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**El Paso County Planning & Community Development**  
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**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

**TO: El Paso County Planning Commission**  
**Brian Risley, Chair**

**FROM: Kylie Bagley, Planner II**  
**Lupe Packman, EI Engineer I**  
**Kevin Mastin, Interim Executive Director**

**RE: Project File #: VA-21-002**  
**Project Name: 7280 Nevada Lane**  
**Parcel No.: 53080-00-074**

OWNER:	REPRESENTATIVE:
Greener Pasteurs, LLC 4450 Mark Dabling Boulevard Colorado Springs, CO 80907	DD Greer Design Studio Debra Greer 4450 Mark Dabling Boulevard Colorado Springs, CO 80907

**Commissioner District: 2**

Planning Commission Hearing Date: 6/16/2022  
 Board of County Commissioners Hearing Date: 6/21/2022

**EXECUTIVE SUMMARY**

A request by DD Greer Design Studio for approval of a variance of use for a contractor's equipment yard and office in the RR-5 (Residential Rural) district. The 5.4-acre property is zoned RR-5 (Residential Rural) and is located south of Woodmen Road, north of California Drive, west of Nevada Lane and east of Utah Lane and is within Section 8, Township 13 South, Range 65 West of the 6<sup>th</sup> P.M.

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

**Request:** A request by DD Greer Design Studio for approval of a variance of use for a contractor’s equipment yard and office in the RR-5 (Residential Rural) district.

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this request.

**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 5.3.4 of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- 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;
- 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 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 use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;



- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- 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.

**D. LOCATION**

North:	RR-5 (Residential Rural)	Vacant Land
South:	RR-5 (Residential Rural)	Single Family Residential Contractor’s Equipment Yard
East:	RR-5 (Residential Rural)	Single Family Residential
West:	RR-5 (Residential Rural)	Single Family Residential Contractor’s Equipment Yard

**E. BACKGROUND**

The parcel was zoned RR-3 (Residence District) on September 20, 1965, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the RR-3 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

The 5.40-acre parcel was created legally through a contract for deed prior to July 17, 1972. The contract for deed is recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139 on June 11, 1963.

The property is located in an area of the County that is adjacent to property within the incorporated boundaries of the City of Colorado Springs. The zoning of the site and surrounding properties are RR-5; however, there are several commercial operations occurring in the immediate vicinity. There are four residential properties within a quarter-mile of the subject property that have received approval through the variance of use process to operate contractor’s equipment yards. There are also three residential properties within a quarter-mile of the subject property that have received approval for a special use to allow for kennels.

The structures on the property consist of a single-family home constructed in 1958, two Quonset huts, shipping containers for storage of landscape materials, and



equipment for a landscaping business, “which have been gradually added to the property over the last several years”, according to the applicant’s letter of intent. The applicant is requesting a variance of use to allow for a contractor’s equipment yard and an office in the RR-5 district.

If the variance of use is approved, the applicant will be required to submit and receive approval of a site development plan. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

## F. ANALYSIS

### 1. Land Development Code Analysis

Pursuant to Table 5-1 of the Land Development Code, a contractor’s equipment yard is not a permitted use in the RR-5 zoning district. The requested use is not consistent with the character and use allowances of the RR-5 zoning district without approval of a variance of use.

The Land Development Code defines “Contractor’s Equipment Yard” as:

“A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment.”

A contractor’s equipment yard is allowed by special use in the CS (Commercial Service), I-2 (Limited Industrial), and C-2 (Commercial) zoning districts and as a permitted use in the I-3 (Heavy Industrial), and M (Industrial) zoning districts. Due to the lack of availability of central services necessary for most commercial and industrial uses, rezoning to a higher intensity commercial or industrial zoning district is not considered appropriate at this time.

The 5.40-acre parcel was created legally through a contract for deed prior to July 17, 1972. The contract for deed is recognized by El Paso County pursuant to Section 7.2.1 of the Land Development Code and in conformance with C.R.S. Sections 30-28-133 through 139 on June 11, 1963.

Section 1.15 of the Code defines a “Legal Lot” as:



“A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity.”

The parcel was created prior to July 17, 1972 and can therefore be considered a “Legal Lot.”

Should the variance of use be approved, a site development plan will also need to be approved in order to legalize the use. County review and administrative approval of a site development plan will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, and parking, and lighting standards.

## 2. Zoning Compliance

The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum lot size: 5 acres
- Minimum width (at front setback line): 200 feet
- Minimum front, side, and rear yard setback: 25 feet
- Maximum lot coverage: 25%
- Maximum height: 30 feet



The existing structures do not meet the 25-foot setback from all property lines. The existing residential home is located 18 feet from the front property line where a 25-foot setback is required. The existing storage units are located 2.5 feet from the rear property line where a 25-foot setback is required. The site development plan submitted by the applicant does not show any proposed structures being added to the site.

Staff has added recommended condition number 2 requiring the applicant to request and receive approval of a dimensional variance before the Board of Adjustment (BOA) prior to building permit authorization.

Should the variance of use request be approved, approval of a site development plan will be required prior to initiating the use. The site development plan review will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

## **G. Master Plan Analysis**

### **1. Your El Paso Master Plan**

Consistency with Your El Paso County Master Plan (2021) is not a required review criterion under the current (2021) version of the Land Development Code for a variance of use request. However, for informational purposes, the following is an analysis of the Plan as it applies to the application being considered with a specific focus on Chapter 3, Land Use, including identifying Key Area influences and the applicable Areas of Change and Placetype designations as well as the applicable Core Principles, Goals, Objectives, and Specific Strategies of the Action Matrix included in Chapter 14, which is the Implementation chapter of the Plan.

#### **a. Placetype: Urban Residential**

##### **Placetype Character:**

“The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Urban Residential placetypes generally support accessory dwelling units as well.



The dense urban development and high intensity of existing Urban Residential areas make it difficult to distinguish them from adjacent incorporated areas. The development of an Urban Residential placetype will strongly depend upon availability of water and wastewater services.

