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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Gabe Sevigny, Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: VA-19-007
Project Name: ERAC Gleneagle Variance of Use
Parcel No.: 62063-04-026

OWNER:	REPRESENTATIVE:
Gleneagle Square, LLC ATTN: Nate Vaccari 31 Martin Lane Englewood, CO 80113	Bucher Design Studio, Inc. 12325 Oracle Blvd, Suite 111 Colorado Springs, CO 80921

Commissioner District: 1

Planning Commission Hearing Date:	11/19/2019
Board of County Commissioners Hearing Date	12/10/2019

EXECUTIVE SUMMARY

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. The 2.72 acre parcel is zoned R-4 (Planned Development)(Obsolete) and is located on the north side of Gleneagle Drive, approximately 0.2 miles northeast of the Struthers Road and Gleneagle Drive intersection. The parcel is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000).



The R-4 (Planned Development - Obsolete) zoning district does not allow automobile and trailer sales. The Land Development Code does not specifically list car rental establishments as a use; however, it is included within the definition of Automobile and Trailer Sales Area. If the application for a variance of use is approved, then the applicant would be authorized to have a maximum of five (5) employees serving approximately 30 customers per day with a total of 10 rental cars stored on the property at any time, and a private car wash bay located within the structure.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

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.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a 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 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.

D. LOCATION

North:	PUD (Planned Unit Development)	Residential
South:	PUD (Planned Unit Development)	Multi-family
East:	RM-30 (Residential Multi-Dwelling)	Multi-family
West:	R-4 (Planned Development)	Multi-family

E. 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.

The Automobile and Trailer Sales Area use was not included when the R-4 (Planned Development) zoning district was approved. For that reason, staff recommends that an approval of a variance of use application is required in order to establish the use on the property.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Land Development Code (2019) defines the uses allowed in the R-4 (Planned Development) zoning district as those uses listed on the approved development plan on file with the Planning and Community Development Department and those uses identified within the BoCC resolutions adopted in conjunction with R-4 zoning approval.

The Code defines an Automobile and Trailer Sales Area, as an open area used for the display, sale, or rental of automobiles, trailers, boats, recreational vehicles, mobile homes and manufactured homes, and where no repair work is done except minor incidental repair and preparation work on automobiles, mobile homes and manufactured homes to be displayed, sold or rented on the premises.

The requested use is not consistent with the approved R-4 (Planned Development) zoning district as it was intended for multifamily residential, without approval of a variance of use. The covenants that were recorded with approval of the vacation and replat (VR-86-020) allowed for commercial uses, which likely led to the current commercial center on the parcel. However, there is no indication that an Automobile and Trailer Sales Area is an allowed use under the R-4 zoning and, furthermore, the use table in the Code also does not allow for the use in the R-4 zoning district.

2. Zoning Compliance

At the time of approval of the subject R-4 (Planned Development) zoning district, the sketch plan indicated commercial, but the intent was for multi-family residential. Approval of the R-4 zoning district did not specify density or setback requirements; however, the approval recommended those requirements to be established at the platting stage.

The vacation and replat (VR-86-020) established covenants for the Shoppe at the Glenn under Book 5302 Page 1075 that established the following requirements:

- Maximum lot coverage: 33 percent
- Maximum height: 30 feet
- Minimum setbacks from all property lines: 25 feet

The uses were also defined as commercial with no mention of an Automobile and Trailers Sales Area.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

***Policy 6.2.12-** Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.*

***Policy 6.3.4-** Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.*

The subject parcel is located within an existing shopping center that includes multiple commercial uses. The applicant has stated in their letter of intent that no more than 10 vehicles will be stored at any one time, that they will have a maximum of five employees, and that they expect no more than 30 customers daily. This indicates a low impact commercial business that is not expected to have adverse impacts on the surrounding multi-family development. Staff recommends that the proposed variance of use is compatible in terms of scale and physical character.

4. Small Area Plan Analysis

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.

5. Water Master Plan Analysis

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. For background, the Water Master Plan has three main purposes; to better understand present conditions of water supply and demand; to identify efficiencies that can be achieved; and to encourage best practices for water demand management through the comprehensive planning and development review processes.

