**Vertex Consulting Services, LLC**
5825 Delmonico Drive, Suite 320
Colorado Springs, CO 80919

**Sunrise Dirt Works**
**Special Use**
**Letter of Intent**

**October 13, 2026**

Sunrise Dirt Works
12260 Smith Road
Peyton, CO 80831

PDC File No. AL26XX

**Planner:** Vertex Consulting Services, Nina Dossey
5825 Delmonico Drive, Suite 320
Colorado Springs, CO 80919
719-433-2018
Nina.dossey@vertexcos.com

**Tax Schedule No:** 43190-01-049
**Acreage:** 5 Acres
**Zoning:** RR-5 (Residential Rural)

**Site Location, Size, Zoning:**

Vertex Consulting Services, on behalf of Sunrise Dirt Works, is respectfully submitting a special use application for the proposed contractor equipment yard. The property is located east of Meridian Road and north of Smith Road. The 5-acre property is presently zoned RR-5 (Residential Rural). The proposed special use is compatible with the surrounding existing commercial uses and planned development and is consistent with the Your El Paso Master Plan.

The property is surrounded by the RR-5 zone district:




**Background:**

The property owner, Daniel Byrne, operates a small family-owned excavation, grading, and snow

removal business and seeks to maintain limited business-related equipment storage at his residence. His wife is a firefighter who works 48-hour shifts, and together they are raising two young children. Operating the business from their home provides the flexibility needed to balance business responsibilities with childcare and family obligations during extended periods when she is away. The request is intended to support the continued operation of the family-owned business while enabling the owner to effectively manage family responsibilities and provide timely service to clients throughout the region.

Before the property was purchased by the current owners, it was utilized as the location of a welding business operating as a home occupation, although the use had not been properly permitted. Upon vacating the property, the previous owner left various scrap metal, equipment, and rubbish on-site. Since purchasing the property, the current owners have removed the accumulated materials and improved the overall appearance of the property.

The owners will reside on the property and are committed to maintaining it in a manner that is visually compatible with the surrounding area. A Notice of Violation was issued to the current owners regarding the rubbish and debris associated with the previous owner's activities, which have all been removed. Through the investigation of that violation, it was determined that a Special Use Permit was required before the rural home occupation could legally operate on the property.

The property owners have submitted a request to legalize the use onsite with a rural home occupation. One of the neighbors expressed concern regarding the business early on in the process, resulting in Code Enforcement action. The property owner reached out to the surrounding neighbors following to notice to better understand the concerns so that it could be determined if they could be easily mitigated. The primary concern was that utilization of the Richardson access in the morning caused them to wake up early. The owner has worked to address concerns from neighboring property owners by modifying circulation patterns. In addition, the applicant is implementing site improvements, including property cleanup, fencing, landscaping, and vegetative screening, to enhance the appearance of the site and further reduce the visibility of stored equipment from adjoining properties.

The requested special use will allow the continued operation of a local small business while maintaining the rural character of the property and supporting ongoing investment and improvements to the site.

**Proposal:**

The property owner intends to utilize the property as their personal residence as well as for a contractor equipment yard for an earthwork company known as “Sunrise Dirt Works”. All storage of materials and vehicles associated with the business will occur within the 5,041 square foot screened outdoor storage area (see site plan). Items being stored include:

- 2 skids
- 1 walk behind skid

- 1 Mini X
- 4 company trucks
- 2 dump trailers
- 2 tilt deck trailers
- 1 gooseneck trailer
- 3 Deicer / Sanding hoppers
- 6 detachable plows
- 2 conduit reel trailers
- 1 rock bin
- 2-3 pallets of blocks (for small retaining walls)
- Other equipment generally utilized for earthwork businesses

Could this be reduced to 7am or limited to prohibit loud diesel trucks/equipment idling etc.

The property owner will repair business vehicles and/or implements onsite, as needed. All repairs and maintenance will occur inside the garage, with the garage door closed to ensure noise is properly mitigated (see site plan). There are no additional structures proposed.

The rural home occupation will include a total of 7 employees, including those who reside onsite. Those employees who reside elsewhere will typically arrive onsite in two vehicles via the Smith Road driveway between the hours of 6:30am-8:00am to pick up the equipment needed for the day's work and will leave in 3 vehicles via the Smith Road driveway. The employees will then return between 4:30-7:00pm. There will be no customers onsite. The one exception to the anticipated hours is during a snowstorm when the business will assist with snow removal and will work hours, as needed.

**Use Analysis:**

The proposed use is a Rural Home Occupation as a Special Use. Below is an analysis regarding how the proposed use meets Land Development Code use specific standards for a Rural Home Occupation as a Special Use:

(1) Applicability. This Section is applicable to a rural home occupation in the A-35 zoning district not meeting the requirements for a Rural Home Occupation in the A-35 Zoning District or in those zoning districts where a Rural Home Occupation has been identified as a Special Use in Table 5-2.