An interconnected network of pedestrian and bicycle infrastructure make Urban neighborhoods walkable internally and well-connected to adjacent placetypes. Highly accessible parks and open space are integrated throughout the neighborhood. Neighborhood-serving retail areas in this placetype should be conveniently connected and accessible to residents of the nearby neighborhood. Commercial uses should be located along main or perimeter streets rather than imbedded within primarily residential areas. Cimarron Hills is the most prominent example of this placetype.”

### **Recommended Land Uses:**

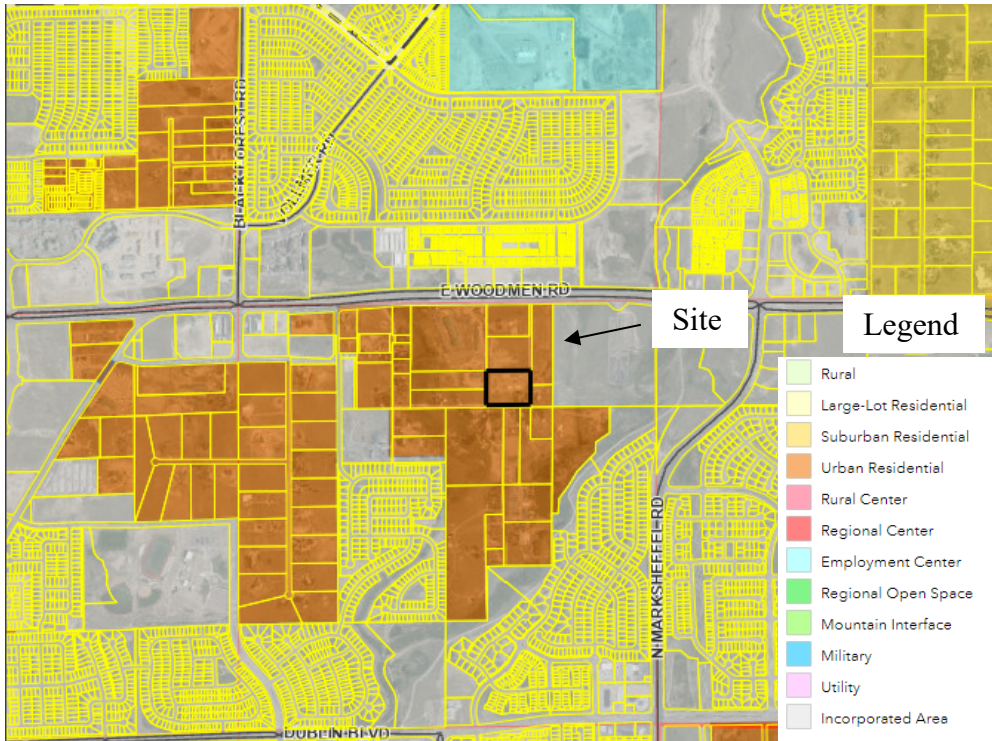
#### Primary

- Single-family Detached Residential (typically 5 units/acre or more)
- Single-family Attached Residential
- Multifamily Residential

#### Supporting

- Mixed Use
- Restaurant
- Commercial Retail
- Commercial Service
- Institutional
- Parks
- Office





**Figure G.1: Placetype Map**

**Analysis:**

The property is located within the Urban Residential placetype. The Urban Residential placetype offers an opportunity for El Paso County to redefine its growth areas through highly desirable, connected, and complete neighborhoods with a mix of housing products and density. Relevant goals and objectives are as follows:

**Goal LU2:** *“Coordinate context-sensitive annexation and growth strategies with municipalities.”*

**Objective LU2-2:** *“The character and intensity of new development or redevelopment in County enclaves should match that of the development in the municipality surrounding it.”*

**Goal LU3:** *“Encourage a range of development types to support a variety of land uses.”*

**Objective LU1-1:** *“Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built forms and guidelines.”*





**Specific Strategy:** *“The New Development areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.”*

**Goal ED1-1:** *“Recruit new businesses and spur the development of growing sectors.”*

**Objective ED1-5:** *“Allow residents to manage compatible, low-intensity personal businesses from their home to create greater opportunities for new companies to be established.”*

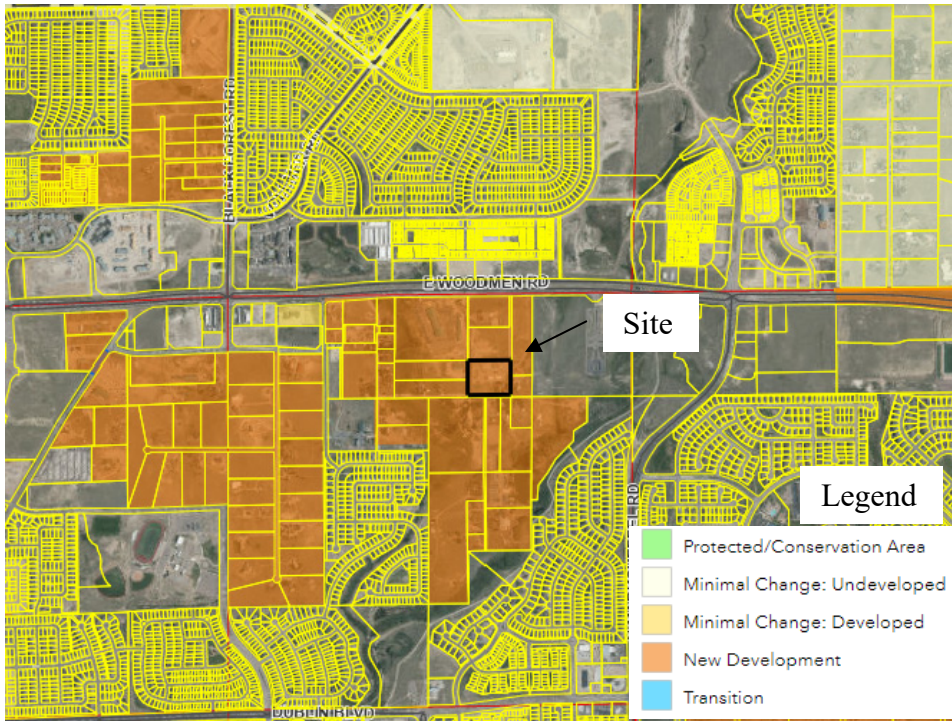
The proposed variance of use proposes a commercial service that is a supporting land use within the Urban Residential placetype. The property is currently an underutilized residential parcel that is adjacent to existing commercial businesses. If the variance of use is approved the underdeveloped property would match the character of the adjacent developments and allow for economic growth within the County.

