

VARIANCE OF USE (Approved)

Commissioner Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. VA-20-003
11955 Falcon Highway Event Center**

WHEREAS, David and Cynthia Smallidge did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the RR-5 (Residential Rural) zoning district to permit a business event center where such use is not permitted; and

WHEREAS, a public hearing was held by this Commission on December 3, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, 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 Planning Commission Members during the hearing, this Commission finds as follows:

1. That the application was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That 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. 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 the proposed variance of use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.4, Variance of Use, of the El Paso County Zoning Resolutions.

7. 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, and

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Planning Commission 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 that the application of David and Cynthia Smallidge for a variance of use within the RR-5 (Residential Rural) zoning district to permit a business event center at 11955 Falcon Highway where such is not a permitted use for the following described unincorporated area of El Paso County be approved,

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following condition(s) and notation(s) shall be placed upon this recommendation:

CONDITIONS

1. Approval is limited to the use of a business event center, as discussed and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or

modification to the operation or facility beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to review and approval of a new variance of use request.

2. Prior to building permit authorization or initiation of the use, the applicant shall apply for and receive approval of a commercial site development plan.
3. Prior to building permit authorization or initiation of the use, the applicant shall apply for and receive approval of a commercial driveway access permit.
4. Events held at the business event center shall be limited in occupancy to no more than 75 people at any given time. If the total number of daily trips to and from the property exceeds 70, the use shall be subject to review and approval of a new variance of use request.
5. Events shall be limited to Fridays, Saturdays, Sundays, and federal holidays, and all events shall cease prior to 10:00 PM. Outdoor activities shall be limited to seating. All functions of the business event center use that generate excessive noise or odors must occur indoors.
6. Prior to building permit authorization, the applicant shall provide the Planning and Community Development Department a copy of an approved septic permit for the business event center use and the existing residential use.
7. All structures on the property shall be set back a minimum of sixty (60) feet from the north property line adjacent to Falcon Highway.

NOTATIONS

1. The variance of use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or variance of use conditions are being violated, preceded by notice and public hearing.
3. If the variance of use is discontinued or abandoned for two (2) years or longer, the use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Trowbridge seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Brittain Jack	aye
Commissioner Trowbridge	aye
Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Blea-Nunez	aye
Commissioner Fuller	aye
Commissioner Moraes	aye
Commissioner Greer	aye

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: December 3, 2020



Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE ALONG THE WEST LINE OF SAID SECTION 18, THE BEARING OF WHICH IS ASSUMED TO BE S 0 DEGREES 00 MINUTES 00 SECONDS E, 30.01 FEET; THENCE DEPARTING SAID WEST LINE S 88 DEGREES 11 MINUTES 43 SECONDS E, 30.01 FEET TO THE POINT OF BEGINNING FOR THE TRACT OF LAND HEREIN DESCRIBED; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE FALCON HIGHWAY AND PARALLEL TO THE NORTH LINE OF SAID SECTION 18, S 88 DEGREES 11 MINUTES 43 SECONDS E 1455.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE AND PARALLEL WITH THE WEST LINE OF SAID SECTION 18, S 0 DEGREES 00 MINUTES 00 SECONDS E, 1185.94 FEET; THENCE N 83 DEGREES 11 MINUTES 43 SECONDS W, 1455.00 FEET TO THE EAST RIGHT OF WAY LINE OF MERIDIAN ROAD, THENCE ALONG SAID RIGHT OF WAY N 0 DEGREES 00 MINUTES 00 SECONDS E, 1185.94 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO