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**Turf Masters LLC
Variance of Use
Letter of Intent**

November 20, 2024

Sand Prairie LLC
7695 Ponca Road
Colorado Springs, CO 80908

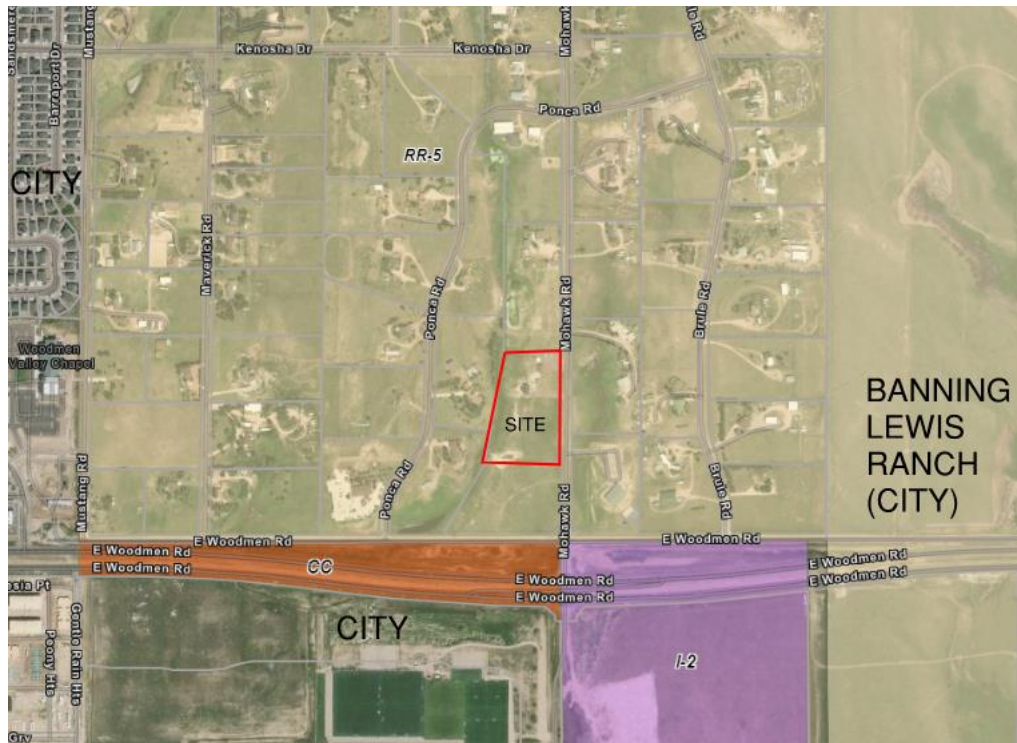
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Tax Schedule No: 53040-05-005
Acreage: 5 Acres
Zoning: RR-5 (Residential Rural), CAD-O (Commercial Airport Overlay)

Site Location, Size, Zoning:

Vertex Consulting Services, on behalf of Sand Prairie LLC, is respectfully submitting a variance of use application for the proposed contractor equipment yard. The property is located east of Ponca Road, 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 planned development, and is consistent with the Your El Paso Master Plan.

The property is surrounded by the RR-5, but the surrounding developed area is largely within the City of Colorado Spring:



Request & Justification:

The purpose of this application is to request approval of a variance of use to allow for a contractor equipment yard in the RR-5 zoning district. Although the property owner’s intent is to establish a

landscaping contractor equipment yard on the property initially, they may choose to live in the existing residence in the future. 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 only a permitted use in the I-3 and M zoning districts or as a special use in association with a Rural Home Occupation (meaning the owner resides onsite). Rezoning the property to an Industrial zone, is unadvisable as the zone district would allow for many uses that are considered incompatible with the existing surrounding development (e.g. Freight Terminal, Garbage Service Facility). Additionally, the central services (water/sanitation) have not yet been extended to this parcel, causing it to be impractical to rezone to an Industrial zone which should be served by a central provider. The owner may choose to live on the property in the future, but they currently reside elsewhere. The variance of use process will allow add an additional use to be added to the property without creating a compatibility issue with the surrounding unincorporated development.

