

**Date:** December 13, 2017

**TO:** Gabe Sevigny, Planner 1

**From:** Tamara Baxter, N.E.S. Inc

**RE:** VA-17-010 Cut to the Chase Equipment Yard

This letter, along with the revised plan, is in response to your comment review letter dated November 21, 2017. The original comments provided by the review agencies are provided along with the applicant response in **Red**.

- Please note: On October 31, 2017, via email, the Applicant submitted a request to change the County's files to reflect an Owner and Project name changes (attached). The Owner is Daniel D Combs and the Project Name is Mountain Splendor Services Inc. Contractor's Equipment Yard.
- An additional letter of support from the property to the immediate east has been attached to this response letter.

The purpose of this letter is to provide you with the review agency responses to the above named development application that have been received to-date by Planning and Community Development.

You are encouraged to directly contact those agencies that did provide review comments if the comments require additional action by the applicant/applicant's representative. You are also encouraged to directly contact those agencies that did not provide review comments if such response is required by state statutes and the El Paso County Land Development Code.

## **EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

### **Current Planning**

1. See Redlines

### **NES Response:**

- Parking: The area identified as employee parking will remain grassed. One handicapped van accessible parking has been identified on the site plan adjacent to the residential/office structure.

- On-Site Lighting includes:

- Standard residential lighting is on the residential/office structure;
- Storage/Workshop Building Lighting:
  - There are two lights on the east side of the building that are only switched on during loading of landscape materials and equipment as needed. These lights are used short term and are not left on for an extended duration.



- On the south side of the building, there are four lights.
  - The one light adjacent to the door is similar to residential lighting.
  - The single light at the very top of the overhead door is a dusk to dawn light. It is for security purposes. It does not spill into the adjacent properties. This light can be adjusted as needed.
  - The other two lights immediately adjacent to the overhead door are similar to the lighting on the east side of the structure. They are switched on during loading of landscape materials and equipment. These lights are not left on for an extended duration.
- There is no additional site lighting on the property.
- Additional lighting is not proposed as part of this Variance request.
- Based on the minimal lighting on-site, a photometric lighting study has not been conducted.



- Tree Nursery: The area needed for the tree nursery has been modified on the site plan. This area reflects current aerals as noted by County staff.
- Screening:
  - A 6' opaque fence will be installed along the south property boundary. This fencing will provide screening of outside storage areas as well as provide buffering between the non-residential and residential districts.
  - The Applicant is requesting that the required number of trees (1 tree for every 25 feet of property line) along the south property boundary be reduced. As seen on the site plan, three (3) clusters of three (3) Austrian Pines have been strategically located to provide screening together with the existing delicious trees. The Austrian pine can grow up to a height of 50–60' with a spread of 20–40' at maturity and will provide sufficient screening.
  - A note has been added on the site plan that any vehicle(s) or outside storage that exceeds the height of the fence shall be a minimum of 50 feet from the residential district.

## Engineering Division

Comment 1:

Redline comments on the following pdf documents will be uploaded by the Project Manager: 1. Drainage Report 2. Grading and Erosion Control Plan Incorporate the redline comments. The drainage report will be ready for signatures with the next submittal after incorporating the redline comments.

**NES Response:** Redline comments have been addressed on the revised Drainage Report and Grading and Erosion Control Plan. Signatures have been provided on the revised Drainage Report.

Comment 2:

With no proposed improvements, the ESQCP is not required. Additionally, the Grading and Erosion Control Plan will be archived in the Variance of Use for informational purpose only of the existing condition. The GEC Plan will not be signed by the County Engineer since no grading or construction is proposed which requires the County Engineer's approval.