A site development plan is required to be submitted and approved prior to issuance of a building permit for the property. The site development plan will be required to meet the development standards of the Land Development Code, not limited to buffering, landscape, lighting, drainage and parking.

**b. Area of Change Designation: New Development**

“These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.”





**Figure G.2: Area of Change Map**

**Analysis:**

Approval of the variance of use will allow for a contractor’s equipment yard and an office. The properties along East Woodmen Road are developing as commercial or higher density residential uses, approval of the variance of use would take the underdeveloped residential property and develop it into a commercial use that will be compatible to the surrounding area, which is consistent with the level of change expected in the New Development Area of Change. The uses that are adjacent to the parcel consist of commercial businesses and residential structures.

**c. Key Area Influences: Enclaves**

“Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities. The largest enclave is Cimarron Hills, an urbanized community with nearly 18,000 residents, but several smaller enclaves exist around other areas of Colorado Springs as well.

The majority of the enclaves are developed or partially developed in a manner that would require significant improvement for annexation. These

include roadway improvements, stormwater improvements and utility infrastructure upgrades. Most enclave areas are accessed by municipal roads, experience the impacts of urban stormwater runoff, or are otherwise served by one or more municipal utilities. The character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. Discussion with the City of Colorado Springs and other municipalities regarding the possible annexation of these areas should be continued and revisited regularly to explore means to finance improvements and service debt to make annexation a feasible consideration.”

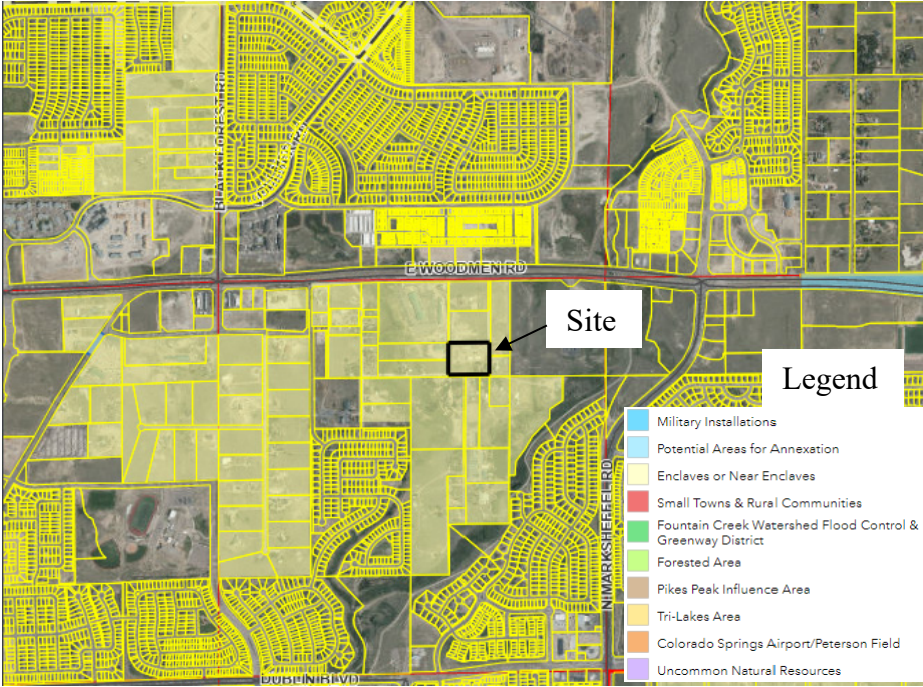


Figure G.3: Key Area Map

**Analysis:**

The subject property is within unincorporated El Paso County but is adjacent to the City of Colorado Springs. Due to infrastructure challenges the subject property would not be annexed into the City of Colorado Springs. Properties south of Woodmen Road have been developing into small commercial sites acting as a transitional buffer to the residential uses to the south. This is consistent with the character expected in the Key Area.



## 2. Water Master Plan Analysis

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. For background, the Water Master Plan has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

***Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.***

***Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.***

***Goal 1.2 – Integrate water and land use planning.***

***Goal 4.3 – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.***

***Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.***

The subject parcel is in Region 1 of the El Paso County Water Master Plan. Region 1 has a current central water supply of 99,001-acre feet per year and a current demand of 83,622-acre feet per year. The 2040 water supply is projected to be 119,001-acre feet per year and the projected demand is 111,086-acre feet. The 2060 water supply is projected to be 139,001-acre feet per year, whereas the demand is anticipated to be 138,453-acre feet per year; therefore, there is projected to be a sufficient supply of water for central water providers in this region of the County.

Water service for the parcels will continue to be provided by an existing well. The proposed expansion of the use on the property will not result in increased staffing and is, therefore, not anticipated to negatively impact water supplies on the property or in the region.



### 3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services, Environmental Division was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits and coal 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.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan (MTCP).

## H. PHYSICAL SITE CHARACTERISTICS

### 1. Hazards

No hazards were identified during the review of the variance of use application which would restrict continued use or expansion of the facility.

### 2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel number 08041C0529G, dated December 7, 2018.

### 3. Drainage and Erosion

The property is located in the Sand Creek Drainage Basin (FOFO4000). A drainage report was not required for this special use application.

No public improvements are required for this project. Water quality and detention facilities are not required with this application.

### 4. Transportation

The subdivision receives access off Nevada Lane, which is not owned or maintained by El Paso County. A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips.



The El Paso County 2016 Major Transportation Corridors Plan Update depicts roadway improvements to Woodmen Road. It is expected to be improved into an expressway cross section.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be due at the last land use approval.

## **I. SERVICES**

### **1. Water**

Water is provided by well permit number 326642. The use of groundwater from this well is limited to domestic: irrigation of lawn, garden and greenhouse; agricultural; commercial replacement; firefighting; the watering of domestic animals and stock; and fish and wildlife.

