

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: 12/17/24
RE: VA244; Utah-Nevada Lane Variance of Use

Project Description

A request by N.E.S., Inc. for approval of a Variance of Use to allow recreational vehicle (RV) storage and mini-warehouse facility in the RR-5 (Rural Residential) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Woodmen Road on Adventure Way, south of the intersection of Adventure Way and Nevada Lane. This item was heard as a regular item at the December 5, 2024 Planning Commission meeting, and was recommended for approval with a vote of 7-2. (Parcel Nos. 5308000002, 5308000071, 5308000082) (Commissioner District No. 2)

Notation

Please see the Planning Commission Minutes from December 5, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions. Opposition at the hearing included concerns about road maintenance and the potential closure of Nevada Lane (private road).

Planning Commission Recommendation and Vote

Jack moved / Trowbridge seconded the motion to recommend approval of item VA244 utilizing the revised resolution with three (3) conditions and four (4) notations. The motion was approved (7-2). Discussion was focused mainly on the ownership of Nevada Lane and the relevance of the access to Nevada Lane to the Variance of Use request. The Planning Commission entered into an executive session to discuss the road before making a motion to recommend. The item was heard as a regular item at the Planning Commission hearing.

Attachments

1. Planning Commission Minutes from 12/5/24.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. 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, December 5th, 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, Jay Carlson, Eric Moraes, Wayne Smith, Christopher Whitney, Jim Byers, Tim Trowbridge and Bryce Schuettpelz.

PC MEMBERS PRESENT AND NOT VOTING: (NONE)

PC MEMBERS ABSENT: Becky Fuller and Jeffrey Markewich

STAFF PRESENT: Meggan Herington, Justin Kilgore, Daniel Torres, Ryan Howser, Christina Prete, Jeff Rice, Marcella Maes, Terry Sample (El Paso County Attorney's Office), Erika Keech (El Paso County Attorney) and Lori Seago (El Paso County Attorney).

OTHERS PRESENT AND SPEAKING: Steven Sery, Julie Shoemaker, Paul Krause, Doug Schanel, Kirby Thompson, Kevin Beechwood, Larry Driver, Sara Frear, Ann Odom, Brooks Swenson and Andrea Barlow.

1. REPORT ITEMS

Ms. Herington let Mr. Bailey (Chair) know that it would be acceptable for the Planning Commission to hear regular item 5B first since there are people in the audience that are in opposition of the item 5B that want to speak. Mr. Bailey agreed to hear item 5B first.

Mr. Kilgore had no announcements.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

There were none.

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on November 21st, 2024.

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

4. CALLED-UP CONSENT ITEMS:

The Planning Commission called up 3B File number PUDSP243 to be heard as a regular item.

5. REGULAR ITEMS

3B. PUDSP243

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
URBAN LANDING**

A request by Elite Properties of America, Inc., for approval of a Map Amendment (Rezoning) of 6.58 acres from R-4 (Planned Development) to PUD (Planned Unit Development) with approval of a Preliminary Plan illustrating 49 single-family lots, 4 tracts, including 2.00 acres of open space provisions and 0.85 acres of land dedicated for private roads. The property is located at the southeast corner of the intersection of Spanish Bit Drive and Struthers Road. (Parcel No. 7136001045) (Commissioner District No. 3)

COMBINED STAFF & APPLICANT PRESENTATION: **Mr. Bailey** (Chair) suggested that audience members who wish to speak should go first, with the applicant answering their questions afterward. **Mr. Brooks Swenson** (N.E.S) agreed. **Mr. Swenson** presented his presentation and touched on some of the concerns that were heard from the public.

DISCUSSION: **Mr. Carlson** inquired about the height of the buildings, asking if a story is typically 10 feet tall. **Mr. Swenson** responded that the buildings are less than 30 feet tall, under two stories, and a typical story height is about 10 to 12 feet. **Mr. Bailey** then clarified that the maximum height limit in the PUD zoning district is 30 feet.

Mr. Moraes asked **Mr. Swenson** for clarification on Table 8 of the traffic study, specifically regarding the west and right turn lanes. **Mr. Trowbridge** directed **Mr. Moraes** to page 28 of the packet, where the information is included in the letter of intent. In response to **Mr. Moraes'** question, **Ms. Andrea Barlow** (N.E.S) outlined several proposed improvements, some of which are the responsibility of the Urban Landing development and others involve joint efforts with the Cathedral Rocks Commons commercial development. These improvements include adding a northbound right turn lane, lengthening the southbound left turn lane on Struthers Road at Spanish Bit Drive, paving Spanish Bit Drive, and installing curbs, gutters, and sidewalks. An acceleration lane at Struthers was also discussed but is not yet required based on traffic volume.

Mr. Moraes inquired about the potential impact of installing signage for a left-hand turn on Innovative Drive and Urban Landing Drive. **Mr. Torres** responded that Innovative Drive meets the criteria for full movement intersections so there's no need to limit them. He also noted that people generally prefer paved roads, especially in bad weather, but the roads already meet required criteria. **Mr. Smith** expressed concerns about the turn lanes, particularly the timing for the northbound right turn lane, which is based on specific traffic conditions, and questioned whether these conditions would provide sufficient guidance for traffic flow. **Mr. Torres** clarified that the current discussion is at the preliminary plan stage, and further details would be finalized at the final plat stage. He mentioned that the applicant is in talks with Cathedral Rocks Commons, which is further along in development, and that most of the needed improvements will be triggered by the development of nearby commercial lots

Mr. Moraes asked staff about feedback from the United States Air Force Academy (USAFA) regarding citizen concerns. **Mr. Howser** deferred the question to **Mr. Torres**, noting that most concerns were related to drainage, and emphasized that the project has received approval. **Mr. Torres** explained that drainage concerns stemmed from both the Cathedral Rocks Commons and the current development, with flows directed west beneath Struthers Road. He stated that the development plans to provide a detention pond to manage flows, which will be analyzed further in the final drainage report. **Mr. Howser** clarified that an additional condition of approval requires addressing any outstanding comments, including those from the USAFA and other staff, before the PUD plan can be officially recorded.

Mr. Moraes spoke on the notification process, explaining that previously only property owners touching the site were notified, but now notifications are sent to everyone within a 500-foot radius. **Mr. Moraes** and **Mr. Bailey** let **Mr. Krause** know that he could go before the BoCC to state his comments or talk to the applicant who is present at this hearing. The Planning commission is only a recommendation body.

PLANNING COMMISSION DISCUSSION: **Mr. Moraes** highlighted that the property was already zoned for something like the proposed plan, and the new zoning updates an obsolete designation, offering the opportunity to address citizen concerns. **Mr. Whitney** added that with more conditions and restrictions in this new zoning, the development has a better chance of aligning with what people want. **Mr. Bailey** noted that the existing R4 zoning had been in place for 50 years, so it wasn't surprising. **Mr. Smith** suggested displaying the decision criteria for transparency, and **Mr. Bailey** confirmed it was in the packet and accessible via EDARP. **Mr. Trowbridge** agreed with **Mr. Moraes**, stating the development fits the area well, as it is on the edge and could have been commercial, but housing is more appropriate. **Mr. Bailey** also commented that the applicant did a good job ensuring the development is compatible with existing residential areas.

STAFF COMMENTS: None

APPLICANT COMMENTS: None

PUBLIC COMMENTS: Property owners expressed their views on the proposed development. **Mr. Doug Schanel** supported it but raised concerns about stormwater runoff, traffic safety, and infrastructure, citing issues like sediment on Spanish Bit Drive, unplowed gravel roads, and unsafe lanes in snow. **Mr. Steve Sery** highlighted school traffic and road conditions, recommending the inclusion of acceleration lanes for both right and left turns onto Struthers to improve safety. **Mr. Paul Krause** opposed the development's size and traffic impact, suggesting a wall to prevent people from walking on his property and hoping for shared access concerning the easement behind his house. **Mr. Kevin Beechwood**, a long-time resident of Chaparral Hills, strongly opposed the plan, criticizing the excessive number of units and the impact on the horse community and water drainage, while also noting the limited notification to neighbors.

PC ACTION: TROWBRIDGE MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER PUDSP243 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN URBAN LANDING UTILIZING THE ATTACHED RESOLUTION WITH SEVEN (7) CONDITIONS AND FIVE (5) NOTATIONS 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: (9) Bailey, Brittain Jack, Byers, Carlson, Fuller, Moraes, Schuettpelz, Trowbridge, Whitney and Smith

IN OPPOSITION: (0) None

5A. VA244

KILGORE

**VARIANCE OF USE
UTAH-NEVADA LANE VARIANCE OF USE**

A request by N.E.S. Inc. 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). The property is located south of Woodmen Road on Adventure Way, south of the intersection of Adventure Way and Nevada Lane. (Parcel Nos. 5308000002, 5308000071, 5308000082) (Commissioner District No. 2).

STAFF PRESENTATION: Mr. Trowbridge asked **Mr. Torres** if Adventure Way is part of the City of Colorado Springs, while Nevada, California, and Utah are all private roads. **Mr. Torres** confirmed this. **Mr. Trowbridge** then asked who is responsible for maintaining these roads, to which **Mr. Torres** replied that he did not find any information on maintenance. Regarding Nevada Lane, **Mr. Torres** noted that the County Attorney indicated there wasn't enough information to determine if the road is open for public use. **Mr. Bailey** stated that the provided documentation suggests Nevada Lane is private, meaning anyone who used it in the past was trespassing on a private road. He asked Ms. Seago if the documentation is insufficient to establish ownership, emphasizing that ownership is an important issue.

Ms. Seago (El Paso County Attorney's Office) stated she reviewed deeds and court documents that identified only one property to the south that was previously granted access across the Applicant's property, and the Applicant is granting that property owner access through the gate on Nevada Lane. She said she cannot offer an opinion on whether any property owners may have an easement by prescription on Nevada Lane, but there is a suggested Notation of Approval that confirms that if approved, this Variance of Use will have no impact on such easement if it exists.

Mr. Whitney asked if the road has been used by the public for a long time. **Ms. Seago** responded that it has been used, but she could not confirm whether it was by the public or just a few residents as a private access easement, as she had no information on that. **Mr. Whitney** then asked if anyone had tried to block access to it, and **Ms. Seago** said not to her to my knowledge. **Mr. Torres** then continued with his presentation.

Mr. Carlson stated that the roadway issue should be resolved first, as approving the variance could alter the development plan if the road is later challenged in court. **Mr. Torres** responded that such matters would be handled in court and that if the road were deemed public, it would need to meet county standards. **Mr. Carlson** assumed the gates would have to be removed, and **Mr. Torres** agreed. **Mr. Bailey** noted that the Variance of Use decision wouldn't affect the road issue, which might need to be addressed separately. **Mr. Byers** mentioned that the property owner also owns Utah Lane, suggesting additional complications with private roads, but **Mr. Torres** was unsure about other easements. **Mr. Byers** agreed that road issues should be settled before proceeding with development. **Mr. Bailey** proposed allowing the applicant to address these concerns. **Mr. Whitney** asked **Ms. Seago** about the Quiet Title action, confirming it applied to half of Nevada Lane, which she affirmed. **Mr. Whitney** found it unusual for a Quiet Title to apply to just 15 feet, and **Ms. Seago** confirmed this. **Mr. Kilgore** continued the presentation.

APPLICANT PRESENTATION: **Mr. Whitney** confirmed that the eastern portion belongs to the client due to the Quiet Title action, while they already own the western portion, they are the owners of record of Nevada Lane. **Ms. Frayer (Applicant's attorney)** agreed with **Mr. Whitney's** and stated that the client is the owner of record of half of Utah Lane, and while there are recorded access easements affecting their ownership, they are not trying to disrupt these rights. **Mr. Byers** inquired about recorded access easements on California, and **Ms. Frayer** confirmed there are many recorded access easements on both California and Utah, including utility easements. **Ms. Odom (N.E.S)** continued the presentation.

Mr. Carlson asked if there is an area where property owners can access the development through the gate. **Ms. Odom** confirmed that it is 7215 Nevada Lane, a single-family home south of California, which has deeded access through the gate. She explained that this access has been in place for several decades, though she wasn't sure when the deed was recorded. **Mr. Carlson** clarified that this access is to the north-south road, and **Ms. Odom** confirmed they would have direct access through the gates on Nevada Lane. When **Mr. Carlson** questioned the earlier statement that no one had deeded access, **Ms. Odom** clarified that only this one property has deeded access.

PUBLIC COMMENTS: **Mr. Larry Driver** a property owner at 7150 Nevada Lane for over 30 years, opposed the proposal. He has maintained and plowed the road with his own equipment, with neighbor approval. His concern is that, while his neighbor is being granted access, he is not, despite using the road more than anyone else. **Mr. Driver** was unaware of the Quiet Title action and believes more information is needed before approving the Variance. **Mr. Kirby Thompson** who owns Hale Acres, also expressed concerns about property boundary issues and road access. He and his wife have used roads on Wyoming Lane since 1978. **Mr. Thompson** believes the applicant is using legal tactics to force action, especially after a Quiet Claim Deed was filed without proper notice. He referred to state laws that could make the roads public by prescription due to over 20 years of uninterrupted use. **Mr. Thompson** argued that blocking these roads would harm local businesses and that they should remain open.

APPLICANT DISCUSSION: **Ms. Frayer** acknowledged the neighbors' concerns but stated there is no legal basis to deny the application regarding Nevada Lane. She emphasized that Nevada Lane is a private easement in public records, with only the Sedlak family and her client holding rights to it. She disagreed with Mr. Kirby's interpretation of the public highway statute and clarified that the Quiet Title process followed all legal requirements, including court approval and public notice. **Ms. Frayer** explained that if neighbors wish to challenge this, they can pursue legal action in court. She reassured the Planning Commission that no access would be unlawfully cut off, as alternative access via recorded easements is available, and her client only claims ownership of their portion of Nevada Lane.

Ms. Frayer clarified that to establish a prescriptive easement under Colorado law, the claimant must go to court to have it recognized in the public record, which has not yet been done. She noted that if neighbors pursue this, the application accounts for it, and the project would be subject to any valid court order. **Mr. Carlson** asked if the client was willing to take the risk of developing the property, knowing that future legal action might require changes. **Ms. Frayer** confirmed they were. When asked about the Quiet Title process, **Ms. Frayer** stated it began in 2021, and the order was recorded in May 2022. She also explained that the plan was to install gates on Nevada Lane, but the current easement remains unchanged, and if a neighbor establishes a prescriptive easement, they would be given access in the same way as the current easement holder.

Mr. Moraes suggested seeking legal advice and entering executive session. **Mr. Bailey** proposed the applicant finish her rebuttal first.

Mr. Smith asked about whether the proposal would allow access to a regular roadway for business owners. **Ms. Frayer** clarified that the proposal does not aim to make Nevada Lane a public roadway

and emphasized that prescriptive easements differ from public roadways. **Mr. Whitney** asked if, as a citizen with a prescriptive easement, he would be given a key to Nevada Lane, to which Ms. Frayer confirmed that keys would be provided to easement holders but not the general public. **Mr. Carlson** clarified that he was asking about the statute that allows a road to become public after 20 years of use, and **Ms. Frayer** stated the public the interpretation of the law. **Ms. Frayer** read a letter she had written to Mr. Kirby, explaining that specific criteria must be met to establish a public highway, and in this case, those criteria were not satisfied. She emphasized that simply using a road for 20 years does not automatically make it a public highway, as the law requires more than that.

PLANNING COMMISSION DISCUSSION: **Ms. Seago** proposed a motion that the Planning Commission go into executive session in pursuant to CRS24-6-402 4B conferences with an attorney for the public local body for the purposes of receiving legal advice on specific legal questions the subject matter would be legal questions related to the status of Nevada Lane as an access.

PC ACTION: MORAES MOVED / WHITNEY SECONDED MS. SEAGO'S PROPOSED MOTION THAT THE PLANNING COMMISSION GO INTO EXECUTIVE SESSION IN PURSUANT TO CRS24-6-402 4B CONFERENCES WITH AN ATTORNEY FOR THE PUBLIC LOCAL BODY FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. THE SUBJECT MATTER WOULD BE LEGAL QUESTIONS RELATED TO THE STATUS OF NEVADA LANE AS AN ACCESS. MS. SEAGO STATED THAT THE PLANNING COMMISSION DOES NEED A ROLL CALL VOTE THE MOTION DOES NEED TO PASS BY A TWO THIRDS MAJORITY FOR IT TO PASS. THE MOTION TO RECOMMEND APPROVAL PASSED (8-1).

IN FAVOR: (8) Moraes, Byers, Whitney, Brittain Jack, Carlson, Schuettpelz, Smith and Bailey.

IN OPPOSITION: (1) Trowbridge stated he does not believe that this question is pertinent or hits on any aspect to the criteria we are supposed to consider.

Meggan Herington, Erika Keech (El Paso County Attorney), Lori Seago (El Paso County Attorney), Justin Kilgore, Daniel Torres, Thomas Bailey, Sarah Brittain Jack, Jay Carlson, Eric Moraes, Wayne Smith, Christopher Whitney, Jim Byers, Tim Trowbridge and Bryce Schuettpelz attended the Executive Session. Executive session start time: 11:24 A.M Executive session end time: 11:38 A.M.

Mr. Trowbridge moved, and **Mr. Moraes** seconded to come out of Executive session back to regular session.

IN FAVOR: (9) Moraes, Byers, Whitney, Brittain Jack, Trowbridge, Carlson, Schuettpelz, Smith and Bailey.

IN OPPOSITION: (0)

Ms. Seago said an Executive session was held for the purposes stated on the record and no decisions were made.

ADDITIONAL DISCUSSION: **Mr. Carlson** disagreed with fellow commissioners, saying that the approval criteria for the Variance state it should not be detrimental to the surrounding area or to the health, safety, and welfare of the community. Based on the 10 negative inputs received, including concerns about the road's importance for safety during inclement weather, the speaker believes the variance would indeed be detrimental to the area.

PC ACTION: BRITTIAN JACK MOVED / SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 5B, FILE NUMBER VA244 FOR A VARIANCE OF USE UTAH- NEVADA LANE UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND FOUR (4) NOTATIONS AND A RECOMMEND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-2).

IN FAVOR: (7) Bailey, Brittain Jack, Moraes, Schuettpelz, Trowbridge, Whitney, Smith
IN OPPOSITION: (2) Byers and Carlson stated the application does not meet the approval criteria.

5A. LDC243

HERINGTON

**EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT
NATURAL MEDICINE**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1 and 5 of the El Paso County Land Development Code (2022) as it pertains to definitions and use standards for Natural Medicine. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department. (All Commissioner Districts).

STAFF PRESENTATION.

DISCUSSION: Mr. Trowbridge asked whether it is possible to require that testing and manufacturing facilities be collocated, meaning they cannot be separate. **Ms. Herington** said that **Ms. Terry Sample (El Paso County Attorney)** would look into the regulatory language to determine what can or cannot be required in this regard. Mr. Herington clarified that multiple licenses can be applied for, suggesting that collocating these facilities might be feasible, similar to how medical marijuana operations work.

Mr. Carlson raised concerns about whether a product, such as mushrooms, can be grown and sold directly or if it requires additional processing to be useful. **Ms. Herington** explained that for patients at a Natural Medicine healing facility, treatment must occur on-site, and personal cultivation of a limited amount is allowed. She also explained that "manufacturing" involves more than just growing the product—there is a process involved to make it suitable for use.

Mr. Bailey added that natural medicine products are infused with natural medicine, implying additional steps are involved beyond simply consuming mushrooms. **Mr. Moraes** noted that the definitions suggest cultivation and manufacturing can be combined at one center.

Ms. Brittain Jack asked if all licensed healing center providers are also licensed professionals (like nurses). **Ms. Herington** confirmed that both facilitators and establishments are licensed by the state, as required by the Regulatory Act.

Mr. Whitney raised a question about the 1000-foot buffer requirement around colleges, asking if it should be based on the "principal campus" or something else, as he wasn't sure what a principal campus is compared to a satellite campus. **Ms. Herington** explained that the term "principal campus" comes from the Medical Marijuana licensing regulations, and the County Clerk uses this term to refer to a main campus. She clarified that this excludes satellite campuses, such as a downtown night school, and is more like a full campus, such as UCCS.

Mr. Carlson asked for clarification on how the 1000-foot distance is measured, particularly regarding pedestrian access. **Ms. Herington** explained that it is measured from the nearest property line of the school to the closest portion of the Natural Medicine business, with the route determined by the most direct pedestrian access. She acknowledged that there could be disagreements over the measurement, which might require using GIS or physically measuring the route.

