

EL PASO



COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Tim Trowbridge, Chair**

**FROM: Nina Ruiz, PM/Planner II
Elizabeth Nijkamp, PE Engineering Manager
Craig Dossey, Executive Director**

**RE: Project File #: AL-16-027
Project Name: Nicodemus Rural Home Occupation
Parcel No.: 51140-05-013**

OWNER:	REPRESENTATIVE:
Julie & Brad Nicodemus 17975 Black Squirrel Road Colorado Springs, CO 80809	Julie & Brad Nicodemus 17975 Black Squirrel Road Colorado Springs, CO 80809

Commissioner District: 1

Planning Commission Hearing Date:	3/21/2017
Board of County Commissioners Hearing Date	4/11/2017

EXECUTIVE SUMMARY

A request by Julie and Brad Nicodemus for approval of a special use to legalize a contractor's equipment yard as a rural home occupation on a 14.36 acre lot zoned RR-5 (Residential Rural). The property, known as Lot 2 of the Whispering Pines Acres Subdivision, is located 2.3 miles northeast of the Hodgen Road and Vollmer Road intersection on the east side of Black Squirrel Road and within Section 14, Township 11 South, Range 65 West of the 6th P.M. The parcel is included within the boundaries of the Black Forest Preservation Plan (1987).

A notice of violation was sent to the property owners on August 31, 2016 for rubbish, inoperable vehicles, storage of semi-trailers, and operating a landscaping business. The applicants then submitted an Early Assistance application on October 18, 2016. A

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

special use application to allow a contractor's equipment yard as a rural home occupation was submitted on December 19, 2016.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by Brad & Julie Nicodemus for approval of a special use to allow a contractor's equipment yard as a rural home occupation.

Waiver(s): There are no waivers requested with this application.

Authorization to Sign: N/A

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL 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 generally 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 on 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.

D. LOCATION

Abutting zoning and land use:

North:	RR-5 (Residential Rural)	Residential
South:	RR-5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)	Residential
West:	RR-5 (Residential Rural)	Residential

E. BACKGROUND

The property was zoned A-1 (Agricultural) on November 21, 1965, when zoning was first established for this area of the County. Due to changes of the nomenclature of the Land Development Code (2016), the A-1 zoning district has been renamed as the RR-5 (Residential Rural) zoning district. The property was platted as Lot 2 Whispering Pines Acres Subdivision on September 9, 1997. The property is encumbered by a 225 foot easement for the benefit of the Public Service Company. Within the cleared easement there are overhead powerlines, but no new structures or storage are proposed for this area of the property.

After receiving multiple complaints, a notice of violation was sent to the property owner on August 31, 2016, for rubbish, inoperable vehicles, storage of semi-trailers, and operating a landscaping business. After discussion with the applicants, it was determined that the activities onsite are categorized as a contractor's equipment yard. Section 5.2.30.B.3, Rural Home Occupation, Allowed Home Occupations, of the Code, states:

The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met: contractor's equipment yards, construction businesses, welding shops; trucking and hauling businesses; automobile storage or repair businesses; and other small businesses which primarily serve a rural agricultural or ranching clientele.

Section 5.2.30.C.1, Rural Home Occupations as a Special Use, Intent, of the Code states:

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.

Section 5.2.30.C.2, Home Occupation, Rural Home Occupation as a Special Use, Where Allowed, of the Code allows for a rural home occupation as a special use in any residential or agricultural zoning district provided the lot size is 5 acres or greater. A rural home occupation is an allowed use within the A-35 (Agricultural) zoning district. See the Zoning Compliance section below for additional regulations pertaining to rural home occupations.

The applicants informed the Planning and Community Development Department in September 2016 that they chose to remove several vehicles and equipment from the property and to cease operations onsite until the special use process was complete. The applicant then submitted an Early Assistance application on October 18, 2016. A special use application to allow a contractor's equipment yard as a rural home occupation was submitted December 19, 2016. The applicants' letter of intent in support of the special use request outlines the business activities onsite, including storage of skid loaders, road graders, trailers, dump trucks, snow plows, and other equipment. The letter of intent also identifies that employees will occasionally visit the property to retrieve supplies. The applicants have stated in the letter of intent, however, that the employees typically report to the job site and not to the home.

F. ANALYSIS

1. Land Development Code Analysis

As discussed in the applicant's letter of intent, the applicants will have four (4) employees who may occasionally visit the property to pick up supplies and equipment. The traffic generated by the rural home occupation is not anticipated to exceed fifty (50) daily vehicle traffic trips. The applicants are proposing to locate an outside storage area approximately 1,175 feet from Black Squirrel Road. All outside storage must be fully screened (Section 5.2.38.B.2 of the Code). Recommended Condition No. 2 below requires the applicants to develop and implement a site development plan to help ensure that all areas are properly screened in accordance with Chapter 6 of the Land Development Code. Visual impacts to surrounding properties are anticipated to be minimal due to the increase setback location of the storage area, it being fully screened from view, and due to the presence of existing vegetation onsite. Administratively approved special use applications for a rural home occupation are automatically limited to a five (5) year approval and then subject to renewal. This item has been elevated to a public hearing so the time limitation would not necessary be imposed unless the Planning Commission and Board of County Commissioners add a condition limiting the approval.

2. Zoning Compliance

The property is within the RR-5 (Residential Rural) zoning district, which requires special use approval for a contractor's equipment yard as a rural home occupation.

Section 5.2.30.C of the Land Development Code (2016) outlines the standards for a rural home occupation as a special use. If approved, the applicants are allowed up to one (1) acre of outside storage, provided it is screened from view in accordance with Chapter 6 of the Code. Outside storage must also be setback a minimum of fifty (50) feet from any residential property line pursuant to Section 5.2.38.B.4 of the Code. The applicants are proposing to screen the one (1) acre storage area with a solid privacy fence, which will be located no closer than fifty (50) feet from any property line.

A rural home occupation as a special use allows up to ten (10) employees and no more than fifty (50) daily traffic trips. Per the applicant's letter of intent they will have four (4) employees and will not exceed fifty (50) daily trips. Only if the special use and site development plan are approved will the property be in zoning compliance.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan.

Relevant policies are as follows:

Goal 7.1 Reasonably accommodate unique and special uses which provide value to the greater community and which can be made consistent with surrounding uses.

Policy 7.1.1 Accommodate unique combinations of land uses (such as employment and residential uses) on the same property if it can be demonstrated that aggregate impacts will be limited, adequate facilities and services will be available, and the use will be compatible with the character of the surrounding area.

Policy 7.1.4 Accommodate home-based businesses which do not detract from the character of residential areas, do not create substantial impacts on facilities and services, and do not require the imposition of conditions of approvals difficult to enforce.

Policy 7.2.2 Consider future combined impact of potential additional land use requests when considering individual applications for special or unique land uses.

Policies 7.1.1 and 7.1.4 specifically address home based businesses. The Plan encourages home based businesses provided the use is compatible with the area and the aggregate impacts created by the use are limited. Anticipated impacts related to the contractor's equipment yard as a rural home occupation include additional traffic as well as the potential visual appearance of outside storage associated with the business. The one (1) acre outside storage area is proposed to

be screened from view and is planned to be located approximately 1,175 feet from the Black Squirrel Road.

No signage is proposed for the home occupation. Per the applicant's letter of intent, no customers will be onsite at any time. Per the applicants' letter of intent there will be only four (4) employees onsite with traffic being limited to fifty (50) daily trips. It is not anticipated that the home occupation will create substantial impacts on public facilities and services and the visual impacts could be mitigated with proper opaque screening.

4. Small Area Plan Analysis

The property is within the Black Forest Preservation Plan (1987), specifically Sub-Area 1 the Timbered Area. Relevant goals and policies are as follows:

Policy 1.6 Allow "low impact uses" as defined in this Chapter in areas designated for rural residential uses either through the Special Use review process or as part of carefully defined planned unit developments. Variances for low impact uses should be used sparingly and in all cases, approvals should not result in a deviation from the predominantly rural residential character of these areas.

Goal 3.A Promote a residential environment, which perpetuates the rural-residential character of the Black Forest Planning Area.

