

# **Letter of Intent**

## **Application for Rural Home Occupation Special Use**

Gone Trucking, LLC  
21255 Calle Pacifico Point  
Fountain, Colorado 80817  
Owner: Gary Meisman

October 11, 2018  
Revised May 10, 2019  
Revised August 26, 2020  
Revised February 10, 2021  
Revised May 11, 2021

## **I. Owner/Applicant and Consultant.**

Gone Trucking, LLC is owned by Gary Meisman. The Owner/Applicant and Consultant contact information is as follows:

### **Owner/Applicant:**

Gary Meisman  
612 Harvard Street  
Colorado Springs, Colorado 80911  
(719) 322-9609  
[garymeisman12@gmail.com](mailto:garymeisman12@gmail.com)

### **Consultant:**

Debra Eiland, Esq.  
Law Offices of Debra Eiland, P.C.  
24 S. Weber Street, Suite 300  
Colorado Springs, Colorado 80903  
(719) 471-1545  
[debra@eilandlawfirm.com](mailto:debra@eilandlawfirm.com)

## **II. Site Location, Size and Zoning.**

The property Mr. Meisman plans to develop is a parcel of vacant land located at 21255 Calle Pacifico Point, Fountain, Colorado. The property borders Villa Casitas subdivision to the North and West, Interstate 25 to the East, and the El Paso/Pueblo County line to the South. The property is accessible from Exit 119 off I-25 (Rancho Colorado Boulevard). The property consists of one parcel of 38.86 acres, and is listed under Assessor's Schedule Number 5735000001.<sup>1</sup> The property is zoned RR-5, Residential Rural. A parcel map showing the property is attached hereto.

## **III. Request and Justification.**

Mr. Meisman has operated a small aggregate hauling business for the past 10 years. The business delivers dirt and asphalt materials for road construction and maintenance projects within a 100 mile radius of the Pikes Peak region. The business is seasonal, and operates primarily during the Summer months.

Mr. Meisman purchased the 21255 Calle Pacifico Point property in December 2017. Mr. Meisman plans to build a house and shop on the property, and to operate his business there as a rural home based business. Mr. Meisman is applying for a rural home occupation special use approval for this purpose.

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<sup>1</sup>The Assessor's record shows the parcel size is 40.2 acres. However, a recent land survey established the accurate measurement to be 38.86 acres. An updated Land Survey Plat was recorded in the records of the El Paso County Clerk and Recorder on June 17, 2019, at Reception Number 219900099, a copy of which is filed with this Application.

#### **IV. Proposed Facilities, Structures, Roads, etc.**

The property consists of 38.86 acres of vacant land. Mr. Meisman intends to develop the land as follows:

- 1) Build a single family residence for the Meisman family (approximately 3,200 square feet ranch style).
- 2) Simultaneously with, or after building the residence, build a 50' x 80' (4,000 sf) shop for Mr. Meisman's trucking business.
- 3) An outdoor storage area by the shop building for trucks and business equipment, with appropriate screening.

Mr. Meisman electronically filed a building permit application, construction plans and required supporting documents (e.g., architectural drawings, soils report, truss calculations, code analysis, etc.) for the proposed residence with the Pikes Peak Regional Building Department ("PPRBD") on May 4, 2020. Regional Building approved Mr. Meisman's plans for the residence on June 23, 2020 (Plan No. R128052).

Mr. Meisman's business operates on a seasonal basis, primarily during the Summer months. Equipment and trucks will be stored in the shop building, as well as in a designated outdoor storage area, which will be screened by a natural ridge on the south, west, and northwest sides and a 6' opaque privacy fence where visible to adjoining properties to the north and east. The business currently owns a total of 8 trucks to include dump trucks, end dumps, and tractor/trailers. No aggregate materials will be stored on site.

