

SPECIAL USE (Recommend Approval)

Commissioner Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. AL- 19-019
Urban Firewood

WHEREAS, Joseph Yost did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow firewood sales within the A-5 (Agricultural) zoning district 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 August 20, 2020; 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. For the above-stated and other reasons, the proposed special 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 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, the El Paso County Planning Commission considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the special use to allow firewood sales within the A-5 (Agricultural) zoning district.

AND BE IT FURTHER RESOLVED that the El Paso County Planning Commission recommends the following conditions and notations be placed upon this approval:

CONDITIONS

1. Approval is limited to the firewood sales use as discussed and depicted in the applicant's letter of intent and the attached site plan exhibit.
2. Approval of a site plan shall be required prior to initiating the use.

NOTATIONS

1. The special use approval includes conditions of approval and the accompanying site plan. 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 special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special 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 Brittain Jack seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Lucia-Treese	nay
Commissioner Trowbridge	nay
Commissioner Blea-Nunez	aye
Commissioner Brittain Jack	aye
Commissioner Greer	aye
Commissioner Carlson	aye
Commissioner Fuller	aye

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

DATED: August 20, 2020



Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION

for

11556 Hwy-94, Colorado Springs, CO 80929

This is the original legal description from Empire Title Company:

That portion of the Southeast quarter of Section 12, Township 14 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of Section 12, Township 14 South, Range 65 West of the 6th P.M., as shown on plat recorded in Book H-2 at Page 10 of the El Paso County records, thence North 89°56'40" West along the South line of said Section 12, 1593.82 feet to the Point of Beginning; thence North 00°17'50" West, 1,291.25 feet; thence South 88°42'06" East, 371.11 feet; thence South 00°24'18" East 1,283.22 feet to the South line of said Section 12; thence North 89°56'40" West on said South line, 373.39 feet to the Point of Beginning, Except any portion lying within Highway 94, County of El Paso, State of Colorado.

This is the legal description from the El Paso County Assessor's office:

TRACT IN SE4 SEC 12-14-65 AS FOLS, COM AT SE COR OF SEC 12, TH N 89<56'40" W ALG S SEC LN 1593.82 FT FOR POB, N 0<17'50" W 1291.25 FT, S 88<42'06" E 371.11 FT, S 0<24'18" E 1283.22 FT TO S LN OF SEC, TH N 89<56'40" W ON SD S LN 373.39 FT TO POB EX SLY 50.00 FT TO RD

Ensure what you have submitted above is consistent with this.

These descriptions are one and the same.