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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, Planner I
Elizabeth Nijkamp, PE Engineering Manager
Craig Dossey, Executive Director

RE: Project File #: AL-19-006
Project Name: 1425 Burnham St. Workzone Special Use
Parcel Nos.: 65102-14-001 and 65102-14-018

OWNER:	REPRESENTATIVE:
RAJ, LLC/Work Zone Traffic Control, Inc. 1115 Fir St. Pueblo, CO, 81001	Mulliken Weiner Berg & Jolivet P.C. 102 South Tejon, Suite 900 Colorado Springs, CO, 80903

Commissioner District: 4

Planning Commission Hearing Date:	12/17/2020
Board of County Commissioners Hearing Date	1/26/2021

EXECUTIVE SUMMARY

A request by Work Zone Traffic Control, Inc., for approval of a special use for a contractor's equipment yard in the CS (Commercial Service) zoning district. The 0.53-acre property is zoned CS (Commercial Service) and is located at the southeast corner of the Welton Drive and Burnham Street intersection, approximately 500 feet north of the South Academy Boulevard and Interstate 25 interchange and within Section 10, Township 15 South, Range 66 West of the 6th P.M. The property is not located within the boundaries of a small area plan.

The contractor's equipment yard consists of outside storage of equipment and traffic control devices. The use is existing and is currently the subject of a Code Enforcement



action (PCD file no. CE-19-049). On January 16, 2019, a Code Enforcement complaint was submitted regarding the use on the property. The owner submitted an application for special use on February 28, 2019. Due to project inactivity, a revised notice of violation was sent to the property owner on May 14, 2020.

The El Paso County Planning and Community Development Department sent notification to the adjacent property owners for the administrative special use process on June 23, 2020. One complaint was received from an adjacent landowner. Section 5.3.2(H) of the El Paso County Land Development Code (2019) specifies that “Any special use may be acted upon by the PCD Director. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing”. In this instance, a letter of opposition was received, and the special use application was elevated by the Director on November 2, 2020.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Work Zone Traffic Control, Inc., for approval of a special use for a contractor’s equipment yard in the CS (Commercial Service) zoning district.

Waiver(s)/Deviation(s): There are no waivers being requested in association with the special use request.

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: RS-6000 (Residential Suburban)	Residential
South: CS (Commercial Service)	Auto Body Shop
East: CS (Commercial Service)	Vacant
West: CS (Commercial Service)	Auto Repair /Storage Yard

E. BACKGROUND

The two parcels, totaling 0.53 acres, were originally zoned C-2 (Commercial) on May 10, 1942, when zoning was first initiated for this area of unincorporated El Paso County (Resolution No. 669212). The subject parcels were rezoned to PBP (Planned Business Park) as part of a County-initiated rezone on May 24, 1990 (Resolution No. 90-148). Lot 2 was rezoned to PBD (Planned Business District) on June 24, 1993 (Resolution No. PBD-93-001). In 2007, due to changes in the nomenclature in the Code, the PBD zoning district was renamed as the CS (Commercial Service) zoning district. A subsequent rezone on August 8, 1994 of nearby parcels 6510214010, 6510214011, 6510214014, and 6510214015 (Resolution No. 94-253) shows Lot 1 within the PBD zoning district; however, staff researched when Lot 1 was rezoned to PBD but could not find a record of that action in the County’s database.

The subject parcels were platted as Lots 1 and 2 of the Walbrach Subdivision on December 30, 1980 (Plat No. 5597). Configuration of these lots has not changed since subdivision, and they are considered legal zoning lots.

The current use was established in 2013 without prior approval. The contractor's equipment yard consists of two existing industrial buildings, which are being utilized for storage and manufacturing of traffic control devices. The contractor's equipment yard also includes the outside storage of equipment and traffic control devices. The existing structures were constructed in 1983.

The use is currently the subject of a Code Enforcement action (CE-19-049). On January 16, 2019, a Code Enforcement complaint was submitted regarding the use on this property. On December 6, 2018, the owner and applicant met with Planning and Community Development Department staff for an Early Assistance meeting regarding the special use. The applicant submitted an application on February 28, 2019 to legalize the contractor's equipment yard through the special use process. Due to project inactivity, a revised notice of violation was sent to the property owner on May 14, 2020.

The El Paso County Planning and Community Development Department sent notification to the adjacent property owners for the administrative special use process on June 23, 2020. One complaint was received from an adjacent landowner. Section 5.3.2(H) of the El Paso County Land Development Code (2019) specifies that "Any special use may be acted upon by the PCD Director. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing". In this instance, a letter of opposition was received, and the special use application was elevated by the Director on November 2, 2020.

If the special use request is approved, the applicant will be required to submit a site development plan in order to demonstrate compliance with the development standards of the Code and to allow the use to continue on the property. The site development plan will need to be substantially consistent with the site plan provided with the special use application and will need to provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Land Development Code (2019) identifies a "Contractor's Equipment Yard" as a special use in the CS (Commercial Service) zoning district. The use is not allowed in the CS zoning district without approval of a special use. The purpose of the special use process is to address potential impacts of certain land uses on existing and allowed uses in the area. The special use process considers the location, design, configuration, intensity, density, natural hazards and other relevant factors pertaining to the proposed use.

Section 1.15 of the Code defines a “Contractor’s Equipment Yard” as:

“A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment.”

The subject use consists of a contracting company that manufactures and places traffic control devices, such as barricades, on roads to divert traffic during construction. The business includes components of both indoor and outdoor storage of tools, equipment, materials, and vehicles to support the business.

The application meets the special use criteria identified in Section 5.3.2(C) of the Code. The surrounding properties are mainly utilized for vehicle repair and storage uses. The property to the west is utilized as a storage yard for car parts and machinery. To the south is located Auto Hail Zone, which is an automobile dent removal business, and to the southwest is located All Hours Mobile Auto Repair, an automobile repair shop, and Aspen Sign Co., a sign shop. Single-family detached residences are located to the north of the subject parcels. Staff recommends that the use is compatible with the surrounding non-residential uses which incorporate storage and are generally industrial in nature. The subject use is not compatible with the nearby residential uses; additional screening will be necessary to reduce visual clutter and noise.

From a transportation perspective, a contractor’s equipment yard could be considered less impactful than many uses allowed by right in the CS zoning district such as bars, liquor stores, and restaurants. Each of these other uses would likely generate much greater volumes of traffic and noise on the property than the proposed/existing contractor’s equipment yard. Additionally, regular hours of operation for many of the other uses would likely extend later than the hours of operation of the contractor’s equipment yard use. The applicant has indicated in the letter of intent that general operating hours for the business are 7:00 AM to 5:00 PM. However, the business also provides an on-call service and may provide traffic control for various incidents including traffic accidents, water/gas breaks from utility companies, and construction projects and may have trucks entering and existing the property at any time of day or night. Welton Drive, which runs directly adjacent to the property to the north, is primarily a residential street; however, existing road connections allow traffic generated by

the business to reach major roadways with minimal travel through residential areas.

In addition to potential traffic impacts, an outside storage facility could result in visual clutter as seen from the adjacent residential properties to the north if the storage areas are not properly screened from view. The applicant's proposed site plan confines all outside storage uses to the interior of the property to use the building placement to screen much of the material storage from view of the residential properties. Additionally, the applicant is proposing to construct a solid, opaque fence to screen the property from the roadway facing the residential properties. If the special use request is approved, the applicant will be required to submit and receive approval of a commercial site development plan. The site development plan will need to be substantially consistent with the site plan provided with the special use application.

2. Zoning Compliance

The subject property is zoned CS (Commercial Service). The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The density and dimensional standards for the CS zoning district are as follows:

- Minimum lot size – N/A
- Minimum zoning district area – 2 acres
- Setbacks – front 25 feet, sides 25 feet / 0 feet internal to the CS district, and rear 25 feet / 0 feet internal to the CS district
- Maximum lot coverage – N/A
- Maximum building height – 45 feet

The two (2) existing structures do not meet the dimensional standards of the CS zoning district. The two structures are located 14 feet and 16 feet from the north property boundary. The property to the north is zoned RS-6000 (Residential Suburban). The CS zoning district requires a side setback of twenty-five (25) feet from the perimeter boundary of the zoning district. The property was zoned C-2 (Commercial) when the structures were constructed in 1983. The C-2 zoning district at the time required a side setback of five (5) feet. The structures met all of the dimensional standards of the C-2 zoning district in place at the time of construction.

