

Nina Ruiz

From: Daniel Fields <drfields4@gmail.com>
Sent: Wednesday, October 30, 2019 11:30 AM
To: Craig Dossey
Cc: Mark Gebhart; Nina Ruiz
Subject: Fwd: Automatic reply: Hyatt - Extended Family Dwelling Application Request
Attachments: Hyatt Letter_EPCounty.pdf

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Mr. Dossey,

I received the following out of office notice for Lindsay Darden. I copied you on my original email to Ms. Darden, but in her absence I wanted to ensure that you see this correspondence regarding our opposition to this request as it appears that there may be an administrative decision on this by the end of the month.

Thank you,
Tammy Fields
719-213-0616

----- Forwarded message -----

From: Lindsay Darden <LindsayDarden@elpasoco.com>
Date: Wed, Oct 30, 2019 at 11:22 AM
Subject: Automatic reply: Hyatt - Extended Family Dwelling Application Request
To: Daniel Fields <drfields4@gmail.com>

Please note: I will be out of the country from the afternoon of Friday October 25, 2019 returning on Tuesday November 12, 2019. I will not have access to phone, email, or project review during that time period so please make arrangements to reach me regarding your projects before I leave or after I return. Thanks!

DANIEL & TAMMY FIELDS
14400 Judge Orr Road
Peyton, CO 80831

October 29, 2019

Ms. Lindsay Darden
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Administrative Special Use Request for Hyatt Extended Family
File: AI-19-026
Parcel #4233000028

Dear Ms. Darden,

This letter is in response to the notice dated 10/16/2019 to adjacent property owners of Mark and Angelita Hyatt regarding their request for approval of a special use application to allow for an extended family dwelling within the A-35 (Agricultural) zoning district. **We are opposed to this request for reasons described below and ask that this application be denied.**

As you are aware, the Hyatt's filed for a request in January 2019 to allow for a third residential dwelling unit on their property, which we opposed for a variety of reasons (please reference attached letter dated Feb. 12, 2019). As a directly adjacent property owner we firmly believe that an approval of this new request would also negatively affect our property investment and lead to a decrease in our property value and the value of other properties in the area.

We are fully aware that the main intent of the Hyatt's is to add, at a minimum, a third residential dwelling unit on their property and this special use request is essentially an effort to provide a "work around" by reclassifying their existing second dwelling unit to a Guest House/Extended Family Dwelling, which by doing so will then allow them to add a third permanent dwelling unit to the property. The A-35 zoning code allows for one additional single-family dwelling unit per lot or parcel, which has already been established on the property and is currently occupied by their son. With an approval of this special use they would then have the liberty to add up to four single-family dwelling units on the property, and essentially a fifth as a mother-in-law dwelling – I doubt any of the other adjacent property owners are aware of this fact.

Additionally, against the advice of County Planning Staff, it is quite disheartening that the Hyatts have intentionally tried to mislead adjoining property owners in their Notice to Adjacent Property Owners dated Aug 26, 2019, stating that, *"Nothing is actually changing on our property, but we are requesting only a change in classification of the modular in which our son resides to Extended Family Dwelling...The property currently consists of our single-story ranch home, a barn, and the modular home occupied by our son. No physical changes will be made to the property with this permit change, as we are only asking for the classification of the modular home to change to Extended Family Dwelling."* The recorded audio from the 8/8/2019 meeting with County Planning Department staff and Mark and Angelita Hyatt provides proof that this is certainly not the case (<https://epcdevplanreview.com/Public/ProjectDetails/155213>)

Further, the Hyatts intend to place all the dwelling units in a cluster, all concentrated on less than 5 acres of a 39-acre parcel and within close proximity to our property line. This does not align with the low-density character of the neighborhood and is clearly incompatible with the existing and allowable land uses in the surrounding area. A concentration of single-family dwelling units such as this, even on R-5 acre lots would require the units be further distance apart. At a minimum, any dwelling units should be required to be more spread out over the acreage.

The purpose of zoning is to protect the value of properties and minimize any potentially negative impacts upon other property owners, ensuring consistency with surrounding uses. We are therefore requesting that the El Paso County Planning and Community Development Director and El Paso County Planning Commission deny this request and maintain the integrity and intent of the A-35 zoning on the property rather than allowing loopholes to change the character of the property.

