

BOCC

RESOLUTION NO. 24-510

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF A VARIANCE OF USE
UTAH-NEVADA LANE VARIANCE OF USE (VA244)

WHEREAS, N.E.S. Inc. did file an application with the Planning and Community Development Department of El Paso County for approval of a Variance of Use (VA244) within the RR-5 (Residential Rural) and CAD-O (Commercial Airport Overlay) Zoning Districts to permit a recreational vehicle (RV) storage and mini-warehouse facility 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 December 5, 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 17, 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 recreational vehicle (RV) storage and mini-warehouse facility in the RR-5 (Residential Rural) and CAD-O (Commercial Airport Overlay) Zoning Districts 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. Approval is limited to the use of a recreational vehicle storage and mini-warehouse facility, as discussed, and depicted in the applicant's Variance of Use Site Plan. Any subsequent addition or modification to the use beyond that described in the applicant's Letter of Intent shall be subject to approval of a new Variance of Use request.
2. Applicant to obtain driveway access permit to Adventure Way from City of Colorado Springs.
3. Applicant shall be required to pay road impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-471). Road impact fees shall be paid at time of building permit or within thirty days of Site Development Plan application approval if no building permit is required.

NOTATIONS

1. 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.
2. 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.
3. The underlying RR-5 Zoning District and Commercial Airport Overlay District still govern the property and any future uses, density or dimensional changes to the property.
4. Approval of the Variance of Use does not endorse or waive the use of Nevada Lane for public or private access.

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

DONE THIS 17th day of December 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chair

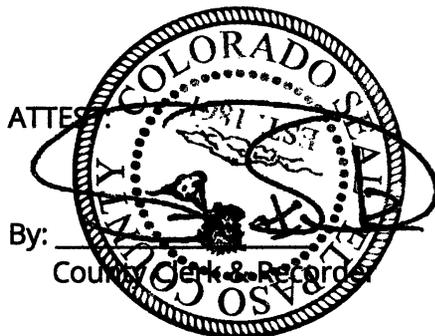


EXHIBIT A

Legal Description

PARCEL A:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION, LOCATED 280 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTHERLY 1290 FEET TO A POINT LOCATED 30 FEET NORTH OF A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER WHICH IS 279.67 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE ANGLE RIGHT AND RUN WESTERLY A DISTANCE OF 505.93 FEET; THENCE ANGLE RIGHT AND RUN NORTHERLY A DISTANCE OF 1290 FEET TO THE NORTH LINE OF SAID SECTION; THENCE EAST ALONG SAID NORTH LINE TO POINT OF BEGINNING; EXCEPT THE SOUTHERLY 430 FEET OF SAID TRACT; AND EXCEPT THE NORTHERLY 430 FEET OF SAID TRACT. FOR INFORMATIONAL PURPOSES ONLY:

PARCEL B:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION, LOCATED 280 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTHERLY 1290 FEET TO A POINT LOCATED 30 FEET NORTH OF A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER WHICH IS 279.67 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE ANGLE RIGHT AND RUN WESTERLY A DISTANCE OF 505.93 FEET; THENCE ANGLE RIGHT AND RUN NORTHERLY A DISTANCE OF 1290 FEET TO THE NORTH LINE OF SAID SECTION; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING; EXCEPT THE SOUTHERLY 860 FEET OF SAID TRACT.

PARCEL C:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE SOUTH ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8 A DISTANCE OF 1041.44 FEET; THENCE ANGLE RIGHT 89 DEGREES 38 MINUTES 3 SECONDS AND RUN WESTERLY 249.74 FEET; THENCE ANGLE RIGHT AND RUN NORTHERLY A DISTANCE OF 1041.44 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION 8 A DISTANCE OF 250 FEET WEST OF THE POINT OF BEGINNING; THENCE EAST ON THE NORTH LINE OF SAID SECTION 8 A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING.

PARCEL D:

A 15' STRIP OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF

SAID SECTION 8, A DISTANCE OF 1041.44 FEET; THENCE ANGLE RIGHT 89° 38' 30" AND RUN WESTERLY 249 74 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFOREMENTIONED COURSE 15 FEET, MORE LESS, TO A POINT ON A LINE EXTENDED SOUTH FROM THE EAST BOUNDARY LINE OF THE EAST PORTION OF PARCELS A-2 AND B-2 AS DESCRIBED IN DEED RECORDED APRIL 27, 2000 UNDER RECEPTION NO. 200046023; AND THEN ANGLE RIGHT AND RUN NORTHERLY A DISTANCE OF 1041 44 FEET; MORE OR LESS, TO A POINT OF THE NORTH LINE OF SAID SECTION 8; THENCE ANGLE RIGHT AND RUN ALONG THE NORTH LINE OF SAID SECTION 15 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED DECEMBER 23, 2010 UNDER RECEPTION NO. 210131368, THENCE ANGLE RIGHT AND RUN SOUTHERLY A DISTANCE OF 1041 44 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, EXCEPTING ANY PORTION CONTAINED WITHIN THE RIGHT OF WAY OF ADVENTURE WAY.