

From: Ryan Howser <RyanHowser@elpasoco.com>
Sent: Wednesday, February 17, 2021 9:02 AM
To: Tracey Garcia <TraceyGarcia@elpasoco.com>
Subject: FW: Five Star Equestrian Center

Tracey,

Craig has agreed to amend Notation No. 4 on this one to the following. This is for VA-20-005.

“The applicant is aware that the existing well permit does not specifically allow for commercial uses, including the vehicle repair garage use that exists on the property and subject to this variance of use application. The applicant will need to apply for a revised well permit from the State Water Engineer allowing for vehicle repair garage use.”

Nina has told me to send to you to upload the revised notation online for the PC to view.

From: Les Gruen <urbanstrategies@msn.com>
Sent: Wednesday, February 17, 2021 8:20 AM
To: Ryan Howser <RyanHowser@elpasoco.com>
Cc: Kat McGarvy <KatMcGarvy@elpasoco.com>
Subject: Re: Five Star Equestrian Center

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Good morning, Ryan -

I had a couple of conversations with Kat yesterday and she couldn't have been more helpful. As I understand things - she found records of several systems on site, but there is no indication that the systems on site are capable of serving the buildings on the property. The health department would like to have this issue resolved.

Thank you for taking care of the site plan and notation amendment stuff.

Les

On Feb 17, 2021, at 7:42 AM, Ryan Howser <RyanHowser@elpasoco.com> wrote:

Les,

It looks like EPC Health provided a comment response yesterday, reiterating the same comment from their first review. I've attached the new comment letter in this email.

I've also got confirmation from Nina that I can set up the site plan application for you and submit the materials for you that we already have to help you through the process. So in order to start the site plan, all we will need is the fee payment, and in order to approve, we will just need to see Public Health approval.

Craig is in agreeance with your proposed notation amendment, with the following revisions to mirror the language in the well permit which specified "commercial uses" and the Code, which specifically defines the use as a "vehicle repair garage."

"The applicant is aware that the existing well permit does not specifically allow for commercial uses, including the vehicle repair garage use that exists on the property and subject to this variance of use application. The applicant will need to apply for a revised well permit from the State Water Engineer allowing for vehicle repair garage use."

From: Les Gruen <urbanstrategies@msn.com>

Sent: Monday, February 15, 2021 10:01 AM

To: Ryan Howser <RyanHowser@elpasoco.com>; Kat McGarvy <KatMcGarvy@elpasoco.com>

Cc: Les Gruen <urbanstrategies@msn.com>

Subject: Re: Five Star Equestrian Center

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Good morning, Kat -

Sorry to keep bugging you on this matter, but subsequent to sending you my last email, Ryan Howser of County Planning sent me the attached, which I had not previously seen. I do not know whether this closes the loop on this matter from your office's perspective or whether because this property has operated in the same manner for 35 years, all of this information was still necessary. Thank you.

Les Gruen

On Feb 12, 2021, at 4:53 PM, Ryan Howser <RyanHowser@elpasoco.com> wrote:

El Paso County Public Health comments attached.

From: Les Gruen <urbanstrategies@msn.com>

Sent: Friday, February 12, 2021 1:50 PM

To: Ryan Howser <RyanHowser@elpasoco.com>

Subject: Re: Five Star Equestrian Center

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Ryan - Based on everything I've read in your prior emails, what you are asking for should have been done concurrently with all of the other stuff we were doing. If I understand correctly the only thing that is missing is a \$247 fee and application. (The County Health Department has already gone on record as saying once the septic system goes in and is inspected they do no further inspections, but I suspect they will follow-up on the email I sent on which you were copied.) In any event if this site plan is so important and under the circumstances, I'd ask you guys take care of filling out the application on my behalf and I'll sign it. I can invoice the owner for the fee if that's required, but I seem to recall, without my files at my home office, I think the owner has already paid around \$10,000 in fees. A rational person

following this would not find the county's 11th hour requests described in your emails below to be very reasonable after we've been working on this for months and not doing much of anything for the past several weeks. Les

On Feb 12, 2021, at 1:39 PM, Ryan Howser <RyanHowser@elpasoco.com> wrote:

Les,

Just tried calling and it went to voicemail. I don't mind talking about it, but I also want to make sure we have correspondence in writing for the record. We do the site plan so that in the future, when the owner tries to pull building permits, he doesn't get caught in a building legality issue regarding the structures that are already on the property. By filing the site plan, we are essentially giving legality to the structures that are on the property as far as Planning and Community Development is concerned so that future permits may not be held up because we don't have a record of an approved site plan.

