



June 29, 2021

Please add "PCD File No. AL-21-011"

LETTER OF INTENT
SPECIAL USE FOR RURAL HOME OCCUPATION
Lot 57, Valerosa Village Filing No. 1

Owner:
James Ostler
7895 Indian Village Heights
Fountain, CO 80817
(719) 679-7535

Consultant:
M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO 80909
(719) 635-5736

Developer/Applicant:
Jim Ostler
7895 Indian Village Heights
Fountain, CO 80817
(719) 679-7535

Any outside storage component (including equipment or vehicles waiting to be serviced) need to demonstrate compliance with the outdoor storage section of the Code (LDC Sec. 5.2.40) in accordance with the vehicle repair garage standards set forth in LDC Sec. 5.2.58. Please also include analyses of these Code sections, as they are applicable to the proposed use.

Site Location Size and Zoning:

The site of the proposed construction is the existing subdivision known as "Lot 57, Valerosa Village Filing No. 1", located in the Northwest One-quarter of the Northwest One-Quarter of Section 33, Township 17 South, Range 65 West of the 6th P.M., El Paso County, Colorado. The current address for the property is 19840 El Valle View, Fountain, Colorado 80817, having El Paso County Tax Schedule Number 5733002004. The site currently houses a single family residence with a detached garage. The site is located on the south side of Indian Village Heights, north of El Valle View, and east of Armadillo Heights. The parcel is approximately 5.73± acres and is zoned RR-5. Indian Village Heights, a gravel public rural residential roadway, is adjacent to the north side of the site. Access to the existing residence is from a gravel driveway connecting to Indian Village Heights. Lot 58, Valerosa Village Filing No. 1 is adjacent to the west side of the property. Lot 56, Valerosa Village Filing No. 1 borders the east side. A private gravel roadway named El Valle View is adjacent on the south side if the site. All surrounding properties are zoned RR-5.

Principal structure is listed on assessor's as 2,052 sq. ft. which would allow accessory structures max size of 4,104 sq. ft.

Request and Justification:

The request is for approval of a Special Use for Rural Home Occupation in the RR-5 zone. The proposal is to allow the operation of an Automotive Repair Garage on Lot 57, Valerosa Village Filing No. 1. The site is 5.73± acres in area and contains one existing residence and one existing detached garage, which will both remain in place. The Rural Home Occupation is to be housed in a new 4,500 square foot garage building that will be constructed to the east of the existing garage and house. Access to the new garage will be from the existing gravel driveway connection to Indian Village Heights. A new gravel driveway and parking area will extend from the existing gravel driveway.

The proposal will comply with the requirements for Rural Home Occupations as a Special Use which are detailed in Section 5.2.29.(C) of the El Paso County Land Development Code (2019). The request is

applicable to the Land Development Code because the Accessory Use of Rural Home Occupation is considered allowable by Special Use in the RR-5 zone pursuant to the El Paso County Land Development Code Chapter 5, Table 5-2. The intent “is to provide a mechanism by which a business owner or entrepreneur may reasonably establish or expand their home occupation on a large residential, forestry, or agriculturally zoned property in manner that protects neighboring properties from extreme or unreasonable impacts”. The site complies with the minimum lot size of 5 acres. The number of employees is estimated to be 1 to 2, which is less than the maximum of 10. The proposed use will generate not more than 50 daily trips as detailed below.

The Primary Use of the lot will remain consistent with the requirements of the existing RR-5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal. The existing residence and existing auxiliary structures are to remain unchanged by the proposed Special Use proposal. The proposed Rural Home Occupation Accessory Use will also comply with the requirements of the RR-5 zoning and the conditions of Special Use approval regarding maximum allowed traffic trips and lot size. The application submittal contains all documents and plans necessary for approval of the Special Use and the Civil Site Construction Documents.

