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**Sunflower Landscapes
Variance of Use
Letter of Intent**

March 31, 2026

Owner:

Dennis & Joan Hathcock Revocable Trust
12420 N Meridian Road
Elbert, CO 80106

Applicant:

Sunflower Landscapes
7425 Adventure Way
Colorado Springs, CO 80923
Phone: (719) 661-5049
Email: dustin@sunflower-landscapes.com

PDC File No. VA26XX **VA265** RESPONSE: added

Planner: Vertex Consulting Services, Nina Dossey
5825 Delmonico Drive, Suite 320
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719-433-2018
Nina.dossey@vertexcsc.com

Tax Schedule No: 53040-05-004

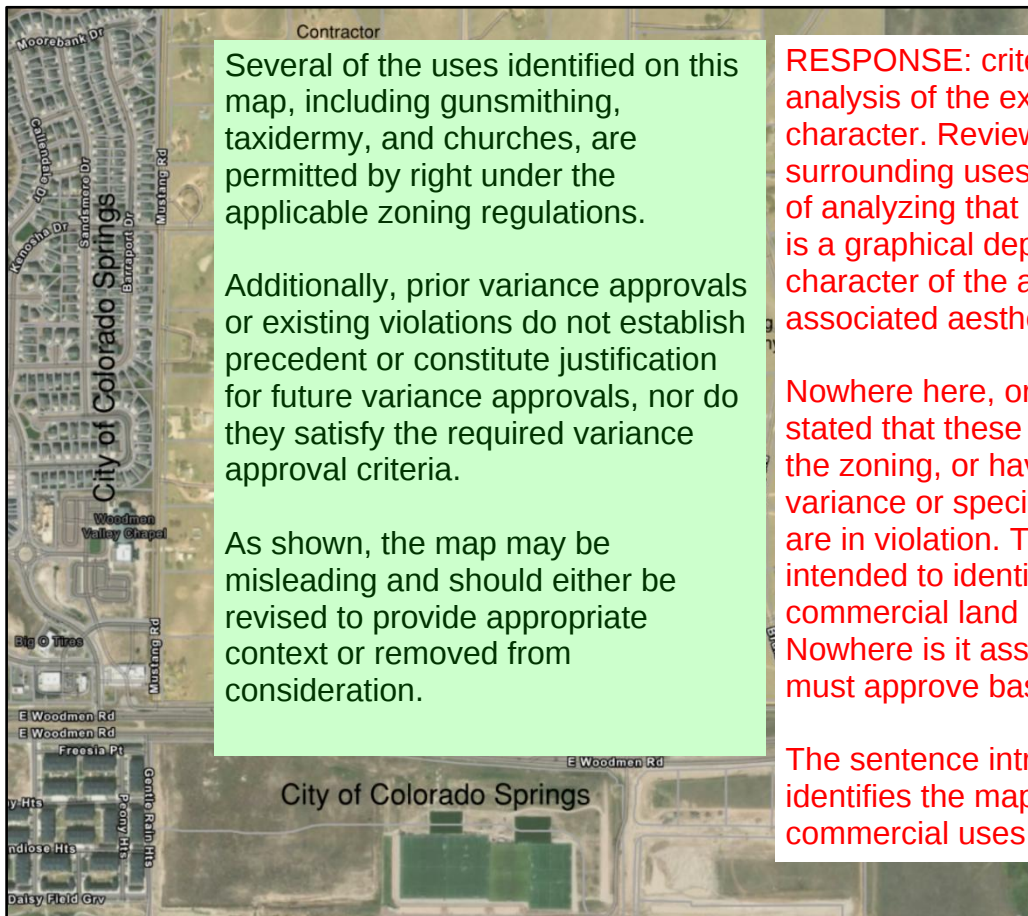
Acreage: 5.01 Acres

Zoning: RR-5 (Residential Rural), CAD-O (Commercial Airport Overlay)

Site Location, Size, Zoning:

Vertex Consulting Services, on behalf of Sunflower Landscapes, is respectfully submitting a variance of use application for the proposed contractor equipment yard. The property is located west of Mohawk Road and north of Woodmen Road. The 5-acre property is presently zoned RR-5 (Residential Rural), CAD-O (Commercial Airport Overlay). The proposed variance of use is compatible with the surrounding existing commercial uses and is consistent with the Your El Paso Master Plan.

