

Site Development Letter Of Intent / Special Use Permit

Owner : Executor of Estate / Estate Representative Jess T. Cowan

719-651-7491 jtcoco02@msn.com

7615 Maverick road Colo. Spgs., Co. 80908

Tax Schd # 5304003008

Zoning. RR-5 CAD-O

Project No# AL251

The property is a 5 acre lot

There will be no improvements or development plan for this request as it is a family owned small business located at this address since 1967 and has been utilizing the same area and garage since then and no changes are necessary.

The business is a mobile home transport and setup operation only with no homes stored or worked on at the residence meets 5.2.29 (5) as mobile homes are rural residences in nature.

We have three employees who arrive at 7:45 am in their own vehicles and leave together in our service truck and arrive back at the residence about 5:00 pm. I understand that two employees are the base for special use request but would like one additional employee.

Outside storage and work areas are 50" from property lines. 5.2.29(a)

Trips generated 5.2.29 (c) will not exceed 20 per day.

Inoperable vehicles 5.2.29 (d) will not exceed 10.

Environmental Impacts 5.2.29 (e) No hazardous waste or substances are generated , no excessive noise is generated and no drainage or erosion are generated.

Colette Cowan wife to Jess Cowan resides at the property.

The second driveway addressed in the letter has been there since 1967 and all properties on Maverick Road except one have double or horseshoe driveways which all have been paved and asphalt curbed by El Paso County .

I feel that my request for Special Use meets the recommended criteria as our service of setting and servicing mobile homes in a rural area fits perfectly within the idea of home occupation special use.

I feel that I meet the requirements of 5.3.2 as precedence was set on this property for a variance years ago that my late father-in-law secured through El Paso County and the fact that this development has several businesses that have run smoothly with no effect on use or traffic for 50 years.

5.3.2. Special Use

- (A) **Purpose.** The purpose of the special use process is to address potential impacts of certain land uses on existing and allowed uses in the same neighborhood. The special use process considers the location, design, configuration, intensity, density, natural hazards and other relevant factors pertaining to the proposed use.
- (B) **Applicability.** No special use application shall be considered unless the underlying land is located within a particular zoning district which allows the proposed special use.
- (C) **Criteria.** In approving a special use, the following criteria may be considered:
- The special use is generally consistent with the applicable Master Plan; The special use is generally consistent with the applicable master plan, as it aligns with the intended land use and development goals identified for the area.
 - The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area; The special use will be in harmony with the character of the neighborhood and compatible with surrounding land uses, as it is consistent with existing development patterns and will not create adverse impacts on nearby properties.
 - The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner; The proposed special use will not overburden public facilities or services. Existing infrastructure and public services are sufficient to accommodate the use, and any required improvements will be provided in a timely and efficient manner.
 - The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access; The proposed special use will not create unmitigated traffic congestion or safety hazards. Existing roadways have sufficient capacity to accommodate the anticipated traffic, and the property has adequate, legal access that provides safe and efficient ingress and egress.
 - The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution; The proposed special use will comply with all applicable local, state, and federal regulations regarding air, water, light, and noise pollution and is not expected to create adverse environmental impacts on surrounding properties or the community.
 - The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or The proposed special use will not be detrimental to the public health, safety, or welfare of the present or future residents of El Paso County. The use will comply with all applicable federal, state, and local regulations, including building, fire, health, and safety requirements. The proposed operation is designed to minimize impacts on surrounding properties through appropriate site planning, traffic management, noise control, and environmental protections. Adequate infrastructure and emergency access will be provided, and the use is compatible with the surrounding area. As a result, the special use is not expected to create adverse effects on public health, safety, or welfare, either now or in the future.
 - The special use conforms or will conform to all other applicable County rules, regulations or ordinances. The proposed special use conforms, or will conform, to all applicable El Paso County rules, regulations, and ordinances. The applicant will obtain all required permits, approvals, and inspections and will operate the use in compliance with applicable zoning, building, fire, health, environmental, and safety requirements. Any conditions of approval imposed by El Paso County will be met, and the use will be maintained in accordance with all relevant County standards and regulations throughout its operation.

