



May 29, 2020

Applicant/Owner:

**Douglas BNB, LLC
3855 Walker Road
Colorado Springs, CO 80908**

Consultants:

**Kimley-Horn, & Associates
2 N. Nevada Ave, Suite 300
Colorado Springs, CO 80903**

SITE INFORMATION:

ADDRESS: 3805 Walker Road

PARCEL ID: ~~6111500004~~ 6115000004

ZONING: RR-5

ACREAGE: 20.18 AC

REQUEST

Douglas BNB, LLC requests an amendment to the approved special use permit (PCD File AL-09-002) to clarify existing and planned uses under the permit allowances and site plan. The amended request includes:

- Enlarge the “Phase V” pool enclosure from 484 SF to 1,860 SF and add an inground outdoor pool and spa.
- Increase the “PHASE VI” porte-cochère from 20’ x 20’ to 32’ x 32’.
- Revise “Phase VIII” to remove the proposed gate house/living quarters” and replace with 2 additional main level guest rooms as internal renovations
- Add a “Phase IX” to include 2 lower level guest rooms and reduction of lower level common space.
- Increase maximum daytime guests from 100 to 115
- Increase maximum guest rooms from 24 to 28 (Addition of 4 guest rooms)
- Revise overnight occupancy to 28 rooms rather than limiting overnight guests to 50 persons
- Inclusion of wedding events as a permitted use under a “resort/retreat” land use classification

The applicant wishes to declare that the use of the term, phrase, and/or acronym BNB in the business name (Douglas BNB) in no way reflects an intent or desire to operate or otherwise conduct a bed and breakfast (also commonly identified by the acronym “BNB”)

The website indicates pricing for overnight with breakfast. It does not have a disclaimer that this must occur as part of a retreat or other event.

on the site, nor does it represent an intent by the owners/operators to conduct bed and breakfast on the site or within any portion of the facility. Use of the acronym “BNB” in the Corporate name is not intended in any manner to imply or otherwise suggest “Bed and Breakfast” in any popular or commercial meaning in association with the operation of the special use in violation of its conditions and limitations.

The application includes a request to allow the use of the facility for wedding ceremonies and celebrations as consistent with uses permitted and/or anticipated at a retreat or resort or other venues which are considered to possess scenic or solemn qualities. No weddings or wedding events have been conducted, planned, or otherwise advertised as an available service or use on the property. According to the Code definition of recreation camp, the general use “**would include land uses commonly considered as campgrounds, dude ranches, resorts or retreats.**” [emphasis added] The applicant requests consideration that wedding events, including receptions and lodging accommodations for the wedding party are uses that are commonly associated and/or permitted in connection with a resort or retreat facility, or, uses which commonly occur at resort/retreat facilities and campuses. If permitted, the use of the facilities for weddings will follow the same booking, registration, and reservation policies and procedures as existing patrons. Separate or multiple wedding events would not be scheduled for the same day or reservation periods. Only one wedding event would be hosted on the site at any individual time.

If permitted, outdoor activities associated with weddings may be conditioned to limit early morning and late evening activities or limit activities which may create negative impacts to surrounding and nearby properties

PROJECT DESCRIPTION

The Hideaway Retreat Center has been defined by an administrative determination (PCD File No. ADM 08-015) as a Recreation Camp, which is defined by the County Land Development Code as:

*“**Recreation Camp** — A place used as a destination point for visitors, for vacationing or other recreational purposes which may include permanent structures and temporary facilities such as tents or yurts for the use of guests which facilities may contain cooking facilities and are used for temporary occupancy (not to exceed 30 consecutive days or a total of 90 days in one calendar year). **This term shall not be interpreted to include hotels, motels, restaurants, and theaters but would include land uses commonly considered as campgrounds, dude ranches, resorts or retreats.**” [emphasis added]*

A special use permit was approved (AL-09-002) to authorize the continuation of the Recreation Camp (Resort/Retreat) Use on the property subject to conditions of approval

and notations. The 2009 special use authorizes eight (8) employees, 92 daytime guests, 50 overnight guests (or 24 overnight guest rooms), a 2,400 SF caretaker's residence, a 2,264 SF barn/storage facility, an 1,100 SF gatehouse with living quarters, outdoor pool enclosure, deck coverings (enclosures, roof only), and covered car ports as identified on the approved special use site plan. The approval included the following conditions which will be addressed by the current special use amendment request/permit:

2009 Special Use Conditions of Approval

- 1. Approval is limited to a recreation camp as described in the letter of intent and special use map. This includes eight (8) phases as outlined on page three of the letter of intent. Any expansion not included in the letter of intent and special use map shall be approved by the Board of County Commissioners.*
- 2. The applicant shall meet the requirements of El Paso County Public Health as it pertains to the septic system (ISDS) prior to DSD authorization of building permit(s) for occupied structure(s).*
- 3. An on-site water source is required at time of expansion. This may be a cistern and or a pressurized system from the adjacent Walden Corporation water system.*
- 4. Applicant shall remove the existing driveway access within the County right-of-way of Walker Road and reseed it to match adjacent ground cover. Applicant is not required to remove the balance of the old driveway outside of the right-of-way. If the applicant chooses to utilize the balance of the old driveway for additional parking, a revised Special Use plan shall be provided to the Development Services Department that meets the requirements of the Land Development Code.*

Existing & Proposed Uses

Historic and planned continued use of the site under the terms of the Special Use Permit (as existing and amended) will be in support of the operation of a retreat center/Recreation Camp. Use of the facilities is limited to scheduled group functions for two (2) to three (3) day periods; however, group reservations may be made for up to 30 days per general recreation camp development standard in the Code. Patronage generally consists of non-profit organizations (approximately 60%), Corporate/Business groups (approximately 20%) and craft/hobby organizations (approximately 20%). Inclusion of wedding events will be generally subject to the same two (2) to three (3) day booking periods.

Rooms may be booked in advance of or extending beyond scheduled group events as a courtesy for hosts and/or program facilitators whose presentation needs may require pre-event preparation and staging or whose travel itinerary may require an additional lodging

beyond the scheduled event. These accommodations are provided as a courtesy to event hosts and/or facilitators where of a hotel for pre/post event lodging of the organizer or facilitator of a scheduled event. Accommodations are also available for single day/night participation in longer planned group events. Events, services, and lodging are provided and operated around scheduled group events and not to accommodate individual guests outside of organized group functions and activities. Availability of rooms/lodging under these circumstances are/will not be made available to the general public in a bed and breakfast or Air BNB manner. All rooms made available under these circumstances are only for the extended use of participants of hosted/scheduled group events.

The Owners have not registered or participated, nor intend to affiliate or otherwise partner with any lodging/hotel booking sites or organizations nor participate in any Air BNB booking sites or affiliations. The use of resort and/or hotel terminology is only intended for marketing imaging purposes to convey a sense of a resort atmosphere and establish the facility as a legitimate and high-quality hosting site for small group retreats and gatherings in accordance with the terms and conditions of the existing special use permit.

STATUS OF PHASE I – PHASE VIII IMPROVEMENTS & PROPOSED FACILITY MODIFICATIONS

As stated in the request, modifications to the approved special use include enlarging the approved outdoor pool enclosure and the addition of an in-ground outdoor pool and spa, removal of the gate house with living quarters, and internal conversion of indoor common recreation space to four (4) guest rooms (within the existing structural footprint. Remaining facility improvements and expansions remain as p **New reflection cabins.** otherwise identified as implemented, are based on the needs of the facility to respond to market demands affecting the viability of the resort/recreation camp facility.

The following were identified in the 2009 Letter of Intent and special use site plan as planned facilities expansions and are repeated below for reference together with an identification of implementation status, additions, and proposed “Phase” modifications included with this special use request:

- 1. Phase I: Additional 3 overnight guest rooms, bathrooms and sitting area by reducing the caretaker residence area and converting the enclosed attached garage into a caretaker bedroom. Also, adding an attached covered 2 vehicle carport.**

No changes or modifications are proposed to the approved Phase I improvements/facility expansions. STATUS: IMPLEMENTED

- 2. Phase II: Two story addition for expanding the lobby area and adding a lower level meeting room with a new 6’x27.3’ exterior deck on the south side of the main building.**

No changes or modifications are proposed to the approved Phase II improvements/facilities expansions. STATUS: NOT IMPLEMENTED

3. Phase III: Additional 3 overnight guest rooms and bathrooms by deleting the caretaker residence area.

No changes or modifications are proposed to Phase III improvements/facilities expansions. STATUS: IMPLEMENTED

4. Phase IV: Adding an onsite separate detached Caretaker House with full basement and attached 3 car garage (footprint approximately 2,400 sq. ft.). Included in phase 4, a separate 40'x60' bam / storage building for Day Use.

