

COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Jim Egbert, Chair

FROM: Len Kendall, Planner I
Beck Grimm, EI Engineer I
Craig Dossey, Executive Director

RE: Project File #: AL-18-015
Project Name: Reigning Hope Special Use
Parcel No.: 52060-00-040

OWNER:	REPRESENTATIVE:
Craig and Susanne Hoffman 14090 Holmes Road Colorado Springs, CO 80908	Kesti Suggs 14445 Holmes Road Colorado Springs, CO 80908

Commissioner District: 1

Planning Commission Hearing Date:	2/5/2019
Board of County Commissioners Hearing Date	2/26/2019

EXECUTIVE SUMMARY

A request by Chuckie’s Place dba Reigning Hope (applicant) representing the property owners, Craig and Susanne Hoffman, for approval of a commercial stable in the RR-5 (Residential Rural) zoning district. The property is located on Holmes Road approximately 1.87 miles north of Shoup Road. The special use application follows approval by the Board of Adjustment of a lot area variance for 4.15 acres where 10 acres are required for a commercial stable in the RR-5 zoning district.

Reigning Hope activities include providing occupational therapy to physically and emotional disadvantaged individuals, using horses. Therapy activities will occur in a contained outdoor arena and adjacent sensory trail. Reigning Hope is currently in the process of building an indoor riding arena to use during periods of inclement weather.



The outdoor arena and sensory trail currently exist (in addition to a horse barn and workshop). The sensory trail is a walking trail that includes various stations that provide sensory experiences of touch, smell, sound, as well as physical challenges.

The application came about through a code enforcement action, where a commercial stable was found at a residential property. There is no use for “equine therapy” in the El Paso County Land Development Code (2018); therefore, staff has interpreted the use to most closely resemble that of a commercial stable.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Chuckie’s Place dba Reigning Hope (applicant) representing the property owners, Craig and Susanne Hoffman, for approval of a commercial stable in the RR-5 (Residential Rural) zoning district.

Waiver(s)/Deviation(s): There are no waivers associated with this request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

- The special use is generally consistent with the applicable Master Plan;
- 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;
- 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;

- The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- 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
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

D. LOCATION

North:	RR-5 (Residential Rural)	Vacant
South:	RR-5 (Residential Rural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

E. BACKGROUND

The subject parcel was created on September 4, 1973, but is not a platted lot. Previous owners of the property applied for and received Board of Adjustment approval to legalize the parcel via a lot area variance due to the parcel being 4.15 acres where 4.75 acres are required when located on a section line road in the RR-3 (Residential Rural) zoning district, which is now known as the RR-5 (Residential Rural) zoning district.

The current occupant of the property runs an equine therapy business (Reigning Hope) on the property. Reigning Hope works with physically and emotionally disadvantaged individuals, using horses in conjunction with occupational therapy. The business is proposed to operate on a “by appointment” basis during the hours of 8:00 am to 5:00 pm, Monday through Saturday.

Code Enforcement was made aware of the commercial stable/equine therapy use after the landowner of the subject parcel called in a complaint on a neighbor. While the code enforcement officer was in the area they noticed there was a commercial stable/equine therapy operating at the site. The Code Enforcement division received an agricultural building exemption request on November 1, 2017, for the subject property and denied it due to the commercial stable use not being an allowed use in the RR-5 zoning district. There was no notice of violation sent out for this property because the property owners and business owner began the process to remedy the illegal commercial stable use immediately after being notified by staff of the issue.

On June 13, 2018, the Board of Adjustment unanimously approved a dimensional variance for a lot area of 4.15 acres where 10 acres are required for a commercial stable in the RR-5 (Residential Rural) zoning district.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Land Development Code (2018) requires special use and site development plan approval, as well as a minimum of 10 acres for a commercial stable in the RR-5 (Residential Rural) zoning district. This parcel has been granted relief from the 10-acre minimum lot size due to the June 13, 2018, Board of Adjustment approval of a dimensional variance.

2. Zoning Compliance

Based on the applicant's site plan drawing, the commercial stable activities meet the 25-foot setback requirements of the specific use regulations regarding stables and corrals. Regulation requires that the stable and corrals are located at least 35-feet away from any residential structure on adjoining lots. The site plan drawing shows these structures meet that requirement.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Goal 7.1 – Reasonably accommodate unique and special uses which provide value to the greater community and which can be made consistent with surrounding uses.

Policy 7.1.4 – Accommodate home-based businesses which do not detract from the character of residential areas, do not create substantial impacts on facilities and services, and do not require the imposition of conditions of approvals difficult to enforce.