Mr. Moraes asked about situations where a school and a Natural Medicine business might be close to each other, with their property lines touching, but the 1000-foot distance requiring a longer walk due

to the layout of the block. **Ms. Herington** confirmed that the buffer requirement applies to the property lines and not just proximity, meaning the distance could exceed 1000 feet depending on the layout.

Mr. Moraes also raised a concern about whether a Child Care Center could be established within the CS (Commercial Services) zone if there is already a Natural Medicine business within 1000 feet. **Ms. Herington** confirmed that the answer would likely be no but asked to hold off on a definitive response until further discussions and review of maps.

Mr. Moraes asked if the zoning requirements for Natural Medicine businesses could mandate rezoning to CS (Commercial Services) in areas with obsolete zoning districts like C1, C2, and M1. **Ms. Herington** explained that when the Land Development Code (LDC) is updated the obsolete zones will likely be converted to industrial zones. She noted that requiring a rezone to CS for Natural Medicine businesses might not be appropriate, and while recommendations to change zone districts could be made to the Board of County Commissioners, she was unsure why industrial zoning wouldn't be considered.

Mr. Trowbridge raised a question about storage requirements for Natural Medicine businesses, specifically if storage should be required within a licensed facility. **Ms. Herington** clarified that storage in a licensed facility is required, but personal cultivation is separate and not subject to the same regulations. She further explained that businesses could not store their inventory in outside units like storage facilities unless related to cultivation materials like topsoil, which do not require licensed storage. **Mr. Trowbridge** also inquired about security and secure disposal, asking if it was defined anywhere. **Ms. Herington** explained that security and disposal protocols are defined in the state's Regulatory Act, which businesses must follow.

Mr. Moraes asked about the personal cultivation space requirement, specifically whether it should be a separate enclosed area, such as a small shed or greenhouse not exceeding 12x12 feet. **Ms. Herington** confirmed this interpretation but emphasized that personal cultivation rules may be further clarified based on state regulations.

Ms. Herington discussed the personal cultivation of Natural Medicine, explaining that a locked-off space, such as a basement, could be used if it meets the necessary requirements (e.g., light and water). However, she noted that the interpretation of these rules is largely based on state licensing regulations, and she wasn't sure how far those regulations would go.

Mr. Moraes asked about the disposal of personal cultivation, noting that there was no specific guidance on whether the products could just be thrown away. **Ms. Herington** acknowledged that she did not have an answer for that, as personal cultivation doesn't require a state license, and enforcement on disposal and locked space details isn't clear.

Mr. Bailey mentioned that properties already zoned could be used starting January 1st, but other areas could be rezoned to allow for Natural Medicine businesses. **Ms. Brittian Jack** inquired if such zoning changes would be reviewed by their committee. **Ms. Herington** confirmed that any zoning changes would be heard by the Planning Commission but noted that the exact use of the rezone (e.g., for a Natural Medicine business) might not be known at the time. If a rezoning request for CS (Commercial Services) was made, the county would need to review the zoning and buffer requirements to determine if the business could be established at the location.

Ms. Herington addressed whether the City's regulations will mirror those of the county. She mentioned that while the City's proposal includes a similar one-mile buffer from schools, their approach is different in classifying a Natural Medicine Healing Center as a medical clinic, which would be permitted in any zone district allowing medical clinics. Manufacturing, cultivation, and testing are considered industrial uses, permitted in industrial zones.

Ms. Herington also provided insight into other cities' regulations, mentioning that Fountain uses a 1000-foot buffer from schools, and other cities like Manitou, Monument, and Castle Rock are considering similar approaches. Local jurisdictions can adjust buffer requirements, sometimes including residential areas.

Mr. Carlson asked about the definition of religious institutions, with Ms. Herington confirming that a religious institution is defined by zoning, even if it's located in a shopping center.

Ms. Terry Sample clarified the legal limits on personal use of natural medicine under Colorado criminal statute 18-18-434 and mentioned restrictions on ownership of more than three medicine businesses by one person.

Mr. Bailey asked about the timeline for revising the LDC, and Ms. Herington confirmed that changes could be made in the future if necessary. She also explained that the current framework for regulating natural medicine is largely modeled after medical marijuana, as there is limited guidance available, especially with psilocybin still being a federal issue.

Mr. Smith asked about synthetic alternatives, and **Ms. Herington** clarified that the current regulations focus on natural plant-based psychedelics, though the future might involve synthetic substances.

PLANNING COMMISSION DISCUSSION: (NONE)

STAFF COMMENTS: (NONE)

APPLICANT COMMENTS: (NONE)

PUBLIC COMMENTS: (NONE)

PC ACTION: MORAES MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 5A, FILE NUMBER LDC243 FOR EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT NATURAL MEDICINE UTILIZING THE ATTACHED RESOLUTION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: (9) SMITH, SCHUETTPELZ, CARLSON, TROWBRIDGE, BRITTIAN JACK, WHITNEY, BYERS, MORAES AND BAILEY.

IN OPPOSITION: (0) NONE

6. NON-ACTION ITEMS – MP232 – Jimmy Camp Creek hearing moved to January 16th, 2025

NON-ACTION ITEMS – Discussion of format for the minutes.

MEETING ADJOURNED at 12:40 P.M.

Minutes Prepared By: MM

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.

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: Scott Weeks, Senior Planner
Daniel Torres, P.E., Principal Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: VA244
Project Name: Utah-Nevada Lane Variance of Use
Parcel Number: 5308000002 5308000071 5308000082

OWNER:	REPRESENTATIVE:
Woodmen-Utah LLC 9540 Federal Dr Ste 100 Colorado Springs, CO 80921	Andrea Barlow N.E.S. Inc. 619 N. Cascade Ave Suite 200 Colorado Springs, CO 80903

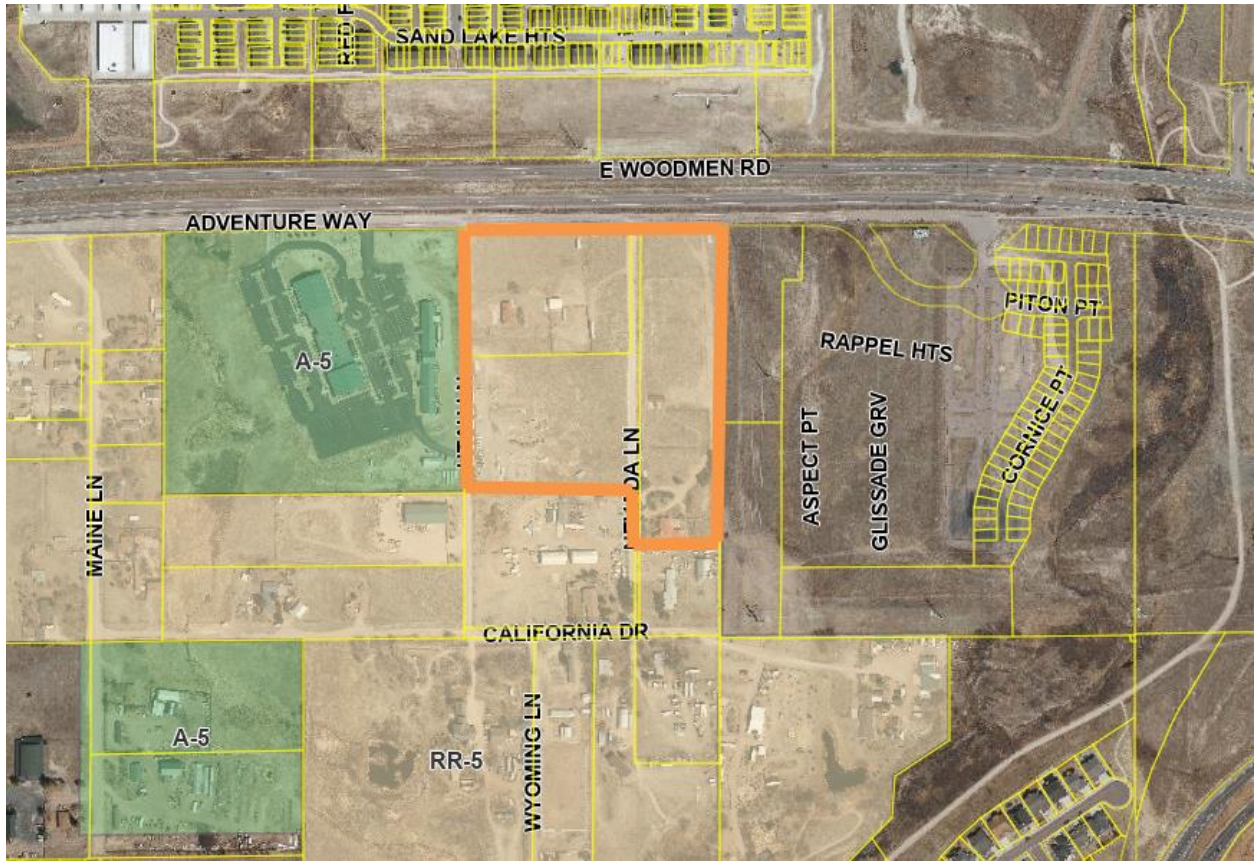
Commissioner District: 2

Planning Commission Hearing Date:	12/5/2024
Board of County Commissioners Hearing Date:	12/17/2024

EXECUTIVE SUMMARY

A request by N.E.S. Inc. 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). The property is located south of Woodmen Road on Adventure Way, south of the intersection of Adventure Way and Nevada Lane.





Vicinity Map

A. WAIVERS AND AUTHORIZATION

Waiver(s): There are no waivers associated with this request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. APPROVAL CRITERIA

Pursuant to Section 5.3.4, Variance of Use of the Land Development Code (As Amended), the Planning Commission and Board of County Commissioners evaluate each proposed Variance of Use for general compliance with the review criteria in this Code and the development standards that apply to all development. 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.

