


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
 Stan VanderWerf, Chair

FROM: John Green, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director

RE: Project File #: AL-18-024
 Project Name: Meisman Home Trucking Business
 Parcel No.: 57350-00-001

OWNER:	REPRESENTATIVE:
Gary Meisman 612 Harvard Street Colorado Springs, CO 80911	N/A

Commissioner District: 4

Planning Commission Hearing Date: 6/3/2021
 Board of County Commissioners Hearing Date 6/22/2021

EXECUTIVE SUMMARY

A request by Gary Meisman with Gone Trucking, LLC, for approval of a special use for a rural home occupation. The 40.2-acre parcel is zoned RR-5 (Rural Residential) and is located within the Villa Casitas Subdivision, approximately two miles south of the intersection of Rancho Colorado Boulevard and Interstate-25, adjacent to the Pueblo County line and is within Section 35, Township 17 South, Range 65 West of the 6th P.M. The property is located within the boundaries of the South-Central Comprehensive Plan (1988).

The rural home occupation consists of a trucking business that will include outside storage of heavy equipment for earth moving. An Early Assistance meeting was held on June 5, 2018 to discuss the process and feasibility of operating the rural home

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occupation on the subject parcel. The owner submitted an application for a special use on October 18, 2018. The applicant initiated the use on the property prior to completing the special use process and prior to receiving approval. On April 30, 2019, a Code Enforcement notice of violation was sent to the property owner regarding the use on the property (PCD file no. CE-19-440).

The El Paso County Planning and Community Development Department sent notification to the adjacent property owners for the administrative special use process on October 29, 2018. Five (5) letters of opposition were received from adjacent landowners. Section 5.3.2(H) of the El Paso County Land Development Code (2018) specifies that “Any special use may be acted upon by the PCD Director. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing”. In this instance, since multiple letters of opposition were received, the PCD Director decided to elevate the special use application to public hearing on March 15, 2021.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Gary Meisman with Gone Trucking, LLC, for approval of a special use for a rural home occupation in the RR-5 (Rural Residential) zoning district.

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

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

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the June 3, 2021 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 6-0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing. The PC Draft minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

- The special use is generally consistent with the applicable Master Plan;
- 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;
- 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;
- The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- 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
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

D. LOCATION

North:	RR-5 (Residential Rural)	Residential
South:	Pueblo County	Pueblo County
East:	RR-5 (Residential Rural)	Residential
West:	RR-5 (Residential Rural)	Residential

E. BACKGROUND

The 40.2-acre parcel was legally created by deed in May of 1971 (Book 2410, Page 189). The parcel was zoned A-4 (Agricultural) on September 20, 1965, when zoning was first initiated for this area of unincorporated El Paso County. Due to nomenclature changes, the A-4 (Agricultural) zoning district has been renamed as the RR-5 (Rural Residential) zoning district.

An Early Assistance meeting regarding the special use occurred on June 5, 2018 with Planning and Community Development Department staff. The applicant applied for a special use to allow the trucking business on the property on October 18, 2018. Before applying for approval of the special use, the applicant initiated elements of the use on the property, including the storage of heavy equipment. On April 30, 2019, a Code Enforcement complaint was submitted regarding the use on this property. The use is currently the subject of a Code Enforcement action (CE-19-440). The applicant has since ceased operations, therefore, staying the Code Enforcement action.

The El Paso County Planning and Community Development Department sent notification to the adjacent property owners for the administrative special use request on June 23, 2020. Five (5) complaints were received from adjacent landowners. Section 5.3.2(H) of the El Paso County Land Development Code (2018) specifies that “Any special use may be acted upon by the PCD Director. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing”. In this instance, since multiple letters of opposition were received, the PCD Director decided to elevate the special use application on March 15, 2021.

If the special use request is approved, the applicant will be required to submit a site development plan in order to demonstrate compliance with the development standards of the Code and to allow the use to continue on the property. The site development plan will need to be substantially consistent with the site plan provided with the special use application and will need to provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

The subject property is currently vacant. An application was approved for construction of a single-family dwelling on the property on June 9, 2020. The proposed single-family dwelling has not yet been constructed. The applicant is now requesting approval of a special use for a rural home occupation for a trucking business. The proposed trucking business is intended to be operated out of a proposed 4,000 square-foot accessory structure. The applicant is required to construct the single-family residence on the property prior to initiation of the rural home occupation.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to allow an aggregate trucking business to be operated accessory to the proposed single-family dwelling as a rural home occupation. The proposed home trucking business qualifies as a rural home occupation, pursuant to Section 5.2.29(b) of the Land Development Code. Section 5.2.29(b) of the Code states:

“The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met:

- Contractor's equipment yards, construction businesses, welding shops...”

A rural home occupation is allowed in the RR-5 zoning district with special use approval for lots a minimum of 5 acres in size. The subject property is 40.2 acres in size and is qualified to request approval of a rural home occupation. Potential impacts related to approval of the special use request include noise, light, traffic, and visual clutter.

The applicant is intending to have up to six (6) employees performing aggregate trucking delivery services throughout the Pikes Peak region. The proposed business is intended to operate seasonally, primarily in the summer months. The trucks used for hauling would make daily trips to and from the property between the hours of 6:00 AM and 7:00 AM for morning departures, while arriving between the hours of 5:00 PM and 6:00 PM for return trips. It is anticipated that the business would generate an average of 24 daily trips.

The vehicles used by the business will be stored inside the proposed shop building or in a designated outdoor storage area. The applicant has indicated that the business will be operated seasonally in typically warm weather conditions. The trucks used for the business will likely not need any extended period of warming before driving off the property, thus reducing potential impacts of additional noise and light traditionally associated with this type of use. If trucks do need to be warmed up, the applicant has indicated they will use the areas inside the proposed shop and outside of the shop within the screened area.

In addition to potential noise and light impacts, an outside storage facility could result in visual clutter as seen from the adjacent residential properties if the outside storage areas are not properly screened from view. Section 5.2.29(B)(7) of the Code states:

“Outside storage, parking and work areas are allowed provided these are set-back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas.”

Chapter 6 of the Code requires:

“Outside storage shall be enclosed and concealed by a solid fence or wall at least 6 feet in height or any combination of berms, 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.”

The applicant's site plan confines all outside storage uses to the interior of the property to screen much of the material storage from view of the neighboring residential properties. Additionally, the applicant is proposing to construct a solid, opaque fence to screen the property from the roadway facing the residential properties. If the special use request is approved, the applicant will be required to submit and receive approval of a commercial site development plan. The site development plan will need to be substantially consistent with the site plan provided with the special use application.

The surrounding parcels are within the RR-5 (Residential Rural) zoning district. The adjacent parcels to the north, northwest, west, and southwest are developed with single-family dwellings. The property located south of the subject property is within Pueblo County, while Interstate 25 is adjacent to the property to the east. The proposed aggregate trucking use would be located in the southern portion of the property, approximately 360 feet from the western property line and 206 feet from the southern property line. The proposed single-family dwelling will be located on the northwestern portion of the property, approximately 140 feet from the western property line. The applicant is proposing to further mitigate the potential visual impacts with the additional setback buffer.

Although the parcel is surrounded by RR-5 (Rural Residential) zoned properties, within two miles of the subject parcel are located more intense non-residential uses that preclude the nearby vicinity from being considered solely rural residential in nature. A special use application was approved for a property located approximately one mile north of the subject property to allow for mineral extraction (PCD File# AL-89-018). In addition, a variance of use for a scrap tire recycling facility (PCD File # VA-16-001,) was also approved in the same area. Both of the uses listed above are located on properties zoned RR-5 (Rural Residential).

2. Zoning Compliance

The subject property is zoned RR-5 (Rural Residential). The RR-5 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 zoning district are as follows

- Minimum lot size – 5 acres
- Setbacks – 25 feet on all sides
- Maximum building height – 30 feet

- Maximum lot coverage – 25%

The special use site plan depicts that the proposed structures will comply with the 25-foot setbacks requirement from all property lines. Prior to initiation of the use, a site development plan must be reviewed and approved by the County. The County will review the application for compliance with all Use Specific Standards in Chapter 5 of the Code and General Development Standards in Chapter 6 of the Code, such as parking, landscaping, and ADA accessibility.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.1.8 - *Encourage incorporating buffers or transitions between areas of varying use or density where possible.*

Policy 6.4.6 - *Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.*

Policy 6.4.7 - *Accommodate limited very low impact business and other employment uses in rural residential developments if these serve to reduce overall levels of traffic in these areas and do not otherwise detract from the desired rural residential character, provided the requisite level of services is or will be available in a timely fashion. These uses should primarily serve the needs of local residents.*

The applicant is proposing to operate an aggregate trucking business in conjunction with the proposed single-family dwelling on the property. The applicant is intending to have up to six (6) employees performing aggregate trucking delivery services throughout the Pikes Peak region. The proposed business is intended to operate seasonally, primarily in the summer months. The trucks used for hauling would make daily trips to and from the property between the hours of 6:00 AM and 7:00 AM for morning departures, while returning between the hours of 5:00 PM and 6:00 PM. It is anticipated that the business would generate an average of 24 daily trips.

