

VARIANCE OF USE (RECOMMEND APPROVAL)

BRITAIN - JACK moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA244  
UTAH-NEVADA LANE VARIANCE OF USE

WHEREAS, N.E.S. Inc. did file an application with the El Paso County Planning and Community Development Department for approval of a Variance of Use to allow a recreational vehicle (RV) storage and mini-warehouse facility in the RR-5 (Rural Residential) and CAD-O (Commercial Airport Overlay) zoning districts for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on December 5, 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 N.E.S. Inc. for approval allow a recreational vehicle (RV) storage and mini-warehouse facility in the RR-5 (Rural Residential) and CAD-O (Commercial Airport Overlay) zoning districts be approved by the Board of County Commissioners with the following conditions and notations:

### 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 that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

THORNTON 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
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
Eric Moraes	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 2 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 5th day of December 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

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 OR 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.