

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,

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