The site is served by Donala Water and Sanitation District. The District provided a commitment letter to continue to serve this site. The applicant has stated in the letter of intent that the car wash will be low volume and include a water reclamation system which will help minimize water consumption. The low volume car wash along with installation of a water reclamation system supports the goals and policies of the El Paso County Water Master Plan (2018) by including water supply efficiencies, implementing water conservation and reclamation measures, and utilizing best practices.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential

The Master Plan for Mineral Extraction (1996) identifies Stream Terrace Deposit and Eolian Deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date. El Paso County Planning and Community Development Department notified the mineral rights owner on October 29, 2019.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No physical hazards were identified in the review of the variance request.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

3. Floodplain

FEMA Flood Insurance Rate Map No. 08041C0287G, which has an effective date of December 7, 2018, shows the property is located within flood zone X which is an area of minimal flood hazard and determined to be outside the 500-year floodplain.

4. Drainage And Erosion

The property is located in the Black Forest drainage basin (FOMO4200), which is a studied basin and is included in the Drainage Basin Fee Program; however, drainage or bridge fees are not assessed with variance of use requests.

5. 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.

H. SERVICES

1. Water

Water is provided by Donala Water & Sanitation District. The District was sent a referral and has no outstanding comments.

2. Sanitation

Wastewater is provided by Donala Water & Sanitation District. The District was sent a referral and has no outstanding comments.

3. Emergency Services

The property is within the Donald Wescott Fire Protection District. The District was sent a referral and did not provide any comments.

4. Utilities

Electrical service is provided by Mountain View Electric Association and natural gas service is provided by Black Hills Energy.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a variance of use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a variance of use application.

I. APPLICABLE RESOLUTIONS

Approval Page 51

Disapproval Page 52

J. STATUS OF MAJOR ISSUES

There are no major issues.

K. RECOMMENDED CONDITION AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4 of the El Paso County Land Development Code (2019); staff recommends the following conditions and notations:

CONDITIONS

1. 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.
2. 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.
3. The variance of use is limited to a maximum of 10 rental vehicles on site at any given time.

NOTATIONS

1. 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.
2. 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.
3. 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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 31 adjoining property owners on October 29, 2019, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan

El Paso County Parcel Information

File Name:

PARCEL	NAME
6206304026	GLENEAGLE SQUARE LLC

Zone Map No.

ADDRESS	CITY	STATE
31 MARTIN LN	ENGLEWOOD	CO

ZIP	ZIPLUS
80113	4826

Date:



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (919) 520-6600



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Letter of Intent

Owner

Gleneagle Square LLC
31 Martin Lane Englewood, CO 80113

Applicant

Nate Vaccari
7201 S. Fulton Street
Centennial, CO 80112
970.301.1071
Nathaniel.L.Vaccari@ehicom

Architect/Consultant

Bucher Design Studio, Inc.
12325 Oracle Blvd, Suite 111
Colorado Springs, CO 80921
(719) 484-0480

Site Information

13854 Gleneagle Drive
Colorado Springs, CO 90921
Size: Site - 2.72 Acres
Zone: R-4 (obsolete)

Request and Justification

It is requested that a variance of use be accepted for the suite in the parcel listed above. The property is zoned R-4 (an obsolete zoning designation) which only allowed retail uses under the outdated code. The new use represents a low traffic, quiet, commercial use for a site that previously housed a convenience store and gas station.

Existing and Proposed Facilities/Structures

The suite is currently vacant and was last used as a convenience store and gas station. There is a gas station canopy on site that is being used for U-Haul truck rental. The canopy will remain and be used to stage rental cars. The suite shall be remodeled for use as a car rental office and a new wash bay will be added within the suite. The existing buildings will not change in area or footprint and the canopy and parking lot will remain.

STANDARDS OF REVIEW AND FINDINGS

Adverse Impacts

Adverse impacts to surrounding properties from the proposed use will be minimized by adequate controls.

The proposed car rental use will not adversely affect neighboring properties, as it is a low traffic use that is quieter than both the previous convenience store and the current U-Haul rental uses. The existing site lighting will not be altered. Existing surface drainage shall be unchanged and will not adversely impact the adjacent properties.

