



PLANNING & DEVELOPMENT DEPARTMENT
Neighborhood Services Division
PO Box 2169 MC 1525
Colorado Springs, CO 80901
(719) 444-7891

NOTIFICATION OF ZONING AND PERMITTED USE REGULATIONS

December 11, 2023

NOLAN JOHN G
1502 WOOD AVE
COLORADO SPRINGS, CO 80907

Code Enforcement Case #ENF23-10920

RE: 822 W COLORADO AVE, 80905 – Regulations for Uses
Parcel Identification Number: 7413118011, Property Zoning: MX-M Mixed-Use Medium Scale

Dear Property Owner (NOLAN JOHN G),

A complaint has been filed with our office alleging illegal parking of commercial vehicles on a residential street. Inspection of the property confirmed a violation existed.

City Code, 10.25.101: AUTHORITY TO IMPOUND VEHICLES:

“10.25.101(T) Members of the Police Department are authorized to remove, or have removed at their direction, any vehicle from any public or private way or place, under any of the circumstances enumerated, the City Council finding and determining that the vehicles under the circumstances are public nuisances. Any vehicle removed under the provisions of this section may be taken to the City garage, to any lot maintained by the City, to the Police Department for the storage of impounded vehicles, or to any other place designated by the Police Department, or under contract with the City, for the storage and maintenance of the impounded vehicles. No action for the recovery of compensation for damages to or loss from any motor vehicle impounded under the provisions of this Code shall be maintained against the City when: Any commercial vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater parked on a public right-of-way in a Residential Zone District.”

In addition, it was observed that vehicles are being illegally parked in the right-of-way between the sidewalk and curb.

City Code, 10.12.101: STOPPING, STANDING OR PARKING IN SPECIFIED PLACES:

“10.12.101(N) Except as otherwise provided in the exceptions below, no person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, vehicular or pedestrian, or in compliance with directions of a police officer or traffic control device, in any of the following places: Between the curb and the sidewalk except where expressly provided by section 10.1.313 of this chapter and except where expressly permitted under the terms of a revocable permit issued pursuant to chapter 3 of this Code.”

Both of these are violations and carry a minimum \$50 per vehicle/incident fine.

POSSIBLE ZONING VIOLATION(S)

While conducting my inspection, it was discovered that the business at the listed property appears to be a U-Haul Rental, and a Tire Shop. Both types of operations are allowed in the MX-M Zoned properties as Conditional Use only. I was unable to locate in City Records any such granted Conditional Use.

In addition, per Table 7.3.2-A of the Unified Development Code, “Outdoor Storage, Accessory” (tires) are not permitted to be stored outside in zone district MX-M.

Definitions:

Automobile and Light Vehicle Repair, Minor:

An establishment that provides minor and routine maintenance or repair to motor vehicles and light vehicles, including tire sales and installation, wheel and brake work, muffler replacement, oil and fluid changes, glass repair, and similar repairs that produce few noise or other impacts on surrounding properties, but not including the additional types of repairs included in the definition of Automobile and Light Vehicle Repair, Major

Automobile and Light Vehicle Sales and Rental:

An establishment consisting of buildings and yards used for display and sale or rental of motor vehicles, light trucks, motorcycles, recreational vehicles, or boats with a Gross Vehicle Weight Rating (GVWR) of fifteen thousand (15,000) pounds or less, including incidental storage, maintenance, and servicing.


This is a complex case concerning both general Code violations and potential Zoning violations. Therefore, this letter is our request for your voluntary cooperation in resolving this matter by doing the following by December 24, 2023:

1. Cease parking commercial vehicles with a GVWR rating greater than 10,000 pounds on residential streets.
2. Cease parking vehicles in the public right-of-way between the sidewalk and curb.
3. Provide documentation that a Conditional Use Variance has been granted.
or
4. Cease all business operations that are not permitted on your MX-M zone district.
or
5. Contacting the City of Colorado Springs, Planning Department, to schedule a pre-application conference with a City Planner to discuss change of use criteria and procedures. You must schedule a pre-application meeting on-line by going to www.coloradosprings.gov/planning. For general questions, contact City Planning at 719-385-5905.
6. Remove and cease storing tires outside, or store in an approved manner.

I am asking that you bring the property into compliance to ensure that this matter is not advanced to the next level of enforcement action. You may contact me by telephone at 719-465-6784 or by e-mail at shane.hardison@coloradosprings.gov.

Additionally, property owners, whether knowingly or unknowingly, are responsible for the abatement of all code violations on their property. Please provide all evidence of correspondence with City Planning so that I may update your case accordingly and prevent unwarranted enforcement.

Sincerely,


Shane Hardison
Code Enforcement Officer

719-385-5905