

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
KevinMastin@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

October 06, 2022
955 Valley Street Colorado Springs, CO 80915
Parcel 5407313024
Plat 12982

ATTN: Aloise McCullough

CO: PZR

RE: 955 Valley Street Colorado Springs, CO 80915 Zoning Determination

File: ADM-22-33

Dear Ms. McCullough,

A request has been made for the determination regarding the proper “use” categorization under the El Paso County Land Development Code (2022) for a business that includes the following activities:

“Sales, rentals, storage (both outdoor and indoor), warehousing, maintenance, and repair of construction, household, roadway and other machinery, power and HVAC equipment, tools, storage containers, modular offices and contractor supplies; the provision of trench shoring, trench shields, road plates or related trench and safety equipment and services for highway construction projects; renting, delivering, selling, servicing and storing (both outdoors and indoors) portable and fixed sanitation equipment, products and solutions, and ancillary equipment, parts and supplies related to such equipment, products and solutions; and for offices and other related uses in connection with the above referenced business”

A request has also been made to determine if the proposed use is compliant with the currently active land use requirements and El Paso County Master Plan guidance.

Existing Use

The property is zoned Commercial Service (CS) and included in the Commercial Airport Overlay District (CAD-O). The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The CAD-O promotes the free and unobstructed passage of all aircraft in, through, and across all of the navigable airspace above the communities served by the airports is a defined right under federal and state law.

At present the land is being used in accordance with the zoning regulations. It hosts a construction tool and equipment rental company. It also has a shop, offices, and parking lot.

Additional Considerations

The parcel was issued plat number 12982 in 2009 and is considered a legal lot. There are 17' of utility easements divided roughly evenly on the north, east, and south boundaries of the lot. On the south boundary there is also a 20' drainage easement. This parcel is considered outside of all 500-year floodplains. There are no slopes of 30% or greater.

The EPC Master Plan, considers this parcel an Employment Center placetype. Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County.

Cherokee Metropolitan provides water and wastewater services to the parcel. CSU provides electricity and gas services. Fire Protection and Emergency Medical Services are provided by Cimarron Hills Fire Protection District.

Per EDARP (Electronic Development Application Review Program), there are no code violations recorded against the parcel. The only files located represent the system of record for the County's efforts to verify zoning compliance.

Proposed Use

The applicant has described in detail the proposed use in the request letter. The relevant aspects of the use include:

- Storage, sales, and rental of construction machinery and equipment
- Storage, sales, and rental of trenching equipment and ancillary equipment for its function
- Storage, sales, and rental of sanitation equipment and ancillary equipment for its function
- Offices for the management of equipment and functions listed above

Land Development Code Analysis

Section 1.15 of the Code defines “Heavy Equipment Rental, Sales or Storage” as:

Heavy Equipment Rental, Sales or Storage — An establishment where large machinery and tools used for construction and building purposes are rented, sold or stored, which may include maintenance and parts sales. Heavy equipment shall include but not be limited to bulldozer, tractor, grader, caterpillar tractor, crane, backhoe, trencher, and earthmover.

It could also be considered as:

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.

Based on the applicant’s letter of intent and the definition for “Heavy Equipment Rental, Sales or Storage” and “Contractor’s Equipment Yard” it is the determination of the Planning and Community Development Executive Director that either use, as described in the applicant’s request letter, does constitute a continuation of the uses authorized in an area zoned CS (Commercial Services). However, both uses require a Special Use Permit prior to authorization.

Conclusion and Interpretation:

The proposed uses are allowed but both require the applicant to conduct the special use approval process as these are not a use by right in CS zoning. An administrative special use does not require an EA meeting but does require public notification by the applicant before submission. If you decide to pursue this option, the Planning Department will initiate a project on your behalf to manage the administrative process of a Special Use Permit.

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 Dan Feuerbach Planner I, at (719) 520-7943 or danielfeuerbach@elpasoco.com.

Sincerely,



Justin Kilgore
Planning Manager
El Paso County Planning and Community Development Department