**NES Response:** Knowledge

## EL PASO COUNTY COMMUNITY SERVICES DEPARTMENT ENVIRONMENTAL

### COLORADO SPRINGS UTILITIES

#### Utility Comments (water, wastewater, gas, electric)

#### Action Items:

None – approval is recommended

#### Information Items:

1. The applicant or their engineer should contact Utilities Development Services for an estimate of any system development charges, fees, Recovery Agreement Charges or other costs that may apply to this development (668-8111).
2. CSU requires an Application for Gas and Electric Line Extension to be submitted along with a Load Data form or an Application for Gas Service Line Approval and/or Application for Elevated Pressure Approval prior to electric and natural gas system design for service to the project. Refer to the CSU Line Extension and Service Standards or contact Field Engineering at 719-668-4985.
3. CSU may require an extension contract and payment of contributions-in-aid of construction (or a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. Regarding natural gas extensions, CSU may require an extension contract and an advance payment for the estimated cost to construct the necessary gas extensions.
4. Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable natural gas regulations or Colorado Springs Utilities' policies.

5. Improvements, structures and trees shall not be located under any overhead utility facility, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.
6. Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities. Landscaping may not be placed in a Utility Easement.

If you have any questions, please contact Mike Gackle at [mgackle@csu.org](mailto:mgackle@csu.org). or 719-668-8262.

## **MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC**

Mountain View Electric Association, Inc. (MVEA) has these comments about the following:

Project Name: Cut to the Chase Equipment Yard Project Number: VA-17-010

Description: Dan Combs of Mountain Splendor Services is requesting approval for Variance of Use for a five acre parcel zoned A-5 (Agricultural) to continue to operate his Landscaping Business/Contractor Yard. This business has been in operation since 2009 and in this current location since 2015. The address for the business is 7205 Maine Lane, Colorado Springs in Section 08, Township 13 South, Range 65 West.

This area is within MVEA certificated service area. MVEA will continue to serve this area according to our extension policy. Information concerning connection requirements, fees and upgrades under MVEA line extension policy can be obtained by contacting the Engineering Department of MVEA.

MVEA has no objection to the Variance of Use for this parcel.

MVEA has existing facilities within this parcel of land. If there is any removal or relocation of facilities it will be at the expense of the applicant.

If additional information is required, please contact our office at (719) 495-2283.

Sincerely,

Cathy Hansen-Lee

Engineering Administrative Assistant

## **FALCON FIRE PROTECTION DISTRICT**

Falcon Fire has reviewed the request for a variance of use in the A-5 zone for a landscape business, related tree nursery, and landscape equipment yard. This request will continue with the same use as currently exists on the property. Our understanding based on the letter of intent is there is no proposed change to the current use, number or size of structures, there is no hazardous material storage or use on the property currently and none is being proposed by this request. Falcon Fire has no objection to this variance of use request based on this understanding. Any new use, hazardous material storage or construction must be reviewed and approved by the Fire Department.

**NES Response:** Knowledge

## **EL PASO COUNTY CONSERVATION DISTRICT**

EPCCD Board of Directors and DC have no comments at this time.

**The following agencies have not provided review comments to-date:**

- EPC Health Department [provided below]
- Falcon 49
- Southeastern Colorado Water Conservancy

Comments received from any of the above non-responding agencies following the issuance of this letter will be forwarded to the applicant/applicant's representative and will be added to the end of this letter for record keeping purposes.

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**Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. Please address the comments as listed above. A detailed letter needs to accompany the revisions to allow for an expeditious re-review timeframe. The letter should include each comment listed above and, immediately thereafter, include a response from the applicant addressing the comment.**

**If any review agency has an issue that needs resolution or requires a revision, you will need to provide the necessary documents, drawings, etc., to the Planning and Community Development Department in the form of a resubmittal. The Planning and Community Development Department will then forward the resubmitted items directly to the appropriate review agency. If you have any questions pertaining to specific agency comments please contact the appropriate agency directly.**

**PLEASE NOTE: The application cannot be scheduled for public hearing until and unless a final response has been received by Planning and Community Development from those agencies that are required (pursuant to state statute and the El Paso County Land Development Code) to provide such response (i.e.- State Engineer's Office, County Attorney's Office, County Health Department, etc).**

