

AL-04-005

533.29

**MULE DEER INVESTMENTS, LLC
USE SUBJECT TO SPECIAL REVIEW
LIGHT INDUSTRY AND CONTRACTOR'S EQUIPMENT YARD
IN THE PBD DISTRICT**

A request by Mule Deer Investments, LLC for Use Subject to Special Review approval to allow light industry and contractor's equipment yards in the PBD (Planned Business Zone District). The request is for approximately 5.6 acres containing the proposed Lots 1 and 2 of Mule Deer Business Park located south of North Carefree Circle, approximately 1/3 mile west of Marksheffel Road. The property is not in a small area plan. Assessor's Tax Schedule #53294-00-001.

PREPARED BY

Barry Holmes
624/04

APPLICABLE RESOLUTIONS

Approval Page 11
Disapproval Page 12

PLANNING DIVISION RECOMMENDATION: The Planning Division recommends **approval** of the Special Use request, with the following conditions and notations:

CONDITIONS:

1. Planning Commission and Board of County Commissioner hearings shall not be required for the plot plan for Lot 2. The Planning Division Manager is granted the authority to approve the plot plan for Lot 2.
2. All outdoor storage associated with the facility will be screened at 100% with an opaque fence six (6') foot in height.
3. Landscaping, pursuant to Section 35.12 of the El Paso County Land Development Code will be required.
4. A plot plan, pursuant to Section 37.B of the El Paso County Land Development Code, must be submitted to the Planning Division for review and approval prior to the issuance of any building permits.
5. This approval is limited to Contractor's Equipment Yards and Light Industrial uses.

NOTATIONS

- 1.* Special use approval includes conditions of approval and the accompanying plot plan. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the Land Development Code, except as noted above in Condition 1.
- 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.
- 4. Use Subject to Special Review requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
- * The above notations are abbreviated; they have the same force and effect as the items found within their entirety in Section 35.8 C.1., C.3., D., E., and F. of the El Paso County Land Development Code.

PUBLIC NOTIFICATION: The Planning Division last notified adjoining property owners of applicant's intent prior to July 7, 2004. A summary of their responses will be given at the meeting.

PUBLIC NOTICE: The property was posted prior to July 7, 2004.

SITE: The site is five (5) acres in the southeast corner of a larger, 37.9 acre site, south of North Carefree Circle and approximately 1,500 feet west of Marksheffel Road.

ADJOINING LAND USE AND ZONING

North	Vacant, Undeveloped	RR-3 (Rural Residential) District
South	DOT Main Facility, Vacant	PID (Planned Industrial) District
East	Colorado Springs Utilities Natural Gas Facility	RR-3 (Rural Residential) District
West	Vacant, Undeveloped	RR-3 (Rural Residential) District

HISTORY/ BACKGROUND: This area is in the Pronghorn Meadows Sketch Plan, approved by the Board of County Commissioners on January 24, 2002. A reduced copy of this portion of the sketch plan is attached.

SUMMARY OF THE PROPOSAL: The applicant is proposing to establish a contractor's equipment yard, or yards, and light industrial uses in the Planned Business District zone.

AGENCY COMMENTS

CHEROKEE METROPOLITAN DISTRICT – No objections.

CITY OF COLORADO SPRINGS – No comment.

The following agencies were notified and their comments, if any, will be provided at the meeting.

- Colorado Springs Planning
- El Paso County Parks
- Falcon Fire Department
- Falcon School District
- Development Services Department - Engineering Division

**SECTION 35.8 OF THE
LAND DEVELOPMENT CODE**

USES PERMITTED BY SPECIAL REVIEW

No special use petition shall be considered unless the underlying land is located within a particular zone district which permits such proposed special use as set forth within the El Paso County Zoning Regulations. Special uses are specific types of land uses, which, due to their intensity, location and potential adverse impacts, require special review for a determination of compatibility with land uses in the surrounding area.

Any petition for a special use shall be submitted in conformance with Sections 2 and 4 of the El Paso County Zoning Regulations.

The petitioner for a special use shall have the burden of: (1) providing all technical reports and information necessary to an adequate evaluation and review of the proposed special use; and (2) demonstrating that the proposed special use will conform to the applicable standards and requirements of the El Paso County Zoning Regulations.

