

EL PASO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

July 2, 2018

RE: ADM-18-001 Administrative Determination-Use Determination
1310, 1340 Ainsworth St
Colorado Springs, CO 80915
Schedule No. 54072-05-039 and 54072-05-040

Podoll and Associated LLC
1340 Ainsworth St
Colorado Springs, CO 80915

To Whom It May Concern:

This determination letter is in response to a request that has been made to the El Paso County Planning and Community Development Department for a determination as to whether the current use of the properties located at 1310 and 1340 Ainsworth Street, Colorado Springs, Colorado qualifies as "automobile sales" under the El Paso County Land Development Code. In addition, the request is to use the automobile sales business to do maintenance and service on used vehicles that are being sold, or are being prepared for sale.

Background

The subject parcels are located approximately 600 feet south of the intersection of Omaha Boulevard and Powers Boulevard within the CC (Commercial Community) zoning district. Automobile sales is a special use within the CC zoning district. Approval of a special use for each parcel was obtained to allow for automobile sales area (File No. AL03010 for Parcel No. 54072-05-039 and File No. AL06003 for Parcel No. 54072-05-040). Condition of Approval No. 4 on File No. AL03010 and Condition of Approval No. 5 on File No. AL06003 prohibits any type of automotive repairs on site. At the time of the special use applications, there was no definition for "Automobile Sales", as the term exists in the current Land Development Code (2018). Instead, the applicable Land Development Code in 2003 included the following definition:

Automobile and Trailer Sales Area: An open area, other than a street, used for the display, sale or rental of new or used automobiles, trailers, trucks, boats, recreational vehicles, other motorized vehicles, mobile homes and manufactured homes, and where no repair work is done except minor incidental repair and preparation work of vehicles and mobile homes and manufactured homes to be displayed, sold or rented on the premises.

In addition to retaining the definition of Automobile and Trailer Sales as list above, the current Land Development Code (2018) includes the following definition:

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Automobile Sales: The use of any structure, lot or parcel for a business involving the sale of automobiles. These establishments may include office space, parking lots for the display and storage of automobiles available for sale, parking areas for customers and employees, automobile repair facilities, facilities for bodywork, painting, or restoration, and sale of parts.

Discussion and Interpretation:

After reviewing the request, the prior special use approvals, and the applicable Land Development Code (2018) provisions, it is my determination that the current use of the parcels is still considered to be "Automobile and Trailer Sales Area" rather than "Automobile Sales", which is listed in the Land Development Code as a separate use. For that reason, the type of repair of automobiles allowed on the two properties shall be that specifically included in the definition of "Automobile and Trailer Sales Area" which includes "minor incidental repair and preparation work on automobiles, mobile homes and manufactured homes to be displayed, sold or rented on the premises."

The maintenance and service of vehicles accessory to automobile sales occurring on the subject parcels will not be considered automobile repair, pursuant to the definition of automobiles sales, unless the repairs being performed include bodywork, painting, or restoration. Such types of automobile repairs are not allowed in association with the "Automobile and Trailer Sales Area" use.

Please contact the assigned planner, Len Kendall, with any questions at (719) 520-6447.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Dossey", with a stylized, cursive script.

Craig Dossey
Executive Director
Planning and Community Development