The property is surrounded by the RR-5, but the surrounding developed area is either largely commercial in nature or within the City of Colorado Springs:



Several of the uses identified on this map, including gunsmithing, taxidermy, and churches, are permitted by right under the applicable zoning regulations.

Additionally, prior variance approvals or existing violations do not establish precedent or constitute justification for future variance approvals, nor do they satisfy the required variance approval criteria.

As shown, the map may be misleading and should either be revised to provide appropriate context or removed from consideration.

RESPONSE: criteria 3 requires an analysis of the existing surrounding character. Reviewing those existing surrounding uses is an important part of analyzing that character. This map is a graphical depiction of the character of the area from a use and associated aesthetics perspective.

Nowhere here, or elsewhere is it stated that these are exceptions from the zoning, or have received variance or special use approvals, or are in violation. This graphic is only intended to identify other existing commercial land uses in the area. Nowhere is it asserted that the BoCC must approve based upon precedent.

The sentence introducing the image identifies the map depicts other commercial uses, nothing more.

Proposal:

The property owner intends to utilize the property for a contractor equipment yard for a landscape company known as "Sunflower Landscapes". There will be no indoor or outside storage of raw materials, nor will they be hauled on or off the site. Two separate phases are being proposed:

Phase 1

- Total employees: 38
- Items stored onsite
 - 8 crew trucks
 - 5 trailers
 - 25 stand on mowers
 - 2 full size skid loaders
 - 2 small walk behind skids
- Average Daily Trips: 66
- Hours of Operation
 - Monday-Thursday 6:30am- 5:00pm
 - Friday 6:30am- 3:30pm
- Structures
 - Office (existing)
 - Shop (existing)

A Traffic Impact Study is required with this application.

Suggest removing the trip information from the LOI as it may need to be updated based on the required TIS and any subsequent revisions.

The number of employees and work trucks listed do not align with the ADT listed on this page. The provided ADT is much lower than what would be expected. **RESPONSE: TIS submitted**

Given the residential nature of the surrounding lots, could this be moved to 7am instead of 630am? **RESPONSE: adjusted**

No building permit on file for this shop.

Please address this in the LOI and specify how soon a building permit will be obtained after site development plan approval.

RESPONSE: see page 9 where Sunflower commits to pulling all building permits the current property owner failed to obtain, as needed.

Phase 2

- Total employees: 95
- Items stored onsite (Note, no change)
 - 8 crew trucks
 - 5 trailers
 - 25 stand on mowers
 - 2 full size skid loaders
 - 2 small walk behind skids
- Average Daily Trips: 114
- Hours of Operation (Note, no change)
 - Monday-Thursday 6:30am- 5:00pm
 - Friday 6:30am- 3:30pm
- Structures
 - New Shop 39 x 89
 - New Office 45 x 70

Please discuss or revise how adequate parking will be provided to support the proposed number of employees, as the submitted site plan currently identifies only 47 parking spaces (some of which are identified for customers).

RESPONSE: see page 8 where it is discussed that employees have historically carpooled to work. the TIS also provides greater detail.

Request & Justification:

The purpose of this application is to request approval of a variance of use to allow for a contractor equipment yard in the RR-5 zoning district. The pages that follow address each one of the Variance of Use criteria included within Section 5.3.4 of the El Paso County Land Development Code:

This section contemplates zoning rather than reasons why the strict application of the code is causing hardship. Please review.

This justification section describes a self inflicted hardship and is not based on the criteria, physical or unusual components of the residential platted and zoned lot. Please review.

