

EL PASO COUNTY



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
 Jim Egbert, Chair

FROM: Len Kendall, Planner I
 Beck Grimm, EI Engineer I
 Craig Dossey, Executive Director

RE: Project File #: AL-18-025
 Project Name: Petrick Residence Extended Family Housing
 Parcel No.: 62040-01-016

OWNER:	REPRESENTATIVE:
Randall and Gwyndena Petrick 375 Loire Valley Drive Simi Valley, CA 93065	Dan Sievers, Architect 815 W. Jefferson Street Colorado Springs, CO 80907

Commissioner District: 1

Planning Commission Hearing Date:	4/2/2019
Board of County Commissioners Hearing Date	4/23/2019

EXECUTIVE SUMMARY

A request by Dan Sievers, on behalf of the property owners Randall and Gwendena Petrick, for approval of a special use for a guest house with special provisions for extended family housing. The applicant is proposing to build a new 4,200 square foot residence to replace the existing principal residence. A guest house is an allowed accessory use in the RR-5 (Residential Rural) zoning district pursuant to the guest house regulations in the El Paso County Land Development Code (2019). The existing 1,648 square foot residence exceeds the 1,500 square foot size limitation of a guest house in the Code. The guest house regulations state that if any of the specific use standards of the guest house cannot be met, an administrative special use may be pursued. Due to the requirement for a special use under the special provisions for extended family housing, the applicant is requesting the Board of County Commissioners approve the existing residence, which will be oversized when it converts to the guest house. The special provisions for extended family housing allow for a family



member in need to live in the guest house full time. There are two adjacent property owners that have expressed opposition to this application.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Dan Sievers, on behalf of the property owners Randall and Gwendena Petrick, for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.15 miles south of the intersection of Pleier Drive and Silverton Road.

Waiver(s)/Deviation(s): There are no waivers or deviation requests as part of this application.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

- 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

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

E. BACKGROUND

The property was created via plat in 1960 as part of the Overlook Estates Subdivision. The parcel was initially zoned A-4 (Agricultural Farming) on January 4, 1955. Due to changes in nomenclature the A-4 zoning district has been renamed as the RR-5 (Residential Rural) zoning district. There is an existing 1,648 square foot residence on the property as well as a detached accessory garage. The applicant proposes to build a new 4,200 square foot residence and convert the existing 1,648 residence into a guest house, which will be utilized for a family member in need. Two adjacent property owners have expressed opposition to this application.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Land Development Code (2019) requires approval of a special use and residential site plan for a guest house with special provisions for extended family housing. The Code has specific use regulations for a guest house. A guest house may not exceed the size of the principal residence on the lot or 1,500 square feet, whichever is less. All electric, gas, central or municipal sewer and water services to the guest house shall be interconnected to and indistinguishable from that of the principal dwelling units and shall not have separate meters, service lines or billings. The Code also states that a permit may be authorized as an administrative special use to provide for temporary living arrangements to house immediate family members whom are elderly, disabled, or exhibit a family need, or for immediate family members providing for the needs of the residents of the primary residence on the property. The approval of the permit shall be based upon a finding that the following standards and conditions have been met:

- There is a legitimate family hardship or need that justifies the request for the extended family housing.
- The special use standards of Chapter 5.3.2 of the Land Development Code are complied with.

- The extended family housing shall be removed within 3 months after the need no longer exists or 3 months after the date of the expiration of the permit, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.
- In conjunction with an approval for extended family housing, an affidavit signed by the owner is filed for recording with the El Paso County Clerk and Recorder's Office acknowledging that the extended family housing may not be leased or rented and that removal of the structure may be required for failure to comply with these terms of approval.