The current occupant of the property runs an equine therapy business (Reigning Hope) on the property. Reigning Hope works with physically and emotionally disadvantaged individuals, using horses in conjunction with occupational therapy. The business is proposed to operate on a "by appointment" basis during the hours of 8:00 am to 5:00 pm Monday through Saturday. The primary operator of Reigning Hope lives on the property and this would accommodate a home based business in Black Forest.

As cited in the applicant's letter of intent, Reigning Hope offers value to the greater community by offering occupational therapy for individuals with physical and emotional disadvantages with the assistance of horses. The

proposed use does not detract from the character of residential areas as private stables are allowed within the RR-5 zoning district. The commercial and public use of the stables is what differentiates the use from private stables to commercial stables.

4. Small Area Plan Analysis

The property is within the Black Forest Preservation Plan (1987). Relevant goals and policies are as follows:

Goal 4.A – Allow for limited commercial development, which supports and enhances the Black Forest Planning Area.

Policy 4.6 – Encourage all new commercial development within the planning area to be compatible with the visual character of existing uses (refer to Visual Analysis in Chapter II).

There are 11 subareas within the Black Forest Preservation Plan. The subject property is located within Planning Unit 1, The Timbered Area. Relevant descriptions and analysis of The Timbered Area are as follows:

P.89- Uses in this unit will be limited to low density residential or open space with the exception of the “community center” at the intersection of Shoup and Black Forest Roads and the commercial node at the intersection of Burgess and Black Forest Roads.”

The proposed use is for an equine therapy business. Staff recommends that the impacts of an equine therapy business are similar to that of a commercial stable. The property is not located within the “community center” area located at the intersection of Shoup and Black Forest Roads. The proposed use is neither low impact residential/open space nor commercial; however, the parcel is partially low density residential as it contains a residence on a legally created parcel of 4.15 acres. El Paso County considers parcels greater than 2.5 acres to be rural density. The commercial use on this site is compatible with the visual character of existing uses, as it appears as a rural residential use with stables for horses. The use itself may not be fully consistent with the use description outlined in The Timbered Area planning unit.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies floodplain deposit in the area of the subject parcel. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the special use request.

2. Wildlife

The El Paso County Wildlife Descriptors Map (1996), adopted as an element of the El Paso County master plan, shows development of this area as having low potential impact to wildlife.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel 08041C0315 shows that the property lies within Zone X, an area determined to be outside the 500 year floodplain.

4. Drainage And Erosion

The property is located within the East Cherry Creek and Black Squirrel Creek drainage basins. Although the Black Squirrel drainage basin is a fee basin, no drainage or bridge fees are required for a special use request. No public drainage improvements will be required.

5. Transportation

The property is accessed via Holmes Road. A traffic impact study was not required due to the fact that the special use is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the special use request. No public roadway improvements will be required.

H. SERVICES

1. Water

Water supply is provided by an individual onsite groundwater well, permit number: 189919—A. The property owner shall adhere and abide by the allowances of their well or pursue a commercial well permit for the property.

2. Sanitation

Wastewater service is provided by an Onsite Wastewater Treatment System (OWTS). Records regarding the OWTS should be analyzed by the El Paso County Public Health Office to determine if a Colorado Registered Professional Engineer will need to evaluate the system to assure it is adequate for the proposed use. Any evaluation must be submitted to El Paso County Public Health for review and approval.

3. Emergency Services

The property is within the Black Forest Fire Protection District.

4. Utilities

Electric service is provided by Mountain View Electric Association; they have been sent a referral and have no issue with the application. Natural gas service is provided by Black Hills Energy, a referral was sent to them, however, they have not responded.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a special use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a special use application.

I. APPLICABLE RESOLUTIONS

Approval Page 39
Disapproval Page 40

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations:

CONDITIONS

1. Approval shall be limited to a commercial stable as described and depicted in the applicant’s letter of intent and site plan drawings.
2. All animal waste shall be disposed of in a manner that complies with the requirements of El Paso County Public Health.
3. Any subsequent addition or modification to the operation or to the facility beyond that described in the applicant’s letter of intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Director that it constitutes a substantial increase, then such addition or modification shall be subject to review and approval by the Board of County Commissioners.

4. The proposed use shall comply with all requirements of the El Paso County Land Development Code and all County, State, and Federal regulations except those portions varied by this action.
5. The property owner shall comply and adhere to water allowances as determined by the State of Colorado and detailed in the approved well permit (No.: 189919—A).
6. Prior to building permit authorization proof of an adequate OWTS shall be provided by the property owner to the El Paso County Planning and Community Development Office.

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on January 16, 2019, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan

El Paso County Parcel Information

File Name:

PARCEL	NAME
5206000040	HOFFMAN CRAIG

Zone Map No.