Following review and recommendation by the Planning Commission, the Board of County Commissioners may either approve, with or without conditions, or disapprove a petition for a special use. The review and actions of the Planning Commission and Board of County Commissioners shall be based upon the requirements and standards set forth in the El Paso County Zoning regulations including, but not limited to the following:

STAFF NOTATION: The statement following the numerical reference is the specific standard of Section 35.8. The indented verbiage following each standard are staff comments.

A. GENERAL STANDARDS

- 1) The proposed special use is consistent with the applicable long-range master plans (comprehensive, area and topical) for El Paso County Land Development Guidelines.

The proposed use is consistent with the long range master plan for El Paso County.

- 2) The proposed special use is consistent with the intent and purpose of the particular zone district within which the use is proposed to be located.

A contractor's equipment yard and light industry are allowed in the PBD zone district with approval of a special use permit. Approval of the application will make it consistent with the intent and purpose of the PBD zone.

- 3) The proposed special use will be in harmony with the character of the neighborhood, and compatible with the existing and allowable land uses in the surrounding area.

The proposed use is in conformance with the Pronghorn Meadows Sketch Plan, which includes this property.

- 4) The proposed use will not result in an over-intensive use of the land.

Staff has no reason to believe that this proposal will result in an over-intensive use of the land.

- 5) The proposed special use will not require a level of public facilities and service greater than that which is presently available, or that the petitioner demonstrates can be made available in a timely, efficient and adequate manner.

The proposed special use will be served by the Cherokee Metropolitan District. The District has submitted a letter stating they have no objections to this proposal. The project is within the Falcon Fire Protection District.

- 6) The proposed special use will not create undue traffic congestion or traffic hazards in the surrounding area, and has adequate legal access for the type of proposed use.

There has been no indication that this proposed would create undue traffic congestion or hazards in the surrounding area. Access has been approved by the Engineering Division.

- 7) The proposed special use will not cause significant air, water, or noise pollution

No impacts to air or water are anticipated. Generation of noise pollution is not anticipated.

- 8) The proposed special use will not be otherwise detrimental to the public health, safety and welfare of the future or present residents of El Paso County.

There is nothing unusual known about these uses that would indicated a situation that would be detrimental to the health, safety, and welfare of the future or present residents of El Paso County.

- 9) The proposed special use conforms or will conform with all applicable federal, state or other local laws or regulations.

This special use permit is tied to certain prior approvals. The land is not currently platted and is a part of a larger 37.9 acre parcel. Prior to an approval of this special use request, a Preliminary Plan will have to be approved which includes the entire 37.9 acres and the property will have to be rezoned to the PBD (Planned Business) District.

PLANNING DIVISION COMMENTS

The applicant is proposing to divide these 4.6 acres into two lots. Only one lot is proposed for immediate development. The applicant and staff are requesting that the Planning Division Manager of the Development Services Department be given authority to approve plans for the expansion of the uses to Lot 2.

The Planning Division's opinion is that this request is reasonable for the location and in accord with the approved sketch plan for the area. Due to the current sketch plan use designation of industrial, none of the permitted principal uses of this zone will be allowed on this property unless the sketch plan is amended. If the sketch plan is amended, the applicant may request an amendment to this special use approval to allow additional uses on the property.

If this property is included in an approved Preliminary Plan and rezoned to PBD (Planned Business District), staff recommends approval of this request.

ENCLOSURES

Vicinity Map

Letter of Intent

Plot Plan

Portion of Pronghorn Meadows Sketch Plan

El Paso County Parcel Information

Parcel Number: 5329400001

File Name: AL-04-005

Parcel Address: 0 29-13-65

Zone Map No.: 533.29

Parcel Owner: MULE DEER INVESTMENTS LLC

Owner Mailing Address: 520 E COLORADO AVE, COLORADO SPRINGS, CO 80903



Please report any discrepancies to:
 El Paso County GIS/Mapping
 325 S. Cascade
 Colorado Springs, CO 80903
 (719)520-6523

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February 26, 2004

-150- GIS
 EL PASO COUNTY
 COLORADO



LDC, Inc.

3520 AUSTIN BLUFFS PARKWAY
COLORADO SPRINGS, CO 80918
(719) 528-6133
FAX (719) 528-6848
www ldc-inc.com

RECEIVED

MAR 03 2004

PLANNING DEPARTMENT

February 24, 2004

El Paso County Planning
27 E Vermijo
Colorado Springs, CO 80903

Attn: Barry Holmes

Re: **Letter of Intent - Mule Deer Business Park (Plot Plan – Special Use)
53294-00-001**

LDC, Inc. is representing Mule Deer Investments, LLC, owner of the above referenced property, in this application for a Plot Plan and Special Use on the proposed Lot 1. Concurrent applications have been submitted for Zone Change, Preliminary Plan, and Final Plat.

