



**D.D. Greer Design Studio**  
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**BSK Investments Variance renewal request**

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

Revised May 1, 2019  
 Sept. 19, 2019

**Request:** Renew Use Variance Administratively for this existing business. Allow a 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  
David Pickerel  
7340 Utah Lane  
Colorado Springs, CO 80923  
Phone: (719) 520-5959

Consultant: D.D. Greer Design Studio  
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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 located just outside the edge of Falcon/Peyton Small Area Master Plan 2008 and appears to be in a slush area of county, master plan-wise, between Falcon/Peyton Area Master Plan and City boundaries. The general neighborhood has been quietly developing its own unique character of mixed, compatible uses such as a 2 churches, landscape materials yards and greenhouses intermixed with rural residential.

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 (Utah Lane) which in turn is access from a public street. No changes to access are requested. The Use generates between 10 and 35 individual trips per day ( one way = 1 trip), between 7 am and 6 pm Monday through Friday except holidays, depending on the season. Late Spring, summer and early fall are the higher number of trips, November through March are the lower number.

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

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.

This application meets the established criteria in the following manner:

- *The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.*

The property has been in use as is for over a decade. To require the relocation to a different zone at this point would cause undue hardship to the business owner and have no beneficial effect on the surrounding neighborhood. This business provides a relatively quiet, unobtrusive buffer for the residential neighbors to the south with its location just south of the large and active Mountain Springs church on the north boundary, offsetting any possible benefit of returning this parcel to strictly rural residential use.

- *The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;*

The existing use is proposed to continue indefinitely, and has proven to be a compatible and harmonious neighbor. No complaints have ever been received by El Paso County re any activity, noise, dust, light or traffic problems. The surrounding character of the neighborhood is similar, although this site has better developed driving, storage and drainage control than the contractor's storage /landscape materials yards across Utah Lane. Yet the development and use of the site does not interfere or conflict with the adjacent rural residential development to the south and west. It strikes an organized medium between the highly developed church grounds and the open areas of the rural residential uses.

- *The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;*

The existing use to remain has been carefully developed with the guidance of a civil engineer since its original construction. Regularly used driving and parking areas are graveled and compacted. Concrete aprons surround the building, roof drains are directed to proper channels to prevent erosion, and small engineered drainage facilities are proposed to be improved to update compliance with all clean water standards.

- *The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;*

As previously approved and proposed, will continue to uphold the Zoning and Land use laws of this County. The existing small business is in compliance with any requirements that have been made.

- *The proposed use will not adversely affect wildlife or wetlands;*

A large area of the west side of the site is fenced off and protected, as a natural stream runs through it and is surrounded by a marshy open space which is filled with wild life. The historic development of the site has not caused any runoff or pollution, and the fencing and drainage facilities will continue to protect this area from harm.

- *The applicant has addressed all off-site impacts;*

All off site drainage impacts have been accounted for in our work with County Engineering and with the protection of the stream on the west end. Traffic in and out of the site is very minimal and the business does some maintenance of the private road, so the adjacent users benefit as well. Access from public roads to the Private Street, Utah Lane are relatively new and are more than adequate to handle the minimal vehicle traffic this site generates.

- *The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or*

A Site Plan has also been submitted (PPR 18189), as well as a drainage report and is in compliance or alternative compliance with all required sections of the code. Screening and berming are existing and in good repair. Adequate parking and circulation will remain as historically used and are in compliance with regulations.

- *Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.*

The above services are all provided. As stated above, this business assists in physical maintenance of the private street, Utah Lane. Sewer is provided via existing septic system. Storm water and other drainage issues are either currently handled by compliant private facilities or are proposed as part of updating the site to current drainage criteria standards.

The small business existing on this site is 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.

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

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 also submitted separately for concurrent review with the Site Plan (PPR 18189). The site plan shows two new small Porous Landscape Detention ponds to improve water quality.

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