On November 24, 2020, a determination of nonconformity was made by the Planning and Community Development Director identifying the setback

encroachment as a legal nonconformity (See attached PCD File No. ADM-20-048).

The applicant is not proposing any additional construction or disturbance of land at this time. The use is existing, and the applicant's intent is to continue the use with the current site layout.

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:

Policy 6.1.11 – *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

Policy 6.3.4 – *Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.*

The subject property is zoned CS (Commercial Service) and is located within a subdivision comprised of properties also zoned CS. The use as a contractor's equipment yard is substantially consistent with the other uses within the general vicinity, including vehicle repair and storage uses. The property is located in close proximity to major transportation routes and is located within 500 feet of the South Academy Boulevard and the Interstate 25 interchange. Welton Drive provides connections to these major roadways, enabling traffic generated by the business to reach them without requiring traffic to travel through the neighboring residential areas.

The applicant has indicated approximately 60-70 average daily trips occur to and from the property and that general operating hours for the business are 7:00 AM to 5:00 PM but may also consist of trucks entering and exiting the property at any time of day or night. Despite the on-call nature of the business, the trips generated by the business are less than many other uses permitted by right in the CS zoning district and the likelihood of additional trips after 5:00 PM is much less than what would ordinarily be generated on a daily basis from a restaurant, bar, or retail-type of use. Additionally, these on-call trips do not occur every day. The applicant will need to provide 100% opaque screening of the outside storage

component of the use along Welton Drive in order to minimize visual impacts to residential properties on the north side of the road.

The applicant is not proposing to expand, increase, or change the nature of the existing business.

4. Small Area Plan Analysis

The property is not located within the boundaries of a small area plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

***Goal 1.1** – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

***Policy 1.1.1** – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

***Goal 1.2** – Integrate water and land use planning.*

The subject property is located within Planning Region 7, Fountain Area, which is expected to have the largest growth demand in the County by 2060. Specifically, the Plan states:

“Areas projected to develop by 2040 are located south of Fountain (City) on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25.”

The property is not located within an estimated area of future development. Region 7 does not draw from the Denver Basin aquifer and is not identified as potentially having issues regarding long term sustainable draw. The Plan identifies the current demands for Region 7 to be 10,141 AFY (Figure 5.1) with the projected need at build-out in 2040 at 15,845 AFY (Figure 5.2) and the

projected need at build-out in 2060 at 26,969 AFY (Figure 5.3). Region 7 currently has 15,376 AFY in supplies and is projected to have 27,840 AFY in supplies in 2060, which means by 2060 there is anticipated to be a surplus of 871 AFY (Table 5-2).

The property is serviced by the Stratmoor Hills Water District. The District was sent a referral and did not have any concerns with the proposal. Additionally, the applicant is not proposing any additions, expansions, or changes to the use at this time; therefore, there will not be an increase in water usage as a result of the special use approval. Additionally, the use has a low level of water consumption in comparison to other uses that are permitted by right in the CS zoning district such as restaurants, car washes, offices, and retail establishments.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Conservation District was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies sand and gravel with minor amounts of silt and clay deposited by water along present stream courses 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.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of this project.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Conservation District was sent a referral and have no outstanding comments.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0744 shows the property lies within the zone X area, which is determined to be outside the 500-year floodplain.

4. Drainage and Erosion

The property is located within the Fishers Canyon (FOMO3600) drainage basin. Although the Fishers Canyon drainage basin is a fee basin, no drainage or bridge fees are required for a special use. No public drainage improvements will be required. No land disturbance is being proposed at this time; therefore, erosion control measures will not be necessary.

5. Transportation

The site is accessed from Burnham Street. A traffic impact study was not required due to the subject use not expected to generate 100 daily vehicle trips. The 2016 Major Transportation Corridor Plan does not show any improvements required in this area.