Policy 4.4 Maintain the scale of new commercial uses so that it is in balance with the existing uses.

Policy 4.5 Discourage commercial uses if they are incompatible with existing or planned residential development.

Per Policy 1.6 "low impact uses" may be allowed within areas not designated for commercial use. A "low impact use" is defined in the Plan as:

"A use which, due to its low intensity, limited scale and predominately rural character could be incorporated into an area otherwise designated for rural residential uses without significantly altering the character of that area. Consistency is dependent on site characteristics, available buffering, adjacent land uses, and the ability to strictly define the scope of the use through development plan or other appropriate mechanisms. Uses which might meet this criteria include certain private educational institutions, some recreational uses, production and retail sales of certain agriculturally related commodities and certain services of a limited scope and intensity. Specifically not included in this

definition are major industrial uses, predominately commercial activities, high density residential camps and any other uses specifically recommended for exclusion from these areas in this Plan.” (Page 72)

The subject parcel is not within an area identified in the Plan as being a potential commercial node or center. As identified in Policy 1.6, consistency is greatly dependent upon buffering and the ability to define the scope of the use. The applicants are required to fully screen any outside storage areas and locate such storage at least fifty (50) feet from all property lines. Recommended Condition of Approval No. 1 prevents the use from being expanded without approval. Recommended Condition of Approval No. 2 requires submittal and approval of a site development plan in order to verify compliance with the Land Development Code (2016). If the Planning Commission and Board of County Commissioners find that the proposed contractor’s equipment yard as a rural home occupation meets the definition of “low impact uses” and that the use can fit into the rural residential character of the area, then consistency with the Black Forest Preservation Plan could be found.

5. Other Master Plan Elements

The Master Plan for Mineral Extraction (1996) identifies no potential deposits in the area of the subject property. A mineral rights certification was prepared by the applicants indicating that, upon researching the records with El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No physical hazards were identified in the review of the special use request.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a moderate wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments.

3. Floodplain

The subject property is not located within and does not contain a designated FEMA 100-year floodplain. This site is shown on FIRM map sheet number 08041C0325.

4. Drainage And Erosion

The site has been previously platted and lies within the Kiowa Creek Drainage Basin (KIKI0200), which is a no fee basin. If the site development plan shows one (1) acre

or greater of disturbance, then a grading and erosion control plan, a final drainage report, and water quality facility will be necessary.

5. Transportation

As stated in the applicant's letter of intent, it is anticipated that operation of the proposed contractor's equipment yard will add less than 50 average daily trips (ADT). Therefore, no improvements are required and no negative impacts are anticipated to the County transportation network. For this reason, traffic impact study was not required in association with the special use application. The County road impact fee does apply to this request because the special use request is a zoning action. However, payment of the fee is not required because the use is not expected to generate at least 100 additional daily vehicle trips more than the property would be expected to generate without approval of the special use request.

H. SERVICES

1. Water

The existing home located on the property is served by a well (permit number 046240). Per the applicant's letter of intent, no additional facilities are proposed for the rural home occupation and there are no business activities onsite that use water from the well.

2. Sanitation

The existing home located on the property is served by an onsite wastewater treatment system (OWTS). No additional wastewater facilities are anticipated in association with the proposed rural home occupation.

3. Emergency Services

The site is located within the boundaries of the Falcon Fire Protection District. The District was sent a referral and had no response

4. Utilities

Mountain View Electric Association and Black Hills Energy provide electrical and natural gas service to the property, respectively.

5. Metropolitan Districts

The property is not within a metropolitan district.

6. Parks/Trails

There are no planned parks/trails on the subject parcel. No park fees or land dedication in lieu of fees are required for this application.

7. Schools

The property is located within Falcon School District No. 49. No school fees or land dedication in lieu of fees are required with this application.

