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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
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Colorado Springs, CO 80923
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Email: dustin@sunflower-landscapes.com

PDC File No. VA265

**Planner:** Vertex Consulting Services, Nina Dossey
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**Tax Schedule No:** 53040-05-004
**Acreage:** 5.01 Acres
**Zoning:** RR-5 (Residential Rural), CAD-O (Commercial Airport Overlay)

**Request:**

The purpose of this application is to:

1. Request approval of a variance of use to allow for a contractor equipment yard in the RR-5 zoning district.
2. All parking shall be onsite and shall not be within the El Paso County right-of-way.
3. The maximum number of employee, truck, and customer vehicles parked onsite in association with the variance of use shall be limited to 53 spaces for phase 1.
4. The maximum number of employee, truck, and customer vehicles parked onsite in association with the variance of use shall be limited to 19 for phase 2.

**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: 48
- Items stored onsite
    - 10 crew trucks
    - 5 trailers
    - 25 stand on mowers
    - 2 full size skid loaders
    - 2 small walk behind skids
- Average Daily Trips: 80
    - NOTE: This Average Daily Trip count is based upon all employees driving their own vehicle. This is because the Traffic Impact Study process does not allow for carpooling to be accounted for. Landscape employees are traditionally seasonal employees through H-2B programs. These employees live together and do not have vehicles of their own. Employees carpool to work and to each job site. Self-imposed conditions are proposed by the owner to ensure that carpooling continues, and traffic does not exceed what is included in the requested variance of use. The owner understands that deviation from these restrictions will necessitate an amendment to the variance of use. If carpooling were

accounted for, the average daily trips are estimated to be 66.

- Hours of Operation
    - Monday-Thursday 7:00am- 5:00pm
    - Friday 7:00am- 4:00pm
- Structures
    - Office (existing)
    - Shop (existing)

Phase 2 (full build-out)

- Total employees: 95 (inclusive of 48 employees included in phase 1)
- Items stored onsite (Note, no change from phase 1)
    - 10 crew trucks
    - 5 trailers
    - 25 stand on mowers
    - 2 full size skid loaders
    - 2 small walk behind skids
- Average Daily Trips: 171 (inclusive of trips included in phase 1)
    - NOTE: This Average Daily Trip count is based upon all employees driving their own vehicle. This is because the Traffic Impact Study process does not allow for carpooling to be accounted for. Landscape employees are traditionally seasonal employees through H-2B programs. These employees live together and do not have vehicles of their own. Employees carpool to work and to each job site. Self-imposed conditions are proposed by the owner to ensure that carpooling continues, and traffic does not exceed what is included in the requested variance of use. The owner understands that deviation from these restrictions will necessitate an amendment to the variance of use. If carpooling were accounted for, the average daily trips are estimated to be 114.
- Hours of Operation (Note, no change)
    - Monday-Thursday 7:00am- 5:00pm
    - Friday 7:00am- 4:00pm
- Structures
    - New Shop 39 x 89
    - New Office 45 x 70

This is not a retail location and no customers or sales will occur onsite.

**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 Spring:




**Justification:**

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:

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

A Contractor's Equipment Yard is not a permitted use in the RR-5 zoning district. The subject parcel was converted from a residential dwelling to an electrical contractor equipment yard several years ago by the previous property owner, who was unaware that this use required a variance in the RR-5 district. There are no residences on the property today.

Sunflower Landscapes currently operates from two locations, one of which is a leased site that previously received approval of a Variance of Use (PCD File VA182). Sunflower Landscapes wishes

to own the property from which it operates and provide opportunities for future business growth (Phase 2). The applicant proposes to use the subject property for the same contractor equipment yard use established by the previous owner, while improving the site through the addition of fencing, landscaping, and formalized parking areas. In addition, the applicant has proposed self-imposed conditions of approval that limit the size and scale of the operation, helping to ensure that it remains compatible with the surrounding area and nearby commercial businesses.

This property and the surrounding neighborhood are an enclave of the City of Colorado Springs. This area is undergoing a transition from what was once rural residential development to "holding land uses" where many lots have been converted into low-water commercial uses. It is anticipated that these lots will then be annexed into the City of Colorado Springs and be redeveloped similar to the developments located on all sides of this enclave. The Land Development Code does not allow for the transition of uses in this manner, therefore, the applicant's only two options are to either rezone the property or to seek approval of a variance of use.