Sincerely,

Handwritten signature of Daniel and Tammy Fields in cursive script.

Daniel and Tammy Fields

cc: Craig Dossey, El Paso County Planning Department
Mark Waller, El Paso County Commissioner District 2
Adjacent Property Owners

DANIEL & TAMMY FIELDS
14400 Judge Orr Road
Peyton, CO 80831

February 12, 2019

Mark A. Hyatt
Angelita C. Hyatt
14200 Judge Orr Road
Peyton, CO 80831

RE: Proposed Special Land Use Permit – Parcel #4233000028

Dear Mark and Angelita,

This letter is in response to your notice to adjacent property owners dated January 11, 2019, regarding your intent to seek a Special Use Permit allowing you to add a third residential dwelling unit to your A-35 zoned property located at 14200 Judge Orr Road.

We are strongly opposed to this request for a variety of reasons and are requesting that the El Paso County Planning Department, Planning Commission, and the El Paso County Commissioners deny your request. As a directly adjacent property owner we believe that an approval of this request would negatively affect our property investment specifically leading to a decrease in our property value and the value of other properties in the area.

The A-35 zoning district is primarily intended to “accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.” The zoning code for an A-35 zoned property allows for one additional single-family dwelling unit per lot or parcel, which you have already established on the property and which you indicated is currently occupied by your son. This additional single-family dwelling unit is a single-wide modular home of approximately 1,200 square feet.

The Meadow Lake Estates neighborhood directly south of our properties is a well-established development and is zoned RR-5, a 5-acre district intended to accommodate low-density, rural, single-family residential development. Apart from the RV park west of your property, other properties in the vicinity have established covenants and hence have custom built homes on them, including two newly constructed \$1 million-dollar homes.

Although you indicate the additional dwelling unit would be an attractive modular home, it is obvious that adding another modular home to your property does not fit the character of the neighborhood nor would it compliment the surrounding properties. In fact, based on the site plan you provided you would be creating the look and feel of a trailer park. Specifically, per the provided site plan, the proposed third dwelling unit would place three single-family dwelling units in a cluster, all concentrated on less than 5 acres of a 39-acre parcel. This certainly does not align with the low-density character of the neighborhood and is clearly incompatible with the existing and allowable land uses in the surrounding area. A concentration of single-family dwelling units such as this should instead require a subdivision of the parcel.

You stated in your letter that the additional dwelling unit would utilize existing utilities on the property. We are extremely concerned that there would be three households pulling water out of one domestic well, particularly when there are mounting concerns about ongoing water management in the region to ensure enough water is available for existing residents. With further draught conditions anticipated for Colorado in the years ahead, these concerns are very real and have been outlined in the recently released El Paso County Water Master Plan. The plan in fact warns of anticipated aquifer depletions in the county and recommends more stringent regulation and approvals on development areas along with closer monitoring of groundwater well levels.

Additionally, as a directly adjacent property owner we want to express serious concern about two households utilizing one septic system that is at minimal distance from our property line, and which has been designed to flow directly toward our property as well as a flood plain. Both our property and yours have a high groundwater table and in wet years drainage can be a considerable problem for our septic systems.

It should also be noted that your submitted site plan to the County falsely reports the square footage of your primary residential home as 2,152. The actual square footage of the home, per the El Paso County Assessor's office, is 3,628 SF with 3,404 SF of that being finished space.

Lastly, it is our understanding of the zoning code that should this Special Use Permit be granted it would only be allowed on a temporary basis and the unit will be required to be removed within 3 months after the need for elderly care no longer exists or the date of the expiration of the permit, whichever comes first. We have concerns that this additional unit would not be removed but would instead become a permanent fixture to the property.

We are certainly not trying to be difficult neighbors, on the contrary, we are asking you to be good neighbors and consider how this would negatively affect the other property owners in the area. We completely understand the challenges in dealing with aging parents, as we too have been faced with similar situations. However, there are many options available and the solution for your family situation should not be allowed to have a negative impact on neighboring property owners.

We are therefore requesting that El Paso County deny your request and maintain the integrity and intent of the A-35 zoning on the property.

Sincerely,

Daniel and Tammy Fields

cc: El Paso County Planning Department
Mark Waller, El Paso County Commissioner District 2
Adjacent Property Owners