I. APPLICABLE RESOLUTIONS

Approval Page 39

Disapproval Page 40

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in 5.3.2 (Special Use) of the El Paso County Land Development Code (2016); staff recommends the following conditions and notations:

CONDITIONS

1. The special use shall be limited to the rural home occupation of a contractor's equipment yard as described in the applicants' letter of intent and as shown on the site plan. Any subsequent addition or modification to the operation or facility beyond that described in the applicants' letter of intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new special use application.
2. The applicants shall seek approval from the Planning and Community Development Department of a commercial site development plan within ninety (90) days of approval unless otherwise administratively extended by the Planning and Community Development Department Director.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on March 1, 2017, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Site Plan

Black Forest Land Use Committee Comments

El Paso County Parcel Information

File Name:

PARCEL	NAME
5114005013	NICODEMUS JULIE REVOCABLE TRUS

Zone Map No.:

ADDRESS	CITY
17975 BLACK SQUIRREL RD	COLORADO SPRINGS

ZIP	ZIPLUS
80908	1555

Date:



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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To:

Nina Ruiz
El Paso County Project Manager/Planner II

Purpose:

Letter of intent for a "Rural Home Occupation"
El Paso County Land Development Code: 5.2.30 (B)

File:

EA-16-111 Nicodemus
17975 Black Squirrel Road
Colorado Springs, CO 80908

From:

Brad & Julie Nicodemus-Dail
Brad S. Dail 719.243.1057
Julie M. Nicodemus-Dail 719.650.7144

El Paso County Land Development Code:
5.2.30 (B)

- Rural Home Occupation
 - We would like to have our small landscape service business to be operated out of our home

5.2.30 (B) (3)

Allowed Home Occupations:

- Contractor's equipment yard, construction business.
 - We have a small landscape service company and would like to park our equipment at our home.
 - The equipment would be; skid loaders, loaders, road grader, trailers, trucks, dump truck, lawn mowers, snow plows ect...

5.2.30 (B) (5) (a)

- Outside storage and work areas allowed
- Outside storage, parking and work areas are allowed provided these are set back a minimum of 50' from all property lines and are limited in combination to one acre or 5% of the total or parcel area, whichever is less. The screening standards of chapter 6 of this code shall apply....
 - We will consume just short of 1 acre in total for outside storage
 - We will set back the storage area 50' from any and all property lines
 - We will construct a 6' tall wooden privacy fence around the storage area at the set back of 50'
 - This will be constructed on all 4 sides of the storage areas.

5.2.30 (B) (5) (d)

- A maximum of 10 inoperable nonagricultural vehicles shall be allowed...
 - We will have no more than 10 vehicles at a time that are inoperable.

5.2.30 (5) (e)

- A 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

- We will not have any hazardous material on our property
- We will mitigate any dust that may be caused by the storage area within reason. Because we do have winds in the area, we will have ¾ - 1.5" crushed gravel or the equivalent in the parking areas to mitigate the dust and mud.
- We will install dirt berms within our storage area to keep the erosion from any adjacent parcel
- We will be mindful and respectful to our noise generated in our storage lot.
- All of our equipment has the OEM mufflers in place.
 - El Paso County noise Ordinance, 02-1:
 - We will not exceed 55 db between 7AM -7PM and or 50db 7PM – 7AM or exceed 10 db for more than 15 min in a 1 hour period from 7AM-7PM
- We will make sure that the noise of the storage area consists with normal working hours for the use of the commercial equipment leaving the property. The commercial equipment may be used on the off days/weekends to maintain our 14.36 acres

5.2.30 (C) (1)

- Intent: ... 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
 - We own and reside on a 14.36 acre treed flag lot.
 - We will have a 6' tall cedar fence surrounding our storage areas
 - We will have the storage area 50' from any and all property lines
 - We will have all of our commercial use items stored within the fenced in area at all times
 - We will use less than 1 acre of property for the use of storage
 - We have letters from neighbors in support of our "special use"

5.2.30 (C) (2)

- A rural home occupation is allowed as a special use on any parcel or lot that is 5 acres or more...
 - We own 14.36 acres of land at the stated address

5.2.30 (C) (4) (d)

- 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
 - We employ 4 full time employees during our season and 4 seasonal employees during our off season
 - We will make and or generate less than 50 trips daily
 - We only store equipment at this location and this is not where employees always show up, this is an equipment storage yard. Employees mostly meet at the job site.
 - We will construct a 6' tall wooden privacy fence around the storage area at the set back of 50'. This will be constructed on all 4 sides of the storage areas.