This application meets the Special Use submittal requirements, the standards for Use and Dimensional Standards in Chapter 5 of the El Paso County Land Development Code (2021). Special Use Applications are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The special use is generally consistent with the applicable master plan.* The applicable master plan is the “Your El Paso Master Plan” (2021). The plan is a comprehensive document that communicates a vision for many factors influencing the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

The site is designated “Large-Lot Residential” Placetype and is located along the southern boundary of El Paso County. The Primary Land Use of this placetype is Single Family Detached housing and includes Commercial Service as a Supporting Land Use. The landscape and geography of the region are conducive to large lot residential use as well as the Rural Home Occupation as an accessory use. The wide open spaces of the area will allow the construction of the additional structure without creating a cramp or crowded appearance. The site is also capable of providing the necessary parking and open space on the lot without disturbing critical natural resources.

In the Economic Development category, Goal 3.1 is “*Recruit new businesses and spur the development of growing sectors.*” Also located in the Economic Development category, the Master plan states “*One method for supporting rural economic growth is home-based businesses. A home-based business reduces startup and operational costs by removing the need for separate workspace. By allowing residents to manage compatible, low-intensity personal businesses from their home, the County is creating greater opportunities for new companies to be established. Additionally, these new businesses could be providing a missing good or service directly to their communities.*” Goal 3.2 is “*Support efforts to recruit, train, and retain a skilled workforce*”. Automotive Repair is a highly skilled and technology based occupation. Allowing the Rural Home Occupation will support economic development by providing an opportunity for the for training and practice of a needed service within the community.

The proposed special use is in compliance with the 2040 Major Transportation Corridors Plan (MTCP). This plan shows no intention to make any improvements to the area surrounding the site.

The proposed special use is also in compliance with the Master Plan for Mineral Extraction as the separate mineral estate owners for the property and the existing development were found and notified of the development.

The proposed special use is in compliance with the El Paso County Water Master Plan (2018). Water on the site is currently provided by an existing well (Permit No. 227084). The existing well will continue to provide water to the site after the proposed improvements are made.

The site is located at the southeast corner of Region 7 in the Water Master Plan. This region is comprised of the south central portion of the county including the Fountain area. The site is not located in a designated Growth Area as determined in the Water Master Plan. The Water Master Plan contains estimates of the demands and available supply by region at the years 2018, 2040 and 2060 Build-Out. The 2018/2040/2060 demands in Region 7 are estimated to be 10,141 acre-feet per year, 15,846 acre-feet per year, and 26,969 acre-feet per year, respectively. The 2018/2040/2060 supplies in Region 7 are estimated to be 15,376 acre-feet per year, 25,241 acre-feet per year, and 27,840 acre-feet per year, respectively, indicating adequate supplies until the year 2060. The Rural Home Occupation Special Use is a low water use and no new wells will be constructed.

- 2. 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 site will remain in the RR-5 zone keeping its rural residential designation. The lots surrounding the site are all zoned RR-5 so the site will continue to fall in line with the character of the surrounding neighborhood. The existing structures will remain unchanged, and the proposed garage will have a minimal impact to the overall character of the site and its surrounding area. The neighbors have been contacted and have expressed support for the application as shown in the "Notification of Adjacent Property Owners" form complete with signatures and comments of support.

- 3. 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 proposed garage will not affect the site in any way that would overburden or exceed the capacity of public facilities and services. The development will have a minimal impact on the requirements of the site so the existing public facilities and services will be sufficient. There are no public facilities or infrastructure required or proposed for this subdivision.

- 4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access.

The site has a dedicated access from Indian Village Heights which is adequate to serve the proposed garage. The proposed garage will not generate enough trips to overburden Indian Village Heights. The special use will not generate more than 50 trips per day, which is the limit set forth by the El Paso County Land Development Code.

- 5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution.

Does the well permit allow for the proposed use?

Several County residents have submitted anonymous Code Enforcement complaints regarding this property, specifically with regards to the visual intrusion, number of cars, etc. Equipment is being stored outside. Please address these issues.

This would be a good place to explain how it's compliant with water rights / well permit

How many trips is it projected to generate?

Could be noise from vehicle repair - how is this being mitigated? Is there any additional lighting associated with the use?

Letter of Intent – Lot 57, Vallerosa Village Filing No. 1
June 29, 2021
Page 4

Currently, there are inoperable vehicles stored outside on the property, which may pose an impact to public health, safety and welfare.

