

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**

**O:** 719-520-6300  
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2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**

Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

March 27, 2024

RE: Special Use – Contractor’s Equipment Yard as a Rural Home Occupation  
File: AL-23-032  
PID: 4227000010

This is to inform you that the above referenced request for approval of a Special Use application for a Contractor’s Equipment Yard located at 14855 E Highway 24 in Peyton was **approved** by the Planning and Community Development Director on March 27<sup>th</sup>, 2024. Contractor’s Equipment Yards as a Rural Home Occupation require approval of a Special Use Permit in the A-35 zoning district when the lot is smaller than 35-acres as outlined in Section 5.2.29.B.4 of the Land Development Code (as Amended). It is the determination and finding of the Planning and Community Development Department (PCD) Director that the application meets the review criteria for approval of a Special Use included in Section 5.3.2 of the El Paso County Land Development Code (as Amended).

This approval is subject to the following conditions and notations:

**CONDITIONS OF APPROVAL**

1. Approval is limited to a Contractor’s Equipment Yard, as discussed and depicted in the applicant’s letter of intent and site plan drawings.
2. Approval of a site development plan by the Planning and Community Development Department is required prior to initiation of the proposed use and site improvements as depicted in the site plan exhibit and described within the letter of intent.

**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 may require a 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.

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- 
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.

Pursuant to Colorado Rule of Civil Procedure 106, this decision may be appealed to the El Paso County District Court within 28 days of the date of the decision. Should you have any questions, please contact me at (719) 520-6442.

Sincerely,

<p><b>Approved</b> For the PCD Director By: <i>Justin Kilgore</i>, PCD Planning Manager Date: 03/27/2024 El Paso County Planning &amp; Community Development</p> 
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Meggan Herington, AICP, Executive Director  
El Paso County Planning and Community Development Department  
File: AI-23-032





# Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | [www.elpasoco.com](http://www.elpasoco.com)

## Type C Application Form (1-2B)

Please check the applicable application type (Note: each request requires completion of a separate application form):

- Administrative Relief
- Certificate of Designation, Minor
- Site Development Plan, Major
- Site Development Plan, Minor
- CMRS Co-Location Agreement
- Condominium Plat
- Crystal Park Plat
- Early Grading Request associated with a Preliminary Plan
- Maintenance Agreement
- Minor PUD Amendment
- Resubmittal of Application(s) (>3 times)
- Road or Facility Acceptance, Preliminary
- Road or Facility Acceptance, Final
- Townhome Plat

### Administrative Special Use (mark one)

- Extended Family Dwelling
- Temporary Mining or Batch Plant
- Oil and/or Gas Operations
- Rural Home Occupation
- Tower Renewal
- Other \_\_\_\_\_

### Construction Drawing Review and Permits (mark one)

- Approved Construction Drawing Amendment
- Review of Construction Drawings
- Construction Permit
- Major Final Plat
- Minor Subdivision with Improvements
- Site Development Plan, Major
- Site Development Plan, Minor
- Early Grading or Grading
- ESQCP

### Minor Vacations (mark one)

- Vacation of Interior Lot Line(s)
- Utility, Drainage, or Sidewalk Easements
- Sight Visibility
- View Corridor

Other: \_\_\_\_\_

This application form shall be accompanied by all required support materials.

**PROPERTY INFORMATION:** Provide information to identify properties and the proposed development. Attached additional sheets if necessary.

Property Address(es): 14855 E Hwy 24 Peyton CO 80831	
Tax ID/Parcel Numbers(s) 4227000010	Parcel size(s) in Acres: 20
Existing Land Use/Development: Rural Home Occupation	Zoning District: A-35

- Check this box if **Administrative Relief** is being requested in association with this application and attach a completed Administrative Relief request form.
- Check this box if any **Waivers** are being requested in association with this application for development and attach a completed Waiver request form.

**PROPERTY OWNER INFORMATION:** Indicate the person(s) or organization(s) who own the property proposed for development. Attached additional sheets if there are multiple property owners.

Name (Individual or Organization): Beers Construction Holding CO	
Mailing Address: 14855 E Hwy 24 Peyton Co 80831	
Daytime Telephone: 719-209-3879	Fax:
Email or Alternative Contact Information: tracy@beersconstruction.com	

**Description of the request:** (attach additional sheets if necessary):

We would like to apply for a Rural Home occupation with a special use permit. We (father, son and wife) have a utility company that offers underground utility installation and have equipment for our business along with an office that we would like to continue to run from our property.