5.3.2. (C)

- The special use is generally consistent with the applicable master Plan
 -
- The special use will generally 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.
 - We are located in the heart of Black Forest where most of the neighbors have 5 acres or more on treed lots. We are not in the "Black Forest" burn area; all the surrounding properties have mature Ponderosa pines. We will install a 6' privacy fence around our storage area and therefore

will camouflage the area continuing the Harmony. The natural trees either on our property or the adjacent properties will act in addition to the screening of the storage area.

- In our immediate area, we have a kids party event house (Pony rides) around the corner that was accepted by the BOCC and exists currently.
- In our immediate area, we have an Alpaca farm that sells products of the animal and exists currently
- In our immediate area, we have residents who have home based businesses as well as home based offices that exist currently
- In our immediate area we have a home remodeler that exists currently
- In our immediate area we have a land improvement company that exists currently
- In our immediate area we have a contractor who's business is at home that exists currently
- Some of the neighbors have like businesses on their property along with multiple vehicles visible from the right of way that exist currently. Our 14.36 acre flag lot storage area is not visible from the right of way and the screening both with a fence and natural mature Ponderosa pine trees will keep the harmony of the area.
- In our immediate area, we have people who use their personal tractors off of their property and on others property within the northern El Paso county region.
 - What we are asking for is in line with what happens in our immediate area currently and has been prior to us purchasing this property. So, our storage area of our landscape contracting equipment is not out of place within our immediate area.
- ...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 manner.
 - Our storage area will not have any burden on any public facility as it will be considered "dry" storage. There will be no utilities brought in or out of the storage area and will be constructed on our property and therefore there is no need for public services.
- The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access.
 - The traffic will be limited to not exceed 50 trips per day
 - We will not have more than 10 employees at one time
 - The access to the storage area is through our legal driveway and through our property only
 - The storage area will be less than 1 acre in total size
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution.
 - All of our equipment has in place OEM mufflers on all gas and diesel engines
 - We will not have water to our storage facility and we will control erosion in the storage area with $\frac{3}{4}$ - 1.5" gravel or the equivalent.
 - The storage area will not have electricity and therefore there will be no lighting issues
 - We will make sure that the noise of the storage area consists with normal working hours for the use of the commercial equipment leaving the property. The commercial equipment may be used on the off days/weekends to maintain our 14.36 acres
 - El Paso County noise Ordinance, 02-1:
 - We will not exceed 55 db between 7AM -7PM and or 50db 7PM – 7AM or exceed 10 db for more than 15 min in a 1 hour period from 7AM-7PM
- ...special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County

- Our special use for a contractors equipment storage area will cause no harm, be detrimental to the public health, safety and welfare of our neighbors and or other residents of El Paso County.
- We have letters from immediate neighbors in support of our “special Use”
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.
 - We will be in compliance to County rules, regulations and ordinances

El Paso County Colorado Policy Plan:

Chapter 1-B SECTION 6.0 Growth and Land use

- Rural-Residential Development

Land development and uses which are characterized by predominantly residential lots or parcels ranging from 2.5 to 10.0 acres in area, the areas are typically provided with a less-than-urban level of services (i.e. individual wells and septic systems, some unpaved roads) and allowing for only a limited amount of supporting commercial, office or industrial development. Designation in the rural residential category does not automatically imply the acceptability of lots as small as 2.5 acres.

- We are asking for a limited use of 1 acre of our property for the “dry” storage of a “contractor’s equipment storage” area.
- Critical Land Area

An amount or area of land devoted to a given type or density of land use which is sufficient to allow that use to function efficiently and economically, and such that the use will be reasonably insulated from health and safety risks or compatibility concerns related to differing land uses which currently exist or may reasonably be projected to exist in the vicinity.

 - We will install a 6’ tall cedar privacy fence around our dry storage area to mask the look from the adjacent property owners. Our dry storage area does not create a health or safety risk to our neighbors and with the privacy fence, the compatibility will be of such that our property will look and feel as our adjoin and non-adjoining properties.