ADDRESS	CITY	STATE
14090 HOLMES RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80908	3305

Date:



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced, used to prepare derivative products, or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

Letter of Intent

Special Use Permit Rural Home Occupation

OWNER/Applicant

Kesti Suggs executive owner of Chuckie's Place, a non-profit corporation, DBA as Reigning Hope Therapy Services of Colorado

14445 Holmes Road

Colorado Springs, CO 80908

Site Location, size and zoning

Site is located at the north end of Holmes road, north of the Holmes and Shoup intersection.

4.15 Acres zoned

Request and Justification

The Request is for the approval for a Special Use to operate "Reigning Hope" on a lot area of 4.15 acres where 10 are required for a commercial stable in the RR-5 (Residential Rural) zoning district. The change of use eliminated the legal nonconforming aspect of this parcel, and necessitated a Board of Adjustment approval to operate a commercial stable on 4.15 acres where 10-acres being required for a commercial stable.

Justification

Reigning Hope requires a site to operate from for its activities of working with physically and emotional disadvantaged individuals, using occupational therapy, with horses. The most practical and economic option for this site is at the location where the horses currently reside with their support structures at the location at 14445 Holmes Road. Therapy activities will occur in an enclosed "outdoor arena" and adjacent "sensory trail". Reigning Hope was in the process of building an "indoor arena" for inclement weather. The outdoor arena and sensory trail currently exist (in addition to a horse barn and workshop). The sensory trail is a walking trail that includes various stations that provide sensory experiences of touch, smell, sound, and physical challenges.

There will be no changes to the current configuration of the property to accommodate this use. Reigning Hope activities will occur on 2 acres of the 4.15-acre lot.

The business will operate on a by appointment basis during daytime hours of 9:00 am to 6:00 pm Monday through Saturday. The type of therapy activities occurring are:

"Individual therapy sessions held with 4 individuals present: a client, a therapist, a parent or guardian and an individual from Reigning Hope controlling the therapy horse. Each family is assisted

differently due to therapy needs, siblings can also be included in therapy sessions. Sessions will run approximately one hour. One- two vehicles. “

Water needs for these activities is limited to drinking water and a handicapped accessible bathroom inside the currently existing workshop. There is currently electric service to the horse barn and workshop which have interior and exterior lighting. The barn and the workshop are in process of being built to code per PPRBD. There is no need for gas service. We have met with a contractor for a detail list for code requirements and will be submitting plans to PPRBD with a time-line completion.

Parking is adequate from the paved driveway to in front of the workshop and indoor. **No parking will be allowed on access road, north of the property, which is on the private drive on the Hoffman’s property.**

Impacts to adjacent properties will be minimal if at all. The activities are minimally visible from the road and where there are is a line of sight from residences there are trees on this property.

This proposed use is compatible with the surrounding area. The use is equestrian in nature and a number of properties in the area have horses as well as other domestic animals. It is so low impact an activity that it will have no negative effect on the health, safety or welfare of neighboring inhabitants. The horses already reside on the property to no adverse effect and the activity only brings in a limited number of people at a time to interact with them.

The proposed use will meet air, water, odor and noise standards and should have no effect on property values as there is limited visibility to it. There will be no adverse effect on wildlife or wetlands. There were concerns regarding the smell, Reigning Hope as taken precautions. We have gotten a dumpster removal one time a week, the stalls are cleaned and raked daily and where the dirt is soiled we have laid an animal and eco friendly deodorizer, which appears to have no off-site impacts as the use is wholly contained on the property.

Existing and proposed facilities, structures, roads, etc.

All the facilities, structures, roads, etc. at this location are existing and are comprised of the following:

Residence of approximately 1,728 square foot house

Workshop/garage 60x40

4 stall horse barn with hay storage

Fenced paddock 100x60

Fenced paddock 100x40

5 Loafing Sheds 8x8

Total number of Acres:

The property is on 4.15 acres of which approximately 2 will be leased for business use.

Number of residential units and densities:

There is one residential unit occupied by 5 individuals

Number of residential units and densities:

There is one residential unit occupied by 5 individuals

Number of industrial sites proposed

Approximate floor area ration of industrial and/or commercial uses

Number of Mobile home units and densities

Typical lot sizes

Type of proposed recreational facilities

If phased construction, how will it be phased

Anticipated schedule of development

How water and sewer will be provided

Proposed uses, relationship between uses and densities

Areas of required landscaping

Proposed access locations

Access will be the 14445 Holmes Driveway.

Approximate acres and percent of land to be set aside as open space, not including parking, drive and access roads.

Proposed access locations:

Access will be the 14445 Holmes Driveway.

