

COMMISSIONERS:
 STAN VANDERWERF (CHAIR)
 CAMI BREMER (VICE -CHAIR)

COLORADO

HOLLY WILLIAMS
 CARRIE GEITNER
 LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

**TO: El Paso County Planning Commission
 Brian Risley, Chair**

**FROM: Kylie Bagley, Planner II
 Lupe Packman, EI Engineer I
 Kevin Mastin, Interim Executive Director**

**RE: Project File #: VA-22-004
 Project Name: Peaceful Valley Additional Dwelling Unit
 Parcel No.: 55220-08-004**

OWNER:	REPRESENTATIVE:
Bonnie, Clyde & Co., LLC 9530 Peaceful Valley Rd Colorado Springs, CO 80925	Vertex Nina Ruiz PO Box 1385 Colorado Springs, CO 80901

Commissioner District: 4

Planning Commission Hearing Date: 12/1/2022
 Board of County Commissioners Hearing Date 12/20/2022

EXECUTIVE SUMMARY

A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district. The 0.59-acre property is zoned RR-0.5 (Residential Rural) and is located 0.03 miles east of the intersection of Sand Trap Drive and Peaceful Valley Road and north of Peaceful Valley Road and is within Section 22, Township 15 South, Range 65 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district.



Waiver(s)/Deviation(s): No waivers are being requested as part of this 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

Pursuant to Section 5.3.4 of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- 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-0.5 (Residential Rural)	Single Family Residential
South:	City of Fountain	Vacant Land
East:	RR-0.5 (Residential Rural)	Single Family Residential
West:	RR-0.5 (Residential Rural)	Single Family Residential

E. BACKGROUND

The parcel was zoned A-1 (Garden Home District) on September 20, 1965, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-1 zoning district was renamed as the RR-0.5 (Residential Rural) zoning district.

The applicant is requesting a variance of use for a 540 square foot second dwelling unit on a 0.59 acre property. It is the applicant's intent to use the second dwelling unit for their mother but is requesting a variance of use as to not limit future resident of the second dwelling unit

F. ANALYSIS

1. Land Development Code Analysis

Pursuant to Table 5-1 of the Land Development Code, an additional dwelling is not a permitted use in the RR-0.5 zoning district. The requested use is not consistent with the character and use allowances of the RR-0.5 zoning district without approval of a variance of use.

The Land Development Code defines "Dwelling, Additional" as:

"A dwelling unit, allowed in the A-35 District only, either within or added to an existing single-family detached dwelling or located as a separate accessory structure on the same lot or parcel as the principal single-family dwelling, for use as a complete, independent living facility with provisions within the dwelling unit for cooking, eating, sanitation, and sleeping. The additional dwelling shall be considered an accessory use to the principal dwelling."

An additional dwelling unit is not allowed as a permitted use in the RR-0.5 (Residential) zoning district.



2. Zoning Compliance

The RR-0.5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 21,780 square feet
- Minimum front yard setback: 25 feet ^{3, 11}
- Minimum side yard setback: 25 feet for primary structures and 5 feet for accessory structures ³
- Minimum rear yard setback: 10 feet ^{3, 11}
- Maximum lot coverage: none
- Maximum height: 30 feet

³ Agricultural stands shall be setback a minimum of 35 feet from all property lines.

¹¹ The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 feet from the front property line or nearest road right of way, where a 5 feet setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure.

The applicant has provided a site plan indicating the locations of the structures associated with a second dwelling. The proposed site plan complies with the RR-0.5 zoning district density and dimensional standards. The applicant is not proposing any setback encroachments or dimensional variances.

Should the variance of use request be approved, approval of a site development plan will be required prior to initiating the use. The site development plan review will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

3. Policy Plan Analysis

Consistency with Your El Paso County Master Plan (2022) is not a required review criterion under the current (2022) version of the Land Development Code for a variance of use request. However, for informational purposes, the following is an analysis of the Plan as it applies to the application being considered with a specific focus on Chapter 3, Land Use, including identifying Key Area influences and the applicable Areas of Change and Placetype designations as well as the applicable Core Principles, Goals, Objectives, and Specific Strategies of the Action Matrix included in Chapter 14, which is the Implementation chapter of the Plan.

a. Placetype: Suburban Residential

Placetype Character:

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include



limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”

Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional



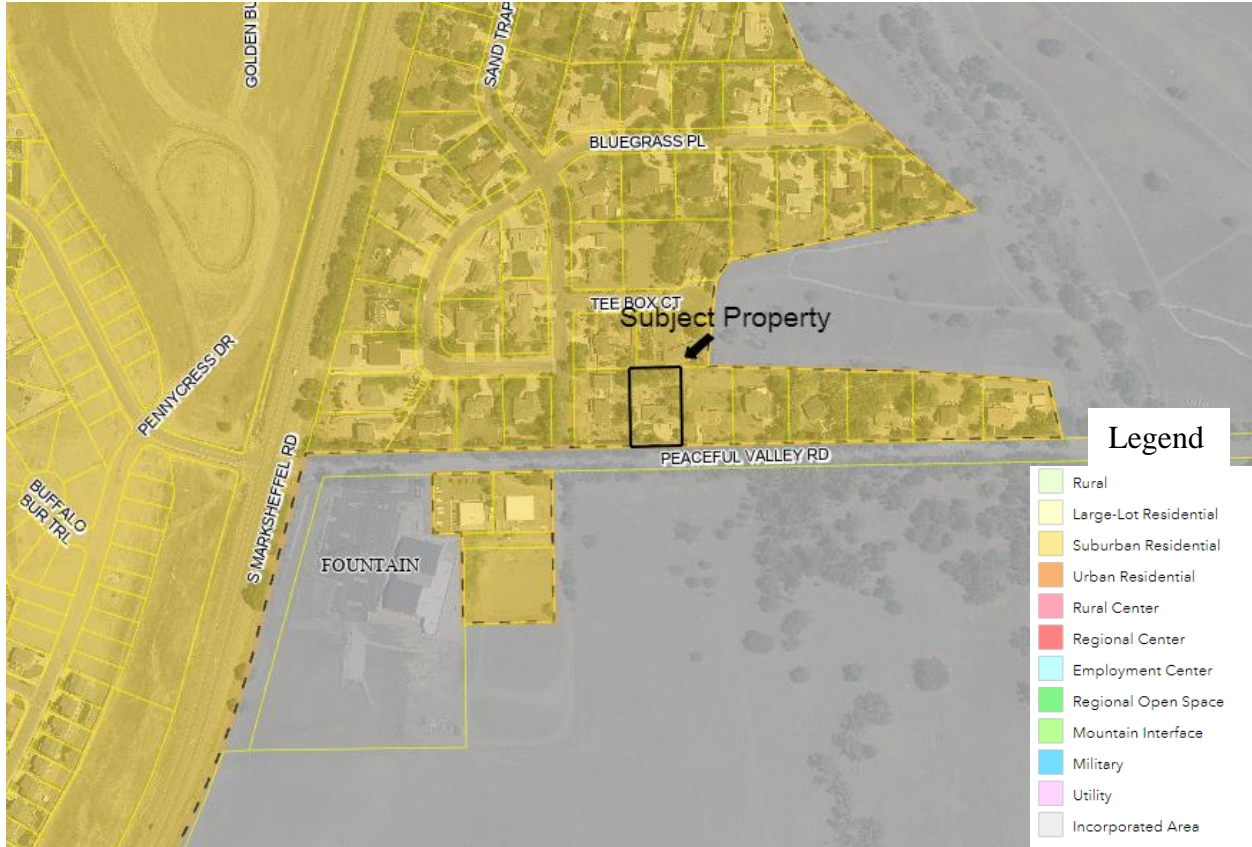


Figure G.1: Placetype Map

Analysis:

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections.

Goal LU3: “Encourage a range of development types to support a variety of land uses.”

Specific Strategy: “The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.”

Goal HC1: “Promote development of a mix of housing types in identified areas.”



Objective HC1-4: *“In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.”*

According to the applicants Letter of Intent “The proposed variance of use would result in an overall density of approximately 3.4 dwelling units per acre. The placetype specifically identifies accessory dwelling units as being supported within the placetype. Page 29 states “Accessory Dwelling Units (ADUs) are compatible in this placetype and should function in the context of the existing neighborhood.”” The site plan will be required to meet the development standards of the Land Development Code.

b. Area of Change Designation: Minimal Change: Developed

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”