### **2. Sanitation**

Wastewater is provided by an existing onsite wastewater treatment system (OWTS). Any modifications to the existing OWTS shall be coordinated with El Paso County Public Health and any such modifications will need to be installed prior to the County authorizing issuance of the certificate of occupancy.

### **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

### **4. Utilities**

Electrical service is provided by Mountain View Electric Association, Inc., (MVEA) and natural gas is provided by Colorado Springs Utilities. MVEA and Colorado Springs Utilities were each sent a referral and have no outstanding comments.

### **5. Metropolitan Districts**

The parcel is not located within any Metropolitan District.

### **6. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a variance of use application.



## 7. Schools

Land dedication and fees in lieu of school land dedication are not required for a variance of use application.

## J. APPLICABLE RESOLUTIONS

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Disapproval       Page 52

## K. STATUS OF MAJOR ISSUES

There are no major issues

## L. 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 5.3.4 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

### CONDITIONS

1. Approval is limited to the use of a contractor's equipment yard, as discussed and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A dimensional variance shall be applied for and approved prior to building permit authorization for the contractor's equipment yard and office.
3. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

### NOTATIONS

1. Variance of 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 Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

#### **M. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine adjoining property owners on May 31, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

#### **N. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Site Plan





# El Paso County Parcel Information

PARCEL	NAME
5308000074	GREENER PASTEURS LLC

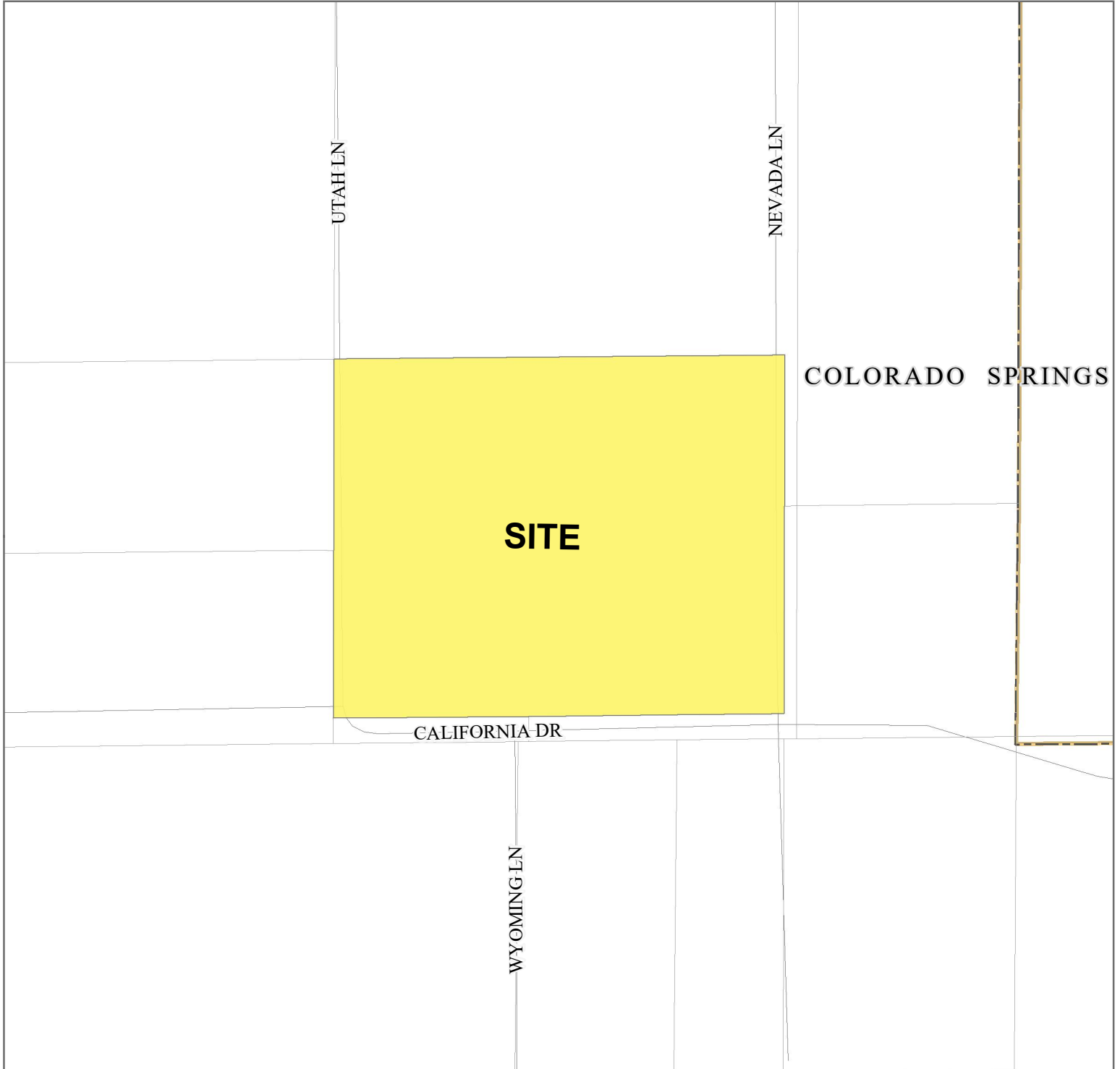
File Name: VA-21-002

Zone Map No.: --

ADDRESS	CITY	STATE
4450 MARK DABLING BLVD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80907	4210

Date: May 25, 2022



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (719) 520-6600



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## Letter of Intent

Revised April 22, 2022

### Weisburg Landscape Maintenance East VA212

Address: 7280 Nevada Lane, Colorado Springs, CO.

Assessor's #: 53080-00-074

Zone: RR-5 CAD-O

Lot area: 5.4 AC

Existing / Historic Land Use: Residential and landscape materials and equipment storage

Proposed Land Use: Contractor's yard with outside storage of equipment, vehicles and landscape materials and supplies, Office.