Operational Plan

The submitted operational plan identifies procedures and provisions which adequately assure that the office will be operated in an acceptable manner and will cause minimal negative impacts, including:

- Hours and methods of operation will be compatible with the neighboring land uses: 7:30am-6:00pm, Monday-Friday; and closed on weekends.
- Fire protection and emergency response plans will be adequate for the type of use proposed.
- The location primarily delivers automobiles to customers off site minimizing traffic from customers picking up and dropping off vehicles.

Recycling Goals

The proposed use produces very little trash or refuse. The user shall incorporate common internal recycling of the small amount of business-related trash. Water used for the proposed wash bay is low volume and will make use of a water reclamation system to minimize required volume.

The owner utilizes tablets, so rental contracts and receipts are usually emailed, in lieu of being printed.

Minimize Traffic and Other Problems

The facility is designed so that it can be operated in a manner which will minimize traffic, storage, firefighting, safety and other site-related problems.

Location delivers automobiles to customers when they are dropping a car off at a local body shop. Location also allows customers to drop rental cars off at local body shops, reducing the traffic at the location. The average number of transactions is 30 per day so vehicle trips will be well below 100 a day with an average of 60. Therefore, a traffic memorandum is not required.

Additional traffic concerns from the Engineering Criteria Manual Appendix B Section B.1.1.D have been addressed as follows.

- Daily vehicle trip generation will be less than 100.
- There are no proposed changes to roadways and no added intersections.
- The vehicle trip increase will not exceed the existing trip generation by more than 100.
- The change in type of traffic will not adversely affect the site as cars will be using it instead of large U-Haul trucks.
- LOS will be maintained on all adjacent roadways, accesses, and intersections.
- There is no history of safety issues on adjacent roads.
- There is no change of land use with access to a State Highway.

The site organization and design remain unchanged. Firefighting access remains unchanged. Ingress and egress to the site and parking remain unchanged. The traffic related to the proposed use is far less than the previous convenience store use. Traffic is limited to the staff of 5 total employees and approximately 30 customers per day procuring their rental vehicle.

Parking

The proposed car rental office will require fewer parking spots than the previous convenience store use since the new use only requires 2 spots whereas the previous use required 12. There are also 10 proposed stacked parking spots beneath the existing canopy under which there will only be 10 rental cars stored at any time, which will improve parking on the overall site.

Natural Hazards

The facility will not be located where natural or man-made hazard or conditions will cause undue conflicts or environmental problems.

There are no anticipated hazards associated with the proposed use. The site is not within a flood plain.

Water Supplies

Adequate water supplies will be available for drinking, fire protection, sanitary and cleaning purposes, and general operation.

The property is currently served by public water. The proposed use has very limited use for water, with the exception of the proposed wash bay, which will use a water reclamation system to minimize the need for additional water supply.

Closure

There is no anticipated closure of the proposed use.

Drainage and Erosion Control Measures

Drainage and erosion control measures will be adequate. Site drainage shall remain unchanged. The applicant will install a sand oil separator and will have it serviced on a regular basis.

Convenience and Accessibility

The facility will be reasonably convenient and accessible to the using public.

Current accessibility by the public shall be unchanged from the public street. Adequate handicap spaces and ramp shall be provided for business accessibility to the suite from the parking lot.

Landscape

Existing landscape areas will remain unchanged.

Lighting

Lighting on the site will remain unchanged.

Environmental and Health Standards

The proposed use will incorporate new interior lighting and controls where feasible per the new energy codes. Applicant will also install a low flow pressure washer in the wash bay that will reduce the gallons per minute by over 4 gallons per minute.