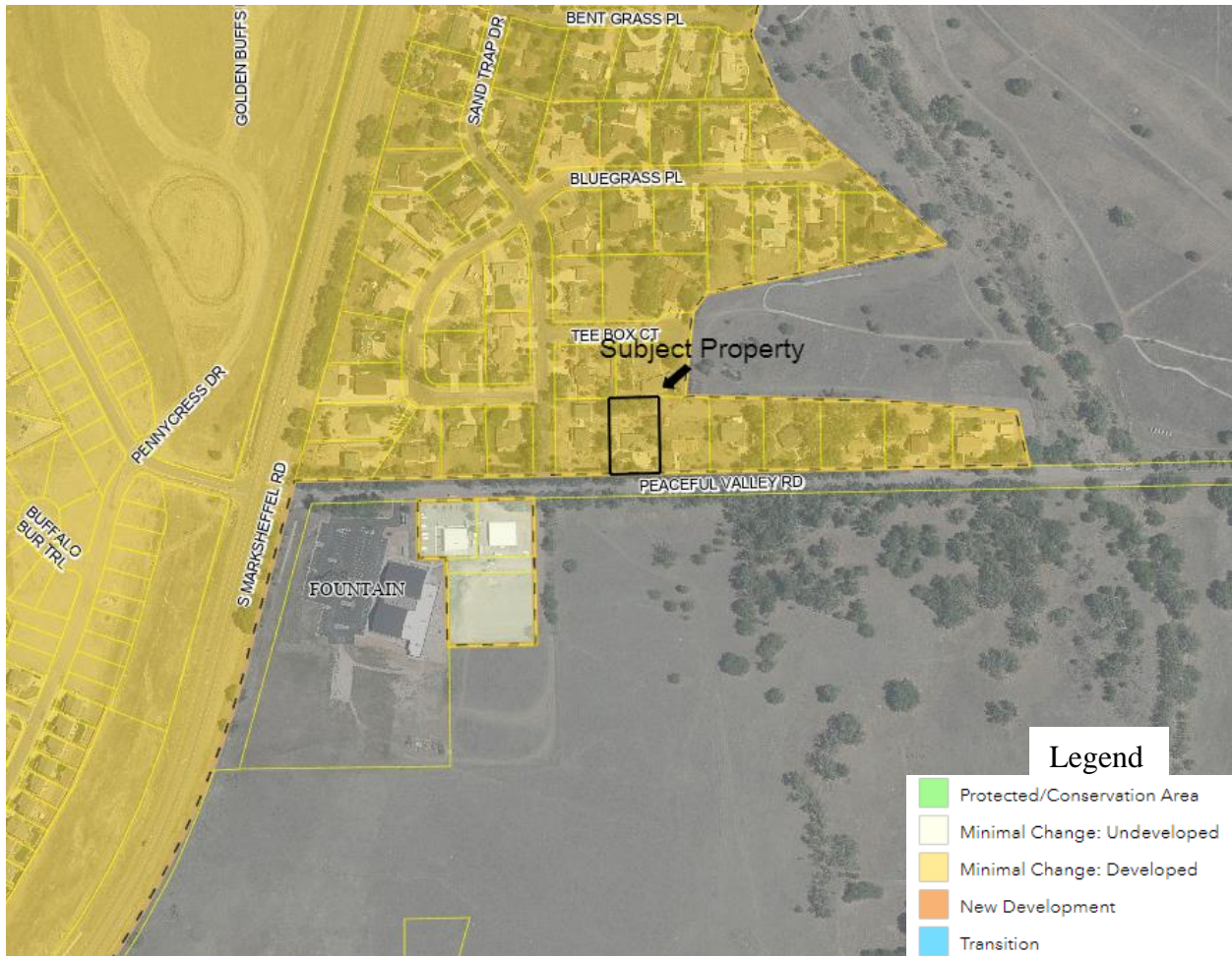


Figure G.2: Area of Change Map

c. Key Area Influences:

The subject property is not located within a Key Area of Influence.

4. Water Master Plan Analysis

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. For background, the Water Master Plan has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 – Integrate water and land use planning.

Goal 4.3 – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.

The subject parcel is in Region 7 of the El Paso County Water Master Plan. Region 7 has a current central water supply of 15,376-acre feet per year and a current demand of 10,141-acre feet per year. The 2040 water supply is projected to be 25,241-acre feet per year and the projected demand is 15,846-acre feet. The 2060 water supply is projected to be 27,840-acre feet per year, whereas the demand is anticipated to be 26,969-acre feet per year; therefore, there is projected to be a sufficient supply of water for central water providers in this region of the County.

Water sufficiency is not required for a variance of use application. Water is proposed to be provided through Widefield Water and Sanitation.

5. Other Master Plan Elements

The Master Plan for Mineral Extraction (1996) identifies alluvial fan deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified as part of this Variance of Use application.