The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.

RESPONSE: Strict application of the Code would require either a rezone to a district that allows the proposed use, or the use would have to be located elsewhere. Additional prefacing language has been added to address the comments above.

property owner to reside on-site. The subject property does not meet these criteria, and compliance through rezoning presents a substantial and unreasonable hardship.

Rezoning the parcel to an Industrial zoning district is neither practical nor appropriate. Industrial zoning would allow a wide range of high-intensity uses that could be incompatible with the existing surrounding development, creating potential adverse impacts well beyond the property. Imposing such zoning would introduce land use entitlement activity and undermine neighborhood compatibility.

RESPONSE:
additional details regarding water have been added.

Are the current water rights being augmented to support the use from residential to commercial? Will the residential well be used for watering/filling up landscape vehicles for irrigation or pesticides as it is shown in the parking lot.

Additionally, the property is not served by central water districts are generally intended to be supported by centralized infrastructure due to demands typically associated with industrial uses; without these services, rezoning is infeasible.

The variance of use process represents the only reasonable path. Granting the variance would allow a narrowly tailored, low-impact ancillary use of the property without introducing broader industrial entitlements, and without creating incompatibility with the surrounding area. Denial of the variance would deprive the property of reasonable use while providing no corresponding public benefit.

- *The variance of use is generally consistent with the applicable Master Plan;*

Please see the Master Plan analysis below.

Please expand on this statement. At present, the property can be used for residential proposes.

RESPONSE:
clarification added that this statement is comparing what is proposed to an industrial zone district. this is intended to explain why the variance is a better process than zoning the property to industrial

use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future health, safety, or welfare of the inhabitants of the neighborhood.

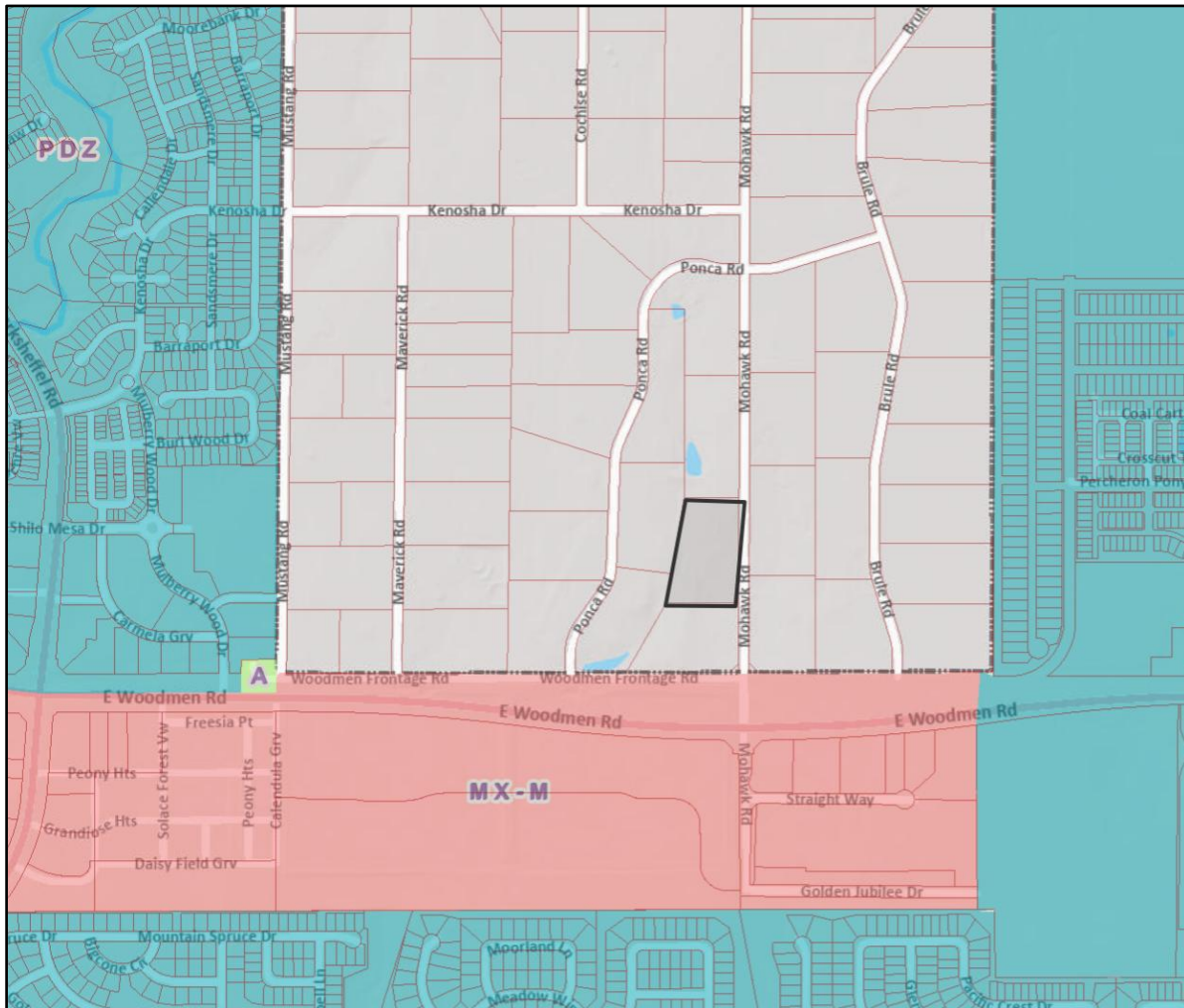
RESPONSE:
clarification added that the lot was converted years ago and can no longer be used this way today.