Utilities:	Electric: Mt. View Electric Assn. Gas: Private Propane service Water: Household Use Only Water Well Sewer: Private Septic System
Other Services:	Fire: Falcon School Dist.: 49 Police: El Paso County Sheriff
Owners:	Greener Pasteurs, LLC 4450 Mark dabbling Blvd. Colorado Springs, CO 80907
Consultant:	D.D. Greer Design Studio Debra Greer 13075 Sunny Slope Rd, Peyton, CO 80831

The unplatted site is addressed on and accessed via recorded shared access easement and named private street Nevada Lane, a privately maintained gravel road that intersects with the paved public right of way, Adventure Way, southeast east of Black Forest Road and Woodmen. The property has frontage and legal access on 3 private streets: Nevada Lane, California Drive and Utah Lane.

For the last several years this property has been used as a residential rental and as a need for extra storage space developed for the owners, they have gradually developed storage of landscape materials and equipment for their business, Weisburg Landscape Maintenance. They have added 2 quonsets, shipping containers for storage and utilized storage sheds and lean tos for management of their storage needs. A single wide mobile home also resides on site and is in current use as a warming house as needed. The warming house is used to allow crew members to get out of the weather for coffee or lunch breaks if they happen to be on site, paperwork, receive instructions from supervisors and a place to rest.

The site development resembles several adjacent and nearby properties in character, as in use by contractors for office, materials and equipment storage. The owners desire

to formally convert the use of the property from Residential Use to Contractor's Yard by requesting a Variance to the El Paso County Land Development Code so that the business can expand to have an east yard in order to better serve the area.

The site is mainly fenced with a 6' welded metal pipe fence, and evergreen boundary trees of substantial height are planted every 30' on most of the perimeter of the property. The south end of the property contains a substantial number of existing deciduous trees at the southeast corner and evergreens at the southwest corner. The welded pipe fence terminates at the beginning of the 6' opaque wood privacy fence in the back yard of the proposed office. The well is limited to household use only, so the owners haul in irrigation water. The welded pipe fence will be required to have opaque materials installed on it to meet the screening conditions of the Landscape Code for outside storage.

The State Water Engineer was contacted to discern whether or not the existing well permit will be allowed to serve the site for irrigation of landscaping and under commercial use. The owners have submitted an application to the State for Change of Use from Residential to Commercial. According to the State, the Change of Use to Commercial Use should be approved after the Land Use Variance is approved by the County, as it would not be appropriate to change the permit's residential designation on the parcel unless it Commercial use has been officially permitted. According to the guidelines designated in the submitted application, outside irrigation is not now, nor will be permitted under the Change of Use to Commercial.

Staff requested that the El Paso County Health Department be contacted to discern the status of the existing, functional septic system the serves the future office. The Health Department has no plans on file for the existing septic system or leach field, therefore at the time that the Site Plan is reviewed for this property, a new design will be reviewed and will be required to meet commercial standards. A Soil Profile Report has been performed by a licensed engineer as a first step toward cost analysis and the new design.

Owners propose to continue and expand the use of the lot's open areas for landscape materials and equipment storage, parking areas for employee owned vehicles and company vehicles, as well as internally remodel the existing house, which is the only permanent structure on the property, to become an office and indoor storage. The existing house is a 1958 ranch with a 2,514 s.f. main floor with attached 572 s.f. single garage and a 965 s.f. basement. It is estimated that approximately 2,000 s.f. of the house's main floor will be utilized after remodel to meet occupancy and ADA standards as office, with the remainder used as indoor storage.

A Driveway Waiver has been approved for the 2 existing driveway onto Nevada Lane and the existing driveway on California Drive. A copy of the Approved Waiver is provided.

It is expected that the site will host 12-20 employees, seasonally adjusted due to the nature of the primary business, Landscape Maintenance. Some employees will occupy the proposed office while most of the employees will work on crews which will leave the site with several people per company owned service vehicles and return at the end of the work day to retrieve privately owned vehicles and go home.

Any work performed on site will be either inside of the existing quonsets or within the screened rear yard. Noises generated could be from yard maintenance equipment such as mowers or string trimmers being maintained or in use to maintain the yard, vehicle engines or larger equipment being loaded or unloaded, however none of this is expected to be continuous, and mostly concentrated in the mornings and close of business for normal traffic on and off the site. Noise generation is not expected to exceed normal residentially accepted standards, and all Federal, State and Local noise standards will be applied. No new building construction is planned.

There is no provision in the current zone to allow the proposed use, however, the use is in accord and harmony with the prevailing land uses to the west, north and east. It is an allowed use under the CAD-AO overlay under all subzones. Therefore, a Variance to allow this use to continue and expand is proposed to El Paso County.

This request meets the criteria of the El Paso County Land Development Code Chapter 5, section 5.3 Standard for Review, Approval and Administration of Uses, Paragraph 5.3.4 Variance of Use in the following manner. It also supports the Master Plan on many key points and goals. Discussion of this support is included in each statement to provide comprehensive information.

**Purpose:** *Occasionally, a use is proposed that is not allowed in the applicable zoning district. The BoCC may grant a variance of use to allow the proposed use if it determines that it meets the criteria contained in this Code.*

**Criteria:**

• ***The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.*** This property is in an area that has naturally developed into a quiet, more business oriented, transitional buffer from the busy and noisy Woodmen Road corridor to the residential uses farther south. This property is surrounded on 3 sides by parcels that are very similar in use to what is proposed.

Owners intend on outside storage of company vehicles and equipment on site. Materials such as tools, mulch and irrigation supplies stored on site will mostly be enclosed in the existing sheds and lean tos, with no visibility outside of the property boundaries.

Allowing the use will be in keeping with the productive character of the neighborhood, promoting local jobs, services and commerce east of the Powers Blvd corridor, and

would not diminish the rental housing market, as this isn't a popular neighborhood for rentals due to lack of central water and sewer, pedestrian facilities or paved roads. The small needs of the proposed branch office and warming house for water and sewer are sustainable on the currently available septic and well. Sanitary facilities are provided adjacent to the warming house in the form of a regularly maintained portable toilet and handwashing station. The only need for water in the warming house is for making coffee, etc., so bottled drinking water is provided and coffee water is obtained from the existing house. There is no existing water service in the building.

The use of this parcel as requested is likely the highest and best use for the foreseeable future. Supporting the Master Plan, Key Planning Considerations: supports employment and a diverse economy, The area is shown in the legend on the map of key areas as within an enclave potential for annexation to Colorado Springs, However in conversations with Katie Carleo, Planner at the City of Colorado Springs Development Review, this neighborhood is unlikely to annex into the city in the next ten years due to infrastructure challenges. Also in spite of the designation on the map, this enclave is not considered by the City as a key area of annexation potential.