The surrounding parcels are within the RR-5 (Residential Rural) zoning district. The adjacent parcels to the north, northwest, west, and southwest are developed with single-family dwellings. The property located south of the subject property is within Pueblo County, while Interstate 25 is adjacent to the property to the east. The proposed use may be considered incompatible with those surrounding rural residential uses and may have negative impacts such as additional noise, traffic, dust, and visual clutter. The applicant has proposed to mitigate these potential impacts through a variety of actions as discussed below.

First, the proposed use will be developed with opaque screening between the proposed shop building and all roadways and adjacent single-family dwellings. Specifically, the proposed outdoor storage area surrounding the shop building will be screened from view of the surrounding parcels by a 3-foot earthen berm and a 6-foot opaque screening fence built on top of the berm to reduce visual clutter. Additionally, the proposed shop building is located over 350 feet from the western property boundary, creating a transition between the proposed trucking business use and the adjacent residential development. Regarding dust and traffic concerns, the applicant has agreed to enter into an agreement with the local homeowners' association to provide limited maintenance and repair of the roadways impacted by the use, in addition to providing some level of cost sharing to the local association for road maintenance and repair. Finally, the applicant has indicated that noise impacts will be mitigated in part due to the seasonality of the proposed use, which would reduce the need for the trucks to idle while their engines are warming up, thus reducing the light and noise impacts typically associated with this type of use.

The proposed rural home occupation provides services to the region in support of construction activities and roadway maintenance. Additionally, the applicant has proposed to offer both monetary and physical aid to improving the primary access roads serving the business for the benefit of the surrounding residential development and to off-set any deterioration of the roadway caused by the trucking business. The proposed rural home occupation may be found to be in general conformance with the Plan with the mitigation measures proposed by the applicant.

4. Small Area Plan Analysis

The subject property is located within the South-Central Comprehensive Plan (1988). The applicant did not identify specific criteria of the South Central Comprehensive Plan which support the proposed development. However, the following policies are relevant to the proposal:

Policy 2.1.C – *Site planning and building design should minimize the visual exposure of roads and structures. Low horizontal buildings which are compatible with the environment should be encouraged over high profile structures which compete with the environment and create negative visual impacts.*

Policy 2.6 – *Physical development activities within the planning area should be consistent with the Land Development Guidelines as promulgated in Article II of the El Paso County Land Development Code.*

As part of the review of the proposed rural home occupation it is required that the proposed shop area be completely screened from view from nearby roadways and neighboring dwellings.

The applicant is proposing to construct a 3-foot high earthen berm around the perimeter of all outdoor storage areas. The applicant is also proposing to build a 6-foot opaque screening fence on top of the earthen berm around the outdoor storage areas. Additionally, the proposed site plan identifies that the proposed shop area will be set back over 350 feet from the western property boundary, further limiting the visual impact of the proposed development. The proposed special use will not result in visual clutter or obstructions; therefore, staff recommends that the special use is generally consistent with the Plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

Goal 1.2 – *Integrate water and land use planning.*

The subject parcel is in Region 7 of the El Paso County Water Master Plan. Region 7 has a current water supply for central water providers of 15,376-acre feet per year and a current demand of 10,141 -acre feet per year. The 2040 water supply is projected to be 25,241-acre feet per year and the projected demand is 15,846-acre feet. The 2060 water supply is projected to be 27,840-acre feet per year, whereas the demand is anticipated to be 26,969-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County. It is important to note, however, that the proposed use is not anticipated to be served by a central provider but rather via an individual groundwater well, as discussed below in the Water section of this report.

A finding of water sufficiency is not required with review of a special use application. However, the applicant has indicated that the property will be served by a proposed well and on-site wastewater treatment system. The proposed well and septic system will serve both the proposed single-family dwelling and the proposed trucking use.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife and the El Paso County Environmental Services Division were not sent referrals for the project but will receive a referral on the subsequent site development plan application.

The Master Plan for Mineral Extraction (1996) identifies stream terrace deposits and mesa gravel 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.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There are no known hazards identified on the site.

2. Wildlife

The property is identified as being located within an area of the County with low wildlife impact potential.

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C1170G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Young Hollow (FOFO0200) drainage basin, which is an unstudied basin and contains no drainage basin or bridge fees. It is anticipated that a drainage report providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development as well as a grading and erosion control plan will be required with the subsequent site development plan application.

5. Transportation

The property is accessed from Calle Pacifico Point and Avenida Hermosa View, which are unimproved roadways within platted right-of-way that are maintained by the homeowners' association for the Villa Casitas Subdivision. The rural home occupation will utilize the proposed driveway access from Avenida Hermosa View. A traffic impact study was not required due to the proposed special use not expected to generate 100 daily vehicle trips more than the property would be expected to generate without approval of the special use request.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) does not depict roadway improvement projects in the immediate vicinity of the site.

The site is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

H. SERVICES

1. Water

Water service will be provided by a proposed onsite well.

2. Sanitation

Wastewater service will be provided by a proposed onsite wastewater treatment system.

3. Emergency Services

The property is within the Hanover Fire Protection District. The district was sent a referral for the project and provided a statement on the proposed development. Specifically, the department indicated that should the project be approved, a condition of approval be considered mandating that an agreement between the applicant and the local homeowners’ association be reached regarding maintenance and upkeep of the roads within the development that will have increased use and damage as a direct result of the trucking business. El Paso County Planning and Community Development Department staff has not included an additional recommended condition of approval due to El Paso County not having the ability or right to enforce a private agreement between the homeowner’s association and the applicant. The statement from the Hanover Fire Protection District has been added to this report as an attachment.

4. Utilities

Mountain View Electric Association will provide electrical service to the property while Black Hills Energy will provide natural gas service to the property.

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 special use application. The El Paso County Parks Master Plan (2013) indicates that there are no existing or proposed parks or trails within or adjacent to the proposed development. As such, the proposed use is not anticipated to impact any parks or trails within the region.

7. Schools

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

I. APPLICABLE RESOLUTIONS

Approval Page 39
Disapproval Page 40

J. STATUS OF MAJOR ISSUES

The Planning and Community Development Department received multiple letters of opposition from concerned property owners in the neighborhood surrounding the

subject property throughout the review process of the proposed special use for a home occupation. Specifically, staff received five (5) letters from concerned property owners in the area. To summarize, the specific concerns outlined in the letters of opposition include statements regarding the increase of traffic in the area, water availability, and roadway infrastructure damage due to the nature of the trucks used for the business.

The applicant has attempted to coordinate with the neighborhood homeowners' association to provide some level of cost sharing to maintain the roadway infrastructure accessing the property, in addition to offering an annual repair services for any damage to Calle Pacifico Point in an effort to mitigate negative impacts to neighborhood infrastructure caused by the business.

Please see attached for all responses received to date.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the home trucking use as discussed and depicted in the applicant's letter of intent and the attached site plan exhibit.
2. Within ninety (90) days of special use approval, the applicant shall apply for and receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan 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.
3. Prior to approval of a site development plan for the trucking business, the proposed single-family dwelling must be constructed. The home occupation use shall not operate on the property until the proposed single-family dwelling is constructed and receives a Certificate of Occupancy from the Pikes Peak Regional Building Department.