2. Zoning Compliance

The property is a 5.3 acre legally created parcel in the RR-5 (Residential Rural) zoning district. Based upon the applicant's site plan drawing, the existing and proposed residences will meet the 25-foot setback from all property lines in the RR-5 (Residential Rural) zoning district. The proposed dwelling is shown to be 51 feet away from the rear yard property line and 161 feet away from the southern property line. The proposed structure is labeled on the site plan drawing as having a 2,100 square-foot footprint with an attached 1,000 square-foot garage. This exceeds the limits of a guest house, with the existing principal house being 1,648 square feet. The size of a guest house is limited to the size of the principal residence or 1,500 square feet, whichever is smaller. If the special use application is approved, the classification of the guest house and the principal house will switch when the larger structure submits for a building permit. When this occurs the guest house will exceed the standards of a guest house, however, specific use standards for a guest house state:

"The guest house shall meet all other applicable standards in this Code unless specifically modified by this Section. Any guest house proposal which does not comply with the provisions of this section shall require special use approval and the application fee shall be 20% of the fee for administrative special use."

As part of this special use request, the applicant is proposing that the guest house be approved with the size limitation enlarged to allow the 1,648 square foot residence. The residential plot plan will recognize this transfer and the extended family housing affidavit stating that the extended family housing will not be leased or rented will be recorded at that time.

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 13.1- Encourage an adequate supply of housing types to meet the needs of county residents.

Policy 13.1.3- Recognize the need for housing alternatives that provide for the county's special populations. Special populations may include low income, elderly, and physically and mentally impaired.

The purpose of the administrative special use for a guest house for extended family housing is to provide housing for an immediate family member to live on the property to assist a family member in need. As cited in the applicant's letter of intent the property owners intend on housing their mother in the extended family dwelling. This application recognizes a need for housing alternatives that provide for the county's different populations.

4. Small Area Plan Analysis

The property is located within Sub-Area 11 (Smith Creek) of the Tri-Lakes Comprehensive Plan (2000). Relevant policies are as follows:

Goal 7.1.3 – To allow development that complements the unique environmental conditions, is harmonious with the overall established land use patterns, and is consistent with the character of each Sub-Area.

Objective 7.1.3 – Support decreasing densities in relation to distance from a municipality or water and sanitation districts. Greater distances from services and/or I-25 must result in lower overall densities.

Objective 7.1.13 – Carefully consider land uses in or near transitional zones to ensure the orderly progression between uses of differing types and densities.

The prevailing land use in the Smith Creek sub-area is rural residential with an overall density of one dwelling unit per five acres. Rural-residential development is defined in the Plan as:

“Land development and uses which are characterized by predominantly residential lots or parcels ranging from 2.5 to 10.0 acres in area....”

The proposed special use would not affect the area of the lot and would not increase the overall density of the area, as a guest house is defined in the Code as:

“Lodging attached to the principal dwelling or located within a garage or accessory structure which may be occupied only by occasional, non-paying guest of, the family residing in the principal dwelling. A guest house is not considered a dwelling unit. Extended family housing is a form of guest house utilized on a non-permanent basis to house immediate family members that require housing due to age, disability, or family need. A family member shall be related by blood, half blood or at law, and which the term “at law” also includes in-law relationships arising from a deceased or former spouse.”

The Code states that a guest house is not a dwelling unit, therefore, it does not increase the density as it is a temporary solution for family members.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards exist on the subject property.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel 08041C0295G dated 12/07/2018 shows that the property lies within Zone X, an area determined to be outside the 500 year floodplain.

4. Drainage And Erosion

The property is located within the Smith Creek (FOMO4000) and Monument Branch (FOMO3800) drainage basins. No drainage or bridge fees are required for a special use. No public drainage improvements will be required.

5. Transportation

The property is accessed via Silverton Road. A traffic impact study was not required due to the fact that the special use is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the special use request. No public roadway improvements will be required.

H. SERVICES

1. Water

Water supply is provided by a private well.

2. Sanitation

Wastewater is provided by an onsite wastewater treatment system (OWTS).

3. Emergency Services

The property is within the Donald Wescott Fire Protection District.

4. Utilities

Electrical service is provided by Mountain View Electric Association and natural gas service is provided by Black Hills Energy.

5. Metropolitan Districts

The subject property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a special use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a special use application.