2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0957G, which has an effective date of December 7, 2018, indicates the subject property is located within Zone X, area of minimal flood hazard outside of the 100 to 500-year floodplain.

4. Drainage and Erosion

The site is located within the Jimmy Camp Creek drainage basin. This drainage basin is included in the El Paso County drainage basin fee program. Drainage and bridge fees will not be assessed for the site.

5. Transportation

The subject property is located north of Peaceful Valley, east of Marksheffel Road. Peaceful Valley is a rural local road and is owned and maintained by the County. A traffic study was not required for this application. The applicant will be required to obtain an access permit if there is not one on file.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).

H. SERVICES

1. Water

Water is provided by Widefield Water and Sanitation.

2. Sanitation

Wastewater is provided by Widefield Water and Sanitation.

3. Emergency Services

The property is within the Security Fire Protection District.

4. Utilities

Mountain View Electric Association (MVEA) will provide electricity to the property and Black Hills Energy will provide natural gas. Both MVEA and Black Hills Energy were notified of the variance of use and have no objections.



5. Metropolitan Districts

The subject property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a variance of use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a variance of use application.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with the 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 Section 5.3.4 of the El Paso County Land Development Code (2022), staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. 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/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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified five (5) adjoining property owners on November 14, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

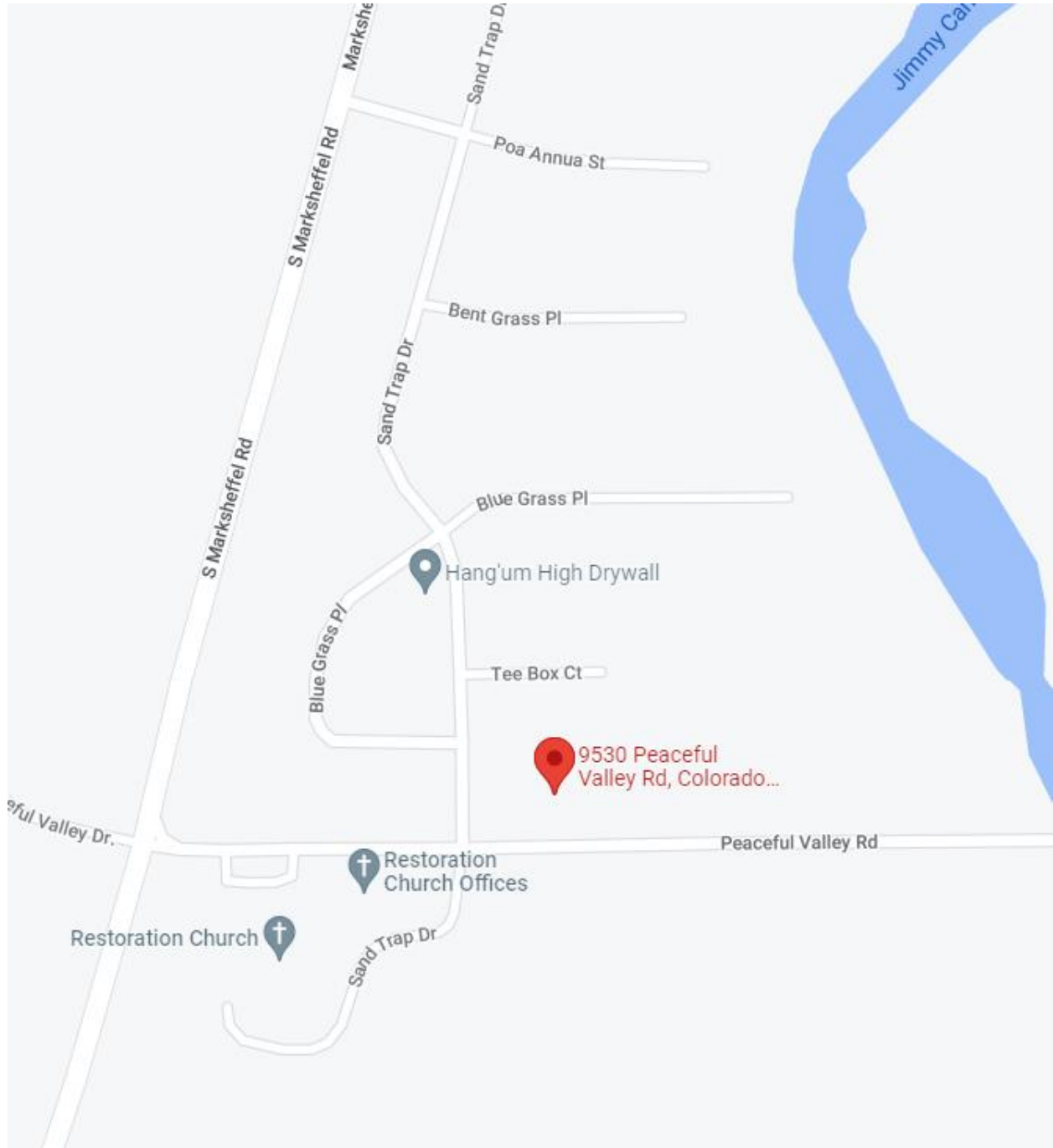
Letter of Intent

Site Plan

Draft PC Resolution



Vicinity Map





Vertex Consulting Services, LLC
455 Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903-3672
719-733-8605

**Peaceful Valley Second Dwelling
Variance of Use
Letter of Intent**

September 27, 2022

Bonnie, Clyde & Co., LLC
9530 Peaceful Valley Road
Colorado Springs, CO 80925

Planner: Vertex Consulting Services, Nina Ruiz
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
719-733-8605
Nina.ruiz@vertexc.com

Tax Schedule No: 55220-08-004

Acreage: 0.59 Acres

Zoning: RR-0.5 (Residential Rural)

Site Location, Size, Zoning:

Vertex Consulting Services, on behalf of The Bonnie, Clyde & CO. LLC, is respectfully submitting a variance of use application for the proposed second dwelling. The property is located east of Marksheffel Road and north of Peaceful Valley Road. The 0.59 acre property is presently zoned RR-0.5 (Residential Rural). The proposed variance of use is compatible with the surrounding existing and planned development and is consistent with the Your El Paso Master Plan.

