

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISEY (CHAIR)
JIM BENSBERG (VICE-CHAIR)

DOUGLAS BRUCE
SALLIE CLARK
WAYNE WILLIAMS

DEVELOPMENT SERVICES DEPARTMENT

TO: El Paso County Planning Commission
Steve Sery, Chair

FROM: Mike Garrott, Project Management Group Manager, Ext. #6447
Carl Schueler, Long Range Planning Division Manager
Paul Danley, Engineering Division Manager
Mike Garrott, Project Management Group Manager
Mike Hrebenar, Customer Service/Planning Division Manager

RE: AL-02-006 / Sun Prairie
Tax Schedule # 42330-00-026

OWNER:

REPRESENTATIVE:

<p>Sun Prairie Land LLC 13925 Highway 24 Peyton, Colorado 80831</p>	<p>Chuck Crum MVE, Inc. 1903 Lelaray Street Colorado Springs, Colorado 80903</p>
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Commissioner District: 2

<p>Planning Commission Hearing Date; Board of County Commissioners Hearing Date:</p>	<p>8/7/2007 TBD</p>
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Request by Simone Ahern (Sun Prairie Land, LLC) for approval of a Special Use to allow a riding academy and commercial stable in the A-5 (Agricultural) Zone District. The property is located on the south side of State Highway 24 East and North of Judge Orr Road. Staff recommends approval of the Special Use with the conditions and notations.



A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

B. REQUEST/WAIVERS/AUTHORIZATION

Request: The Special Use is requested to allow the continual operation of an existing riding academy and commercial stable.

Waiver: N/A

C. STAFF RECOMMENDATION

Staff recommends approval of the Special Use, with the following conditions and notations.

CONDITIONS OF APPROVAL

1. The riding academy shall be limited to not more than 12 horses, and to those uses as depicted on the approved site plan. No subsequent enlargement, expansion or modification of the use shall be allowed unless the proposal is reevaluated and goes through the administrative or public hearing process in accordance with the requirements of the El Paso County Land Development Code in effect at the time of the proposed enlargement or expansion.
2. Any subsequent subdivision of the subject property to create additional lots, shall also trigger the need to reconsider the Special Use approval consistent with Condition No. 1 above.
3. Approval is for a commercial stable developed in accordance with the site plan as approved by the Board of County Commissioners.
4. The commercial stable shall be limited to not more than twelve (12) horses.
5. All animal waste shall be disposed of in a manner acceptable to the El Paso County Department of Health and Environment. Adequate measures shall be taken by the applicant, through consulting a professional engineer, to ensure protection of the stream to the satisfaction of the Development Services Department.

6. Parking shall be provided on site. Parking on State Highway 24 is prohibited.

NOTATIONS

1. 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.
2. 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.
3. The facility shall be maintained and operated in conformance with all applicable Federal, State and local laws.
4. Special Use requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

D. APPLICABLE RESOLUTIONS

Approval Page 11
Disapproval Page 12

E. LOCATION

Abutting zoning and land use:

North: A-35 - Grazing Land

South: A-35 - Single Family

East: A-35 - Agricultural Retail Store, Auto Repair Facility

West: A-35 - Grazing Land

F. BACKGROUND

This property was unzoned until March 25, 1999, when they were initially zoned A-35 (Agricultural) District. The commercial stable and riding academy have been in operation prior to the zoning of the property.

G. STATUS OF MAJOR ISSUES – Not Applicable

H. APPROVAL CRITERIA

1. LAND DEVELOPMENT CODE COMPLIANCE

See the Long Range Planning Summary

2. ZONING COMPLIANCE

A commercial stable and riding academy are permitted in the A-5 zone under a Special Use with a lot minimum of 10 acres. The proposed property is 26.69 acres. A Special use combining the commercial stables in conjunction with the riding academy will create zoning compliance.