C. LOCATION

North:	City of Colorado Springs	Single-Family Residential
South:	RR-5 (Residential Rural)	Contractor’s Equipment Yard
East:	City of Colorado Springs	Commercial Driving School
West:	A-5 (Agricultural)	Religious Institution

D. BACKGROUND

The site is comprised of three parcels. The combined three parcels total 16.22 acres and were created prior to County platting requirements in 1972. As a result, the parcels are considered a legal division of land per the El Paso County Land Development Code. A home and storage shed were built on the northwestern-most property in 1969, and a Variance of Use was approved in 2008 for a contractor’s equipment yard (parcel 5308000071). A Variance of Use was approved in 2018 for outdoor storage of materials on the southwestern-most property (parcel 5308000082). An existing single-family home was built in 1950 on the eastern-most property (parcel 5308000002). If the Variance of Use is approved, the existing Variance of Uses will cease after Site Development Plan approval for the RV storage and mini-warehouse facility.



The proposed use includes 1,152 storage units including uncovered, covered, and enclosed RV spaces and self-storage facilities. The self-storage (mini-warehouse) facility includes five (5) buildings on the eastern portion of the site with approximately 719 storage units in each.

A portion of the proposed use falls under the designation of "Automobile and Boat Storage Yard" in the Land Development Code, which is defined as:

"A lot, parcel, or structure used for the temporary storage of operable automobiles, trucks under 5 tons rated capacity, campers, recreational vehicles, trailers, or boats, not owned by the property owner, where typically the storage occurs when they are not in use and for a fee. The term shall not include scrap metal processing yards, vehicle dismantling yards, or salvage yards."

The Land Development Code requires that Automobile and Boat Storage Yards comply with outdoor storage requirements regarding accessory use, screening and storage, and landscaping.

The proposed Mini-Warehouse use is defined in the Land Development Code as:

"Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for the service of a manager's apartment and for lighting and climate control of individual storage units."

A Variance of Use is required because an Automobile and Boat Storage Yard, and Mini-Warehouse facility is not a permitted use within the RR-5 district. No expiration is proposed with the Variance of Use, and the approval will run with the land.

E. ANALYSIS

1. Land Development Code and Zoning Analysis

The applicant is proposing a Variance of Use to allow for RV storage and a mini-warehouse facility in the RR-5 (Rural Residential) and CAD-O (Commercial Airport Overlay) Zoning Districts. There are similar commercial-related property uses in the immediate vicinity including outdoor storage, contractor's equipment yards, a landscape business, and wholesale nursery. In addition, there are existing and proposed medium and high-density residential uses located in the City of Colorado Springs to the north of Woodmen Road and east of the project site. The applicant's



letter of intent indicates 203 daily trips, with a single access point directly from Adventure Way to Nevada Lane to direct traffic to the north portion of the development away from existing roads that serve neighboring uses. Nevada Lane is an existing private road that provides access from Adventure Way to California Drive, a private roadway, south of the proposed development. The applicant is proposing that Nevada Lane be gated and limited to users of the storage facility and mini-warehouse, as well as the property located at 7215 Nevada Lane. Limiting the Nevada Lane access from public use will impact the parcels south of the development. The southerly parcels will still have access to California Drive via other private roadways in the area. The applicant has provided documentation to demonstrate the ownership of Nevada Lane within the development as well as the easement granted only to the owners of 7215 Nevada Lane.

The El Paso County Attorney's office reviewed the documentation provided by the applicant regarding the right of ownership of Nevada Lane. The El Paso County Attorney's office, in its research, did not find any grant of right-of-way to the public for Nevada Lane and stated as part of their review comments on October 1, 2024, "if it's (Nevada Lane) a private road, then there is no permissible "public" use. It becomes a civil matter between property owners as to whether those other property owners either have an express easement or an easement by prescription (adverse possession)."

The RV storage and mini-warehouse facility is anticipated to meet the Chapter 6, Dimensional and Design standards of the Code. Visual impacts are anticipated to be screened by a combination of landscape and opaque fencing. Screening of the outdoor storage area will be addressed at the subsequent Site Development Plan stage, if the Variance of Use is approved.

If the Variance of Use is approved, the underlying RR-5 Zoning District and Commercial Airport Overlay District would still govern the property.

The applicant will be required to submit and receive approval of a Site Development Plan. The Site Development Plan will need to be substantially consistent with the site plan provided with the Variance of Use application and provide a more detailed depiction of the proposed use, including landscaping, screening, parking, and lighting.

F. MASTER PLAN ANALYSIS

1. Your El Paso County Master Plan

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

a. Placetype Character: Urban Residential

The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well. The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.

An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walkable internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (5 units/ acre or more)*
- *Single-family Attached Residential*
- *Multifamily Residential*

Supporting

- *Mixed Use*
- *Commercial Retail*
- *Commercial Service*
- *Restaurant*
- *Institutional*
- *Parks*
- *Office*

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas.



Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

c. Key Area Influences: Enclaves or Near Enclaves

Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave is Cimarron Hills, an urbanized community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.

The majority of the enclaves are developed or partially developed in a manner that would require significant improvement for annexation. These include roadway improvements, stormwater improvements and utility infrastructure upgrades. Most enclave areas are accessed by municipal roads, experience the impacts of urban stormwater runoff, or are otherwise served by one or more municipal utilities. The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration.

Analysis:

The subject property is zoned rural residential but located in a new development area with medium to high density residential located to the north across a major collector road, and business uses located to the south, east, and west of the property. The property is in the Urban Residential Placetype, which specifies commercial uses be located along main or perimeter streets (Adventure Way) rather than imbedded within primarily residential areas. The proposed RV storage and mini-warehouse facility is a supportive commercial service use in the Urban Residential Placetype and provides a new development use in an area located in an enclave adjacent to the City of Colorado Springs, which furthers the character of existing urban development. While City of Colorado Springs requires annexation if City Utilities are requested/required, annexation is not applicable



since services are being provided by Mountain View Electric Association and an on-site well and wastewater system.

2. Water Master Plan Analysis

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The subject properties are located within Planning Region 1 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 1 for central water providers:

The Plan identifies the current demand for Region 1 to be 83,622 acre-feet per year (AFY) (Figure 5.1) with a current supply of 99,001 AFY (Figure 5.2). The projected demand in 2040 for Region 1 is at 111,086 AFY (Figure 5.1) with a projected supply of 119,001 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 1 is at 138,453 AFY (Figure 5.1) with a projected supply of 139,001 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 548 AFY is anticipated for Region 1.

Findings of sufficiency with respect to water quality, quantity, and dependability are not required with consideration of a Variance of Use.

3. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies no significant resources in the area of the subject parcels.

F. PHYSICAL SITE CHARACTERISTICS

1. Floodplain

The property is not located within a defined floodplain as determined by review of the FEMA Federal Insurance Rate Map panel number 08041C0529G, effective December 7th, 2018.



2. Drainage and Erosion

The property is located within the Sand Creek (FOFO4000) drainage basin. The Sand Creek drainage basin is a studied basin with associated drainage basin fees. Drainage basin fees are not assessed with Variance of Use applications. A grading and erosion control plan as well as a drainage report providing hydrologic and hydraulic analysis to mitigate the drainage impacts of the development will be required at the subsequent site development stage of the development.

3. Transportation

The site is located south of the intersection of Adventure Way and Nevada Lane. Adventure Way is a City of Colorado Springs owned and maintained roadway that serves as a frontage road to Woodmen Road. Nevada Lane is identified as a private local roadway.

Driveway access to the site will be provided from the current Nevada Lane intersection with Adventure Way and will be gated as stated above in Section E of this report. Should this access be gated, southerly property owners can access their parcels via Utah Lane to California Drive which are also private local roadways. Should Nevada Lane be declared a public roadway by a Court, the applicant shall be required to make the appropriate improvements to the roadway due to its traffic impacts.

A traffic study was submitted with this application that indicates that the development will generate 203 average daily trips (ADT). Per the submitted traffic study, the development would not significantly impact the surrounding roadways, and no roadway improvements are recommended. The applicant shall coordinate with the City of Colorado Springs regarding any requirements such as an access permit due to the development's impact to Adventure Way.

The 2024 El Paso County Major Transportation Corridors Plan does not depict roadway improvements in the immediate vicinity of the development. The property is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.



G. SERVICES

1. Water

Water is provided by an on-site well.

2. Sanitation

Wastewater is provided by an on-site wastewater system.

3. Emergency Services

El Paso County Sheriff is responsible for providing emergency services to the property. The property is located in the Falcon Fire Protection District.

4. Utilities

Mountain View Electric Association (MVEA) provides electric service and Colorado Springs Utilities provides natural gas service to the existing structures.

5. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a Variance of Use application.

6. Schools

Land dedication and fees in lieu of school land dedication are not required for a Variance of Use application.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

No major issues are associated with the request.

J. 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, Variance of Use, of the El Paso County Land Development Code (As Amended), staff recommends 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.

K. PUBLIC COMMENT AND NOTICE

The applicant held a neighborhood meeting on July 31, 2024. Attendees voiced concern that inadequate on-site detention could cause flooding to adjacent properties.

The Planning and Community Development Department notified 12 adjoining property owners on July 17, 2024, for the Planning Commission and Board of County

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

Commissioners meetings. Responses have been received via email regarding the closure of Nevada Lane to public use. Staff has held on-site meetings with property owners to discuss closure of Nevada Lane and water flow and detention areas.