I. APPLICABLE RESOLUTIONS

Approval Page 39

Disapproval Page 40

J. STATUS OF MAJOR ISSUES

There are no outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the El Paso County Land Development Code (2019), then staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the extended family dwelling, as discussed and depicted in the applicant’s letter of intent and site plan drawings.
2. Prior to building permit authorization, the extended family dwelling affidavit stating that the guest house shall not be rented or leased must be completed, notarized and submitted to the El Paso County Planning and Community Development Department for recording with the Clerk and Recorder.
3. Prior to building permit authorization, the applicant shall apply for and receive approval of a residential site plan.
4. The proposed use shall comply with all requirements of the Land Development Code and all County, State, and Federal regulations except those portions varied by this action.

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 eight (8) adjoining property owners on January 30, 2019, for the Planning Commission meeting.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan

El Paso County Parcel Information

File Name: AL-18-025

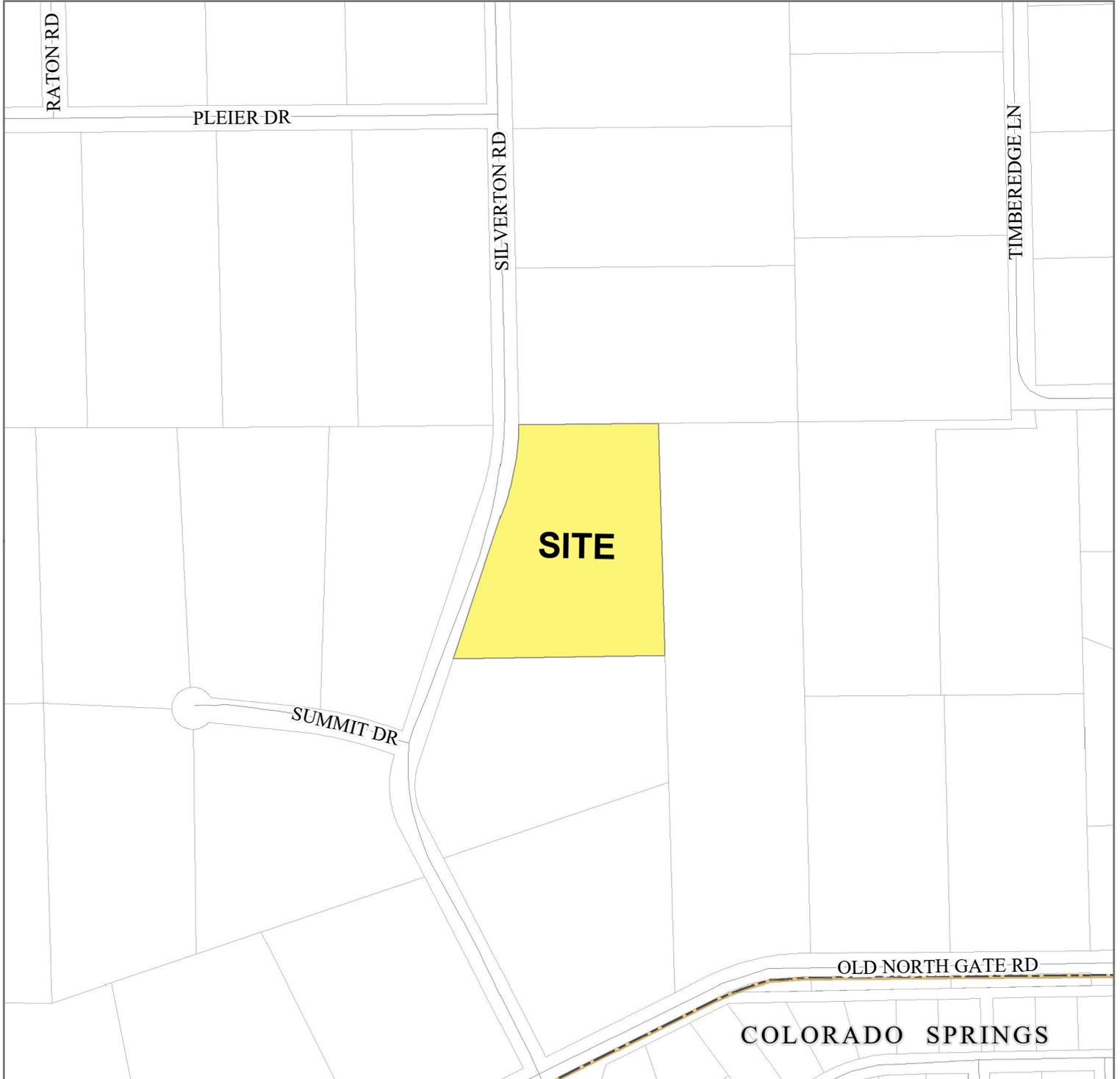
PARCEL	NAME
6204001016	PETRICK RANDALL R

