

Letter of Intent

Application for Approval of Revised Variance of Use ~~and Site Development Plan~~

Gateway Trucking

JR Response: Addressed

Please remove. This application is for Revised Variance of Use only. If approved, a Site Dev. Plan will be required before the use is initiated.

I do not want this to cause confusion.

October 2025

A County driveway access permit is required for Franceville Coal Mine Rd

Prepared By:

JR Engineering

5475 Tech Center Drive, Suite 235
Colorado Springs, Colorado 80919
(303) 267-6254

JR Response: Noted

Prepared For:

Mr. Perry E. Hastings

235 S. Franceville Coal Mine Road
Colorado Springs, Colorado 80929
(602) 558-0846

JR Response: Addressed

El Paso County PCD File No. ~~PPR-xx-xxx~~

VA256

I. Owner/Applicant and Consultant

This Letter of Intent accompanies the site development plan application of Mr. Perry E. Hastings. The Owner/Applicant and Consultant contact information is as follows:

Owner/Applicant:

Perry E. Hastings
235 S. Franceville Coal Mine Road
Colorado Springs, Colorado 80929
(602) 558-0846
gatewaytrucking@gmail.com

Consultant:

Brian Law, PE
JR Engineering, LLC
5475 Tech Center Drive, Suite 235
Colorado Springs, Colorado 80919
(303) 267-6254
blaw@jrengineering.com

II. Site Location, Size and Zoning

Mr. Hastings' properties are located on South Franceville Coal Mine Road in El Paso County. The two parcel numbers are 4400000531 and 4400000529. The northern property is located at 235 S. Franceville Coal Mine Road, Colorado Springs CO 80929. This property consists of 80.2 acres of mostly vacant land that is zoned RR-5 (Rural Residential) and A-5 (Agricultural). The southern property is located at 605 S. Franceville Coal Mine Road, Colorado Springs CO 80929. This property consists of 42.3 acres of mostly vacant land that is zoned RR-5.

III. Request and Justification

Mr. Hastings owns and operates a trucking company known as Gateway Trucking, LLC. Gateway Trucking has been doing business in Colorado since 2010. The company is licensed by the US Department of Transportation, and provides aggregate transport services to its customers throughout Colorado and other states. Gateway Trucking does not transport any hazardous materials.

On March 30, **JR Response: Addressed** of County Commissioners approved a use variance to allow Gateway Trucking to park and store its trucks and other equipment for parts on the vacant land referenced above. This application is made to obtain approval of the Site Development Plan and to comply with the accompanying Development Agreement pursuant to the conditions of the Use Variance approval. Gateway Trucking employs 12 full-time employees' year-round, and as many as 20 full-time employees during the summer months. The daily operations of the business are managed from another location, so no Gateway management or

See note #1 on page 7 of this document.



JR Response: Addressed. Revised the parking as directed and proposed alternative parking ratio.

See note #2 on page 7 of this document.

employees work on the site. Three employee parking spaces are provided on-site to meet the minimum parking requirements. Gateway Trucking parks a maximum of 27 tandem trucks and tractor-trailers, and stores other equipment for parts on the site. No materials are hauled to or stored on the site. There are two 10,000 gallon diesel tanks on site used for refueling the trucks. No gasoline is stored on site.

Note #3

JR Response: Addressed

An inventory of the trucks, tractor-trailers, and support equipment normally parked on the site is attached hereto as Exhibit A. Drivers pick up the trucks Monday-Friday between the hours of 5:00 a.m. and 7:00 a.m., and return them to the site Monday-Friday between the hours of 2:00 p.m. and 6:00 p.m. The number of trucks parked on site and the number of trips to and from the site vary with the number of jobs. Trucks that are dispatched to local jobs are frequently, especially during the summer, the majority of Gateway's trucks are dispatched to jobs out of town and are gone from the site for several weeks or months at a time.

JR Response: Noted, requested parking and storage areas as requested.

Note #4

Please update image.