NOTATIONS

1. Special 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 (2018).

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seven (7) adjoining property owners on May 19, 2021, for the Board of County Commissioners meeting. Responses are attached.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Site Plan

Hanover Fire Protection District Statements

Adjacent Property Owner Responses

Draft Minutes for the June 3, 2021 hearing

Planning Commission Resolution

Board of County Commissioners' Resolution

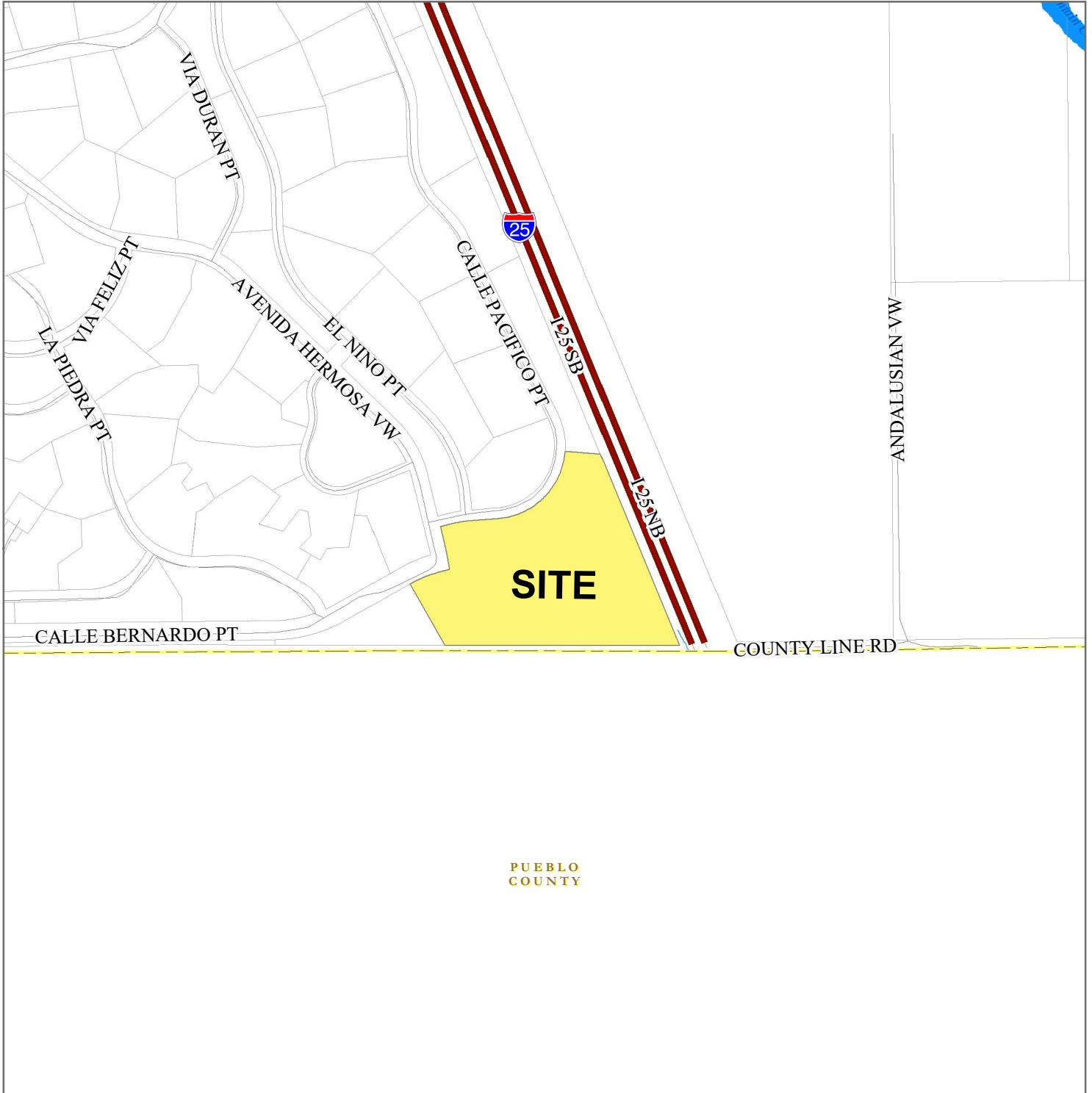
El Paso County Parcel Information

File Name:

PARCE	NAME
5735000	MEISMAN GARY

Zone Map No.

Date:



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 15 (719) 520-6600



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Letter of Intent

Application for Rural Home Occupation Special Use

October 11, 2018

Revised May 10, 2019

Revised August 26, 2020

Revised February 10, 2021

Gone Trucking, LLC
21255 Calle Pacifico Point
Fountain, Colorado 80817
Owner: Gary Meisman

I. Owner/Applicant and Consultant.

Gone Trucking, LLC is owned by Gary Meisman. The Owner/Applicant and Consultant contact information is as follows:

Owner/Applicant:

Gary Meisman
612 Harvard Street
Colorado Springs, Colorado 80911
(719) 322-9609
garymeisman12@gmail.com

Consultant:

Debra Eiland, Esq.
Law Offices of Debra Eiland, P.C.
24 S. Weber Street, Suite 300
Colorado Springs, Colorado 80903
(719) 471-1545
edeбра@qwest.net

II. Site Location, Size and Zoning.

The property Mr. Meisman plans to develop is a parcel of vacant land located at 21255 Calle Pacifico Point, Fountain, Colorado. The property borders Villa Casitas subdivision to the North and West, Interstate 25 to the East, and the El Paso/Pueblo County line to the South. The property is easily accessible from Exit 119 off I-25. The property consists of one parcel of 38.86 acres, and is listed under Assessor's Schedule Number 5735000001.¹ The property is zoned RR-5, Residential Rural. A parcel map showing the property is included in Appendix A.

III. Request and Justification.

Mr. Meisman has operated a small aggregate hauling business for the past 10 years. The business delivers dirt and asphalt materials for road construction and maintenance projects within a 100 mile radius of the Pikes Peak region. The business is seasonal, and operates primarily during the Summer months.

Mr. Meisman purchased the 21255 Calle Pacifico Point property in December 2017. Mr. Meisman plans to build a house and shop on the property, and to operate his business there as a rural home based business. Mr. Meisman is applying for a rural home occupation special use approval for this purpose.

¹The Assessor's record shows the parcel size is 40.2 acres. However, a recent land survey established the accurate measurement to be 38.86 acres. An updated Land Survey Plat was recorded in the records of the El Paso County Clerk and Recorder on June 17, 2019, at Reception Number 219900099, a copy of which is filed with this Application.

IV. Proposed Facilities, Structures, Roads, etc.

The property consists of 38.86 acres of vacant land. Mr. Meisman intends to develop the land as follows:

- 1) Build a single family residence for the Meisman family (approximately 3,200 square feet ranch style).
- 2) Simultaneously with, or after building the residence, build a 50' x 80' (4,000 sf) shop for his trucking business.
- 3) An outdoor storage area by the shop building for trucks and business equipment, with appropriate screening.

Mr. Meisman electronically filed a building permit application, construction plans and required supporting documents (e.g., architectural drawings, soils report, truss calculations, code analysis, etc.) for the proposed residence with the Pikes Peak Regional Building Department ("PPRBD") on May 4, 2020. Regional Building approved Mr. Meisman's plans for the residence on June 23, 2020 (Plan No. R128052).

Mr. Meisman's business operates on a seasonal basis, primarily during the Summer months. Equipment and trucks will be stored in the shop building, as well as in a designated outdoor storage area, which will be screened by a natural ridge and a berm covered in natural grasses with a minimum height of 3 feet. The business currently owns a total of 8 trucks to include dump trucks, end dumps, and tractor/trailers. No aggregate materials will be stored on site.

The business has 6 employees. The employees usually pick up their trucks from the shop from 6:00 a.m. to 7:00 a.m. Monday through Friday, and return to the shop with their trucks from 5:00 p.m. to 6:00 p.m. for a total of 24 trips per day. All vehicles will enter the property via a driveway access on Avenida Hermosa View. Mr. Meisman will apply for the required driveway access permit prior to commencing construction on the shop building and outdoor storage area. Employees will park their personal vehicles near the shop. No customers will visit the property. There will be no signage on the property advertising the business.

The property's topography is hilly and includes a ridge that will block the view of the shop and storage area from adjoining properties. Mr. Meisman will have to construct his improvements within a 20 acre area, which is the only buildable space on the property. The lots in the surrounding Villa Casitas subdivision are 5 acres each with a single family home. The roads in the subdivision and adjoining Mr. Meisman's property are gravel.

The roads in the Villa Casitas Subdivision, which adjoins Mr. Meisman's property, are public rights-of-way, and Mr. Meisman has the legal right to use those roads to access his property. The Villa Casitas Homeowners' Association is responsible for maintaining the roads in the Subdivision, and has the equipment to do

so with the exception of equipment to haul material. Over a period of several months Mr. Meisman diligently attempted to negotiate a road maintenance agreement with the HOA, which included generous proposals for routine road maintenance services and assistance with hauling in material to improve the condition of Avenida Hermosa View before Mr. Meisman's trucks use the road. Unfortunately, the HOA has declined to enter into any agreement with Mr. Meisman.

The Hanover Fire Department has expressed concern about possible damage to the roads in the Subdivision. Mr. Meisman's trucks will only travel over Avenida Hermosa View, and will not access the property from any other road in the Subdivision.

The current traffic on Avenida Hermosa View is from Subdivision residents and their guests, trash trucks, postal deliveries and from other heavy trucks (e.g., furniture deliveries). The road base is clay with some sand and gravel. The roads are relatively flat and smooth with the exception of rutting that occurs from vehicle traffic after storms. To date, the Subdivision has failed to adequately maintain the roads in the Subdivision including Avenida Hermosa View.

