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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

OWNER:	REPRESENTATIVE:
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

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

EXECUTIVE SUMMARY

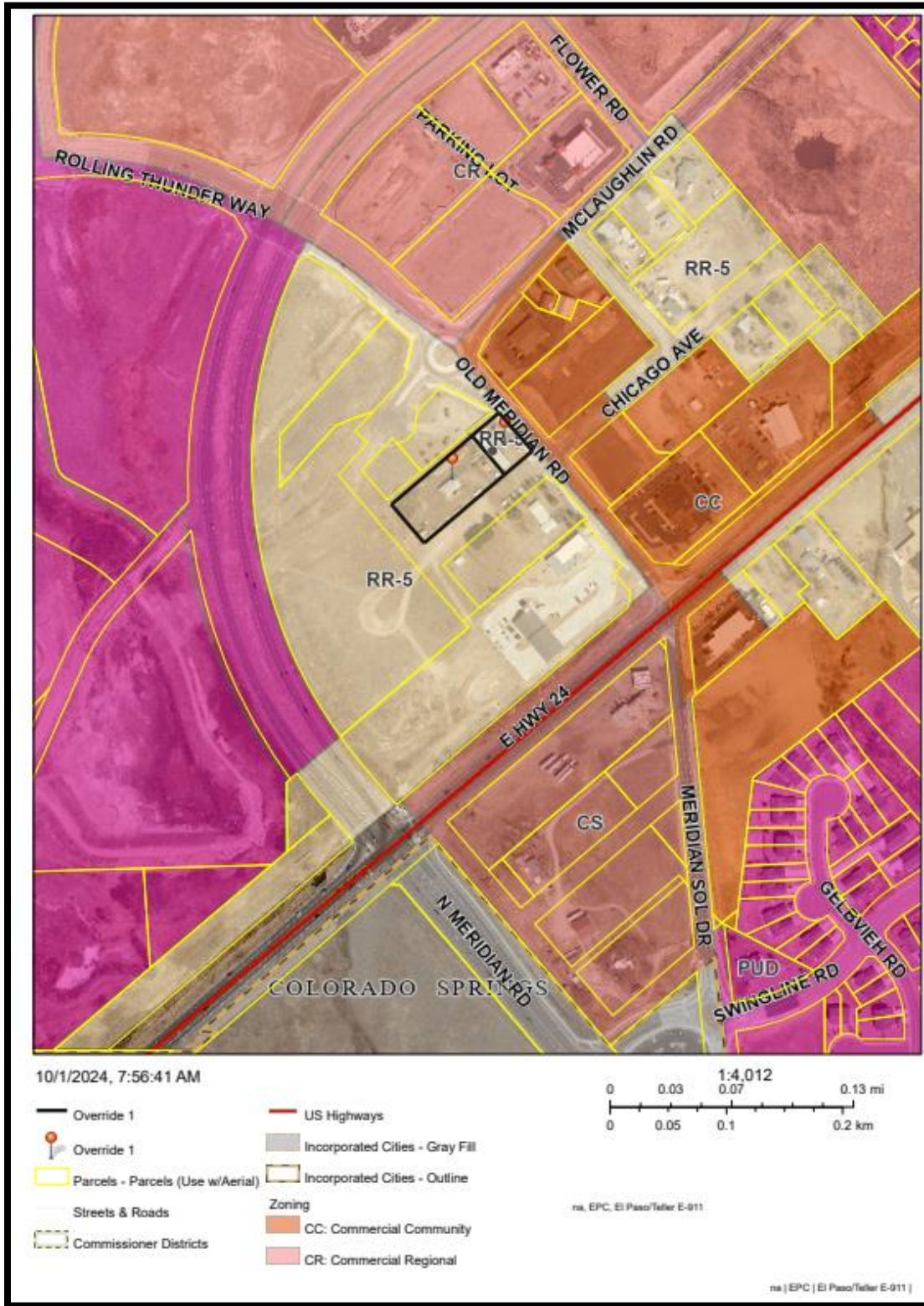
A request by LaRon and Renee Bartlett for approval of a Variance of Use to allow for commercial hay sales in the RR-5 (Residential Rural) district. A rezoning application was discussed in 2007, but ultimately rejected by the property owners. The two properties are located at the intersection of Old Meridian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

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 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
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ZONING MAP



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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,

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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.