3. POLICY PLAN COMPLIANCE

The El Paso County Policy Plan does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding the development of the County. The Policy Plan specifically recommends that certain lower impact uses of a rural but commercial nature should be considered appropriate in an otherwise non-commercial rural residential area. The Policy Plan defers to the relevant Small Area Plan for site-specific guidance. Please see below.

4. SMALL AREA PLAN COMPLIANCE

This property falls in the Falcon/ Peyton Comprehensive Plan (1993) more specifically in Sub-Area 1 U.S. Highway 24 Corridor. The approved land use scenario for Sub-Area 1 U.S. Highway 24 Corridor recommends lower density uses in this vicinity as well as access control along Highway 24 and minimization of visual impacts. The typical standard applied for Uses Subject to Special Review of this nature in designated rural residential areas is to assess the impacts relative to the maximum number of single family dwellings allowed under the existing or anticipated zoning. Staff believes the proposed use can be implemented in a manner consistent with this policy, provided the use is limited in scale and extent to the use as described in the application materials and as depicted on the site plan. It is also important to stipulate that any approval for the riding academy be tied to the entire property. Further subdivision or the 26-acre parcel might be cause to remove the Special Use approval based on an over-intensification of land use.

5. OTHER MASTER PLAN ELEMENTS

Consistency with the Major Transportation Corridors Plan is addressed by the Engineering Division. The MTCP clearly recommends limited direct access to Highway 24. The Master Plan for Extraction of Commercial Mineral Deposits depicts Upland Deposits associated with the parcel. Therefore, a finding that there will be no adverse impact to a commercial mineral deposit can easily be recommended. The El Paso County Department of Parks and Leisure Services Master Plan depicts the Rock Island Trail as a major corridor. However, this is on the north side of U.S. Highway 24, and so this rezoning should not adversely impact that corridor.

I. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

Sandy soils and high ground water areas are present on the site and will affect foundation design. Grading around the homes should provide slope to prevent water from ponding near the foundation and any below grade areas. Construction on a raised pad might be considered.

2. WILDLIFE

Potential impact to wildlife in this area is low, as denoted by the El Paso County Wildlife Habitat Descriptors, which are adopted as an element of the County Master Plan. See comments under the associated rezoning request.

3. FLOODPLAIN

A portion of the subject property is located in a mapped floodplain per the FEMA Flood Insurance Rate Map. This area is delineated on the plat as a “no-build” area.

4. DRAINAGE AND EROSION

The property drains from the Northwest to Southeast away from Highway 24 into a natural drainage channel through the middle of the site. There are no significant drainage issues associated with this project. An expanded discussion is included in the staff report for the minor subdivision.

5. TRANSPORTATION

The subdivision takes access currently from Highway 24. With this subdivision Lot 1 will continue to take access from the existing driveway onto Highway 24. Lot 2 will take access from an Ingress/ Egress easement extending from the parcel to the North (Big R property). CDOT has reviewed this proposal and granted required access permits. The applicant has been informed by CDOT that in the future, access to these parcels may be by frontage roads to Highway 24.

J. SERVICE

1. WATER

Sufficiency: N/A

Quality: N/A

Quantity: N/A

Dependability: N/A

2. SANITATION

On-site wastewater systems will be utilized.

3. EMERGENCY SERVICES

Fire services and emergency services are provided by the Falcon Fire District. The applicant submitted a commitment to serve letter from the Falcon Fire District. The District will provide Fire services and emergency services to this development.

4. UTILITIES

Mountain View Electric has requested standard easements which the applicant has provided on the final plat.

5. METROPOLITAN DISTRICT STATUS

N/A

6. PARKS/TRAILS

The proposed Rock Island Trail is located north of this site along Highway 24. No park sites are proposed with this development.

7. SCHOOLS

The site is within the Falcon School District #49. The District did not comment on this proposal.

K. PUBLIC COMMENT AND NOTICE

The Development Services Department notified 7 adjoining property owners on July 23, 2007. No responses have been received.

