

Letter of Intent

1. Owner/Applicant:

Robert and Samantha Christian
16230 Reata Rd.
Peyton, CO 80831
719-352-6625
719-332-2335

Items 6-20 are N/A and should be omitted. The attached information on the following page must be included and addressed.

2. Site Location:

Site-16230 Reata Rd. Peyton, CO 80831

Size- 5.04 Acres

Zoning - RR-5

3. We, property owners and owners of Christian Construction Inc., are requesting to be allowed to park our dump truck and occasionally our skid loader and loader on our property. Everything will be garaged most of the time.

4. **Existing Structures-** Single Family Residential home. Shop 50' x 100'.
No Proposed facilities, structures or roads at this time.

5. n/a

6. The purpose for the change in classification will allow for 3 pieces of equipment to be parked at our home, mostly inside the shop.

Equipment must be stored in a screened area at all times. The screened area may be no greater than 5% of the total lot size. 5% of 5 acres is approximately 11,000 sq ft.

7. Total number of acres is 5.04.

8. Total number of residential units is one, single family residential density is 5.

9. This site would serve as the residence with company equipment parked mostly inside the shop.

Equipment must be screened at all times. State that this is the only commercial/industrial site.

10. Approximately 500 sqft of shop used for business.

11. No mobile homes.

12. Typical lot size, 540' x 400'

13. No recreational facilities.

14. No phased construction proposed.

15. n/a

16. Water and sewer are provided in the residential home for residential use.

17. Shop will provide parking for the equipment when it is at the property. Equipment is occasionally used by owners for personal use, i.e. plowing snow.

18. All areas are landscaped.

19. Access is provided through the established driveway.

20. Approximate acres is 4.59 acres or approximately 91% of the land is open.

All if the bubbled points must be met in the Letter of Intent.

5.3.2. Special Use

(A) **Purpose.** The purpose of the special use process is to address potential impacts of certain land uses on existing and allowed uses in the same neighborhood. The special use process considers the location, design, configuration, intensity, density, natural hazards and other relevant factors pertaining to the proposed use.

(B) **Applicability.** No special use application shall be considered unless the underlying land is located within a particular zoning district which allows the proposed special use.

(C) **Criteria.** In approving a special use, the following criteria may be considered:

- The special use is generally consistent with the applicable Master Plan;
- The special use will 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.

Limit of Approval. Issuance of a special use permit shall authorize only the particular use and activity for which it is issued, for the time period, if specified, and in accordance with the permit conditions imposed. The special use permit runs with the land. The special use is based upon the parcel size stated in the application. A reduction or increase in parcel size is considered a substantial modification of the special use unless specifically provided for in the approval. The special use permit does not relieve the owner from compliance with any other permits, standards and regulations of this Code. No building permit shall be authorized to implement the use until the special use permit is approved.

The Board of County Commissioners may impose time restrictions on the approved special use permit as a condition of approval as it deems necessary.

(E) **Performance Guarantees and Financial Assurance.** Sufficient performance guarantees and financial assurance may be required to ensure implementation of and compliance with the conditions imposed. The terms or any required guarantees and financial assurance shall be made part of a development agreement.

(F) **Public Facilities and Services.** Special use permits shall be subject to the terms and requirements of the applicable development standards and regulations relating to the provision and financing of necessary public facilities and services. Determinations concerning the adequacy and efficiency of the provision of necessary public facilities and services, and the financing of the same, shall be based on standards and criteria adopted by the BoCC and may include a requirement that the applicant for a special use permit agree to contribute a fair and equitable share of the costs of the public facilities and services through the payment of development impact fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public facilities and services. Sufficient financial assurance may be required to ensure the timely completion of any public improvements needed to address potential impacts of the proposed use. The terms and conditions regarding the provision of public facilities and services shall be made part of the development agreement.

(G) **Limited to Approved Special Uses.** Any land on which a special use permit is approved shall be limited to those uses and structures enumerated within the special use permit and no more than one principal allowed use.

