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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission  
Jim Egbert, Chair**

**FROM: Len Kendall, Planner I  
Elizabeth Nijkamp, PE Engineering Manager  
Craig Dossey, Executive Director**

**RE: Project File #: VA-18-002  
Project Name: Sunflower Landscapes  
Parcel No.: 53080-00-082**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Woodmen-Utah LLC C/O Vantage Homes Group 1710 Jet Stream Drive Suite 200 Colorado Springs, CO 80921	Sunflower Lawn Care Inc. Dustin Hamilton 6825 Silver Pond Heights Suite 105 Colorado Springs, CO 80908

**Commissioner District: 2**

Planning Commission Hearing Date:	10/2/2018
Board of County Commissioners Hearing Date	10/23/2018

## EXECUTIVE SUMMARY

A request by Sunflower Landscapes for approval of a variance of use application to allow for a contractor's equipment yard. The 5.57-acre parcel is zoned RR-5 (Residential Rural) and is located on Nevada Lane approximately one-half (1/2) mile east of the intersection of Black Forest Road and Woodmen Road. The property is not included within a comprehensive planning area. The applicant leases the property from the owner. The applicant currently operates a contractor's equipment yard on the property. This application is the result of a Code Enforcement notice of violation sent to the property owner, dated January 24, 2018. The property was originally inspected for a rubbish complaint (CRW-17-520). Upon inspection of the property, Code Enforcement staff identified that an illegal contractor's equipment yard was being operated.



The 5.57 acre parcel exceeds the minimum size requirement of five (5) acres in the RR-5 zoning district and was legally created on December 21, 1955. The uses in the surrounding area include a mix of other contractor's equipment yards, residential uses, and a religious institution. The applicant is proposing to operate the contractor's equipment yard as a dry use due to the lack of available central water and wastewater service in the immediate vicinity. Staff is recommending a Condition of Approval that requires evidence be provided to the County of adequate water and wastewater service if any future change of use of the property occurs.

The applicant states in their letter of intent that the use has been in place for the last five (5) years. The yard shall remain under one acre of land as shown on the site plan drawings.

#### **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** A request by Sunflower Landscapes for approval of a variance of use application to allow for a contractor's equipment yard in the RR-5 (Residential Rural) zoning district.

**Waiver(s):** There are no waivers associated with this variance of use application.

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

#### **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

#### **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-5 (Residential Rural)	Single Family Residential/Expired variance of use for a contractor's equipment yard
South:	RR-5 (Residential Rural)	Single Family Residential/Storage
East:	RR-5 (Residential Rural)	Vacant/Single Family Residential
West:	A-5 (Agricultural)	Religious Institution

#### **E. BACKGROUND**

The subject parcel was created legally on December 21, 1955, which is prior to adoption of the County's subdivision regulations, which occurred on July 17, 1972. The property is zoned RR-5 (Residential Rural), which does not allow for contractor's equipment yards. A prior request for approval of a variance of use for the property to allow for operation of a contractor's equipment yard was denied by the Board of County Commissioners on January 27, 2000. The property immediately to the north received approval of a variance of use for a contractor's equipment yard in 2008 (VA-08-008); however, that approval has since expired and ceased. The property located immediately to the west is the location of Mountain Springs Church and the property located immediately to the south includes a single-family residence. A property located at 7205 Maine Lane (Parcel No. 53080-00-048), which is approximately 1,000 feet southwest of the subject property, recently applied for and received approval of a variance of use for a contractor's equipment yard (VA-17-010).

El Paso County Code Enforcement received a rubbish complaint for the subject property and, upon inspection, identified the illegal contractor's equipment yard, which prompted a notice of violation to be sent to the property owner. The owner of the landscaping company (applicant), who is also the lessee of the property, attended an Early Assistance meeting with El Paso County Planning and Community Development (EA-17-172) staff on October 6, 2017 and subsequently submitted this application for approval of a variance of use on June 7, 2018. The business description lists several storage items on the property over the course of the past five (5) years, including Conex boxes, a 30 yard dumpster, palletized materials (pavers, block, and concrete), as well as the parking of trailers and trucks. Other items proposed to be stored onsite are eight (8) trucks, employee vehicles, six (6) trailers, four (4) bobcats, and multiple attachments for those vehicles. The business operates year-round but usually peaks between the months of March and October. The proposed hours of operation are from 7:00 am until 6:00 pm. Employees arrive between 7:00 and 7:30 am, and return between 5:30 and 6:00 pm.

## **F. ANALYSIS**

### **1. Land Development Code Analysis**

The Land Development Code (2018) defines a contractor's equipment yard as follows:

"A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment".

A contractor's equipment yard is not listed as an allowed use in the principal use table (Table 5.1) of the El Paso County Land Development Code (2018). Contractor's equipment yards are only an allowed use in the I-3 (Industrial) and M (Industrial) zoning districts and is only allowed with approval of a special use in the CS (Commercial Service), C-2 (Commercial), and I-2(Industrial) zoning districts. A variance of use is required in order to legalize the existing contractor's equipment yard on the property.