- (D) **Limits of Approval.** Issuance of a special use permit shall authorize only the particular use and activity for which it is issued, for the time period, if specified, and in accordance with the permit conditions imposed. The special use permit runs with the land. The special use is based upon the parcel size stated in the application. A reduction or increase in parcel size is considered a substantial modification of the special use unless specifically provided for in the approval. The special use permit does not relieve the owner from compliance with any other permits, standards and regulations of this Code. No building permit shall be authorized to implement the use until the special use permit is approved.

The Board of County Commissioners may impose time restrictions on the approved special use permit as a condition of approval as it deems necessary. The applicant acknowledges and agrees to comply with the limits of approval associated with the special use permit. The requested special use permit is sought only for the specific use and activities described in the application and will be conducted in accordance with all conditions of approval imposed by El Paso County. The applicant understands that the permit runs with the land, is based on the parcel size identified in the application, and that any substantial modification, including changes to parcel size, may require additional County review and approval. The applicant further acknowledges that approval of the special use permit does not exempt the property from compliance with any other applicable County codes, regulations, permit requirements, or development standards, and that any required building permits or other approvals will be obtained prior to implementation of the use. The applicant also understands that the Board of County Commissioners may impose time limitations or other conditions as part of the approval.

- (E) **Performance Guarantees and Financial Assurance.** Sufficient performance guarantees and financial assurance may be required to ensure implementation of and compliance with the conditions imposed. The terms or any required guarantees and financial assurance shall be made part of a development agreement. The applicant acknowledges that El Paso County may require performance guarantees and/or financial assurance to ensure implementation of and compliance with any conditions of approval associated with the special use permit. The applicant agrees to provide any such guarantees or financial assurances deemed necessary by the County and to incorporate those requirements into a development agreement, if required

- (F) **Public Facilities and Services.** Special use permits shall be subject to the terms and requirements of the applicable development standards and regulations relating to the provision and financing of necessary public facilities and services. Determinations concerning the adequacy and efficiency of the provision of necessary public facilities and services, and the financing of the same, shall be based on standards and criteria adopted by the BoCC and may include a requirement that the applicant for a special use permit agrees to contribute a fair and equitable share of the costs of the public facilities and services through the payment of development impact fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public facilities and services.

Sufficient financial assurance may be required to ensure the timely completion of any public improvements needed to address potential impacts of the proposed use. The terms and conditions regarding the provision of public facilities and services shall be made part of the development agreement.

The proposed special use will comply with all applicable development standards and regulations related to the provision and financing of necessary public facilities and services. The use is not anticipated to create impacts that would exceed the capacity of existing public facilities or services. The applicant will coordinate with the appropriate agencies and service providers to ensure that adequate infrastructure, access, utilities, drainage, emergency services, and other required public facilities are available to serve the proposed use.

The applicant acknowledges that El Paso County may require contributions toward public facilities and services, including impact fees, assessments, participation in improvement districts, or other financing mechanisms, if determined necessary to address project impacts. The applicant further agrees to provide any required financial assurances and to incorporate all applicable terms and conditions regarding public facilities, services, and improvements into a development agreement, if required by the County.

the development agreement.