Zone Map No. --

ADDRESS	CITY	STATE
375 LOIRE VALLEY DR	SIMI VALLEY	CA

ZIP	ZIPLUS
93065	8242

Date: MARCH 12, 2019



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (970) 520-6600



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Design Renaissance

Architectural Design & Planning

Daniel D. Sievers - Architect

Cover Page

Property Owners:

Randall & Gwyndena Petrick
375 Loire Valley Dr.
Simi Valley, CA 93065
(818) 585-1204

Consultant:

Daniel D. Sievers- Architect
Design Renaissance Architects, LLC
815 W. Jefferson Street
Colorado Springs, CO 80907
(719) 633-4684

Site Location, Size & Zoning:

- 14195 Silverton Road (Lot 9 Overlook Estates)
- 5.3 Acre lot size
- Zoning: RR-5

Request & Justification:

- **Request** is to have this property qualify for Extended Family Housing and allow Mr. & Mrs. Petrick to live on the property in a proposed new structure and have Mrs. Petrick's mother live in the existing structure/residence on the property as a Guest House that qualifies as an Extended Family Dwelling.
- **Justification** is that the properties in this neighborhood are Zoned such that the property owners are allowed to have a primary residence as one structure and a separate detached guest house as another structure. The County also allows property owners to request Extended Family Housing status so that they may be able to have a blood relative live on the property too.

Existing & Proposed Facilities:

- **Existing-** Currently on the property, there is a small home of 1,648 s.f. of living space on main & upper levels. There is a basement to this structure of 873 s.f. that is used for storage, mechanical and laundry. The stair to the basement does not comply with current code as the stair riser height is 8.5" and there is not the required head height of 6'-8". The windows in the basement do not comply with egress requirements either. The sills of the windows are 60" above the floor where the max. allowed by code is 44" max. The window opening are also not large enough to meet Code. Floor plans for all 3 levels of this home have been included for reference. The "living space" of the house is 1,648 s.f. with an additional basement area of 873 s.f. to total 2,521 s.f. of area. We recognize this is over the 1,500 s.f. allowable as a "guest house" thus we request that this square footage be allowed in the "special use." There is also a detached garage of approx. 920 s.f. and also a detached shed of approx. 300 s.f. All of these structures are connected by a gravel driveway.
- **Proposed-** The Petricks are proposing to build an approx. 5,000 s.f. home as the "primary residence." This structure will also have an attached 3-car Garage.



Design Renaissance

Architectural Design & Planning

Daniel D. Sievers - Architect

Letter of Intent

January 21, 2019

This Letter of Intent is being written because Randall & Gwyndena Petrick are proposing a land use project in El Paso County at 14195 Silverton Road. (see additional property information on Cover Page.)

Mr. & Mrs. Petrick purchased this property in 2010 with the hope that one day they would move to Colorado in their retirement. The Existing property has a dwelling unit/home, a detached garage and a detached shed. Currently Mrs. Petrick's mother lives in the existing house on the property. The Petricks would like to be able to care for their mother as she ages, and to be physically close as they do so.

