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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Carlos Hernandez, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: VA232
Project Name: 7135 Templeton Gap - Landscaping Business
Parcel Number: 5307000005

OWNER:	REPRESENTATIVE:
Fisk Landscaping Ben Fisk 13845 Ranklin Rd Elbert, CO 80106	Fisk Landscaping Ben Fisk 13845 Ranklin Rd Elbert, CO 80106

Commissioner District: 2

Planning Commission Hearing Date:	9/7/2023
Board of County Commissioners Hearing Date:	9/28/2023

EXECUTIVE SUMMARY

A request by Ben Fisk for approval of a Variance of Use for 5 acres to allow a contractors equipment yard in the RR-5 (Residential Rural) district. The property is located 7135 Templeton Gap Road and is 0.33 miles south of the intersection of East Woodmen Road and Templeton Gap Road.

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): There are no waivers/deviations associated with this application.

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

B. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code (As Amended), 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:	RR-5 (Residential Rural)	Single-Family Residential
South:	City of Colorado Springs	Vacant Land
East:	RR-5 (Residential Rural)	Vacant Land
West:	City of Colorado Springs	Automobile and Boat Storage

D. BACKGROUND

The subject property is zoned RR-5 (Residential Rural), which does not allow for a contractor’s equipment yard. A contractor’s equipment yard is a service establishment

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primarily engaged in general contracting or subcontracting in the construction, repair, maintenance, or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment. The applicant is requesting a Variance of Use to continue using the property for storage of landscaping equipment for his commercial business.

A code enforcement violation was issued on March 9, 2023, for unauthorized use within the RR-5 zoning district. The code enforcement case states that inspection photos show the residential property being used for the landscaping business with significant materials storage and employee parking on site.

The property is located in an area of the County that is adjacent to the incorporated boundaries of the City of Colorado Springs. The properties adjacent to Templeton Gap Road, west of the subject property, are zoned CS (Commercial Service), CR (Commercial Regional), and within the City of Colorado Springs that is currently used for Automobile and Boat Storage. The properties to the east of the subject property are zoned RR-5 and are single-family residential uses.

If the Variance of Use is approved, 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, parking, and lighting.

E. ANALYSIS

1. Land Development Code and Zoning Analysis

Pursuant to Table 5-1 of the Land Development Code, a contractor's equipment yard is not a permitted use in the RR-5 zoning district. The requested use is not consistent with the use allowances of the RR-5 zoning district without approval of a Variance of Use.

The Land Development Code defines "Contractor's Equipment Yard" as:

"A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment."

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A contractor's equipment yard is allowed by Special Use in the CS (Commercial Service), I-2 (Limited Industrial), and C-2 (Commercial) zoning districts and as a permitted use in the I-3 (Heavy Industrial), and M (Industrial) zoning districts.

The subject property will be required to provide a landscaping buffer long the lot, parcel, or tract line on the non-residential use property between the non-residential use and a residential zoning district. The subject property will be required to provide buffering where it is adjacent to the RR-5 zoned parcels to the north and east. Any outside storage will be subject to Section 5.2.40 of the Land Development Code which requires materials to be screened by a solid fence or vegetation and storage cannot exceed the height of the screening. This will be reviewed during the site development plan application.

F. MASTER PLAN ANALYSIS

1. Your El Paso County Master Plan

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 walk-able 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.

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Recommended Land Uses:

Primary

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

Supporting

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

Analysis:

The property is located within the Urban Residential placetype. The Urban Residential placetype offers an opportunity for El Paso County to redefine its growth areas through highly desirable, connected, and complete neighborhoods with a mix of housing products and density. Relevant goals and objectives are as follows:

Goal LU2: *“Coordinate context-sensitive annexation and growth strategies with municipalities.”*

Objective LU2-2: *“The character and intensity of new development or redevelopment in County enclaves should match that of the development in the municipality surrounding it.”*

Goal LU3: *“Encourage a range of development types to support a variety of land uses.”*

Objective LU1-1: *“Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built forms and guidelines.”*

Specific Strategy: *“The New Development 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 should 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.”*



Goal ED1-1: *“Recruit new businesses and spur the development of growing sectors.”*

Objective ED1-5: *“Allow residents to manage compatible, low-intensity personal businesses from their home to create greater opportunities for new companies to be established.”*

The proposed Variance of Use intends a commercial service that is a supporting land use within the Urban Residential placetype. The property is currently a residential parcel that is adjacent to existing commercial businesses. If the Variance of Use is approved, the property would match the character of the adjacent developments within the County and City of Colorado Springs.