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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.



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.*

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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 7th, 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.

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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



Map Exhibit #1: Aerial

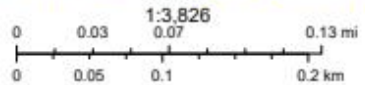
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- Override 1
- Override 1
- Parcels - Parcels (Use w/Aerial)

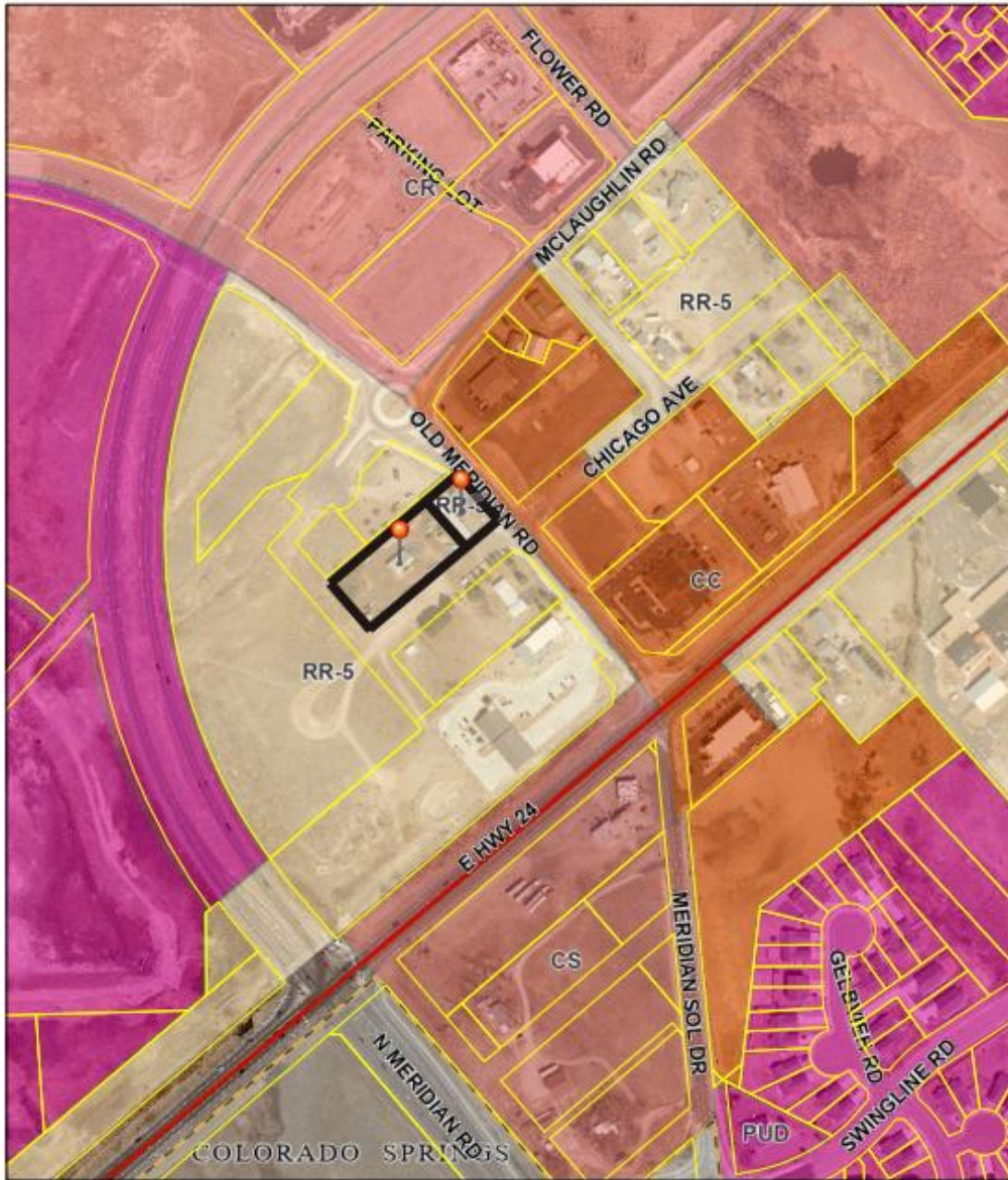
- Streets & Roads
- US Highways
- Incorporated Cities - Gray Fill
- Incorporated Cities - Outline