Proposed zoning of the two lots is PBD with a Special Use to allow for light industrial uses including Light Industrial and Contractor's Equipment Yard. The Plot Plan is for one building on the proposed Lot 1 of Mule Deer Business Park. Lot 1 is approximately 2.5 acres and is proposed for two buildings in two phases. The lot is adjacent to DOT's Marksheffel facility.

Owner of Amended Area:
Heath Herber (575-0083)
Mule Deer Investments, LLC
520 East Colorado Ave
Colorado Springs, CO 80903
80918

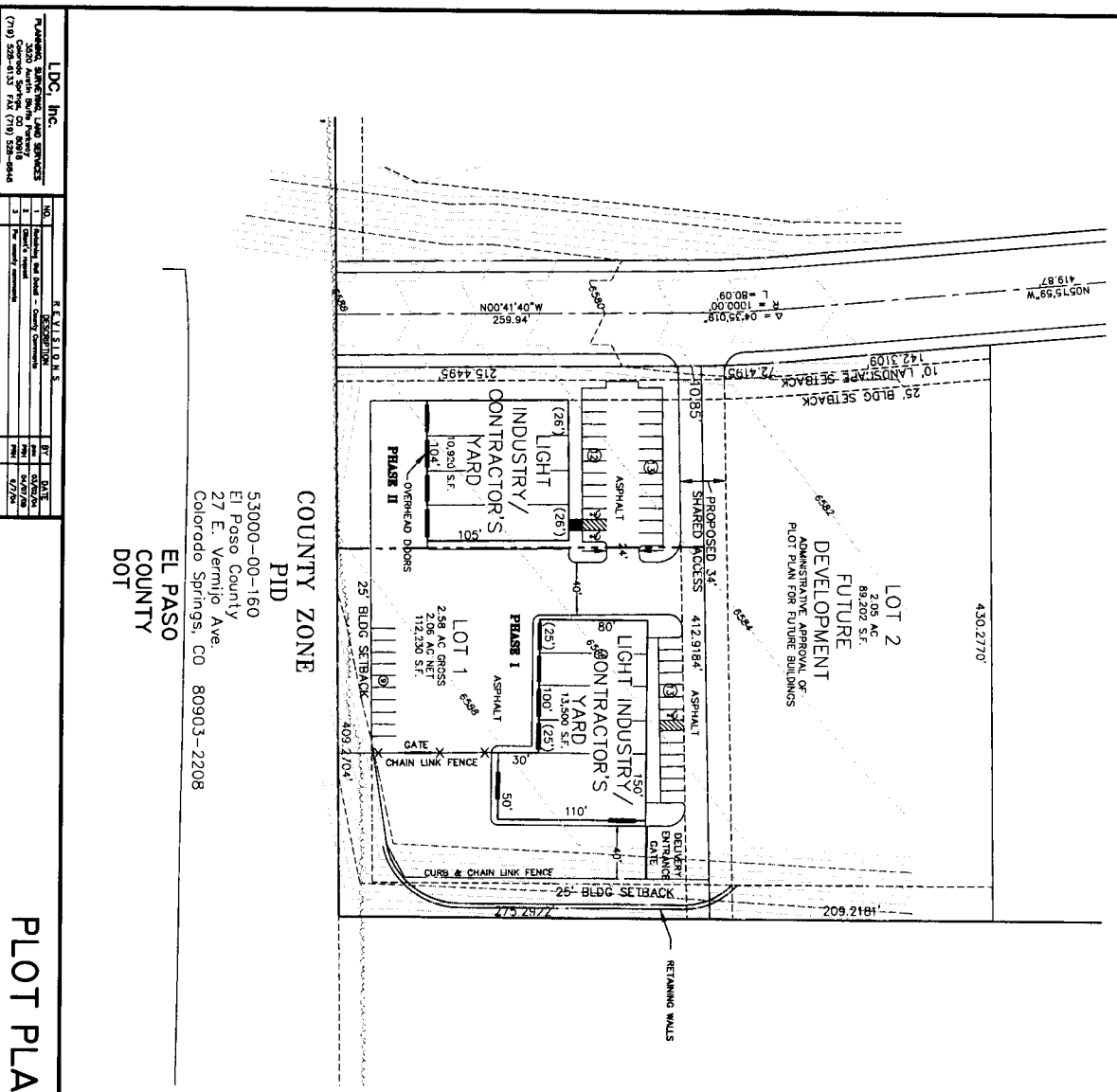
Land Planners:
Pam Cherry (528-6133)
LDC, Inc.
3520 Austin Bluffs Parkway
Colorado Springs, CO