A site development plan is required to be submitted and approved prior to issuance of a building permit for the property. The site development plan will be required to meet the development standards of the Land Development Code, not limited to buffering, landscape, lighting, drainage, and parking.

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.

Analysis:

Approval of the Variance of Use will allow for a contractor’s equipment yard. The properties along East Woodmen Road and Templeton Gap Road are developing as commercial or higher density residential uses, approval of the Variance of Use would take the residential property and develop it into a commercial use that will be compatible to the surrounding area, which is consistent with the level of change expected in the New Development Area of Change. The uses that are adjacent to the parcel consist of commercial businesses and residential structures.

The subject property will be required to screen any outside storage materials and provide landscape buffers from the adjacent residential zoned properties to the north and east.



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, storm-water 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 within unincorporated El Paso County but is adjacent to the City of Colorado Springs. Properties south of Woodmen Road have been developing into small commercial sites acting as a transitional buffer to the residential uses to the south. This is consistent with the character expected in this Key Area.

2. Water Master Plan Analysis

Water sufficiency is not required for a Variance of Use application. Water service for the parcels will continue to be provided by an existing well.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services, Environmental Division was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.



G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the variance of use application which would restrict continued use of the facility.

2. Floodplain

The FEMA Flood Insurance Rate Map, 08041C0537G, indicates that the property is outside of a floodplain. There are no expected impacts from the requested Variance of Use to a floodplain.

3. Drainage and Erosion

The property is located within the Sand Creek Drainage Basin (FOFO2000). Drainage and bridge fees are not assessed with Variance of Use requests if no platting action is required. Per aerial imagery and existing contours, stormwater runoff generally flows from north to southeastern direction.

Due to the amount of land disturbance that has occurred, a final drainage report, grading and erosion control plan, and additional documents will be required at the Site Development Plan stage. The final drainage report shall provide hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development to downstream properties and stormwater runoff.

4. Transportation

The property obtains access through Templeton Gap Road. Templeton Gap Road is a City of Colorado Springs (COS) owned and maintained roadway classified as a Collector. The property is not required by the COS to have a driveway access permit. The proposed site is projected to generate an average of 40 vehicle trips per day per the applicant's Letter of Intent. The property will be subject to the El Paso County Road Impact Fee program (Resolution No. 19-471), as amended.

H. SERVICES

1. Water

Water is provided by an existing well.

2. Sanitation

Wastewater is provided by an existing onsite wastewater treatment system.

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3. Emergency Services

The property is not within a Fire Protection District. The planning department reached out to the Falcon Fire District and City of Colorado Springs Fire District. The City of Colorado Springs Fire District stated that in the event of an emergency they will respond to the property and charge the owner after the emergency.

4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc., (MVEA) and natural gas is provided by Colorado Springs Utilities. MVEA and Colorado Springs Utilities were each sent a referral and have no outstanding comments.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Parks/Trails

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

7. Schools

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

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with this application.