• ***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;*** The proposed use is demonstrably in harmony with the nearby properties by matching use. The operation of this business will not generate any type of chemical emissions or excessive light or noise. Normal business hours (8 am-4:30 pm Winter, 7 am-4:30 pm Summer) will be observed, and access in an out of the site will be predominantly via Nevada Lane, so the traffic will be similar to the adjacent properties. It is not anticipated that any major health and safety issues would be caused by this business, as there are few if any hazardous chemicals or equipment to be kept onsite.

*Supporting the Master Plan:* As designated on the Areas of Change map, this area is expected to create new development. It is suitable to create supporting development. Under Placetypes, this neighborhood is designated as Urban Residential. The proposed use is included as a supporting land use on the table provided in the Master Plan.

This is an opportunity to continue to fill a geographical gap that is rather far between rural and regional centers in Falcon, Black Forest and the northerly Powers corridor along Woodmen Rd. Future Urban Residential development will require central utilities for water and sewer. With the limitations of time and money, market considerations, although this area appears on the Land Use Key Areas map as a Potential Annexation area. Central Infrastructure goals are currently unattainable. As an extended Interim use, it makes sense to allow for expanded, beneficial use of privately owned land until better opportunities for dense urban expansion are available.

- ***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:*** No new construction is proposed on the site except for interior remodel of the existing house to convert to office and storage and minor issues such as surfacing driveways and parking areas. A Site Development Plan will be reviewed by Planning if this request is approved. County drainage and water quality standards will be reviewed at that stage and addressed on site with a drainage report and plan.
- ***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;*** A complete Site Development Plan will be reviewed by Planning post approval of this request. The site is already in compliance with any state or federal standards for storage of materials, environmental concerns, employment, health and safety standards. Favorable consideration and approval of this Variance of Use request is a step in the oversight of land use and zoning requirements, and leads to final site recommendations in the Site Development Plan stage.
- ***The proposed use will not adversely affect wildlife or wetlands*** There are no wetlands on the site, nor does the site's drainage patterns directly affect any area wetlands. Wildlife present on site may include rabbits, various species of rodents, birds and insects that would normally occupy dirt and grasslands, and don't appear to be affected by this site's operations.
- ***The applicant has addressed all off-site impacts;*** Off-site impacts are expected to be very light. Adventure Way was overbuilt in anticipation of increased traffic. The increase of up to 20 seasonally adjusted employees per business day entering and leaving the site, as well as service vehicles with crews is well within the capacity of Adventure Way, Templeton Gap, Black Forest, and Woodmen. The site is most frequently directly accessed from Nevada Lane, which is a private street owned and maintained by the applicants and their neighbors. A secondary access from California Drive, a private street is similar in ownership and maintenance. Drainage from the site has already been stated as minimal, and if treatment of any drainage is necessary it will be handled naturally with Landscape Detention or as specified by a civil engineer in cooperation with County Engineering. All snow plowing and road maintenance is done by Greener Pastors, LLC and neighboring businesses, which provides an important service to the whole neighborhood, as the streets are private and not maintained or plowed by the County.
- ***The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or...*** : A Parking plan meeting the requirements of the El Paso County Land Development Code is provided on the Zoning Plan. All existing parking and maneuvering areas are currently surfaced with gravel. Under the future Site Development plan review, ratios for parking and uses will be reviewed and all site development requirements including landscaping and fencing will be reviewed to code

requirements. The site is already improved with adequate fencing, evergreen boundary trees, and graveled driveways, parking and maneuvering areas. It is well treed around the existing house (proposed office) and has perimeter landscaping as well. Additional screening is planned after review of the Site Development plan. Any perceived shortages will be rectified by review and compliance with the Landscape and Site Development Standards set forth in the El Paso County Land Development Code.

• ***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.*** All necessary services and utilities are existing on the site or are provided by inclusion into a district, such as fire protection is provided by is Falcon Fire.

According to the El Paso County Colorado Road Impact Fee Implementation Document 2019, the approval of this action may trigger a Road Impact Fee, either on approval of the Variance Request, Site Development Plan or Building Permit. Although no new construction is planned, a change of use from Residential to Office in the existing house is proposed and some remodeling will be required, therefore an Impact Fee could be due at that stage. As well, the Variance to allow Change of Land Use to Contractor's Yard from Residential will cause review of proposed daily traffic to and from the site during the Site Development Plan review, and could result in an impact fee assessment. This is allowed for under Section A, Definitions in the Implementation Document, Under several points:

**Impact Fee or Road Impact Fee:** *The fee charged upon issuance of a Development Permit or Land Use Approval based on growth-driven generated trips.and*

**Land Use Approval:** *an approval or permit issued for a new use or structure on a parcel of property in unincorporated El Paso County that generates new trips for such parcel; examples include building permits, access permits, site plans, site development plans, special use approvals and variance of use approvals.*

**Zoning Action:** *a rezone, special use, or variance of use that results in an increase of at least 100 more daily vehicle trips than the property would be expected to generate under the previous zoning in the opinion of the County Engineer, whether or not subdivision, platting or a building permit is required.*

The Impact fee will be considered and assessed by the Road Impact Fee Administrator, who will consider the total additional trips approval of this action will allow. The expected trips for this site are expected to be approximately 50 per day to allow for employees arriving and leaving and the departure and arrival of company vehicles with crews.

Supporting the Master Plan, this proposal supports the goals of supporting small business and convenient employee access along this corridor. In addition, this site proposes to utilize infrastructure that is already in place and will not overburden said

roads and systems, as they were designed to serve this area and enhance future traffic flow from the City to Falcon and Black Forest.

In conclusion, this proposal meets the letter and spirit of the criteria for approval of a Variance of Use as stated in the El Paso County Land Development Code, and supports the future vision of the Comprehensive Plan. We respectfully request you review and approval of this proposal.

