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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-18-023**  
**Project Name: Norton Extended Family Guest House**  
**Parcel No.: 62230-00-054**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
John Norton 4145 Ridgeway Lane Colorado Springs, CO 80908	John Norton 4145 Ridgeway Lane Colorado Springs, CO 80908

**Commissioner District: 1**

Planning Commission Hearing Date:	4/2/2019
Board of County Commissioners Hearing Date	4/23/2019

**EXECUTIVE SUMMARY**

A request by John Norton for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.3 miles east of the intersection of Howells Road and Ridgeway Lane. The applicant has already received approval of a new primary residence on the property, while simultaneously converting the original residence into a guest house. This special provision for extended family housing allows a family member in need to live in the guest house. One adjacent property owner has expressed opposition to this application stating concern regarding negative future impacts including the allowance of multiple residences on 5 acre properties. The Land Development Code



(2019) allows a guest house in the RR-5 zoning district and does not consider a guest house to be a dwelling unit.

#### **A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by John Norton for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.3 miles east of the intersection of Howells Road and Ridgeway Lane.

**Waiver(s)/Deviation(s):** There are no waivers or deviation requests as part of this application.

**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)	Single-family residential
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 parcel was created in December of 1967. The parcel was initially zoned A-5 (Rural) on January 4, 1955. Due to changes in nomenclature the A-5 zoning district has been renamed to the RR-5 (Residential Rural) zoning district. There is an existing 1,360 square foot dwelling (existing residence) on the property which has been addressed as 4145-B Ridgeway Lane due to the new residence converting to the principal dwelling and maintaining the original 4145 Ridgeway Lane address. The applicant has applied for and received approval of a new structure that will be designated as the principal dwelling unit upon completion (new structure). Once the structure is completed, the existing residence will be converted to a guest house. A guest house is an allowed accessory use in the RR-5 zoning district, however, special provisions for extended family housing requires approval of a special use.

**F. ANALYSIS**

**1. Land Development Code Analysis**

The El Paso County Land Development Code (2019) requires approval of a special use and residential site plan for a guest house with special provisions for extended family housing. The Code has specific use regulations for a guest house. A guest house may not exceed the size of the principal residence on the lot or 1,500 square feet, whichever is less. All electric, gas, central or municipal sewer and water services to the guest house shall be interconnected to and indistinguishable from that of the principal dwelling units and shall not have separate meters, service lines or billings. The Code also states that a permit may be authorized as an administrative special use to provide for temporary living arrangements to house immediate family members whom are elderly, disabled, or exhibit a family need, or for immediate family members providing for the needs of the residents of the primary residence on the property. The approval of the permit shall be based upon a finding that the following standards and conditions have been met:

- There is a legitimate family hardship or need that justifies the request for the extended family housing.
- The special use standards of Chapter 5.3.2 of the Land Development Code are complied with.

- The extended family housing shall be removed within 3 months after the need no longer exists or 3 months after the date of the expiration of the permit, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.
- In conjunction with an approval for extended family housing, an affidavit signed by the owner is filed for recording with the El Paso County Clerk and Recorder's Office acknowledging that the extended family housing may not be leased or rented and that removal of the structure may be required for failure to comply with these terms of approval.

## 2. Zoning Compliance

The property is a 5.37 acre legally created parcel in the RR-5 (Residential Rural) zoning district. Based on the applicant's site plan drawing, the existing and proposed residences will meet the 25-foot setback from all property lines. The proposed dwelling is shown to be 51 feet from the rear yard property line and 161 feet from the southern side yard property line. The other setbacks will exceed the minimum setback of 25 feet. The new structure is labeled in the letter of intent as a 4,400 square foot dwelling. The size of a guest house is limited to the size of the principal residence or 1,500 square feet, whichever is smaller. Due to the conversion of principal and accessory structures on the property the existing residence (1,360 sf) will meet the guest house size 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 13.1-** Encourage an adequate supply of housing types to meet the needs of county residents.

**Policy 13.1.3-** Recognize the need for housing alternatives that provide for the county's special populations. Special populations may include low income, elderly, and physically and mentally impaired.

The purpose of the administrative special use for a guest house for extended family housing is to provide housing for an immediate family member to live on the property to assist a family member in need. As cited in the applicant's letter of intent, the property owners intend on housing their son in the extended family dwelling. This application recognizes a need for housing alternatives that provide for the County's different populations.

## 4. Small Area Plan Analysis

The property is located within the Briargate Transition (Sub-Area 2) of the Black Forest Preservation Plan (1987). Relevant policies are as follows:

**Goal 3.A** – Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.

**Policy 3.5** – Generally support residential development which compliments and enhances the area’s terrain, vegetation and natural resources.