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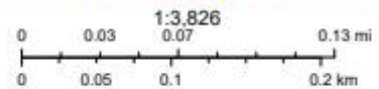
Map Exhibit #2: Zoning

ArcGIS Web AppBuilder



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

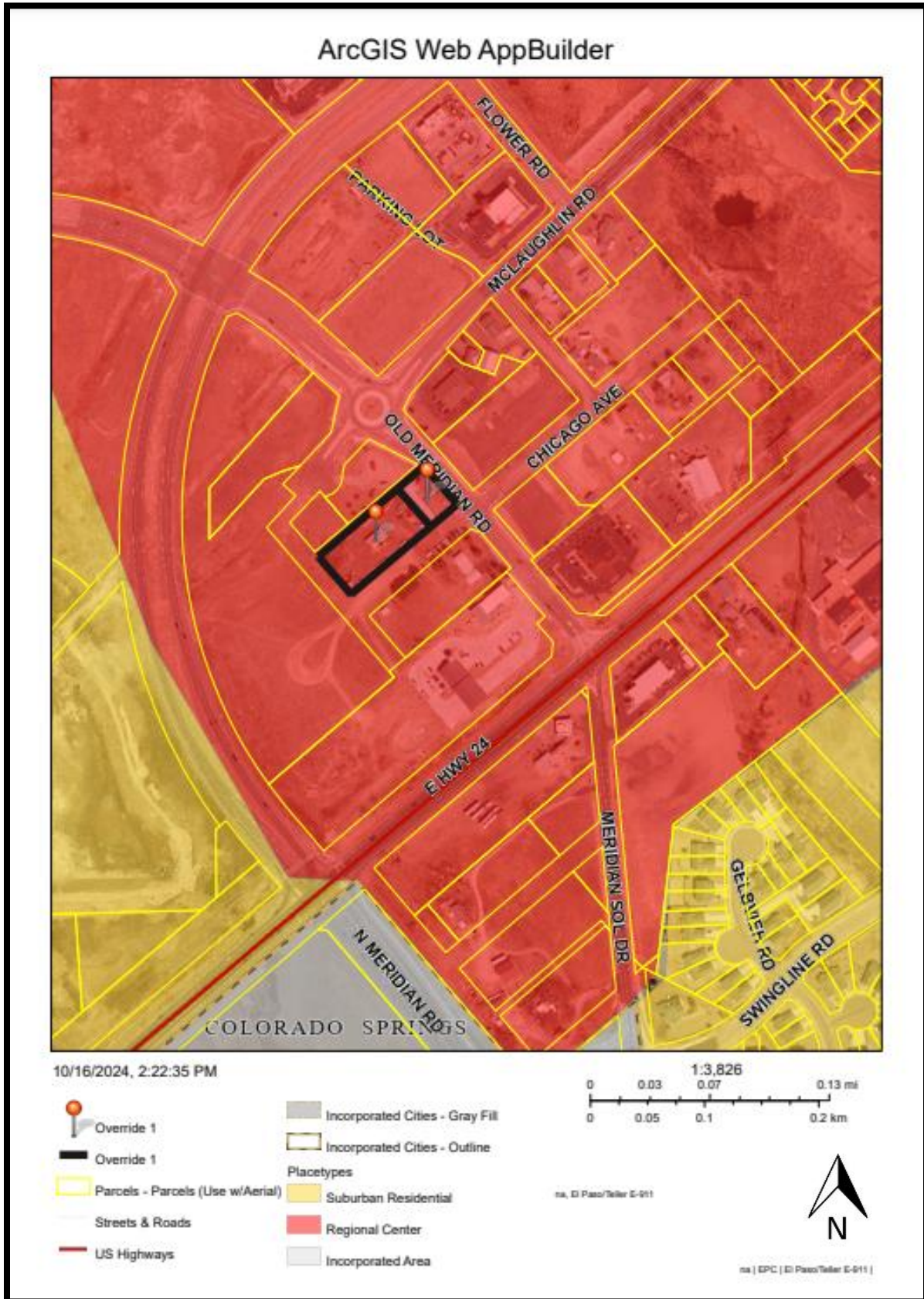