Mr. & Mrs. Petrick are now ready to move to Colorado and would like to live on the property and care for their mother. They would like to build a new home on the property and have their mother live in the existing house- which will become the guest house, prompting our Special Use request to El Paso County for Extended Family Housing status. The properties in this neighborhood are Zoned such that property owners are allowed to have a primary residence as one structure and a separate detached guest house as another structure. (LDC Table 5-2 Accessory Uses) This is what the Petricks would like to do. The County also allows property owners to request Extended Family Housing status so that they may be able to have a blood relative live on the property too.

The new structure/home that the Petricks are proposing will be approximately 5,500 s.f. of living area along with an attached 3-Car Garage of approximately 1,000 s.f. Once this structure is built, the Petricks would consider this the "Primary Dwelling" on the property. The existing house of 1,648 s.f. (additionally there is 873 s.f. in the basement- which is not a code-compliant space) would then become the "Guest House" on the property. The existing driveway access from Silverton Road will continue to be utilized to access the new structure. A driveway access permit will be obtained during the building permit process and will be in place at time of construction. And after construction of new structures, the drainage patterns will not have any adverse effects to adjacent properties. Per LDC 5.2.28, a Guest House is allowed in Zone RR-5 with a max. size of 1,500 s.f. Because our guest house/extended family dwelling is 1,648 s.f., the Petricks are requesting permission to exceed the max. allowable living area by about 11%. We request that this additional area (to include the non-compliant basement area of 873 s.f.) be allowed in the "special use." This guest house would be the extended family dwelling for Mrs. Petrick's

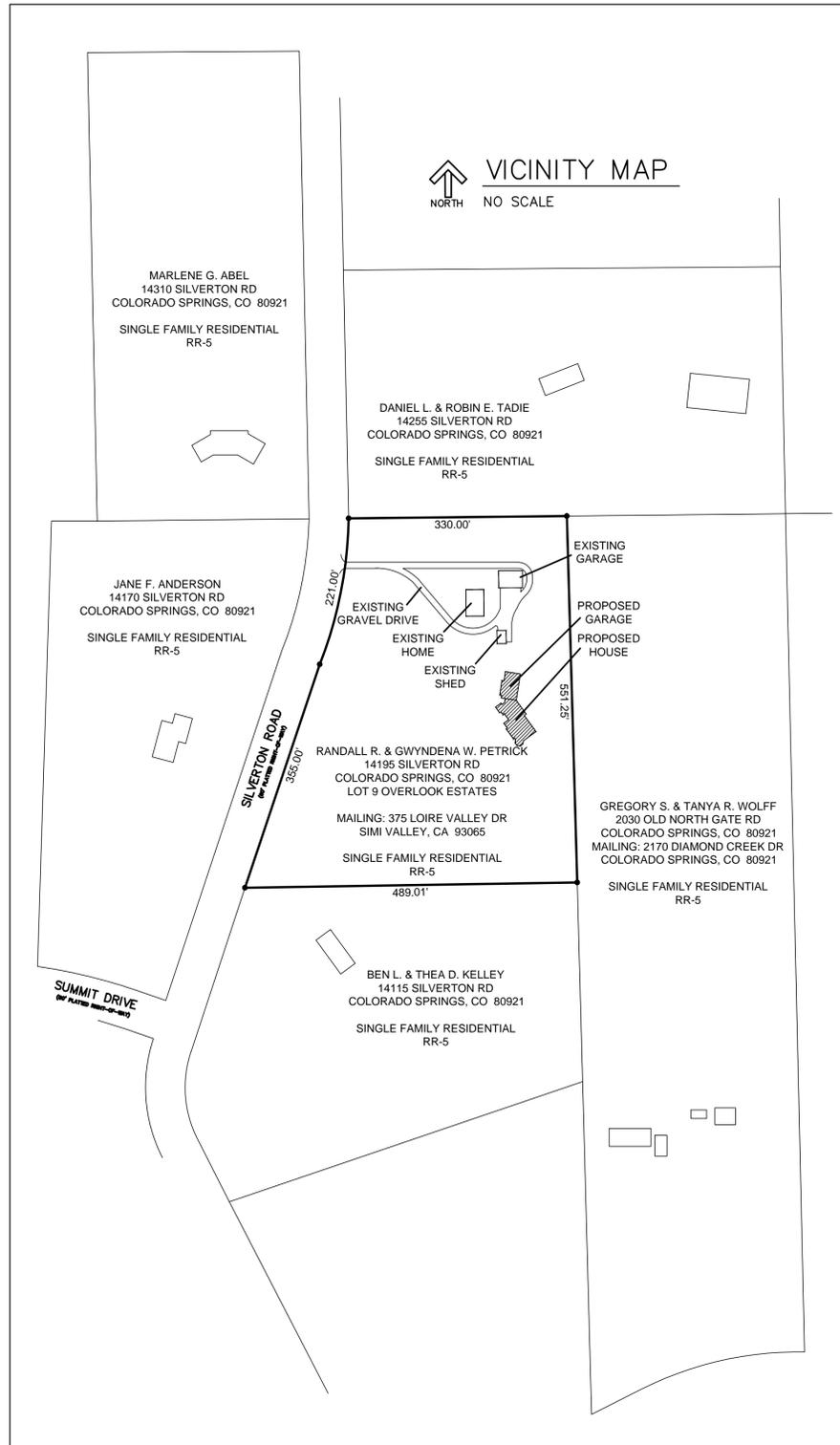
mother. This extended family dwelling will have a full kitchen, and the Petricks will sign the Affidavit to allow a second kitchen on the property at the appropriate time. **The Petricks will also sign an Extended Family Dwelling affidavit stating that the guest house will never be rented or leased.**