K. 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 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 contractor's equipment yard, as discussed and depicted in the applicant's letter of intent and site plan drawings. Any subsequent



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

2. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of Variance of Use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. 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/standards 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 Variance of Use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on August 18, 2023 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Map Series
Letter of Intent
Site Plan
Draft Resolution

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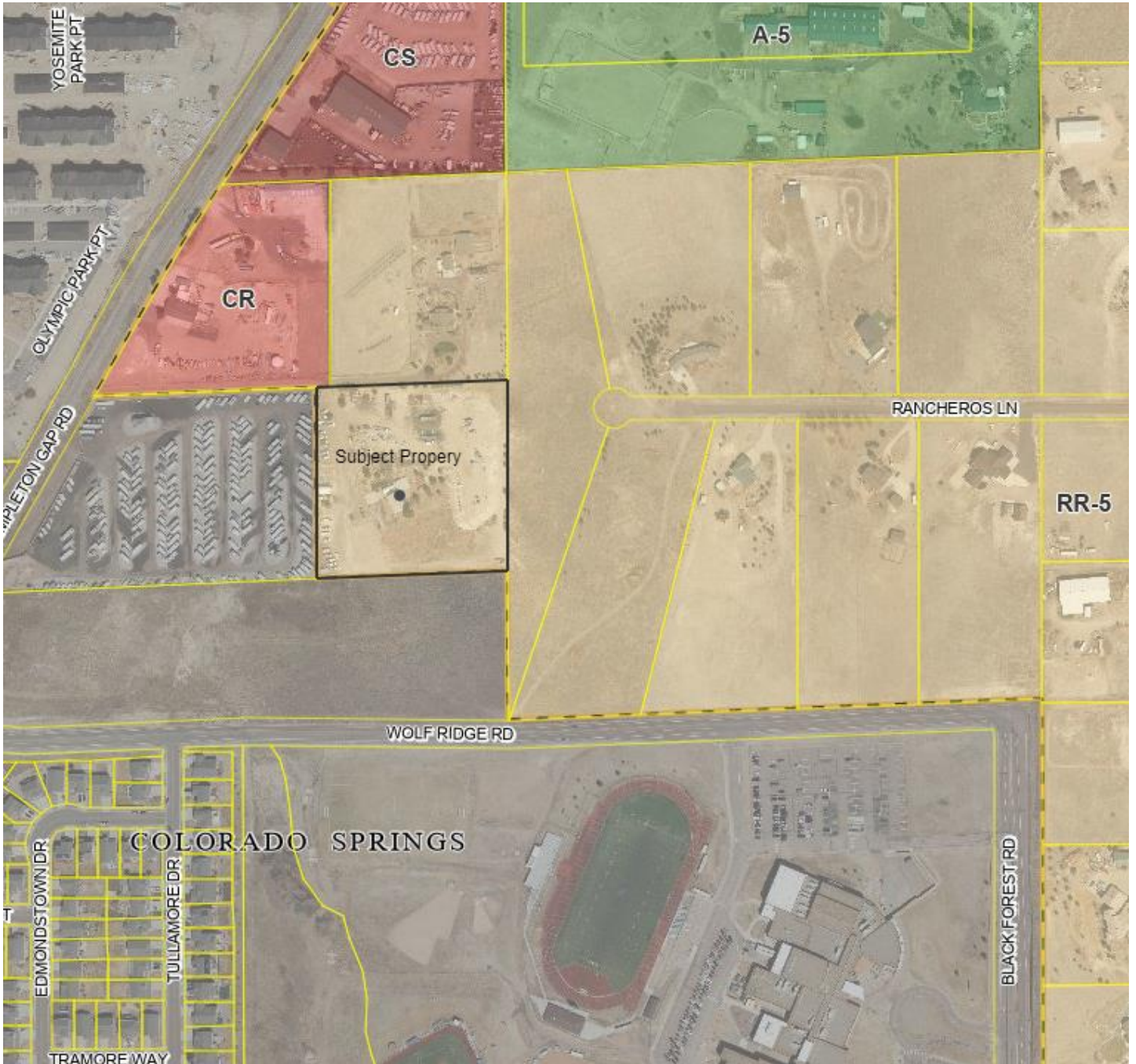