Avenida Hermosa View will not be traveled by Mr. Meisman's trucks alone. Mr. Meisman does not have the experience, equipment, or ability to maintain the road, nor should he bear that entire burden for the subdivision. In order to compensate for potential damage to the road from his trucks, Mr. Meisman proposes to pay the HOA \$2,000 annually and to provide the HOA 20 hours of material transport time using any of his trucks (approximately \$2,000.00 additional value). Mr. Meisman will also agree to allow the HOA to purchase the material at his cost if so desired. Mr. Meisman's proposal will compensate for any additional damage to the road caused by his trucks, and will directly benefit the Subdivision by providing much needed resources to make the roads safer and more passable for the residents, their guests and vendors, and emergency personnel.

To address the Hanover Fire Department's concern about potential damage to Avenida Hermosa View by trucks entering and exiting Mr. Meisman's property, the business driveway has been configured at an angle so the trucks have straight access to and from the property from Avenida Hermosa View with little to no turning required.

Mr. Meisman acknowledges that he performed some grading on the property in 2018 before filing this application. Pursuant to direction from Inspection Supervisor Paul Wigg, Mr. Meisman addressed the drainage and erosion control concerns raised by the Planning Department in its Stop Work Order dated March 20, 2019, by stabilizing and reclaiming all the areas of disturbance by re-seeding the area to 70% of original vegetative cover to ensure that there is no potential for any offsite transfer of sediment or drainage impacts to adjacent properties. Inspections Supervisor Brad Walters inspected the property and confirmed that the reclamation work has been performed. The e-mail correspondence concerning the reclamation work and confirming Mr.

Walters' inspection is attached. All required engineering documents including the ESQCP, drainage report, financial assurance estimate, grading and erosion control plan, grading and erosion control checklists, PBMP applicability form, storm water management plan, and storm water management checklists have been prepared with input from the Planning Engineer and will be submitted with the site development plan.

V. Waiver Requests.

No waivers are requested at this time.

VI. Criteria for Approval.

I. Location and Parcel Size.

The subject property is located in an RR-5 zone district, and consists of 38.86 acres. As such, the property meets the rural home occupation special use criteria for location and parcel size.

II. Employees.

The business has 6 full-time employees and, therefore, meets the rural home occupation special use criteria that allows a maximum of 10 employees.

III. Traffic.

Each of Mr. Meisman's 6 employees generate a maximum of 4 automobile trips to and from the property each day, for a total of 24 trips per day. This number is far below the maximum of 50 per day set out in the rural home occupation special use criteria.

IV. Inoperable Vehicles.

Mr. Meisman will not keep any inoperable vehicles on the property in conjunction with the business.

V. Outside Storage and Work Areas.

Mr. Meisman will use an outdoor area around the shop for storage of business trucks and equipment and for a minimal amount of outdoor repair and maintenance work. The outdoor storage and work area will be located at least 50 feet from all property lines, and will be screened by a large naturally occurring ridge and a minimum 3 foot high natural grass covered berm.

VI. Environmental Impacts.

No noise, vibration, glare, fumes, odors, heat, or electrical interference will be detectable to the normal senses beyond the boundary line of the property. Any fuels,

solvents, oils, grease, and other such substances will be stored in the shop in appropriately marked containers, and used products will be collected and disposed of in an environmentally safe and legal manner. No fuel storage tanks will be present on the property. The presence of petroleum products will be limited to the amount of oil and lubricants needed for routine maintenance of the trucks and equipment, and that contained in the truck fuel tanks.

The business will comply at all times with all health and safety regulations governing the business. The business does not use any hazardous, explosive, or highly flammable substances (other than fuel needed to power the trucks and equipment), and has not received any complaints for excessive noise, dust, or other environmental impacts.

El Paso County Assessor's Office

21255 CALLE PACIFICO

SCHEDULE: 5735000001

OWNER: MEISMAN GARY

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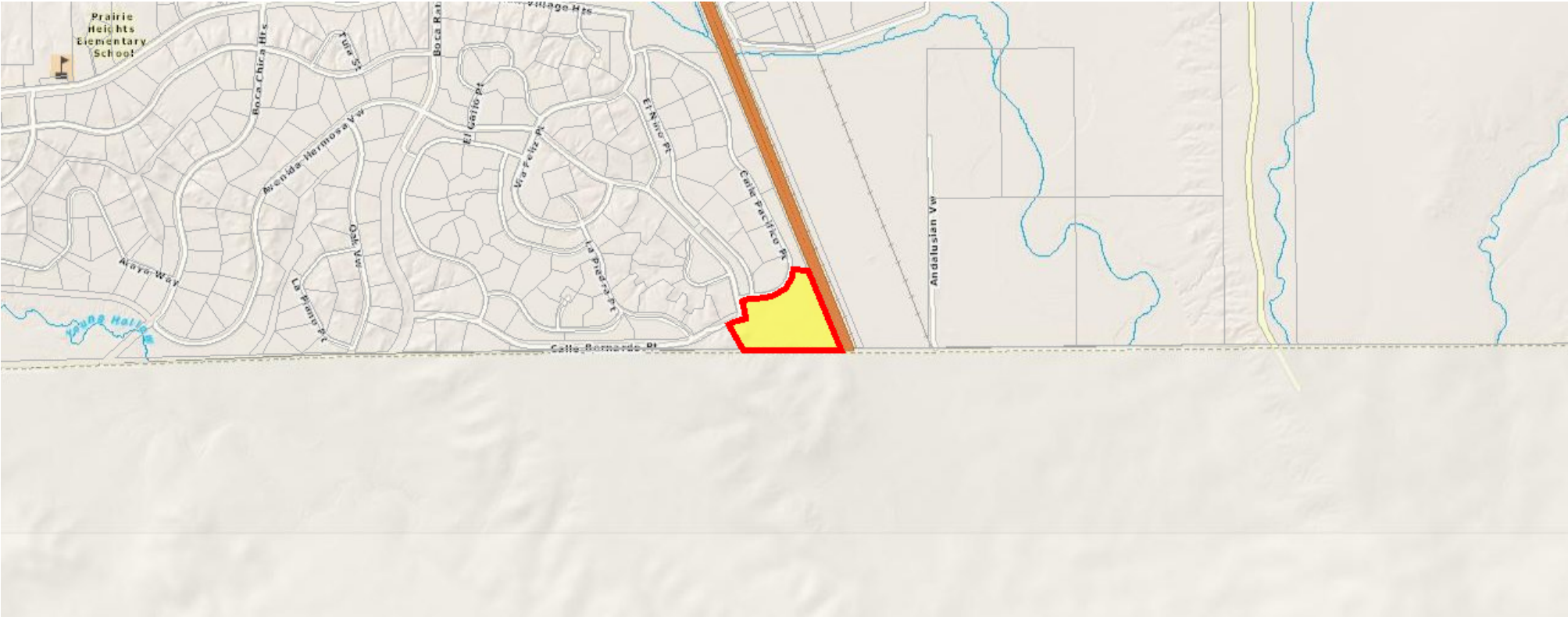
El Paso County Assessor's Office

21255 CALLE PACIFICO

SCHEDULE: 5735000001

OWNER: MEISMAN GARY

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Debra Eiland

From: Brad Walters <BradWalters@elpasoco.com>
Sent: Tuesday, August 11, 2020 4:02 PM
To: 'Debra Eiland'
Cc: Daniel Torres; Elizabeth Nijkamp; Lori Seago
Subject: RE: Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No. AL1824

Dedra,

Sorry for the delay in getting back to you on this project. I have inspected the property and the reclamation work has been performed. I know this project is still in the review process in our office so no work can be started until it has been approved by our office.

Thanks You

Brad Walters
Inspections Supervisor
Planning and Community Development
El Paso County
(Office) 719-520-6819
(Cell) 719-332-3599

EXCITING NEWS: WE ARE UPDATING THE COUNTY MASTER PLAN! For status updates please visit <https://elpaso-hlplanning.hub.arcgis.com/>

Covid-19 Update: Due to concerns regarding the Covid-19 virus we are limiting our face-to-face public interactions. In person services are available by appointment only on Tuesday and Thursday from 7:30 to 3:30.

To review all El Paso County projects go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code go to:

https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: Debra Eiland <edeбра@qwest.net>
Sent: Wednesday, July 29, 2020 5:15 PM
To: Brad Walters <BradWalters@elpasoco.com>
Subject: Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No. AL1824

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Dear Brad:

I am writing to follow up on the Meisman matter referenced in my previous correspondence with Paul Wiggs below. Mr. Meisman indicated that he performed the reclamation and reseeded the land disturbance as directed. He does not know whether anyone from your office came out to inspect the work. We are in the final stages of completing his application submittal, and need verification for the Planning engineer that this was done in order to avoid the need for a drainage report, ESQCP, SWMP, etc.

When you have a minute would you please check your file to confirm whether Mr. Meisman's work was inspected and cleared? If not, would it be possible to send someone out to do that? And, if/when done, would you please send me an e-mail confirming that so I can include it with Mr. Meisman's application?

Please do not hesitate to contact me with any questions. If you are not the person to contact regarding this, can you please direct me to the right person? Thank you for your kind consideration of this request.

