

VA-19-007
ERAC Variance of Use

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Review Criteria

- 5.3.4 Variance of Use
 - The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship;
 - The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
 - The proposed use will be able to meet air, water, odor or noise standards established by the County, State or Federal regulations during construction and upon completion of the project;
 - The proposed use will comply with all applicable requirements of this Code and all applicable County, State, and federal regulations except those portions varied by this action;
 - The proposed use will not adversely affect wildlife or wetlands;
 - The applicant has addressed all off-site impacts;
 - The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing screening, and landscaping; and/or
 - Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

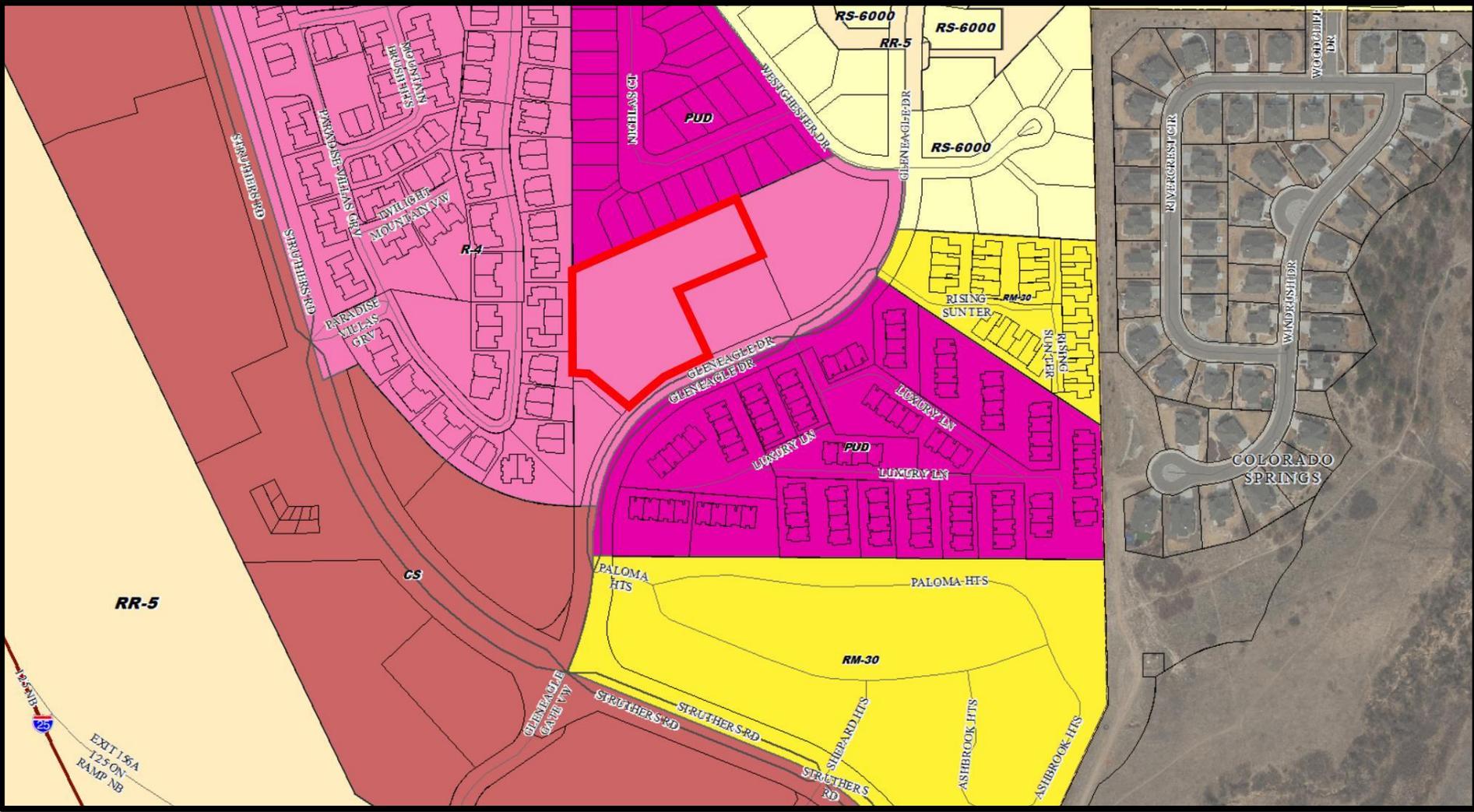
Request

- A request by Bucher Design Studio, Inc., on behalf of Nate Vaccari (tenant) and Gleneagle Square, LLC (owner), for the approval of a variance of use to allow an automobile and trailer sales area, as defined by the Land Development Code (2019), but more specifically an establishment for renting vehicles.
- This request is not associated with the Uhaul business located on the same parcel.

ERAC Variance of Use

- Owner: Gleneagle Square, LLC
- Tenant: Nate Vaccari
- Owner's consultant: Bucher Design Studio, Inc

Zoning



Area of Variance of Use



Background

- The property was designated as commercial in the Donala Master Plan approved April 12, 1972. The site was originally platted as Lot 1, Block 1 of the Donala Subdivision Filing No. 1, recorded July 17, 1972. At that time the zoning was PBC-2 (Planned Business Center-2) zoning district which was subsequently changed to the PBP (Planned Business Park) zoning district.
- The property was approved for a map amendment (rezoning) from the PBP (Planned Business Park) zoning district to the R-4 (Planned Development) zoning district by Resolution No. 84-114 on April 26, 1984. The intended use of the property as a result of this approval was multi-family residential. Furthermore, a vacation and replat (VR-86-020) was approved by the Board of County Commissioners on November 24, 1986, to create the current configuration of the subject parcel. The covenants created during this approval allowed commercial uses on the parcel. There is no indication that an Automobile and Trailer Sales Area is specifically allowed within those documents.
- The R-4 (Planned Development) zoning district is an obsolete zoning district. The land uses that may be allowed within these zoning areas differ and are subject to the original review and approval of an application for a map amendment to the R-4 zoning district designation. As an obsolete zoning district, this zoning designation can no longer be requested.