na, El Paso/Teller E-911

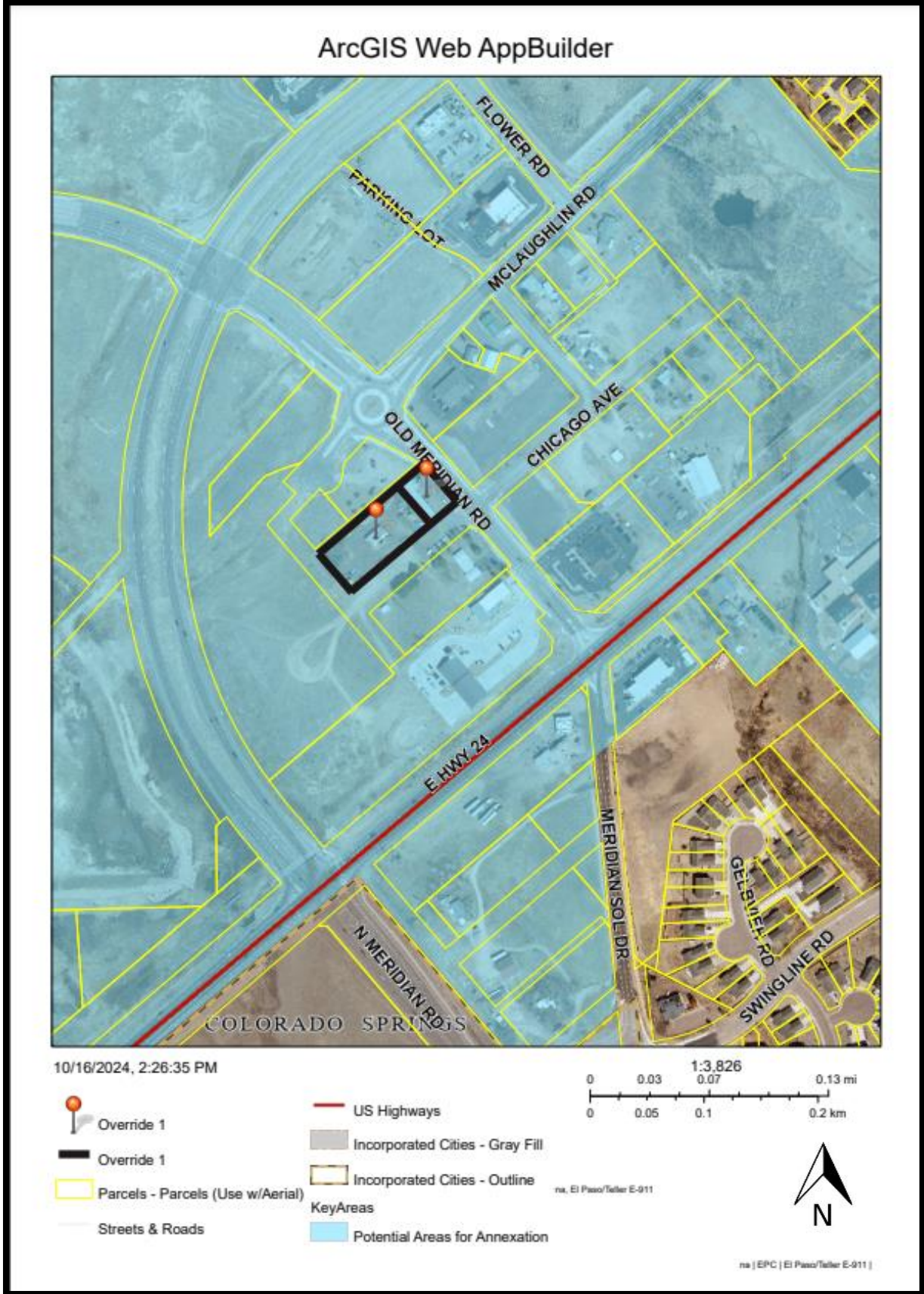


na | EPC | El Paso/Teller E-911 |

Map Exhibit #3: Placetype

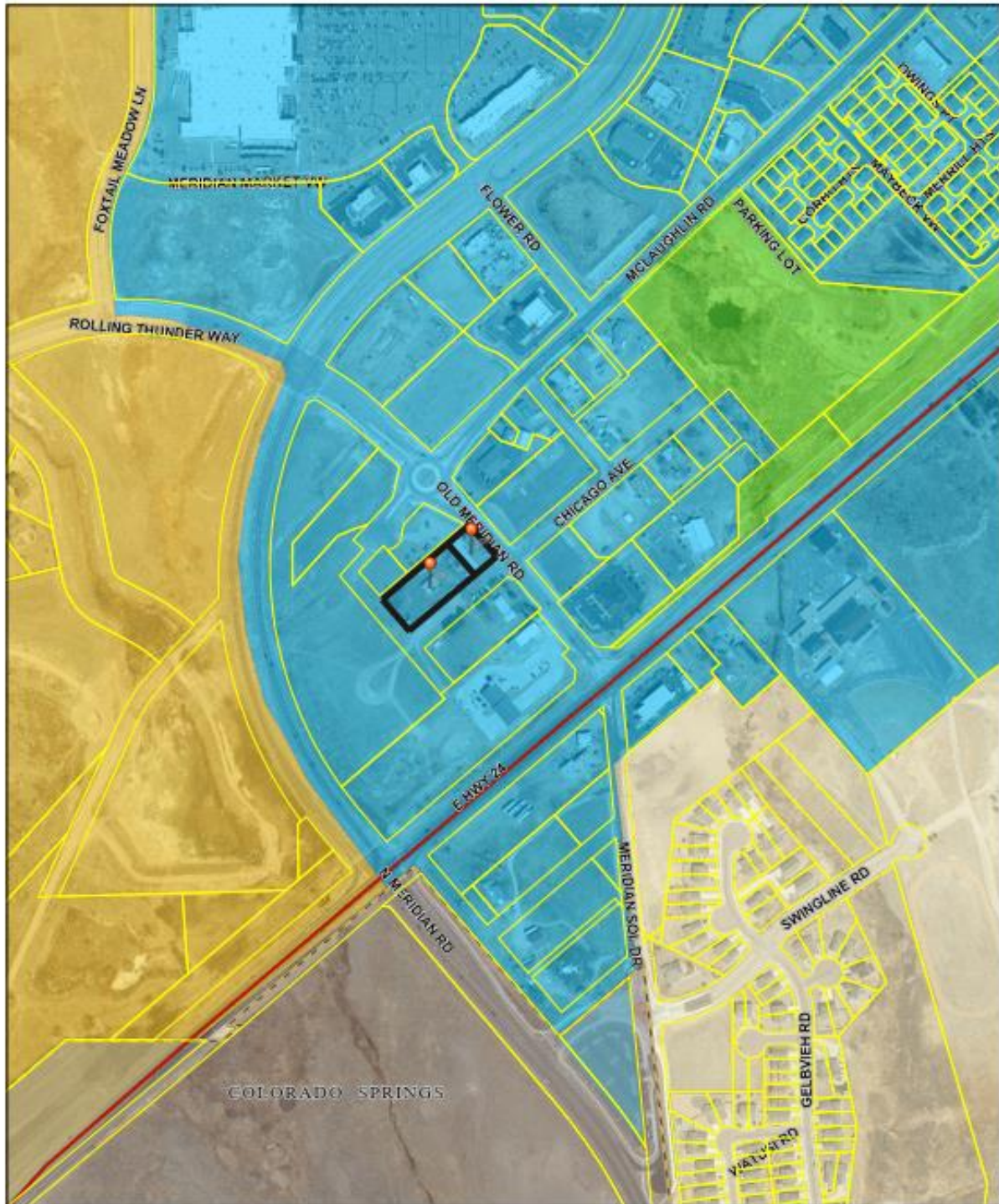


Map Exhibit #4: Key Areas of Influence



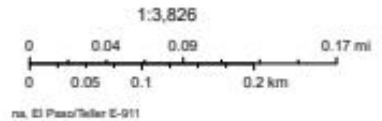
Map Exhibit #5: Area of Change

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



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 7th 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 7th 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.

