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The August 20, 2020

El Paso County
Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910

**RE: Letter of Intent - Proposed Rezoning of 12740 Black Forest Rd., Parcel #5207000004
El Paso County, Colorado**

Owner/Applicant and Consultant Representative:

Rob Haddock - Owner
Black Forest, LLC
8655 Table Butte Road
Colorado Springs, CO 80908
719-325-0382

Planning Firm - Applicant
PWN Architects and Planners, Inc.
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Site Location, Size and Zoning

- 4.77 Acres
- 12740 Black Forest Road, Colorado Springs, CO 80237
- Current Zoning: A-5 Agricultural
- Vegetation – this area was formerly forested but was burned in the 2013 Black Forest Fire. Burned trees have been removed, and the land surface has native herbaceous vegetation.

Request

Request to Rezone A-5 to CC (Community Commercial)

Proposed Use of Site

The Owner proposes to rezone the property to CC- Community Commercial consistent with expected commercial uses within the Black Forest Road/Shoup Road Commercial Node identified in the local Small Area Plan, the *Black Forest Preservation Plan*.

Prior to the 2013 Black Forest Fire when the heavily forested property and building burned, the site was occupied under A-5 zoning by a commercial special use Veterinary Hospital with both large and small animal practices. The Veterinary Hospital was completely destroyed by the fire, and the site heavily littered with a few standing and many downed burned trees. The burned trees were removed by the current Owner and the land is now a recovering meadow. A gambrel barn with overhangs was permitted this year under the existing A-5 zoning. Finishes are natural stone, stucco and metal.

The Owner now proposes to develop a single story 4,400 sf office building with a full, walk-out basement of equal size with a 3,250-sf studio/shop building on the 4.77 acres. The office building will house the Owner's corporate functions for Metal Roof Innovations, Ltd. company (strategic planning, accounting, sales/marketing management). Outside visitors to the office are very rare and by appointment only.

The existing barn (still under construction) was permitted under the A-5 zoning. Construction began in the spring of 2020. The future plan is that the barn will be re-purposed in use as a studio/shop to supplement the corporate functions of the Community Commercial zoning including video demonstrations for the company's roof specialties. No manufacturing, warehousing, shipping, wholesale or retail sales will take place at this facility. All such functions of the company are and will continue to be located out of state.

Scale of Development

Attached is a preliminary site development plan showing the physical design of the proposed development. The size and scale standards used for the proposed building(s) are the same as for single family primary residential within the County. Also attached are preliminary building elevations showing the proposed architecture and scale of the building(s) which are fashioned after a residence. The use of stone and stucco with natural colors, Corten metal accents are used on the office building as rustic elements preserving internal cohesion and harmony with surrounds. The roofline of the barn is traditional gambrel and the office traditional gable with offset ridge. The building entry accent is native log supporting structure. Similar accent is also under consideration for the driveway entrance.

The Owner has no plans or intent to subdivide the property nor expand the uses beyond those shown on the preliminary site development plan.

Occupant Load

The average daily occupant load for this facility will be 8-12 people. Within that number, six are residents of Black Forest and several carpool. (The company is a family-business and the family is four generations of Black Forest inhabitants.) Beyond the foregoing, 4 to 6 others will also "report" to this office although they are rarely physically present due to extensive business-travelling.

At quarterly intervals of the year, the company has corporate staff meetings for a duration of one workweek from Monday noon through Friday noon. At those times, 8 to 10 remote staff members visit for corporate meetings, orientation and collaboration. These individuals reside and work in different states around the U. S. and carpool from/to the airport and hotels or B&Bs for these quarterly meetings.

Site Utility

The site is located in Water Division 2, Water District 10, of the Basin Map in the El Paso County Water Master Plan and will be served by a commercial well.

The commercial water well (#168912-A) is currently permitted for 108,600 GPY (gallons per year) from the Dawson aquifer. Total water consumption for (a higher than average occupant load of) 15 office employees is 33,000 GPY ($15 \times 8.8 \text{ GPD} \times 250 \text{ days}$) and well below the permitted volume. According to the El Paso County Water Master Plan, a residential lot would require a demand of 0.64 AF/year = 208,545 GPY. Hence, the commercial office use proposed would require about 84% less calculated water than a residence (which is consistent with current zoning). The well allows use for indoor water only. Water for Irrigation will be provided via cistern and water imported for the limited volume necessary to sustain the xeriscaping proposed. (see "Landscaping" below).

The site is situated in Region 2 (Water Master Plan Basin Map) and is served primarily by Denver Basin aquifers (Dawson). Per the El Paso County Water Authority Water Report, development of low density large acreage rural lots in this area of the County will have little impact to the 300 year water supply requirements of the County (100-year by state statutes) served by this basin and impacts to water quality. We also comply with the goal of returning water resources via use of a private sewage system which is a condition of the well permit that reads *"Return flow from use must be through individual waste water disposal system of non evaporative type where the water is returned to the same stream system in which the well is located."*

The site will also be served by an existing private sewerage system per County regulations. The existing septic system and leach field (currently fire-damaged) will be repaired/upgraded to meet the demands of this development (per Health Department regulations). Tandem to water consumption, the sewerage system will have significantly less demand than a single-family residence.

Electric power will be supplied by Mountain View Electric and natural gas by Black Hills Energy.

Landscaping

Landscaping will be provided as required by the El Paso County Land Development Code (LDC) and the recommendations within the *Black Forest Preservation Plan*. Xeriscaping will be used to the greatest extent possible to conserve water usage. The Owner plans to reforest the site adding numerous trees which will both reduce the visual impact of the buildings proposed and accelerate restoration of the lost forest-nature. The Owner also plans some berms for screening, water conservation, vegetation and wildlife habitat.

Drainage

A Drainage Plan will be prepared to meet the County and State requirements to only release storm drainage at historic rates from the site per LDC and ECM requirements. A detention pond will be developed to detain flows to meet historic stormwater runoff criteria per Code. There is no FEMA floodplain located within this site.

Traffic

The Early Assistance Meeting Notes from staff stated that a traffic study would not be required based on the traffic impact anticipated for the proposed use. It is expected this project would anticipate a trip generation less than 100 trips/day and less than 10 trips during the peak hour which is consistent with the Master Plan. It should also be noted that the anticipated daily trips that would be generated from the proposed use would be substantially fewer than the veterinary hospital that was previously in operation on the site.

Schedule of Development

The anticipated schedule will be to begin construction of the office building by the end of this year after rezoning and site development plan approval and building permit approval by Pikes Peak Regional Building Department. Construction will be completed by the end of 2021.

Conformance to Master Plan: *Black Forest Preservation Plan and County Policy Plan.*

County Policy Plan:

The following items of the current El Paso County Policy Plan (1998) are relevant to the intent of this rezone request:

Goal 5.1 *Maintain a land use environment which encourages quality economic development that is compatible with surrounding land uses.*

Policy 5.1.1

Encourage economic development that enhances a sense of community, provides vigor to the economy and considers the environment while contributing to the overall health of the County.

Policy 5.1.9 Encourage appropriate economic development in rural areas of the County as a means of providing local employment opportunities, increasing community tax base, and reducing long commutes.

Black Forest Preservation Plan Update – December 1987

It is the intent of the proposed development to conform to the intents of the *Black Forest Preservation Plan*.

Two Commercial Nodes along Black Forest Road, one at Burgess Road and the other at Shoup Road, were identified in the *Black Forest Preservation Plan*. These commercial use areas were in existence even before the original 1974 *Black Forest Preservation Plan*. The 1987 update recommended commercial zoning be located within ¼ mile of each intersection in the Executive Summary Concept Map, giving a total of four miles of possible commercial lot frontage along minor arterial roads in the Black Forest. This concept is being carried over into the new 2020 El Paso County Master plan as Rural Center Place types in the same locations.

The quarter-section line for T12S R65 W Sec 7 is ¼ mile north of Shoup Road. The quarter section line is the north boundary line of this rezone request. It is within the recommended Shoup Road Commercial Node in the Black Forest Preservation Plan, and is located diagonally across Black Forest Road from Black Forest Square, a commercial project with CC zoning which was built in 2006.

Please find a summary of conformance by point from the *Black Forest Preservation Plan*:

- Chapter 2 – Area Profile and Trend Analysis - Page 50
- Commercial Land Use
- Existing and Proposed Uses

Two commercial nodes which are presently operating within the planning area were well-established prior to 1974. These are the "Community Center" located at the intersection of Black Forest and Shoup

Roads and "Glover's Corner", which is situated one mile south of the community center. Each has undergone some expansion, but they have managed to maintain much of their rural residential character. The 1987 Plan stipulated that new commercial uses in this portion of the planning area only be located in proximity to these two intersections...All commercially zoned property associated within either center is located within one quarter mile of the respective intersections.

The proposed site for the CC commercial rezone lies in an area defined by the *Preservation Plan* as being within an identified Node for commercial expansion.

COMMERCIAL ZONING

Chapter 3 – The Plan

LAND USE GOALS, POLICIES AND PROPOSED ACTIONS

Goals

1.B Uphold the adopted Land Use Scenario and Concept Plan which identifies areas to be used for agricultural and range lands, low and higher density residential development, commercial and industrial uses and mixed recreational, open space and semi-public uses (refer to the approved Land Use Concept in the Executive Summary).

Policies

1.1 Retain the Black Forest Planning Area as primarily a rural-residential community with limited supporting commercial and industrial development.

1.2 Allow nodes of higher density residential, commercial and industrial development only in those areas specifically designated on the Concept Plan and described in the Land Use Scenario.

Proposed Actions

1.c All land use items concerning the Black Forest Planning Area should be forwarded to the Black Forest Land Use Committee or other appropriate citizens' group for review and comment prior to public hearing. This procedure may be formalized through a revision of the Land Development Code.

COMMERCIAL

Goals

1.A Allow for limited commercial development which supports and enhances the Black Forest Planning Area.

Policies

4.4 Maintain the scale of new commercial uses so that it is in balance with existing uses.

4.6 Encourage all new commercial development within the planning area to be compatible with the visual character of existing uses (refer to Visual Analysis in Chapter I I).

PROPOSED ACTIONS

4.b New commercial uses should be encouraged to compliment the predominant rustic design theme (refer to Visual Analysis in Chapter I I).

4.c Within the existing and proposed commercial nodes appropriate landscaping should be introduced for the purposes of unifying design and defining vehicle and pedestrian movements.

Neighborhood Involvement

The Owner conducted a neighborhood virtual meeting on Tuesday, August 4, 2020 @ 7pm with the adjoining 500' property owners. This meeting was also open to anyone within the Black Forest area. Twenty-plus were in attendance. The owner presented his intent to rezone the property and show his development plans for the site. He and his design team fielded questions and surveyed opinions on the site, building design, drainage retention, lighting, water use and landscaping.

Neighborhood Questions and Concerns Discussed:

USE OF PROPERTY – The owner discussed his intended use of the property and stated that the office building will house the Owner's corporate offices for his Metal Roof Innovations, Ltd. company. The studio/shop building (barn) will be used for research and development functions as well as video demonstrations for the company's roof specialties. No manufacturing, warehousing, wholesale / retail sales or shipping will take place at this facility. The Owner proposes to operate at traditional office hours from 7am to 5pm.

TRAFFIC – It was pointed out that the primary use of the site was for corporate office functions and that very little visitor traffic would be generated. There would be no manufacturing, warehousing, shipping, wholesale or retail sales functions at this facility. The typical trips generated by this development would be morning and end of workday trips to/from work and occasional lunch outside the office. The design of the office includes an employee kitchen and lunchroom as most of their employees will eat lunch at the office. It was pointed out that this office use would generate less traffic than the veterinary hospital which operated on the site before the fire.

LANDSCAPING – Trees would be planted along Black Forest road and around the buildings to soften the impact of the buildings to surrounding properties. Landscaping would be planted per the requirements of the Land Development Code and Xeriscaping would be used as much as possible to conserve water. Reseeding bare areas of the burn scar with native grasses will help revegetate the property. The Owner offered to plant other trees at reasonable neighbor suggestions and asked to be contacted if they have specific requests. (No such requests have been received.)

BUILDING SCALE AND DESIGN – The general consensus was that the Office building was too tall. Attendees repeatedly referred to the structure as "two-story". A clarification was discussed that this building is a one-story structure with a walk out basement to the west, not a two-story building. The building footprint is 4,400 square feet with a walkout basement beneath of equal size. It was noted that the building design as presented is permissible in a single-family residential zone within the County. Nonetheless, the owner has since redesigned the building shown to the neighbors at the time per the attached. The revisions reduced the building height by 7' and also eliminated much of the visually exposed basement wall by additional earth berming on both North and South elevations. The majority of the building elevations on three sides and the entry elevation now have appearances of one-story and the basement on the west elevation is walk-out with significant height reduction.

The barn architecture was also discussed, and it was noted that the same materials proposed for the office building would be used on the barn (stucco, stone and standing seam metal roofing). The visible sidewalls of the barn would be 10.5' and the bulk of the building would be a gambrel roof typical of barn architecture in the area. Many objected to the height of the "ugly" barn, however at the time of this meeting only the frame was visible with no exterior walls, roof or finishes on the building.

BARN PURPOSE AND INITIAL INTENT – Some neighbors questioned the owner's intent of building the barn prior to the rezoning of this site. It was explained that it was permitted by the County as a livestock / feed barn and would later be repurposed if the rezoning were to be approved. If not, the owner would use the barn to house his goats and store feed as the site would not produce enough feed for his livestock. The permit applied for was "Barn with Loft". Apparently, there was some confusion on the part of Pikes Peak Regional Building Department and the permit issued was erroneously entitled "Barn with Living Quarters". It was also explained that residential occupancy is an allowed use of any barn within the allowed uses, but residential occupancy use is not intended or anticipated by the Owner. When a "concerned citizen" lodged a complaint follow this meeting, ELP/PPRB staff corrected their error and reissued the permit correctly.

PARKING - The amount of parking was discussed. The disseminated site plan showed parking in accordance with LDC and far in excess of actual needs. The Owner explained that he was going to request a waiver of the LDC parking standards to build paved-parking only as actually needed for this office building and not to the parking ratios in the LDC. This would amount to about half of what the code would require and accommodate a surplus of parking for employees and any visitors. He proposes to provide paved parking adjacent to the building only and not on both sides of the drive.

SITE LIGHTING - The site lighting was discussed, and the Owner stated that he did not want to "light the sky" and would use low intensity lighting, mostly to accentuate landscaping. He would need to provide minimum lighting levels at the walks and parking by code for safety reasons and would use low level, ground-directed dark-sky friendly fixtures to shield the light source from neighboring properties. He also pointed out that the lighting impact would be far less than a residence as its only use is during business hours and only 5 days/week along with minimum motion-censored (as permissible) security lighting during evening hours.

SUMMARY

This rezoning request to CC – Community Commercial is consistent with the vision and implementation plan of the El Paso County Master Plan, *Black Forest Preservation Plan* and County Policy Plan. It is within the recommended "*community center*" node located at the intersection of Black Forest and Shoup Roads for commercial zoning within ¼ mile of the intersection and is compatible with the residential uses adjacent to the site, and the Community Commercial zoning across Black Forest Road.

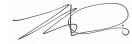
The development as proposed is a low impact land use and similar in scale to a residence that would be allowed within the existing A-5 zoning. The use would also be less impactful than the previously approved veterinary hospital use and likely much less impactful than most other commercial uses. Water and lighting use would be much less than a single-family use and would further the goals of the County to preserve water resources. Development of this site would also help to repair the burn scar left in the wake of the Black Forest Fire, reforesting the site and planting desperately needed trees and shrubs along Black Forest Road and within the site.

The further benefit to local community and supplemental benefit to other business owners seems evident. This site will engage and support local contractors in both the building construction and ensuing

internal and external building and landscape maintenance and upkeep for decades. Plumber, electrician, multiple ongoing groundskeeping functions, snow removal, fuel and food from the local shops, vehicular repairs, intermittent lodging from area B&Bs will all benefit existing locals. There is little existing opportunity for part or full-time office, clerical, accounting, marketing work or travelling employment for residents of the area. This facility would also provide (and prefer) that opportunity for years to come in addition to the 6 Black Forest residents already employed by the company.

If there is further information required, or questions of the Owner or planning team, please do not hesitate to contact me, tdavis@pwnarchitects.com, 303.649.9880 extension 106.

Sincerely,

A handwritten signature in black ink, appearing to read 'TD', is positioned above the typed name.

Tom Davis, AIA, NCARB, LEED AP
Senior Associate Architect
PWN Architects and Planners