

# **Letter of Intent**

**Administrative Amendment of  
Rural Home Occupation Special Use  
Approved by the Board of County Commissioners  
on June 22, 2021  
(AL-18-024)**

Gone Trucking, LLC  
21255 Calle Pacifico Point  
Fountain, Colorado 80817  
Owner: Gary Meisman

PCD File No. AL-22-001

March 22, 2022  
rev. April 21, 2022

## **I. Owner/Applicant and Consultant.**

Gone Trucking, LLC is owned by Gary Meisman. The Owner/Applicant and Consultant contact information is as follows:

### **Owner/Applicant:**

Gary Meisman  
612 Harvard Street  
Colorado Springs, Colorado 80911  
(719) 322-9609  
[garymeisman12@gmail.com](mailto:garymeisman12@gmail.com)

### **Consultant:**

Debra Eiland, Esq.  
Law Offices of Debra Eiland, P.C.  
24 S. Weber Street, Suite 300  
Colorado Springs, Colorado 80903  
(719) 471-1545  
[debra@eilandlawfirm.com](mailto:debra@eilandlawfirm.com)

## **II. Site Location, Size and Zoning.**

Mr. Meisman's property is a parcel of vacant land located at 21255 Calle Pacifico Point, Fountain, Colorado. The property borders Villa Casitas subdivision to the North and West, Interstate 25 to the East, and the El Paso/Pueblo County line to the South. The property is accessible from Exit 119 off I-25 (Rancho Colorado Boulevard). The property consists of one parcel of 38.86 acres, and is listed under Assessor's Schedule Number 5735000001.<sup>1</sup> The property is zoned RR-5, Residential Rural. A parcel map showing the property is attached hereto.

## **III. Request and Justification.**

Mr. Meisman has operated a small aggregate hauling business for the past 14 years at a different location. He purchased the 21255 Calle Pacifico Point property in December 2017, and plans to build a house and shop and to relocate and operate his business there as a rural home based business. The Calle Pacifico Point property is vacant land. Mr. Meisman is awaiting approval of the Site Development Plan and this special use amendment before beginning construction.

On June 22, 2021, the El Paso County Board of County Commissioners ("BOCC") issued a special use approval to allow the rural home occupation at Mr.

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<sup>1</sup>The Assessor's record shows the parcel size is 40.2 acres. However, a recent land survey established the accurate measurement to be 38.86 acres. An updated Land Survey Plat was recorded in the records of the El Paso County Clerk and Recorder on June 17, 2019, at Reception Number 219900099, a copy of which is filed with this Application.

Meisman's property that will include the outdoor storage of heavy equipment for Mr. Meisman's business. A copy of the BOCC's resolution is attached as Exhibit A.

No changes to the use approved by the BOCC is requested. The sole purpose of this application for an administrative amendment is to clarify the location of the outdoor storage area for the business. At the public hearing Mr. Meisman's representative and the County Planning Department presented site plans that show slightly different locations for the outdoor storage area.<sup>2</sup>

On the plan presented by the County, the storage area was shown surrounding the proposed shop building, which would require fencing all around to screen it from adjoining properties. If the outdoor storage area were placed around the proposed shop building as shown on that plan, it would be more visible to adjoining properties, and would not blend into the natural topography because it would have to be surrounded by visible fencing.

On the plan presented by Mr. Meisman's representative and filed with this application, the storage area is located behind the shop building and surrounded by a naturally occurring 50' ridge where it will be screened from view of adjoining properties to the south, west, and north by the natural ridge, and by a 6' opaque privacy fence where it might otherwise be visible to adjoining properties to the east.

The BOCC found that Mr. Meisman's proposed use meets the criteria contained in Section 5.3.2 of the LUC for approval of the special use. See, Exhibit A, BOCC Resolution No. 21-252 at p. 2. As discussed in more detail in Section VI of this Letter of Intent, the proposed alternate location of the outdoor storage area will be far more compatible with the character of the neighborhood and existing land uses and will better meet the criteria for outdoor storage areas.

#### **IV. Proposed Facilities, Structures, Roads, etc.**

The property consists of 38.86 acres of vacant land. Mr. Meisman will develop the land as follows:

- 1) Build a single family residence for the Meisman family (approximately 3,200 square feet ranch style). Regional Building approved Mr. Meisman's plans for the residence on June 23, 2020 (Plan No. R128052).
- 2) Simultaneously with, or after building the residence, Mr. Meisman will build a 50' x 80' (4,000 sf) shop for his trucking business.

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<sup>2</sup>Note that both plans were prepared by Mr. Meisman's engineering consultants. Mr. Meisman's attorney inadvertently omitted the revised final plan from the final submission before the BOCC hearing. As a result, the plan contained in the Planning Department's Report was different than the plan presented by Mr. Meisman's attorney at the hearing.

3) An outdoor storage area for trucks and business equipment will be located behind the shop building, which will be screened by a natural ridge on the south, west, and north sides and a 6' opaque privacy fence where visible to adjoining properties to the east.

**V. Waiver Requests.**

No waivers are requested at this time.

**VI. Criteria for Approval.**

The BOCC found that Mr. Meisman's application met the criteria contained in Section 5.3.2 of the LUC for approval of the special use. See, Exhibit A, BOCC Resolution No. 21-252 at p. 2.

One specific criteria particularly relevant to this application is that the use "will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area." This criteria is positively met by locating the outdoor storage area behind the shop building where it will be screened on three sides by the 50' natural ridge.