The property is surrounded by the RR-0.5, CC, and City of Fountain PUD zoning districts:



Request & Justification:

The purpose of this application is to request approval of a variance of use to allow for a second dwelling in the RR-0.5 zoning district. Although the property owner's intent is to provide housing to their mother initially, the variance of use request is to not limit the occupancy of the requested second dwelling. The pages that follow address each one of the Variance of Use criteria included within Section 5.3.4 of the El Paso County 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.

Rezoning the property to a multi-family zoning district, such as the RM-12 zoning district, is unadvisable as residential development of 12 dwelling units per acre is incompatible with the existing surrounding development. The surrounding neighborhood is characterized by single-family estate residential development with large, detached accessory structures. The RR-0.5 zoning district allows for a two-family dwelling unit as a special use within the zoning district, however, the owner does not feel as though the massing of an attached structure fits into the character of the surrounding development, whereas a detached structure of 540 square feet approximates the size of several of the accessory structures in the neighborhood. Additionally, an attached addition would require that the irrigation system, HVAC, and gas line be replaced as well as the entire roofline of the existing dwelling be redesigned to accommodate the addition. The requested variance of use is the only reasonable request to allow for a second dwelling on the subject property.

The proposed 540 square foot accessory dwelling is compatible with the massing and scale of other accessory structures in the surrounding neighborhood. The below map depicts the location and size of detached accessory structures in the neighborhood:



Approximate footprint:	
1. 1,600 sq. ft.	7. 600 sq. ft.
2. 830 sq. ft.	8. 330 sq. ft.
3. 430 sq. ft.	9. 1,700 sq. ft.
4. 850 sq. ft.	10. 530 sq. ft.
5. 940 sq. ft.	11. 400 sq. ft.
6. 880 sq. ft.	12. 650 sq. ft.

- *The variance of use is generally consistent with the applicable Master Plan;*

Please see the Master Plan analysis beginning on page 6.

- *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 property is primarily surrounded by other properties within the RR-0.5 zoning district, with the exception of the vacant Fountain PUD property located to the south. This vacant property is anticipated to be urban level development. As described above, the surrounding development is characterized by estate residential development with large, detached accessory structures. Additionally, the RR-0.5 zoning district permits a two-family dwelling with special use approval. The applicant is requesting a detached second dwelling due to the character and massing of a detached structure being more compatible with the surrounding development than that of an attached dwelling. Should the structure have been attached to the home, no variance of use would be required. For this reason, the use is compatible with the surrounding development.

