – Variance of Use granted for sale and storage of hay approved by the BOCC on March 26, 2013 for a ten year term with essentially the same conditions as previously approved.

## VARIANCE OF USE CRITERIA:

The strict application of the RR-5 zone would prevent this property from being used, as it is less than 5 acres and this is primarily a commercial area.

This variance of use has shown to be consistent with the area master plan as the surrounding area is all commercial with the exception of one residential use on the south side of Chicago Ave.

As previously mentioned this variance of use will allow this property to continue being used as a commercial business as it has for the last 30 years and the surrounding properties are commercial also.

There is no construction planned for this property as it is an existing use, therefore there will be no impact on air, water, odor or noise standards.

This business will continue to comply with all applicable requirements of this code, as it has since it was initially approved for a variance in 1994, except for the portions varied by this action.

This use will not impact any wildlife or wetlands as it has been in existence for 30 years and is consistent with adjacent uses.

Over the last 30 years any offsite impacts have been addressed.

The site plan for this use will be approved by the Planning and Community Dev Dept.

All utilities, and public infrastructure are available and adequate to continue serving this use as they have been in the past.

The Bartletts are requesting a renewal of the Variance of Use for an unlimited period , and a waiver of the submittal fee, which will allow them to continue to operate their hay and storage business as the retail – commercial aspect of the immediate area continues to evolve. There have been no complaints since this was approved 10 years ago and the Bartletts will continue to operate their business in the same honest, friendly and neighborly way they always have.

Respectfully;

Daniel L. Kupferer, PLS  
President, Land Development Consultants, Inc.





Miranda Benson

---

**From:** La Thomas <lat\_runner@yahoo.com>  
**Sent:** Saturday, October 19, 2024 10:06 AM  
**To:** PCD Hearings  
**Subject:** Opposition of VA241 - Bartlett Hay Variance of use

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from lat\_runner@yahoo.com. [Learn why this is important](#)

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

---

We, Sedlak Family Trust oppose the variance request for the following reasons:

- The request for renewal is for an unlimited period of time.
- General noise and traffic that is continuous during operating hours.
- Trash and debris that litters the surrounding area from the hay business.

Should you have any questions, call Lisa (Sedlak) Karney at 719 332 6565.

RESOLUTION NO. 24-  
BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO  
STATE OF COLORADO  
FOR APPROVAL OF A VARIANCE OF USE  
BARTLETT HAY SALES

WHEREAS, LaRon and Renee Bartlett did file an application with the Planning and Community Development Department of El Paso County for approval of a Variance of Use within the RR-5 (Residential Rural) zoning district to permit commercial hay sales where such is not permitted for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 7, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject Variance of Use.

WHEREAS, a public hearing was held by this Board on December 12, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the County Commissioners during the hearing, this Board finds as follows:

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

6. That for the above-stated and other reasons, the proposed Variance of Use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this Variance of Use, the Board of County Commissioners considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County;
3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State, and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the application for a Variance of Use to allow for a commercial hay sales within the RR-5 (Residential Rural) zoning district where such is not a permitted use for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. No expansion, enlargement, or modification of the Variance of Use for the existing hay, grain, feed sales and associated farm-ranch supply business shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The applicant shall comply with all applicable local, State, and Federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous materials on and off the site.
3. All storage, loading, and unloading of materials, vehicles and equipment shall occur within the subject property.
4. Vehicles shall not be parked along Old Meridian Road outside of the fenced area. Vehicles shall not be parked overnight or stored in the Chicago Avenue right-of-way, and this right-of-way shall not be obstructed.

NOTATIONS

1. Variance of 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 Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

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

DONE THIS 12<sup>th</sup> day of December 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

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

EXHIBIT A

Legal Description

Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, Block 15 in the Town of Falcon and that portion of a strip of land 75 feet wide, extended from the Northwesterly line of the depot grounds of the Chicago, Kansas and Nebraska Railway Company, now the Chicago, Rock Island and Pacific Railway Company, to the Southeasterly line of the alley running through Block 15, extended Northeasterly, said portion being bounded as follows:

On the NE by the NWly extension of the NEly line of lot 26 in said Block 15, on the NW by the NEly extension of the SEly line of the alley through said Block 15, and on the South by the Northerly line of lots 23, 24, 25, and 26 in said Block 15, all being in the Town of Falcon as shown on Plat Recorded in Plat Book B at Page 37 of the Records of El Paso County, Colorado