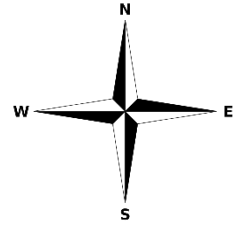
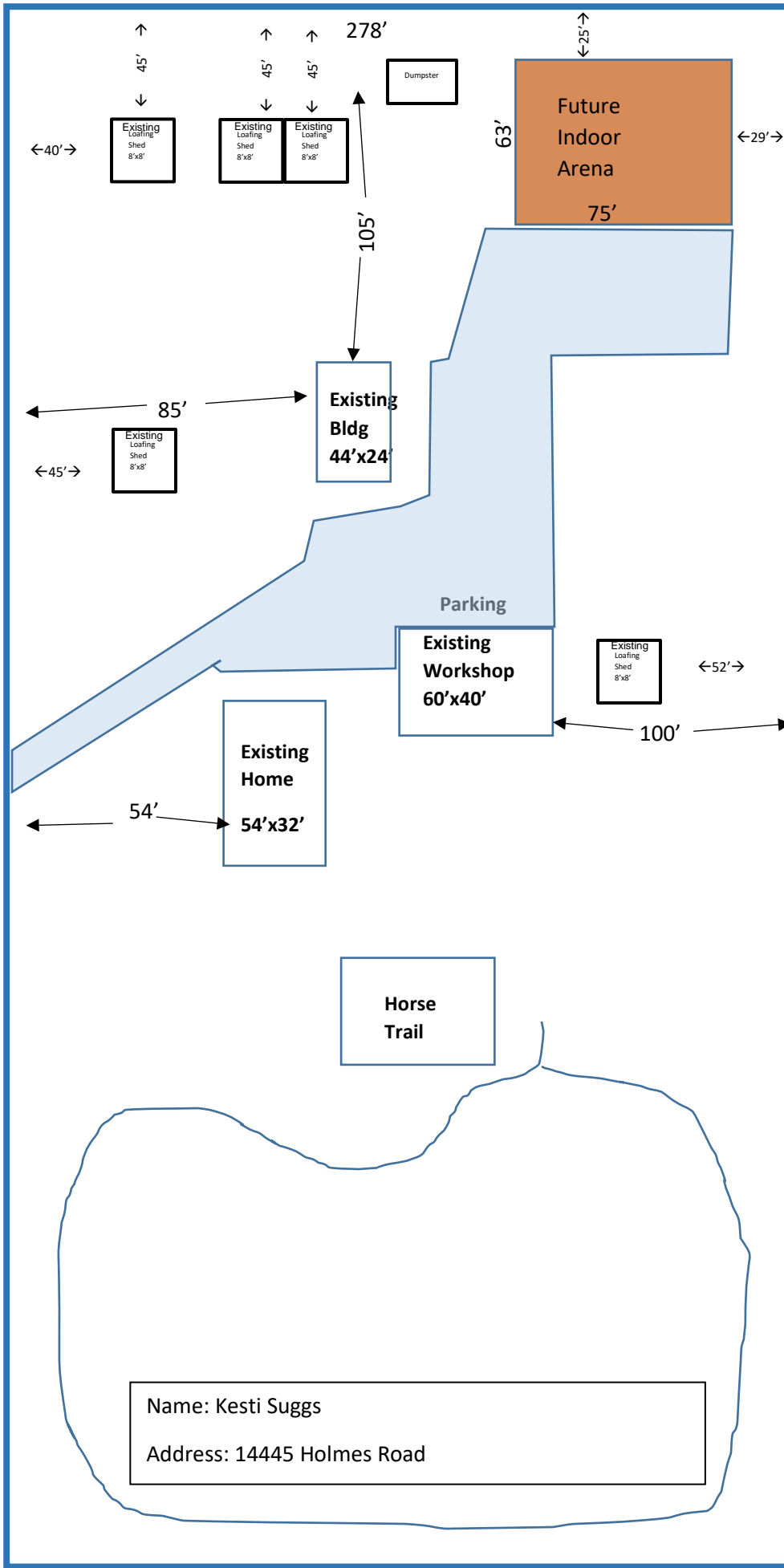
John & Brenda Thomas
14490 Holmes Road

Charles & Cheryl Ernst
14410 Holmes Road

Jeremy Vereecke
14350 Holmes Road

Name: Kesti Suggs
Address: 14445 Holmes Road

Patrick & Kelly McGowan 14355 Holmes Road



Taylor Irvin Trust
5880 Vessey Road

The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice. Approval of this plan by El Paso County does not assure compliance with the ADA or any regulations or guidelines enacted or promulgated under or with respect to such laws.