Definitions

- Use of a rental car establishment not defined in the Land Development Code.
- A rental car establishment is defined under a Automobile and Trailer Sales Area, as an open area used for display, or rental of automobiles, trailers, boats, recreational vehicles, mobile homes and manufactured homes within the Code.
- Staff suggested a Variance of Use due to no provisions of a Automobile and Trailer Sales Area being allowed within this R-4 zoning district.

Small Area Plan

- The property is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000), specifically Gleneagle/Academy View Sub-Area.
- The Tri-Lakes Area Concept Plan, Map 7.1 of the Tri-Lakes Comprehensive Plan (2000), indicates the subject parcel is located in a high density area. The sub-area Gleneagle-Academy View encourages commercial and non-residential type land uses to be located in areas designated as mixed use and should be designed in a manner that is sensitive to the surrounding residential uses. Staff recommends that the proposed variance of use is generally consistent with the small area plan.

Transportation

- The property is accessed via Gleneagle Drive. A traffic impact study was not required and the County Road Impact Fee does not apply to this request because the variance of use is not expected to generate 100 more daily vehicle trips than the property would be expected to generate without the variance of use request being approved.

Conditions of Approval

- Any subsequent addition or modification to the requested use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial change, then such addition or modification shall be subject to review and approval by the Board of County Commissioners.
- Within 60 days from the date of approval, the applicant shall submit a site plan for review and approval by the Planning and Community Development Department. The site plan shall provide a detailed depiction of existing and proposed structures associated with the approved variance of use permit.
- The variance of use is limited to a maximum of 10 rental vehicles on site at any given time.

Notations

- Variance of use approval includes conditions of approval and the accompanying site plan and letter of intent. No expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
- The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
- If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

Public Notice

- Thirty-one (31) adjoining property owners were notified on October 29, 2019.
- 5 responses were received in opposition.
 - Noise
 - Lights
 - Traffic



Questions