H. SERVICES

1. Water

Water is provided by the Stratmoor Hills Water District. The District was sent a referral and did not have any comments.

2. Sanitation

Wastewater is provided by the Stratmoor Hills Sanitation District. The District was sent a referral and did not have any comments.

3. Emergency Services

The property is within the Stratmoor Hills Fire Protection District. The District was sent a referral and did not have any comments.

4. Utilities

Electrical and natural gas services are both provided by Colorado Springs Utilities (CSU). CSU was sent a referral and did not have any comments.

5. Metropolitan Districts

The property is not located within the service area of a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a special use application. The El Paso County Parks Master Plan (2013) does not identify any park lands or trails on the property.

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 major 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), staff recommends the following conditions and notations:

CONDITIONS

1. Approval shall be limited to the use as described in the applicant’s letter of intent and as shown on the site plan. Any subsequent addition or modification to the operation or facility beyond that described in the applicant’s letter of intent or depicted on the site plan shall be subject to administrative review, and if the Planning and Community Development Department Director determines that it constitutes a substantial addition or modification, than such addition or modification shall be subject to a new special use application.

2. Within ninety (90) days of special use approval, the applicant shall apply for and receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

3. Within 120 days of special use approval, the applicant shall provide 100% screening in the form of an opaque barrier, such as a solid wall or privacy fence (not chain link fencing), along Welton Drive to screen the use from residential properties. The barrier shall be a minimum of six (6) feet in height and shall meet

all applicable criteria as specified in the El Paso County Land Development Code.

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 seven (7) adjoining property owners on November 30, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
ADM-20-048
Neighbor Response