A Contractor's Equipment Yard is permitted only within the I-3 (Heavy Industrial) and M zoning districts, or as a special use in the CS zoning district or in conjunction with a Rural Home Occupation, which requires the 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 applicant's request. Imposing such zoning would introduce land use entitlements that exceed the intended scope of activity and undermine neighborhood compatibility. Granting the variance allows for only a very specific, low-impact use of the property in comparison to what is permitted in the industrial zones where there is no limit to the traffic generation, size of structures, or noise/dust generation of the use.

Additionally, the property is not served by central water or sanitation services. Industrial zoning districts are generally intended to be supported by centralized infrastructure due to the high utility demands typically associated with industrial uses; without these services, rezoning is effectively infeasible. The proposed Contractor Equipment yard utilizes very little water. No onsite water is utilized other than for the office, which is for employees only. Sunflower Landscapes does not take water from the proposed location to the job site. Sunflower Landscapes contracts with a company who utilizes their water to wash vehicles. If the variance of use is approved, the property owner will comply with all State Water Engineer requirements and will obtain a change in use well permit if required by the State.

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 in comparison to what is permitted in the industrial zones without introducing broader industrial entitlements, and without creating incompatibility with the surrounding area. This property was converted to a contractor equipment

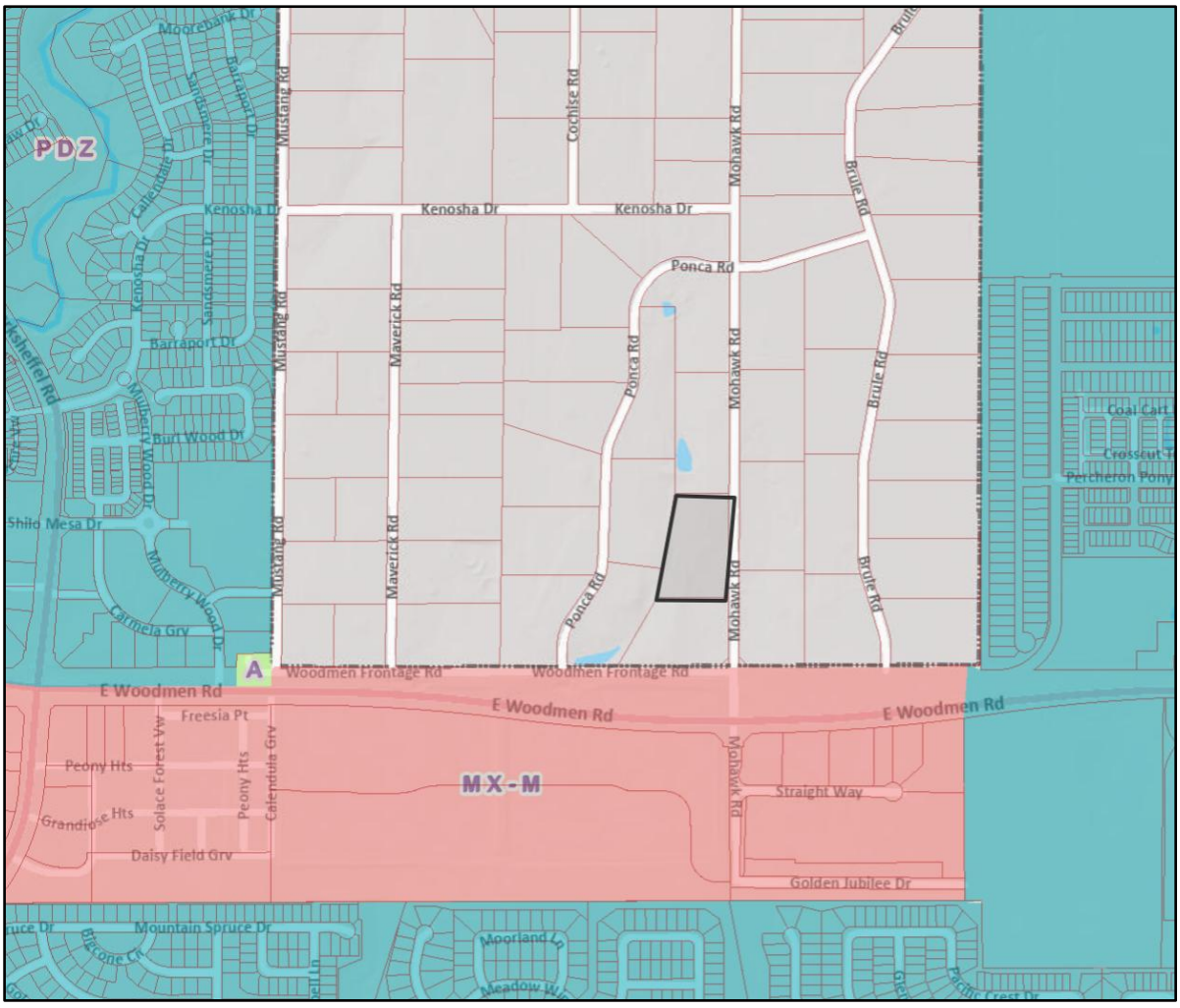
yard many years ago and no longer functions as a rural residential lot. Denial of the variance would deprive the property of reasonable use while providing no corresponding public benefit.