Thank you for your consideration,



LDC, Inc. by Pam Cherry

LOT 1, MULE DEER BUSINESS PARK
 USE BY SPECIAL REVIEW DRAWING
 ADMINISTRATIVE REVIEW OF PLOT PLAN
 FOR FUTURE BUILDINGS



COUNTY ZONE
PID
 53000-00-160
 El Paso County
 27 E. Vermijo Ave.
 Colorado Springs, CO 80903-2208

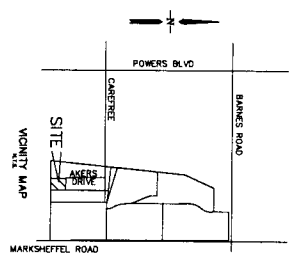
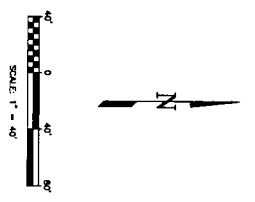
EL PASO
COUNTY
DOT

REVISIONS

NO.	DATE	DESCRIPTION
1	05/28/03	ISSUE FOR PERMIT
2	07/18/03	REVISIONS
3	07/24/03	REVISIONS

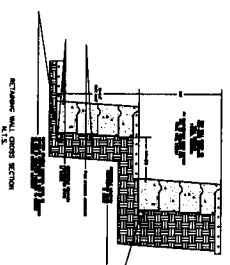
PLANNING SERVICES, LAND SERVICES
 3200 Austin Blvd, Peabody
 MA 01961
 (719) 528-4133 FAX (719) 528-9846

PLOT PLAN



LEGAL
 Proposed Lot 1, MULE DEER INDUSTRIAL PARK

- NOTES**
1. Changes and deletion areas to be maintained by El Paso County.
 2. No potential hazard areas have been identified on this site.
 3. FEDERAL EMERGENCY MANAGEMENT AGENCY Flood Insurance Rate Map Number 60014-01A-1, effective date, March 17, 1997, indicates the area in the vicinity of the parcel of land to be a Zone X (area determined to be out of the 500 year flood plain).
 4. Areas of addressing the building in the northeast corner, between the electric substation and the building, shall be subdivided into dry pavement areas for the area.
 5. All utility lines shown on this site are shown as approximate locations. The utility company shall be contacted to verify the location and depth of all utility lines.
 6. Any Preliminary Plat/Plat Part in the proposed Phase II (former Phase I) shall include the appropriate right-of-way for Center to the west property boundary.
 7. The one sixth of North Carolina Circle and west of Allen Drive will be available to the residential use to the west end bounded area to the south.