L. ATTACHMENTS

Letter of Intent

Variance of Use Site Plan

Public Comment emails

Draft Resolution



NEVADA/UTAH LANE RV AND MINI-STORAGE VARIANCE OF USE

LETTER OF INTENT

MAY 2024

OWNER:

WOODMEN-UTAH LLC
9540 FEDERAL DR STE 100
COLORADO SPRINGS, CO 80921

CONSULTANT/APPLICANT:

N.E.S. INC.
ANDREA BARLOW
619 N. CASCADE AVE. SUITE 200
COLORADO SPRINGS, CO 80903
719.471.0073
ABARLOW@NESCOLORADO.COM

SITE DETAILS:

TSN: 5308000002, 5308000082, 5308000071
ADDRESS: 7525 ADVENTURE WAY, 7425 ADVENTURE WAY, 0 NEVADA LANE
ACREAGE: 16.22 ACRES
CURRENT ZONING: RR-5 CAD-O
CURRENT USE: CONTRACTOR'S EQUIPMENT YARD AND SINGLE-FAMILY RESIDENTIAL

REQUEST

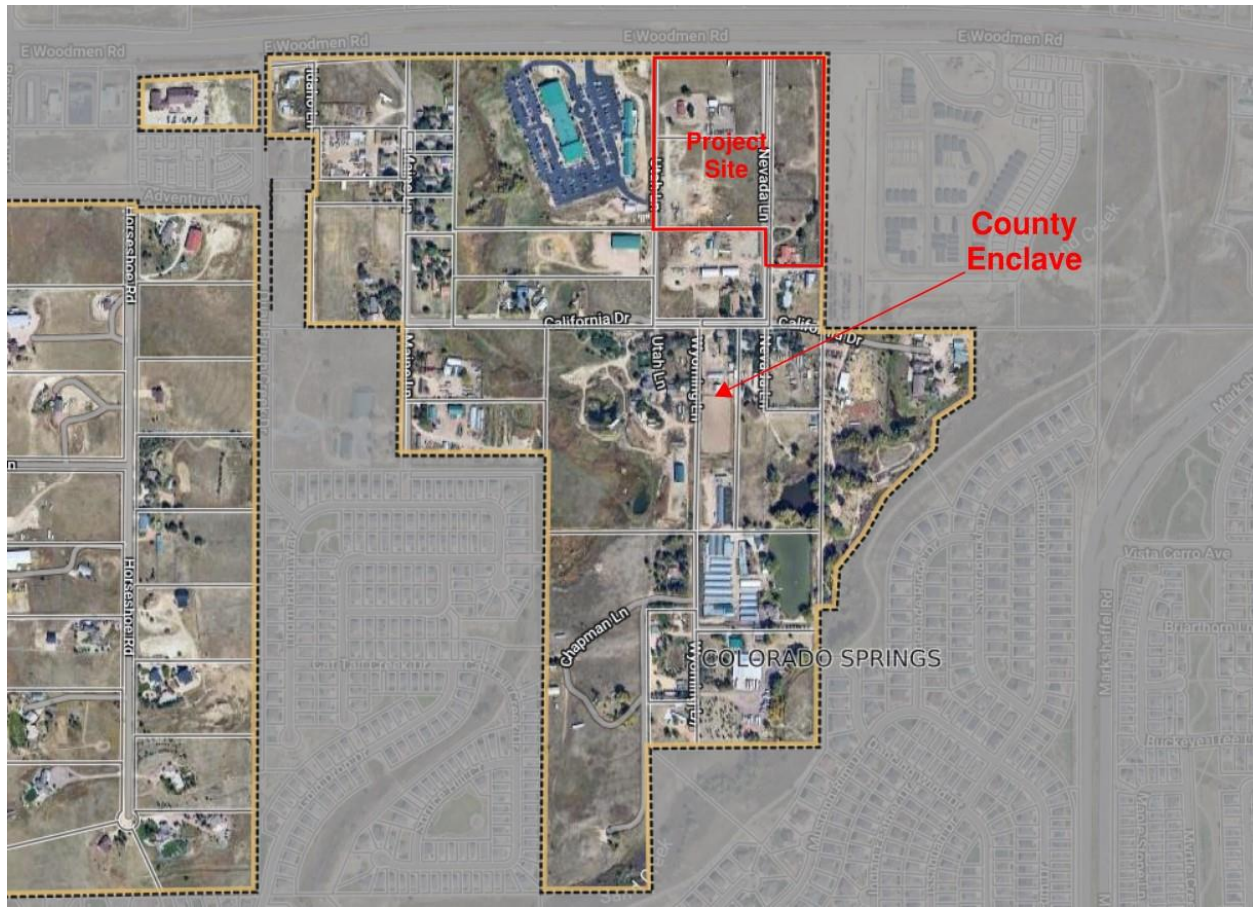
N.E.S. Inc., on behalf of Woodmen-Utah, LLC, request approval of a Variance of Use for a 16.22-acre Recreational Vehicle Storage and Mini-warehouse facility.

SITE DESCRIPTION

Location and Land Use

The subject property is located southeast of Adventure Way and Utah Lane in an unincorporated El Paso County enclave. The site is comprised of 3 parcels and is approximately 16.22 acres. The 2 westernmost parcels currently have a Variance of Use approval to allow a contractor's equipment yard to operate in the RR-5 zone district. The easternmost parcel has a single-family home on it. The 3 parcels are proposed to be redeveloped as an RV storage and mini-warehouse facility.

The site is adjacent to Adventure Way/Woodmen Road to the North, Medium density (8.8 du/acre) residential and a commercial driving school to the East (City of Colorado Springs), a single-family residence to the southeast, a Contractor's Equipment Yard directly south, and a religious institution to the West.



Zoning

The site is currently zoned RR-5 CAD-O.



Surrounding properties are in El Paso County and in the City of Colorado Springs and include:

- **North:** To the North are City roadways Adventure Way and Woodmen Road
- **East:** To the east is a graded site, ready for the development of an approved commercial driving school and medium-density residential development within the City of Colorado Springs
- **South:** To the south is a contractor's equipment yard within El Paso County zoned RR-5 CAD-O and a single-family home zoned RR-5 CAD-O.
- **West:** To the west is a religious institution within El Paso County zoned A-5 CAD-O

The site is comprised of 3 parcels. The northwestern-most parcel has a single-family home used as offices and a large storage shed. The southwestern-most lot is currently used for outdoor storage of materials related to the landscape contractor's equipment yard use. The eastern-most lot has a single-family home. The property is mostly flat but slopes from the northwest to the southeast.

This site is within the Aircraft Navigation subzone (ANAV) of the CAD-O overlay. The ANAV subzone

includes all the land within the CAD-O boundaries. The proposed use *Recreational Vehicle or Boat Storage* and *Mini-warehouse* would fall within the use category 'Commercial, Retail & Wholesale, Sexually Oriented Business' found on Table 4-7 *Commercial Airport Overlay District Land Use* and is considered an allowed use in this subzone. The development requirements set forth in 4.3.1.F-1 do not apply because this project does not include a request for rezone or subdivision plat.

PROJECT DESCRIPTION & CONTEXT

A Variance of Use is requested to allow a Recreational Vehicle storage and mini-warehouse facility within the RR-5 zone district. The facility will have up to 1,152 storage units with a variety of uncovered, covered, and enclosed RV stalls as well as climate controlled self-storage facilities. The self-storage facilities will be configured within 5 standalone climate-controlled buildings on the eastern portion of the site with approximately 719 storage units in each. The parcels are not proposed to be platted because the parcels were created prior to County platting requirements in 1972.

UTILITIES

Water

The water for the proposed Auto and Boat storage and Mini-warehouse facilities will be provided by an on-site well.

Sanitary Sewer

An on-site septic system will accommodate sanitary needs for the office facility.

Electric

Electric service will be provided by Mountain View Electric Association.

Gas

Gas service will be provided by Colorado Springs Utilities.

DRAINAGE AND DETENTION

A stormwater detention pond is proposed on the southeast corner of the project site where full spectrum detention, including water quality, will be provided. All paved areas of the site are intended to be surface drained through concrete pans and curb and gutter. Runoff will flow southeast to the proposed detention pond and enter via an inlet and pipe into a forebay. Roof drains from the climate-controlled buildings on the east side of the site will be piped underground to the pond. Runoff will be released at or below historic rates from the pond to an existing channel at the southeast corner of the site. Energy dissipation will be provided at the outfall.

ACCESS AND TRAFFIC

Access

The site will provide direct public access off Adventure Way onto Nevada Lane. To the East of the site, Adventure Way will be realigned and a new right-in/right-out movement directly onto East Woodmen is approved and will be constructed as part of the adjacent residential development which will enhance circulation in the area. Utah Lane will remain unobstructed but will not provide any direct access to the new storage facility. Primary access for the project will be from Nevada Lane which is a private road and will be gated and closed to through traffic with restricted access for the benefit of the subject properties and 7215 Nevada Lane only. The gate will allow entry for users with rights to the access easement and their guests. A Knox box will be installed to ensure access to safety services is maintained. The MTCP does not identify the need for any roadway improvements in the area.

Traffic

A traffic study was conducted and submitted with the variance of use application. The study estimates that based on 1,152 proposed units, the average daily trips generated would total 203 trips. This would include 16 total trips during the morning peak hour and 13 total trips during the afternoon peak hour. Based on the low number of estimated daily trips, a traffic memorandum is required and has been submitted with the Variance of Use application. Additionally, no roadway improvements will be required

Table 1 – Trip Generation

Table 1
Vantage Homes Woodmen-Utah Storage Facility
Site Trip Generation

Land Use	Land Use			AM Peak Hour			PM Peak Hour			Average Daily Trips
	Code	Amount	Units	In	Out	Total	In	Out	Total	
Mini-Warehouse	151	1,152	Units	8	8	16	7	6	13	207

Note(s):
(1) Trip generation based on the Institute of Transportation Engineers' Trip Generation Manual, 11th Edition

NEIGHBORHOOD OUTREACH

A small neighborhood meeting was held on July 31st, 2024 in which 9 neighbors attended. The primary concern at the meeting was related to the detention pond causing flooding to adjacent properties. As a result of these concerns, the owners have agreed to facilitate a meeting with the County when plans for the pond are developed to address these concerns.

Additionally, one public comment was received during the initial review period from the neighbor at 7150 Nevada Lane. The neighbor raised the concern that the proposed detention pond would capture the water flowing from Adventure Way and cause the pond on their property to dry up. As described in the Drainage and Detention section of this LOI, the pond will capture runoff from the site and

release at or just below historic rates. Additionally, this neighbor attended the neighborhood meeting and will be notified of the meeting with County staff and the owners once it is scheduled.

PROJECT JUSTIFICATION

The request is consistent with the criteria in section 5.3.4.C for a variance of use as follows:

a) The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship

There are several other commercial uses in the immediate area including multiple Variance of Use approvals for contractor's equipment yards, a wholesale nursery, and a landscaping business, a few of which include components of outdoor storage. These uses are substantially similar and compatible with the proposed RV storage and mini-warehouse use. Because the RV storage and

mini-



warehouse uses are compatible with the surrounding land use pattern and do not generate high-traffic or require substantial utilities to support, it would create an undue hardship to not allow the establishment of this use based on the development pattern of the surrounding area.

b) 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 area surrounding the project site has evolved to include a variety of uses beyond just what is permitted in the Rural Residential zone district. There are several approved Variance of Use requests in the area which have allowed for businesses to operate on the large lots. Additionally, the site fronts on Adventure Way which is the frontage road for Woodmen Road. The development along Woodmen Road and Adventure Way between Powers Blvd and Marksheffel Road varies to include a variety of high-density residential and commercial uses and a few of these existing uses allow for outdoor storage. Due to the proliferation of high-density residential uses and the lack of other storage facilities in the area, the proposed RV and mini-storage use is a necessary service for the growing number of residents in the area. The proposed RV storage and mini-warehouse facility is compatible with the area because there are other commercial uses such as multiple approved contractor's equipment yards, a wholesale nursery business, and a landscaping business. Additionally, the use is a low traffic generator and has direct access off Adventure Way so it will not bring a large influx in traffic that would disturb the remaining residences or conflict with other business operations.