Debra Eiland, Esq.
Law Offices of Debra Eiland, P.C.
24 South Weber Street, Suite 300
Colorado Springs, Colorado 80903
telephone (719) 471-1545
facsimile (719) 471-1663
debra@eilandlawfirm.com
www.eilandlawfirm.com

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From: Paul Wiggs <PaulWiggs@elpasoco.com>
Sent: Thursday, April 18, 2019 5:20 PM
To: 'Debra Eiland' <edebra@qwest.net>
Cc: 'Hannah McCullough' <hmccullough@qwest.net>
Subject: RE: Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No.

Debra,

Thanks for forwarding over that information. After I spoke with you I talked to our engineering manager and asked about how to proceed without obtaining all the documents and permits outlined in the letter. Basically, she agreed with what we had discussed in terms of having Mr. Meisman stabilize and reclaim all the areas of disturbance, making sure that there is no potential for any offsite transfer of sediment or drainage impacts to adjacent properties. By reclaim, I mean it needs to be seeded and stabilized to 70% of original vegetative cover. Any stockpiles of dirt on the property should be removed as well. If he can accomplish this right away, there would be no further action required from our office. He still will need to obtain Building permits through Regional for any structures he plans to build on his property

and make sure that he does exceed an acre of disturbance going forward. Let us know what his plan is and we will schedule a site inspection to verify all this has been accomplished.

Paul Wiggs
Inspection Supervisor
EPC Planning and Community Development
2880 International Cir. Suite 110
Colo. Spgs., Co. 80910
719-520-6819
719-332-3599

From: Debra Eiland [<mailto:edebra@qwest.net>]
Sent: Thursday, April 18, 2019 4:20 PM
To: Paul Wiggs
Cc: 'Hannah McCullough'
Subject: Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No.

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Dear Paul:

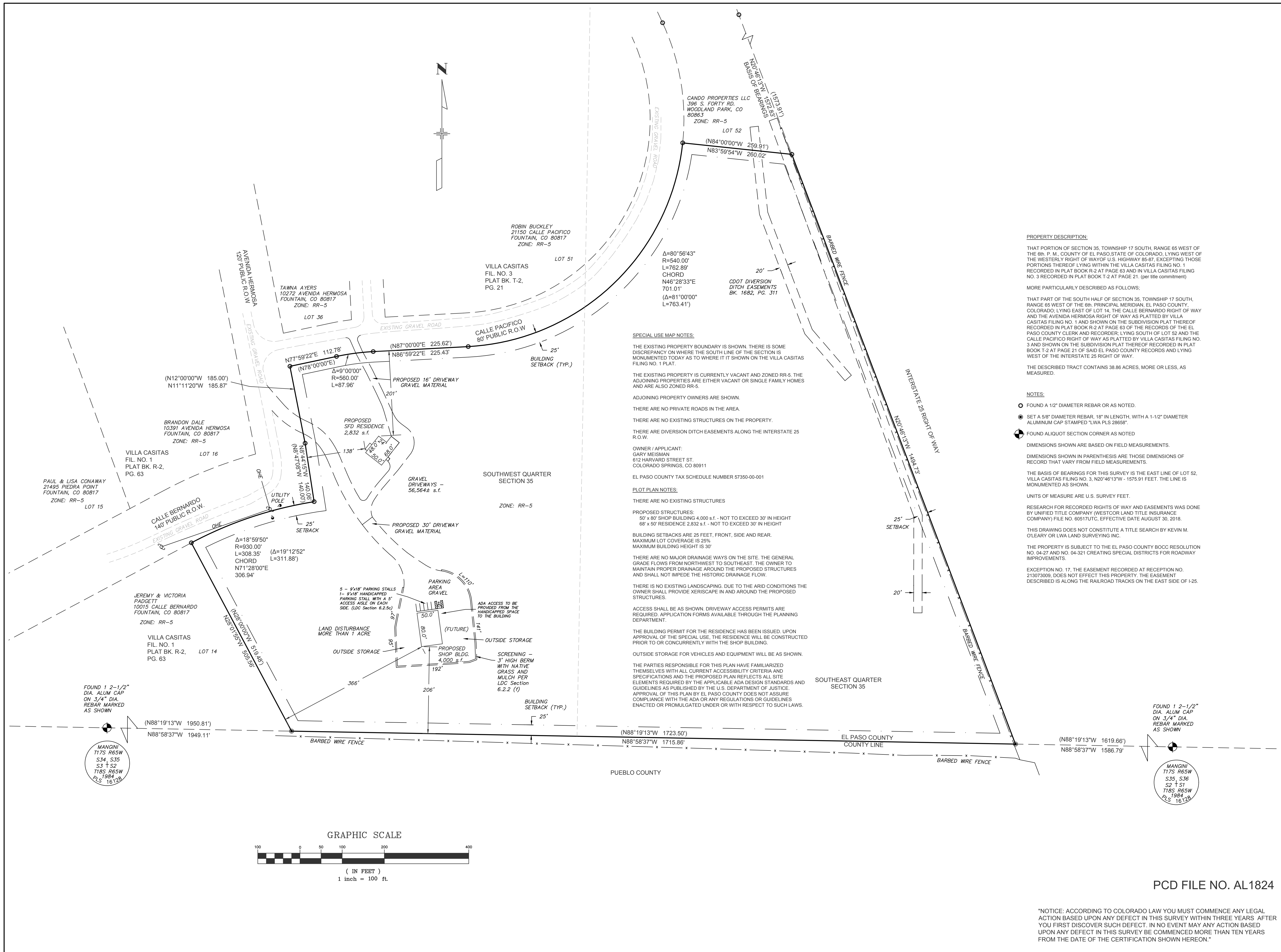
Thank you for talking with me this afternoon about Mr. Meisman's property and the Stop Work Order issued by your office on March 20. I have attached a copy here, along with Mr. Meisman's home occupation special use application and supporting documents.

Please let me know at your convenience the best way for Mr. Meisman to respond. We very much appreciate your guidance and consideration.

Debra Eiland, Esq.
Law Offices of Debra Eiland, P.C.
24 South Weber Street, Suite 300
Colorado Springs, Colorado 80903
telephone (719) 471-1545
facsimile (719) 471-1663
edebra@qwest.net
www.eilandlawfirm.com

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SPECIAL USE MAP NOTES:

THE EXISTING PROPERTY BOUNDARY IS SHOWN. THERE IS SOME DISCREPANCY ON WHERE THE SOUTH LINE OF THE SECTION IS MONUMENTED TODAY AS TO WHERE IT IS SHOWN ON THE VILLA CASITAS FILING NO. 1 PLAT.

THE EXISTING PROPERTY IS CURRENTLY VACANT AND ZONED RR-5. THE ADJOINING PROPERTIES ARE EITHER VACANT OR SINGLE FAMILY HOMES AND ARE ALSO ZONED RR-5.

ADJOINING PROPERTY OWNERS ARE SHOWN.

THERE ARE NO PRIVATE ROADS IN THE AREA.

THERE ARE NO EXISTING STRUCTURES ON THE PROPERTY.

THERE ARE DIVERSION DITCH EASEMENTS ALONG THE INTERSTATE 25 R.O.W.

OWNER / APPLICANT:
GARY MEISMAN
612 HARVARD STREET ST.
COLORADO SPRINGS, CO 80911
EL PASO COUNTY TAX SCHEDULE NUMBER 57350-00-001

PLOT PLAN NOTES:

THERE ARE NO EXISTING STRUCTURES

PROPOSED STRUCTURES:
50' x 80' SHOP BUILDING 4,000 s.f. - NOT TO EXCEED 30' IN HEIGHT
68' x 50' RESIDENCE 2,832 s.f. - NOT TO EXCEED 30' IN HEIGHT

BUILDING SETBACKS ARE 25 FEET, FRONT, SIDE AND REAR.
MAXIMUM LOT COVERAGE IS 25%
MAXIMUM BUILDING HEIGHT IS 30'

THERE ARE NO MAJOR DRAINAGE WAYS ON THE SITE. THE GENERAL GRADE FLOWS FROM NORTHWEST TO SOUTHEAST. THE OWNER TO MAINTAIN PROPER DRAINAGE AROUND THE PROPOSED STRUCTURES AND SHALL NOT IMPEDE THE HISTORIC DRAINAGE FLOW.

THERE IS NO EXISTING LANDSCAPING. DUE TO THE ARID CONDITIONS THE OWNER SHALL PROVIDE XERISCAPE IN AND AROUND THE PROPOSED STRUCTURES.

ACCESS SHALL BE AS SHOWN. DRIVEWAY ACCESS PERMITS ARE REQUIRED. APPLICATION FORMS AVAILABLE THROUGH THE PLANNING DEPARTMENT.