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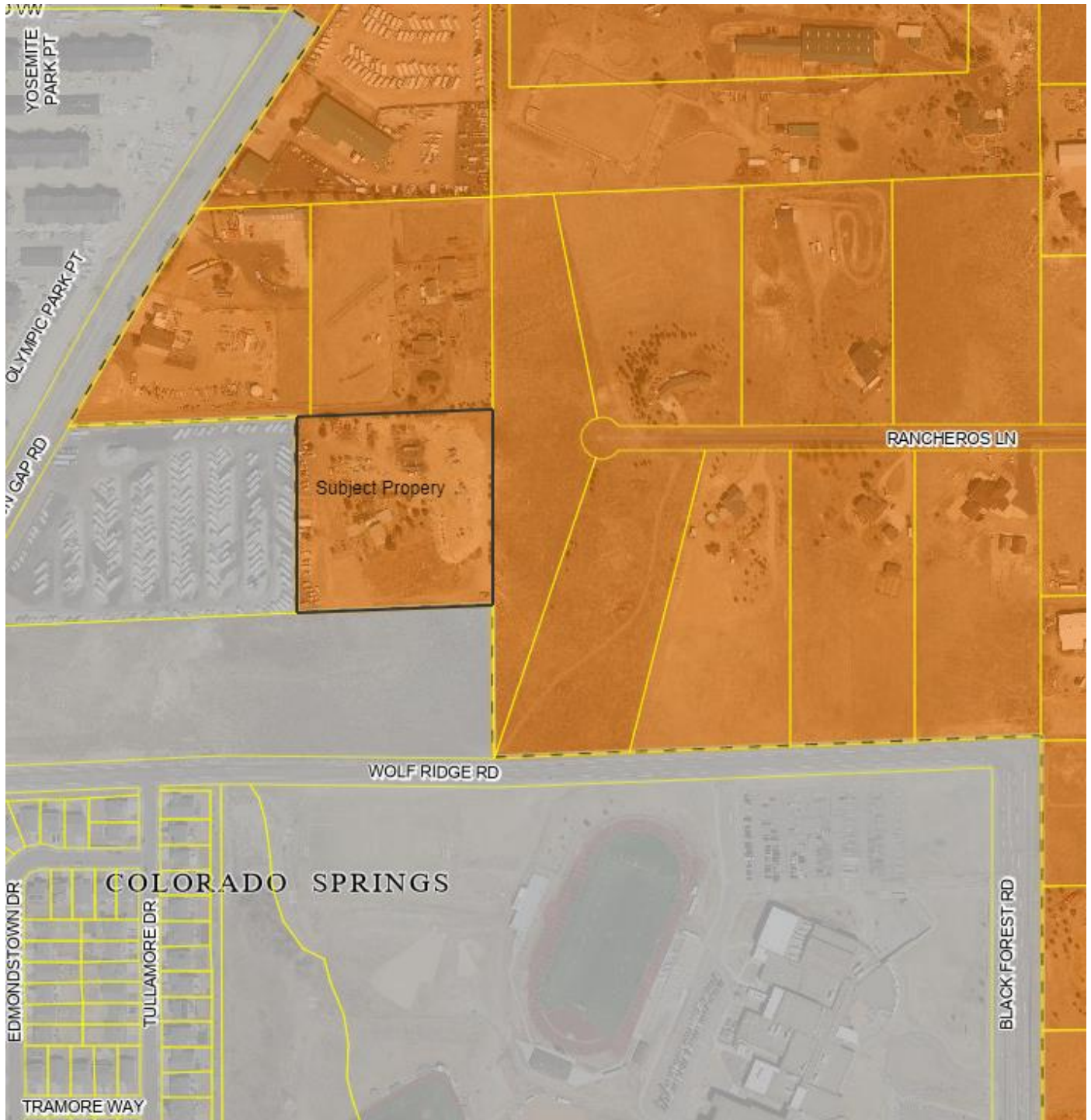
Map Exhibit #1: Aerial