The attached aerial photographs, Exhibits B1 & B2, appear to show a larger number of trucks and vehicles parked on site than is stated above. Most of the equipment and trailers. Designated truck and equipment storage areas are shown on the site plan. The photo that shows a larger number of passenger vehicles parked on site is consistent with a time when most trucks have been dispatched to jobs out of town for longer periods of time. Drivers park their personal vehicles in the space that their truck is parked in during the day. Those drivers take their trucks from the site and do not pick up their personal vehicles until they return the trucks at the site.

JR Response: Addressed

JR Response: Addressed

Most of the equipment at the site is equipment needed for the current operations of Gateway Trucking is kept at this storage yard.

Note # 5 on page 8

IV. Existing and Proposed Facilities, Structures, Roads, etc.

Access to the site is from Franceville Coal Mine Road, about one mile south of State Highway 94. State Highway 94 is a two-lane paved highway with a posted speed limit of 65 mph, and Franceville Coal Mine Road is a two-lane public gravel road. Gateway's drivers enter and exit the truck parking area at the northwest corner of the property via a driveway entrance off Franceville Coal Mine Road. The driveway entrance is of adequate size and composition to safely accommodate Gateway's trucks and equipment, and provides room for safely turning into the driveway from Franceville Coal Mine Road, and for safely exiting the property onto Franceville Coal Mine Road without impeding other traffic.

The Transportation Memo prepared by LSC Transportation Consultants (filed with this application) identifies existing deficiencies and summarizes the condition of Franceville Coal Mine Road. As required by the Development Agreement, the report also provides short-term and long-term recommendations.

JR Response: Added the shop

There is no well or water on the property. No water or sanitary sewer disposal will be needed for the proposed use, as no business operations will be conducted on-site and no structures are proposed with this application.

Note #6



V. Criteria for Approval of the Site Development Plan — Note #7 on page 8

Criteria. In approving a variance of use, the following criteria may be considered:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The variance of use is generally consistent with the applicable Master Plan;
- 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.

roadway landscaping include berms and native trees and shrubs that create visual interest. A berm and landscaping are being provided along the Franceville Coal Mine Road frontage.

2. Parking Lot Requirements: The parking plan includes parking areas for the trucks and 3 separate employee spots for use if all trucks are in spots. The employees will park personal vehicles in the truck parking area once the truck is moved. The 3 employee parking spots meets the required number of spaces in EPC LDC Section Table 6-2 for vehicle storage use. The Applicant proposes alternative landscaping since the site is in a rural arid area that has little or no natural woody vegetation due to the lack of water. **JR Response: Addressed. Revised the parking site available for irrigation as directed and proposed alternative parking ratio.** Irrigation over the long term is cost prohibitive. For this reason, minimal xeric landscaping around the perimeter is proposed. The few trees in the immediate vicinity are those along the ephemeral drainages that bisect the surrounding country from east to west. The surrounding disturbed areas outside the graveled parking area will be seeded with the proposed native grasses mix listed on the Landscape Plan Map.

Again reference note #2

3. Buffer and Screen Areas Between Non-Residential and Residential Districts: The truck parking area consists of only 13.6 acres on the north side of this 42.3 acre parcel, which is closer in proximity to the Isaac Walton Gun Club than to the few residences south and east of the property. As such, Gateway's trucks will be parked on the north side of the property, quite some distance from 2 residences in the immediate vicinity. The remaining 28.7 acres will continue to be used for grazing



and other agricultural activities and provide a natural buffer to adjacent properties. The LDC Section 6.2.2(D) Required Buffer and Screen Areas, requires a 15 foot deep buffer and 1 tree for every 25 feet. The Applicant proposes alternative landscaping design to provide 1 tree every 50 feet in the buffer area with a minimum of 10 shrubs between trees (i.e. 1/2 of required trees be replaced by 10 shrubs each). This will reduce the amount of water needed to maintain the landscaping.