THE BUILDING PERMIT FOR THE RESIDENCE HAS BEEN ISSUED. UPON APPROVAL OF THE SPECIAL USE, THE RESIDENCE WILL BE CONSTRUCTED PRIOR TO OR CONCURRENTLY WITH THE SHOP BUILDING.

OUTSIDE STORAGE FOR VEHICLES AND EQUIPMENT WILL BE AS SHOWN.

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 U.S. 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.

PROPERTY DESCRIPTION:

THAT PORTION OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6th P. M. COUNTY OF EL PASO, STATE OF COLORADO, LYING WEST OF THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY 85-87, EXCEPTING THOSE PORTIONS THEREOF LYING WITHIN THE VILLA CASITAS FILING NO. 1 RECORDED IN PLAT BOOK R-2 AT PAGE 63 AND IN VILLA CASITAS FILING NO. 3 RECORDED IN PLAT BOOK T-2 AT PAGE 21. (per title commitment)

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6th. PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, LYING EAST OF LOT 14, THE CALLE BERNARDO RIGHT OF WAY AND THE AVENIDA HERMOSA RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 1 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK R-2 AT PAGE 63 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LYING SOUTH OF LOT 52 AND THE CALLE PACIFICO RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 3 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK T-2 AT PAGE 21 OF SAID EL PASO COUNTY RECORDS AND LYING WEST OF THE INTERSTATE 25 RIGHT OF WAY.

THE DESCRIBED TRACT CONTAINS 38.88 ACRES, MORE OR LESS, AS MEASURED.

NOTES:

- FOUND A 1/2" DIAMETER REBAR OR AS NOTED.
- SET A 5/8" DIAMETER REBAR, 18" IN LENGTH, WITH A 1-1/2" DIAMETER ALUMINUM CAP STAMPED "LWA PLS 28658"
- ⊙ FOUND ALIQUOT SECTION CORNER AS NOTED

DIMENSIONS SHOWN ARE BASED ON FIELD MEASUREMENTS.
DIMENSIONS SHOWN IN PARENTHESIS ARE THOSE DIMENSIONS OF RECORD THAT VARY FROM FIELD MEASUREMENTS.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF LOT 52, VILLA CASITAS FILING NO. 3, N20°46'13"W - 1575.91 FEET. THE LINE IS MONUMENTED AS SHOWN.

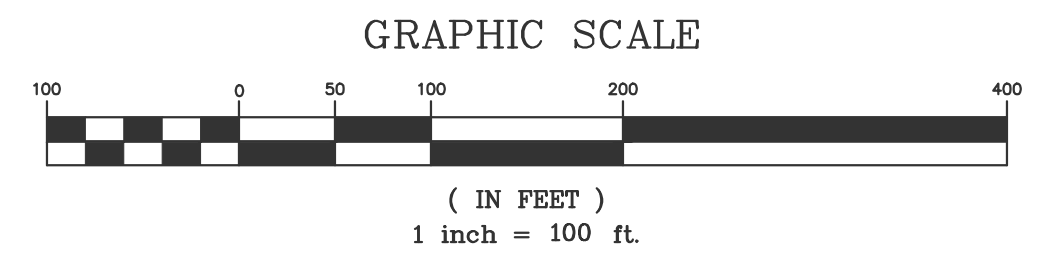
UNITS OF MEASURE ARE U.S. SURVEY FEET.

RESEARCH FOR RECORDED RIGHTS OF WAY AND EASEMENTS WAS DONE BY UNIFIED TITLE COMPANY (WESTCOR LAND TITLE INSURANCE COMPANY) FILE NO. 80517UTC, EFFECTIVE DATE AUGUST 30, 2018.

THIS DRAWING DOES NOT CONSTITUTE A TITLE SEARCH BY KEVIN M. O'LEARY OR LWA LAND SURVEYING INC.

THE PROPERTY IS SUBJECT TO THE EL PASO COUNTY BOCC RESOLUTION NO. 04-27 AND NO. 04-321 CREATING SPECIAL DISTRICTS FOR ROADWAY IMPROVEMENTS.

EXCEPTION NO. 17, THE EASEMENT RECORDED AT RECEPTION NO. 213073009, DOES NOT EFFECT THIS PROPERTY. THE EASEMENT DESCRIBED IS ALONG THE RAILROAD TRACKS ON THE EAST SIDE OF I-25.



REVISIONS:
Per County comments 12-3-18 KMO
ADD TAX SCHEDULE NUMBER 5-28-20 KMO
REVISE HOUSE PLAN TO MATCH ARCH. 6-3-20
REVISE COUNTY COMMENTS TO MATCH ARCH. 6-3-20
COUNTY COMMENTS 2-10-21

LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, CO 80907
TELEPHONE (719) 636-5179 FAX (719) 636-5199

DWG: CALLE PACIFICO
SCALE 1"=100'
DATE 9/13/18
DRAWN BY: KMO
CHECKED BY: THK
PROJECT NO. 18051
SHEET 1 OF 1

PLOT PLAN / SPECIAL USE MAP
MEISMAN PROPERTY
21255 CALLE PACIFICO
EL PASO COUNTY, CO

PCD FILE NO. AL1824

"NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON."

AL-18-024 Hanover Fire Statements

Hanover Fire Department has no objection over this project as it stands if the impact to the roads can be address. We do acknowledge that there is a dispute between the HOA and Mr. Meisman over this project and the conversations or negotiations have broken down. Mr. Meisman acknowledge through the letter of intent that the HOA is responsible for maintaining the roads that his trucks and employees will be using to access his property throughout the week. In his letter he states he has a legal right to use those roads and the meetings that we have attended that was never been in dispute. What has been in contention between the 2 groups is running a trucking business off his property and the damage it will cause to the roads. The pictures that we have provided previously are from the 2 of the 3 roads that these trucks could use. The damages in these pictures are from the residents that was caused after a rainstorm. We would encourage that if this project is approve that there has to be an agreement in place on the repairs needed due to the damages that these trucks will cause furthermore we would hope that they are kept to a primary and secondary roads so the damages are limited to 2 roads.

Len Kendall

From: christian kang <762courier@gmail.com>
Sent: Monday, March 25, 2019 8:11 PM
To: Len Kendall
Subject: Rezoning 21255 Calle Pacifico Point, Fountain CO 80817

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Dear Mr. Kendall

I would like to express my concern for the issue on rezoning property in our neighborhood. I am strongly against it.

We have a very peaceful neighborhood with many families that enjoy the tranquility of our area. Allowing businesses to develop here would be the end of residential living. Property value would plummet, making it very appealing to other businesses. A company looking to setup shop in such a removed area is looking to step around regulations and formalities he/she would be subjected to in a common professional area.

Another issue that may arise is water. We do not have enough in our wells nor the infrastructure to support an industrial park. Cheif Carl of the Hanover Volunteer Fire Department has also expressed great concern over this matter.

Please do not take our concerns lightly. Our community is ready to voice our opinions on this issue. It has become the pinnacle of conversation lately in this area. Thank you for your time.

Best regards,
Christian Kang
719-466-3963
762courier@gmail.com

Len Kendall

From: Mary Martin <mustangs4mary@gmail.com>
Sent: Monday, March 25, 2019 3:26 PM
To: Len Kendall
Subject: Re-zoning - 21255 Calle Pacifico Point, Fountain CO 80817

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Hello Mr Kendall

I would like to petition against the re-zoning of the lot known under 21255 Calle Pacifico Point, Fountain CO.

The re-zoning request has been submitted by Gary Meisman. He has submitted for review in order to run his truck repair and hauling business from the above address.

This lot is zoned Rural / Residential as is the entire neighborhood. As a resident of this area, I am opposed to the re-zoning, this will allow our residential streets to be used for a commercial business and detract from the value of my home.

Having a commercial business operating on residential neighborhood roads such as our creates a huge issue with the road maintenance that our HOA is struggling to pay for and complete. Commercial trucks going back and forth to this property will be a hazard for children playing and also for the numerous equestrians who utilize our roads.

Please let me know how I go about preventing this re-zoning. I am willing to attend any hearings, or get signatures on a written petition if necessary.

Thank you,

Mary M. Martin
20785 El Nino Pt.
Fountain, CO 80817
719-440-8816

mustangs4mary@gmail.com

Len Kendall

From: rachel <rdatwins@msn.com>
Sent: Sunday, March 24, 2019 6:33 PM
To: Len Kendall
Subject: VCHOA AND GARY MEISMANN

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I oppose Gary Meismann of Gone trucking coming to our area and starting a repair shop for semi-trucks. I have lived on el nino pt. for 20 years. I moved out here for the peace and quiet. Having that much traffic coming down our roads will damage them. People walk their dogs and ride their horses on our roads. Extra traffic will make it dangerous for animals and children. We enjoy our peaceful country community. Please help us keep it this way.