The applicant proposes to build an accessory residence, 18 feet by 30 feet with an overall roof height

not to exceed 26 feet. The second dwelling will face south to match the character and orientation of the primary residence. The exterior of the proposed second dwelling will have natural stone accents and the roofing material will be shingle of medium tone to match the primary residence exterior appearance. Landscaping will be installed with the second dwelling to complement the existing landscaping onsite. The proposed use is a single-family dwelling which will not be detrimental to the health, safety and welfare of int 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 is a single-family dwelling to be served by central water and sanitation. The construction of the dwelling will be in compliance with all El Paso County and State air quality regulations. After construction, the dwelling will meet all air, water, odor or noise standards.

- *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 dwelling is within the RR-0.5 zoning district. Table 5-4 of the Land Development Code identifies the density and dimensional standards of the RR-0.5 zoning district:

- Minimum lot size: 21,780 sq. ft.
- Front Setback: 25 feet
- Side Setback: 10 feet unless the primary structure is setback more than 60 feet, then the side setback of accessory structures can be reduced to 5 feet
 - *The home is setback more than 60 feet
- Rear Setback: 25 feet for the primary structure and 5 feet for accessory structures
- Maximum Height: 30 feet

The proposed dwelling will meet all setback and height requirements of the RR-0.5 zoning district, as depicted on the variance of use site plan.

El Paso County allows for a detached “Accessory Living Quarters” within the RR-0.5 zoning district. The variance of use need not meet the use specific standards for an “Accessory Living Quarters”, however, the owner has chosen to meet all those standards included within Section 5.2.1 of the Land Development Code, with the exception of the use being limited to temporary occupancy and the owner installing separate meters. The structure will be a detached structure 540 square feet in size which will match the character of the existing dwelling onsite.

- *The proposed use will not adversely affect wildlife or wetlands;*

There are no wetlands or significant wildlife habitat onsite.

- *The applicant has addressed all off-site impacts;*

There are no anticipated additional off-site impacts except for a minor increase in traffic. The home is anticipated to generate an additional 10 average daily trips, consistent with typical single-family development.

- *The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or*

The Land Development Code requires a minimum of 2 parking spaces per dwelling. The site plan depicts a minimum of 6 parking spaces onsite, which exceeds the parking requirement of 4 spaces. No screening, open space, fencing, screening, or landscaping is required for single-family development, therefore, there are none are depicted beyond what is presently onsite. Landscaping will be installed with the second dwelling to complement the existing landscaping onsite.

- *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.*

Water and sewer will be provided by Widefield Water and Sanitation District. The property is within the Security Fire Protection District. El Paso Sherriff's Department will respond to any emergency reported onsite. The proposed second dwelling will take access from Peaceful Valley Road, a County owned and maintained right-of-way.

Master Plan Elements

Below is an analysis of the various El Paso County Master Plan elements.

Your El Paso County Master Plan Analysis

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is "general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action." In addition, Chapter 1 goes on to state that the Plan "is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives." When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the variance of use request, as identified below in an analysis of Chapter 3 of the Plan.

Key Area Analysis

The subject property is not identified in the Plan as being a Key Area, however, a Key area is in proximity. The nearest Key Area to the subject property is the Potential Areas for Annexation Key Area, which is located Approximately 0.5 miles to the east. The Master Plan contemplates that the Potential Area for Annexation Key Area will see an increase in density and development. The proposed second dwelling will result in an increase in density for the subject property, even if the change is insubstantial. The proposed variance of use is in general conformance with the Key Area

influence.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Developed” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”

(Emphasis added)

The subject property is currently developed and is surrounded by other residential properties. The Master Plan anticipates redevelopment to be more intense than the existing development and identifies that as long as the character can be maintained, redevelopment should occur. As discussed above, the proposed detached second dwelling is in conformance with the physical attributes of the surrounding development. Additionally, a two family dwelling is permitted by special use in the RR-0.5 zoning district, therefore the use can be considered in conformance with the zoning district.

Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Suburban Residential Placetype. Page 28 of the Plan identifies the following land uses as being Primary Land Uses within the Suburban Residential Placetype:

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

In addition, the Placetype includes the following Supporting Land Uses:

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

The Suburban Residential Placetype is described further on page 28 as follows:

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern. Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County. Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”
(emphasis added)

The proposed variance of use would result in an overall density of approximately 3.4 dwelling units per acre. The placetype specifically identifies accessory dwelling units as being supported within the placetype. Page 29 states “Accessory Dwelling Units (ADUs) are compatible in this placetype and should function in the context of the existing neighborhood.” The proposed variance of use is in conformance with the placetype recommendations.