### **2. Zoning Compliance**

The minimum lot size in the RR-5 (Rural Residential) zoning district is five (5) acres. The subject parcel is 5.57 acres and was legally created on December 21, 1955, prior to adoption of the County's subdivision regulations.

### **3. Policy Plan Analysis**

The El Paso County Policy Plan (1998) 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:

**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 partially surrounded by similar land uses, specifically to south. As mentioned above, the property is zoned RR-5 (Residential Rural) however, a residence has never been constructed on the property, as is the case on the residential property located immediately to the east. The property to the west is used as a religious institution, specifically Mountain Springs Church.

#### **4. Small Area Plan Analysis**

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

### **G. PHYSICAL SITE CHARACTERISTICS**

#### **1. Hazards**

No physical hazards were identified in the review of this variance request.

#### **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 a low potential impact to wildlife in the area.

#### **3. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0529 shows the property lies within the zone X area, which is determined to be outside the 500-year floodplain.

#### **4. Drainage And Erosion**

The property is located within the Sand Creek (FOFO4000) drainage basin. Although the Sand Creek drainage basin is a fee basin, no drainage or bridge fees are required for a variance of use. There are no drainage or erosion issues identified with this request. No public drainage improvements will be required.

#### **5. Transportation**

The property is accessed via Utah Lane. Utah Lane is located within a private access easement, which crosses multiple parcels. A traffic impact study was not required due to staff determining that the proposed contractor's equipment yard is not expected to generate 100 daily vehicle trips more than the property would be

expected to generate without the approval of the variance of use. No public roadway improvements will be required.

## **H. SERVICES**

### **1. Water**

The proposed land use is a dry use, as the current parcel is not serviced with a well. El Paso County Public Health Department commented on this application. El Paso County Public Health Department stated in their comments that water and wastewater services were not necessary with the proposed use.

### **2. Sanitation**

There is no onsite wastewater treatment system (OWTS) located on the subject property. El Paso County Public Health Department commented on this application. El Paso County Public Health Department stated in their comments that water and wastewater services were not necessary with the proposed use.

### **3. Emergency Services**

The property is within Falcon Fire Protection District.

### **4. Utilities**

Electrical service is provided to this property by Mountain View Electric Association and natural gas service is provided by Colorado Springs Utilities.

### **5. Metropolitan Districts**

This parcel is not located within a metropolitan district.

### **6. Parks/Trails**

No park fees or land dedication in lieu of fees are required for this application.

### **7. Schools**

No school fees or land dedication in lieu of fees are required with this application.

## **I. APPLICABLE RESOLUTIONS**

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## **J. STATUS OF MAJOR ISSUES**

There are no outstanding major issues with this variance of use application.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in 5.3.4 (Variance of Use) of the El

Paso County Land Development Code (2016), staff recommends the following conditions and notations:

### **CONDITIONS**

1. Any subsequent addition or modification to the operation or facility beyond that described in the applicants' 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. The applicant shall seek approval from the Planning and Community Development Department of a commercial site development plan within ninety (90) days of approval unless otherwise administratively extended by the Planning and Community Development Department Director.
3. Any mechanical equipment associated with the contractor's equipment yard use that is stored or maintained on the property must have fluids collected and stored to either be recycled or disposed of per all State and Federal regulations related to the storage of such fluids.

### **NOTATIONS**

1. The 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 or 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. Evidence of the availability of adequate water and sanitation services shall be provided to El Paso County Planning and Community Development prior to the establishment of any new use.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified six (6) adjoining property owners on September 11, 2018, for the Planning Commission meeting. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Site Plan

# El Paso County Parcel Information

File Name:

Zone Map No.:

PARCEL	NAME
530800082	WOODMEN-UTAH LLC

ADDRESS	CITY	STATE
1710 JET STREAM DR STE 200	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80921	3937

Date:



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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## **Letter of Intent**

Sunflower Land Care INC.

March 2018

### **Request**

1. A variance of use to run a landscape business and have equipment and light material storage in a RR5 zoned area.

#### Location

Property is at 0 Nevada Lane and is just south of D and J quality electric and East of Mountain Springs Church. Property is also just north of landscape business that stores and operates very similar to us.

#### Project Description

Site is just over 5 acres and we currently only use 1.5-2 acres of the space. We plan for this to be a long term contractor equipment yard for our business. Sunflower is a design/build landscape company that has been in business since 2006. We are not a retail shop.

#### Site Structures/Uses/Equipment

Below is a list of what we store and how we have used this space in the last 5 years.

- 2 – Conex boxes that hold supplies
- 30yd dumpster
- Palletized material such as pavers, block and concrete
- Parking of trailers and trucks

### **Landscape Equipment**

Below is a list of the equipment that could be seen on site. Most of the time these pieces of equipment are on a job site.

- 8 Trucks
- 2 employee cars/trucks
- 6 Trailers
- 4 Bobcats
- Attachments (auger, trencher, forks, buckets)

### **Business Operation**

Sunflower Landscapes is a Seasonal Business so hours of operation change with the seasons. Below is our normal business operation hours.

