



► 1975 Research Parkway | Suite 160
Colorado Springs, CO 80920
Main 719.300.4140 + **Fax** 713.965.0044
► HRGREEN.COM

OWNER / APPLICANT INFORMATION

Owner:
Contact: Sharon Bennett
Email: bennettranchpeyton@msn.com
Telephone No.: (719) 337-7752

Applicant
Company: HR Green Development, LLC
Contact Person: Mr. Blaine Perkins
Email: blaine.perkins@hrgreen.com
Telephone No.: (719) 394-2430

PROPERTY DETAILS

Tax Schedule Number: 3100000256
Address: 15000 N Peyton Highway
Size: ±39.73 acres
Current Zoning: RR-5 (Rural Residential)

APPLICATION REQUEST

HR Green Development LLC, on behalf of property owner Sharon Bennett requests approval of the following application within El Paso County.

- A variance of use allowing a second dwelling in the RR-5 (Rural Residential) zoning district.

PROJECT DESCRIPTION

The subject parcel is located north of Peyton at the intersection of Murphy Road and N Peyton Highway. It currently includes an existing historic single-family residence built in 1904 and several outbuildings supporting the ongoing agricultural ranching use of the property and the larger surrounding property. The site is accessed by a private driveway through the adjacent parcel off N Peyton Highway.

Land Use

As stated previously the property includes a historic ranch house from 1904 as the single-family residential use in conjunction with the ongoing ranching/agriculture use. The subject parcel is surrounded by rural agricultural land compatible with the existing uses on site. The secondary dwelling proposed does not change the types of land uses occurring on the subject parcel.