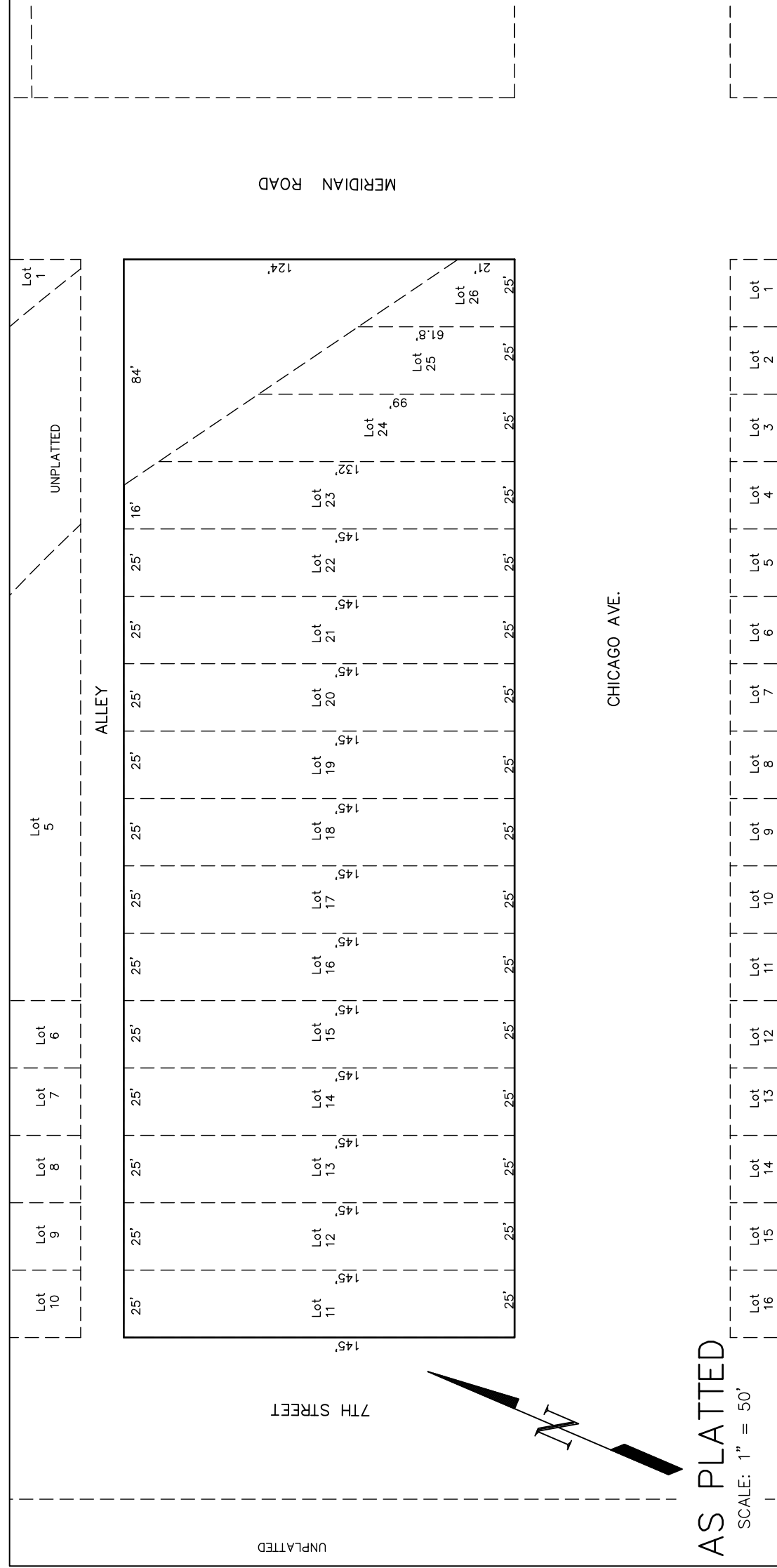
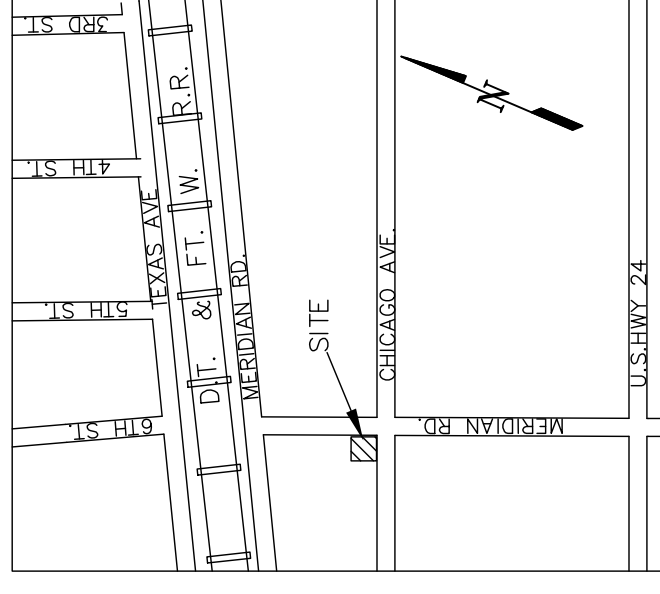
Respectfully;