I do want to make sure I am clear in this: it should not be any extra work for the owner. We will use the site plan you have already provided and any changes that need to be made would be incredibly minor in nature. This is not similar in scope to the process we have just gone through. Commercial over the counter site plans are reviewed within two days. It's not likely that we will have any comments since we have already reviewed the logistics of the site with the variance of use and if I'm being perfectly honest, it's something I can definitely see being submitted now and completed before the variance of use even goes to BOCC. Then they can be approved concurrently. No extra documents need to be prepared, except anything that can be provided by the Health Department. I did see your email to them

I have confirmed with Nina that by default, we will apply the fee, but you are welcome to petition to Craig to waive the fee if you feel it is not merited. Feel free to give me a call to discuss further. I will look out for your number.

Thanks,

Ryan

From: Les Gruen <urbanstrategies@msn.com>
Sent: Friday, February 12, 2021 11:45 AM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Re: Five Star Equestrian Center

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hi Ryan, I left you a lengthy voice mail message concerning your email below. I've also copied you on an email I sent to the county health department regarding the septic system at Five Star. Thanks. Les

On Feb 12, 2021, at 11:11 AM, Ryan Howser <RyanHowser@elpasoco.com> wrote:

I went through my emails and reviewed the documents I've saved and I don't see any where I've explicitly mentioned this process. I know Nina and I had discussed since it's related to the building permit issue that came up and we had talked about adding a condition of approval requiring building permits for any future development (which would be done anyways, which is why we left it out).

I know you and I had a few phone calls to discuss and work the issues with the project and I can't remember if I mentioned it to you during one of those conversations. If I failed to mention it to you, then I do apologize, but I don't want to give you the impression that it will be a burdensome process on the applicant. It's essentially just going to be an extra file that we will create and file the site plan you've submitted for the variance. It's more for bookkeeping on our end and ensuring that we've applied all the correct processes. There will not likely be a review and we can use the same documents you've provided for the variance.

The only real thing we will need to see that is different is something that clears the Health Dept. like a septic permit application, or any documents you can provide that clear the Health Dept. issue, which we ideally would have seen with the variance application. Understanding that the variance process is already difficult enough, I felt it made more sense to defer the requirement to the site plan stage.

I am checking with Nina to see if we even need to apply a fee. If a fee does have to be applied, it would be \$247. Otherwise, since there likely won't be much of a review, I don't see any issues with asking Craig and Nina if we can waive the fee.

Again, I'm sorry if I failed to mention this at any point in the process. We really try our best to be up front about everything, but the truth is sometimes things get missed. That's why I am double checking with you. I do not want us to go to hearing when we have failed to mention something to you or we have not adequately expressed the intent to you.

I am thankful that it is not much of a process and I sincerely do not think you need to worry about it. I will follow up on the fee and keep you posted. If there will be no fee, I can even get the project set up and have you drop in the site plan so when we go to Planning Commission, we can even indicate that the process has started. As a reminder, these processes are not arbitrarily applied, but must be applied out of legal obligation. Additionally, filing the site plan can only help the situation on the property as well, as it closes any gaps in the narrative on approved structures on the property that can open the owner up to code enforcement. It is for the protection of the property owner and I'm glad to say we've streamlined it in this specific instance as best as we can to keep it from being burdensome on the owner.

My schedule is regularly Tuesday through Friday, but due to the holiday on Monday, I will be off on Tuesday next week but I promise I will have answers for you on Wednesday at the latest. I don't want to go to hearing with unresolved questions hanging out and I want to do my best to make sure you are comfortable with the conditions and the processes.

Let me know if I can help to further clarify. Sorry for the confusion.

Ryan

From: Les Gruen <urbanstrategies@msn.com>

Sent: Friday, February 12, 2021 10:23 AM

To: Ryan Howser <RyanHowser@elpasoco.com>

Subject: Re: Five Star Equestrian Center

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Ryan -

I still do not understand what you are talking about concerning this commercial site plan. What information would be required that has not been provided and why was this not done concurrently with this last application. I have no recollection of this conversation to which you referred. Do you have an email and notes of our conversation on any particular date?

This simply does not make sense and I will request planning commission and BoCC eliminate this condition if it remains for the reasons above - unless I'm completely missing something. This is an unnecessary and overwhelming burden on the applicant where the county is taking a second bite of the apple.

