

EL PASO

COMMISSIONERS:
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MARK WALLER (PRESIDENT PRO TEMPORE)



COUNTY

STAN VANDERWERF
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Darryl Glenn, President

FROM: Nina Ruiz, PM/Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: VA-18-001
Project Name: Hotchkiss
Parcel No.: 62280-05-038

OWNER:	REPRESENTATIVE:
John Hotchkiss 9161 Estebury Circle Colorado Springs, CO 80920	John Hotchkiss 9161 Estebury Circle Colorado Springs, CO 80920

Commissioner District: 1

Planning Commission Hearing Date:	3/20/2018
Board of County Commissioners Hearing Date	4/10/2018

EXECUTIVE SUMMARY

A request by John Hotchkiss for approval of a variance of use for a general office. The 2.28 acre property is zoned RR-2.5 (Residential Rural) and is located north of Old Ranch Road approximately one-half (1/2) mile east of Voyager Parkway. The property is not located within a small area plan. There is an existing 1974 double-wide mobile home with a detached garage on the property. The applicant is proposing to remove the mobile home, construct a new office building, and convert the garage into a separate office space. The new office building is proposed to have the exterior appearance of a single-family dwelling. The property will be served by a commercial well and an onsite wastewater treatment system. The applicant is requesting a variance of use instead of rezoning due to inadequate services being available to support many of the allowed uses within the County's commercial zoning districts.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by John Hotchkiss for approval of a variance of use to operate a general office.

Waiver(s): A waiver of Section 6.2.2.D of the Land Development Code requiring an opaque fence with a minimum height of six (6) feet where a commercial use is immediately adjacent to a residentially zoned parcel.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard: March 20, 2018, as a consent item.

Recommendation: Approval, subject to the conditions and notations. A copy of the Planning Commission Resolution is included as an attachment.

Waiver Recommendation: Approval

Vote: 6 to 0

Vote Rationale: N/A

Summary of Hearing: Applicant was represented at the hearing.

Legal Notice: N/A

C. APPROVAL 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 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-2.5 (Residential Rural)	Residential
South:	RR-5 (Residential Rural)	Residential
East:	City of Colorado Springs	Vacant
West:	RR-2.5 (Residential Rural)	Residential

E. BACKGROUND

The 2.28 acre parcel was created on November 6, 1963, prior to adoption of the subdivision regulations by the El Paso County Board of County Commissioners on July 17, 1972. There is an existing 1974 double-wide mobile home with a detached garage on the property. The applicant is proposing to remove the mobile home to construct a new office building and convert the garage into a separate office space. The new proposed office building is proposed to have the exterior appearance of a single-family dwelling.

The city limits of Colorado Springs are directly adjacent to the east and the property is within 850 feet of the limits to the northwest. Per the applicant's letter of intent "The Colorado Springs Planning Department has made it clear that they will not allow an Agreement to Annex for this property, which would allow us to keep our current supply of CSU water service active." The property is currently served by both well and Colorado Springs Utility (CSU) water. CSU will not allow a commercial use on the property to be served by their services at this time so the applicant will make application for a commercial well permit and, if approved, will discontinue use of CSU water service. The applicant is requesting a variance of use instead of rezoning due to inadequate services being available to support many of the allowed uses within the County's commercial zoning districts. Should the variance of use request be approved, a site development plan will be required prior to authorization of a building permit to construct a new office building and to convert the garage into an office.

F. ANALYSIS

1. Land Development Code Analysis

The property is currently zoned RR-2.5 (Residential Rural). The RR-2.5 zoning district is primarily rural residential in nature. The surrounding parcels within unincorporated El Paso County to the north and south have been developed as rural

residential. This general area of the County is surrounded by the City of Colorado Springs to the north, east, and west. High density residential development is located directly to the east and commercial and industrial development is located to the north and west.

As mentioned above, the City Planning Department has stated that the City will not allow annexation of the property at this time. Annexing into the City of Colorado Springs, and/or connecting to central water and sanitation for a commercial use is not possible at this time. The office buildings are to be served by a commercial well and onsite wastewater treatment system(s).

General office is an allowed use within the CC (Commercial Community), CR (Commercial Regional), and CS (Commercial Services) zoning districts. Each of these commercial zoning districts allow for many uses that could not reasonably be served by well and septic and would require central services (e.g., hotel, restaurant, general retail sales). The applicant is requesting a variance of use for an office building that the applicant states will be constructed to resemble a single family residence so that it will be harmonious with the character of the neighborhood. The applicant's letter of intent states:

"Proposed construction would be to remove the existing trailer, and to build custom home that would house a business. With this approach, we feel that the nearby residential neighbors could still retain the look of their neighborhood, but open a space they could potentially move their businesses to. This building would be a two story structure, with deep wrap-around porches that would encourage an atmosphere of working both inside and outside the office."

Should the request be approved, staff recommends an additional condition and notation to ensure all required permits and approvals are obtained for the commercial well and onsite wastewater treatment system.

2. Zoning Compliance

The property is within the RR-2.5 (Residential Rural) zoning district, which does not include general office as an allowed use. Only if the variance of use and a site development plan are approved will the proposed use be in compliance with the existing zoning.

3. Policy Plan Analysis

Consistency with the El Paso County Policy Plan (1998) is not a required review criteria for a variance of use request. For background, the Policy Plan has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Policy 6.1.11 Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 6.2.12 Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.

Goal 7.1 Reasonably accommodate unique and special uses which provide value to the greater community and which can be made consistent with surrounding uses.

The property is currently zoned RR-2.5 (Residential Rural). The RR-2.5 zoning district is primarily rural residential in nature. The surrounding parcels within unincorporated El Paso County to the north and south have been developed as rural residential. This area of unincorporated El Paso County is surrounded by the City of Colorado Springs. The surrounding development within the City of Colorado Springs consists of high density residential development directly to the east and commercial and industrial development to the north and west. The applicant is request a variance of use to construct a new office building that is proposed to resemble a single family residence and will be of comparable scale. The existing residential garage will be converted to an office space.

The applicant has identified the reasons why this office will provide a benefit to the community in their letter of intent:

“Many new homes are being built in this area and a majority of those new residents are driving north to the Denver area, to work outside of Colorado Springs. El Paso County has recognized this increased migration and so has plans to expand Powers north to I25, expedite the I25 expansion by several years, and continues to expand I25 throughout the city.

By creating a space where an employee or company owner could drive a very short distance, or even bike or jog to work, we feel it would at least in some way reduce the tax revenues and traffic flowing north out of our county. Lease space in this area is either confined to mini-malls or 10 story office buildings, leaving very little stand-alone office space available. Small business is the backbone of our economy, and creating a space for them to grow and thrive is essential for their success. El Paso County has prided itself in being “pro-business” for many years, and we see this as an opportunity to once again prove that.”

Although consistency with the Plan is not a requirement for a variance of use, the proposed use could be found to be consistent with the Plan.

4. Small Area Plan Analysis

The property is not located within the boundaries of a small area plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies development of the property as having a low wildlife impact potential. The applicant has received a clearance letter from the US Fish & Wildlife citing "No Concerns".

The Master Plan for Mineral Extraction (1996) identifies potential upland deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records with El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A portion of the property is within the FEMA Floodplain. Please see section 3 below.

2. Wildlife

The El Paso County Wildlife Descriptors Map (1996), adopted as an element of the El Paso County master plan, shows this area as having low potential impact to wildlife.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0506F shows that the eastern corner of the property is located within the 100-year floodplain (Zone AE). Development is not being proposed within the floodplain. Future development of the portion of the property within the 100-year floodplain will require approval by the Floodplain Administrator. The Floodplain Administrator will be sent a referral with the site development plan.

4. Drainage And Erosion

The property is located within the Kettle Creek drainage basin (FOMO3000), which is included in the Drainage Basin Fee Program; however, drainage or bridge fees are not assessed with variance of use requests. A drainage letter will be required with the site development plan.

5. Transportation

The property is accessed via an existing driveway along Old Ranch Road. Section 6.2.5.C.2.iii of the Code requires paving of the first 50 feet of the existing driveway.

A traffic impact study was not required and the County Road Impact Fee does not apply to this request because the variance of use is not expected to generate 100 more daily vehicle trips than the property would be expected to generate without the variance of use request being approved.

H. SERVICES

1. Water

The property is currently served by Colorado Springs Utilities and by a well. The proposed change of the use to general office use will limit service to only a commercial well for reasons discussed above in this report.

2. Sanitation

The general office use will be served by an onsite wastewater treatment system(s).

3. Emergency Services

The site is located within the boundaries of the Donald Wescott Fire Protection District. The District was sent a referral and provided no response.

4. Utilities

Mountain View Electric Association provides electrical service and Colorado Springs Utilities provides gas service.

5. Metropolitan Districts

The property is not within a metropolitan district.

6. Parks/Trails

There are no planned parks/trails on the subject parcel. No park fees or land dedication in lieu of fees are required for this application.

7. Schools

The property is located within Academy School District No. 20. No school fees or land dedication in lieu of fees are required with this application.

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in 5.3.4 of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations:

CONDITIONS

1. 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 administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes

a substantial change, then such addition or modification shall be subject to review and approval by the Board of County Commissioners.

2. Prior to building permit authorization, the applicant is required to obtain a permit from El Paso County Public Health for an onsite wastewater treatment system(s).
3. The applicant shall seek approval from the Planning and Community Development Department of a commercial site development plan prior to the implementation of the uses and/or prior to building permit authorization.
4. A commercial well permit shall be obtained within 120 days of the approval date from the Board of County Commissioners. The due date may be administratively extended by the Planning and Community Development Department Director if the Director determines that the applicant is making a good faith effort to obtain the well permit.

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. Road impact fees shall be paid at the time of approval of each site development plan for uses that will cumulatively generate 100 more daily vehicle trips.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified five (5) adjoining property owners on February 27, 2018, for the Planning Commission and Board of County Commissioners hearings. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
Planning Commission Minutes

Planning Commission Resolution
Board of County Commissioner Resolution

El Paso County Parcel Information

File Name: VA-18-001

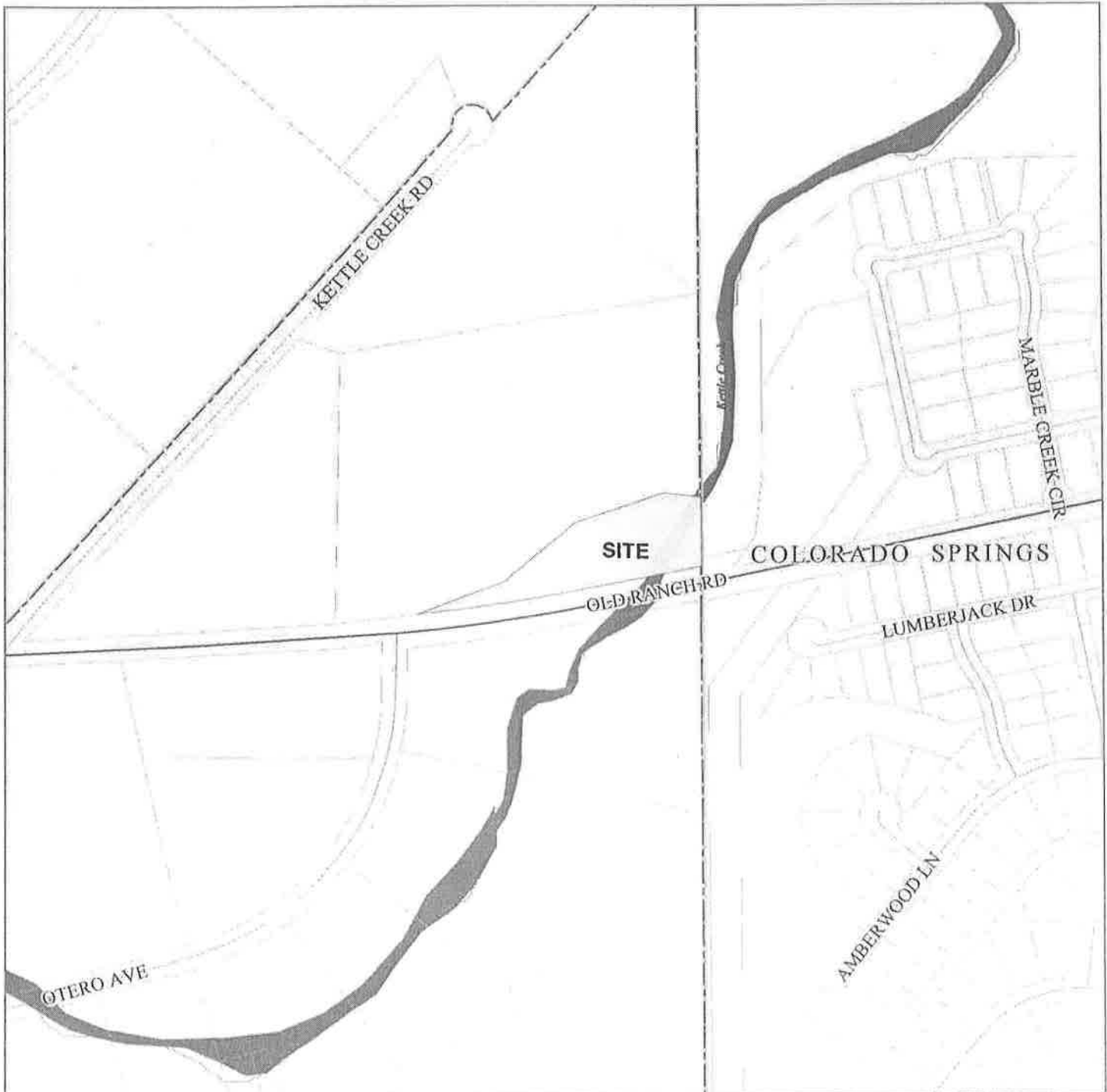
PARCEL	NAME
6228005038	HOTCHKISS JOHN P

Zone Map No: --

Date: February 27, 2018

ADDRESS	CITY	STATE
9161 ESTEBURY CIR	COLORADO SPRINGS	CO

ZIP	ZIP+4
80920	



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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Hotchkiss Variance of Use - Letter of Intent

REQUEST AND JUSTIFICATION:

Request a Variance of Use to allow General Office use that fits with the El Paso County Plan CHAPTER 1-B, and Issue 13.4 for reduced traffic measures and increased commercial within short driving or biking distances to residential. General Office use is not allowable with current land use for RR 2.5, so a variance to those allowable uses is being requested.

The property is located nearby large manufacturing and industrial centers, as well as residential, office, and commercial sites. We are looking to create a unique and rural general office space, leasing to a company who either currently houses their business in Denver, or who seek to operate a business outside of Colorado Springs. By creating a workspace nearby both residential and commercial locations, we hope to attract business that would otherwise take their tax revenues outside of El Paso County.

We envision possible business types to include realty firms, architectural firms, tax professionals, home builder offices, tech firms, or other type businesses that need office space for work, but meet customers or clients onsite only on rare occasion.

Chapter 1.15 of the EPC LDC describes General Office as: Use of a site for business, professional, or administrative offices excluding medical offices. General offices are characterized by a low proportion of vehicle trips attributable to visitors or clients in relation to employees. Typical uses include real estate, insurance, management, travel, or other similar business offices; organization and association offices; law, architectural, engineering, accounting, telemarketing or other professional offices.

Many new homes are being built in this area and a majority of those new residents are driving north to the Denver area, to work outside of Colorado Springs. El Paso County has recognized this increased migration and so has plans to expand Powers north to I25, expedite the I25 expansion by several years, and continues to expand I25 throughout the city.

By creating a space where an employee or company owner could drive a very short distance, or even bike or jog to work, we feel it would at least in some way reduce the tax revenues and traffic flowing north out of our county. Lease space in this area is either confined to mini-malls or 10 story office buildings, leaving very little stand-alone office space available. Small business is the backbone of our economy, and creating a space for them to grow and thrive is essential for their success. El Paso County has prided itself in being "pro-business" for many years, and we see this as an opportunity to once again prove that.

We are requesting a Variance of Use rather than a Rezone/Annex for three reasons.

First, the Colorado Springs Planning Department (Meggan Herington, Assistant Planner) has made it clear that they will not allow an Agreement to Annex for this property, which would allow us to keep our current supply of CSU water service active. The Agreement to Annex is triggered when a Rezone is

requested, and would be the only vehicle for keeping our CSU water service. By choosing the Variance route, it is possible to reengage the City at a later date to ask if they will allow access to CSU water again. The city has also made it clear that this area will not be annexed into the city as it would be too costly to convert services and roadways to city standards.

Second, a Variance of Use was chosen over the Rezone as the Variance is in essence a temporary status as opposed to the permanent action of a Rezone. It was our wish to allow the County to be able to review the Variance if our project became unsuitable and not a good fit for the neighborhood. We wish to work together with our neighbors and the County to make a better living environment for us all. We currently live five minutes away from this property so it is literally our neighborhood too.

This Variance will give us the opportunity to try something unique and beneficial in this community. It will give the County a chance to implement the philosophy behind Issue 13.4 on a small scale and temporary basis to minimize the risk of permanent changes to our community. We believe it will impact El Paso County in a positive way, generating both increased tax revenues and decrease commuter traffic.

Third, we do not have the financial backing for the costs associated with a rezone at this time. Estimates from consultants who could assist us with a rezone were well over \$20,000 – a cost we could not afford. We are a single-income family, and have borrowed from Pikes Peak National Bank for the purchase of the property and soon for the costs associated with both the Variance and the building loan itself.

We would seek a full Rezone at a later date if our project and idea works well within the community and is profitable, as we foresee it will be.

EXISTING STRUCTURES:

The existing structure is a 1974 double-wide trailer home with a detached built-in garage. This is a pre-HUD structure that does not qualify as a technical home, and so will need to be removed regardless of a Variance approval. The nearby residential neighbors have expressed concerns over property values and consider the current structure an “eye-sore.”

PROPOSED STRUCTURES:

Proposed construction would be to remove the existing trailer, and to build custom home that would house a business. With this approach, we feel that the nearby residential neighbors could still retain the look of their neighborhood, but open a space they could potentially move their businesses to. This building would be a two story structure, with deep wrap-around porches that would encourage an atmosphere of working both inside and outside the office.

The garage that is currently located nearer to the road would be retained to create a separate and smaller lease space for a start-up business. We envision a photo studio, artist studio, or other such businesses that are seeking lower up-front square-footage costs for a new business in this area. We

would seek to limit the businesses to ones that generate little to no customer traffic, as is in keeping with the General Office definition.

PARKING/DRIVES:

A gravel entry currently exists, and in this rural setting would suffice for parking. However, to attract a higher-end lease, a paved parking area would be desired. This would include 15-19 spaces (to include two disabled ADA spaces) consistent to the square footage of the building ultimately built. No commercial vehicle parking would be required, provided, or permitted. Temporary loading or unloading of delivery vehicles could be accomplished within the general parking area if needed. A 50ft paved entry drive at minimum would connect the street to the parking area. Parking direction would be towards the building and away from Old Ranch Rd., so no parked car headlights would interfere with traffic.

CURRENT ACCESS ROAD / LOCAL TRAFFIC CHANGES:

Current access is next to Kettle Creek Bridge with a road width of nearly 80ft at that particular point. The city terminates a divided two-lane road in front of the property as it transitions to County, giving a wide 35ft lane on either side. View of oncoming traffic from the east is unobstructed for nearly a half-mile, and to the west over 500ft. Speed limits for that section are limited to 40 mph. This is a minor arterial road. The proposed plan would generate less than 100 trips per day and County Engineering has indicated that no traffic report is necessary for the small scale of the project.

EXISTING UTILITIES:

Natural gas service is being provided by Colorado Springs Utilities. Electric service is being provided by Mountain View Electric. A permitted individual private well is onsite and will be used for water service. The well will be converted to a Commercial Well permit which will de-rate the well from the current and outdated Domestic rating – saving El Paso County 2/3 of the current rated water use (300,000 gallons/year to >108,000 gallons/year). A permitted septic system rated at 1000 gal is in use and functional, and would be more than adequate for several toilets and breakroom sinks. It is located in the back of the property away from the existing and proposed structures.

A Colorado Registered Professional Engineer with experience in OWTS design will provide verification that the existing OWTS has sufficient capacity to serve the number of employees at capacity. A Minor Repair OWTS Permit will be obtained (if required) to connect the new structure to the existing OWTS building sewer line.

An Application for Gas Line Extension will to be submitted along with a Load Data form or an Application for Gas Service Line Approval and/or Application for Elevated Pressure Approval prior to electric and natural gas system design for service to the project. (CSU Line Extension and Service Standards).

Improvements, structures and trees will not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable natural gas regulations or Colorado Springs Utilities' policies. Additionally,

improvements, structures and trees shall not be located under any overhead utility facility, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.

NEIGHBORHOOD AND CURRENT CHANGES TO NEIGHBORING LAND:

The adjoining lots consist of three lots zoned Agricultural (A-35 & A-5) and one lot zoned RR-5. The one residential neighbor has three RR-5 lots and one heavy industrial (I-3) lots adjoining them to the West. From our research, the neighbor to the east is currently seeking rezoning of their 190 acre lot to both commercial and residential. Since the area is already in flux towards large commercial projects, this small commercial variance should fit well with these changes. This area lies outside of the Black Forest Planning Area.

CURRENT AND PROPOSED LANDSCAPING, SCREENING, TOPOGRAPHY, AND DRAINAGE: (EPC LDC 6.2.2 and 6.3.5)

This property is bordered to the east by Kettle Creek. That small sliver of land is in a FEMA 100 year flood zone, but is well away from existing and proposed structures. As the upper Kettle Creek drainage area is developed by the neighbor to the east, this will most likely change or be reclassified.

The lot itself is level, with nearly 80% of the land permeable and covered by grass. The proposed building that will replace the existing structure would cover comparable square footage. A paved driveway and parking lot would increase the non-permeable footprint, but not extensively (reduction to 75% with 25% as the EPC LDC minimum). Current drainage is into level permeable ground or into the Kettle Creek stream system to the east. A drainage letter will be provided at the time of construction / permitting.

Thick landscape screening from the neighbor to the west is already in place, with an elevation change of 30ft and a small evergreen extension of the Black Forest pines. Several Cottonwood trees also exist at less than 25 ft distance between. Additionally, the house is nearly 2 acres away and cannot be seen from this lot.

We request a waiver from the required landscape screening on this side of the property as adding 10-15 trees may damage the existing and established evergreen trees, adding no extra screening in the process. There are no other neighbors with homes adjacent to the lot as all other lots are zoned A-5 or A-35. A neighborhood in Colorado Springs does lie several lots away to the east, but it is also obstructed by green space and thick, established evergreen trees.

The proposed structure location will be screened from Old Ranch Rd. by mostly evergreen trees, and will be added at a depth of 20ft (El Paso Co. Dev. Standards Table 6-1) from the property boundary with either clustering or planted every 25 ft. An additional grouping of trees will be planted along the bank of Kettle Creek (outside the flood zone) to screen the building from the view from the road. New trees and grass will be watered with existing well water until established. No waiver to the landscaping requirements of the LDC are being requested for the South side of the property.

Trees will be planted in a single planter, located between the east and west sections of the parking spaces which will be located in front of the building. This will provide shade and additional interior building screening from the road.

Landscaping will be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities. Landscaping will not be placed in a Utility Easement.

As this is a proposed General Office use project, there are no expectations of noise abatement requirements of Chapter 8 and the ECM. No heavy machinery use or manufacturing is proposed for this variance of use.

Overall internal landscaping with fit with the philosophy of creating a landscaped property that would attract a higher-end business customer – something attractive to both passerby's and the business owners themselves. Shrubs and bushes, planters and ground cover will be incorporated around the building and walkways. A landscaping plan will be provided at the time of construction / permitting.

Waiver of Fencing Requirement Request: (6.2. para E (1))

The lots immediately surrounding this lot, and those of the rest of the County neighborhood do not have tall fences installed. We ask for a waiver of fencing requirement to the code found in El Paso County General Development Standards, Chapter 6.2. We seek to install only lower, 30" or less opaque (split-rail type) boundary fencing to keep with the aesthetics of the surrounding neighborhoods (see 6.2 para H). Most other homes on Old Ranch Rd. incorporate this type fencing, so it would be our desire to match that feature.

SIGN PLAN (6.2.10)

One sign will be erected nearby the entrance to the property in accordance with section 6.2.10, with low-level lighting on either side and shall not exceed the height, size, or setback limitation set forth in this section.

LIGHTING (6.2.3)

Exterior lighting will be limited to the parking lot in front of the building (which lies more than 100 ft from the roadway), light for the proposed sign, and low wattage interior drive or pathway lighting. It will be utilized only during operating hours. Motion-sensing security lighting attached to the building will be sufficient for after-hours or nighttime use. Low wattage LED solar lighting will be used for driveway / pathway lighting and for aesthetics.

ECONOMIC ADVANTAGES:

This lot is currently netting the county \$1200 annually through property taxes. Should the rezone be approved, not only would the property taxes increase, but income tax from the lease profits *AND* the business operating from it would benefit the County. Depending on the type of business conducted, it could mean tens of thousands of dollars of increased funds – which is income for El Paso County, not Douglas, Arapahoe, or Denver Counties.

EL PASO COUNTY POLICY PLAN CHAPTER 1-B:

ISSUE 13.4 consider Transportation

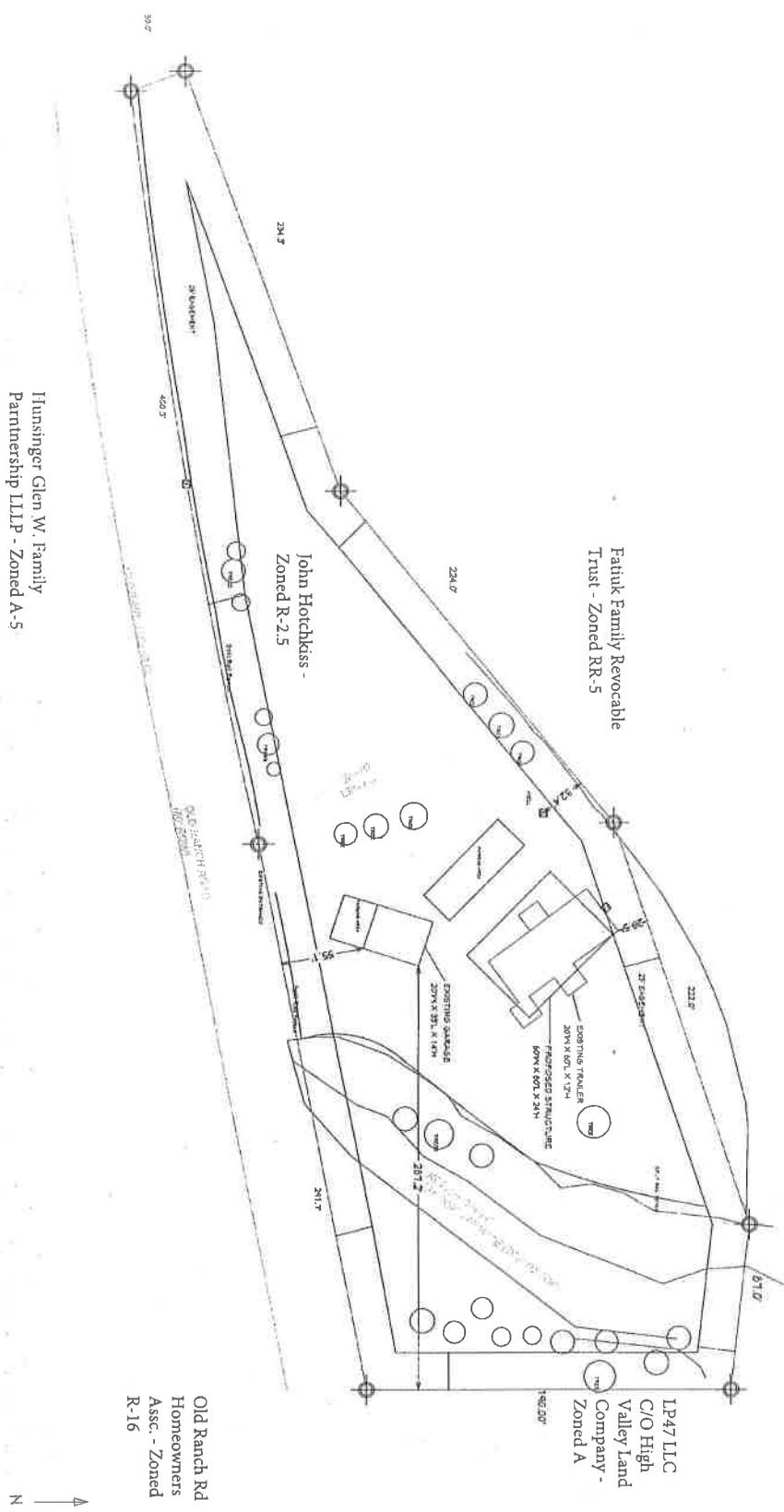
A critical two-way relationship exists between housing and transportation systems. As more residents, who are willing to commute long distances in order to enjoy more personal space, disperse to more remote locations within the unincorporated county, travel demands increase and an additional burden is placed on the network of regional roads. However, the ability to commute long distances relies on the ability of State and local governments to provide and maintain the network of roads necessary to support this practice.

Reasonable dispersion of housing choices throughout the County may contribute to more efficiency in the job-housing mix. When a variety of housing type and affordability choices are available in proximity to employment and commercial centers there can be an effective reduction demand on transportation infrastructure.

Goal 13.4 Encourage a positive relationship between housing development, land use planning and transportation systems.

Policy 13.4.1

Consider the impact of housing density on the transportation system.



Hunsinger Glen W. Family
Partnership LLP - Zoned A-5

Fatuk Family Revocable
Trust - Zoned RR-5

John Hotchkiss -
Zoned R-2.5

LP47 LLC
C/O High
Valley Land
Company -
Zoned A

Old Ranch Rd
Homeowners
Assoc. - Zoned
R-16

N

<p>PROPERTY LOCATION: 2290 Old Ranch Rd. Colorado Springs, CO 80908</p>	<p>PROPERTY LEGAL DESCRIPTION: THAT PART OF LOT 8 LY NLY OF TR CONV BY BK 2288-416, TOG WITH THAT PORT OF VAC BURGESS RD BY BK 3173-561 BLK E SPRING CREST AMD FIL</p>	<p>Schedule Number: 6228005038 LOT SIZE: 2.28 ac. CURRENT ZONE: RR-2.5 PROPOSED USE: Office</p>	<p>John Hotchkiss 9161 Estebury Circle Colorado Springs, CO 80920 719-339-9937 johnhotchkiss36@msn.com</p>
<p>DATE: 12 / 01 / 2017</p>	<p>SCALE: 1" = 60'</p>	<p>SHEET: A-1</p>	

EL PASO

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)



COUNTY

STAN VANDERWERF
LONGINOS GONZALEZ
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission (PC) Meeting
Tuesday, March 20, 2018
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

PRESENT AND VOTING: JIM EGBERT, KEVIN CURRY, JANE DILLON, JOAN LUCIA-TREESE, SHARON FRIEDMAN, AND LAWRENCE WOOD

PRESENT AND NOT VOTING:

ABSENT: BRIAN RISLEY, ALLAN CREELY, KEVIN MASTIN, AND TONY GIOIA

STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, NINA RUIZ, GABE SEVIGNY, GILBERT LAFORCE, AND EL PASO COUNTY ATTORNEY COLE EMMONS

OTHERS PRESENT: JOHN HOTCHKISS, JONATHAN MOORE, ALAN PETERSON, JONATHON SMITH, KERRY ABERNATHY, JOHN ADAMS, ELAINE PETERSON, JERRY HANNIGAN, MARY GREEN, JOAN VAIRIN

1. Report Items

Planning and Community Development Department – Mr. Craig Dossey gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting. He also gave the comparative data for residential building permits and active projects.

Mr. Dossey stated that there would be a meeting on April 3, 2018.

2. Consent Items

A. Approval of the Minutes – March 6, 2018

The minutes were approved as presented. (6-0)

Mr. Curry had some specific questions for Consent Item 2B. A full hearing may be called if there are further questions.

2880 INTERNATIONAL CIRCLE, SUITE 110
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COLORADO SPRINGS, CO 80910-3127
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**VARIANCE OF USE
HOTCHKISS**

A request by John Hotchkiss for approval of a variance of use to operate a professional office. The 2.28-acre property is zoned RR-2.5 (Residential Rural) and is located north of Old Ranch Road approximately one-half (1/2) mile east of Voyager Parkway. (Parcel No. 62280-05-038)

Mr. Curry had some specific questions. I noticed one waiver for a fencing requirement and a landscaping requirement. **Ms. Ruiz** – The Executive Director has the authority to approve an alternative landscaping plan but not a waiver. The applicant has requested a waiver of the fencing because no privacy fence is being proposed. At the site development plan stage the applicant may request an alternative landscaping plan that the Director may approve or deny.

Mr. Curry -- Second question – With regard to lighting, it states they will only have lights during operation hours, does that mean the parking lot will not be lit at night? **Ms. Ruiz** – They are required to submit a photometric plan with the Site Development Plan. The lighting at the boundary lines are not allowed to be more than .01 candles. During the winter months they will likely need the lights on during operating hours due to the limited hours of daylight.

Mr. Curry – How is a property assessed after it gets a variance? **Mr. Dossey** – I've had these conversations with the Assessor's Office. They mainly look at the use of the property. It is assessed by the use and could in fact increase the value of the property.

Mr. John Hotchkiss – We are looking to comply with the landscaping requirements. The fencing was just to match the rest of the neighborhood.

PC ACTION: CURRY MOVED/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM NO. 2B, VA-18-001 FOR A VARIANCE OF USE WITH FOUR (4) CONDITIONS AND FOUR (4) NOTATIONS, IN ADDITION TO THE WAIVER FOR LANDSCAPING, UTILIZING RESOLUTION PAGE 51 (MORE PARTICULARLY DESCRIBED ON PAGE 18-015) AND THAT THIS ITEM BE FORWARDED TO THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (6-0).

VARIANCE OF USE (Approved)

Commissioner Curry moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. VA-18-001**

WHEREAS, John Hotchkiss did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the Choose an item. zoning district to permit a general office where such use is not permitted; and

WHEREAS, a public hearing was held by this Commission on March 20, 2018; and

WHEREAS, based on the evidence, testimony, exhibits, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Planning Commission Members during the hearing, this Commission finds as follows:

1. That the application was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. That all exhibits were received into evidence.
5. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
6. That the proposed variance of use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.4, Variance of Use, of the El Paso County Zoning Resolutions.

7. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County, and

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Planning Commission considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. 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 the County;
3. 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;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. 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.

NOW, THEREFORE, BE IT RESOLVED that the application of John Hotchkiss for a variance of use within the RR-2.5 (Residential Rural) zoning district to permit a general office where such is not a permitted use for the following described unincorporated area of El Paso County be approved:

See Exhibit A

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following condition(s) and notation(s) shall be placed upon this recommendation:

CONDITIONS

1. 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 administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial change, then such addition or modification shall be subject to review and approval by the Board of County Commissioners.
2. Prior to building permit authorization, the applicant is required to obtain a permit from El Paso County Public Health for an onsite wastewater treatment system(s).
3. The applicant shall seek approval from the Planning and Community Development Department of a commercial site development plan prior to the implementation of the uses and/or prior to building permit authorization.
4. A commercial well permit shall be obtained within 120 days of the approval date from the Board of County Commissioners. The due date may be administratively extended by the Planning and Community Development Department Director if the Director determines that the applicant is making a good faith effort to obtain the well permit.

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. Road impact fees shall be paid at the time of approval of each site development plan for uses that will cumulatively generate 100 more daily vehicle trips.

WAIVER

1. A waiver of Section 6.2.2.D of the Land Development Code requiring an opaque fence with a minimum height of six (6) feet where a commercial use is immediately adjacent to a residentially zoned parcel.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Egbert	aye
Commissioner Curry	aye
Commissioner Lucia-Treese	aye
Commissioner Dillon	aye
Commissioner Wood	aye
Commissioner Friedman	aye

The Resolution was adopted by a vote of 6 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: March 20, 2018

EXHIBIT A

PROPERTY LEGAL DESCRIPTION:

THAT PART OF LOT 8 LY NLY OF TR CONV BY BK 2288-416, TOG WITH THAT PORT OF
VAC BURGESS RD BY BK 3173-561 BLK E SPRING CREST AMD FIL

RESOLUTION NO. 18-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE VARIANCE OF USE TO PERMIT A GENERAL OFFICE. (VA-18-001)

WHEREAS, John Hotchkiss did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the RR-2.5 (Residential Rural) zoning district to permit a general office where such is not permitted for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 20, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use for a general office; and

WHEREAS, a public hearing was held by this Board on April 10, 2018; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the County Commissioners during the hearing, this Board finds as follows:

1. That the application for the variance of use was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested persons and the general public were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed land use does permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

6. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Board of County Commissioners considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. 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 the County;
3. 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;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State, and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. 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.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the application by John Hotchkiss for a variance of use for a general office within the RR-2.5 (Residential Rural) zoning 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;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. 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 administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial change, then such addition or modification shall be subject to review and approval by the Board of County Commissioners.
2. Prior to building permit authorization, the applicant is required to obtain a permit from El Paso County Public Health for an onsite wastewater treatment system(s).
3. The applicant shall seek approval from the Planning and Community Development Department of a commercial site development plan prior to the implementation of the uses and/or prior to building permit authorization.
4. A commercial well permit shall be obtained within 120 days of the approval date from the Board of County Commissioners. The due date may be administratively extended by the Planning and Community Development Department Director if the Director determines that the applicant is making a good faith effort to obtain the well permit.

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. Road impact fees shall be paid at the time of approval of each site development plan for uses that will cumulatively generate 100 more daily vehicle trips.

WAIVER: A waiver of Section 6.2.2.D of the Land Development Code requiring an opaque fence with a minimum height of six (6) feet where a commercial use is immediately adjacent to a residentially zoned parcel.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 10th day of April, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
President

By: _____
County Clerk & Recorder

EXHIBIT A

PROPERTY LEGAL DESCRIPTION:

THAT PART OF LOT 8 LY NLY OF TR CONV BY BK 2288-416, TOG WITH
THAT PORT OF VAC BURGESS RD BY BK 3173-561 BLK E SPRING CREST
AMD FIL