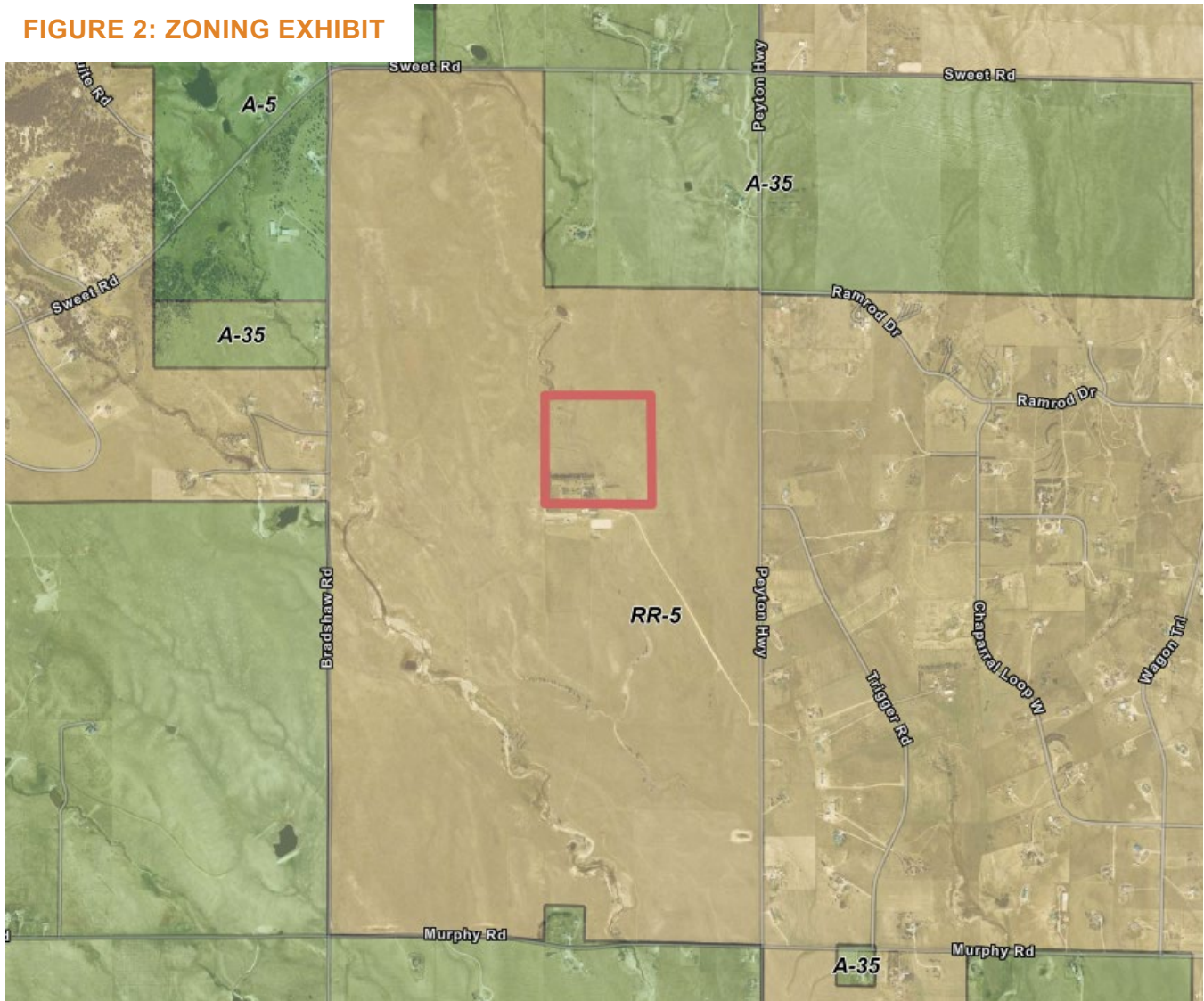
FIGURE 1: AERIAL EXHIBIT



Zoning

The property is zoned RR-5 Rural Residential and is surrounded by the same RR-5 zone district. There are no overlay zoning districts. A second dwelling in the RR-5 zoning district requires a variance of use.

FIGURE 2: ZONING EXHIBIT



Floodplain

A portion of the Bennett Ranch property is within designated floodplain per the FEMA flood insurance rate map 08041C0375G, effective date December 7, 2018.

Mineral Rights

A mineral rights certification affidavit was submitted with the variance of use application showing that there was not a mineral estate owner on the property.

Circulation & Access

No additional access points from the public Peyton Highway right of way are proposed with this secondary dwelling on site. An additional internal driveway off the existing driveway is anticipated to provide access to the proposed secondary dwelling. Circulation within the site will function relatively the same as it does today and the additional single dwelling is not anticipated to have significant impacts on the surrounding roadway network. No Traffic Impact Study is required for the project per the criteria of Appendix B.1.2.D, as demonstrated below:

Vehicle Traffic

1. Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10;

The typical single family residence hour trip generation is less than 10; daily vehicle trip-end generation is less than 100. The average number of vehicle trips for a single-family home is about 9.5 to 10 trips per day, according to the Institute of Transportation Engineers (ITE)

2. There are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways;

The project does not include additional proposed minor or major roadway intersections.

3. The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends;

As described above, the increase in the number of vehicular trips does not exceed the existing site trip generation by more than 10 peak hour trips or 100 daily trip ends.

4. The change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property;

The project will not generate an impactful change in the type of traffic accommodated within or adjacent to the property.

5. Acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained;

Acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained.

6. No roadway or intersection in the immediate vicinity has a history of safety or accident problems;

Per the Colorado Department of Transportation Crash Data website, there is no evidence of a history of safety or accident problems over the past five years.

7. There is no change of land use with access to a State Highway.

The proposed secondary dwelling does not change the land use.

Pedestrian Traffic

Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic.

Any pedestrian traffic generated by the one single family residence will be accommodated adjacent to the site along the existing roadways.

Bicycle Traffic

Paved bicycle lanes or paths exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new bicycle traffic.

Any bicycle traffic generated by the one single family residence will be accommodated adjacent to the site along the existing roadways.

Water

The existing single-family residence and proposed secondary dwelling will have domestic water serviced via a private well on the lot.

Wastewater

The existing single-family residence and proposed secondary dwelling are serviced via a private on-site wastewater system consisting of the requisite domestic septic infrastructure such as piping, tanks, and leach field.

Schools

The subject property lies within the Peyton School District #23. The secondary dwelling is not anticipated to have any impact on the existing district.

Fire

The subject property lies within the Peyton Fire Protection District. The secondary dwelling is not anticipated to have any impact on the existing district.