Financial Resources

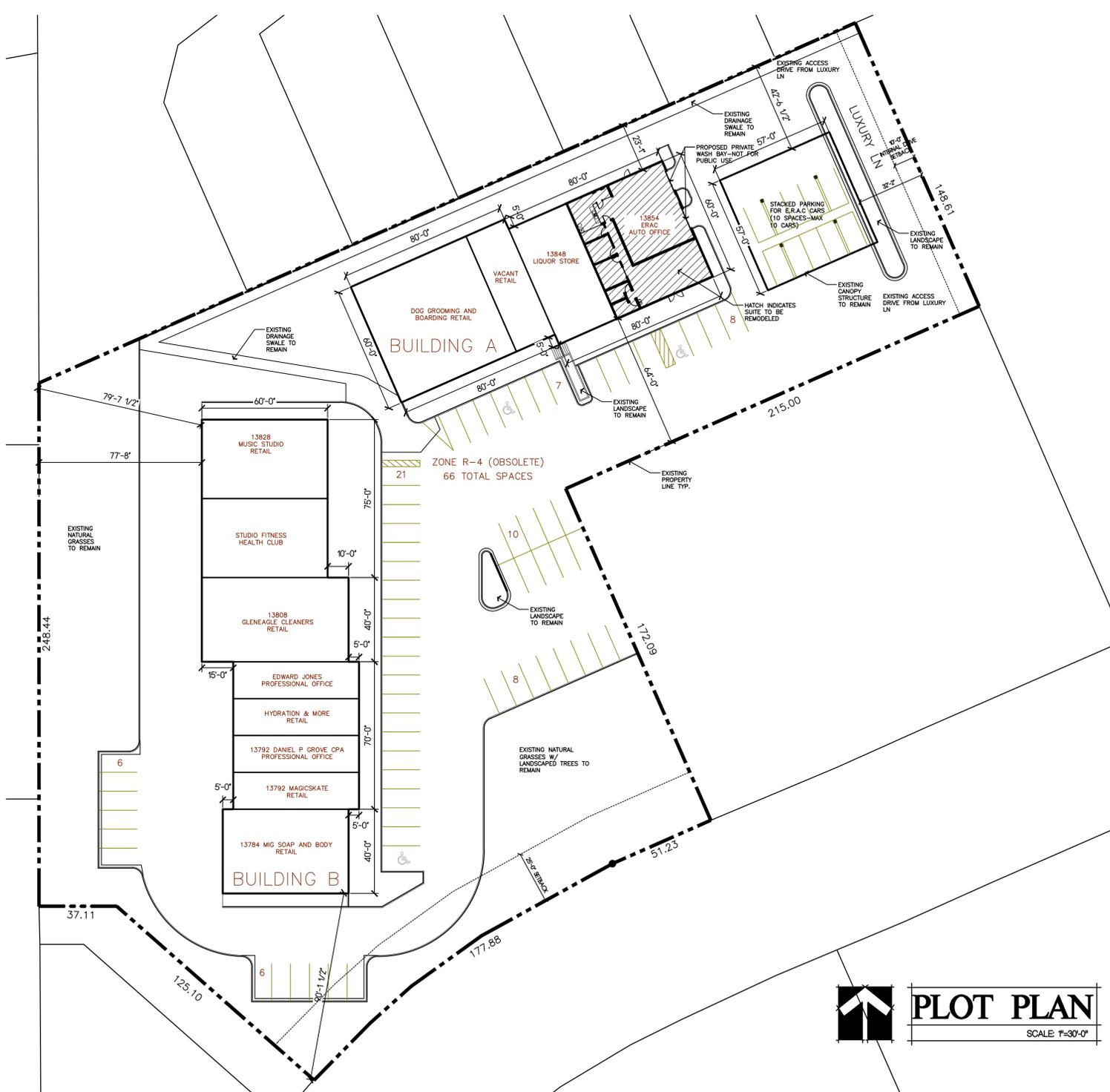
The applicant can demonstrate a successful history within the rental car business. Documentation of history and financial records can be provided upon specific request.

Compatibility

The proposed use is compatible with the surrounding commercial uses and is needed in this market due to the following reasons, listed below.

- 74% of the business for the branch will be local customers who are having their cars repaired at a body shop or dealership.
- The location is within 6 miles of multiple dealerships and body shops in El Paso County.
- The next largest customer sector is Cadets from the Air Force Academy Cadets that do not have cars on campus. They rent cars for long weekends to visit friends and family.
- The location will also rent to local El Paso County citizens needing a more reliable vehicle for a long trip or to those who normally use public transportation but need a rental car to leave the state.
- Its environmental impact will actually be reduced when compared to previous uses of gas station and convenience store.
- Any new use of water within the wash bay is reclaimed, recycled and filtered prior to discharge to public sewer systems.
- Existing ground water and surface water flow patterns shall be preserved and maintained.

