

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
MegganHerington@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

March 13, 2024

RE: Special Use – Contractor’s Equipment Yard  
File: AL-23-016  
PID: 5418001017

This is to inform you that the above referenced request for approval of a Special Use application for a Contractor’s Equipment Yard located at 6435 E. Platte Avenue in Colorado Springs was **approved** by the Planning and Community Development Director on March 13<sup>th</sup>, 2024. Contractor’s Equipment Yards require approval of a special use permit in the Light Industrial (I-2) zoning district as outlined in Table 5-1 (Principal Uses) of the Land Development Code (as Amended). It is the determination and finding of the Planning and Community Development Department (PCD) Director that the application meets the review criteria for approval of a Special Use included in Section 5.3.2 of the El Paso County Land Development Code (as Amended).

This approval is subject to the following conditions and notations:

#### **CONDITIONS OF APPROVAL**

1. Approval is limited to a Contractor’s Equipment Yard, as discussed and depicted in the applicant’s letter of intent and site plan drawings.
2. Approval of a site development plan by the Planning and Community Development Department is required prior to initiation of the proposed use and site improvements as depicted in the site plan exhibit and described within the letter of intent.

#### **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 may require a 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.

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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.

Pursuant to Colorado Rule of Civil Procedure 106, this decision may be appealed to the El Paso County District Court within 28 days of the date of the decision. Should you have any questions, please contact me at (719) 520-6442.

Sincerely,



Meggan Herington, AICP, Executive Director  
El Paso County Planning and Community Development Department  
File: AI-23-016



## Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | [www.elpasoco.com](http://www.elpasoco.com)

### Type C Application Form (1-2B)

Please check the applicable application type (Note: each request requires completion of a separate application form):

- ☐ Administrative Relief
- ☐ Certificate of Designation, Minor
- ☐ Site Development Plan, Major
- ☐ Site Development Plan, Minor
- ☐ CMRS Co-Location Agreement
- ☐ Condominium Plat
- ☐ Crystal Park Plat
- ☐ Early Grading Request associated with a Preliminary Plan
- ☐ Maintenance Agreement
- ☐ Minor PUD Amendment
- ☐ Resubmittal of Application(s) (>3 times)
- ☐ Road or Facility Acceptance, Preliminary
- ☐ Road or Facility Acceptance, Final
- ☐ Townhome Plat

**Administrative Special Use (mark one)**

- ☐ Extended Family Dwelling
- ☐ Temporary Mining or Batch Plant
- ☐ Oil and/or Gas Operations
- ☐ Rural Home Occupation
- ☐ Tower Renewal
- ☒ Other **Contractor's Equipment Yard**

**Construction Drawing Review and Permits (mark one)**

- ☐ Approved Construction Drawing Amendment
- ☐ Review of Construction Drawings
- ☐ Construction Permit
- ☐ Major Final Plat
- ☐ Minor Subdivision with Improvements
- ☐ Site Development Plan, Major
- ☐ Site Development Plan, Minor
- ☐ Early Grading or Grading
- ☐ ESQCP

**Minor Vacations (mark one)**

- ☐ Vacation of Interior Lot Line(s)
- ☐ Utility, Drainage, or Sidewalk Easements
- ☐ Sight Visibility
- ☐ View Corridor

☐ Other: \_\_\_\_\_

This application form shall be accompanied by all required support materials.

**PROPERTY INFORMATION:** Provide information to identify properties and the proposed development. Attached additional sheets if necessary.

Property Address(es):

6435 E PLATTE AVE COLORADO SPRINGS CO, 80915

Tax ID/Parcel Numbers(s)

5418001017

Parcel size(s) in Acres:

5.1

Existing Land Use/Development:

Industrial

Zoning District:

I-2

- ☐ Check this box if **Administrative Relief** is being requested in association with this application and attach a completed Administrative Relief request form.
- ☐ Check this box if any **Waivers** are being requested in association with this application for development and attach a completed Waiver request form.

**PROPERTY OWNER INFORMATION:** Indicate the person(s) or organization(s) who own the property proposed for development. Attached additional sheets if there are multiple property owners.

Name (Individual or Organization):

AAA Lion Properties, LLC

Mailing Address:

1390 Utica St. Denver, CO 80204

Daytime Telephone:

303-906-8991

Fax:

Email or Alternative Contact Information:

aalionmgmt@gmail.com

**Description of the request:** (attach additional sheets if necessary):

Special Use for a Contractor's Equipment Yard in the I-2 Zone District. New private drive will provide access to individual storage yards leased to contractors and others. See Letter of Intent and submittal materials for additional information.

**For PCD Office Use:**

Date:

File:

Rec'd By:

Receipt #:

DSD File #:



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**APPLICANT(S):** Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary).