*Per Table 5-2 a Rural Home Occupation is a Special Use in the RR-5 zone district.*

(2) Intent. The intent of allowing a rural home occupation as a special use is to provide a mechanism by which a business owner or entrepreneur may reasonably establish or expand their home occupation on a large residential, forestry, or agriculturally zoned property in manner that protects neighboring properties from extreme or unreasonable impacts.

*A contractor equipment yard is a specifically identified type of rural home occupation. The small 5,041 SF outdoor storage area will be 100% screened from view by a privacy fence. The total number of employees will not exceed 7, including those who reside onsite.*

(3) Minimum Lot Size Required. A rural home occupation is allowed as a special use on any parcel or lot that is 5 acres (including a legally-created 4.75-acre parcel or lot along a section line

road) or more in area.

*The property is 5-acres in size.*

(4) General Requirements. A rural home occupation by special use shall conform to all standards for locating and operating a rural home occupation except as otherwise modified by these standards and the special use approval. The applicable standards include:

(a) Outside Storage and Work Areas Allowed. Outside storage, parking and work areas are allowed provided these are set-back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas.

*A 5,000 square foot outside storage area is proposed. The outside storage area will be 100% screened from view and will be located at least 50 feet from the property line.*

(d) Inoperable Vehicles. A maximum of 10 inoperable non-agricultural vehicles shall be allowed in conjunction with the rural home occupation.

*There will be no inoperable vehicles.*

(e) Environmental Impacts. The rural home occupation shall not result in any generation of solid waste or hazardous substances or petroleum or excessive noise, vibration, dust, glare, drainage, erosion or other environmental impacts to surrounding lot or parcel owners.

*There will be no environmental impacts as no hazards will be stored onsite and no heavy equipment will be utilized onsite.*

(f) More than One Home Occupation Allowed. More than one rural home occupation is allowed on a single property, provided that aggregate impacts are limited to those allowed by this Code.

*Only one home occupation is proposed.*

(5) Special Provisions and Allowances.

(a) Limit of Administrative Approval. A rural home occupation which receives administrative special use approval shall expire 5 years from the date of approval. The special use may be renewed following the same procedure as the original application.

*Understood.*

(b) Employees and Traffic. A maximum of 10 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel. The rural home occupation shall not generate more than a maximum of 50 daily trips.

*The total number of employees, including those residing onsite, will not exceed 7. The rural home occupation will result in an additional 10 average daily trips.*

**Request & Justification:**

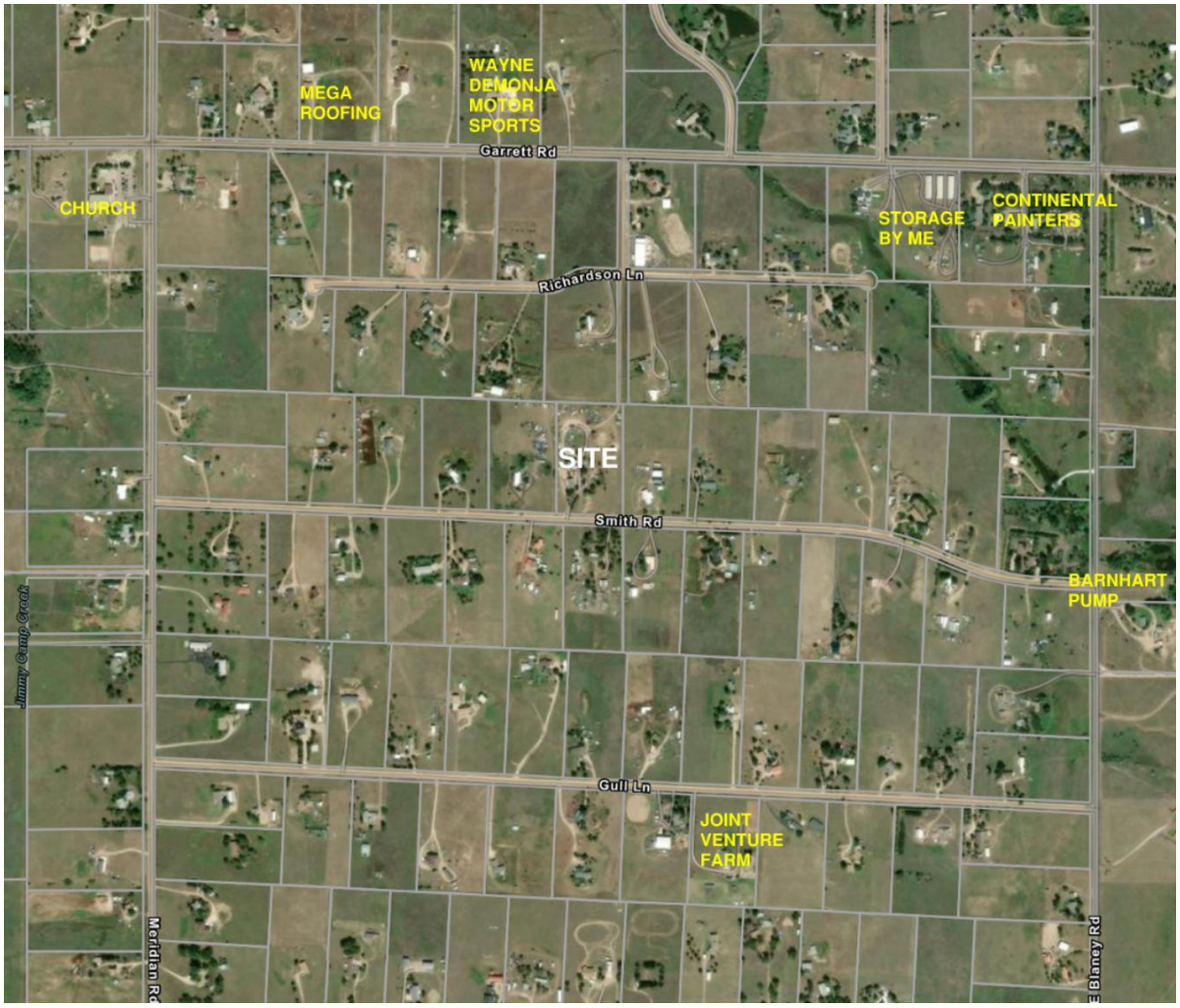
The purpose of this application is to request approval of a special use to allow for a contractor equipment yard in the RR-5 zoning district. The pages that follow address each one of the Special Use criteria included within Section 5.3.2 of the El Paso County Land Development Code:

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

Please see the Master Plan analysis below.

- *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;*

This rural area of El Paso County is characterized by primarily rural and agricultural uses with contractor-type uses spread throughout the area (see map below).




The aerial image above illustrates not only the use, but the fact that this area is characterized by large accessory buildings and outside storage, regardless of if the lots are utilized for commercial or residential purposes. The property owner is requesting a special use to allow for a contractor equipment yard. The property is located within 0.5 miles of 6 other contractor equipment yards and a church. The use is consistent and compatible with the surrounding existing and planned development.

If the use is approved, the property owner will be required to submit a site development plan prior to initiation of the use. The site development plan review will require all outside storage areas are properly screened from view, all setbacks have been met, and all Chapter 6 requirements have

been satisfied (e.g. landscaping, lighting, signage). Proper screening will ensure that the proposed use is harmonious with the surrounding rural residential lots.

• *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;*

Water is provided by a permitted well and sewage is treated with an onsite wastewater treatment system (OWTS). The property is within the Falcon Fire Protection District. El Paso Sherriff's Department will respond to any emergency reported onsite. The proposed contractor equipment yard will take access primarily from Smith Road with Richardson Lane being utilized lesser.

• *The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;*

There are no anticipated additional off-site impacts except for a minor increase in traffic. It is anticipated that approximately 2 employee vehicles will enter the property between 6:30-8:00 am and then 3 work vehicles will exit to the job site(s). The 3 work vehicles will then return, and 2 employee vehicles will exit between 4:30-7:00pm. This is not a retail location, and patrons/clients will not visit this site.

ECM Appendix B, Section B.1.2.D

The 2016 MTCP does not include Smith Road or Richardson Lane. A traffic impact study is not required pursuant to ECM Appendix B, ECM Chapters 1.6 and 1.16 as the proposed use will not result in traffic in excess of 100 ADT or 10 trips at the peak hour, there are no additional minor or major roadways being proposed, there will be no change in the type of traffic to be generated, the subdivision will not result in a change to the LOS for either road or any other nearby County roadways, and there is no proposed access onto a State Highway. The use is anticipated to result in an average of 10 additional trips per day. The use will not generate any additional pedestrian of bicycle traffic. No roadway or intersection in the immediate vicinity has a history of safety or accident problems.

• *The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;*

The proposed use is a contractor equipment yard to be served by an existing permitted well and septic. The activities onsite will not be in violation of the El Paso County noise ordinance. Employees will report to the property between 6:30-8:00am and leave until they return at 4:30-7:00pm when their workday ends. The subject property will not be open to the general public.

The exception will be during a snow event where the employees will remove snow from surrounding neighborhoods, such as private roads, grocery stores, and shopping centers. During these snow events employees will report to work outside of typical business hours. Even in these circumstances, the activities onsite will remain in full compliance with the El Paso County noise ordinance.