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

BARTLETT HAY BARN

MINOR SITE DEVELOPMENT PLAN

VICINITY MAP
N.T.S.



PROPERTY 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 Northwestern line of the depot grounds of the Chicago, Kansas and Nebraska Railway Company, now the Chicago, Rock Island and Pacific Railway Company, to the Southeastern 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 Northernly 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

APPLICANT:

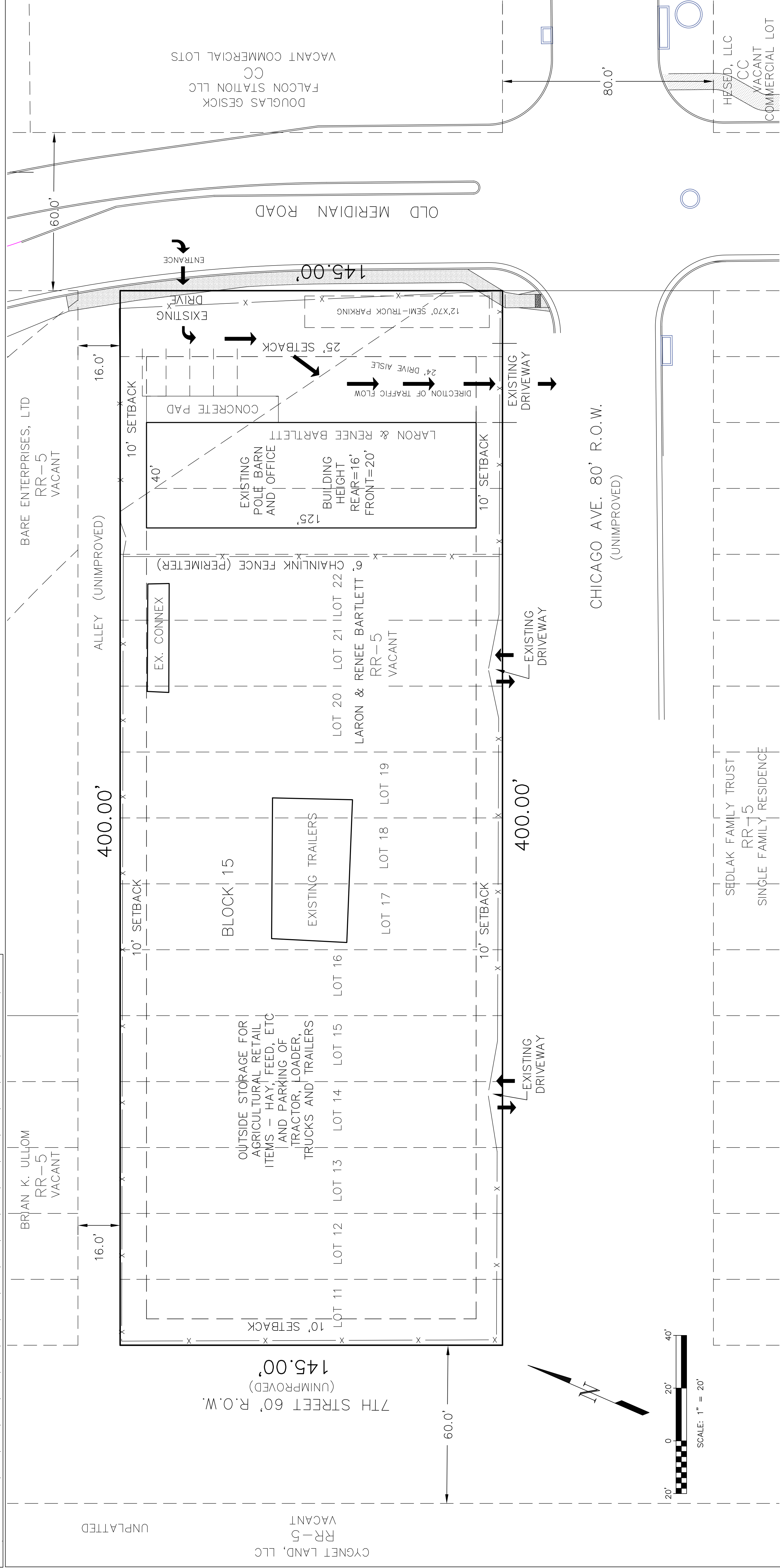
LoRon and Renee Bartlett
13655 Bradshaw Road
Peyton, CO. 80831

