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RESOLUTION NO. 23-318

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF SPECIAL USE

AGRITAINMENT – COLORADO KIDS RANCH – PUMPKIN PATCH (AL-22-017)

WHEREAS, Colorado Pumpkin Patch, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a Special Use to allow agritainment with additional conditions 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 September 7, 2023, upon which date the Planning Commission did by formal resolution recommend disapproval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on September 14, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, 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 and Board of County Commissioners.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission and Board of County Commissioners.
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.

Steve Schleiker
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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 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, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a Special Use to allow agritainment with additional conditions within the RR-5 (Residential Rural) zoning district with the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The Special Use shall be limited to the agritainment use as shown on the site plan. Any subsequent addition or modification to the agritainment use beyond that as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new Special Use application.
2. The applicant shall receive approval of a Site Development Plan within one-hundred and twenty (120) days of Special Use approval. 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. The number of vehicles onsite shall not exceed 325.
4. A watering truck/trailer shall be utilized on the driveway until the driveway is resurfaced with asphalt millings.
5. A site development plan demonstrating compliance with the applicable sections of the Land Development Code and Engineering Criteria Manual, subject to alternative standards if approved by a deviation or an alternative plan as allowed in the Land Development Code and Engineering Criteria Manual, will be completed by May 15, 2024.
6. The parking area and driveway shall be resurfaced with asphalt millings prior to May 15, 2024.
7. Privacy fencing, as depicted on the Special Use site plan, shall be constructed prior to May 15, 2024.
8. The main and overflow parking areas shall be improved prior to May 15, 2024.
9. Unless a deviation has been approved, the design for all roadway improvements required per the Traffic Impact Study shall be completed by December 31, 2025.
10. Unless a deviation has been approved, the Highway 105 intersection improvements shall be constructed by December 31, 2026.
11. Unless a deviation has been approved, the Canterbury Drive and Saddlewood Drive improvements shall be installed by December 31, 2027.

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 14th day of September 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: _____

County Clerk & Recorder



By: Camie Brenne
Chair

EXHIBIT A

That portion of Section 16, Township 11 South, Range 66 West of the 6th Principal Meridian, El Paso County, Colorado, described as follows:

Beginning at a point on the North line of said Section 16, which Point is 2,355.00 feet East of the Northwest corner of said Section 16; thence Southerly at right Angles to the North line of said Section 16, along the Easterly line of Tracts 29 and 30, Canterbury West, a distance of 720.00 feet to the Southeast corner of said Tract 30; thence deflecting $35^{\circ} 00'$ to the right along the Southeasterly line of Tract 31, Canterbury West, a distance of 580.00 feet to the Southeast corner of said Tract 31; thence Deflecting $35^{\circ}37'13''$ to the Left along the Easterly line of Tracts 32, 34 and 35, Canterbury West, a distance of 1,002.46 feet to the Southeast corner of said Tract 35; thence Deflecting $80^{\circ} 01'55''$, to the Left along the Northerly line of Saddlewood Road, a distance of 370 feet; thence continuing along the Northerly line of Saddlewood Road along a curve to the right, having a radius of 1,332.92 feet and being Tangent to the Last described Course, a distance of 211.99 feet to the Southwest corner of Tract 106, Canterbury East; thence Northerly along the Westerly line of said Tract 106 and being Radial to the Last described Curve, a distance of 97.78 feet; thence Deflecting $1^{\circ} 50'36''$ to the Left along the Westerly line of Tracts 106, 112, 111, 110, 109, 108 and 107, Canterbury East, a distance of 2,281.00 feet to the Northwest corner of said Tract 107; thence Deflecting $16^{\circ}37'$ to the Left, a distance of 30 feet to a point on The North line of said Section 16; thence Westerly along the North line of said Section 16, a distance of 932.07 feet to the Point of Beginning.