**Environmental Health Division – El Paso County Public Health**

Cut to the Chase Equipment Yard, VA-17-010

Please accept the following comments from El Paso County Public Health for the variance request referenced above:

- Water service for the existing operation is by individual private well.
- Wastewater service for the business is provided by an existing onsite wastewater treatment system (OWTS) that was upgraded in 1988 for a 3 bedroom house, but is now used as an office for the business. A Colorado Registered Professional Engineer with experience in OWTS design must provide verification that the existing OWTS installed in 1988 is sufficient in terms of capacity to serve the number of employees who work in the office including those employees that may use the restroom while at the property.
- The existing soil treatment area of the 1988 on-site wastewater treatment system and the alternate soil treatment area site must be located on the property, and protected from possible compaction by vehicle traffic or parking.
- The owner must comply with all federal, state, and local regulations regarding the proper storage and disposal/recycling of all equipment liquid and solid wastes associated with maintenance in the pole barn as stated in the Letter of Intent.

- Vehicle painting is not allowed without full compliance with the emission regulations of the Colorado Department of Public Health and Environment, Air Pollution Control Division.

Mike McCarthy, R.E.H.S.  
Environmental Health Division  
El Paso County Public Health  
719.575.8602  
mikemccarthy@elpasoco.com 27Nov2017

**NES Response:** Septic Verification has been provided by Drexel, Barrel & Company dated December 7<sup>th</sup> (attached)

**Project Name Change Request:**

I, Daniel Combs, request that the following Project and Owner Name change be made to the Variance of Use Request application (VA-17-010) currently under review by El Paso County.

Project Name:

Change from: Cut to the Chase Equipment Yard

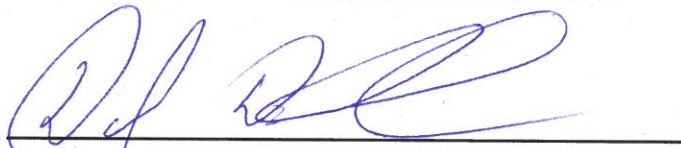
Change to: Mountain Splendor Services Contractor Equipment Yard & Office

Applicant Name:

Change from: Mountain Splendor Services

Change to: Daniel D. Combs

Date Requested: December 13, 2017



Daniel D. Combs

Philip B. Ciborowski  
7385 California Dr.  
Colorado Springs, CO 80923

8 November 2017

RE: Mt. Splendor Variance

To Whom It May Concern,

I recently received a letter in the mail concerning a variance for Mt. Splendor to operate a service establishment on their property which is in an Agricultural Zone.

My question is - why is a variance needed at all? I am their neighbor that lives directly ~~west~~ <sup>east</sup> of this property and we share a fence line that goes the length of their property. I can tell you that we have never had any noise issues or neighbor issues with this property- they have been the perfect neighbors. This property was previously owned by a service yard and again they were the perfect neighbors.

I would recommend that this variance be granted or better yet that it not be considered at all. If you have any questions for me please feel free to call me on my cell phone-719-650-1328.

Sincerely,

*Philip B. Ciborowski*





## Drexel, Barrell & Co.

7205 Maine Lane

Legal Description:

**PARCEL A:**

THE SOUTH HALF OF THE EAST HALF OF THE NORTH HALF OF THE  
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8,  
TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL  
MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

**PARCEL B:**

A NON-EXCLUSIVE EASEMENT FOR ACCESS OVER THOSE ROADWAYS  
KNOWN AS MAINE LANE, IDAHO LANE, UTAH LANE, NEVADA LANE AND  
CALIFORNIA DRIVE, AS REFERENCED IN NOTICE RECORDED MARCH 9,  
1977 IN BOOK 2904 AT PAGE 643.

**Engineers/Surveyors**

**Boulder  
Colorado Springs  
Greeley**

3 South 7<sup>th</sup> Street  
Colorado Springs,  
Colorado 80905-1501

719 260-0887  
719 260-8352 Fax