The business has 6 employees. The employees usually pick up their trucks from the shop from 6:00 a.m. to 7:00 a.m. Monday through Friday, and return to the shop with their trucks from 5:00 p.m. to 6:00 p.m. for a total of 24 trips per day. Since the trucks are normally used during the Summer and rarely during the cold Winter months, it is not usually necessary for the drivers to warm the trucks up outdoors for more than 5-10 minutes when picking them up. Additionally, the trucks are equipped with engine block heaters, which eliminate the need for long warm-up times in colder weather.

All vehicles will enter the property via a driveway access on Avenida Hermosa View. Mr. Meisman will apply for the required driveway access permit prior to commencing construction on the shop building and outdoor storage area. Employees will park their personal vehicles near the shop. No customers will visit the property. There will be no signage on the property advertising the business.

The land is within an arid high desert type environment. The ground cover on Mr. Meisman's property and throughout the adjoining subdivision consists of cactus and natural grasses. There are very few trees anywhere in the neighboring vicinity. Water is extremely limited. Mr. Meisman's residence will be served by a water share in the Wigwam Mutual Water Company. At present, the water can be used for residential

purposes only. Mr. Meisman cannot irrigate and cannot drill a separate well. As such, it will be impossible for him to water trees and other plants and keep them alive. As such, to meet the landscape requirements of the Land Use Code, Mr. Meisman will propose an alternative landscaping plan including xeriscaping along the road frontage and in and around the proposed structures.

The property's topography is hilly and includes a ridge that will block the view of the shop and storage area from adjoining properties to the west and northwest. Mr. Meisman will have to construct his improvements within a 20 acre area, which is the only buildable space on the property. The lots in the surrounding Villa Casitas subdivision are 5 acres each with a single family home. The roads in the subdivision and adjoining Mr. Meisman's property are gravel.

The roads in the Villa Casitas Subdivision, which adjoins Mr. Meisman's property, are public rights-of-way, and Mr. Meisman has the legal right to use those roads to access his property. The Villa Casitas Homeowners' Association is responsible for maintaining the roads in the Subdivision, and has the equipment to do so with the exception of equipment to haul material. Over a period of several months Mr. Meisman diligently attempted to negotiate a road maintenance agreement with the HOA, which included generous proposals for routine road maintenance services and assistance with hauling in material to improve the condition of Avenida Hermosa View before Mr. Meisman's trucks use the road. Unfortunately, the HOA has declined to enter into any agreement with Mr. Meisman.

The Hanover Fire Department has expressed concern about possible damage to the roads in the Subdivision. Mr. Meisman's trucks will only travel over Avenida Hermosa View, and will not access the property from any other road in the Subdivision.

Avenida Hermosa View will not be traveled by Mr. Meisman's trucks alone. The current traffic on Avenida Hermosa View is from Subdivision residents and their guests, trash trucks, postal deliveries and from other heavy trucks (e.g., furniture deliveries). The road base is clay with sand and gravel. The roads are relatively flat and smooth with the exception of rutting that occurs from vehicle traffic after storms. To date, the Subdivision has failed to adequately maintain the roads in the Subdivision including Avenida Hermosa View.

Mr. Meisman should not bear the entire burden for maintaining the roads in the subdivision. In order to compensate for potential damage to Avenida Hermosa View from his trucks, Mr. Meisman proposes to pay the HOA \$2,000 annually and to provide the HOA 20 hours of material transport time using his trucks (approximately \$2,000.00 additional value). Mr. Meisman will also agree to allow the HOA to purchase the material at his cost if so desired. Mr. Meisman's proposal will compensate for any additional damage to the road caused by his trucks, and will directly benefit the Subdivision by providing much needed resources to make the roads safer and more passable for the residents, their guests and vendors, and emergency personnel.

To address the Hanover Fire Department's concern about potential damage to Avenida Hermosa View by trucks entering and exiting Mr. Meisman's property, the business driveway will be configured at an angle so the trucks have straight access to and from the property from Avenida Hermosa View with little to no turning required.