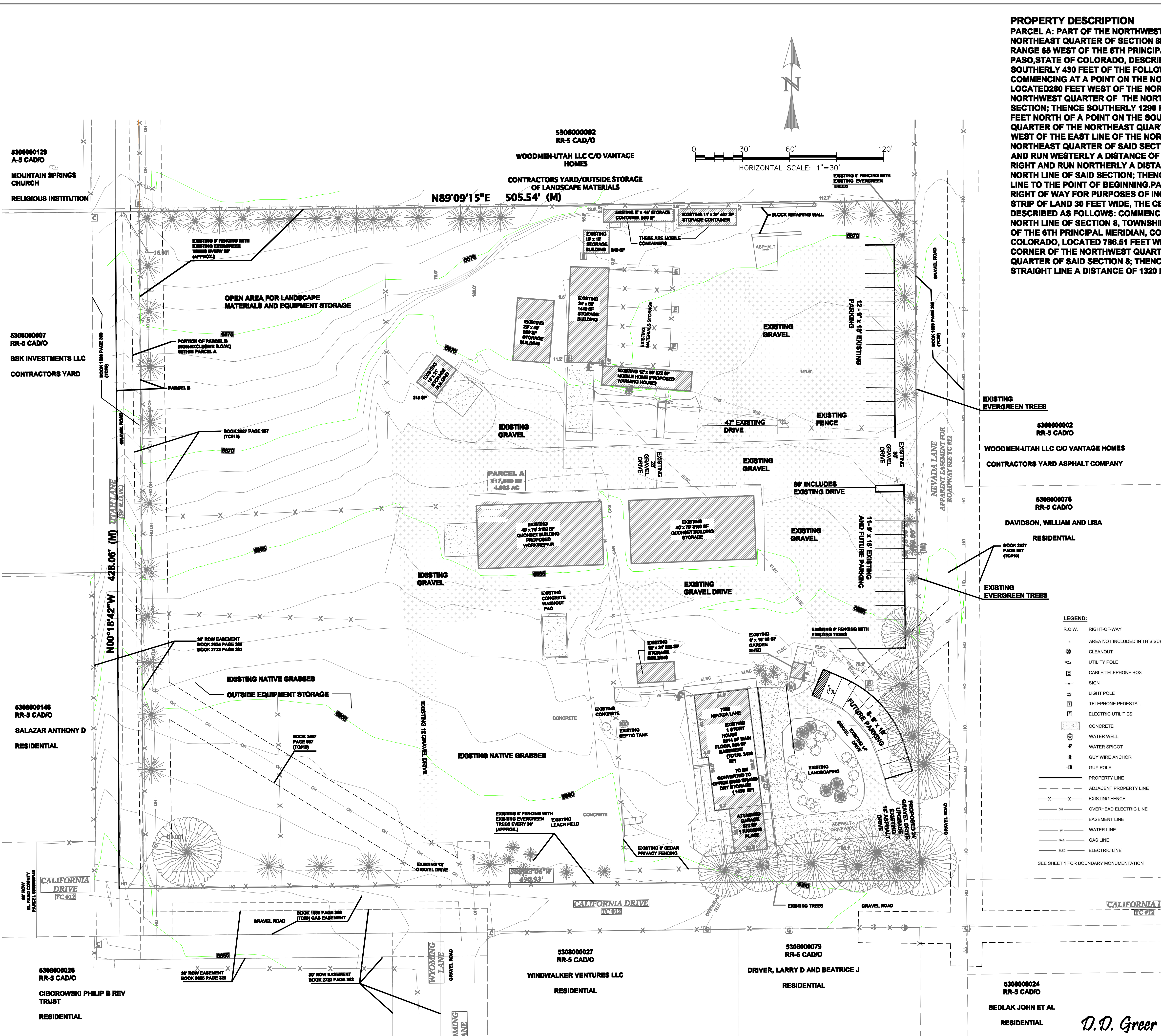
Sincerely,

Debra Greer

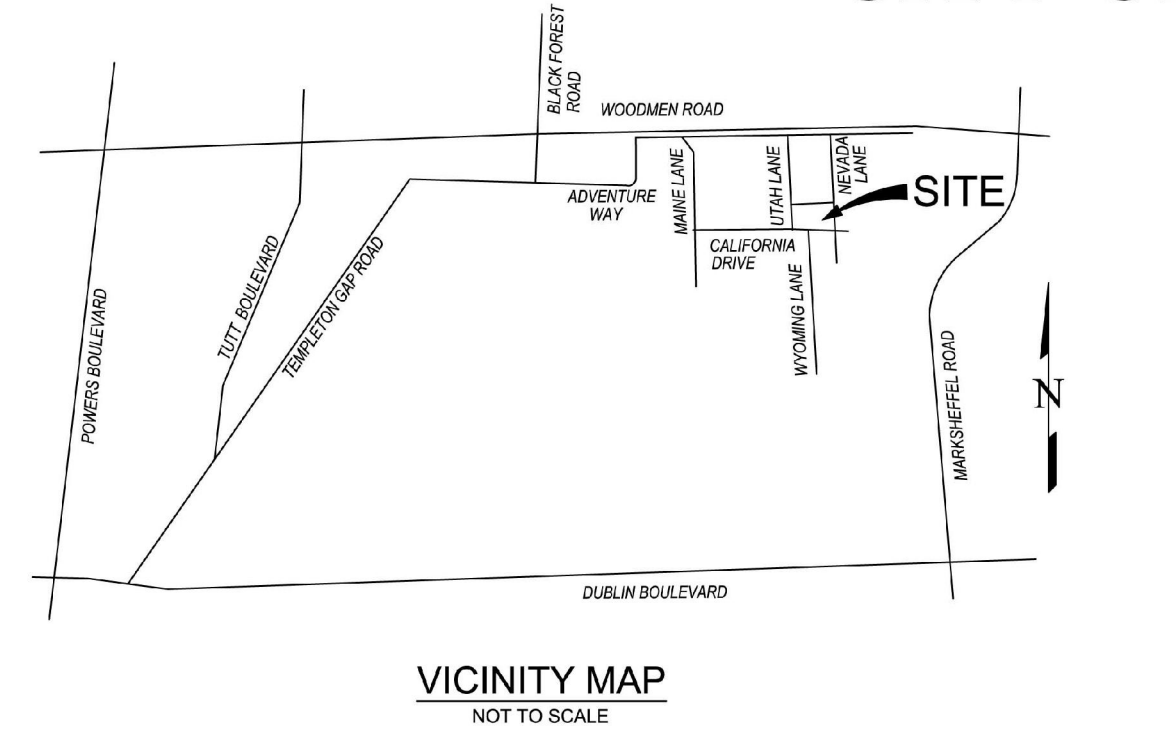
(719) 499-3874

DEB.J.GREER@GMAIL.COM





**PROPERTY DESCRIPTION**  
 PARCEL A: PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS: THE SOUTHERLY 430 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT A POINT ON THE NORTH LINE OF SAID SECTION 8 LOCATED 280 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTHERLY 1290 FEET TO A POINT LOCATED 30 FEET NORTH OF A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER WHICH IS 279.87 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE ANGLE RIGHT AND RUN WESTERLY A DISTANCE OF 505.93 FEET; THENCE ANGLE RIGHT AND RUN NORTHERLY A DISTANCE OF 1290 FEET TO THE NORTH LINE OF SAID SECTION; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. PARCEL B: A NON-EXCLUSIVE RIGHT OF WAY FOR PURPOSES OF INGRESS AND EGRESS OVER A STRIP OF LAND 30 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, LOCATED 786.51 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE SOUTHERLY ON A STRAIGHT LINE A DISTANCE OF 1320 FEET, MORE OR LESS.



**LEGEND**  
 PROPERTY TAX ID: 53080-00-0074  
 ZONE RR-5 CAD-O  
 PROPERTY ADDRESS: 7280 NEVADA LANE  
 LOT AREA: 5.4 AC  
 CURRENT LAND USE: RESIDENTIAL AND LANDSCAPE MATERIALS AND EQUIPMENT YARD (CONTRACTORS YARD)  
 PROPOSED LAND USE: CONTRACTORS YARD WITH OUTSIDE STORAGE OF LANDSCAPE MATERIALS AND EQUIPMENT, OFFICE

REQUEST: VARIANCE TO ALLOW FOR CONTRACTORS YARD IN RR-5 CAD-AO (PCD FILE NO. VA-21-002)

OWNER: GREENER PASTEURS LLC  
 4450 MARK DABLING BLVD  
 COLORADO SPRINGS, CO 80907-4210

- NOTES:**
1. OUTSIDE STORAGE SHALL BE SCREENED BY A SOLID FENCE 6 FEET IN HEIGHT OR ANY COMBINATION OF BERMING, SHRUBS, TREES, FENCING OR WALLS WHICH WILL PROVIDE AT MATURITY A MINIMUM OF 6 FEET OF HEIGHT AND 100% OPAQUE SCREENING. EXISTING FENCING, EXCEPT WHERE NOTED, IS WELDED PIPE FENCING, AND SHALL HAVE A FABRIC OR OTHER MATERIAL ATTACHED AS SCREENING MATERIAL IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANDSCAPE CODE. OTHER FENCING ON SITE WHERE NOTED IS 6' OPAQUE CEDAR FENCE. SCREENING SHALL BE MAINTAINED ALONG THE ENTIRE PERIMETER OF THE SITE.