The Petricks believe that the construction of this new home will be an asset to the neighborhood in terms of property values. And they believe the request for Extended Family Housing is compatible with the Zoning Code in that separate, detached Guest Houses are allowed in this neighborhood and many of the properties in the surrounding area have multiple structures on their lot. In terms of actual lot coverage, the final configuration of the Petrick's property would only produce a lot coverage of approximately 2 to 3% which is very minimal coverage. We appreciate your consideration in this request.

Sincerely,

Daniel D. Sievers

Daniel D. Sievers- Architect

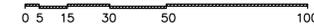


VICINITY MAP
NO SCALE

**PROJECT CONSTRUCTION/
DEVELOPMENT TIMELINE:**

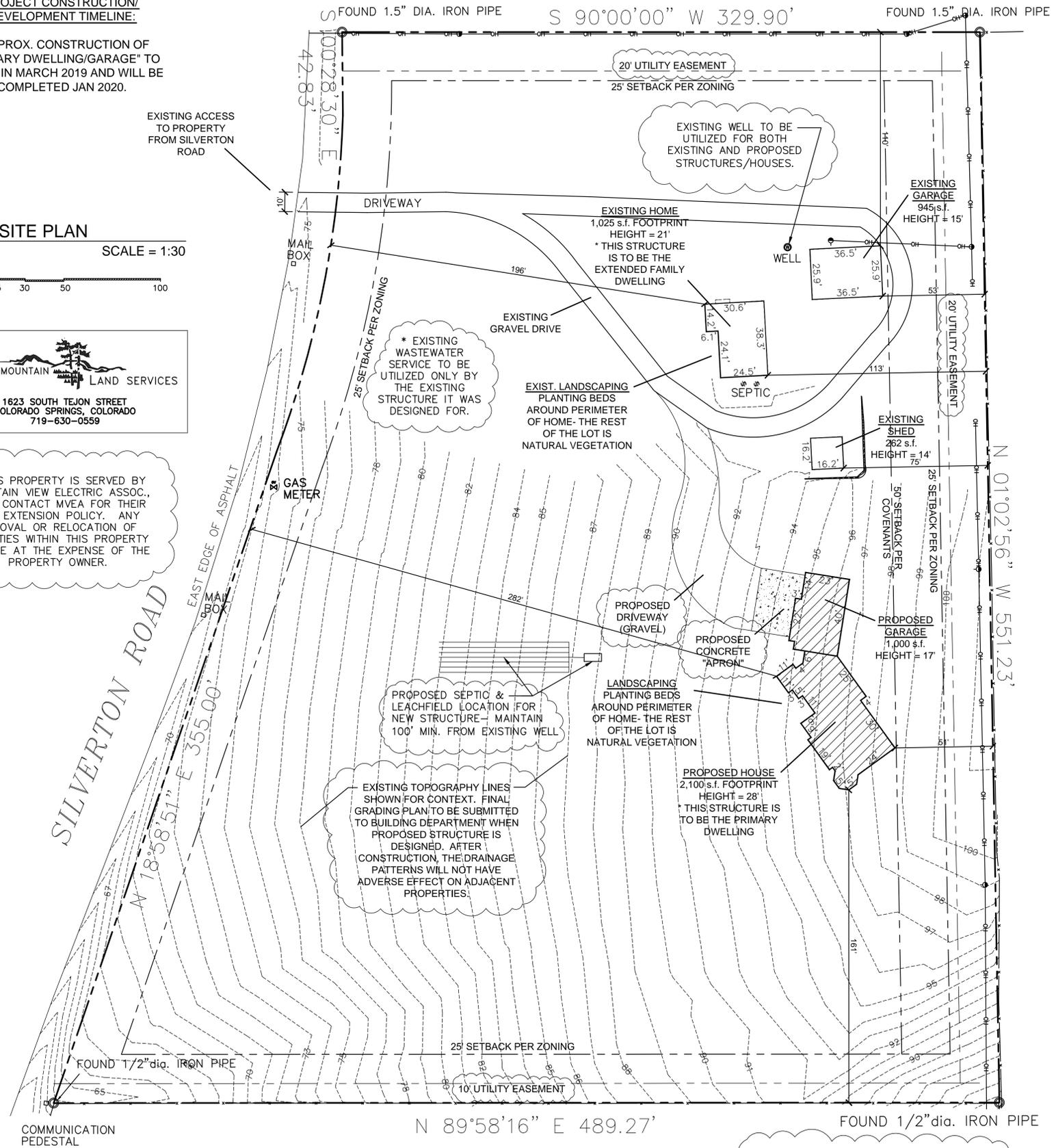
* APPROX. CONSTRUCTION OF "PRIMARY DWELLING/GARAGE" TO START IN MARCH 2019 AND WILL BE COMPLETED JAN 2020.