Contractor equipment yard is compatible with the surrounding area and consistent with the established character of the neighborhood. This portion of the County is transitioning toward urban development associated with the City of Colorado Springs. The property is located on the zoning map below:

Page 3 states there will be 95 employees, 8 crews trucks, etc. which is not low impact or ancillary.

Again this justification is more related to zoning change rather than variance hardship or criteria.

RESPONSE: see response and preface added in revised version.



Within this County enclave, many remaining parcels historically zoned rural have already been repurposed for non-residential and semi-industrial uses that bridge rural and urban conditions(see map on page 2).

Please review relevant comment on page 2

A RESPONSE: please see response provided aerial imagery, contractor equipment area, with seven existing contractor equipment yards located within the immediate neighborhood, including one directly adjacent to the subject property. Additional surrounding uses include four churches, a school, a gunsmith, a taxidermy business, a trucking company, and a kennel. These uses demonstrate a long-established pattern of non-residential activity that is neither singular nor isolated, but characteristic of the area's development pattern.

The aerial imagery further confirms that large accessory structures and outdoor storage are common throughout the neighborhood, irrespective of whether parcels are utilized for residential or commercial purposes. The proposed use is therefore consistent in scale, intensity, and operational character with existing development and will not introduce

visual, noise, traffic, or use impacts beyond what is already present and accepted in the area.

The proposed contractor equipment yard is not detrimental to surrounding properties, nor

RESPONSE: understood. a TIS has been submitted with submission #2. The TIS is ref here in the revised version.

development of the area. To the contrary, the request reflects a change as it transitions toward urban incorporation, where contractor-oriented uses are already well established. The future redevelopment and can be readily discontinued occur.

Traffic generation does not meet the TIS exemption is ECM B.1.2.D. Engineering does not consider this to be a minimal traffic impact.

The request is also not detrimental to the health, safety, or welfare of area residents in El Paso County. The use is low-intensity and comparable to existing nearby operations that have coexisted without demonstrated adverse effects. Traffic generation, utility demands, and other operational impacts are minimal and consistent with surrounding uses.

The use would require a special use permit, which greatly limits the scope and size. Please review.