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

Please see the Master Plan analysis below.

- *The proposed 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 development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;*

The proposed contractor equipment yard is compatible with the surrounding area and harmonious with the established character of the neighborhood. This portion of the County is actively transitioning toward urban development associated with the City of Colorado Springs, as illustrated on the zoning map below:



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).

As shown in the referenced map and accompanying aerial imagery, contractor equipment yards are a predominant and defining feature of the 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 does it impede the future development of the area. To the contrary, the request reflects the ongoing evolution of this enclave as it transitions toward urban incorporation, where mixed service, institutional, and contractor-oriented uses are already well established. The proposed use does not preclude future redevelopment and can be readily discontinued should urban-scale development occur.

The request is also not detrimental to the health, safety, or welfare of area residents or the County. The use is low-intensity and comparable to existing nearby operations that have coexisted without demonstrated adverse effects. Traffic generation will not result in the need for offsite improvements (see Traffic Study submitted in support of the application). Utility demand and operational impacts are minimal and consistent with surrounding uses.

Finally, note that if the property owner lived on-site and daily trips were reduced, the contractor equipment yard would meet the criteria for a Rural Home Occupation. In that case, it would not require a use variance and could instead be approved through an administrative special use permit. The requested variance therefore represents a modest, narrowly tailored accommodation that recognizes functional equivalency rather than a fundamental change in land use. Given the surrounding context, the variance of use aligns with existing and planned development patterns and satisfies all applicable compatibility and public welfare review criteria.

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 7:00am 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 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.

- *The proposed use will not adversely affect wildlife or wetlands;*

There are no wetlands or significant wildlife habitat onsite.

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

There are no anticipated additional off-site impacts except for a minor increase in traffic. The 2024 MTCP does not include Mohawk Road. This is not a retail location, and patrons/clients will not visit this site. It is anticipated that approximately 161 additional average daily trips will be added as a result of this use. This Average Daily Trip count is based upon all employees driving their own vehicle. This is because the Traffic Impact Study process does not allow for carpooling to be accounted for. Landscape employees are traditionally seasonal employees through H-2B programs. These employees live together and do not have vehicles of their own. Employees carpool to work and to each job site. Self-imposed conditions are proposed by the owner to ensure that carpooling continues, and traffic does not exceed what is included in the requested variance of use. The owner understands that deviation from these restrictions will necessitate an amendment to the variance of use. If carpooling were accounted for, the average daily trips are estimated to be 114.

Even still, no offsite improvements are required for the variance of use when utilizing an average daily trip count of 171. Please see the Traffic Impact Study submitted in support of the application for additional detail regarding traffic generation.

- *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. The employees of Sunflower Landscapes carpool to the property, oftentimes in vans. There are currently only 20 employee vehicles onsite at any time on average today. There are more than enough parking spaces planned to ensure there is adequate parking onsite. Please see the Traffic Study submitted in support of the application for additional details regarding trip generation.

- *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 Sherriff'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: Developed" by stating:

> "The character of these areas is defined by a lack of development and presence of

significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments."
(Emphasis added)

The subject property is not vacant and is currently utilized as an electric contractor equipment yard. The current property owner was not aware a variance of use was required to initiate the use. Additionally, the property owner did not know a building permit was necessary to construct the existing shop. No compliant, stop work order, or Code Violation has been issued to date for the existing contractor equipment yard. Sunflower Landscapes proposes to purchase the property to utilize as a landscape contractor equipment yard. Sunflower Landscapes will pull all applicable building permits that the prior property owner did not in order to bring the property into full compliance.

The Master Plan anticipates redevelopment provided that it is limited to the essential character of the surrounding area. As discussed above, this rural enclave of Colorado Springs is seeing significant urban redevelopment to the north, south, east, and west. For this reason many lots within the enclave have undergone interim redevelopment to a "holding land use" until the time that City services are available and they too convert to urban development. The proposed variance of use is consistent with the established surrounding character and is, therefore, generally consistent with the recommendations of the area of change.

Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Suburban Residential Placetype. Page 28 of the Plan identifies the following land uses as being Primary Land Uses within the Suburban Residential Placetype:

- 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.