All local, state, and federal laws and regulations regarding air, water, light, and noise pollution will be followed in the development and operation of the proposed garage.

6. *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.*

The proposed garage will not have any adverse affects to the health, safety, and welfare of the present or future residents of El Paso County. All harmful substances will be stored, and disposed of properly to alleviate any chance of contamination.

7. *The special use conforms or will conform to all other applicable County rules, regulations or ordinances.*

The proposed garage meets all regulations set forth by El Paso County including setbacks.

As previously stated, the proposed garage is too large. Please also provide an explanation of the setbacks.

Existing and Proposed Facilities:

Existing improvements within this parcel are related to the existing residential use and the proposed 4-bay garage, in the northwestern portion of the site, is related to the proposed Rural Home Occupation Special Use of the site. There are no public improvements required for this site.

Parking for the proposed Automotive service garage will be provided on the gravel surface adjacent to the proposed garage building with enough space for at eight vehicles in addition to the 4 interior bays. The gravel surface will also provide the necessary drive and maneuvering space.

Site plan only shows 5 parking spaces

This reads as if the house doesn't currently exist.

Total Number Of Residential Units And Densities:

The gross area of Lot 57 Valerosa Village is 5.73+/- acres and is proposed to contain 1 rural residential Single Family Unit with an associated Rural Home Occupation. The gross density of the site is 0.17 units per acre.

Has the fire district been contacted? Have they expressed any concerns or support?

Fire Protection:

The site is located within the Hanover Fire Protection District . The lots and homes are subject to the codes and policies adopted by the said District regarding fire protection.

Proposed Access Locations:

The access location for the site is the existing driveway access currently being used for the existing residence at 19840 El Valle View located near the center of the northern border of the site.

Traffic Impact and Traffic Impact Fees:

The one (1) existing single family residential unit will access public Indian Village Heights. The development is expected to generate a total of 60 trips per day (Average weekday trips ends) and 10 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing, and 12.48 trips per day per service bay for an automobile care center (according to Trip Generation, 10th Edition, 2017 by the

Institute of Transportation Engineers). The rural home occupation will have a maximum of 4 service bays and will generate about 50 trips per day which is within the limit set by the El Paso County Land Development Code. The total number of trips is below the County threshold of 100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

You can improve your master plan analysis by answering the following questions in addition to what you have provided.

Guidance for Evaluating Land Use Applications

The **Master Plan** should be relied upon for guidance when considering land use applications and determining consistency with the **Plan** should be added to the Land Development Code as one of the criteria for approval when taking formal action to approve or deny a land use application. By using the **Master Plan** as an evaluation tool and decision-making guide, questions like those below can help determine land use compatibility and overall appropriateness and desirability from a planning perspective:

- Is the proposed use located within a Key Area? If so, how will the proposed use affect the unique identity or character of the Key Area?
- Does the proposed use promote the level of change identified in the Areas of Change map?
- Does the use fall within the primary or supporting land uses within the identified Placetype? Is the proposed use consistent with the character and objectives of the Placetype?
- Is the use located within a Priority Annexation Area? If so, how does the nearby municipality plan for or otherwise address the subject property and does the proposed use align with the municipality's plan(s)?
- Is the use located within a Housing Priority Development Area? If so, is the proposed use one of the identified housing types for the area?
- Is the use located within a Commercial Priority Development Area? If so, is the proposed use one of the identified commercial uses for the area?
- Is the use located within an Employment Priority Development Area? If so, is the proposed use one of the identified employment-focused uses for the area?
- Is there existing infrastructure to which the proposed development can connect? If so, is connection proposed and how will it be accomplished? If not, is there a plan for future extension of infrastructure to the property?
- Does the development trigger the need for pedestrian or multimodal connections and are such connections being proposed?
- Does the proposed use/development incorporate appropriate conservation design principles as identified in the **Master Plan**?
- Will the proposed use/development further the County's objective of meeting the Vision, Principles, Goals, and Objectives of the **Master Plan**?
- Does the proposed use/development support the Implementation Objectives and Specific Strategies of the **Master Plan**?