Ecological/Wildlife

Topography of the site consists mainly of rolling grasslands and is bordered on all sides by rangeland and scattered rural residential development. Grasslands dominate the property. Much of the site is lightly disturbed by livestock grazing, but vegetative cover is currently relatively extensive and healthy. Diversity is moderate for this ecoregion, and the structure of vegetation is somewhat underdeveloped, likely owing to livestock activities.

Bristlecone Ecology "B.E." performed a site analysis and prepared a report included in this submittal and summarized in this letter of intent. Because Section 9 restrictions always apply for listed species, B.E. has reviewed the site for potential habitat that could support listed species as identified by USFWS' Information for Planning and Consultation portal (IPaC). B.E. reviewed the official species list of threatened, endangered, proposed, and candidate species/critical habitat provided by the USFWS' IPaC tool (ECOSphere Project Code: 2026-0111052). After considering the effects of the proposed activity within the anticipated Environmental Impact Area, B.E. has determined that species warranting protection under the Endangered Species Act are unlikely to be affected by the subject activity for the following reasons:

- A qualified ecologist with B.E. has determined based on the official species list produced by IPaC that federally protected species are unlikely to occur on the site.
- A qualified ecologist with B.E. has determined that any direct, indirect, and cumulative effects on listed species and their habitats can be avoided entirely or kept to a negligible level through Project design and avoidance, minimization, or mitigation (AMM).

B.E. assessed the Project site for potential habitat to support Eastern black rails, ULTO, monarch butterflies, Suckley's cuckoo bumblebees, and Preble's meadow jumping mouse. There was no habitat present for any of the species listed in the IPaC query. In particular, there was no suitable riparian habitat available for the Preble's

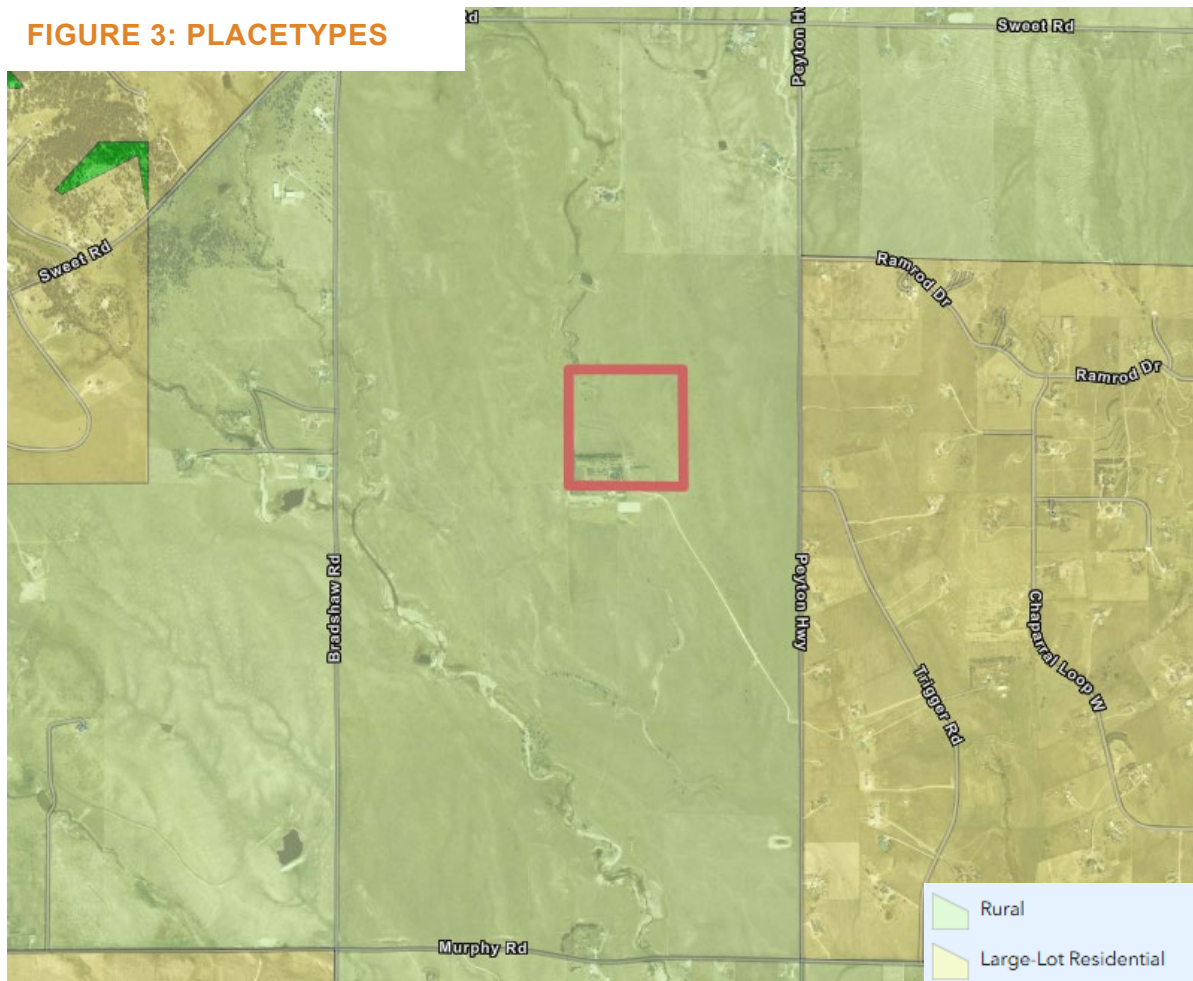
meadow jumping mouse, and the species is very unlikely to occur without a perennial water source. The Project will not affect any potential habitat for listed species.