(H) **Administrative Approval Authorized.** Any special use may be acted upon by the PCD Director, except for those related to a CD request or mineral and natural resources extraction, which includes processing. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing.

(I) **Post Approval Requirements.**

(1) **Site Development Plan or Site Plan Review Required.** Site development plan review or site plan review is required before an application for a building permit can be authorized by the PCD. Site development plan or site plan review may be concurrent with the special use permit process; however, the final site development plan or site plan shall be modified by the applicant to reflect the conditions of approval.

(2) **Conditions Included in Development Agreement and Filed for Recording.** Conditions may be included in the development agreement signed by the applicant and the County. The development agreement shall be filed for recording by the applicant with the Clerk and Recorder.

(J) **Periodic Review of Special Use Permit.**

(1) **Special Use Permit Subject to Periodic Review.** Approved special uses shall be subject to a periodic review by the PCD to determine compliance with all applicable requirements and standards of this Code, and the conditions. The initial review shall be not more than one year from the date of issuance of the special use permit unless otherwise provided. Upon completion of each periodic review, the PCD shall document its findings and any recommendations or requirements to the holder of the special use permit.

(2) **Hearing Concerning Findings of Periodic Review.** The BoCC shall have the power to conduct, after notice, public hearings concerning a special use permit and compliance of the owner with the applicable requirements and standards of this Code, and the conditions imposed by the County.

(5) **General Standards for Rural Home Occupation.** Rural home occupations shall conform to the requirements and standards of a residential home occupation with the following specific allowances.

(a) **Outside Storage and Work Areas Allowed.** Outside storage, parking and work areas are allowed provided these are set back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to outside storage areas located on parcels less than 35 acres, and to all outside storage greater than 5000 square feet.

(b) **Employees.** A maximum of 2 employees are allowed, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel.

(c) **Trips Generated by Home Occupation Limited.** The total number of one-way vehicle trips generated by the rural home occupation shall not exceed an average of 20 per day.

(d) **Inoperable Vehicles.** A maximum of 10 inoperable non-agricultural vehicles shall be allowed in conjunction with the rural home occupation.

(e) **Environmental Impacts.** The rural home occupation shall not result in any generation of solid waste or hazardous substances or petroleum or excessive noise, vibration, dust, glare, drainage, erosion or other environmental impacts to surrounding lot or parcel owners.

(f) **More than One Home Occupation Allowed.** More than one rural home occupation is allowed on a single property, provided that aggregate impacts are limited to those allowed by this Code.

(C) **Rural Home Occupations as a Special Use.**

(1) **Intent.** The intent of allowing a rural home occupation as a special use is to provide a mechanism by which a business owner or entrepreneur may reasonably establish or expand their home occupation on a large residential or agricultural property in manner that protects neighboring properties from extreme or unreasonable impacts.

(2) **Where Allowed.** A rural home occupation is allowed as a special use on any parcel or lot that is 5 acres (including a legally-created 4.75-acre parcel or lot along a section line road) or more in area and is located in a residential or agricultural zoning district.

(3) **General Requirements.** A rural home occupation by special use shall conform to all standards for locating and operating a rural home occupation except as otherwise modified by these standards and the special use approval.

(4) **Special Provisions and Allowances.**

(a) **Special Use Approval Required.** Where a special use approval is required to locate and conduct a rural home occupation, the special use may be approved administratively except where an adjacent property owner objects. In the case where a written objection is filed, the special use shall be referred to the Board of County Commissioners for consideration.

(b) **Limit of Administrative Approval.** A rural home occupation which receives administrative special use approval shall expire 5 years from the date of approval. The special use may be renewed following the same procedure as the original application.

(c) **Special Use Fee.** A rural home occupation by special use shall be subject to an application fee of 20% of the standard application fee for a special use.

(d) **Employees and Traffic.** A rural home occupation approved by special use may be approved to employ a maximum of 10 employees and generate a maximum of 50 daily trips.