No changes or modifications are proposed to Phase IV improvements and/or facilities. STATUS: NOT IMPLEMENTED

5. Phase V: Separate 22'x22'+/- enclosed pool shelter, located on the south side of the existing main building.

The amended special use proposes to increase the approved area/square footage of the Phase V pool enclosure from 484 SF (22' X 22') to 1,860 SF (30' X 62') and addition of outdoor in-ground pool and spa. STATUS: NOT IMPLEMENTED

6. Phase VI: Adding an attached 20' x 20' Porte-cochere and 6' x 10' Covered Walkway.

The amended special use proposes to enlarge the **Porte-cochere** from 20' x 20' to 32' x 32'. STATUS: NOT IMPLEMENTED

7. Phase VII: Adding an onsite separate detached one-level gate house with living quarters and attached 1 'A car garage. Footprint approximately 1,100 square feet including the garage.

The amended special use proposes to remove the Phase VII gatehouse with living quarters and attached garage from the special use request, permit, and site plan. The amended Phase VIII will include two additional main level guest rooms. STATUS: NOT IMPLEMENTED

in the main building? Where will these be?

8. Phase VIII: Additional 2 overnight guest rooms and bathrooms by deleting classroom on the lower level of the 1 story main building walkout

Reduce main level indoor common area to accommodate two (2) guest rooms. STATUS: APPROVED PHASE VIII IMPROVEMENTS IMPLEMENTED, ADDITIONAL TWO (2) ROOMS: PENDING BOCC AUTHORIZATION.



Are these the same ones mentioned in Phase VII?

Items 7, 8, and 9 all mention 2 guest rooms. Are four new ones proposed or six?

9. Phase IX: Reduce main level common area to accommodate two (2) additional guest rooms.

STATUS: PENDING BOCC AUTHORIZATION

The applicant seeks to begin implementing improvements and uses authorized by the existing special use permit with the requested modifications to remove improvements approved as “Phase VIII”, to increase the size of the approved pool enclosure and Portocouture, four (4) additional guest rooms, and 20 additional guest parking spaces.

Amendments to these phases results in minor increases of the footprint of the principal structure. Increased square footage of the proposed pool enclosure and outdoor pool and spa will not exceed the capacity of the existing water/wastewater system nor exceed the operational limitations of their well permit. The expanded pool enclosure is located outside of views from the public ROW and adjacent properties. Additional water and wastewater demands are anticipated with the four (4) internal guest room additions. However, the guest room additions are not anticipated to exceed the water/wastewater demands of the guard house which has been removed from the plans

Compliance Status of Approved Phases (Site/Facility Improvements)

Guest rooms approved under the current special use which were identified under Phases have been implemented. Permits were issued by the Building Department with authorization by the County PCD and Department of Health (RBD Permit Nos. H 7804 & I02036) in 2011 and 2012, respectively. The applicant seeks to amend the approved special use permit prior to implementation of remaining expansion phases to consider the inclusion of additional uses and/or facility expansions approved therein.

Implementation of the remaining and proposed site improvements referenced in and amended by this special use will require paving of the existing driveway and parking areas. Detailed analysis, including, drainage and grading and erosion control meeting County performance and report requirements will be provided and/or otherwise addressed with the site development plan submittal and accompanying development reports, plans, and permits.

SPECIAL USE REVIEW/APPROVAL CRITERIA

- The special use is generally consistent with the applicable Master Plan;

EL PASO COUNTY POLICY PLAN

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The Hideaway site and facilities have been planned to reflect a residential character. Natural screening via undisturbed forested areas surrounding the facility provide effective screening from adjoining properties and views from the Walker Road right-of-way. The location of existing and planned facilities relative to the property boundaries and mature forest/tree cover provide and maintain functional and aesthetic integration of the existing and planned uses into the context of adjoining properties and uses.