  2. NO NOISE SHALL BE GENERATED AT ANY TIME THAT EXCEEDS FEDERAL, STATE OR LOCAL NOISE ORDINANCES.
  3. SITE LIGHTING SHALL BE DOWNWARD SHIELDED AND NO LIGHT BEAMS SHALL ESCAPE THE BOUNDARIES.
  4. A PARKING PLAN WHICH MEETS THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE IS SHOWN ON THIS PLAN AND MAY BE MODIFIED AT THE TIME OF THE SITE DEVELOPMENT PLAN REVIEW TO MEET ANY FURTHER REQUIREMENTS. ALL PARKING SHALL OCCUR ON SITE.
  5. A DRIVEWAY WAIVER FOR ALL 3 DRIVEWAYS SHOWN ON THIS PLAN HAS BEEN REQUESTED AND APPROVED BY EL PASO COUNTY.

**PARKING TABLE:**

PROPOSED OFFICE: 2000 SF @ 1 / 200 SF = 10 REQ.  
 STORAGE/WAREHOUSE: 7882 SF @ 1 / 1000 = 8  
 WORK BUILDING (CONTRACTOR'S YARD) 3160 SF @ 1 / 750 SF = 4  
 TOTAL REQ = 22  
 ACCESSIBLE (HC) : 1 REQ.  
 PARKING PROVIDED: 32 INCLUDING 1 HC

**NOTES:**

1. EXCESS PARKING IS PROVIDED FOR FLEET VEHICLES.
2. PARKING AND VEHICLE MANEUVERING AREAS EXCEPT AS NOTED ARE GRAVEL SURFACES.

# WEISBURG LANDSCAPE MAINTENANCE EAST

7280 NEVADA LANE  
 PCD FILE NO. VA-21-002

**LEGEND:**

---	R.O.W. RIGHT-OF-WAY
---	AREA NOT INCLUDED IN THIS SURVEY
○	CLEANOUT
○	UTILITY POLE
□	CABLE TELEPHONE BOX
+	SIGN
○	LIGHT POLE
○	TELEPHONE PEDESTAL
⊕	ELECTRIC UTILITIES
▭	CONCRETE
○	WATER WELL
⊕	WATER SPIGOT
⊕	GUY WIRE ANCHOR
⊕	GUY POLE
---	PROPERTY LINE
---	ADJACENT PROPERTY LINE
---	EXISTING FENCE
---	OVERHEAD ELECTRIC LINE
---	EASEMENT LINE
---	WATER LINE
---	GAS LINE
---	ELECTRIC LINE

SEE SHEET 1 FOR BOUNDARY MONUMENTATION

*D.D. Greer Design Studio*  
 13075 Sunny Slope Rd. Falcon, CO 80831  
 (719) 499-3874 deb.j.greer@gmail.com

Revised 04-2022  
 Revised 03-2022  
 Revised 10-2021  
 County Comments DebG

Drawn By: Deb G  
 Checked By: Deb G  
 Date: 04-17-2021  
 Sheet 1 of 1