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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

September 9, 2020

ATTN: Brett Hartzell, P.E.
El Paso County Department of Public Works
3275 Akers Drive, Colorado Springs, CO, 80922

RE: Administrative Determination for Rainbow Lodge Entrance Sign Non-Conformity

File: ADM2027
Parcel ID: 7403324077

Dear Mr. Hartzell:

A request has been made for determination regarding the above referenced parcel to confirm that the existing freestanding entrance sign can be considered nonconforming pursuant to the El Paso County Land Development Code (2019). Additionally, the request includes a determination that the sign can be replaced if removed for a public infrastructure project.

The property consists of Lots 4-9, Block 4 of the East Manitou subdivision (Plat No. 259) and is therefore considered a legal subdivision of land.

Compliance with Zoning Regulations:

The property was zoned C-2 (Commercial District) on May 11, 1942 when zoning was first initiated for this portion of the County and is currently zoned C-2. The sign does not have a known construction date, but documentation proving the sign's existence dates to June 9, 1998. The sign was removed in 2020 in order to accommodate public road improvements as part of the West Avenue Action Plan.

Section 1.15 of the Code defines a "Sign, Nonconforming" as:

"A legally existing sign which does not conform to the requirements of this Code either on the effective date of this Code or due to subsequent amendments to this Code."

In order to be considered a nonconforming sign, the sign would either need to have been constructed prior to the establishment of zoning or complied with the applicable regulations at the time of construction. It is possible that the sign met the definition of a directional sign when it was constructed, which is no longer defined in the Code.

Chapter 3 of the Code (1991) defines "direction signs" as:

"Signs which guide, instruct or direct viewers to a place or event. Such signs do not advertise, promote or identify a product, service or commercial development."

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

www.ELPASOCO.COM

At the time of construction, the sign met the definition for a directional sign and was considered as such. Since the sign's construction, the Code has been revised and no longer contains the definition for a directional sign; as a result, the sign can be considered nonconforming.

Section 5.6.6(A)(1) of the Code sets forth provisions for termination of rights to maintain a nonconforming sign:

"The right to maintain a nonconforming sign shall be terminated by one or more of the following events or activities:

- Abandonment of the nonconforming sign for a continuous period of one year;
The sign has not been abandoned for a continuous period exceeding one year and has been in continuous use since construction. The sign was recently removed to facilitate a public infrastructure project.
- Increase of any sign dimension;
The sign is not increasing in any dimension and is proposed to be placed back in the same location.
- Damage to or destruction of the nonconforming sign from any cause whatsoever, where the cost of repairing the damage or destruction exceeds 50% of the replacement cost of the sign on the date of the damage or destruction. In determining the replacement cost of a nonconforming sign, the cost of the land, the cost of renting land, or any factor other than the cost of the sign itself shall not be considered; or
The sign has not been damaged to the extent where restoration would exceed 50% of the cost of repairing the sign. Only minor cosmetic changes such as rust removal and new paint are proposed at this time.
- Failure of the nonconforming sign to comply with this Code at time of construction."
The sign complied with the Code at the time of construction, as it was considered a directional sign at that time.

The sign meets all the above provisions; therefore, the right to maintain the sign can remain.

Conclusion and Interpretation

It is the determination of the Planning and Community Development Director that the sign can be considered legally nonconforming due to it meeting the definition of a directional sign set forth in the Code at the time of construction. Because the sign has not been destroyed and will be replaced with minor cosmetic changes, it meets the criteria in Section 5.6.6 and can therefore be replaced as proposed.

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, AICP, Planner I, at (719) 520-6049 or ryanhowser@elpasoco.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Nina". The signature is written in a cursive style with a large initial "N" and a smaller "ina" following.

Nina Ruiz on Behalf of Craig Dossey, Executive Director
El Paso County Planning and Community Development Department