### For PCD Office Use:

Date:	File :
Rec'd By:	Receipt #:
DSD File #:	





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**APPLICANT(S):** Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary).

Name (Individual or Organization): Beers Construction Holding CO	
Mailing Address: 14855 E Hwy 24 Peyton CO 80831	
Daytime Telephone: 719-209-3879	Fax:
Email or Alternative Contact Information: tracy@beersconstruction.com	

**AUTHORIZED REPRESENTATIVE(S):** Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization): Alberto Castro	
Mailing Address: 12907 Devils Thumb Place, Peyton CO 80831	
Daytime Telephone: 719-766-1663	Fax:
Email or Alternative Contact Information: alberto@bluepicketrealty.com	

**AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVE(S):**

An owner signature is not required to process a Type A or B Development Application. An owner's signature may only be executed by the owner or an authorized representative where the application is accompanied by a completed Authority to Represent/Owner's Affidavit naming the person as the owner's agent

**OWNER/APPLICANT AUTHORIZATION:**

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: *John Beers*

Date: 12-15-2023

Owner (s) Signature: *Cory Beers*

Date: 12-15-2023

Applicant (s) Signature: *[Signature]*

Date: 12-15-2023



**14855 E HIGHWAY 24 - Contractors Equipment Yard - Rural Home Occupation**

**Property Owners: Roger Beers, Todd Beers – “Beers Construction Holding CO”**

**14855 E HWY 24, Peyton CO 80831**

**719-209-3879 - Roger**

[Roger@beersconstruction.com](mailto:Roger@beersconstruction.com)

[Todd@beersconstruction.com](mailto:Todd@beersconstruction.com)

**719-210-0400**

**Applicant: Alberto Castro**

**12907 Devils Thumb Place, Peyton CO 80831**

[Alberto@bluepicketrealty.com](mailto:Alberto@bluepicketrealty.com)

**719-766-1663**

**Tax Schedule No:** 4227000010

**Acreage:** 20 Acres

**Zoning:** A-35

**Utilities:** 2 wells (water), 2 septic systems (wastewater), MVEA (electric), propane gas

**Site Location: Property is located on the Northeast corner of U.S HWY 24 and Curtis Road**

Request: Request is for approval of a Rural Home Occupation as a Special Use permit to allow for contractor's equipment yard similar to & within the context of the existing uses of surrounding properties of the same zone district. The proposed special use is non-invasive and harmonious with the neighboring businesses and will always conform to all applicable laws and regulations. This property is used by Beers Construction, a small family owned and operated underground utility contractor. Items stored will include but are not limited to general construction equipment, truck trailers, materials such as piping, steel, millings and job trailers. The amount of materials, equipment and job trailers stored will vary daily depending on needs at other active construction project sites. Traffic to and from the site is anticipated to be 40 trips a day or less.

A. Land Development Code Section 5.3.2 (C) Criteria:

In approving a special use, the following criteria may be considered:

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. This proposal of special use of a contractor's equipment yard is compatible and harmonious with the current surrounding residential and commercial land uses within the same zoning district, as most surrounding residential and commercial properties have some form of outside storage. The adjacent property just south of this parcel is a Storage yard that stores RV's, recreational vehicles, boats, semi-trucks and a wide variety of other items. Other surrounding properties both East and North of this parcel whether, zoned for it or not, use their properties for outside storage of miscellaneous items to include semi-trucks, r.v's contractor equipment, broken down or abandoned vehicles and other large items. Required setbacks from the residential zone district will be observed. 6' Chain link fence with 100% opaque vinyl screen material along adjacent properties to the South and West is proposed to cover the outside storage area.

3. This parcel is identified as “New Development” area of change in the current master plan. With Peyton Colorado rapidly expanding it is nearly impossible to find a lot zoned for a contractor equipment yard, as residents of this area we believe change is necessary for growth. As a contractor who works directly with Colorado Springs utilities and other entities directly responsible for building the infostructure of our growing city, we find it a necessity to have our contractor equipment yard here. We also think this lot is ideal for this type of change and growth, it is adjacent to Hwy 24 and right next door to a well-established commercial business “Falcon Storage”.

4. 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. No use of public facilities or services is planned for the contractor’s equipment yard. No development of new public or private utilities is needed or proposed.

5. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access. Minimal impact to existing traffic patterns is expected with less than 40 trips to the site per day. 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. This proposal of special use will not adversely affect public health, safety and welfare, as the property will be secured from public access with a locked gate, and security camaras.

7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

8. The lot has been previously graded, and gravel placed. The lot is currently a residential home with a contractor’s equipment yard and this proposal is to bring the use into compliance.

**Alternative Landscape Request:**

Pursuant to Section 6.2.2. of the Land Development Code (LDC), the Director may approve an alternative landscape plan, provided the proposed landscaping provides an equivalent. The LDC requires perimeter landscaping of one tree per 20 feet when a commercial use is adjacent to a residential use/zoning district along with a solid privacy fence. Seeing as only the property to the East and the property to the North are residential zoned, the property West is hundreds of acres of undeveloped land, the property South is a commercial storage yard, we find it justifiable to have an alternative landscape plan approved.

The property is 20 acres in size, whereas the proposed development will be kept to 1 acre in size. The driveway area is used for access to the home and only a small portion towards the “yard” is used for the proposed special use. This driveway was cleaned up by the property owner when they purchased the property, clean up did not cause any change in existing land grading and was simply to clear out grass and growth on the path. Seeing as how this property is an agriculturally zoned single-family dwelling and no paving is being done, we feel a storm water quality treatment facility would be completely unnecessary. All surfaces and water flow are unbothered by this contractor equipment yard. Outside storage and work area use will be limited to a 1-acre area, we are also removing the request for an additional office space to accompany this rural home occupation petition.

The commercial activities take place in the Southeast quadrant/ middle of the property. The outside storage will be screened from the residential properties by the chain link 6-foot fence with opaque vinyl screen material. The development will be setback a minimum of 50’ from the south property line, 480’ from the East, 350’ from the South and 200’ from the West property lines. The proposed screening, size of the property, and large setback allow for any potential visual impact to be mitigated. In addition, there are about 150 trees already existing on the south property line. These trees range from 20-30 feet in height and are well established, there are also many tall bushes and native smaller trees in that area. There are about 30 Evergreen trees on the south side of the property forming a “fence line”, as well as approximately 40 Evergreen pines on the West Side of the home creating a great barrier already.

The LDC would require a solid privacy fence along the entire perimeter of the property, which is out of character with the adjacent rural residential lots and would cause the property to stand out in place of blending into the surrounding neighborhood. Privacy fencing is instead proposed immediately adjacent to the outside storage area.

The proposed alternative landscaping request to utilize privacy fencing as well as all the existing land scaping around the buildings, home and plantings at entrance will meet the intent of the Code. Additionally, the proposed landscaping is in keeping with the character of the surrounding neighborhood.