- c) **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 project will meet the air, water, odor, and noise standards established by County, State and Federal guidelines.

- d) **The proposed use will not adversely affect wildlife or wetlands**

There are no identified wetlands or critical habitats for wildlife on the project site.

- e) **The applicant has addressed all off-site impacts**

The boundaries of the site will be screened with fencing and/or landscaping in accordance with the outdoor storage standards set forth in the EPC Land Development Code. A traffic impact study was submitted as part of the application and estimates that 203 average daily trips will be generated by the development with a maximum of 16 total trips in the morning peak hour and 12 total trips during the afternoon peak hours. Based on this analysis, the trip generation from this development would not significantly impact the surrounding roadways. The single access point directly from Adventure Way will help consolidate customer traffic to the north part of the enclave and prevent customers from needing to drive through the surrounding neighborhood. Additionally, Adventure Way will be extended as part of the Cottages at Woodmen Heights project that is approved in the city directly East of the project site. This extension will also include a right-in/right-out turning movement from Adventure Way to Woodmen Rd.



- f) **The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping 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

A site plan was provided with the Variance of Use application that demonstrates that the general standards will be met with the project. A detailed Site Development Plan will be submitted later.

DEFINITION OF PROPOSED USE AND SPECIFIC DEVELOPMENT STANDARDS

Definition

The request is to allow 2 principal uses at this site, these uses include Automobile and Boat Storage Yard and Mini-Warehouse. These uses are defined as:

Automobile and Boat Storage Yard — A lot, parcel, or structure used for temporary storage of operable automobiles, trucks under 5 tons rated capacity, campers, recreational vehicles, trailers, or boats, not owned by the property owner, where typically the storage occurs when they are not in use and for a fee. The term shall not include scrap metal processing yards, vehicle dismantling yards, or salvage yards.

Mini-Warehouse — Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for the service of a manager's apartment and for lighting and climate control of individual storage units.

Specific Development Standards

EPC Land Code section 5.2.9 for Automobile and Boat Storage Yards states “Automobile and boat storage yards shall comply with the outdoor storage standards of this Chapter.”

Outdoor Storage requirements are established in EPC Land Code section 5.2.40 and are as follows:

- A. **Materials to be Stored and Principal Use Required. Outside storage may include vehicles, raw materials, supplies, finished or semi-finished products or equipment used in conjunction with, and specifically accessory to, an allowed principal use conducted on the premises unless listed as a principal use. Outside storage of inoperable vehicles or equipment in a location other than the salvage yard is only permitted to the extent allowed in the Parking, Storage and Repair of Vehicles and Machines, Personal Section of Chapter 5 of this Code, provided the standards of that section are met. Employee or customer parking or outdoor sales and display areas shall not be considered outside storage.**

The principal use of this site is classified as ‘Automobile and Boat Storage’ and ‘Mini-warehouse.’ The Automobile and Boat storage will have outdoor storage of recreational vehicles in covered and uncovered parking stalls. Inoperable vehicles will not be allowed to

be stored at this site. Separate parking facilities for customers and employees are provided and are not being considered outdoor storage.

- B. Materials Screened by Solid Fence or Vegetation. Outside storage shall be enclosed and concealed by a solid fence or wall at least 6 feet in height or any combination of berming, shrubs, trees fencing or walls which will provide at maturity a minimum of 6 feet of height and 100% opaque screening for the area utilized for outside storage.**

Outdoor storage of RVs will be consolidated on the west side of the site. All outdoor storage of RVs will be screened with either a 6' fence, wall, landscaping, or a combination of screening materials. Majority of the outdoor storage of RVs will also be covered or enclosed.

- C. Outside Storage Not to Exceed Height of Screening. Outside storage or stacked materials shall not exceed the height of the screening fence except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component.**

The outdoor storage on site will only be for operable RVs.

- D. Storage of Equipment and Vehicles Exceeding Height of Fence. All equipment and vehicles exceeding the height of the fence shall be stored on the rear 1/3 of the property except when adjacent to a residential zoning district, in which case the equipment or vehicles shall be a minimum 50 feet from the residential zoning district boundary.**

EPC Land Code section 5.3.6.C.5 "Effect of determination of Similar Use" states that any use that is substantially similar to an allowed, special, temporary, or accessory use in a zoning district shall comply with the development standards pertaining to this substantially similar use." The parcel to the south has an approved variance of use to allow a contractor's equipment yard with a site plan showing outdoor storage of materials. Because the commercial use to the South has already been approved in a residential zone and is substantially similar to the proposed RV storage, the 50' setback from any residential zone will not apply. Additionally, the RV storage is not required to be on the rear third of the lot because of a conflicting provision in the use specific standards that states "Outside storage is allowed within the required setback area from a road provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way." Because outdoor storage is not proposed in the front setback, this use specific standard has been met.

- E. Storage Adjacent to Road. Outside storage is allowed within the required setback area from a road provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.**

The outdoor storage will meet the required setbacks from Adventure Way.

- F. No Storage in Required Landscape Area. Outside storage shall not be allowed within any required landscaped area.**

The outdoor storage will not encroach into landscaped areas.

- G. **Screening Fence Waived Between Adjacent Storage Areas. When outside storage areas abut each other and are not visible from public areas, administrative relief may be sought from the requirement for a solid fence between the outdoor storage areas**

There is an approved contractor's equipment yard directly south of the site that includes an outdoor storage area adjacent to the project site. While screening requirements may be waived between adjacent storage areas, fencing and screening materials are proposed around the entire the RV storage area.

- H. **Salvage Yards and Solid Waste Landfills. Salvage yards and solid waste landfills are not regarded as outside storage, but salvage yards are required to meet the screening standards of this Section.**

Neither a salvage yard nor landfill is proposed at this site.

- I. **Temporary Storage. Administrative relief from the outside storage standards may be sought in association with approved temporary uses.**

A temporary use is not being requested.

- J. **Landscaping Requirements to be Met. Outside storage shall comply with the landscaping requirements in this Chapter.**

General compliance with landscape requirements has been demonstrated on the site plan provided with this Variance of Use application however, a detailed landscape plan will be provided with the future submittal of a Site Development Plan

- K. **Relationship to Site Development Plan. Outside storage areas shall be so identified on the site development plan prior to the establishment of the outside storage use.**

A site development plan detailing the location and how the site complies with the El Paso County Land Development Code will be provided as a future submittal.

NEVADA / UTAH LANE STORAGE

EL PASO COUNTY, COLORADO

VARIANCE OF USE SITE PLAN

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 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.

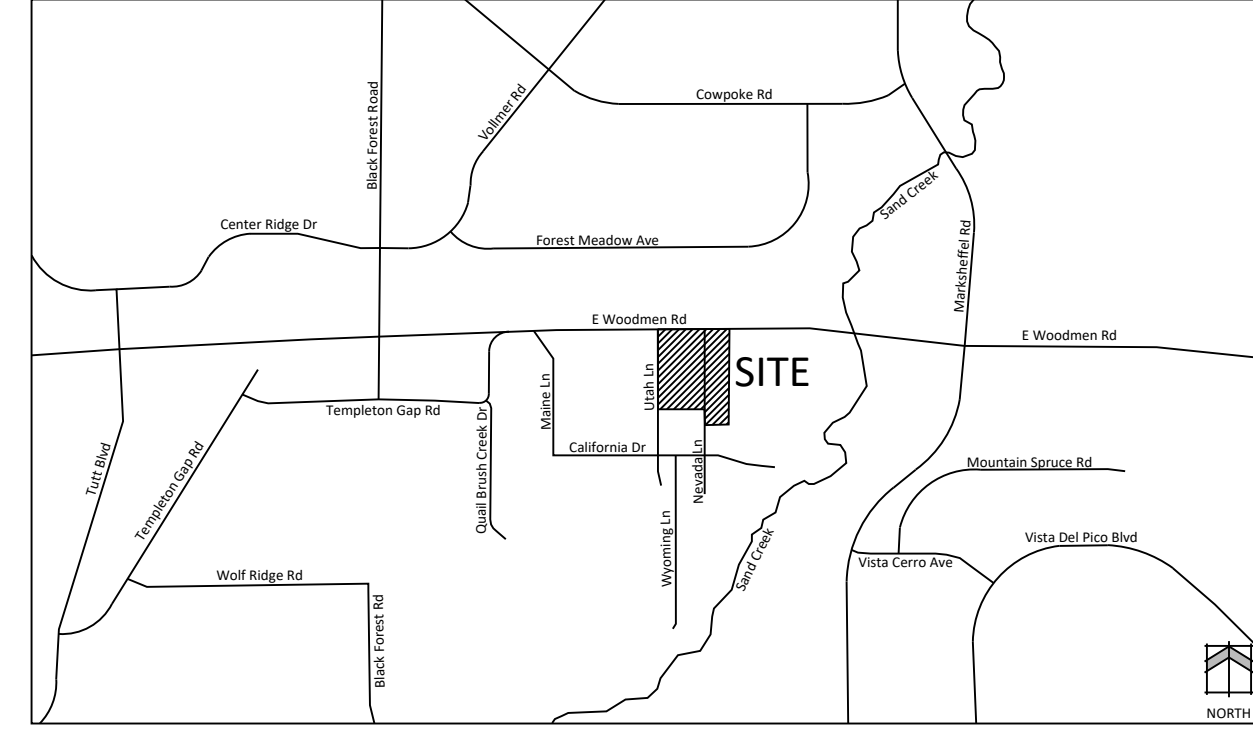
PARCEL C:
PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE 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 FOREMENTIONED 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. 200046602; 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.