Name (Individual or Organization): Ari Aragon, AAA Lion Properties, LLC	
Mailing Address: 1390 Utica St. Denver, CO 80204	
Daytime Telephone: 303-906-8991	Fax:
Email or Alternative Contact Information: aaalionmgmt@gmail.com	

**AUTHORIZED REPRESENTATIVE(S):** Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization): Peter Patten, Patten Associates, Inc.	
Mailing Address: 4271 Horse Gulch Loop Colorado Springs, CO 80924	
Daytime Telephone: 970-846-9111	Fax:
Email or Alternative Contact Information: ppatten@pattenassociates.com	

### **AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVE(S):**

An owner signature is not required to process a Type A or B Development Application. An owner's signature may only be executed by the owner or an authorized representative where the application is accompanied by a completed Authority to Represent/Owner's Affidavit naming the person as the owner's agent

### **OWNER/APPLICANT AUTHORIZATION:**

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: \_\_\_\_\_

Date: 12/7/2023

Owner (s) Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant (s) Signature: \_\_\_\_\_

Date: 12/7/2023

# **Letter of Intent**

## **Special Use for Contractor's Equipment Yard for Lot 2 East Platte Subdivision**

### **PCD FILE #AL2316**

Owner and Applicant: AAA Lion Properties, LLC, Ari Aragon, Telephone: 303-906-8991; email: [aaalionmgmt@gmail.com](mailto:aaalionmgmt@gmail.com)

Consultant: Peter Patten, Patten Associates, Inc. (970)846-9111; [ppatten@pattenassociates.com](mailto:ppatten@pattenassociates.com)

Property Address: 6435 E. Platte Ave. Colorado Springs 80915

Parcel Number: 5418001017

Current Zoning and Acreage: I-2 Limited Industrial with CAD-O; 5.1 acres

### **Summary of the Special Use Request**

#### **Existing Conditions**

Lot 2 East Platte Subdivision is located south E. Platte Ave., west of Cherokee Metropolitan District Tract A and east of the Clearway industrial subdivision. The property is 5.1 acres and is zoned Limited Industrial (I-2) with a CAD-O overlay. The site was formerly a paint ball operation and is vacant except for one small building used for storage purposes, several truck trailers and various items related to the past use of paint ball operation. In 1984, a Special Use was approved for "outside storage of heavy equipment vehicles and underground fuel storage in conjunction with a contractor's equipment yard within a PID (Planned Industrial District)". In August 2012, a Variance of Use was approved for the "outdoor paintball fields".

There is one existing access to Highway 34 (Platte Avenue frontage road) on the northwest corner of the property. There is some existing fencing on the perimeter of the site. No portion of the site is within the 100 year floodplain. There is a sewer easement for the Cherokee Metro District going through the site and an electric line to the existing building. No other utilities are on the site. The site is being cleaned up by the current owner for sale to AAA Lion Management, LLC.

#### **Specific Request**

A Special Use is requested for a Contractor's Equipment Yard. No subdivision is proposed – only leased and fenced outdoor storage yards. A gravel private driveway access meeting the standards of the Cimarron Hills Fire Department will be constructed through the site, including a hammerhead turnaround at the south end. A new access to a single storage yard is proposed to the east of the current access. Individual storage yards will be created and leased to various companies. Storage will not occur on the steep eastern slope adjacent to East Fork Sand Creek. No storage, materials, or fencing will be placed in the floodplain because there is no 100 year floodplain on the property. There are no proposed buildings or structures. No new utilities are proposed.

#### **Justification for the Request**

The proposed use is consistent with the industrial and commercial uses on the property and the surrounding properties for many years. As mentioned above, a Special Use for similar uses was previously approved by EPC. Industrial uses occur on both sides of the property. The immediate area contains similar and compatible uses. The private access drive will meet Cimarron Hills Fire District standards. The proposal meets all the applicable criteria for a Special Use (see below).

#### **CAD-O Overlay Zone**

The Special Use proposal is within the Commercial Airport District Overlay Zone (CAD-O). No buildings are proposed and no impact to, or conflicts with, airport activity is anticipated.

## **Compliance with Definition of Contractor's Equipment Yard and Applicable Use Standards**

The proposal is entirely consistent with the following definition of Contractor's Equipment Yard found in Section 1.15. DEFINITIONS OF SPECIFIC TERMS AND PHRASES:

**“Contractor's Equipment Yard** -- 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.”

## **Compliance with EPC Master Plans**

### **Your El Paso Master Plan**

The Special Use is a Light Industrial use which YEPMP states is to be located in either an Employment Center Placetype or a Military Placetype. The site is located in an Employment Center Placetype. The Special Use does not conflict with other provisions in the Your El Paso Master Plan.

### **EPC Water Master Plan**

The EPC Water Master Plan is not applicable as the proposal does not involve the use of domestic or irrigation water.

### **Anticipated Traffic Generation and Access**

A Traffic Impact Study has been completed and submitted.

## **Compliance with Special Use Criteria of Approval**

- The special use is generally consistent with the applicable Master Plan;

The Special Use is a Light Industrial use which is to be located in either an Employment Center Placetype or a Military Placetype. The site is located in an Employment Center Placetype.

- 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 area is comprised of commercial/industrial uses including the adjacent Clearway Industrial Subdivision, the Cherokee Metro District facilities and a Contractor's Equipment Yard. Adjacent zoning and uses are compatible with the proposed use.

- 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 overburden or exceed the capacity of public facilities and services.

- The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;

Please refer to the TIS that has been submitted.

- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;

The operation of the Special Use will comply with applicable laws and regulations.

- 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.

The special use will not be detrimental to the public and will conform to all applicable County rules, regulations or ordinances.

