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El Paso County, CO



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RESOLUTION NO. 21-252

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.

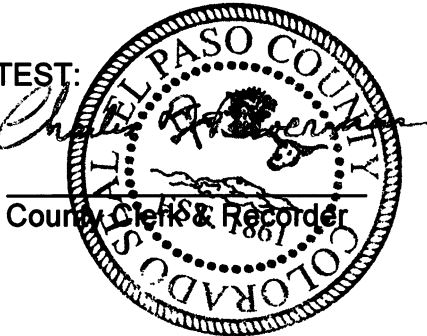
AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

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

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By:



By:

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.