Thank you
Rachel Arguello

Sent from my iPhone

Len Kendall

From: Heather Kang <ikck1606@gmail.com>
Sent: Sunday, March 24, 2019 5:23 PM
To: Len Kendall
Subject: Villa Casitas

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Mr. Kendall, I am writing to say I am against Gary Meisman, of Gone Trucking opening his business in our neighborhood.

We live on El Nino Pt., which is very close to Mr. Meisman's property.

If you have any questions, please call me at (808)306-3031.

Sincerely,
Heather Kang

Petition Regarding Gone Trucking, LLC

Petition summary and background	Gone Trucking, LLC (owner Gary Meisman) is seeking a Special Use Permit to allow for a Rural Home Occupation for a trucking business within the RR5 zoning district. This permit would allow the business to utilize privately maintained roads in the Villa Casitas residential development.
Action petitioned for	We, the undersigned, as concerned home owners would urge our leaders to act now to stop this business from being permitted in our RR5 district. The allowance of this permit to Gone Trucking, LLC will be disruptive to our neighborhood and destructive to the roadways that we struggle to maintain with limited funding.

Printed Name	Signature	Address	Comment	Date
Michael Sebeck	<i>Michael Sebeck</i>	20470 Via Relia Pt	—	4/24/19
Melaine Starbuck	<i>Melaine Starbuck</i>	9311 Avenida Navarra	—	4/29/19
Shawn Spencer	<i>Shawn Spencer</i>	20560 Via Roman Pt	—	24 Apr 19
Barbara Turingia	<i>Barbara Turingia</i>	20945 El Nino Pt	—	5/5/19
Carroll L. Stone	<i>Carroll L. Stone</i>	20780 Via Duran Pt.	—	5/5/19
Jose P. Molina	<i>Jose P. Molina</i>	20945 Via Roman Pt	—	7/8/19
Copper General	<i>Copper General</i>	10165 Camino Grande Pt	—	5/5/19
Tom P. Hernandez	<i>Tom P. Hernandez</i>	21070 Calle Pacific Pt	—	5/5/19
Dustin Sloan	<i>Dustin Sloan</i>	9792 Avenida Hermosa ^{view}	—	5/5/19
JAMES L. ROSE	<i>James L. Rose</i>	20698 Via FELIZ	—	5/5/19
Angelina	<i>Angelina</i>	20670 Via Duran Pt.	—	5/5/19

Petition Regarding Gone Trucking, LLC

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Printed Name	Signature	Address	Comment	Date
Michael Wilson		2125 El Nino Pt	Thanks	5-8-19
Rick Carter		9770 Avenida Hermosa Pt		5/8/19
Dan & Liz Rosenbaum		10031 Avenida Hermosa	No giant trucks on my road!	5/18/19
THOMAS EYES		9415 ENDIMIL VALLE	LARGE TRUCKS WOULD RUIN ROADS	5-18-19
CYNTHIA VON MEYER		21185 EL NIÑO PT	ROADS CAN NOT HANDLE LARGE TRUCKS	5/18/19
Carol Attkiss		2352 Avenida Hermosa Vieja	trucks ruin roads	5/18/19
Sandra Woods		21480 La Piedra Pt	Roads	5/18/19
Chris Johnson		20745 Camino Republico		5/19/19
Avery Southern		20750 Calle Pacifico Pt	trucks on road	5/19/19
Michelle Wilson		9740 Avenida Hermosa Pt	More of trucks on road	5-18-19
Paula + Smith		20655 Camino Republico		5-18-19

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, June 3, 2021
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

**PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE,
SARAH BRITTAIN JACK**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA- NUNEZ AND
ERIC MORAES**

PRESENT AND NOT VOTING: NONE

**ABSENT: BECKY FULLER, TIM TROWBRIDGE, JAY CARLSON, AND THOMAS
GREER**

**STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART (VIA REMOTE ACCESS),
NINA RUIZ, KARI PARSONS, GILBERT LAFORCE, DANIEL TORRES, ELENA
KREBS, TRACEY GARCIA, JEFF RICE (VIA REMOTE ACCESS) AND EL PASO
COUNTY ATTORNEY LORI SEAGO**

**OTHERS SPEAKING AT THE HEARING: DEBORAH EILAND, SEAN SPENCER,
GARY MEISMAN, KYLE KATSOS, MONICA PHELAN AND SHANNON KATSOS**

Report Items

- 1. A. Report Items -- Planning and Community Development Department –
Mr. Dossey -- The following information was discussed:**
 - a) The next scheduled Planning Commission meeting is for
Thursday, June 17, 2021 at 1:00 p.m.

- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

B. Public Input on Items Not Listed on the Agenda – NONE

CONSENT ITEMS

- 2. A. **Approval of the Minutes – May 20, 2021**
The minutes were unanimously approved as presented. (6-0)

- B. **SF-21-012** **PARSONS**

**FINAL PLAT
UPLAND FLATS AT WATERMARK**

A request by Feathergrass Investments, LLC, for approval of a vacation and replat of Tract DD Hannah Ridge at Feathergrass Filing No. 1 to create one (1) multi-family residential lot. The 15.39-acre property is zoned RM-30 (Residential Multi-Dwelling) and CAD-O (Commercial Airport Overlay), and is located at the northwest corner of the Marksheffel Road and Constitution Avenue intersection and is within Section 32, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53324-04-001) (Commissioner District No. 2)

PC ACTION: LUCIA-TREESE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, SF-21-012, FOR A FINAL PLAT FOR UPLAND FLATS AT WATERMARK, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-031, WITH THIRTEEN (13) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (6-0).

Regular Items

- 3. **AL-18-024** **GREEN**

**SPECIAL USE PERMIT
MEISMAN HOME & TRUCK BUSINESS**

A request by Gone Trucking, LLC, for approval of a special use to allow a contractor's equipment yard as a rural home occupation. The 40.2-acre parcel is zoned RR-5 (Residential Rural) is located immediately north of the El Paso County and Pueblo County line, approximately one-half (1/2) mile southeast of the Boca Raton Heights and Indian Village Heights intersection, and is within Section 35, Township 17 South, Range 65 West of the 6th P.M. (Parcel No. 57350-00-001) (Commissioner District No. 4)

Mr. Green gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for a special use permit. He then introduced the applicants' representative, Ms. Deborah Eiland, to give their presentation.

Mr. Green gave his full presentation to the Planning Commission. He then introduced **Daniel Torres with PCD engineering** to go over transportation issues from the staff's point of view. Their report is on the permanent file.

Mr. Moraes – Referring to the plot diagram with the parking spaces, I was counting five parking spots and one handicapped spot, does that meet the code in terms of parking spots, when he says he's going to have six employees? Five regular and one ADA, does that meet whatever the code requires? **Mr. Green** – That is correct. There will be additional review for parking and landscaping as well to ensure there will be an adequate amount of spaces.

IN FAVOR: NONE

IN OPPOSITION:

SEAN SPENCER – This is not a new request; we have been dealing with this for a few years now. The people of via casitas moved into the area because its zoned RR-5. Part of our covenant and bylaws is that there are no businesses operated in this area. Would take our neighborhood from a serene family environment that it is to an industrial environment. In addition, truck traffic will compound a already bad situation we have. I have spoken to multiple homeowners and they are really concerned about having a business operate in our community.

REBUTTAL:

Ms. Eiland – Mr. Meisman is very willing to talk to the neighbors in the subdivision and try to work out that agreement concerning the roads. He's going to live there too. He also wants to make this his home; he will have the same concerns they have.

Mr. Risley – Mr. Spencer indicated the bylaws of the HOA prohibit business activity if I understand correctly. Is that Mr. Meisman's understanding as well? Is that your understanding? **Ms. Eiland** - We have not reviewed the bylaws. Mr. Meisman's property is not within the subdivision, he is not governed by them. **Mr. Risley** – but he's intending to use the roads that are accessed his property that are maintained by the HOA, is that correct? **Ms. Eiland** – That is correct. They are not private roads; they're technically platted as public roads and that is the only access to Mr. Meisman's property. It is difficult that they are not county maintained of course. **Mr. Risley** – Obviously HOA or covenant agreements are private agreements between landowners and the HOA, so the county doesn't weigh in on those matters since they are private topics. Just to be clear this property would not be governed by that particular HOA as you just stated. **Ms. Eiland** – Yes, Mr. Chairman you are correct and what I can only say at this juncture with respect to

that is that Mr. Meisman is committed to taking care of those roads. He is committed to fixing and maintaining and if he needs to do it then he will. I can say that to you because he has relayed that to me.

Gary Meisman – I don't know who makes the ruling of who takes care of the roads but if something were to happen with the roads because of my trucks I will go and fix it. I will do the best of my ability with the equipment I have to maintain the roads. I don't have construction equipment; I have dump trucks. I will help anybody, its whatever I must do. That's my responsibility and I promise I will take care of that.