GENERAL NOTES

- ALL LIGHTING FIXTURES SHALL HAVE FULL CUT-OFF SHIELDING OR FIXTURES TO REDUCE OFF-SITE LIGHTING IMPACTS.
- NOTICE: THIS PROPERTY MAY BE IMPACTED BY NOISE CAUSED BY AIRCRAFT OPERATING INTO AND OUT OF THE COLORADO SPRINGS MUNICIPAL AIRPORT. THE BUYER SHOULD FAMILIARIZE HIMSELF/HERSELF WITH THIS POTENTIALITY AND THE RAMIFICATIONS THEREOF.
- FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP NUMBER 08041C0529G, EFFECTIVE DATE, DECEMBER 7, 2018, INDICATES THE AREA IN THE VICINITY OF THIS PARCEL OF LAND TO BE A ZONE X (AREA DETERMINED TO BE OUT OF THE 500 YEAR FLOODPLAIN).
- THE PARTIES RESPONSIBLE FOR THIS PLAN HAVE FAMILIARIZED THEMSELVES WITH ALL CURRENT ACCESSIBILITY CRITERIA AND SPECIFICATIONS AND THE PROPOSED PLAN REFLECTS ALL SITE ELEMENTS REQUIRED BY THE APPLICABLE ADA DESIGN STANDARDS AND GUIDELINES AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF JUSTICE. APPROVAL OF THIS PLAN BY EL PASO COUNTY DOES NOT ASSURE COMPLIANCE WITH THE ADA OR ANY REGULATIONS OR GUIDELINES ENACTED OR PROMULGATED UNDER OR WITH RESPECT TO SUCH LAWS.
- THE OWNER AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY ROAD IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM RESOLUTION (RESOLUTION NO. 19-471), OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.
- NEVADA LANE IS A PRIVATE ROAD WITH AN INGRESS/EGRESS EASEMENT (REC NO 258663) TO THE BENEFIT OF THE SUBJECT PROPERTIES AND 7215 NEVADA LANE ONLY. WITH THIS DEVELOPMENT, NEVADA LANE WILL BE CLOSED TO THROUGH TRAFFIC AND GATED. ACCESS WILL BE GRANTED TO THE OWNERS OF 7215 NEVADA LANE ONLY.
- ALL EXISTING GRAVEL DRIVEWAYS TO BE REMOVED. ALL INTERNAL DRIVEWAYS AND SITE ACCESS OFF ADVENTURE WAY WILL BE ASPHALT.

VICINITY MAP



SITE DATA

Propert Tax Schedule Number: 5308000002, 5308000071, 5308000082
Property Address: 7525 Adventure Way, 7425 Adventure Way, 0 Nevada Lane
Current Zoning: RR-5 CAD-0
Total Area: 16.77 Acres
Existing Land Use: Contractor Equipment Yard
Proposed Land Use: Recreational Vehicle Storage and Mini-storage
Total gross building square footage: 151,203 Square Feet
Open Space %: 22.6%
Landscaping %: To be calculated at site development plan.

Parking:
Required:
 Vehicle storage: 3 spaces
 Mini storage: 1/100 units + 1 employee stall - 719 units/ 8 parking stalls required
 11 stalls, 1 ADA
Provided:
 11 stalls, 1 ADA

Zoning/Development Standards:

Building Height:
Required: 30'
Provided: 30'
Lot Coverage:
Required: 25%
Provided: 273,508 sf /730,501 sf = 37%
Building Setbacks:
Front Required: 25'
Front Provided: 25'
Side Required: 25'
East Provided: 25'
West Provided: 43'
Rear Required: 25'
Rear Provided: 25'
Landscape Buffers:
Front (North) Required: None
Rear (South) Required: 15'
Provided: 15'
West Required: None
East Required: None
Landscape Setbacks:
Front Required: 10'
Front Provided: 10'
Sides Required: NA
Rear Required: NA

PROJECT TEAM

OWNER/APPLICANT: Woodmen-Utah LLC
 9540 Federal Dr Ste 100
 Colorado Springs, CO 80921
CONSULTANT: N.E.S., Inc.
 619 N. Cascade Ave., Suite 200
 Colorado Springs, CO 80903

SHEET INDEX

Sheet 1 of 4: Cover Sheet
 Sheet 1 of 2: Site Plan



N.E.S. Inc.
 619 N. Cascade Avenue, Suite 200
 Colorado Springs, CO 80903

Tel. 719.471.0073
 Fax 719.471.0267

www.nescolorado.com

© 2012. All Rights Reserved.

NEVADA / UTAH LANE STORAGE

DATE: 08/14/2024
 PROJECT MGR: A. BARLOW
 PREPARED BY: A. ROMAN

Variance of Use Site Plan

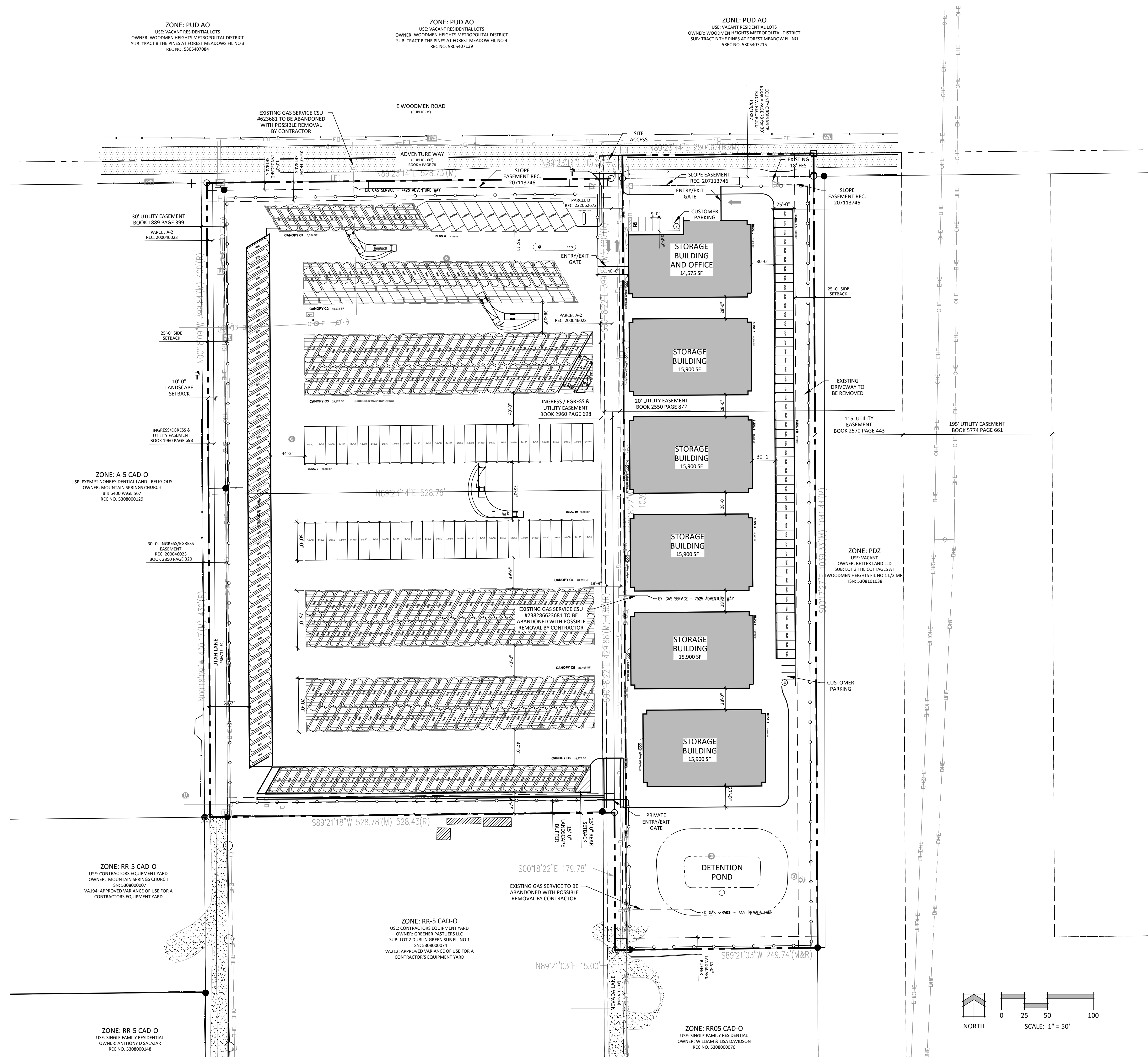
DATE: 06/11/2024 - SB - Variance of Use
 BY:
 DESCRIPTION:

Cover Sheet

1

1 OF 2

P:\Woodmen-Utah, LLC\Nevada Land\Drawings\Planning\Nevada Land_Variance of Use_Sp.dwg (SDP) 8/19/2024 1:51:30 PM ACDMAN



ZONE: PUD AO
 USE: VACANT RESIDENTIAL LOTS
 OWNER: WOODMEN HEIGHTS METROPOLITAN DISTRICT
 SUB: TRACT B THE PINES AT FOREST MEADOWS FIL NO 3
 REC NO. 5305407084

ZONE: PUD AO
 USE: VACANT RESIDENTIAL LOTS
 OWNER: WOODMEN HEIGHTS METROPOLITAN DISTRICT
 SUB: TRACT B THE PINES AT FOREST MEADOWS FIL NO 4
 REC NO. 5305407139

ZONE: PUD AO
 USE: VACANT RESIDENTIAL LOTS
 OWNER: WOODMEN HEIGHTS METROPOLITAN DISTRICT
 SUB: TRACT B THE PINES AT FOREST MEADOWS FIL NO 5
 REC NO. 5305407215

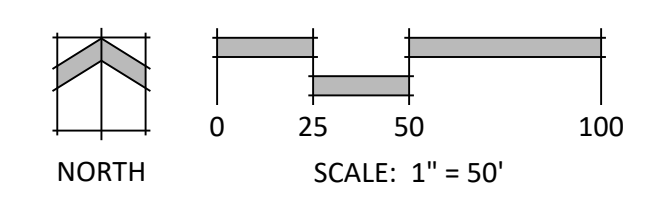
ZONE: A-5 CAD-O
 USE: EXEMPT NONRESIDENTIAL LAND - RELIGIOUS
 OWNER: MOUNTAIN SPRINGS CHURCH
 811 6400 PAGE 507
 REC NO. 5308000129

ZONE: RR-5 CAD-O
 USE: CONTRACTORS EQUIPMENT YARD
 OWNER: MOUNTAIN SPRINGS CHURCH
 TSN: 5308000007
 VA194: APPROVED VARIANCE OF USE FOR A CONTRACTORS EQUIPMENT YARD

ZONE: RR-5 CAD-O
 USE: CONTRACTORS EQUIPMENT YARD
 OWNER: GREENER PASTURES LLC
 SUB: LOT 2 DUBLIN GREEN SUB FIL NO 1
 TSN: 5308000074
 VA212: APPROVED VARIANCE OF USE FOR A CONTRACTOR'S EQUIPMENT YARD

ZONE: RR-5 CAD-O
 USE: SINGLE FAMILY RESIDENTIAL
 OWNER: ANTHONY D SALAZAR
 REC NO. 5308000148

ZONE: RR05 CAD-O
 USE: SINGLE FAMILY RESIDENTIAL
 OWNER: WILLIAM & LISA DAVIDSON
 REC NO. 5308000076



N.E.S. Inc.
 619 N. Cascade Avenue, Suite 200
 Colorado Springs, CO 80903
 Tel. 719.471.0073
 Fax 719.471.0267
 www.nescolorado.com
 © 2012. All Rights Reserved.