Mr. Meisman acknowledges that he performed some grading on the property in 2018 before filing this application. Pursuant to direction from Inspection Supervisor Paul Wigg, Mr. Meisman addressed the drainage and erosion control concerns raised by the Planning Department in its Stop Work Order dated March 20, 2019, by stabilizing and reclaiming all the areas of disturbance and by re-seeding the area to 70% of original vegetative cover to ensure that there is no potential for any offsite transfer of sediment or drainage impacts to adjacent properties. Inspections Supervisor Brad Walters inspected the property and confirmed that the reclamation work has been performed. The e-mail correspondence concerning the reclamation work and confirming Mr. Walters' inspection is attached. All required engineering documents including the ESQCP, drainage report, financial assurance estimate, grading and erosion control plan, grading and erosion control checklists, PBMP applicability form, storm water management plan, and storm water management checklists have been prepared with input from the Planning Engineer and will be submitted with the site development plan.

**V. Waiver Requests.**

No waivers are requested at this time.

**VI. Criteria for Approval.**

**1. Location and Parcel Size.**

The subject property is located in an RR-5 zone district, and consists of 38.86 acres. As such, the property meets the rural home occupation special use criteria for location and parcel size.

**2. Employees.**

The business has 6 full-time employees and, therefore, meets the rural home occupation special use criteria that allows a maximum of 10 employees.

**3. Traffic.**

Each of Mr. Meisman's 6 employees generate a maximum of 4 automobile trips to and from the property each day, for a total of 24 trips per day. This number is far below the maximum of 50 per day set out in the rural home occupation special use criteria.

#### **4. Inoperable Vehicles.**

Mr. Meisman will not keep any inoperable vehicles on the property in conjunction with the business.

#### **5. Outside Storage and Work Areas.**

Mr. Meisman will use an outdoor area around the shop for storage of business trucks and equipment and for a minimal amount of outdoor repair and maintenance work. The outdoor storage and work area will be located at least 50 feet from all property lines, and will be screened on the south, west, and northwest sides by a large naturally occurring ridge and by a 6' opaque privacy fence where visible to adjoining properties to the north and east.

#### **6. Environmental Impacts.**

No noise, vibration, glare, fumes, odors, heat, or electrical interference will be detectable to the normal senses beyond the boundary line of the property. Any fuels, solvents, oils, grease, and other such substances will be stored in the shop in appropriately marked containers, and used products will be collected and disposed of in an environmentally safe and legal manner. No fuel storage tanks will be present on the property. The presence of petroleum products will be limited to the amount of oil and lubricants needed for routine maintenance of the trucks and equipment, and that contained in the truck fuel tanks.

The business will comply at all times with all health and safety regulations governing the business. The business does not use any hazardous, explosive, or highly flammable substances (other than fuel needed to power the trucks and equipment), and has not received any complaints for excessive noise, dust, or other environmental impacts.