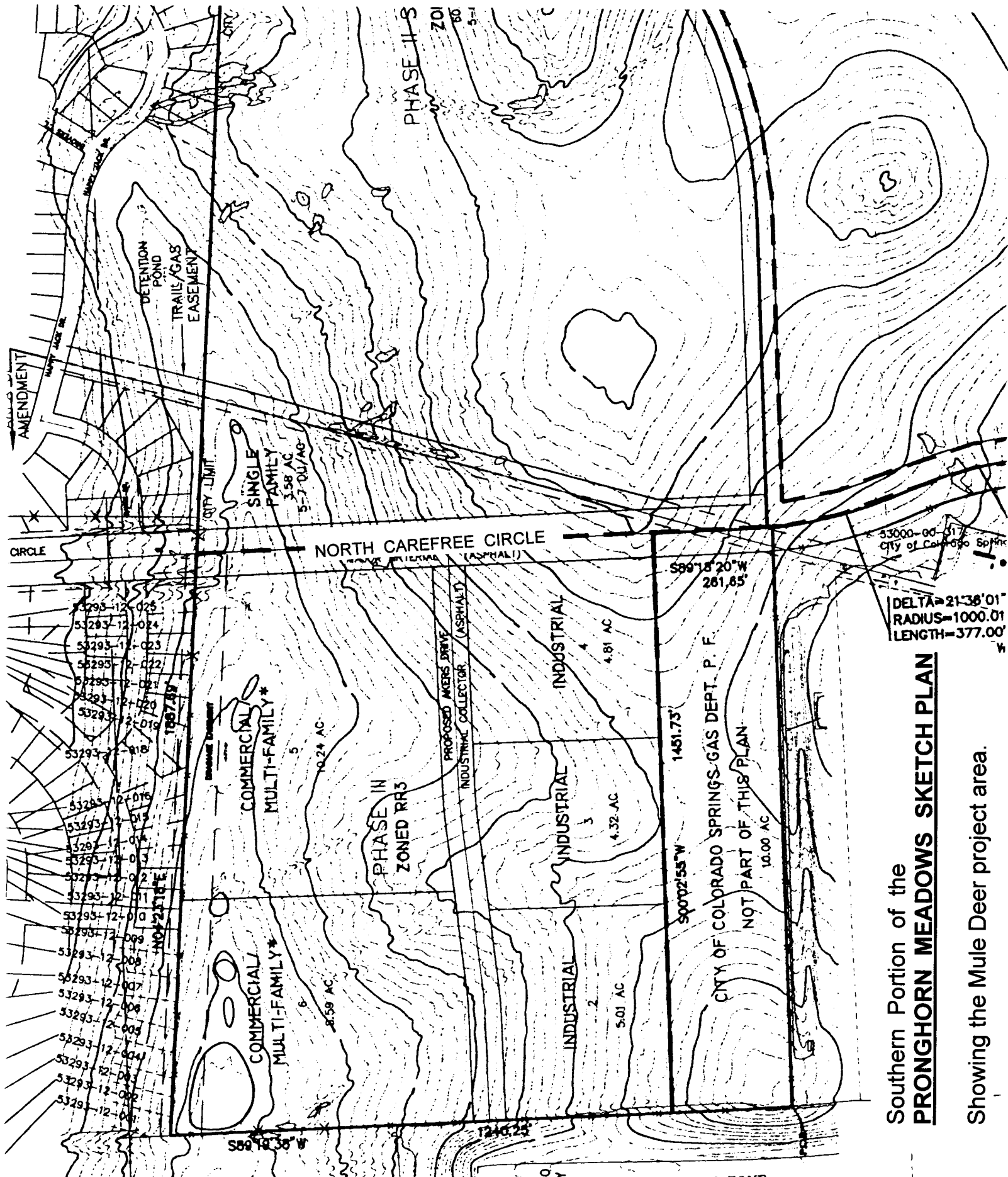
DATE:
 AREA: 258 AC GROSS (2.08 AC NET)
 DISTRICT ZONE: R-1 (IND)
 ZONING ZONE: R-1 (IND)
 DESIGN USE: INDUSTRIAL
 PROPOSED USE: OFFICE/WAREHOUSE
 MAX BLDG: 45'

PHASE I REQUIREMENTS:
 PARKING PROVIDED - 22 SPACES (INCLUDES 1 V/O)
 PARKING SPACES - 8'x18' - TYPICAL
 8'x18' - HANDICAP SPACE & ASSE

PHASE II REQUIREMENTS:
 PARKING PROVIDED - 10,800 SP & 1/750 - 15
 PARKING PROVIDED - 22 SPACES (INCLUDES 2 V/O)
 PARKING SPACES - 8'x18' - TYPICAL
 8'x18' - HANDICAP SPACE & ASSE

OWNER:
 MULE DEER INDUSTRIAL, LLC
 3200 AUSTIN BLVD, PEABODY, MA 01961
 COLORADO SPRINGS, COLORADO 80903

DATE: 05/28/03
PROJECT: 03064
DESIGNER: B. B. B. B.
CHECKER: B. B. B. B.
SCALE: 1/8" = 1'-0"



33000-00-017
City of Colorado Springs

DELTA = 21°38'01"
RADIUS = 1000.01
LENGTH = 377.00

**Southern Portion of the
PRONGHORN MEADOWS SKETCH PLAN**

Showing the Mule Deer project area.

53000-00-160
El Paso County
27 E. Vermijo Ave.
Colorado Springs, CO 80903-2208

EL PASO
COUNTY
DOT

COUNTY ZONE
PID