

Consider addressing the remaining criteria of approval in Section 5.3.4

"

## 16735 Happy Landing Drive

### Letter of Intent (Dimensional Variance)

July 2023

Happy Landing Drive LLC  
Happy Landing Drive  
Colorado Springs, CO 80921  
(719) 332-3578

**Applicant:** Terra Nova Engineering, Inc.  
721 S. 23<sup>rd</sup> Street  
Colorado Springs, CO 80904  
(719) 635-6422

**SITE LOCATION:** 16735 Happy Landing Drive

**SIZE:** 17.36 Acres

**ZONING:** RR-5

**TAX SCHEDULE NUMBER:** 6120001053

Section 5.2.2.K of the LDC allows for up to two times the size of the building footprint on lots 2.5 acres or greater.

**INTRODUCTION:** The owner seeks a variance from dimensional standards for the construction of a private ice rink which will necessarily be larger in size than the residence that will be placed along with it on the site. The private ice rink is proposed to be 220' by 100' in size and will be placed in the northern portion of the site, offset a bit under 100' from the north property line. The residence would be placed about 40' south of the rink. The location of the proposed residence is also shown on the site plan. The site has existing water, sanitary and electric services. Access will be obtained from an existing asphalt road which connects to Happy Landing Drive.

**PROPOSAL:** The application covered by this Letter of Intent includes a Variance of Dimensional Standards for a proposed private ice rink on a lot zoned RR-5.

**EXISTING AND PROPOSED FACILITIES:** There is an existing 40' by 40' barn and asphalt road on the site. The road will remain but the barn may be removed. A private ice rink and residence are proposed for this site and shown on the site plan.

**WAIVER REQUESTS:** No waivers are requested as part of this plan.

**TRANSPORTATION:** The site will be accessed from an existing drive.

**TRAFFIC:** Traffic generation will be low and a traffic memo will not be required for this project. The site is a private residence with a private ice rink. Per ECM Section B.1.2.D, a traffic impact study is not required if "(1) Daily vehicle trip-end generation is less than 100; (2) there are no additional proposed minor or major roadway intersection on major collectors, arterials, or State Highways; (3) the increase in the number of vehicular trips does not exceed the existing trip generation by more than 100 daily trip end; (4) the change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property; (5) acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained; (6) no roadway or intersection in the immediate vicinity has a history of safety or accident problems; and (7) there is no change of

It may be helpful to talk more about the potential "benefits" of allowing the rink. Specially, respond more directly to this line in the code:

*"The Board of Adjustment may also grant variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property"*

If this project is related to professional hockey, it may be helpful to note that relief from the strict application of the Land Development Code will help encourage and incentivize existing and future professional athletes to call El Paso County Home.

**benefits of such compliance for the specific piece of property and;** Strict compliance with the zoning requirements would not allow a private ice rink to be built because the size necessary to build the rink is going to **be larger than the footprint of any** reasonably sized residence.

- **The variance provides only reasonably brief, temporary project.**
- **The variance request includes an alternative plan, substantially and satisfactorily mitigate the anticipated impacts, and provide a reasonably equivalent substitute for current zoning** and well-screened by trees making impact to neighboring properties. The ice rink is private so increased traffic is not expected.
- **Some other unique or equitable consideration comp required.** Not applicable to this project.

**Section 5.5.2):**

**variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the**

Section 5.2.2.K of the LDC allows for up to two times the size of the building footprint on lots 2.5 acres or greater.

It may be helpful to discuss the issue of individual/private property rights as it relates to the ability of homeowners to engage in recreational activities on their property, comparing this project to basketball courts, tennis courts on other single-family residences.

Page 142 of the Land Development Code:

*"The purpose of the County's Land Development Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County, and to...Be fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals and the rights of the community as a whole."*

If the rink will be visible from public rights-of-way or neighboring lots, consider committing to additional screening methods (adding more trees and shrubs, etc.).

If the rink will not be visible from public right-of-way and/or neighboring lots, clearly state that.