B.E.'s desktop review and on-site habitat assessment concluded that development of the Project is unlikely to affect any threatened, endangered, proposed, or candidate species, or their respective habitats. As such, it is B.E.'s professional opinion that development of the Project should have no concerns to result in take of listed species and requests USFWS' concurrence.

YOUR EL PASO COUNTY MASTER PLAN

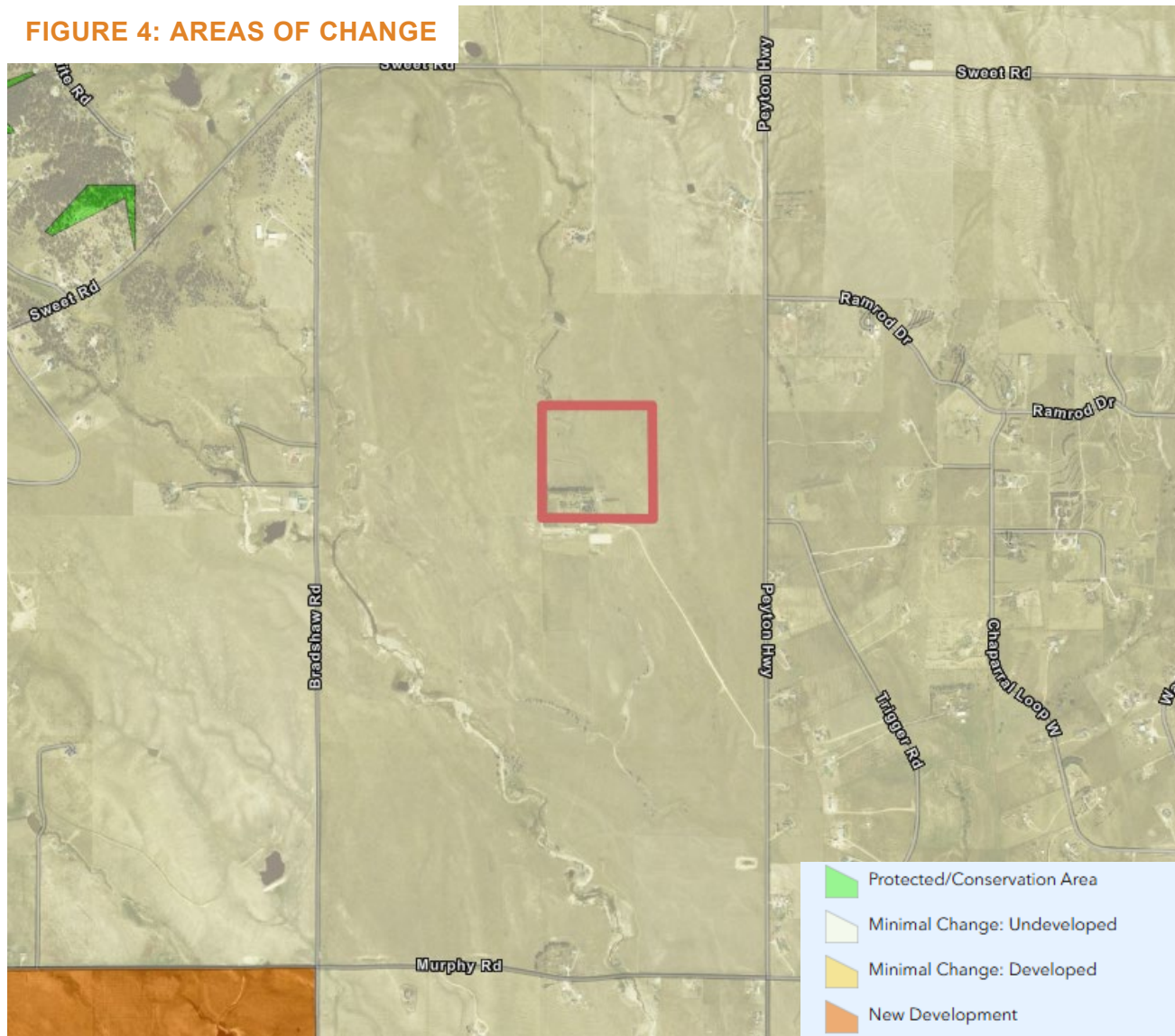
Per the 2021 'Your El Paso County Master Plan' the Bennett Ranch parcel is listed as a rural placetype. The proposed additional dwelling on site conforms with the "character" of the rural placetype.