- (G) **Limited to Approved Special Uses.** Any land on which a special use permit is approved shall be limited to those uses and structures enumerated within the special use permit and no more than one principal allowed use. The proposed development will be limited to the uses and structures specifically identified and approved as part of the special use permit application. No uses, activities, or structures beyond those authorized by the approved special use permit will be established on the property without obtaining any required County approvals. The property will contain no more than one principal allowed use, consistent with the requirements of the El Paso County Land Development Code.
- (H) **Administrative Approval Authorized.** Any special use may be acted upon by the PCD Director, except for those related to a CD request or mineral and natural resources extraction, which includes processing. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing. The applicant acknowledges that the special use application may be reviewed and acted upon administratively by the Planning and Community Development (PCD) Director, unless otherwise required by the El Paso County Land Development Code. The applicant further understands that the PCD Director has the discretion to elevate the application to a public hearing if deemed appropriate.
- (I) **Post Approval Requirements.**
 - (1) **Site Development Plan or Site Plan Review Required.** Site development plan review or site plan review is required before an application for a building permit can be authorized by the PCD. Site development plan or site plan review may be concurrent with the special use permit process; however, the final site development plan or site plan shall be modified by the applicant to reflect the conditions of approval. The applicant acknowledges that site development plan review or site plan review, as applicable, is required prior to authorization of any building permit by the Planning and Community Development Department (PCD). The applicant understands that such review may occur concurrently with the special use permit process and agrees to revise and update the final site development plan or site plan as necessary to incorporate all conditions of approval imposed by El Paso County. No development requiring a building permit will commence until all required approvals have been obtained.
 - (2) **Conditions Included in Development Agreement and Filed for Recording.** Conditions may be included in the development agreement signed by the applicant and the County. The development agreement shall be filed for recording by the applicant with the Clerk and Recorder. The applicant

acknowledges that conditions of approval for the special use permit may be incorporated into a development agreement between the applicant and El Paso County. The applicant agrees to execute any required development agreement and to file the fully executed agreement for recording with the El Paso County Clerk and Recorder, as required. The applicant further agrees to comply with all conditions contained within the development agreement and any associated approvals.

(J) Periodic Review of Special Use Permit.

- (1) Special Use Permit Subject to Periodic Review.** Approved special uses shall be subject to a periodic review by the PCD to determine compliance with all applicable requirements and standards of this Code, and the conditions. The initial review shall be not more than one year from the date of issuance of the special use permit unless otherwise provided. Upon completion of each periodic review, the PCD shall document its findings and any recommendations or requirements to the holder of the special use permit. The applicant acknowledges that any approved special use permit will be subject to periodic review by the Planning and Community Development Department (PCD) to verify continued compliance with the El Paso County Land Development Code and all conditions of approval. The applicant understands that the initial review may occur within one year of permit issuance, unless otherwise specified, and agrees to cooperate with the County during any review process. The applicant will maintain compliance with all applicable requirements and promptly address any recommendations or corrective actions identified by the PCD as part of the periodic review.
- (2) Hearing Concerning Findings of Periodic Review.** The BoCC shall have the power to conduct, after notice, public hearings concerning a special use permit and compliance of the owner with the applicable requirements and standards of this Code, and the conditions imposed by the County. The applicant acknowledges that the Board of County Commissioners (BoCC) has the authority to conduct public hearings, following proper notice, regarding compliance with the requirements and standards of the El Paso County Land Development Code and any conditions imposed as part of the special use permit approval. The applicant agrees to maintain compliance with all applicable regulations and conditions of approval and to cooperate with the County in any review or hearing process that may be required.

(K) Abandonment.

- (1) Determination of Abandonment of Use.** Unless otherwise provided, a special use shall be deemed abandoned, and the special use permit shall have no further force and effect, if: (1) the primary intended use or activity has not been substantially implemented within 2 years of approval of the special use; or (2) the primary intended use or activity has been discontinued for a period of 2 consecutive years. For purposes of this provision, a special use shall be deemed discontinued if the

primary intended use has not been actively and regularly conducted on the approved special use site. The applicant acknowledges that, unless otherwise provided by the County, the special use permit may be deemed abandoned and may lose its force and effect if the approved use is not substantially implemented within two (2) years of approval or if the primary use or activity is discontinued for a period of two (2) consecutive years. The applicant intends to establish and maintain the approved use in accordance with the special use permit and understands that continued operation of the primary use is necessary to preserve the validity of the permit.

