

Reimers Rural Home Occupation AL-18-013

GABE SEVIGNY

BECK GRIMM



Review Criteria

5.3.2 Special Use

- The special use is generally consistent with the applicable Master Plan;
- The special use will generally 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 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 special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- 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 special use conforms or will conform to all other applicable County rules, regulations or ordinances.

Hearing Notice

- 7 adjoining property owners were notified April 18, 2019.
- 85 Replies have been received.
- 74 in Favor
- 11 in opposition



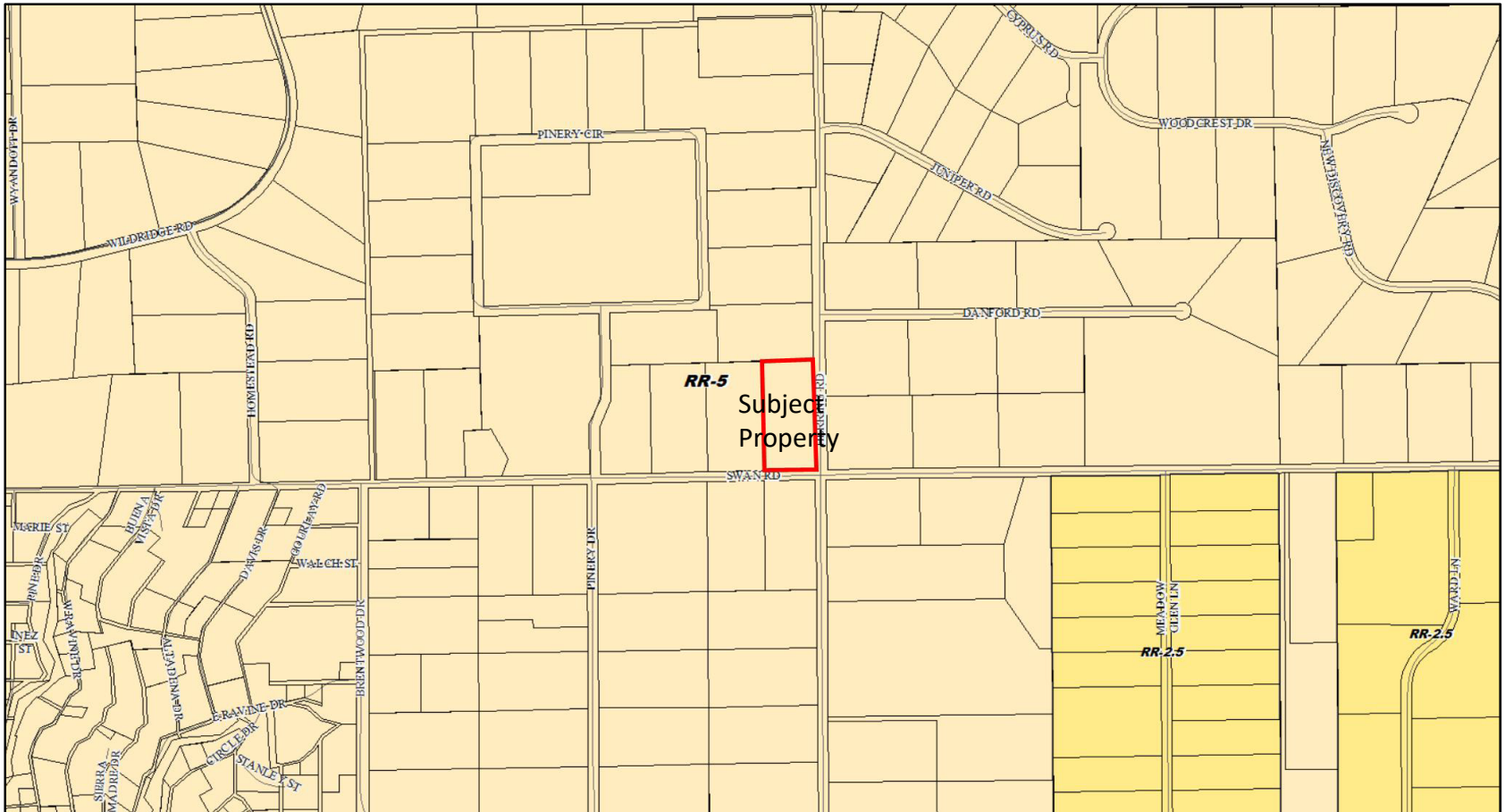
Request

A request by Randy and Elizabeth Reimers for special use approval to allow for a contractor's equipment yard as a rural home occupation in the RR-5 (Residential Rural) zoning district.