Map Exhibit #2: Zoning



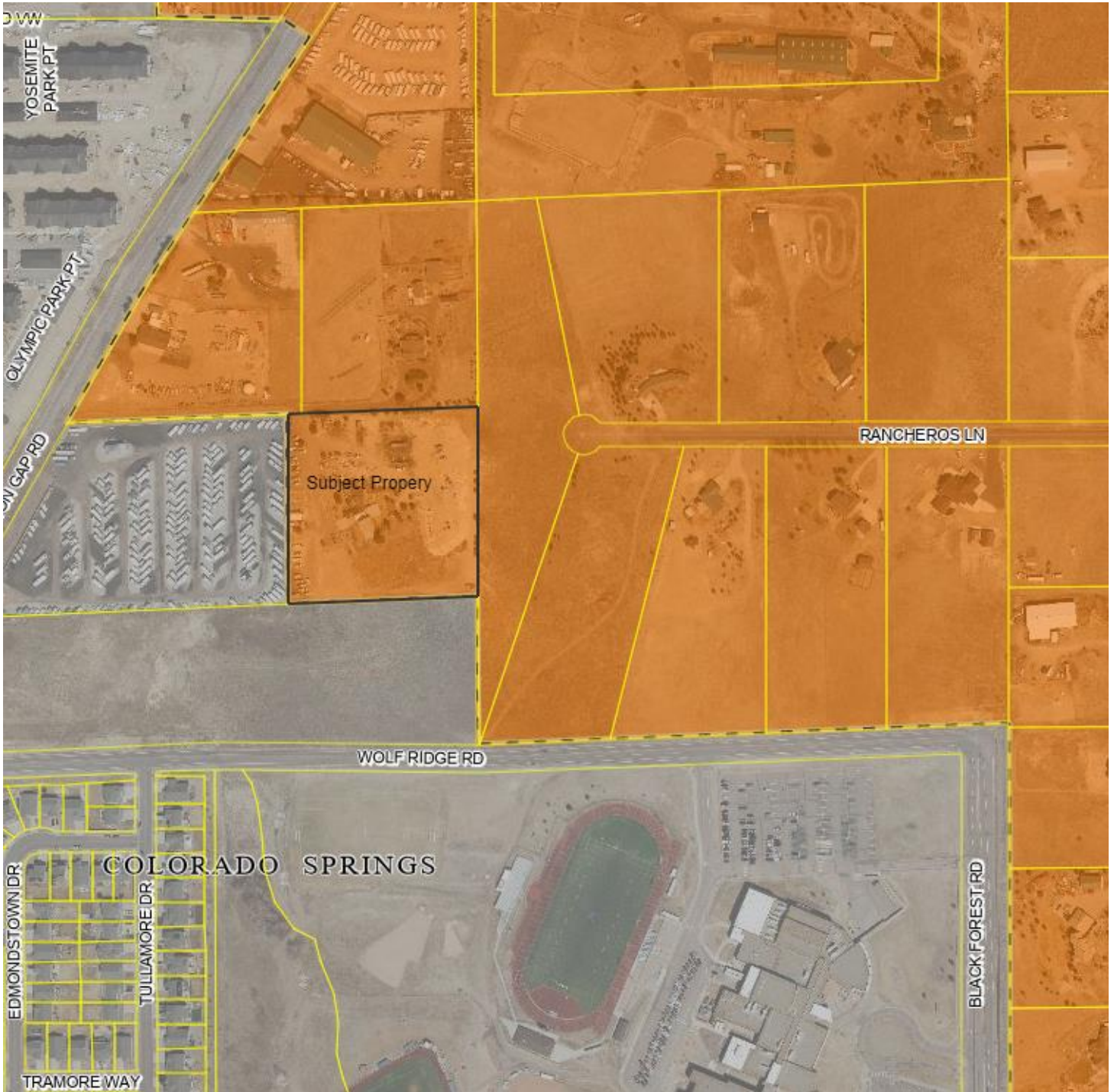
Map Exhibit #3: Placetype








Legend

- | | |
|--|--|
| Rural | Employment Center |
| Large-Lot Residential | Regional Open Space |
| Suburban Residential | Mountain Interface |
| Urban Residential | Military |
| Rural Center | Utility |
| Regional Center | Incorporated Area |