# El Paso County Assessor's Office

**21255 CALLE PACIFICO**

SCHEDULE: 5735000001

OWNER: MEISMAN GARY

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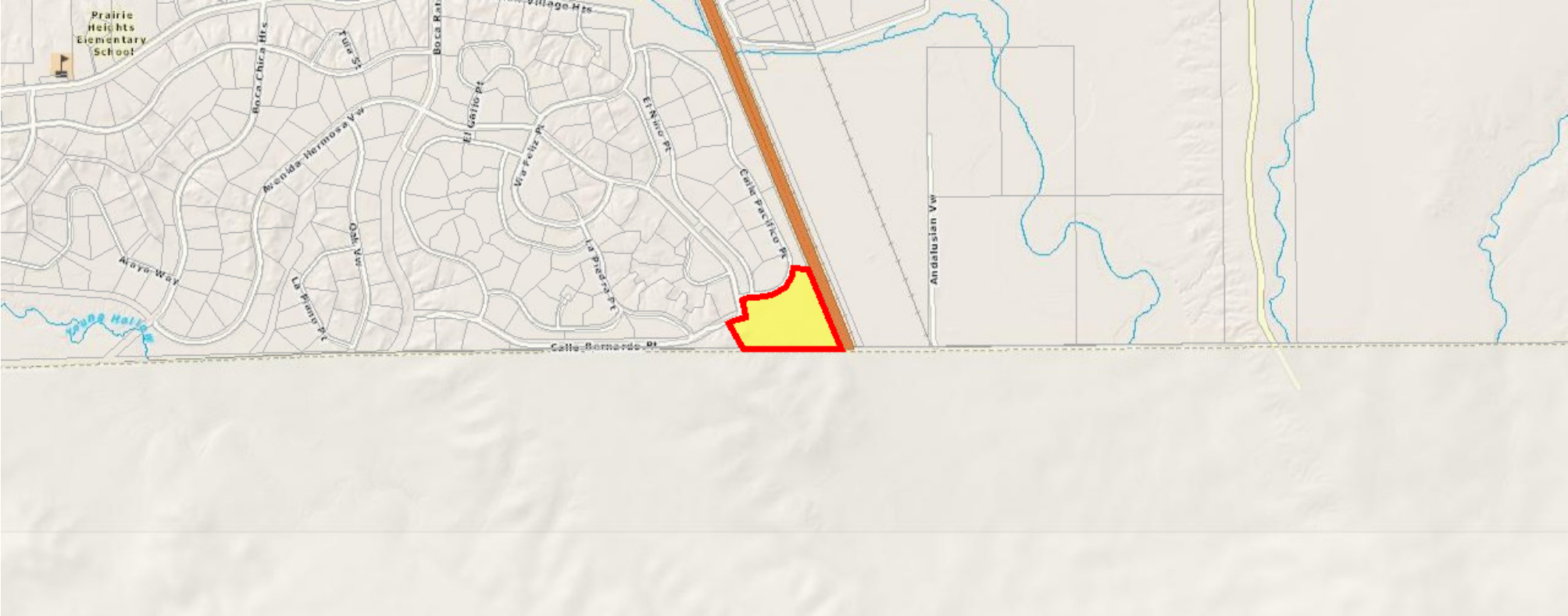
# El Paso County Assessor's Office

21255 CALLE PACIFICO

SCHEDULE: 5735000001

OWNER: MEISMAN GARY

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## Debra Eiland

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**From:** Brad Walters <BradWalters@elpasoco.com>  
**Sent:** Tuesday, August 11, 2020 4:02 PM  
**To:** 'Debra Eiland'  
**Cc:** Daniel Torres; Elizabeth Nijkamp; Lori Seago  
**Subject:** RE: Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No. AL1824

Dedra,

Sorry for the delay in getting back to you on this project. I have inspected the property and the reclamation work has been performed. I know this project is still in the review process in our office so no work can be started until it has been approved by our office.

Thanks You

**Brad Walters**  
**Inspections Supervisor**  
**Planning and Community Development**  
**El Paso County**  
**(Office) 719-520-6819**  
**(Cell) 719-332-3599**

**EXCITING NEWS:** WE ARE UPDATING THE COUNTY MASTER PLAN! For status updates please visit <https://elpaso-hlplanning.hub.arcgis.com/>

Covid-19 Update: Due to concerns regarding the Covid-19 virus we are limiting our face-to-face public interactions. In person services are available by appointment only on Tuesday and Thursday from 7:30 to 3:30.