Finally, it is important to note that if the property owner resided on site, the contractor equipment yard would qualify as a Rural Home Occupation and would not require a variance of use. The requested variance therefore represents a modest, narrowly tailored accommodation that recognizes functional equivalency with other permitted uses in land use. Given the surrounding context, the variance is compatible with the planned development patterns and satisfies all applicable compatibility and public welfare review criteria.

RESPONSE: revised to clarify that we are over the ADT by 14 trips.

If the proposed use is approved, the property owner will be required to fully comply with the landscape plan submitted in support of the application. All outdoor storage and parking areas will be screened from view by fencing. New trees are proposed along the eastern property line to soften and disrupt views of the proposed fence, with additional tree plantings planned in conjunction with the Phase 2 office construction. With the implementation of these screening and landscaping measures, the proposed use will be compatible with and harmonious to the adjacent residential properties to the north and east.

- *The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;*

The proposed use is a contractor equipment yard to be served by an existing permitted well and septic. The activities onsite will not be in violation of the El Paso County noise ordinance. Employees will report to the property at 6:30am and leave until they return at 3:30-5:00pm when their workday ends. The majority of the machinery will not be running onsite but will be brought to the jobsite. The subject property will not be open to the general public.

The construction of the proposed office and shop proposed with phase 2 will be in compliance with all El Paso County and State air quality regulations. After construction, the use will continue to meet all air, water, odor or noise standards.

- *The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;*

The proposed contractor equipment yard is within the RR-5 zoning district. Table 5-4 of the Land Development Code identifies the density and dimensional standards of the RR-5 zoning district:

- Minimum lot size: 5 acres
- Front Setback: 25 feet
- Side Setback: 25 feet
- Rear Setback: 25 feet
- Maximum Height: 30 feet

The site plan shows that guest parking is included. Please revise site plan or include discussion of customer traffic in the LOI.

RESPONSE: this was an error on the site plan.

The existing structures meet all setback requirements, and the proposed new structures will meet all setback and height requirements of the RR-5 zoning district, as depicted on the variance of use site plan.

See comments on page 3.

RESPONSE: understood. a TIS has been submitted with submission #2. This response applies to all comments in this section.

- *The applicant has addressed all off-site impacts;*

affect wildlife or wetlands;

Idlife habitat onsite.

There is no Chapter 1.6 of the ECM. Section 1.1.6 is not applicable.

Based on the proposed land use and anticipated traffic, a TIS will be required. Phase 2 does not meet all 7 TIS exemption criteria in Section B.1.2.D of the ECM (proposed ADT = 114).

There are no anticipated additional off-site impacts except for a minor increase in traffic. It is anticipated that approximately 66 additional average daily trips will be added as a result of this use.

This is not a retail location, and patrons/clients will not visit this site.

No subdivision is proposed under this application. Revise.

The 2016 MTCP does not include Mohawk Road. A traffic impact study is not required pursuant to ECM Appendix B, ECM Chapters 1.6 and 1.16 as the proposed use will not result in traffic in excess of 100 ADT or 10 trips at the peak hour, there are no additional minor or major roadways being proposed, there will be no change in the type of traffic to be generated, the subdivision will not result in a change to the LOS for Mohawk Road or any other nearby County roadways, and there is no proposed access onto a State Highway. The use is anticipated to result in an average of 66 additional trips per day. The use will not generate any additional pedestrian or bicycle traffic. No roadway or intersection in the immediate vicinity has a history of safety or accident problems.

- *The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or*

The Land Development Code requires a minimum of 1 parking space per 750 square feet of building area. The site plan depicts a total of 11,721 square feet of building to be utilized for the proposed

contractor equipment yard at full buildout. This results in a total of 16 parking spaces required. The owner has planned for a total of 47 parking spaces, which includes parking of equipment and employees. There are more than enough parking spaces planned to ensure there is adequate parking onsite.