Black Forest Preservation Plan (December 1987):

Page 77, 1.6

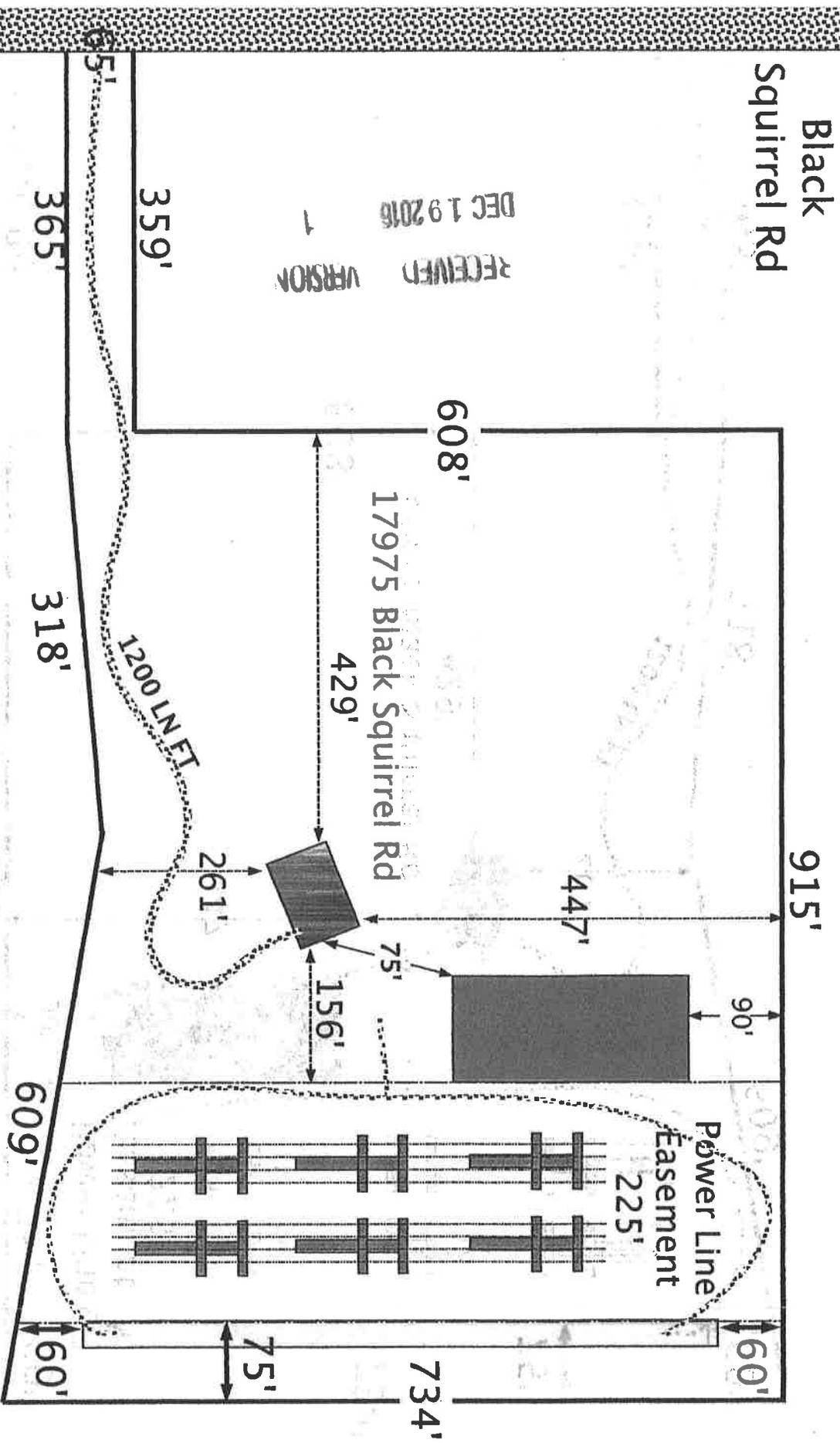
- Allow low impact uses as defined in this chapter in areas designated for Rural Residential uses either through “special use” review....
 - Our contractors equipment dry storage area will be a low impact to the community, the neighborhood, the public road systems and to the harmony of the immediate area
 - We will have the dry storage area fenced on all 4 sides with a 6’ tall cedar privacy fence
 - We will consume less than 1 acre of overall commercial storage
 - We will have a maximum of 50 trips per day
 - We will employ no more than 10 employees at one time