Map Exhibit #4: Area of Change

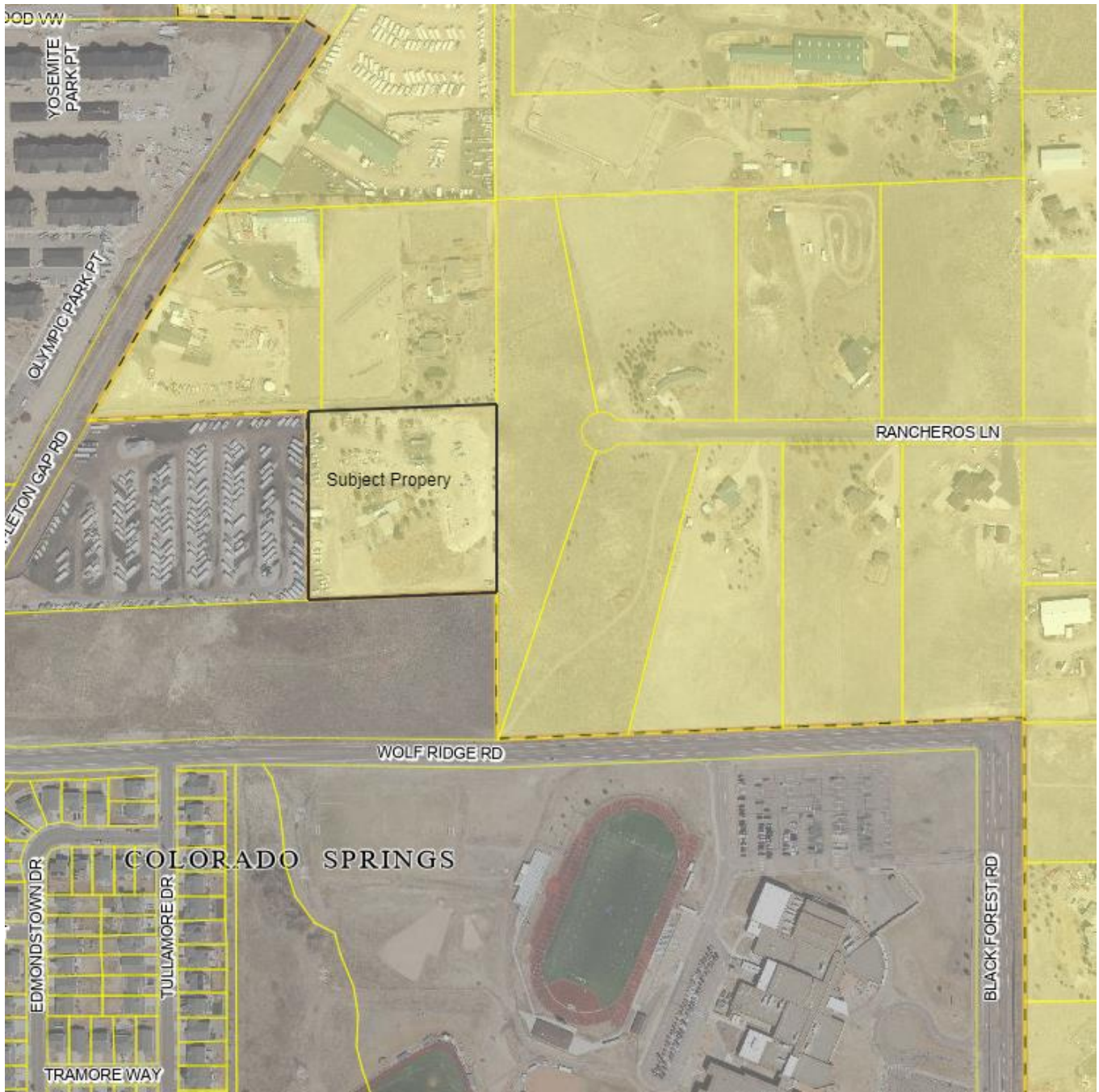


Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition



Map Exhibit #5: Key Areas Of Change



Legend

- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Field
- Uncommon Natural Resources