- **Peak Season**
  - March – October
  - Enter Landscape Yard at 7:00am-7:30am
  - Close Yard Gates at 5:30pm-6:00pm
  - 2-4 employees will be in and out of the Yard during the Peak Season.
  - Other employees take work vehicles home and then meet at job site.
- **Off Season**
  - November - February
  - Enter Landscape Yard at 8:00am-8:30am
  - Close Yard Gates at 4:30pm-5:00pm
  - 1-3 employees will be in and out of the Yard during the Off Season.
  - Other employees take work vehicles home and then meet at job site.

### **Adventure Way**

Adventure Way is accessed off Old Woodman Road and is unpaved and not maintained by El Paso County or City of Colorado Springs. Sunflower Landscapes has added rock to help integrity of road.

### **EPC Land Use Code**

As a result of the Notice of Violation, Sunflower Land Care Inc. is requesting approval of a variance of use to continue to operate our Business. Our Use of the Land is to only store landscape equipment and light material storage. (No Office or Retail Frontage)

With Questions Please Contact

**Dustin Hamilton – Co-Owner**

**719-661-5049**

**dustin@sunflower-landscapes.com**



WOODMAN-UTAH LLC  
C/O VANTAGE HOMES CORP  
7425 ADVENTURE WAY

MOUNTAIN SPRINGS CHURCH  
7345 ADVENTURE WAY

WOODMAN-UTAH LLC  
C/O VANTAGE HOMES CORP  
7525 ADVENTURE WAY

# 0 NEVADA LANE

TRACT IN NW4NE4 SEC 08-13-65 AS FOLS, COM AT A PT ON N LN OF SD SEC THAT IS 280.0 FT W OF NE COR OF SD NW4NE4, RUN SLY 430.0 FT FOR POB, TH ANG R AND RUN WLY 528.43 FT M/L, ANG L AND RUN SLY 430.0 FT, ANG L + RUN ELY 528.43 FT M/L, TH NLY 430.0 FT TO POB SUBJ TO NON-EXCLUSIVE EASEMENTS OVER ELY 15.0 FT AND OVER WLY 7.5 FT, TOG WITH EASEMENT BY BK 2825-320, TOG WITH PRIVATE ROAD KNOWN AS NEVADA LANE

AREA  
NOT USED

UTAH LANE

NEVADA LANE

PROPERTY LINE = 430.00'

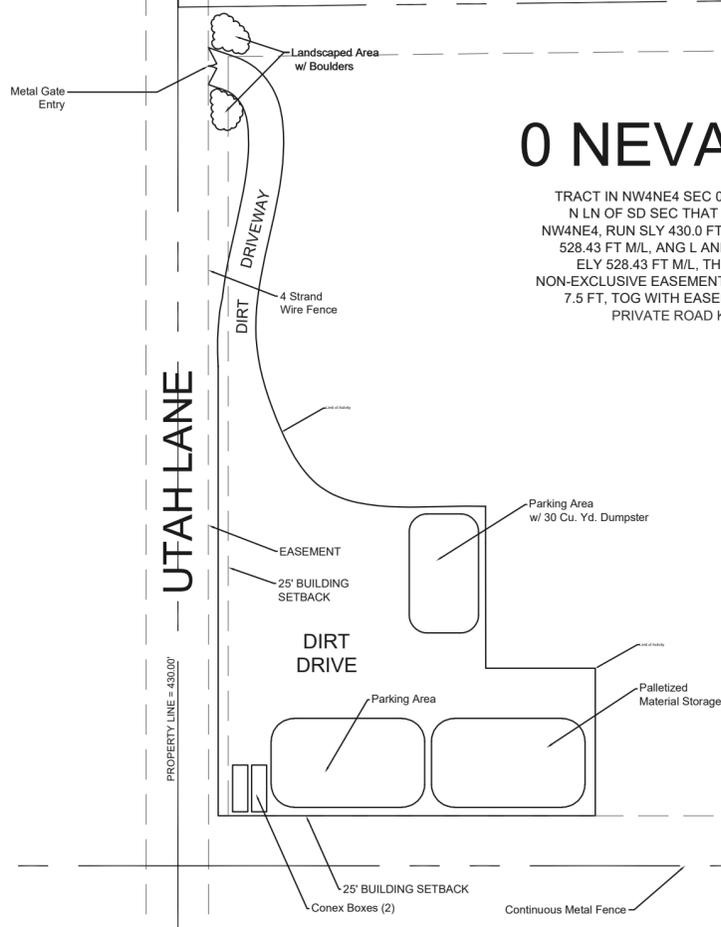
PROPERTY LINE = 430.00'

PROPERTY LINE = 528.43'

PROPERTY LINE = 528.43'

PROPERTY LINE = 430.00'

PROPERTY LINE = 528.43'



BSK INVESTMENTS LLC  
7340 UTAH LANE

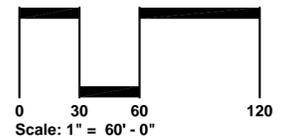
GREENER PASTURES LLC  
7280 ADVENTURE WAY

# PLOT PLAN

0 NEVADA LANE  
COLORADO SPRINGS, COLORADO



NORTH



DATE: August 6th 2018

FILE NO: VA 182