Policy 6.1.15: Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions.

Proposed guest room additions are intended to offer accommodations to meet the needs of groups using the facility and to provide greater flexibility for group participants to utilize the facility in a manner that affords the maximum participation in scheduled group events.

Policy 6.2.1: Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

The Hideaway has been operating under the current special use permit since 2009 without incident or complaint by the surrounding community. No noise or use complaints have been filed against the property during its operation.

Policy 6.2.12: Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.

Findings that the [special] use is generally consistent with the applicable Master Plan were made with the two previous approvals (PCD File Nos. AL-02-001 & AL-09-002). The facility has been designed with a residential character and most activities are located within meeting spaces inside the principal structure. The proposed modifications and refinements to the special use remain consistent with the goals, policies, and recommendations of the Master Plan.

BLACK FOREST PRESERVATION PLAN

The Black Forest Preservation Plan, Growth and Land Use Goal 1.6, states: Allow “low impact uses” as defined in this Chapter in areas designated for rural residential uses either through the special use review process or as part of carefully defined planned unit developments”...

The Plan defines Low Impact Use as follows:

Low Impact Use: A use which, due to its low intensity, limited scale and predominately rural character could be incorporated into an area otherwise designated for rural residential uses without significantly altering the character of that area. Consistency is dependent on-site characteristics, available buffering, adjacent uses and the ability to strictly define the scope of the sue through a development plan or other appropriate mechanisms. Uses which might meet this criteria include certain private educational institutions, some recreational uses, production and small retail sales of certain agriculturally related commodities and certain services of a limited scope and intensity. Specifically, not included in this definition are major industrial uses, predominately commercial activities, high density recreational camps and any other uses specifically recommended for exclusion from these areas in this plan.

Previous Staff analysis of the existing use included recommendations that the site is consistent with the residential uses in the area and consistent with a low impact use based on the residential character of the facilities, preservation of forested acreage, quiet nature of the use, and limited traffic.

- **The special 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;**

The main facility has the physical appearance of a large custom residence nestled within a dense forested property screened from adjacent public rights of way and from views from adjacent properties. Previous and proposed structural modifications are residential in character to preserve a residential character of the facility.

The site and facilities are managed and operated to create a serene residential environment. Harmony is achieved by the creation of balanced relationships between neighboring properties and reducing if not limiting negative impacts among surrounding properties and neighbors, not by the creation of a homogenous copy of similar surrounding land uses.

Continuation of the approved special use together with proposed site modifications which include implementation of site improvements approved by the existing special use will remain harmonious with the character of the neighborhood and continue to be compatible with the existing and allowed 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 cumulative surface area of existing and planned uses and facilities is approximately 5% of the 20 AC site (±1 acre). Implementation of facility expansion authorized by the 2009 special use requires performance and analysis of on-site water and wastewater treatment facilities. Water is provided via individual well. Wastewater is treated by three separate OWTS. Conditions of approval require compliance with County Health OWTS regulations and provision of on-site water supply at the time of expansions approved under the current special use permit.

Any required upgrades to the water supply or wastewater treatment systems will comply with County and State Health Department requirements governing public water supply systems and site application thresholds for OWTS.

- **The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;** Implementation of previously authorized expansions together with the facility modifications as presented herein and depicted on the special use site plan map will not create additional traffic beyond what was previously approved. The amended special use will not create unmitigated traffic congestion or hazards in the area and has adequate and legal access.
- **The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;** No complaints have been generated nor violations reported or documented regarding air, water, light, or noise pollution occurring on the site. Implementation of the approved special use together with the amendment modifications will not create significant air, water, light, or noise impacts or 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**

Implementation of the approved special use together with the proposed modifications included in the amendment will not be detrimental to the public health, safety and welfare of the present or future residents of El Paso County

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

The special use is in conformance and will remain conforming with all other applicable County rules, regulations, and/or ordinances.

Please list applicable policies from the El Paso County Water Master Plan and provide discussion on how the project supports those policies and goals.