Letter of Intent

1. Ben Fisk. 719-237-8157. Ben@fisklawnsclapes.com
2. Ben Fisk. 719-237-8157. Ben@fisklawnsclapes.com
3. 7135 Templeton Gap Rd. Colorado Springs CO 80923
4. Property tax schedule: 5307000005
5. RR-5
6. A detailed analysis summarizing how the request complies with each of the following Criteria of Approval in Chapter 5 of the Land Development Code:
 - a. The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship – **lack of suitable parcels in this area for landscaping companies, along with this area not having residential properties immediately surrounding it.**
 - 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 - **This 5-acre parcel is currently zoned RR-5 and is in a unique position within El Paso County. With only 1 true “residential” neighbor, this parcel of land is well suited for our application. We’re bordered by an RV storage lot, a construction company and vacant land thus my landscaping company fits into the surrounding uses.**

We’ve already done a lot of improvements on this property to maintain a clean and presentable appearance for our neighbors and community. When originally purchasing this property, the weeds were 5-6 feet tall as it hadn’t been taken care of in years. There were several species of noxious weeds that we’ve eradicated over the past few years. Most of the existing trees have been pruned or removed if dead. We’ve landscaped the front and back yards beautifying the property. We’ve also hauled over 140 tons of debris, old metal and trash off of the property left by the previous owner.
 - 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 – **Yes, no comments**
 - d. The proposed use will not adversely affect wildlife or wetlands – **Yes, no comments**
 - e. The applicant has addressed all off-site impacts – **Yes, no comments**
 - f. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping – **Yes, site plan**

shows parking. Plenty of space and designed for traffic circulation. Screening is provided by trees to the north, existing block wall to the west, proposed block wall to the south (to be constructed by south property owner when property to south is developed per City of Colorado Springs Planner). Additionally there are some trees on the east property line to help with screening. Front and back yards around the house structure have been landscaped as well as mature trees around house as shown on site plan. There is also an area designated as green space – see site plan. This is native grass.

- g. 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 – **Yes. Understand we are outside of official fire protection from CSFD and Falcon Fire and will be charged from CSFD for responding to any events/fires at this parcel. There is a fire hydrant located on Wolf Ridge Dr. that is approx. 400' from southern property line.**
7. RR-5, CAD-O
 8. A discussion summarizing the proposed request and compliance with the applicable requirements of the Land Development Code. - **I'm requesting a variance of use for a landscaping business and outside storage at 7135 Templeton Gap Rd. We are also requesting a 5000 sq ft metal building, detached garage, with those details in a different application. We are requesting this variance of use for my landscaping company because of the lack of suitable properties in this area for a landscaping company. After meeting with neighbors to the east and north, the two other RR-5 parcels, they are both in full support of this request. We believe this request to be in compliance with Land Development Code**
 9. A discussion regarding how the proposed request complies with the definition of the proposed use and any applicable use specific standards within the Land Development Code.
 - a. **Grading & Erosion: We have regraded approx. 1 acre of this property to create more level space for new building area. Erosion mitigation has been completed between north property line and new coffin block wall. This area has revegetated. The dirt that was cut for new building area was moved to the south. This hill to the south will be receiving erosion mitigation as a part of this project.**
 - b. **Stormwater: Proposed request will not adversely affect adjacent properties or existing stormwater runoff patterns.**
 10. A discussion regarding anticipated traffic generation and access, unless a separate traffic study is required and is being provided.
 - a. **Traffic Discussion (No TIS)**
 - **Vehicular Traffic: Daily vehicle trip generation varies based on season but generally does not exceed 40. Peak hour trips do not exceed 10.**
 - **There are no additional proposed minor or major roadway intersections**

- The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends
- The change in the type of traffic to be generated does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property
- The acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained
- No roadway or intersection in the immediate vicinity has a history of safety or accident problems
- There is no change of land use with access to a State Highway.
- Pedestrian Traffic: proposed use will not generate any new pedestrian traffic.
- Bicycle Traffic: proposed use will not generate any new bicycle traffic

Additional Traffic Notes:

- Property is being accessed by a shared roadway with neighbor to north.