Housing & Communities

The Housing and Communities chapter specifically contemplates accessory dwelling units and recommends that the County can proactively promote them as a housing type:

“Allowing alternative forms of density, such as small-lot homes or accessory dwelling units (“granny flats”), would provide more attainable housing units without altering neighborhood character. Allowing accessory dwelling units (ADUs), where appropriate, would be another tool to support more affordable rents. Accessory dwelling units can work well for people in various life stages, including students, young professionals, and empty nesters. Proactively promoting the construction of ADUs can take numerous forms including local fee waivers, pre-approved unit plans, assistance navigating the permit process, and working with local lenders to ensure construction and permanent financing is available for homeowners wishing to build ADUs.”

El Paso County Water Master Plan

The Executive Summary from the Water Master Plan states that “The Plan Water Master Plan (WMP) was developed for the Board of County Commissioners, El Paso County officials and staff, developers, citizens, and water providers within the County for the purpose of identifying and addressing water supply issues earlier in the land use entitlement process.” For that reason, water supply should be discussed even with a variance of use. This does not mean that a full water sufficiency finding should be made since sufficiency findings in El Paso

County are made at either the preliminary plan or final plat stage of development, both of which are part of the subdivision stage of development, which has already taken place.

The subject property is located within Planning Region 7 of the Water Master Plan, pursuant to Figure 3-1 on page 25. Region 7, Fountain Area, is expected to have the largest growth and demand in the County by 2060.

The Plan states the following with respect to Region 7:

“Areas projected to develop by 2040 are located south of Fountain (City) on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25.”

The Plan identifies the current supply and demand forecasts at full build out (year 2060) for each of the Planning Regions. The Table indicates that the current water supplies for Region 7 amounts to 15,376 AF of water per year. The 2040 water supply is projected to be 25,241-acre feet per year and the projected demand is 15,846-acre feet. The 2060 water supply is projected to be 27,840-acre feet per year, whereas the demand is anticipated to be 26,959-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