FIGURE 3: PLACETYPES



The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Undeveloped” area of change. The Master Plan characterizes areas of “Minimal Change: Undeveloped” as areas with a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments. The subject site is already developed with the historic ranch house on site, and the proposed secondary dwelling is consistent with the Areas of Change designation from the Master Plan. The proposed change of the additional dwelling is limited in scale to not alter the essential rural character of the property consistent with the Master Plan.

FIGURE 4: AREAS OF CHANGE



REVIEW CRITERIA

In approving a variance of use, the following criteria may be considered:

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

The current Land Development Code does not permit a second dwelling in the RR-5 zoning district. The existing residence on site is historic from 1904. To avoid subdividing the property or variance of use the property owner would have to demolish this existing historic structure to construct a modern residence on site. The property owner desires to preserve the existing historic structure that contributes to El Paso County's agricultural and ranching heritage. The concept of permitting and constructing a permanent second dwelling is not an uncommon occurrence. There have been at least six variance of use requests to allow for second dwellings approved in El Paso County in the last five years.

2. The variance of use is generally consistent with the applicable Master Plan;

Please reference the Master Plan analysis above.

3. 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;

As stated previously the property includes a historic ranch house from 1904 as the single family residential use in conjunction with the ongoing ranching/agriculture use. The subject parcel is surrounded by rural agricultural land compatible with the existing uses on site. The secondary dwelling proposed does not change the types of land uses occurring on the subject parcel.

4. 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 of a second dwelling will be served by a new onsite well and wastewater treatment system (OWTS) separate from the existing historic dwelling. The proposed second dwelling will be constructed to comply with El Paso County and State air quality regulations.

5. 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 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 second dwelling will meet all setback and height requirements of the RR-5 zoning district, as depicted on the variance of use site plan.

6. The proposed use will not adversely affect wildlife or wetlands;

The proposed secondary dwelling will be constructed to minimize impacts to wildlife habitat on the subject property.

7. The applicant has addressed all off-site impacts;

There are no anticipated off-site impacts.

8. 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 site plan illustrating the proposed second dwelling provides adequate parking, circulation, open space, fencing, screening and landscaping. The subject parcel is surrounded by existing agricultural ranching lands with sufficient open space and buffering from adjacent properties. The existing ranching grasslands landscape will be preserved. The additional driveway off the existing driveway and anticipated garage with the secondary dwelling will provide sufficient parking. As stated previously, the existing access and driveway will serve the secondary dwelling with minimal anticipated changes to circulation on site and no changes to off site circulation patterns. The subject property is already fenced to support the ranching operations.

9. 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 is provided by an individual onsite well and septic separate from the existing well and septic serving the existing historic dwelling on site. The property is within the Peyton Fire Protection District. El Paso Sheriff's Department will respond to any emergency. Access exists from Peyton Highway.