**Traffic:**

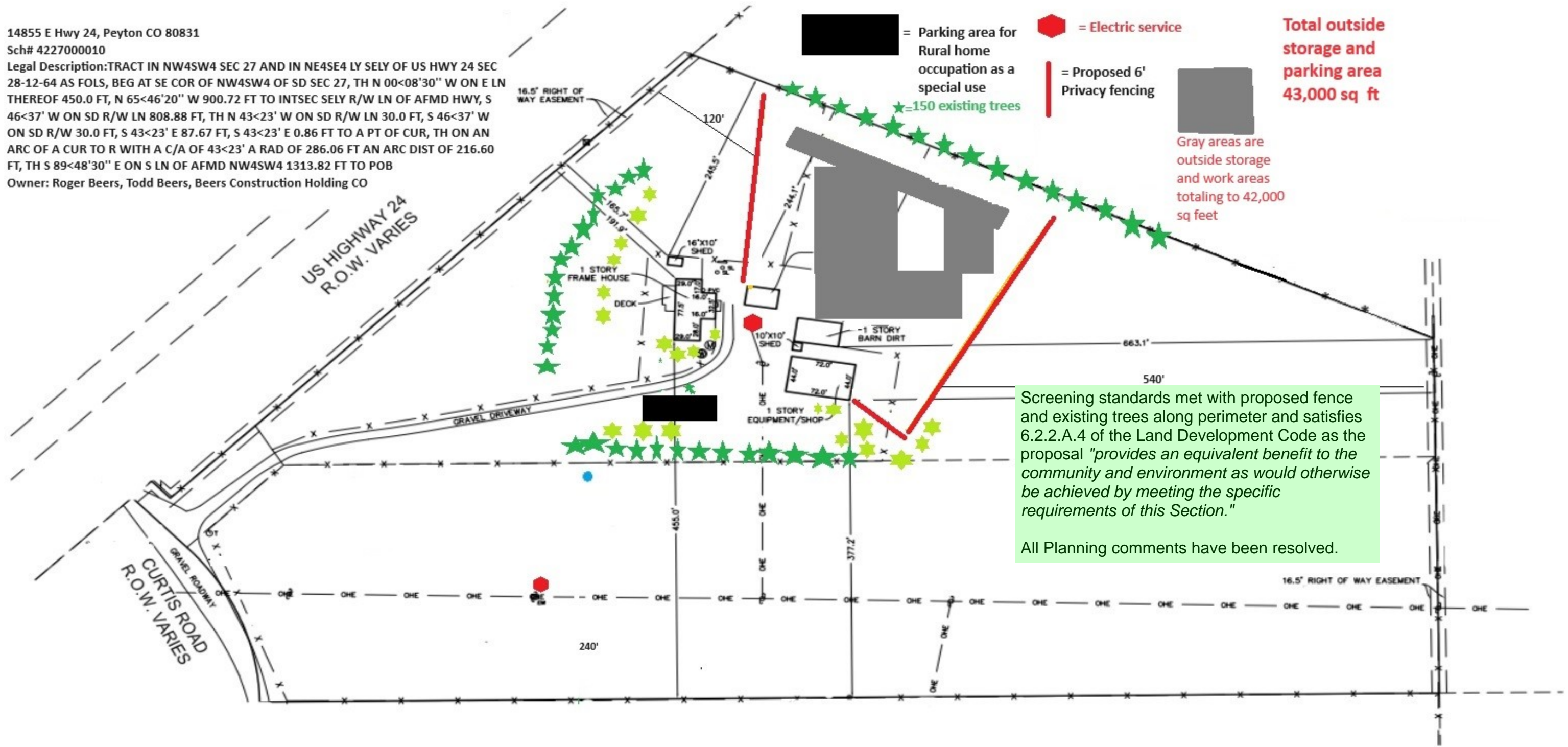
- Vehicular Traffic: Daily vehicle trip generation varies but generally does not exceed 20- 40. Peak hour trips do not exceed 10.
- There are no additional proposed minor or major roadway intersections.
- The change in the type of traffic to be generated does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property.
- The adjacent public roadways, accesses, and intersections will be maintained.
- No roadway or intersection in the immediate vicinity has a history of safety or accident problems.
- Pedestrian Traffic: proposed use will not generate any new pedestrian traffic.
- Bicycle Traffic: proposed use will not generate any new bicycle traffic.

14855 E Hwy 24, Peyton CO 80831

Sch# 4227000010

Legal Description:TRACT IN NW4SW4 SEC 27 AND IN NE4SE4 LY SELY OF US HWY 24 SEC 28-12-64 AS FOLS, BEG AT SE COR OF NW4SW4 OF SD SEC 27, TH N 00<08'30" W ON E LN THEREOF 450.0 FT, N 65<46'20" W 900.72 FT TO INTSEC SELY R/W LN OF AFMD HWY, S 46<37' W ON SD R/W LN 808.88 FT, TH N 43<23' W ON SD R/W LN 30.0 FT, S 46<37' W ON SD R/W 30.0 FT, S 43<23' E 87.67 FT, S 43<23' E 0.86 FT TO A PT OF CUR, TH ON AN ARC OF A CUR TO R WITH A C/A OF 43<23' A RAD OF 286.06 FT AN ARC DIST OF 216.60 FT, TH S 89<48'30" E ON S LN OF AFMD NW4SW4 1313.82 FT TO POB

Owner: Roger Beers, Todd Beers, Beers Construction Holding CO



Screening standards met with proposed fence and existing trees along perimeter and satisfies 6.2.2.A.4 of the Land Development Code as the proposal "provides an equivalent benefit to the community and environment as would otherwise be achieved by meeting the specific requirements of this Section."

All Planning comments have been resolved.

Total outside storage and parking area 43,000 sq ft

Gray areas are outside storage and work areas totaling to 42,000 sq feet

[Black rectangle] = Parking area for Rural home occupation as a special use

[Red hexagon] = Electric service

[Red line] = Proposed 6' Privacy fencing

[Green stars] = 150 existing trees