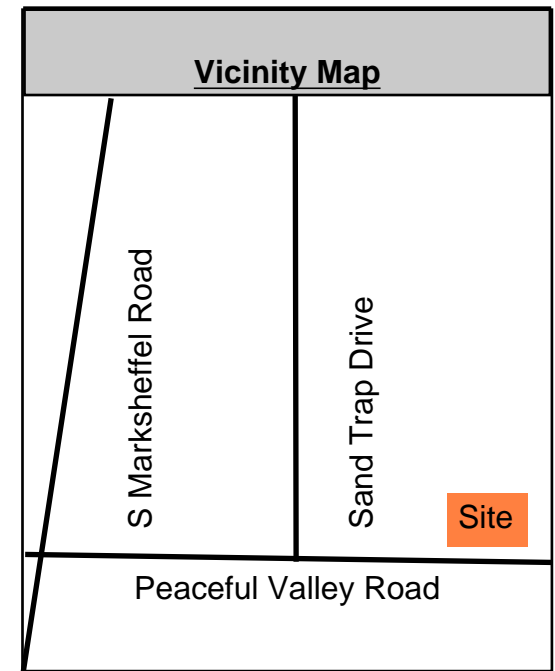
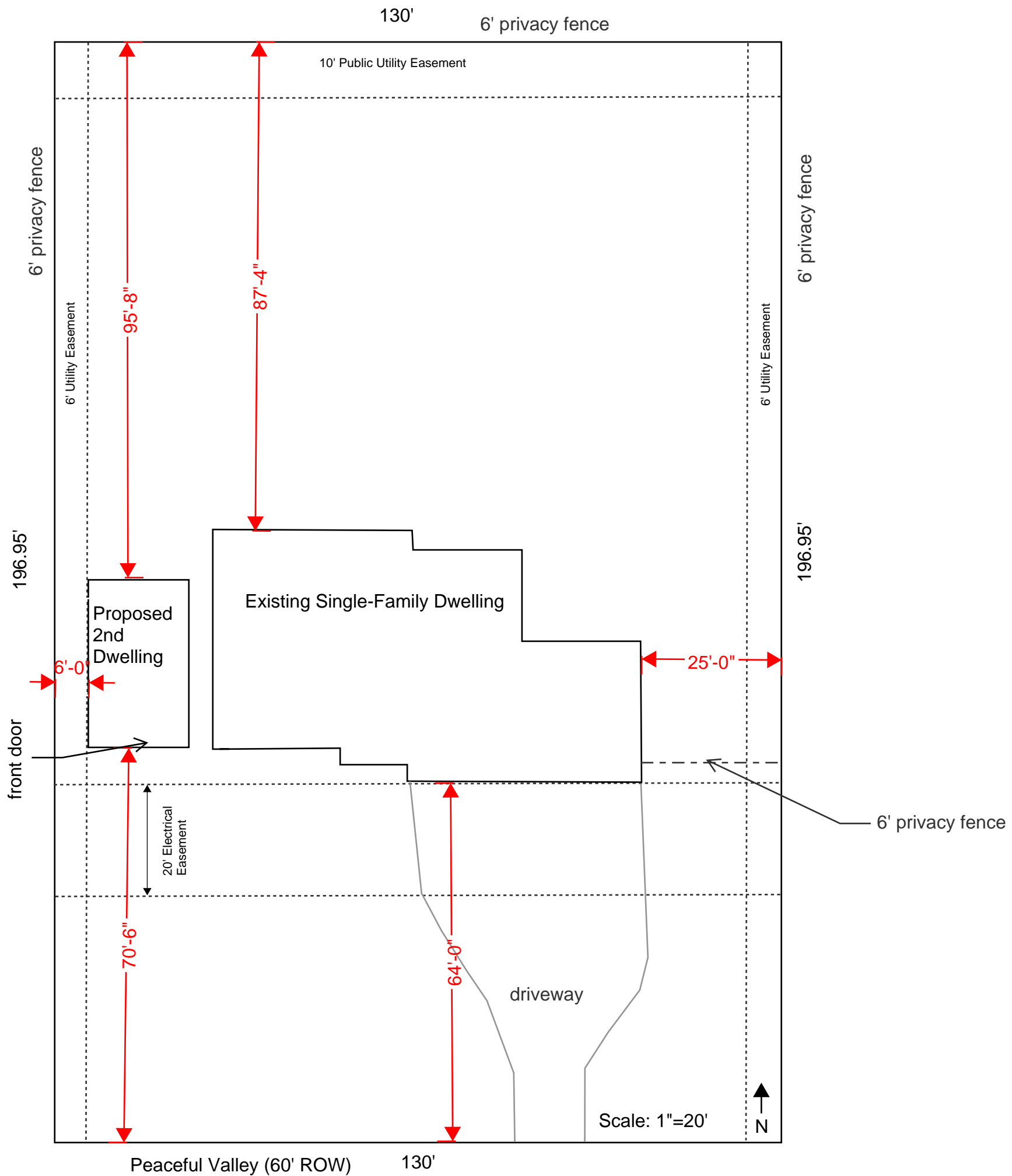
Not only does the Plan identify growth in the area, but it also identifies that there will be surplus water to support the anticipated growth. Widefield Water and Sanitation currently serves the existing dwelling and will continue to serve the proposed second dwelling. For the reasons stated above, the applicant requests that the proposed service plan be found to be in compliance with the Water Master Plan.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) does not depict any planned or existing trails or open space on the subject property. Land dedication, or fees in lieu of land dedication are not required with a variance of use request.

Other Topical Elements of the County Master Plan

The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.



Applicant

Vertex Consulting
P.O.Box 1385
Colorado Springs, CO 80901
719-433-2018
nina.ruiz@vertexc.com

Property Information

Address: 9530 Peaceful Valley Road
Parcel No: 5522008004
Zoning: RR-0.5
Acreage: 0.59 acres
Coverage:

Request: Variance of Use to allow for a second dwelling a maximum of 540 square feet and 26 feet in height.

Parking Required: 2/dwelling unit
Parking Provided: 3 car garage, 3 spaces in the driveway

The structure will be harmonious and compatible with the primary structure (dwelling).

VARIANCE OF USE (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA-22-004
PEACEFUL VALLEY ADDITIONAL DWELLING UNIT

WHEREAS, Nina Ruiz with Vertex, did file an application with the El Paso County Planning and Community Development Department for approval of a variance of use to allow a second dwelling within the RR-0.5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on December 1, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all

sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the Land Development Code (2022), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

1. The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
2. 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;
3. 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;
4. 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;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the variance of use to allow a second dwelling within the RR-0.5 (Residential Rural) zoning district with the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may

be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. 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/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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: circle one

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

The Resolution was adopted by a vote of ___to___ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 1st day of December 2022, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Brian Risley, Chair

DATED: [Click here to enter a date.](#)

EXHIBIT A

LOT 6 PEACEFUL VALLEY COUNTRY CLUB ESTATES FIL NO 1