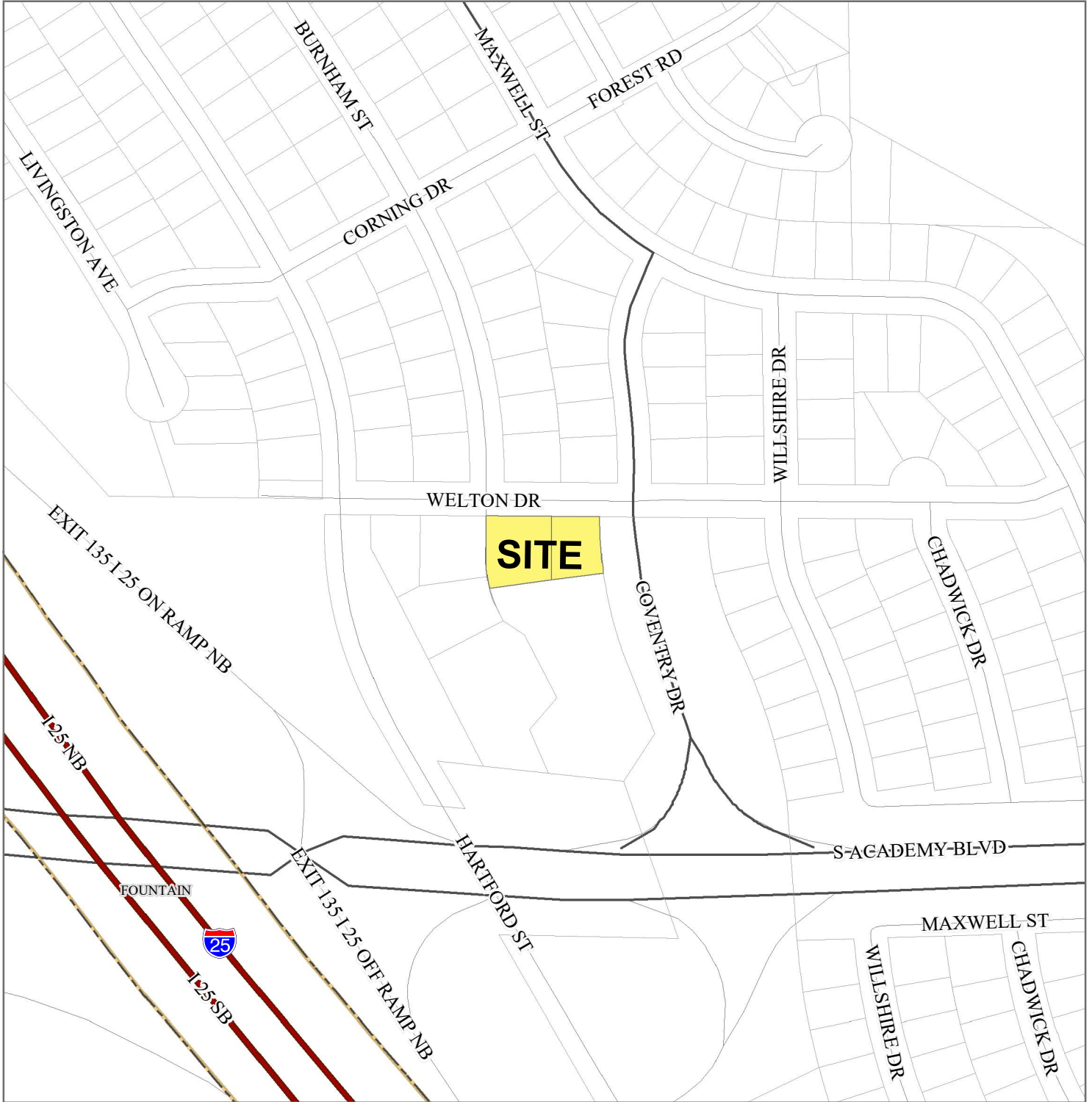
El Paso County Parcel Information

File Name: AL-19-006

PARCEL	NAME
6510214018	RAJ LLC
6510214001	RAJ LLC

Zone Map No. --

Date: November 25, 2020



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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**1425 Burnham St.
Colorado Springs, CO 80906
(719) 296-0222
F (719) 296-0333**

July 14, 2020

Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910

RE: Letter of Intent

RAJ, LLC/Work Zone Traffic Control, Inc owned and operated by John Volk III and Richard Robinson Jr., are requesting a special use permit authorization for a contractor's equipment yard on the parcel owned by our traffic control business. The location is at 1425 Burnham Street. Our business has been at this site since 2013 and has done made major upgrades to include a fully paved yard, privacy fence installation, and consistent upkeep of the trees and surrounding ground that is not our property, as well as maintaining the city bus stop near our business.

We consistently utilize this facility to store our traffic control devices when they are not on the roadways. We take all aspects of a business reputation highly. With that being said, we ensure that our traffic control devices are constantly neatly stacked and organized within our yard. We utilize our buildings as interior storage, as well as, a small sign manufacturing facility to make our own traffic control signs. The types of materials we store range from traffic cones, drums, signage and we also store our equipment being Message Boards, Arrow Boards and our trucks. Our buildings are also our office space to run daily office procedures through. Our office hours are 7am-5pm, however we are a 24/7 on call business as well. We can be called out at any time to provide traffic control to accidents on roadways, water/gas breaks from utility companies, and some of our construction projects require night shifts. With that being said, our company trucks will enter and exit the facility at any given time throughout the day/night. The in and out traffic of our vehicles, 60-70 average daily trips. This number is an at most for vehicles. These are typically the same trucks entering and exiting but each traffic site requires its own specific setup so we will have to return to load more devices for each site. This also

includes the breakdown of these sites and returning the devices to the yard at the end of the day, if the construction is a daily setup.

The special use will 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 will 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 in the surrounding area and has adequate legal access. The special use will comply with all 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 conforms or will conform to all other applicable County rules, regulations or ordinances.

The drainage from the proposed use will not adversely impact the adjacent properties.

Our site is again located at 1425 Burnham St. Zoning is under Commercial Service (CS). We are located directly off of I-25 South Academy Exit. Please see supporting vicinity maps for our exact building/yard location.

PCD FILE NUMBER AL196.

All questions and concerns can be directed to the Owner, Rich Robinson.