L. ATTACHMENTS

Vicinity Map
Letter of Intent
Plot Plan

El Paso County Parcel Information

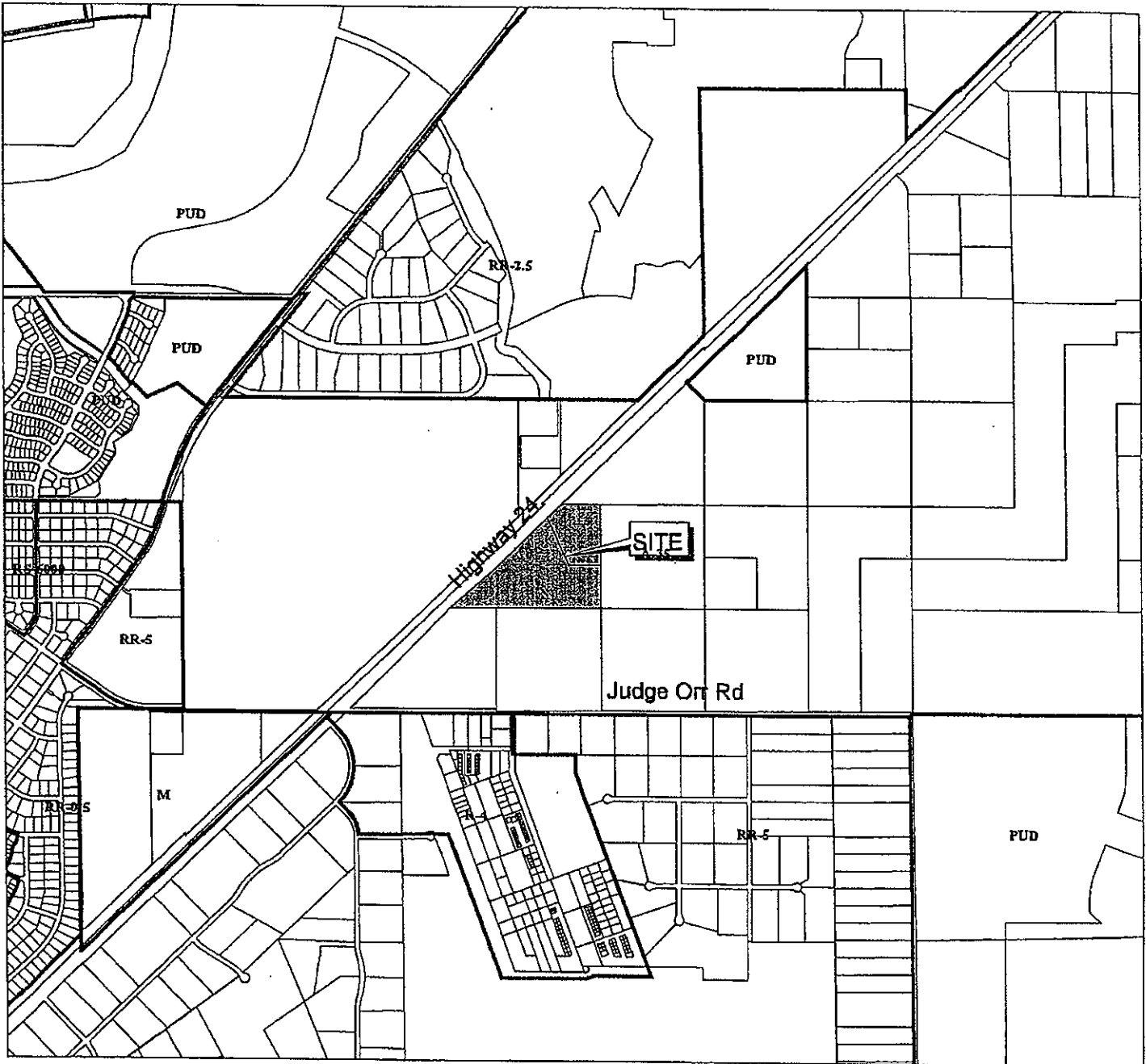
Parcel Number: 4233000025

File Name: P-02-007, MS-02-004, AI

Parcel Address: 13965 E HIGHWAY 24

Parcel Owner: H3O INVESTMENTS LLC

Owner Mailing Address: 704 SILVER OAK GRV, COLORADO SPRINGS, CO 80906



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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May 22, 2007