- Approx. 15-20 team members drive here each day
- Customers don't come to our site except on very rare occasions
- We receive on average 1 delivery vehicle per day (Amazon, Fedex, UPS etc)
- We receive on average 1 larger delivery per week (tandem dump truck)
- We park 24 trucks (mostly F250's & F350's)
- We park 12 trailers (some enclosed utility trailers and some flatbed trailers)
- We have approx. 20 snow plows that are currently sitting outside but will be stored in building once approved/built
- We have a 221F compact wheel loader on property most of the time
- We have 5 skid loaders (most of the time they are on landscape sites)

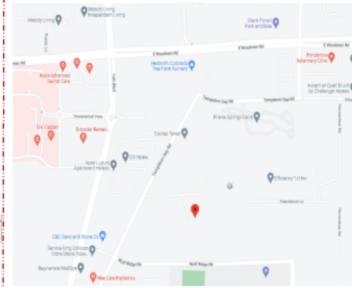
Road impact fees: **We are aware of road impact fees as a part of this application**

Thank you for your consideration,

Ben Fisk

719-237-8157

ben@fisklawnscares.com



Site Plan By: Ben Fisk

Updated: 6 July, 2023

PCD File No. VA232

Site Plan:
7135 Templeton Gap Rd.
Colorado Springs, CO 80923

Currently Zoned RR-5
Applying for
Landscape Variance

Lynn & Lenard Rieth
6540 Rancheros Ln
5307001004

LEGAL DESCRIPTION:
TRACT IN SW4NE4 OF SEC 7-13-65
AS FOLS, BEG AT A PT ON ELY LN
OF SD SW4N34 505.15 FT SLY
THEREON FROM NE COR OF AFMD
TR, TH WLY PARA WITH N LN OF SD
SWFNE4 466.69 FT, S AT R/A
466.69 FR, E AT R/A 466.69 FT TO
ELY LN OF SW4NE4, TH NLY ALG SD
LN 466.69 FT TO POB, TOG WITH R/W
FOR RD OVER S 25.0 FT, L 1/2 MR

PARCEL NUMBER: 53070-00-005

Open Space: 60%
Landscaping: 5%
Lot Coverage: 35%

VARIANCE OF USE (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA-23-002

7135 TEMPLETON GAP – LANDSCAPING BUSINESS

WHEREAS, Fisk Landscapes did file an application with the El Paso County Planning and Community Development Department for approval of a variance of use to allow a contractor's equipment yard within the RR-5 (Residential Rural) 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 September 7, 2023; 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 special use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, as stated in Section 5.3.4.C of the El Paso County Land Development Code (as amended), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a Variance of Use:

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 approval of the variance of use to allow a contractor's equipment yard within the RR-5 (Residential Rural) zoning district with the following conditions and notations:

CONDITIONS

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

to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new Variance of Use request.

2. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of Variance of Use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. 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/standards 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 Variance of Use shall be deemed abandoned and of no further force and effect.

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.

_____ 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
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	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

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

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
_____, Chair

EXHIBIT A

TRACT IN SW4NE4 OF SEC 7-13-65 AS FOLS, BEG AT A PT ON ELY LN OF SD SW4NE4 505.15 FT SLY THEREON FROM NE COR OF AFMD TR, TH WLY PARA WITH N LN OF SD SW4NE4 466.69 FT, S AT R/A 466.69 FT, E AT R/A 466.69 FT TO ELY LN OF SW4NE4, TH NLY ALG SD LN 466.69 FT TO POB, TOG WITH R/W FOR RD OVER S 25.0 FT, L 1/2 MR