- *Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.*

Water is provided by a permitted well and sewage is treated with an onsite wastewater treatment system (OWTS). The property is within the Falcon Fire Protection District. El Paso Sheriff's Department will respond to any emergency reported onsite. The proposed contractor equipment yard will take access from Mohawk Road, a County owned and maintained right-of-way.

Master Plan Elements

Below is an analysis of the various El Paso County Master Plan elements.

Your El Paso County Master Plan Analysis

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is "general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action." In addition, Chapter 1 goes on to state that the Plan "is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives." When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the variance of use request, as identified below in an analysis of Chapter 3 of the Plan.

Key Area Analysis

The subject property is not identified in the Plan as being a Key Area, however, a Key area is in proximity. The nearest Key Area to the subject property is the Potential Areas for Annexation Key Area, which is located Approximately 0.1 miles to the south.

Page 18 of the Plan States:

"A significant portion of the County's expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the

individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.”
(Emphasis added)

The Master Plan contemplates that the Potential Area for Annexation Key Area will see an increase in density and development. This is most certainly the case for this shrinking enclave. Land is being systematically annexed into the City of Colorado Springs and is being redeveloped as urban residential development. The remaining rural lots are being converted into commercial/light industrial lots as a “holding land use” until City services are extended to allow for redevelopment.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Undeveloped” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Develop

“The character of these areas is defined by a lack of c
significant natural areas. These areas will experience
underutilized or vacant sites adjacent to other built-c
redevelopment will be limited in scale so as to not al
New development may also occur in these areas on g
but overall there will be no change to the prioritized
environments.”

(Emphasis added)

Lack of familiarity, or understanding of the Code does not constitute sufficient justification for Master Plan conformance or lack of LDC compliance. Please revisit and revise accordingly.

The subject property is currently utilized as an electi
property owner was not aware a variance of use wa
Code Violation has been issued to date for the existi
Landscapes proposes to purchase the property to ut
The Master Plan anticipates redevelopment of unde
enclave of Colorado Springs is seeing significant urb
redevelopment to a “holding land use” until the tim
variance of use is consistent with the surrounding cl
with the recommendations of the area of change.

RESPONSE: no where in this section is it stated that compliance with the Master Plan is based upon the prior owner not being familiar with the Code or a violation occurring.

Staff always requires that applicants explain how/why an illegal land use has been initiated in LOI, even if the applicant is not the one who created the violation. This LOI was drafted based upon the knowledge that if we did not provide these details upfront, it would be required after initial review and/or staff visiting the site to see the land use.

Placetype Analysis

The subject property is shown on the Placetypes ma
the Suburban Residential Placetype. Page 28 of the
Primary Land Uses within the Suburban Residential l

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

In addition, the Placetype includes the following Supporting Land Uses:

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

The Suburban Residential Placetype is described further on page 28 as follows:

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern. Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County. Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”
(emphasis added)

The identified primary land uses require central water and sanitation, which is not yet available to this lot. The placetype recommends commercial services as a supporting land use. The property is located in close proximity to Woodmen Road and Marksheffel Road. As discussed above, this commercial use will act as a “holding land use” until the area is annexed into the City of Colorado Springs.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) does not depict any planned or existing trails or open space on the subject property. Land dedication, or fees in lieu of land dedication are not required with a variance of use request.

Other Topical Elements of the County Master Plan

The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

Road Impact Fee

The Road Impact Fee will be applicable to this development and will be calculated with the subsequent site development plan.

Drainage

Due to the increased imperviousness proposed with phase two, a drainage report will be submitted with the subsequent site development plan for the second phase.

Because of the large amount of proposed imperviousness in phase 1 (~.75 acres) a drainage report will be required starting with phase 1 of the SDP. Please revise accordingly.

Please note: Water quality and detention shall be addressed in the report. Downstream stability/capacity analysis of the existing drainage path to the west shall be analyzed.

RESPONSE: understood. The owner has decided that they will submit one SDP that shows phasing lines and will include all necessary engineering documentation (e.g. FDR, GEC, etc.).