April 16, 2002

**LETTER OF INTENT
USE SUBJECT TO SPECIAL REVIEW
FOR THE PROPOSED
SUN PRAIRIE SUBDIVISION FILING NO. 1**

OWNERS: Simone Ahern
Sun Prairie Land, LLC
13925 U.S. Highway 24
Peyton, CO 80831

Pete Hagen
3250 North Meridian Road
Peyton, CO 80831
Ph: 719-337-6705 Fax: 719-683-6792

APPLICANT/
CONSULTANT: M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO 80909
Ph: 719-635-5736 Fax: 719-635-5450
Email: chuckc@mvecivil.com

The purpose of this request is for a special use of Commercial Stable/Riding Academy within the proposed Sun Prairie Subdivision Filing No. 1.

The proposed subdivision will create the need to change the zone from A-35 (minimum lot size 35 ac.) to A-1 (minimum lot size 10 ac.), which will allow the construction of the singly family residence on the proposed Lot 2. Also, the new A-1 zone will allow the existence of the existing single family construction on the proposed Lot 1.

Presently the 36 acre tract houses a single family residence, a horse barn, and an outside riding area. These improvements are situated on the southern portion of the parcel and will be contained within the proposed 26 acre Lot 1. A pole barn was recently constructed on the northern 10 acres. This is proposed to be Lot 2 of this subdivision and will have a single family residence constructed on said lot.

The owner of the existing residence conducts horse training on their land. This is an allowable use as a Commercial Stable/Riding Academy within the existing A-35 zone. The new zone will require a special use review for this existing horse training use.

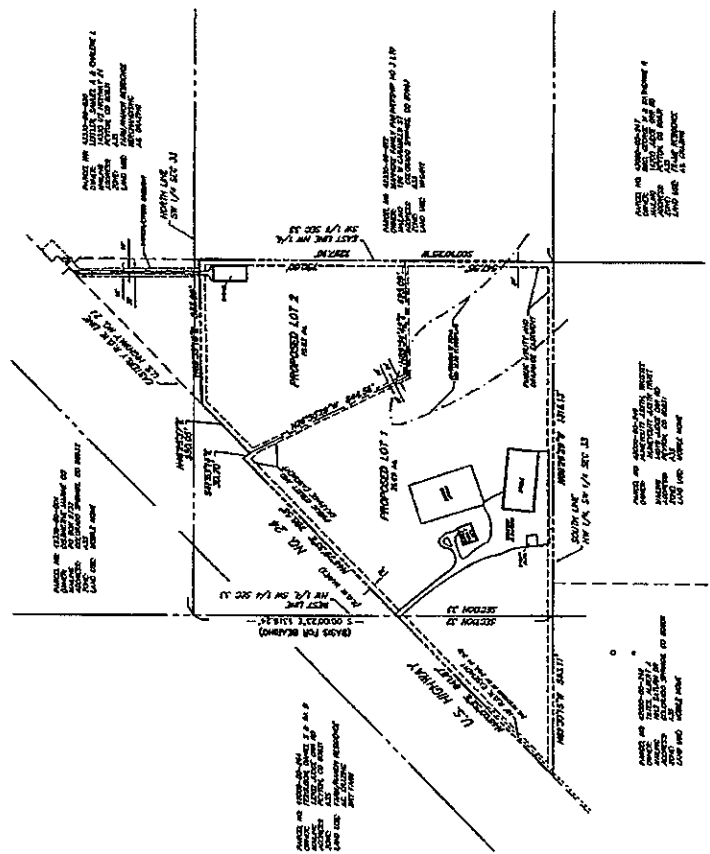
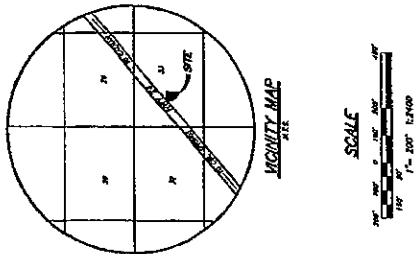
No new access is proposed to Highway 24 as the owner of Lot 2 will ask the State of Colorado Department of Transportation (CDOT) for joint use of the Big R access point. The existing use on Lot 1 has an existing access permit from CDOT to U.S. Highway 24.