To whom it may concern:

Brad and Julie Nicodemus –Dail own and reside at 17975 Black Squirrel Road Colorado Springs CO 80908. The property is currently zoned RR5, because it's zoned RR5, we meet all the criteria that should allow us the approval for a "Special Use" Rural Home Occupation. We would like the ability to work and have our landscape construction service company based out of our home. We currently have a small landscape construction company, not a retail company. Our company consists of 4 full time employees. We own and reside on 14.36 treed acres that is a flag lot. We will utilize less than 1 acre of that property for the use of storing our equipment. The area will be fully fenced with a 6' tall cedar privacy fence with gravel on the ground for erosion, dust and mud control. We will have this area 50' from any and all property lines. We will not exceed 50 trips per day with our commercial business. This will allow us to expand our home occupation on our large residential lot and with the added measures; we will help protect our neighbors from extreme and unreasonable impacts. We have letters from neighbors in support of what we want to do.

On this large piece of residential property, we would have the storage area fenced in and meet the setback of 50' or more from any property line and we would use the existing Excel power line easement that we have through our property as one of our lines for both locations. In this area we would be storing; 10 trucks, a full size dump truck, a road grader, front end loader, 3 skid loaders, 2 v box sanders, wheel barrows, pallets, shovels, rakes, hoes, landscape material (edging, fabric, rocks, bricks, pavers), pipes, semitrailer, 2 shipping container boxes, 6 pull behind trailers, 3 push lawn mowers, 4 riding lawn mowers, 3 weed eaters, 3 power pruners, 1 power rake, 1 mini excavator, 1 backhoe and 6 snow plows all behind the 6' privacy fence so that neighbors would have this area camouflaged. The vehicles would be parked in the storage areas when not in use. We currently own a 1000 gallon fire mitigation trailer for our residence in the event of a wild land fire. We would use the same trailer to mitigate any dust that might occur for us and or our neighbors.

■ STORAGE AREA AND POTENTIAL BLDG 100' X 220'



RECEIVED
DEC 19 2016
VERSION 1

25' X 614' STORAGE

Drawing is not to scale

Nina Ruiz

From: Terrance Stokka <tstokka@juno.com>
Sent: Wednesday, March 01, 2017 6:51 PM
To: Nina Ruiz
Subject: Landscaping Equipment Storage in Black Forest

Nina,

Re: AL-16-027 Nicodemus Rural Home Occupation

The Black Forest Land Use Committee has reviewed and discussed this issue and recommends disapproval.

The main criteria used in evaluating proposals like this one are IMPACT on the Black Forest and its residents and conformance to the Black Forest Preservation Plan.

Under the IMPACT criteria, this storage proposal is far more than just storage. The list of equipment tops 40 vehicles plus numerous smaller tools and landscaping items. This is a commercial operation and an equipment storage yard in a residential neighborhood. Furthermore, it is active storage and movement of vehicles in and out. Limiting the proposal to 50 trips per day means there could be up to 50 entrances and exits of heavy trucks, trailers and other equipment going in and out of that driveway. All of this in a neighborhood of 5-acre private residences.

The Black Forest Preservation Plan specifies that commercial operations should be limited to the commercial nodes at Black Forest/Shoup and Black Forest/Burgess. We acknowledge there are many home businesses in the Black Forest but the vast majority of these generate no IMPACT in that they do not have customers (or equipment in this case) coming and going from their property. They are invisible and acceptable because they blend into the rural, residential environment and do not disturb their neighbors.

The package submitted by the applicant contained several letters from neighbors who were comfortable with the request but did not include letters from those who opposed the request. It is not a unanimous approval by neighbors.

This equipment needs to be stored in a commercial or industrial area zoned as such.

We recommend disapproval by the Planning Commission and the Board of County Commissioners.

Terry Stokka, Chairman

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