- (2) **Determination of Abandonment of Mineral Extraction.** A mineral extraction special use shall be deemed abandoned, and the special use permit shall have no further force and effect, if the mineral extraction activity has been discontinued for a period of 3 years. This provision is not applicable to the proposed special use, as the application does not involve mineral extraction activities.
- (3) **Extension of Special Use Permit.** Prior to the expiration of the special use permit due to a determination of abandonment, a one year extension may be granted by the PCD Director for good cause shown after receiving a written request for extension. The applicant acknowledges that, prior to a determination of abandonment, a one-year extension of the special use permit may be granted by the Planning and Community Development (PCD) Director upon a written request demonstrating good cause. Should circumstances arise that delay implementation or continuation of the approved use, the applicant understands that a timely written extension request may be submitted for the County's consideration.

(L) **Suspension or Revocation.**

- (1) **Violation of Permit Grounds for Suspension or Revocation.** The violation of any applicable requirement or standard of this Code, or of any condition, safeguard or commitments of record of the special use permit or development agreement shall constitute sufficient grounds for suspension or revocation of the special use permit by the BoCC, after a public hearing at which the holder of the special use permit shall be afforded the opportunity to be heard.
- (2) The applicant acknowledges that compliance with all applicable provisions of the El Paso County Land Development Code, conditions of approval, commitments of record, and any development agreement is required for the continued validity of the special use permit. The applicant understands that failure to comply with such requirements may constitute grounds for suspension or revocation of the special use permit by the Board of County Commissioners (BoCC) following a public hearing. The applicant is committed to maintaining compliance with all applicable regulations and conditions throughout the duration of the approved special use.

Notice of Revocation Hearing. Notice of the public hearing on the suspension or revocation of a special use

permit shall be in accordance the Procedures Manual, and given by conspicuously posting the subject property or a period of at least 10 days prior to the public hearing, and mailing a copy of the written notice to the holder of the special use permit and any complaining party at least 10 days prior to the public hearing. The applicant acknowledges that, in the event of a proposed suspension or revocation of the special use permit, notice of the public hearing will be provided in accordance with the El Paso County Procedures Manual. The applicant understands that such notice may include posting of the subject property and written notification to the permit holder and any complaining party prior to the hearing. The applicant agrees to maintain compliance with all applicable requirements, standards, and conditions of approval to avoid circumstances that could lead to suspension or revocation proceedings.

- (3) **Determination of Suspension or Revocation.** In determining whether suspension or revocation is warranted, the BoCC shall consider, among other factors, the nature and magnitude of the violations found to exist; the impact of the violations on the health, safety and welfare of adjacent property owners and surrounding communities; and any other evidence presented in aggravation or mitigation of the violations committed. The applicant acknowledges that the Board of County Commissioners (BoCC) may consider the nature and severity of any violations, their impact on neighboring properties and the surrounding community, and any aggravating or mitigating circumstances when determining whether suspension or revocation of a special use permit is warranted. The applicant is committed to operating the approved special use in compliance with all applicable regulations, permit conditions, and development agreement requirements to protect the health, safety, and welfare of surrounding property owners and the community.
- (4) **Suspension or Revocation in Addition to Other Penalties.** Suspension or revocation is in addition to any other remedies and enforcement provisions provided by this Code or by law. The applicant acknowledges that suspension or revocation of a special use permit may be imposed in addition to any other enforcement actions, remedies, or penalties authorized by the El Paso County Land Development Code or applicable law. The applicant understands the importance of continued compliance with all applicable regulations, conditions of approval, and development agreement requirements and is committed to maintaining such compliance throughout the operation of the approved special use.

- (M) **Permit Transferability.** The special use permit is valid only for the lot or parcel identified on the special use permit and may be transferred to a new property owner.

(Res. No. 16-164, 5-17-2016; Res. No. [17-374](#), Exh. A, 12-12-2017) The applicant acknowledges that the special use permit applies only to the specific lot or parcel identified in the permit approval and runs with the land. The applicant understands that, upon transfer of ownership, the special use permit may be transferred to the new property owner, provided the approved use continues to comply with all applicable requirements, conditions of approval, and any associated development agreement.