- *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;*

This is a transitional area of unincorporated El Paso County; this area of the County is transitioning into urban development in the City of Colorado Springs. Please see the below map identifying the City zoning and development surrounding the County enclave:



Many of the remaining rural lots have been repurposed for non-residential uses, primarily as contractor equipment yards:



The aerial image above illustrates not only the use, but the fact that this area is characterized by large accessory buildings and outside storage, regardless of if the lots are utilized for commercial or residential purposes.

The property owner is requesting a variance of use to allow for a contractor equipment yard. Should the owner have chosen to reside onsite, no variance of use would be required as the request would qualify as a rural home occupation. The property is immediately adjacent to an existing contractor equipment yard and within 0.2 miles of 4 other contractor equipment yards. Within 0.25 miles, north of Woodmen Road there are also 2 churches, a school, a gunsmith, a taxidermy, and a kennel. The use is consistent and compatible with the surrounding existing and planned development.

If the use is approved, the property owner will be required to submit a site development plan prior to initiation of the use. The site development plan review will require all outside storage areas are properly screened from view, all setbacks have been met, and all Chapter 6 requirements have been satisfied (e.g. landscaping, lighting, signage). Proper screening will ensure that the proposed use is harmonious with the adjacent residential lots to the north, south, and west.

- *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 between 6:45-7:00am and leave until they return at 4:00pm when their workday ends. The majority of the machinery will not be running onsite, but will be brought to the jobsite.

The exception will be during a snow event where the employees will remove snow from surrounding neighborhoods, such as private roads, grocery stores, and shopping centers. During these snow events employees will report to work outside of typical business hours. Even in these circumstances, the activities onsite will remain in full compliance with the El Paso County noise ordinance.

The construction of the proposed garage and parking lot 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 dwelling and accessory structures meet all setback requirements and the proposed new structure 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. It is anticipated that approximately 16 employee vehicles will enter the property at 6:45 am and then 10 work vehicles will exit to the job site(s) at 7:00am. The 10 work vehicles will then return and 16 employee vehicles will exit at 4:00pm. This is not a retail location and patrons/clients will not visit this site. The 2016 MTCP does not include Poncha Road. A traffic impact study is not required pursuant to ECM Appendix B, ECM Chapters 1.6 and 1.16 as the proposed use will not result in traffic in excess of 100 ADT or 10 trips at the peak hour, there are no additional minor or major roadways being proposed, there will be no change in the type of traffic to be generated, the subdivision will not result in a change to the LOS for Poncha Road or any other nearby County roadways, and there is no proposed access onto a State Highway. The use is anticipated to result in an average of 52 additional trips per day.

- *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 spaces per 750 square feet of building area. The site plan depicts two 1,800 SF structures and one 6,000 SF structure to be utilized for the proposed contractor equipment yard. The total of the three structures is 9,600 SF, which equates to 12.8 [13] parking spaces being required. The owner has planned for a total of 20 parking spaces to ensure there is adequate parking onsite.

The owner will store all equipment indoors and will not have any outside storage. The majority of the existing mature vegetation will remain and will screen the parking area from view. The property will be fenced for screening and security. The subsequent site development application will include a detailed landscape plan demonstrating compliance with all Chapter 6 landscape requirements.

- *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). Documentation from El Paso County Public Health identifying the sizing of the OWTS is adequate will be provided at the time of the site development plan. The property is within the Falcon Fire Protection District. El Paso Sheriff's Department will respond to any emergency

reported onsite. The proposed contractor equipment yard will take access from Poncha 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 currently developed as a rural residential lots but is surrounded by commercial and light industrial uses. The Master Plan anticipates redevelopment of underutilized land. As discussed above, this rural enclave of Colorado Springs is seeing significant urban redevelopment along with interim redevelopment to a “holding land use” until the time that City services are available. The proposed variance of use is consistent with the 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.