**Policy 3.6** – Encourage the maintenance of safe and attractive dwelling units and the redevelopment of substandard structures.

The prevailing land use in the Briargate Transition subarea is rural residential developments of 5 to 10 acre lots. Rural-residential development is defined in the Plan as:

“Land development and uses which are characterized by predominantly residential lots or parcels ranging from 2.5 to 10.0 acres in area....”

The proposed special use would not affect the area of the lot and would not increase the overall density of the area, as a guest house is defined in the Code as:

“Lodging attached to the principal dwelling or located within a garage or accessory structure which may be occupied only by occasional, non-paying guest of, the family residing in the principal dwelling. A guest house is not considered a dwelling unit. Extended family housing is a form of guest house utilized on a non-permanent basis to house immediate family members that require housing due to age, disability, or family need. A family member shall be related blood, half blood or at law, and which the term “at law” also includes in-law relationships arising from a deceased or former spouse.”

The Code states that a guest house is not a dwelling unit, therefore, it does not increase the density as it is a temporary solution for family members. Approval of the application will allow the guest house to be lived in by a family member in need and this special use will not have any impact on the number or size of structures on the property. Although the application does not strictly consistent with the policies of the Plan, the Plan does state in its introduction that it “is an advisory rather than a regulatory planning tool.”

## 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 upland deposits in the area of the subject parcels. 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 exist on the subject property.

### **2. Wildlife**

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

### **3. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0507G shows the property lies within the zone X area, which is determined to be outside the 500-year floodplain.

### **4. Drainage And Erosion**

The property is located within the Kettle Creek (FOMO3000) drainage basin. Although the Kettle Creek drainage basin is a fee basin, no drainage or bridge fees are required for a special use. No public drainage improvements will be required.

### **5. Transportation**

The proposed residence is accessed from Ridgeway Lane. A traffic impact study was not required due to the proposed use not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the special use. No public roadway improvements will be required

## **H. SERVICES**

### **1. Water**

Water supply is provided by a private well.

### **2. Sanitation**

Wastewater is provided by an onsite wastewater treatment system (OWTS).

### **3. Emergency Services**

The property is within the Black Forest Fire Protection District.

### **4. Utilities**

Electrical service is provided by Mountain View Electric Association and natural gas service is provided by Black Hills Energy.

### **5. Metropolitan Districts**

The subject 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**

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Disapproval        Page 40

**J. STATUS OF MAJOR ISSUES**

There are no outstanding 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 is limited to the extended family dwelling, as discussed and depicted in the applicant’s letter of intent and site plan drawings.
2. The proposed use shall comply with all requirements of the Land Development Code and all County, State, and Federal regulations except those portions varied by this action.

**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 March 18, 2019, for the Planning Commission meeting. Responses will be provided at or before the hearing.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Site Plan

# El Paso County Parcel Information

File Name: AL-18-023

PARCEL	NAME
6223000054	NORTON JOHN B JR

Zone Map No. --

ADDRESS	CITY	STATE
4255 RED DESERT PL	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80923	9212

Date: December 19, 2018



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (9) 520-6600



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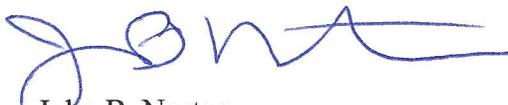
7 Jan 19

John Norton  
4145 Ridgeway Lane  
Colorado Springs, CO 80908

LETTER OF INTENT to the  
El Paso County Planning and Community Development Department

1. I am requesting approval of a special use on my property at 4145 Ridgeway Lane, to reclassify the existing small house as a guest house when the new house under construction is completed in Spring 2019.
2. The current small house (1,360 square feet on a 5.7 acre lot) is in an area zoned for one residence per property. I have a young adult son who is disabled and not ready to live on his own, but is capable of gaining some independence by living next to me in the small house when I move into the new house (4,400 square ft, 100 ft away from the small house).
3. The new house and old house will be considered one residence with common utilities and a single address, and the guest house will not be available for rental or for any other use except for supporting my special needs family member.
4. This approval will have no impact on drainage, and drainage will continue to have no effect on any adjacent properties.
5. This request has already been granted a project officer (Mr Len Kendall) and my first assistance meeting with him has already taken place.
6. If you have any questions, please contact me at [jsnorton90@msn.com](mailto:jsnorton90@msn.com) or (719) 338-6029.

Sincerely,



John B. Norton