**NEVADA /
 UTAH LANE
 STORAGE**

DATE: 08/14/2024
 PROJECT MGR: A. BARLOW
 PREPARED BY: A. ROMAN

**Variance of Use
 Site Plan**

DATE:	BY:	DESCRIPTION:

Site Plan

2

2 OF 2

Scott Weeks

From: Kirby Thompson <kirby@brittonflowers.com>
Sent: Thursday, August 22, 2024 10:09 AM
To: Scott Weeks
Subject: FW: Nevada Lane
Attachments: C.R.S. 43-2-201 – Public highways.pdf; Letter to Attorney Sara Frear 6-6-2024.docx

UNRECORDED You don't often get email from kirby@brittonflowers.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.

Hello Scott,

See below correspondence and attachments for reference in our upcoming telephone conversation regarding EDARP project #191107.

Looking forward to speaking with you soon,

All The Best,

Kirby J. Thompson, Member
WINDWALKER VENTURES, LLC
7075 Wyoming Lane
Colorado Springs, CO 80923
Cellular: 719.360.3634

From: Kirby Thompson
Sent: Thursday, June 20, 2024 9:47 AM
To: sfrear@mullikenlaw.com
Cc: Julie shoemaker <julie.shoemaker@me.com>
Subject: FW: Nevada Lane

Good Morning Ms. Frear,

I would like to follow up with you regarding the letter (dated 6/6/24, digital copy attached) which you received via USPS on Saturday morning 6/8/24.

As I've encouraged several times both in my letter to you as well as my previous communications with Ms. Shoemaker, we think it would be prudent to schedule a neighborhood meeting to further discuss "The Property" and Nevada Lane. Several neighbors have volunteered their homes to host a meeting, and I would be happy to get the word out. (Though you probably have contact information for most of them)

I think with appropriate discussion, you may find that the State Street Neighbors in fact support Woodmen-Utah LLC in the development of their properties rather than standing in opposition to them. Not that they need any "permission" at all from the neighbors to develop their privately-owned land as they see fit, but since we all have a vested interest in the use and development of the properties in this vicinity, we feel that neighborly conversations

can be very helpful in the development process, especially since we are all contributors to the betterment of our community.

Please feel free to contact me at any time to let me know how you would like to proceed. Thank you for your prompt attention to this matter!

All The Best,

Kirby J. Thompson, Member
WINDWALKER VENTURES, LLC
7075 Wyoming Lane
Colorado Springs, CO 80923
Cellular: 719.360.3634

From: Kirby Thompson
Sent: Monday, June 10, 2024 11:26 AM
To: Julie shoemaker <julie.shoemaker@me.com>
Subject: RE: Nevada Lane

Hello Julie,

I received confirmation from the USPS that Julie received the letter I mailed to her on Saturday morning 6-8-2024. Please consult with your constituents and let me know if you would like to schedule a neighborhood meeting to further discuss Nevada Lane. As I mentioned in the letter, several of our neighbors have volunteered their homes to host such a meeting, and I would be happy to get the word out to the neighbors. (Though you probably have contact information for most of them)

All The Best,

Kirby J. Thompson, Member
WINDWALKER VENTURES, LLC
7075 Wyoming Lane
Colorado Springs, CO 80923
Cellular: 719.360.3634

From: Julie shoemaker <julie.shoemaker@me.com>
Sent: Thursday, May 30, 2024 5:58 AM
To: Kirby Thompson <kirby@brittonflowers.com>
Subject: Re: Nevada Lane

Hello Kirby,

I have sent this email to Sara Frear, here is here email if you would like to contact her directly.

sfrear@mullikenlaw.com

Thank you,
Julie Shoemaker

On May 26, 2024, at 9:58 AM, Kirby Thompson <kirby@brittonflowers.com> wrote:

Hello Julie,

Thank you for returning my text this morning. I'm not sure why my email didn't go through when I sent it before but I'll copy the content here.

I would like to suggest that we schedule a brief meeting sometime soon with pertinent representatives of Woodmen-Utah LLC as well as residents of this neighborhood who have a vested interest in the continued usage of Nevada Lane. If it is indeed your intention to permanently block and vacate Nevada Lane I believe that it would cause injury to these parties and would therefore become an issue of civil law.

However, with a thorough reading of the Colorado Revised Statutes, it appears quite obvious that land owners only have the right to block access on private roads under certain circumstances. There are peculiar circumstances in play that, in section (1)(C) of C.R.S. 43-2-201 declare Nevada Lane to be, in fact, **a public highway** by state definition- and therefore no longer simply the prerogative of the land owner to block or vacate.

We would much prefer to settle the matter civilly (outside court) and without incurring any legal fees from attorney counsel and court costs.

Perhaps holding a neighborhood meeting would be the most prudent place to start?

Here is a list of the known neighbors who use Nevada Lane for access to Adventure Way on a regular basis:

- Weisburg Commercial Landscaping
- Larry and Josie Driver
- William Davidson
- Sedlak Electric
- Kevin and Candi Longnecker
- Longneck Pumpkin Farm
- Kelsy Wells
- Phil Ciborowski
- Kirby and Stephanie Thompson
- Britton Nursery
- Roger Haywood
- Accent Landscapes Nursery
- Robert Chapman
- Renee Sward
- One Stop Custom Shop
- Brazen Chapman

These are the individuals and businesses that I believe should be invited to attend a neighborhood meeting.

Thank you for your kind consideration and I will look forward to hearing from you soon.

All The Best,

Kirby J. Thompson, Member
WINDWALKER VENTURES, LLC

Scott Weeks

From: Hao Vo
Sent: Thursday, July 25, 2024 1:33 PM
To: Scott Weeks; larrydrive@aol.com
Subject: Re: Subject 7425 Adventure Way,7525 Adventure Way Project 191107

Dear Mr. Driver,

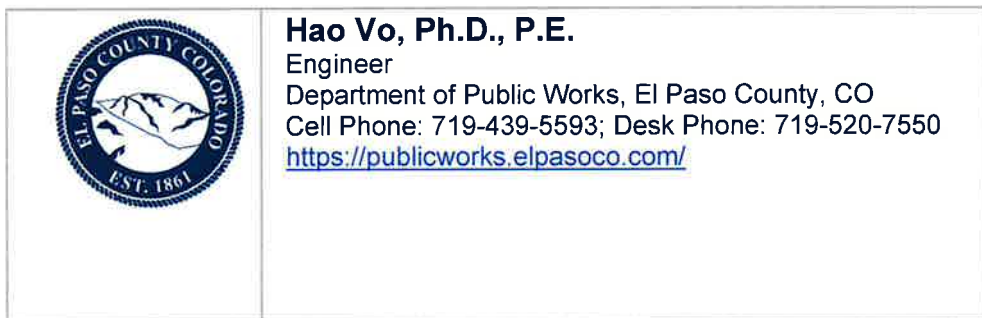
Thank you for your letter and for expressing your concerns about the project VA244.

To clarify, VA244 is currently a variance of use, which means that at this stage, the applicant is only requesting a zone change. Specific details, including the plans for water drainage and runoff, will be addressed in the subsequent phases of the project. As a result, we cannot yet provide definitive answers on how stormwater will be managed or how it will impact your property.

You do have the right to voice your concerns and vote against the project at the public hearing. We acknowledge the importance of your horses and the pond that relies on stormwater from Adventure Way. Your concerns about maintaining your livestock and the natural habitat are valid, and we encourage you to continue participating in the planning process to ensure your voice is heard.

If you have further questions or need additional information, please do not hesitate to reach out. We appreciate your involvement and understanding as we move forward with this project.

Best regards,



From: Scott Weeks <ScottWeeks@elpasoco.com>
Sent: Tuesday, July 23, 2024 4:09 PM
To: Hao Vo <HaoVo@elpasoco.com>
Subject: FW: Subject 7425 Adventure Way,7525 Adventure Way Project 191107

Hi Hao-
Would you be able to address the drainage comments below?

Thanks!
Scott

From: larrydrive@aol.com <larrydrive@aol.com>
Sent: Monday, July 22, 2024 3:55 PM
To: Scott Weeks <ScottWeeks@elpasoco.com>
Subject: Subject 7425 Adventure Way,7525 Adventure Way Project 191107

You don't often get email from larrydrive@aol.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.

Hello Scott,

My Name is Larry Driver, I reside and own the residence at 7150 Nevada Lane the end. I am curious how the water drainage and run off will be handled for this project? I own horses and a pond that depends on the water coming from Adventure way. There is a major change in elevation from the Adventure Way to my property. So we depend on water for our horses as well as the natural habitat that lives in our pond. I don't see this project as being an eminent domain issue and unsure why this would be rezoned. If my way of life changes because of it, why would it be approved? This doesn't make any sense, The storage area isn't needed for the area in my opinion. How do I maintain my livestock and water habitat? Do I get a vote about this zoning change? If my property now floods or even worse dries up how am I compensated? Can you help me understand why this would be approved at the expense of the property owners south of the project? You have my apologies if this seems like a rant but I feel the community isn't being considered with this project.

Thank you

Larry Driver
7150 Nevada Lane
phone 719-495-2791
cell 303-250-5194

RESOLUTION NO. 24-

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

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

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.