I will follow up on the other items you mention after I can do a little more research.

Thanks, Ryan.

Les

On Feb 12, 2021, at 10:14 AM, Ryan Howser <RyanHowser@elpasoco.com> wrote:

Les,

Regarding the second condition: I think we had discussed just doing a simple commercial over-the-counter site plan to satisfy the requirement. This is why I had requested so much information on the site plan you submitted with the variance, so the commercial site plan process will be more of a formality so we have documentation that the proper process was followed but it didn't make a whole lot of sense to require a full blown site development plan since there is no land disturbance proposed at this time. This step is just to make sure all the buildings that are currently on the property have been legalized through the site plan process.

I haven't heard from the Health Department on this, and they still have outstanding comments showing on EDARP. If you have some information that we do not have such as a septic application that was submitted, it would be important to make note of that in the hearing and provide a copy.

The notation regarding the well permit is almost the same as what we had previously discussed. The only difference is that we don't really have any authority to put a time limitation on it or make it a condition of approval, which is why it's a notation.

I'm glad I sent these! I think you would agree it's better to have this conversation and clear up any major questions before the hearing rather than during it!

I will make sure your presentation outline is distributed to the Commissioners prior to the meeting. If you have a Powerpoint or any other presentation materials, make sure you get those over to me as well by noon on Wednesday.

Thanks,

Ryan

From: Les Gruen <urbanstrategies@msn.com>
Sent: Thursday, February 11, 2021 4:11 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Re: Five Star Equestrian Center

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Hi Ryan -

Thanks for forwarding the attached Conditions and Notations. A couple of questions?

- I'm not sure what is meant by the second condition since this submittal is essentially a site development plan that accompanies our variance of use application. What additional material are you looking for and why weren't these done concurrently rather than forcing the applicant through another process I don't recall hearing about earlier. (Could you refer me to any correspondence where this has been discussed that I might have overlooked?)
- I'll have to look at my emails, but I thought someone at the Department of Health already weighed in on this and said we were ok.
- I thought in one of our earlier discussions about this matter you had said the applicant did not need to clarify the well permit until such a time that a

change in use occurred in the automotive use. The last notation suggests the applicant must begin this process immediately.

With respect to your other questions, I do plan to attend the hearing in person and will send you a one page presentation outline next week. If you could include the outline in the Commissioners package and also either distribute (or allow me to distribute) a hard copy to each to each of the Commissioners it would be appreciated.

Thanks again for your help, Ryan.

Les

On Feb 11, 2021, at 1:28 PM, Ryan Howser <RyanHowser@elpasoco.com> wrote:

Les,

In the interest of transparency, I wanted to make sure I have communicated the specific conditions and notations we will be proposing with the variance of use. Please see below. Let me know if you have any questions. I know we discussed several of these during the review process and I just want to make sure that there aren't any surprises regarding the allowances. As a reminder, please send me your presentation at least 24 hours in advance of the meeting and let me know if you plan to attend virtually or in person.

CONDITIONS

1. Approval is limited to the use of thirteen (13) dwelling units and a vehicle repair garage, as discussed and depicted in the applicant's letter of intent and site plan drawings, in addition to those previously approved special uses (PCD File No. AL-84-031Z). Any subsequent addition or modification to the operation or facility beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to review and approval of a new variance of use request.
2. The applicant shall apply for and receive approval of a commercial site development plan within six (6) months 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.
3. The applicant shall provide evidence that septic permit applications have been submitted with El Paso County Public Health prior to approval of the site development plan.

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.
4. The applicant is aware that the existing well permit does not allow for the uses approved by the variance of use. The applicant will need to seek approval of a revised well permit from the State Water Engineer.

Ryan Howser, AICP
Planner I
El Paso County Planning & Community Development
2880 International Circle, Colorado Springs, CO, 80910
Main Office: 719-520-6300
Direct Line: 719-520-6049

PERSONAL WORK SCHEDULE

Tuesday - Friday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

EXCITING NEWS: WE ARE UPDATING THE COUNTY MASTER PLAN! For status updates please visit <https://elpaso-hlplanning.hub.arcgis.com/>

Covid-19 Update: Due to concerns regarding the Covid-19 virus we are limiting our face-to-face public interactions. In person services are available by appointment only on Tuesday and Thursday from 7:30 to 3:30.