Locating the outdoor storage area behind the building and the ridge will also meet the outdoor storage criteria contained in Section 5.4.40 of the Land Development Code as follows:

(1) Materials to be Stored and Principal Use.

Mr. Meisman will use the outdoor storage area for storage of business trucks and equipment and for a minimal amount of outdoor repair and maintenance work. No inoperable vehicles or equipment will be stored in the outdoor storage area.

(2) Materials Screened by Solid Fence or Vegetation.

The outdoor storage area will be completely surrounded by a naturally occurring 50' ridge where it will be screened from view of adjoining properties to the south, west, and north. It will also be enclosed and concealed by a 6' opaque privacy fence where it might otherwise be visible to adjoining properties to the east.

(3) Outside Storage Not to Exceed Height of Screening.

No materials will exceed the height of the screening fence, except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component.

(4) Storage of Equipment and Vehicles Exceeding Height of Fence.

The entire storage area will be located at the rear 1/3 of the Property. All equipment and vehicles exceeding the height of the fence will be stored a minimum 50 feet from the residential zoning district boundary.

(5) Storage Adjacent to Road.

The storage area is not located adjacent to a road.

(6) No Storage in Required Landscape Area.

The outdoor storage area is not within a required landscape area. Mr. Meisman will not store any equipment within any required landscaped area.

(7) Screening Fence Waived Between Adjacent Storage Areas.

This criteria is not applicable because only one outdoor storage area is proposed.

(8) Salvage Yards and Solid Waste Landfills.

This criteria is not applicable because no salvage yard or solid waste landfill is proposed.

(9) Temporary Storage.

This criteria is not applicable as the applicant is not seeking approval of a temporary use.

(10) Landscaping Requirements to be Met.

Due to the natural geographical and environmental characteristics of the property, the applicant is requesting an alternative landscaping plan as part of the Site Development Plan review. The applicant will comply with the landscaping requirements of the LDC as approved during review of the Site Development Plan.

(C) Relationship to Site Development Plan.

The location and requirements of the outdoor storage area as requested herein has been identified on the proposed site development plan, which is currently being reviewed under PCD File No. PPR2173.

EXHIBIT A

BOCC

Chuck Broerman  
06/23/2021 12:12:23 PM  
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El Paso County, CO  
  
221121634

EXHIBIT A

RESOLUTION NO. 21-252

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF A SPECIAL USE TO ALLOW A RURAL HOME OCCUPATION THAT WILL INCLUDE OUTSIDE STORAGE OF HEAVY EQUIPMENT FOR GARY MEISMAN OF GONE TRUCKING, LLC WITHIN THE RR-5 (Residential Rural) ZONING DISTRICT (AL-18-024)

WHEREAS, GARY MEISMAN, did file an application with the El Paso County Planning and Community Development Department for approval of a rural home occupation that will include outside storage of heavy equipment within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 3, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on June 22, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will 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;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.
8. That for the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow a rural home occupation that will include outside storage of heavy equipment within the RR-5 (Residential Rural) zoning district.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

**CONDITIONS**

1. Approval is limited to the home trucking use as discussed and depicted in the applicant's letter of intent and the attached site plan exhibit.

2. Within ninety (90) days of special use approval, the applicant shall apply for and receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
  
3. Prior to approval of a site development plan for the trucking business, the proposed single-family dwelling must be constructed. The home occupation use shall not operate on the property until the proposed single-family dwelling is constructed and receives a Certificate of Occupancy from the Pikes Peak Regional Building Department.

**NOTATIONS**

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
  
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
  
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

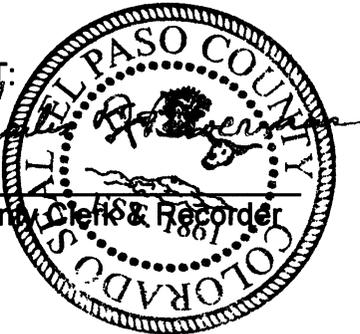
DONE THIS 22<sup>nd</sup> day of June, 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO

ATTEST:

By:

County Clerk & Recorder



By:

Chair

A handwritten signature in black ink, which appears to read "Stan VanderWeil", is written over a horizontal line. Below the line, the word "Chair" is printed.

**EXHIBIT A**

THAT PART OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO; LYING EAST OF LOT 14, THE CALLE BERNARDO RIGHT OF WAY AND THE AVENIDA HERMOSA RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 1 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK R-2 AT PAGE 63 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER; LYING SOUTH OF LOT 52 AND THE CALLE PACIFICO RIGHT OF WAY AS PLATTED BY VILLA CASITAS FILING NO. 3 AND SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED IN PLAT BOOK T-2 AT PAGE 21 OF SAID EL PASO COUNTY RECORDS AND LYING WEST OF THE INTERSTATE 25 RIGHT OF WAY.

THE DESCRIBED TRACT CONTAINS 38.86 ACRES, MORE OR LESS, AS MEASURED.<sup>1</sup>

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<sup>1</sup> The Assessor's reported area is generated from historic mapping sources when an area is not provided in a deed. The survey plat prepared by LWA Land Surveying, Inc. shows the correct area. LWA Land Surveying is filing a Land Survey Plat in the County records showing the found survey monumentation and the area of the property as field measured, and will petition the Assessor to amend the area in their records.