

January 19, 2024

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

RE: Bartlett Hay Sales – Parcel No. 53121-10-009 & 53121-10-004

To clarify, at present this property does not have land use approval for outside storage.

Variance of use VA-94-011 Recreation and Vehicle Boat Storage expired in 1999.

**LDC, Inc.** is representing LaRon and Renee Bartlett, 13655 Bradshaw Road, Peyton, CO, 80831, (719) 749-2213. The Bartlett family owns and operates their hay sales business located at the NW Corner of Old Meridian Road and Chicago Ave. In 2017 They bought the property to the west bounded by Chicago Ave. and 7<sup>th</sup> Street. This additional property is zoned RR-5 and has been approved for outside storage. The total property is 1.33 acres and is zoned RR-5. The Bartlett family is requesting renewal of the Variance of Use (VA-12-008), to include the additional property, which was approved by the BOCC on March 26, 2013, which will allow them to continue their business which includes hay, grain, feed and products and supplies associated with the farming and ranching industry. The immediate adjoining properties are: to the North is zoned RR-5 and is vacant; to the West across 7<sup>th</sup> Street is vacant and zoned RR-5; the property across Chicago Ave. (80' R.O.W.) to the South is zoned RR-5 and is a single-family residence. The property to the East is zoned CC/RR-5 and is vacant. The property to the NE is zoned CC and currently has commercial type buildings on it. The property to the Southeast is zoned CC and is under construction. This property still retains the same physical limitations and hardships as existed when the first Variance of Use was granted in 1991. The variance of use has allowed this business to provide jobs, pay property taxes and provide a needed service to this community.

During the 31 years this business has been operating there have been no known negative off-site conditions created and no known complaints of the business itself. The only change to the site plan is the addition of the property to the west. This additional property will provide for hay storage and semi-truck parking. The Site Plan still provides for adequate parking, driveways, fencing and storage as it has for their past 31 years of operation. There will be no additional impact on public services such as fire protection, law enforcement, utilities or storm water runoff. The County has installed a traffic circle at McLaughlin Road and Old Meridian Road and right-in, right-out lands at Old Meridian Road and US Highway 24, which has significantly reduced traffic on Old Meridian Road.

This business has operated essentially from 7:30 AM to 6:00 or 6:30 PM Monday through Saturday. However we believe it is an improper condition to restrict the hours of operation to 8:00 AM to 6:00 PM Monday through Saturday. Other businesses across the street are not restricted to hours or days of operation and other roadside businesses pop up adjacent to this property with no restrictions whatsoever, add nothing to the tax base and create traffic congestion because they have no established access points or driveways. With the growth of commercial businesses within a few blocks such as; McDonalds, Wal-Mart, Falcon Liquor, etc. that are open at all hours, it has become necessary for the Bartletts to have the ability to set their operating hours to the best benefit of their business. The Bartletts have no intention of increasing their hours of operation at this time but respectfully request the hours of operations not be restricted

A driveway access permit(s) is required. See site plan. Apply for permits through EDARP

Please provide a statement in the LOI that stipulates that a TIS is not required as exempted by ECM B.1.2.D (not to exceed 10 VPH and 100 VPD. Discuss the amount of traffic/customer to justify this exception and if that can be met. If not a TIS is required

Note that the direct access from Old Meridian will be condition limited as there is a local road (Chicago) that provides lower road classification access. This driveway entrance may be required to be closed in the future. Commercial development of the parcels to the west along Chicago will trigger this. A one way driveway entrance access from Old Chicago will be recommended in the interim. See site plan notes.

Approved by the BOCC on October 10, 1991 with the following conditions: The following vehicles and equipment shall be allowed on site in association with this business: one tractor with a forklift, two delivery pickup trucks with sixteen foot trailers, one semi-truck, three semi trailers.

- VA-96-027 – Variance of Use granted for the sale and storage of hay with the following conditions: The following vehicles and equipment shall be allowed on site in association with this business: one tractor with a forklift, one delivery pickup truck, two sixteen foot trailers, two semi-trucks, and three semi-trailers.
- BOA-99-045 – Variance for the construction of a structure on a substandard lot to continue the approved use of hay sales, and a Variance for rear setback from 25’ to 10’. This BOA Variance has expired.
- BOA-01-039 – Variance to allow setbacks of 10’ in the rear yard and two side yards where normally in the RR-3 zone 25’ is required. This variance stipulated the condition that any construction or additions will require separate Board of Adjustment application and approvals in the event the development requirements of the applicable zoning district cannot be met.
- VA-02-002 – Variance of Use granted for sale and storage of hay approved by the BOCC on April 25, 2002 for a ten year term with essentially the same conditions as previously approved.
- VA-12-008 – Variance of Use granted for sale and storage of hay approved by the BOCC on March 26, 2013 for a ten year term with essentially the same conditions as previously approved.

The Bartletts are requesting a renewal of the Variance of Use for an unlimited period , and a waiver of the submittal fee, which will allow them to continue to operate their hay and storage business as the retail – commercial aspect of the immediate area continues to evolve. There have been no complaints since this was approved 10 years ago and the Bartletts will continue to operate their business in the same honest, friendly and neighborly way they always have.

Respectfully;

There are missing components in the LOI. Please include the following:

A detailed analysis summarizing how the request complies with each of the following Criteria of Approval in Chapter 5 of the Land Development Code.

The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship

The applicant has addressed all off-site impacts

A discussion summarizing the proposed request and compliance with the applicable requirements of the Land Development Code.