DISCUSSION: NONE

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, AL-18-024, FOR A SPECIAL USE PERMIT FOR MEISMAN HOME & TRUCK BUSINESS, UTILIZING RESOLUTION PAGE NO. 39, CITING, 21-030, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (6-0).

Mr. Bailey – I appreciate the neighbors' concerns and I just wanted to reiterate that, given the criteria on which we must judge the application, there was no reason to disapprove this request. What I have heard from both parties is that they are willing to work together. In an effort to be a good neighbor, Mr. Meisman has offered to provide money and equipment for roads that are not his by rule to maintain and seems to be acting in good faith.

4. VA-20-002 GREEN

**VARIANCE OF USE
THE SHIRE AT OLD RANCH**

A request by Monica Phelan and Old Ranch Road Properties, LLC, for approval of a variance of use to allow an agriculturally related commercial business, further described in the letter of intent, to be known as The Shire at Old Ranch. The four (4) parcels included in the request total 20-acres and are zoned RR-5 (Rural Residential) and are located at the northeast corner of the intersection of Old Ranch Road and Holmes Road and is within Section 23, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos. 62230-00-058, 62230-00-059, 62230-00-060, and 62230-00-061) (Commissioner District No. 1)

Mr. Green gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for variance of use. He then introduced the applicants, Shannon Katsos, Kyle Katsos and Monica Phelan to give their presentation.

Ms. Seago – Referring to the slide addressing the approval criteria, states she is concerned with this slide that they (the applicants) are stating that there will be no hardship. She then asked the applicant to clarify. It is a criteria to approve a variance of use that applying the code as is would result in practical difficulties or undue hardship on the property owners. The planning commission must find that in order to approve the request.

Mr. Risley – As I understand it these approval criteria may be considered. Am I understanding that those are things that may be considered and not imperative?

Ms. Seago – That is correct Mr. Chair, however I will tell you that the case law strongly suggests that in order to approve a variance something like this needs to be found.

Mr. Bailey – My understanding from reading the staff package is that the staff's recommendation was that, since we don't have a zoning district that would allow for all these uses together in an area, this can be seen as creating the undue hardship that would allow us to approve this.

Ms. Seago – I did see that recommendation in the staff report however the burden of meeting the criteria is on the applicant, not the staff and I am coming from a perspective of providing a sufficient record to protect your decision and the Board's ultimate decision from legal challenges. If we have the applicant saying there are no difficulties or hardship that creates a problem.

Kyle Katsos - The site is comprised of four five-acre parcels zoned RR-5. When we came up with this idea years ago, we looked at a multiplicity of different options. We looked at allowed uses, special uses and discovered that there was nothing that fit this or even close on one existing site. We request a variance to allow all these unique operations to coexist on a single site.

Ms. Seago – So just for clarity of the record, based on what you just said would it be fair to say that the slide in front of us contains an error and that there would in fact be a practical difficulty or undue hardship if this request were not approved?

Mr. Katsos – Absolutely

Mr. Green gave his full presentation to the Planning Commission. He then introduced **Gilbert Laforce with PCD engineering** to go over transportation issues from the staff's point of view. Their report is on the permanent file.

Mr. Moraes – Has the possibility or requirement to add a pedestrian path along Old Ranch Road been looked at or discussed if this development goes through? I noted that the Pine Creek High School and Challenger Middle School are both well within District 20's non-bussing radius. My concern is that as this area

develops in the future, however it does, it may have more students walking to school and a path or possible sidewalk may get these pedestrians off Old Ranch Road, and maybe even Howells Road, especially as this development adds the traffic the developer projects it to produce. It may be a smart part of the plan as we now have a chance when development is going on to try to connect this area to the suburban and urban developments to the west and to the south. **Mr. Laforce** – A more detailed design will occur once they submit the site plan application. These roads are currently rural roads, but there may be an opportunity to add a path in the future and we will look at that when we get the site plan. **Mr. Moraes** – I would encourage that as when I look at the new Master Plan, this area is in the large-lot placetype and there are places in the large-lot placetype description that talks about walking paths and other designated routes to provide access and extensions of connectivity when development occurs. So maybe not sidewalks but there is a priority strategy in the Master Plan to provide this kind of transportation development. I say this not to burden the developers as I think this, from what I have seen, is great for the County and great for the neighborhood. But as an interest of safety for the children as they travel to and from school, I encourage the county planners and engineers to look at possibilities to get pedestrians off the street, especially since the new Master Plan explicitly lays it out.

IN FAVOR: NONE
IN OPPOSITION: NONE
DISCUSSION: NONE

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 4, VA-20-002 FOR VARIANCE OF USE FOR THE SHIRE AT OLD RANCH, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-032, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (6-0).

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

SPECIAL USE (Recommend Approval)

Commissioner Bailey moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. AL-18-024**

WHEREAS, Gary Meisman with Gone Trucking, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow a rural home occupation that will include outside storage of heavy equipment in 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 June 3, 2021; 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 for Gary Meisman to allow a rural home occupation that will include outside storage of heavy equipment in the RR-5 (Residential Rural) 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 home trucking use as discussed and depicted in the applicant's letter of intent and the attached site plan exhibit.
2. Within ninety (90) days of special use approval, the applicant shall apply for and receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan 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.

3. Prior to approval of a site development plan for the trucking business, the proposed single-family dwelling must be constructed. The home occupation use shall not operate on the property until the proposed single-family dwelling is constructed and receives a Certificate of Occupancy from the Pikes Peak Regional Building Department.

NOTATIONS

1. Special 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 (2018).
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 Lucia- Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Brittain Jack	aye
Commissioner Blea-Nunez	aye
Commissioner Lucia-Treese	aye
Commissioner Moraes	aye

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: June 3, 2021

Brian Risley, Chair

EXHIBIT A

THAT PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO; LYING EAST OF LOT 14, THE CALLE BERNARDO RIGHT OF WAY AND THE AVENIDA HERMOSA RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 1 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK R-2 AT PAGE 63 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER; LYING SOUTH OF LOT 52 AND THE CALLE PACIFICO RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 3 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK T-2 AT PAGE 21 OF SAID EL PASO COUNTY RECORDS AND LYING WEST OF THE INTERSTATE 25 RIGHT OF WAY.

THE DESCRIBED TRACT CONTAINS 38.86 ACRES, MORE OR LESS, AS MEASURED.¹

¹ The Assessor's reported area is generated from historic mapping sources when an area is not provided in a deed. The survey plat prepared by LWA Land Surveying, Inc. shows the correct area. LWA Land Surveying is filing a Land Survey Plat in the County records showing the found survey monumentation and the area of the property as field measured, and will petition the Assessor to amend the area in their records.

RESOLUTION NO. 21-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF A SPECIAL USE TO ALLOW A RURAL HOME OCCUPATION THAT WILL INCLUDE OUTSIDE STORAGE OF HEAVY EQUIPMENT FOR GARY MEISMAN OF GONE TRUCKING, LLC WITHIN THE RR-5 (Residential Rural) ZONING DISTRICT (AL-18-024)

WHEREAS, GARY MEISMAN, did file an application with the El Paso County Planning and Community Development Department for approval of a rural home occupation that will include outside storage of heavy equipment 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 the El Paso County Planning Commission on June 3, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on June 22, 2021; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
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.

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board 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.
8. That 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.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow a rural home occupation that will include outside storage of heavy equipment within the RR-5 (Residential Rural) zoning district.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Approval is limited to the home trucking use as discussed and depicted in the applicant's letter of intent and the attached site plan exhibit.

2. Within ninety (90) days of special use approval, the applicant shall apply for and receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan 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.
3. Prior to approval of a site development plan for the trucking business, the proposed single-family dwelling must be constructed. The home occupation use shall not operate on the property until the proposed single-family dwelling is constructed and receives a Certificate of Occupancy from the Pikes Peak Regional Building Department.

NOTATIONS

1. Special 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 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 22nd day of June, 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

THAT PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO; LYING EAST OF LOT 14, THE CALLE BERNARDO RIGHT OF WAY AND THE AVENIDA HERMOSA RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 1 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK R-2 AT PAGE 63 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER; LYING SOUTH OF LOT 52 AND THE CALLE PACIFICO RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 3 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK T-2 AT PAGE 21 OF SAID EL PASO COUNTY RECORDS AND LYING WEST OF THE INTERSTATE 25 RIGHT OF WAY.

THE DESCRIBED TRACT CONTAINS 38.86 ACRES, MORE OR LESS, AS MEASURED.¹

¹ The Assessor's reported area is generated from historic mapping sources when an area is not provided in a deed. The survey plat prepared by LWA Land Surveying, Inc. shows the correct area. LWA Land Surveying is filing a Land Survey Plat in the County records showing the found survey monumentation and the area of the property as field measured, and will petition the Assessor to amend the area in their records.