



**D.D. Greer Design Studio**  
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Ensure that letter of intent addresses each of the criteria listed in LDC Section 5.3.4(C)

**Utah Lane Variance renewal request**

May 1, 2019

**EXISTING VARIANCE:** VA 08-010  
**Property:** 53080-00-007 Unplatted parcel  
**Address:** 7340 Utah Lane  
 The site is located southeast of Black F private street, Utah Lane.  
**Area:** 5.01 acres  
**Zone** RR-5/UV/AO

This Variance of Use expired on May 15, 2019 (10 years from the most recent El Paso County Board of County Commissioners (BoCC) approval date) thus it will require approval from El Paso County BoCC. Because the request is for a variance of use that does not expire, it would have been elevated for public hearing regardless.

**Request:** Renew Use Variance Administrative contractor's equipment yard with accessory retail activity in RR-5. Allow this Use Variance to run indefinitely as part of the zoning.

**Time Period Extension Request:**

The period of the Variance should be extended indefinitely because this business has been stable and in this location for over a decade. At this time it does not appear that any big changes are planned in this area. The neighborhood appears to have been stable and harmonious in adjacent land use mixtures.

**Exemption Request previously approved:**

We request that the previously approved Exemptions from the County Landscape Code continue to stand, however we can meet 95% of the requirements with what is existing on-site. The previous exemption deferred requirements of street trees on Utah Lane, 5% internal landscaping and 2 parking lot trees, at 1/15 spaces until a central water source is available was granted in the previous application. The water situation has not changed, however 7 ponderosa pines have been successfully cultivated on the street frontage with manually applied recycled water. They no longer need supplemental water, and meet the street tree requirement without supplemental irrigation. The frontage is 100% vegetated with native grasses.

Meeting the spirit of the code as internal landscaping in this sub rural setting, the property contains a naturalized, low lying area on the west end which is permanently dedicated to wetlands. This area is comprised of native grasses, a seasonal drainage pond and some naturalized cottonwood and elm saplings, provides habitat to many

birds, reptiles and small mammals, and comprises over 25% (approx. 51,652 s.f.) of the total site.

The well permit for this business is specifically for Domestic Use only. No livestock watering or outside irrigation is allowed from the well. The well permit stating this was submitted with the previous application and accepted as justification for limiting or deferring new landscaping on the property.

The property is screened on all sides by combinations of buffer, opaque materials on the fences and berms.

**Discussion:**

Owner: BSK Investments, LLC  
Al Smith, Terry Pickerel  
7340 Utah Lane  
Colorado Springs, CO 80923  
Phone: (719) 520-5959

Consultant: D.D. Greer Design Studio  
Debra Greer  
13075 Sunny Slope Rd.  
Falcon, Co 80831  
Phone: (719) 499-3874

This site is not eligible for annexation to the City of Colorado Springs, as there is no contiguity to City Boundaries.

The property is bounded on the north by A-5-CAD-AO zoned religious institution (Mt. Springs Church), on the west by rural residential zoned RR-5-CAD-AO, on the south by rural residential zoned RR-5-CAD-AO, on the east across Utah Lane by RR-5-CAD-AO zoned properties in use as commercial/contractors yard properties with Variances allowing such use, in similar fashion to the current request.

The property is currently in use as a contractor's equipment yard associated with a landscaping and erosion control business with outside storage. This request proposes to continue the existing use indefinitely, for as long as this type of business operates on the site.

Access for this site is via private driveway from an existing private street which in turn is access from a public street. No changes to access are requested.

The Woodmen Metro District is nearby, however is neither adjacent to this site, nor does it provide any type of service to this site. At this time, it appears that this property is not eligible for inclusion into the District, nor would membership in the District benefit this property owner.

The property is currently served by the following utility providers:

Electric: Mountain View Electric Assn  
Gas: Private Propane service  
Sanitary Sewer: Septic system  
Water: restricted Domestic Only well  
Phone: Century Link  
Fire Protection: Falcon FD

The parcel is in the county so you need to instead discuss compliance with County Plans and Policies.

A Use Variance for this site was most recently approved in 2009 under VA 08-010. The owners request that the period from the currently requested Use variance approval to expiration is extended indefinitely.

Referencing Colorado Springs Resources such as the City Vision, Comprehensive Planning, Annexation: According to the City "Proposed Annexation Map", several annexations nearby but NOT contiguous to this site have annexation applications submitted to the City. Also Referring to the City's "Recorded Annexations Map", there is no contiguity with the City boundary to this parcel. In researching the other Comprehensive Planning maps available from the City, we have accessed the City Master Plan for anticipated land use. The Master Plan shows this area surrounded by commercial, residential and multifamily, but does not designate un-annexed properties for future land use potentials. However, it is our opinion that this use will fit in with the surrounding land uses forecast by the City Master Plan. On the 2020 Land Use Map and the City's Vision Map, this corridor was stated as "Employment Center" and Major Transportation Corridor (E. Woodmen Rd.).

The small business existing on this site is, indeed a provider of significant jobs and with the addition of accessory retail sales, will also continue to generate additional sales tax revenue for the County. The business has been stable and active for over a decade on this property, and will continue to provide local employment and sales tax revenue in the upcoming years, whether it is a city or county property. The business employs approximately 12- 15 people, depending on seasonal requirements and the abundance of erosion control / revegetation contracts.

Pre-application issues:

County Engineering requested that the drainage be freshened up to meet current standards, and requested that gravel be added to a drive area in the lower contractor's yard. A new drainage report is attached, and the proposed gravel drive area ( for dust control) is shown on the attached site development plan.

A continuing reasonable use of this site would be obtained by the renewal and modification of this Use Variance request.

We are looking forward to working with you on this proposal. If you have any questions, please feel free to call me, the Developer or any member of the design team

Sincerely,

Debra Greer