**LEGAL DESCRIPTION:
LOT 7 SHOPPE IN THE GLEN**



PLOT PLAN
SCALE: 1"=30'-0"

SITE DATA

SITE INFORMATION
 PROJECT ADDRESS: 13854 GLENEAGLE DRIVE
 COLORADO SPRINGS, CO 80921
 TAX SCHEDULE NO: 6206304026
 LEGAL DESCRIPTION: LOT 7 SHOPPE IN THE GLEN
 PROJECT DESCRIPTION: PROPOSED INTERIOR REMODEL, VARIANCE OF USE
 COUNTY ZONING: R-4 (PLANNED DEVELOPMENT DISTRICT - OBSOLETE)
 LAND USE: COMMERCIAL CAR RENTAL OFFICE / CAR WASH / PARKING LOT
 EXISTING LOT AREA: 2.75 ACRES

BUILDING A INFORMATION
 TOTAL BUILDING AREA: 9600 SF.
 BUILDING HEIGHT: 15'

BUILDING B INFORMATION
 TOTAL BUILDING AREA: 13890 SF.
 BUILDING HEIGHT: 15'

CANOPY INFORMATION
 COVERED AREA: 3249 SF.
 CANOPY HEIGHT: 18'

PARKING:
 ESTIMATED PARKING REQUIRED: AUTOMOBILE OFFICE: 800 SF. @ 1450 = 18

TOTAL PARKING REQUIRED = 2 SPACES
 ADDITIONAL ACCESSIBLE PARKING REQUIRED = 1 SPACE
 NOTE: PARKING TO CONFORM WITH EL PASO COUNTY LAND DEVELOPMENT CODE REQUIREMENTS
 NOTE: NO CHANGE TO LIGHTING ON SITE - PHOTOMETRIC STUDY NOT REQUIRED
 NOTE: EXISTING LANDSCAPE TO BE REESTABLISHED WHERE INDICATED ON SITE PLAN

PROJECT DATA

PROJECT/CODE INFORMATION
 JURISDICTION: EL PASO COUNTY PLANNING & COMMUNITY DEVELOPMENT
 OCCUPANCY GROUP: M/B - NO CHANGE
 OCCUPANCY SEPARATION: NON-SEPARATED USES
 CONSTRUCTION TYPE: V-B
 SPRINKLER SYSTEM: NO
 FIRE ALARM SYSTEM: NO

APPLICABLE CODES
 2017 PIKES PEAK REGIONAL BUILDING CODE (PPRBC)
 2015 INTERNATIONAL BUILDING CODE (IBC)
 2014 NATIONAL ELECTRIC CODE (NEC)
 2015 INTERNATIONAL PLUMBING CODE (IPC)
 2015 INTERNATIONAL MECHANICAL CODE (IMC)
 2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
 2009 ICC/ANSI 117.1 ACCESSIBILITY STANDARD
 2015 INTERNATIONAL FIRE CODE (IFC)
 EL PASO COUNTY LAND DEVELOPMENT CODE

PROJECT TEAM

CLIENT
 NATE VACCARI
 FACILITIES & CONSTRUCTION MGR.
 (303) 925-8400, office
 NVaccari@ehico.com

ARCHITECT
 BUCHER DESIGN STUDIO, INC.
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DRAWING INDEX

SHT. #	DESCRIPTION
01	PLOT PLAN
02	VARIANCE OF USE MAP

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 architecture+planning

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Brian K. Bucher, AIA
 Architect
 CO license no. C-4889
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A PROPOSED RENTAL CAR OFFICE FOR ENTERPRISE RENT-A-CAR

13854 GLENEAGLE DRIVE
 COLORADO SPRINGS, CO

Sheet Title:
PLOT PLAN

Drawing Status:
COUNTY SUBMITTAL
 NOT FOR CONSTRUCTION

Revisions:
 No. Description By Date

No.	Description	By	Date
1			

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Date: 09/25/19

Drawn by:

Checked by:

Scale: AS NOTED

Job No.:

Sheet No.:
01
 Of

VICINITY MAP