We respectfully ask that the existing use of Commercial Stable/Riding Academy be allowed as a special use in the proposed Sun Prairie Subdivision Filing No. 1.

60691SULOI. - nm

ZONING/SPECIAL USE MAP

A PARCEL OF LAND IN THE NW 1/4 OF THE SW 1/4, SECTION 33 AND THE NE 1/4 OF THE SE 1/4, SECTION 32, T 12 S, R 64 W OF THE 6th P.M. COUNTY OF EL PASO, STATE OF COLORADO



LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS A & B

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS C & D

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS E & F

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS G & H

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS I & J

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS K & L

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS M & N

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS O & P

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS Q & R

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS S & T

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS U & V

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS W & X

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, T12S, R64W, OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCELS Y & Z

LEGEND

PROPOSED LOT 1 OWNER
PROPOSED LOT 2 OWNER
APPLICANT/CONSULTANT

RECEIVED
APR 12 2007

EPC DEVELOPMENT SERVICES

SHEET 1 OF 1

MONUMENT VALLEY ENGINEERS, INC.

SUN TRANSFER SUBDIVISION PLAT NO. 1

SCALE 1" = 200'

DATE: APR 12 2007

DRAWN BY: [Name]

CHECKED BY: [Name]


EL PASO COUNTY
 COMMISSIONERS:
 DENNIS HISEY (CHAIR)
 JIM BENSBERG (VICE-CHAIR)

 DOUGLAS BRUCE
 SALLIE CLARK
 WAYNE WILLIAMS

DEVELOPMENT SERVICES DEPARTMENT

June 4, 2007

RECEIVED
JUN 11 2007

This letter is to inform you of the following petition which has been submitted to El Paso County:

AL-02-006

EPC DEVELOPMENT SERVICES

**USE SUBJECT TO SPECIAL REVIEW
 TO ALLOW A COMMERCIAL STABLE IN THE A-1 ZONE DISTRICT
 SIMONE AHERN (SUN PRAIRIE LAND, LLC)**

Request by Simone Ahern (Sun Prairie Land, LLC) for approval of a Use Subject to Special Review to allow a riding academy and commercial stable in the A-5 (Agricultural) Zone District. There is currently a Minor Subdivision and Rezoning (A-35 to A-5) request pending. The property is located on the south side of State Highway 24 East and North of Judge Orr Road. (Schedule No. 42330-00-026)

The County Assessor's records show you as an adjoining property owner. Your position on the above matter would be appreciated and will be made part of the record of the Planning Commission hearings. A return of this letter to the Development Services Department at the address listed below is, therefore, requested.

Comments: _____

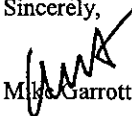
For Against No Opinion

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

This item is scheduled to be heard by the El Paso County Planning Commission on June 19, 2007. The meeting begins at 9:00 A.M. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs. **The date and order when this item will be considered can be obtained by calling the Development Services Department or through El Paso County's Web site (www.eipasoco.com).** (Actions taken by the Planning Commission are posted on the internet following the meeting.)

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call (719) 520-6300.

Sincerely,


Mike Garrott, Project Management Group Manager

Your Name: DANNY FERBISON Address: 13202 JUDGE ORR RD, RAYTON CO
 Property Location: SAME Phone 953-3526 80931

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM