

August 21, 2020

Revised: November 20, 2020

Revised: February 16, 2021

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

RE: Letter of Intent – Variance of Use Application for a Proposed Business Event Center* at
225 North Gate Blvd., Colorado Springs, CO 80921
Parcel No. 6207200017 (plat no. 4835)
Variance of Use (VA204)

The Western Museum of Mining & Industry (WMMI) owns the property at the referenced address. This site consists of 28.39 acres and is zoned RR-5 (Residential Rural). On behalf of WMMI, a 501c3 non-profit, I respectfully request your consideration to allow WMMI to hold business center activities on the referenced site, in other words, grant WMMI a Variance of Use. Please refer to the information below.

The structures existing on the site are listed on the site map key; there is a dirt/gravel driveway providing access from North Gate Blvd. These structures lie within the 28.39 acre parcel. WMMI intends to use the campus for activities such as: community events, museum events, rental spaces, educational tours, serving clubs, private parties, and other activities allowed as a business event center.

We also request that the following, pre-existing “principal uses” be included in this variance: **museum, theater, library, store, seasonal produce, agritainment, music concerts, recreation, carnivals and ranch.** *Please see Table 5.1, Principal Uses, from the EPC Land Development Code.

Per El Paso County Use and Dimensional Standards Section 5.3.4c the following criteria may be considered for approving variance of use:

- 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 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;
- 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 El Paso County, Colorado Land Development Code Use and Dimensional Standards.
- Sewer, water, storm water drainage fire protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and existing.

These criteria are addressed as follows:

- Since WMMI is currently zoned RR5, the strict application of the code would result in significant reduction in beneficial community activities and undue financial hardship due to loss of revenue for operations. For example, **if WMMI were not allowed to continue long standing operations/activities such as our museum, theater, library, gift shop, seasonal produce, agritainment, music concerts, and ranch, then we would headed for closure. Therefore, we need these “principal uses” included in our variance.** WMMI also desires to utilize its assets for business center type activities to achieve long term sustainability, to continue servicing our community and to carry on our educational mission. Without the requested variance, the WMMI campus will continue to be underutilized, which will limit our vision and mission; or worse, insure our demise within a few years.
- The proposed use is compatible with the surrounding area and harmonious with the character of the setting and situation. In fact, WMMI contributes to the thriving tourist industry in El Paso County, and by extension, helps support the many local hotels, restaurants, and small business in our area. WMMI events rarely have any noise producing activities such as band concerts. Other event organizers orient their layout to direct the noise to be harmonious with neighbors and they measure the sound/noise level to comply with County ordinance.
- There will not be any activities within or around the venue that would result in air or water contamination or odor. Any music or noise from within or around the venue will not be bothersome to surrounding neighbors.
- The proposed use will comply with all applicable requirements within this code as well as state and federal regulations that apply. Since Smith Creek traverses our property, the WMMI campus contains a floodplain and has suspected Preble Mouse habitat; however these areas have been “pre-disturbed” since the 1880’s by the Reynolds Ranch / Farm and other operations consistently during those 130 years. Our activities are very low impact (no digging) and usually very temporary (4 to 72 hours). Any activity in the floodplain or the possible habitat is usually light pedestrian traffic, specifically on our existing dirt roads.
- The proposed use will not adversely affect wildlife or wetlands. The venue will be on the Owner’s parcel; which is inclusive of over 28 acres. The Owner’s will ensure that all trash and debris resulting from any event are collected and disposed of properly.
- There are no known off-site impacts. As discussed above, due to the commercial nature of the area surrounding neighbors will not be impacted. The nearest residential housing is more than 1000ft from our main event field/area. In addition, those apartments are separated from the venue by a thick hedge of tall trees and by noisy North Gate Blvd.
- The site plan includes adequate parking and traffic circulation. Our parking lot provides 2 handicap accessible spaces as well as 44 regular spaces. The proposed parking areas will be more than adequate to accommodate the facility’s needs. In general, the attendance at WMMI events is 100-700 people per day or approx. 100 people per hour which translates to approx. 250 on site at the same time. **Other larger events have about 1000 to 1600 per day or approx. 200 people per hour. At peak times, the attendance could be 500-600 people on site at once.** When we (WMMI & event organizer) predict large attendance numbers, then the event organizer arranges off-site parking and perhaps a shuttle system as appropriate. For larger events we set up “one way” traffic through the property (enter from North Gate, loop around the property, then make a right turn “only” onto North Gate). Please see the attached table for a list of parking areas and capacities.
- An onsite wastewater system (OTWS) exists to accommodate the wastewater demand resulting from the activities and will supplemented by portable toilets as needed. Our operations use

prevent

water from our well (permit #109029-A). The events don't require WMMI water or the event organizers bring their own water sources. Existing storm water management practices and systems will be utilized to prevent erosion or sediment issues. First responders have clear access to the campus and the existing structures on site.

Additional answers & comments in response to the questions and comments from the second submission of our application for a Variance of Use. These first 4 responses cover the comments from the PCD Project Manager.

- A site map has been included which shows the creek and floodplain boundaries. Smith Creek and a small pond are shown on the map; plus the floodplain boundaries are outlined as determined by FWS.
- The dimensions, general shape and capacity of the event parking areas are included as individual sketches and also shown on the site map. The car capacity of each parking area was determined using the El Paso County Land Development Code (effective 12/12/17).
- Our septic tanks and leach field are located east of the main museum building and have been shown and labelled on a site map which is included in the documents. No building, parking or disturbance occurs in the leach field area as described by the Health Department. FYI, our leach field lays on a gentle slope which is not conducive for parking.
- We spoke with the Water Division 2, District 10 commissioner (Doug Hollister) and deputy commissioner (Jacob Olson) about our situation. Both confirmed that no change is needed for our events and operations. Our well permit allows for our residential and commercial buildings and limited irrigation as well. WMMI water rights have been adjudicated appropriately.

These next 4 comments address the El Paso County Public Health letter.

- Our properly permitted well is already regulated by Colorado Department of Public Health and Environment (CDPHE) and is tested weekly and is treated as necessary by a license commercial contractor. As confirmed by the Water District 10 Deputy Commissioner, our water service is appropriate and properly operated.
- Our onsite wastewater treatment system (OWTS) is inspected and cleaned annually by a local commercial contractor. In 2020 the main pump was replaced, by a professional contractor, with a properly sized new pump unit.
- The leach field or soil treatment area for the OWTS is located East South East of the main museum building. We do not allow parking or building on the soil treatment area which is shown on one of the uploaded site maps.
- We will continue to contact and work with the El Paso County Health Department for our special event permits and food service permits/licenses for our events or activities. We require any visiting food vendors to be permitted and/or licensed by the County/City.

These comments are in response to the Engineering Division updated notes and unresolved items. Our comments will reference the titles and numbers utilized in the memorandum from PCD-Engineering.

General/LOI/Site Plan

1. Resolved

2. a. We no longer have access (ingress/egress) to the East since the Scholl property is under contract. The new owner, developer, Continental Properties may or may not allow WMMI access, therefore, at this time we will not plan on having access to the East (as we did before El Paso County changed the ROW of North Gate Blvd. which eliminated our East entry/exit.)

2. b. Resolved

2. c. Resolved at this time, no additional construction is occurring.

this is not appropriate for a letter of intent. Please amend introductory language for this section to indicate that this is additional information.

adjacent

Bass Pro Shop

2. d. The floodplain and potential wetlands will be shown on a site map. No permanent structures will be placed or built in those areas. Temporary fencing or barriers will be used during events to protect and minimize activity in these areas of the property.

3. Regarding "one way" options for vehicle traffic, WMMI sets up a one way loop on the campus to minimize car conflicts and maximize safety for visitors and staff. We will not plan to exit to the East since that option is currently unavailable. Perhaps in the future, the new owner will allow that option.

Transportation/Traffic Impact Study (TIS)

1. Resolved

2. The level of TIS is being discussed with the County traffic engineer and PCD.

2. a. CDOT has no concern or interest in the WMMI existing access as illustrated by more than 7 years of our asking without response or assistance from CDOT.

2. b. During events the proposed traffic is managed by a parking team which directs the one way loop and sets up a "right turn only" exit onto North Gate Blvd. This arrangement has been successful and safe for our visitors and local drivers.

3. Resolved

4. TIS is under discussion with County and other interested parties.

5. Reference provided was utilized for parking, planning, managing and discussing traffic.

Drainage/Grading and Erosion Control/Stormwater Management

1. NA (no construction)

2. NA (no construction)

3. NA (no construction)

Recommended (Draft) Conditions of Approval

1. a. OK

1. b. NA

1. c. TBD

1. d. NA (no construction)

1. e. NA (no construction)

1. f. NA (no construction)

1. g. NA (no construction)

1. h. OK

1. i. OK, none planned

1. j. NA (no construction)

1. k. required?

1. l. NA (no construction)

1. m. NA (no construction)

2. OK

3. OK

4. OK

5. OK

6. OK

7. OK

8. Hours of Operation - WMMI 9:00 am to 4:00 pm Monday to Saturday

8. Hours of Operation - Events 8:00 am to 10:00 pm Friday to Sunday

9. Traffic Management Plan – Details TBD; the general plan is... When we (WMMI & event organizer) predict large attendance numbers, then the event organizer arranges off-site parking and perhaps a shuttle system as appropriate. For most events we set up "one way" traffic through the property (enter from North Gate, loop around the property, then make a right turn "only" onto North Gate).

10. Traffic Impact Study – modified intermediate level TIS. Study has been ordered and will be provided upon completion. In response to a conversation between the County, City and CDOT traffic engineers regarding the Traffic Impact Study (TIS) level and components we will submit comments in our application and/or letter of intent (LOI). While there were not requirements, we're striving to predict and answer their questions.

Thank you for your consideration and please don't hesitate to contact me with questions. We look forward to an approval of our application for a Variance of Use (VA204).

Kind regards,

Grant Dewey
Executive Director
Western Museum of Mining & Industry
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