To review all El Paso County projects go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code go to:

[https://library.municode.com/co/el\\_paso\\_county/codes/land\\_development\\_code](https://library.municode.com/co/el_paso_county/codes/land_development_code)

### PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

### DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

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**From:** Debra Eiland <edebra@qwest.net>  
**Sent:** Wednesday, July 29, 2020 5:15 PM  
**To:** Brad Walters <BradWalters@elpasoco.com>  
**Subject:** Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No. AL1824

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Dear Brad:

I am writing to follow up on the Meisman matter referenced in my previous correspondence with Paul Wiggs below. Mr. Meisman indicated that he performed the reclamation and reseeded the land disturbance as directed. He does not know whether anyone from your office came out to inspect the work. We are in the final stages of completing his application submittal, and need verification for the Planning engineer that this was done in order to avoid the need for a drainage report, ESQCP, SWMP, etc.

When you have a minute would you please check your file to confirm whether Mr. Meisman's work was inspected and cleared? If not, would it be possible to send someone out to do that? And, if/when done, would you please send me an e-mail confirming that so I can include it with Mr. Meisman's application?

Please do not hesitate to contact me with any questions. If you are not the person to contact regarding this, can you please direct me to the right person? Thank you for your kind consideration of this request.

Debra Eiland, Esq.  
Law Offices of Debra Eiland, P.C.  
24 South Weber Street, Suite 300  
Colorado Springs, Colorado 80903  
telephone (719) 471-1545  
facsimile (719) 471-1663  
[debra@eilandlawfirm.com](mailto:debra@eilandlawfirm.com)  
[www.eilandlawfirm.com](http://www.eilandlawfirm.com)

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**From:** Paul Wiggs <[PaulWiggs@elpasoco.com](mailto:PaulWiggs@elpasoco.com)>  
**Sent:** Thursday, April 18, 2019 5:20 PM  
**To:** 'Debra Eiland' <[edebra@qwest.net](mailto:edebra@qwest.net)>  
**Cc:** 'Hannah McCullough' <[hmccullough@qwest.net](mailto:hmccullough@qwest.net)>  
**Subject:** RE: Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No.

Debra,

Thanks for forwarding over that information. After I spoke with you I talked to our engineering manager and asked about how to proceed without obtaining all the documents and permits outlined in the letter. Basically, she agreed with what we had discussed in terms of having Mr. Meisman stabilize and reclaim all the areas of disturbance, making sure that there is no potential for any offsite transfer of sediment or drainage impacts to adjacent properties. By reclaim, I mean it needs to be seeded and stabilized to 70% of original vegetative cover. Any stockpiles of dirt on the property should be removed as well. If he can accomplish this right away, there would be no further action required from our office. He still will need to obtain Building permits through Regional for any structures he plans to build on his property

and make sure that he does exceed an acre of disturbance going forward. Let us know what his plan is and we will schedule a site inspection to verify all this has been accomplished.

**Paul Wiggs**  
**Inspection Supervisor**  
**EPC Planning and Community Development**  
**2880 International Cir. Suite 110**  
**Colo. Spgs., Co. 80910**  
**719-520-6819**  
**719-332-3599**

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**From:** Debra Eiland [<mailto:edebra@qwest.net>]  
**Sent:** Thursday, April 18, 2019 4:20 PM  
**To:** Paul Wiggs  
**Cc:** 'Hannah McCullough'  
**Subject:** Gary Meisman - 21255 Calle Pacifico; Planning Dept. File No.

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Dear Paul:

Thank you for talking with me this afternoon about Mr. Meisman's property and the Stop Work Order issued by your office on March 20. I have attached a copy here, along with Mr. Meisman's home occupation special use application and supporting documents.

Please let me know at your convenience the best way for Mr. Meisman to respond. We very much appreciate your guidance and consideration.

Debra Eiland, Esq.  
Law Offices of Debra Eiland, P.C.  
24 South Weber Street, Suite 300  
Colorado Springs, Colorado 80903  
telephone (719) 471-1545  
facsimile (719) 471-1663  
[edebra@qwest.net](mailto:edebra@qwest.net)  
[www.eilandlawfirm.com](http://www.eilandlawfirm.com)

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