4. Internal Landscaping: The LDC Section 6.2.2(E) Internal Landscaping requires that a minimum of 5% of the lot or parcel be landscaped and 1 tree for every 500 square feet of landscape area and that 1 tree shall be required for every 500 square feet of required internal landscaped area and that a maximum of 1/2 of the required trees may be substituted with shrubs. This requirement is met by the trees and shrubs in landscape buffer as well as existing native grasses and vegetation on the property, as shown on the landscaping plan.

B. Lighting

Notes #7 and #8

JR Response: Addressed

There is no electricity to the property, and the property is located in a rural area where lighting is not needed and will only detract from the rural atmosphere that neighboring properties enjoy. For these reasons, the Applicant requests approval of an alternative lighting proposal that includes no permanent lighting at the site. Portable flood lights will be stored on site should they be needed.

The alternative lighting proposal for no lighting at the site satisfies the LUC review criteria in the following ways.

- 1) No business activity will occur after dark that would require onsite lighting to enhance safety.
- 2) The proposal will protect natural areas from light intrusion.
- 3) The proposal enhances neighborhood continuity and connectivity by avoiding unwanted light intrusion onto neighboring properties and light pollution of the clear night skies.
- 4) The site is not open to the public, and does not adjoin any public trail or sidewalk. As such, there is no non-vehicular access to the property for which lighting is needed.
- 5) Preserving darkness in the night sky is innovative and welcome in a time when unnecessary and unwanted lights are common place.



C. Signs

JR Response: Addressed

Notes #2 and #9

There will be no signage on the property.

D. Parking

There are no structures and no business is conducted on site that would necessitate a parking lot.

proposed to be paved

JR Response: Addressed

E. Access and Maintenance

Access is by a paved service road from Franceville Coal Mine Road to the gravel truck parking area. The driveway and service road are sufficiently wide and configured to safely accommodate two way traffic and to provide safe access for emergency vehicles. Trucks can be safely turned around in the gravel parking area. The Applicant will perform routine road maintenance that includes grading and re-surfacing as needed. Such routine maintenance will not result in any adverse impacts. A commercial driveway access permit application will be submitted upon approval of the site development plan.

F. Dust and Debris Control

The service road will be paved to mitigate dust and track-out of dirt and mud onto Franceville Coal Mine Road. The truck parking area will be maintained with a gravel surface to prevent erosion.

Note #10

JR Response: Added info on parking spaces to show we meet the criteria. No need to for an alternative to the paving standard.

G. Air Quality Control

The Applicant will spray water on the gravel truck fugitive dust from trucks entering and exiting the property.

H. Fire Protection and Wildfire Mitigation

The property does not fall within a wildland fire area. The property is served by the Ellicott Fire Protection District and the El Paso County Sheriff's Department. The response time to emergency calls is about 5 minutes.

I. Wetlands and Wildlife

This property is not within a designated wetland, and the use will have no impact on wildlife or wildlife habitat.



Exhibit A

Inventory of equipment at the parking area as of 5/18/2025

25- Truck tractors

55 – Various trailers, includes dump and flat bed units

Miscellaneous – Spare parts, tires and rims to support truck and

JR Response: Noted

PLANNING REVIEW NOTES:

1. From page 2. This is a Revised Variance of Use request because the previous Variance of Use (VA154) Conditions for Approval were not met and is being abandoned. The required Site Development Plan to implement that Variance (PPR2133) was never approved. This application IS NOT for a Site Dev. Plan. This is a brand new Variance of Use request.

2. From page 3. The proposed use is not "Vehicle Storage". The proposed use is more like a Contractor's Equipment Yard, which is how VA154 was reviewed as well. Please note the following:

Resolution 17-110
Page 3

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the application by Perry Hastings for a variance of use to operate a contractor's equipment yard within the RR-5 (Residential Rural) Zone District where such is not a permitted use for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

LDC Definitions:

Automobile and Boat Storage Yard — A lot, parcel, or structure used for temporary storage of operable automobiles, trucks under 5 tons rated capacity, campers, recreational vehicles, trailers, or boats, not owned by the property owner, where typically the storage occurs when they are not in use and for a fee. The term shall not include scrap metal processing yards, vehicle dismantling yards, or salvage yards.

While not a 100% match, this is the closest Code defined use - used previously and now.

Contractor's Equipment Yard — 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.

The proposed use is outdoor parking of vehicles (semi-trucks, trailers, and equipment) related to a commercial business. The current application also appears to include a "future building/shop".

How that impacts parking: (this comment was also made on previous submittals) When the use is most like a contractor storage yard.

Parking for Uses Not Listed. The required parking spaces for a use which is not specifically listed in Table 6-2 shall be determined by the PCD Director based on the requirements of other similar uses.

Industrial Use (e.g., construction batch plant, construction or contractor's yards, manufacturing, general light or heavy industry, meat packing and related industry)	1 space per 750 square feet	JR Response: Addressed. Revised the parking as directed and proposed alternative parking ratio.
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An alternative parking ratio could be considered (see LDC 6.2.5.(D)(1)(a)(vi) if specific criteria is met. This must be clearly identified in the Letter of Intent as part of the Variance of Use request.

3. From page 3. There is a significant amount of "storage" identified on the site plan. Please. **JR Response: Addressed**

4. From page 3. Please note that the Variance of Use request would benefit the applicant more if we allow truck/trailer parking and storage based on area and not limit it to the number of vehicles. The BOCC may put a condition of approval that limits the number of vehicles, but I think it would be reasonable at this time to simply request parking and storage areas. For example, label and count all parking spaces on the site plan. Label and provide sq ft for all designated storage areas. **JR Response: Noted, requested parking and storage areas as requested.**

PLANNING NOTES:

JR Response: Addressed

5. This application request is for Gateway Trucking parking and equipment storage only. This approval will not allow a salvage yard, waste disposal, or storage of rubbish.

JR Response: Added the shop

6. This needs to be updated to include the proposed building/shop. Further explanation needed.

7. A Site Development Plan review will follow potential approval of a Variance of Use (this request). Reference the Variance of Use criteria in the Land Development Code (5.3.4). Any alternative design requests **do** need to be included to address Variance of Use criteria for approval #8. While the request to deviate from the Code for landscaping, parking, pa... requested now, please keep in mind that the final design will be determined at Site Developer... are asking the BOCC to grant the PCD Director the authority to approve an alternative design during Site Dev. Plan review.

JR Response: Addressed

8. Alternative design should be proposed and defended. See... Code. Will electricity/utilities be run to the proposed shop/bu... 6.2.5.(C)(2) *Construction Requirements*, "lighting shall be... ds.."

JR Response: Addressed, provided alternative lighting plan following guidelines from meeting w/ EPC.

9. There is a significant amount of parking on site. Any "Parkin... the Code. See note #2. If an alternative parking ratio is reques... 6.2.5 of... address why the BOCC should allow that as part of the Variance of Use...

JR Response: Addressed. Revised the parking as directed and proposed alternative parking ratio.

10. The PCD Director will not be able to grant an alternative to the paving standard. Please note the use of the word "shall". Reference: 6.2.5.(C)(2) *"The PCD Director shall find that the use of the unpaved area causes air pollution due to blowing dust or adverse drainage conditions or that the use constitutes a nuisance to the residents or occupants of the neighborhood."*

JR Response: Added info on parking spaces to show we meet the criteria. No need to for an alternative to the paving standard.



GATEWAY PARKING AREA

PHOTO DATE: OCTOBER 2019

Legend

- Gateway Parking Facility



Google Earth Hastings Contracting



300 ft

VA256

PPR-21-033

JR Response: Addressed

For the current application, please update this photo. (Provided on page 8 of this packet.)

JR Response: Addressed

Legend
Gateway Parking Facility

GATEWAY PARKING AREA
PHOTO DATE: NOVEMBER 2024



Google Earth Hastings Contracting
Image © 2025 Airbus

JR Response: Addressed

VA256

PPR-21-033