SITE PLAN
SCALE = 1:30



ROCKY MOUNTAIN LAND SERVICES
1623 SOUTH TEJON STREET
COLORADO SPRINGS, COLORADO
719-630-0559

* THIS PROPERTY IS SERVED BY MOUNTAIN VIEW ELECTRIC ASSOC., INC. CONTACT MVEA FOR THEIR LINE EXTENSION POLICY. ANY REMOVAL OR RELOCATION OF FACILITIES WITHIN THIS PROPERTY WILL BE AT THE EXPENSE OF THE PROPERTY OWNER.



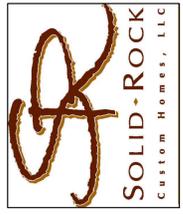
COMMUNICATION PEDESTAL

PCD FILE NO. AL1825

Design Renaissance
Architectural Design & Planning
815 W. Jefferson Street
Colorado Springs, CO 80907
719.633.4604
dmservers@comcast.net

Extended Family Dwelling Request For:
Randall & Gwynndena Petrick
14195 Silverton Rd
Colorado Springs, CO 80921

Solid Rock Custom Homes, LLC
Contact: Lain Chappell
6250 Corporate Drive
Colo. Spgs., CO 80919
Cell 719.964.6352
Pri./Fax 719.494.0932
www.SolidRockCustomHomes.com



SITE PLAN

Date	October 18, 2018
Date Revised	December 13, 2018
Drawn by	DDS

SP