ZONE:

RR-5 - RESIDENTIAL RURAL

NOTES:

- Property is not within the 100 nor the 500 year Flood Plain.
- Three variance setbacks (BOA-01-039) approved September 12, 2001:
To permit a rear yard and two side yard setbacks of ten feet where twenty-five feet are required.
- Variance of Use (VA-02-002) approved April 25, 2002:
To allow the continuation of hay sales and storage.
- Lot Area Variance (BOA-99-045) approved November 10, 1999:
To allow the construction of a structure on a substandard lot.
- All drives, loading areas and parking areas are gravel surfaced.
- There is NO proposed Development/Disturbance planned with this variance request.



DATA:

OWNER: LoRon and Renee Bartlett
7090 OLD MERIDIAN ROAD
FALCON, CO. 80831
TAX SCHEDULE NO.: 53121-10-009 & 53121-10-004
LOT ACREAGE: 1.332 AC. (58,000 SQ. FT.)
BUILDING AREA: 5,000 SQ. FT.
BUILDING COVERAGE: 8.62%

No.	Description	By	Date
1	COUNTY COMMENTS	RGS	01/24/13
2	ADD LOTS 11-22 TO EXISTING SITE	DAS	12/07/23
3	REVISIONS TO SITE PLAN	WCS	1/19/24
4	COUNTY COMMENTS	DAS	03/21/24
5	COUNTY COMMENTS	DAS	09/12/24

H Scale:	1" = 20'
V Scale:	N/A
Designed By:	N/A
Drawn By:	RDG
Checked By:	DLK
Date:	03/01/24

Land Development Consultants, Inc.
PLANNING • ENGINEERING • SURVEYING
www.ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-8848
3898 MAZELAND ROAD • COLORADO SPRINGS, CO 80909

BARTLETT HAY BARN MINOR SITE DEVELOPMENT PLAN

Project No.: 94021.1

Sheet: 1 of 1

PCD File No. VA241

VARIANCE OF USE (RECOMMEND APPROVAL)

_____ 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. 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.

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.

_____ 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 / no / 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 ____ to ____ 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