The construction of the proposed outside storage area will be in compliance with all El Paso County and State air quality regulations. After construction, the use will continue to meet all air, water, odor or noise standards.

• *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*

The potential impacts anticipated as a result of the proposed rural home occupation include traffic and visual obstruction. The increase in traffic will be 10 ADT, which is minimal and is equivalent to an additional dwelling. Any potential visual impact is being mitigated by screening the outside storage area from view.

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

The proposed contractor equipment yard is within the RR-5 zoning district. Table 5-4 of the Land Development Code identifies the density and dimensional standards of the RR-5 zoning district:

- Minimum lot size: 5 acres
- Front Setback: 25 feet
- Side Setback: 25 feet
- Rear Setback: 25 feet
- Maximum Height: 30 feet

The existing dwelling and accessory structures meet all setback requirements, and the proposed new structure will meet all setback and height requirements of the RR-5 zoning district, as depicted on the variance of use site plan.

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

The Land Development Code requires a minimum of 1 parking space per 750 square feet of building area. The site plan depicts one 1370 structures to be utilized for the proposed contractor equipment yard when vehicles need to be repaired. This equates to two parking spaces being required. The owner has planned for a total of 3 parking spaces to ensure there is adequate parking onsite for the employees who do not reside onsite. The owner will store all equipment within the screened outside storage area depicted on the site plan. The subsequent site development application will include a detailed landscape plan demonstrating compliance with all Chapter 6 landscape requirements.

• *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.*

Water is provided by a permitted well and sewage is treated with an onsite wastewater treatment system (OWTS). The property is within the Falcon Fire Protection District. El Paso Sherriff's Department will respond to any emergency reported onsite.

**Master Plan Elements**

Below is an analysis of the various El Paso County Master Plan elements.

**Your El Paso County Master Plan Analysis**

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is "general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action." In addition, Chapter 1 goes on to state that the Plan "is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives." When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the special use request, as identified below in an analysis of Chapter 3 of the Plan.

Key Area Analysis

The subject property is not identified in the Plan as being a Key Area.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the "Minimal Change: Undeveloped" area of change.

Page 21 of the Plan characterizes areas of "Minimal Change: Developed" by stating:

> "The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments."
> (Emphasis added)

The subject property is currently developed as a rural residential lot but is surrounded by other commercial and light industrial uses. The Master Plan anticipates redevelopment of underutilized land. The property owner will live onsite and will maintain the majority of the property as rural residential, thus prioritizing that land use. The proposed special use is consistent with the surrounding character and is, therefore, generally consistent with the recommendations of the area of change.

Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Large Lot Residential Placetype. Page 26 of the Plan identifies the following land uses as being Primary Land Uses within the Large Lot Residential Placetype:

- Single-Family Detached Residential (typically 2.5-acre lots or larger)

In addition, the Placetype includes the following Supporting Land Uses:

- Parks/Open Space
- Commercial Retail (Limited)
- Commercial Services (Limited)
- Agriculture

The Large Lot Residential Placetype is described further on page 28 as follows:

> "The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities."

The proposed contractor equipment yard is consistent with the intent of the Large Lot Residential Placetype. While the placetype is primarily intended for single-family detached residential development on lots of 2.5 acres or larger, it also specifically recognizes Commercial Services (Limited) as a supporting land use. The proposed use would function as a rural home occupation accessory to the existing residence on a five-acre property, allowing a limited commercial service activity while maintaining the property's primary residential character. The project's scale is reasonable, with outdoor storage limited to approximately 5,000 square feet on a property that is substantially larger than the minimum lot size typically associated with the placetype.

The Master Plan further states that Large Lot Residential areas are intended to preserve a rural aesthetic through large, dispersed lots and a development pattern that serves as a transition between more rural and developed areas. The proposed equipment yard has been specifically designed to maintain that character by ensuring that 100 percent of all outdoor storage is screened from public view and adjacent properties, eliminating visual impacts that could impact the area's rural appearance. The storage area occupies only a small portion of the overall five-acre site and is accessory to the residential use, the proposal preserves the rural aesthetic.

Additionally, the use will generate only approximately 10 additional average daily trips, resulting in minimal traffic impacts on the surrounding roadway network. With the limited scale of the

operation, the rural home occupation is compatible with surrounding large-lot residential development and consistent with the Master Plan.

**El Paso County Parks Master Plan**

The El Paso County Parks Master Plan (2022) does not depict any planned or existing trails or open space on the subject property. Land dedication, or fees in lieu of land dedication are not required with a variance of use request.

**Other Topical Elements of the County Master Plan**

The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

**Road Impact Fee**

The Road Impact Fee will be applicable to this development and will be calculated with the subsequent site development plan.