

NON-USE VARIANCE

November 1, 2000mtg.

STAFF MEMBER: Gina Herring

FILE NUMBER: HO NV 00-00141

1. REQUEST:

Request by NES, Inc. on behalf of Intel Corporation for approval of a non-use variance to the following section of the City Code:

1. Section 14.1-2-302 (Table 2.2.2) PIP Development Standards: to allow an 80' and 60' building heights where 45' is the maximum allowed.

This variance is requested to permit the construction of vent stacks in the PIP-1 (Planned Industrial Park) zoned property consisting of 2,602,840 sq. ft of lot area (59.753 acres) located at 1575 Garden of the Gods Road.

The request is for one vent stack with a maximum height of 80' and six stacks with a maximum height of 60'.

2. SITUATION AND FACTS

A. Existing Zoning/Land Use: PIP-1 (Planned Industrial Park) Intel Corporation

B. Surrounding Zoning/Land Use:

North - PIP-1 (Planned Industrial Park) / Industrial & Research & Development

South - R-1 6000 (Single Family Residential w/ Design Flexibility Overlay) Chelsea Glen (single family homes)

West - PIP-1 (Planned Industrial Park) / Industrial & Research & Development (Arrowswest)

East - PIP-1 (Planned Industrial Park) / Industrial & Research & Development (UTMC)

C. Zoning Enforcement Action: None

D. Applicable Land Use and History: Intel Corporation is currently expanding out this site for their high tech industrial use of manufacturing of microelectronic products. Several variances were approved in 1995 for this site, 1. (CPC SP 95-216) To allow a 95' building height where the maximum allowed is 45', to construct building #2. 2. (CPC SP 95-216-A1) To allow a 95' building height to construct building #3. 3. (CPC SP 95-216-A2) To allow a tower height of 95' for the construction of a nitrogen tower. On the current development plan, those areas are: Fab 23 manufacturing facility, GGI office building, and the N2 O2/CRYO yards. In 1995, two requests were also made to allow the expiration date of these non-use variances to eight (8) years where the maximum is six (6) months. These requests were approved. An amendment to the development plan was approved early this year to begin construction at this site under the approved height variances. With the approval of these variances it was projected that with full build out of this site, additional height variances would be required.

There is a large temporary structure located just past the guard house that is being used for a employee cafeteria until completion of the staff support building at the west end of the lot. There has been a temporary use permit issued for this structure with an expiration date of 4/2001.

Intel Corporation was issued a Letter Agreement to begin construction of these stacks that are being requested due to time constraints at the site. If the requests are denied, Intel will construct only to 45'.

E. Relationship to Goals and Policies of the Comprehensive Plan.

Economic Development

Policy 11.1.6 – Continue efforts to attract, retain and support the expansions of those identified desirable businesses which: A. Have minimal adverse environmental and resource impact, and B. Contribute to the diversification of the economic base, or C. Significantly contribute to the local tax base, or D. Use and train the existing employment base.

3. DEPARTMENTAL COMMENTS:

Electric: Any alterations to existing electric facilities will be at the developer/builder/owner's expense.

Gas: No objections to the referenced request.

Water Resources: Any required relocation off existing, or installation of new water/wastewater facilities will be at the expense of the owner/developer.

4. PLANNING STAFF ANALYSIS

Section 14.1-4-902.B sets forth three (3) criteria, which must be met if a non-use variance is to be granted. Following is an analysis of how the subject request meets or does not meet each of the three-(3) criteria:

A. The property has exceptional or extraordinary conditions that do not generally exist in nearby properties in the same zone district.

Criteria A is met due to the type of use involved on the site and the demand for the product.

B. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief.

Criteria B is met: At the time the previous variances were approved, the prior owners were proposing to sell the facility to an internationally known microelectronics manufacturer and that the user intended to expand the existing facilities over the next 15 years as demand for its products increased. The sizes of the tanks are required for the use of manufacturing of electronic products by this corporation. The request was anticipated in 1995 and is consistent with high tech. Industry.

C That the granting of the variance will not have an adverse impact upon the surrounding properties.

Criterion C is met: The granting of these variances should not be detrimental to public health, safety and welfare or injurious to surrounding properties. Intel held a neighborhood meeting with homeowners of the Chelsea Glen Subdivision to address concerns they may have in regards to these requests. The major issues that were discussed were noise and odor. As a part of this request, Intel is installing a 15' noise attenuator at the top of one stack, which adds x-tra height but helps to lessen noise to the adjacent properties. Any fumes that may come from the natural gas tanks are said to be non-toxic and is mixed through air vertically in the tanks to a height, that when released should be hardly detectable. The proposed stacks will not be as high as the previously approved structures on the site and should blend with the existing

so as to not be visually offending. The color of new stacks will match existing stacks and landscaping is being proposed at the south property line to help soften the visual impact of the structures. Code at Section 14.1-902E.3.d. states "The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property. The applicant is requesting reasonable use of the property.

PLANNING STAFF RECOMMENDATION

APPROVAL

Extension request of one year for full build-out of these stacks by the end of 2001.

6. ATTACHMENTS

Figure 1: Site Plan

Figure 2: Zoning and Surrounding Land Use

Figure 3: Photographs

Figure 4: Petitioner's justification