Mailed Questions can be sent to our headquarters office 1115 Fir St. Pueblo, CO 81001

Phone Number (719)296-0222 or via email rich_wztci@hotmail.com

We have strong intent to maintain our building location for all future years to come. We guarantee we will not be any sort of eye soar to any surrounding persons and will ensure that we are a handicap friendly business with our added designated parking space and ADA compliant rails and access entries. Our yard will maintain neatly organized and weed, tree, and ground maintenance will remain pristine. The location of this yard is very convenient for our Colorado Springs business. We are centrally located to easily commute to all surrounding traffic control requests and able to run business out of this office. We would like to continue to utilize this yard, as we have intended to do so for many years, for our business to continue to benefit the traveling public daily on roadways.

We thank you for your time and consideration in our request for a special use permit.

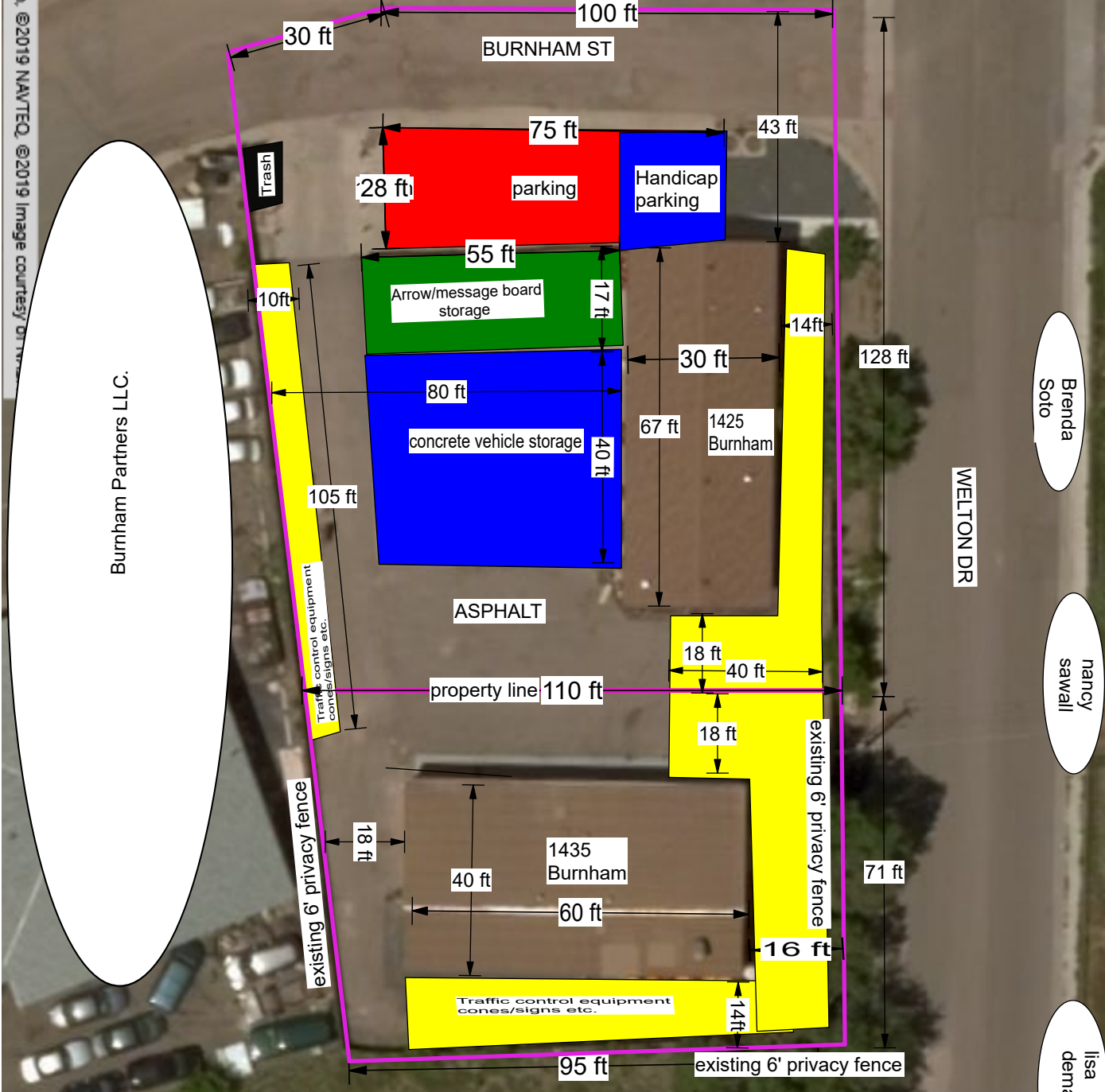




frankie portera

cimmaron mountain properties

PLOT PLAN / SPECIAL USE DRAWING
PCD file No. AL196



Brenda Soto

nancy sawall

lisa demaree

Burnham Partners LLC

El Paso County

COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

November 24, 2020
ATTN: Work Zone Traffic Control, Inc.

RE: Administrative Determination for 1425 Burnham St.

File: ADM-20-048
Parcel ID: 6510214001; 6510214018

To Whom It May Concern:

A request has been made for an interpretation regarding the above referenced parcel to confirm that the structures located on the property are considered nonconforming pursuant to the El Paso County Land Development Code (2019). The property must first be confirmed as a legal lot.

Section 1.15 of the Code defines a “Legal Lot” as:

“A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity.”

The property was legally platted on December 30, 1980 as Lots 1 and 2, Walbrach Subdivision (Plat #5597). The legal description and acreage of the parcels have remained unchanged since the creation date; therefore, the parcels are considered legal lots.

Compliance with Zoning Regulations:

The property was zoned C-2 (Commercial) on May 10, 1942, when zoning was first initiated for this portion of the County. The property was rezoned to PBP (Planned Business Park) as part of a County-initiated rezone on May 24, 1990 (Resolution No. 90-148). The property is presently zoned CS (Commercial Service).

Section 1.15 of the Code defines a “Structure, Nonconforming” as:



“Any legally existing structure which does not conform to the “location and bulk” regulations of this Code, either at the effective date of this Code or as a result of subsequent amendments which may be incorporated into this Code.”

In order to be considered nonconforming structures, the structures on this property would either need to have been constructed prior to the establishment of zoning or complied with the applicable regulations at the time of construction.

The structures on the property were constructed in 1983. The two existing structures are located 14 feet and 16 feet from the north property boundary, where adjacent to the RS-6000 zoning district. Today, the CS zoning district has a 25-foot setback where adjacent to other zoning districts.

The property was zoned C-2 when the buildings were constructed. At that time, the required side setback was 5 feet. The structures met all dimensional standards at the time of construction and conformed to the C-2 zoning district.

Discussion and Conclusion:

As a result of subsequent amendments to the Code, the two structures on this property no longer meet the side setback requirement. Therefore, the Planning and Community Development Department Director has made a determination that the structural setback can be considered legally nonconforming.

Any proposed development shall comply with all other applicable County, State, and Federal Regulations.

If you have any questions or concerns regarding this determination, please contact myself or Ryan Howser, Planner I, at (719) 520-6049 or ryanhowser@elpasoco.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig Dossey".

Craig Dossey
Executive Director
El Paso County Planning and Community Development Department

Nancy Sawall
1312 Coventry Dr
Colorado Springs
Colorado 80906
June 30, 2020

To Whom is in charge: Dale Seignry
I just saw Nancy Sawall at 1312 Coventry Dr.
Corner of Coventry and Welton. I said my
neighbors are against a contractors equipment
yard here. This is a residential area. My
neighbors wish as I do that no trucks are
parked on Welton Drive. I already have
large trucks and buses going in front
of my house. These trucks should be going
around on 85-87 instead of cutting thru
a residential area. Also it is difficult
getting into middle lane onto Academy.
Cars like to run into my yard and I am
always repairing my fence.

Thank you
Nancy, Sawall

File AL-19-006
PARCEL ID 65102-14-001

by Sawall
Coventry Dr.
rdo Springs
rado 80906

RECEIVED
JUL 13 2003
BY:

MEMBER 000 8002



06 JUL 2003 PM 2 1



*Labe Seigny, Planner II
El Paso Planning and
Community Development
2880 International Circle
Suite 110
Colorado Springs, Co 80910-3127*