Reimers Rural Home Occupation

Property Owner: Randy and Elizabeth Reimers

Zoning



Background

- The lot in question was legally created on August 16, 1968 prior to the subdivision regulations of July 17, 1972
- Initially zoned A-4 in September of 1965 via County initiated rezoning, however, changes in nomenclature within the Code was renamed as the RR-5 (Residential Rural) zoning district.
- The application was initiated to address a code enforcement action against the property for a large berm and operation of an illegal contractor's equipment yard.
- It was determined there was an illegal contractor's equipment yard, but the berm did not disturb more than an acre. The applicant began the process to legalize the use by attending an Early Assistance meeting July 23, 2018
- Per the Letter of Intent, the family owned business has been operating in the Black Forest area for over 25 years.

Rural Home Occupation Definition

- A home occupation is allowed in the A-35 Zoning District only and as a Special Use in other Zoning Districts, intended to recognize the unique land use characteristics in low density agriculturally zoned areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.

Contractor's Equipment Yard Definition

- 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 and outdoor of tools, equipment, materials, and vehicles used by the establishment

Rural Home Occupation Regulations

- Allowed Rural Home Occupations

- Contractor's equipment yards, construction businesses, welding shops
- Trucking and hauling businesses
- Other small businesses which primarily serve a rural agricultural or ranching clientele

- Excluded Uses

- Any heavy industrial, solid waste disposal, solid waste transfer, scrap tire recycling or mineral extraction use
- Commercial uses or businesses which do not primarily serve a rural agricultural or ranching clientele
- Any use involving significant public occupancy or overnight accommodations other than those uses specifically allowed in the zoning district
- Any commercial tower or utility use, not otherwise allowed
- Any outdoor concert, shooting range, race track or comparable use

- General Standards

- Outdoor storage shall comply with chapter 6 of the LDC
- Maximum of 2 employees, who are not family members allowed on the lot or parcel
- A total of one-way trips generated by the rural home occupation shall not exceed an average of 20 per day
- Shall not result in any generation of solid waste or hazardous substances or petroleum or excessive

Site Plan



Site photographs



Site photographs



Site photographs



May 2, 2019 at 3:21:47 PM
Colorado Springs

Policy plan analysis

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.

Policy 7.1.4 – Accommodate home-based businesses which do not detract from the character of residential areas, do not create substantial impacts on facilities and services, and do not require the imposition of conditions of approvals difficult to enforce.

The applicants are proposing to construct a new structure within which they will house any outdoor storage and equipment. The structure is proposed to aesthetically blend in with the surrounding landscape. The applicants have already upgraded the driveway and enhanced screening of the property to be more consistent with the character of the surrounding area.

The applicants' letter of intent states that no customers visit the subject property and that they currently only have two (2) employees that come to the property five days a week to pick up vehicles and then return in the evening to drop off the vehicles.

Small Area Plan Analysis

Black Forest Preservation Plan

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

Policy 1.6 – Allow “low impact uses” in areas designated for rural residential uses either through the Special Use review process or as a part of carefully defined planned unit developments. Variances for low impact uses should be used sparingly and in all cases approvals should not result in a deviation from the predominantly rural-residential character of the area.

Goal 4.A – Allow for limited commercial development, which support and enhances the Black Forest Planning Area

Policy 4.6 – Encourage all new commercial development within the planning area to be compatible with the visual character of the existing uses (refer to Visual Design Recommendation Matrix of Black Forest Preservation Plan (1987)).

The applicants’ letter of intent and the associated site plan indicate that they are proposing a shop that meets the characteristics of the surrounding areas, to better store equipment and vehicles. The applicants also state in their letter of intent that a “large majority of our work is done on the north end of town” serving the Black Forest community. Staff recommends that this particular contractor’s equipment yard is a low impact use due to the total area of the associated use, consistency of the proposed use with the County’s screening requirements, and the minimal amount of traffic generated by the existing/proposed use.

The subject parcel is still considered to be low density residential as the parcel is a legally created 4.33 acre parcel in the RR-5 zoning district. El Paso County considers parcels greater than 2.5 acres in size to be rural density.

Recommended conditions of approval

1. Approval shall be limited to a contractor's equipment yard as described and depicted in the applicants' letter of intent and site plan drawings.
2. Any subsequent addition or modification to the operation or to the facility beyond that described in the applicant's 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 Director that it constitutes a substantial increase, then such addition or modification shall be subject to review and approval by the Board of County Commissioners.
3. The proposed use shall comply with all requirements of the El Paso County Land Development Code and all County, State, and Federal regulations except those portions varied by this action.
4. The property owners shall comply and adhere to water allowances as determined by the State of Colorado and detailed in the approved well permit (No.: 256625).
5. If a restroom is planned for employee use within the proposed 70' x 100' storage structure, a new OWTS Permit will be required prior to authorization of the building permit.

Recommended notations

1. The special 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 special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

Questions for staff?
