



Development Services
100 N. Wilcox Street
Castle Rock, CO 80104

LETTER OF DETERMINATION

Date: June 27, 2019

Subject: Heckendorf Ranch PD - 2505-224-02-002
Parcel/Use Area I

Through: Kevin Wrede, Planning Manager *KW*
Tara Vargish, Assistant Director of Development Services *TAV*

Per Heckendorf Ranch PD Ordinance 84-28 recorded under Book 581 Page 828 on June 27, 1985 and 17.32.040:

17.32.040 - General application.

All provisions of this Title, as amended from time to time, shall apply in PD Districts unless otherwise expressly provided in the PD documents.

Heckendorf Ranch PD Regulations

2.5 Areas "I" and ("F")

Land Uses: Village Center (VC)

Use: Retail sales and service, grocery, drugstore, convenience goods, personal services, shops, restaurants, banks, offices, medical/dental, insurance, and related services

2.2 Area "A"

Land Uses: Commercial (highway oriented) (Co)

Use: Retail sales and service, auto related services, restaurants, motels, hotels with convention facilities, convenience goods, business offices, entertainment and general retail

Determination:

Per the Heckendorf Ranch PD regulations, the more intense uses/impacts for "highway oriented" use were identified and called out as permitted uses in use area A and use area I was intended for retail services, with no mention of auto related services. Therefore, it is the determination that fuel station is not an intended permitted use in Use Area I. Clearly a retail convenience center without fuel would be allowed.

Further, per Title 17.28:

Automobile service/fuel station/wash/rental and Retail are two separate and distinct uses in the Use Chart (17.28.030)

Automobile service/fuel station/wash/rental. This use does not include auto body (e.g., collision repair), paint or upholstery services. This use includes, but is not limited to:

- a. Fuel service station (including a fuel service station that is associated with a grocery store and/or warehouse club);
- b. Fuel convenience mart (a gasoline service station with a convenience store);
- c. Auto repair, quick service oil, tune-up, brake, and muffler shops not including auto body (e.g., collision repair), paint or upholstery services;
- d. An establishment engaged in the retail sale of vehicle fuel, tires, lubricants, parts and accessories;
- e. Businesses that exclusively rent vehicles;
- f. Self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles.

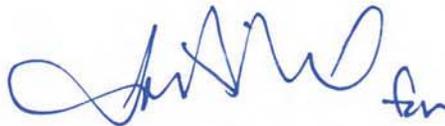
Retail means commercial and retail uses and ancillary outdoor storage uses subject to requirements of [Section 17.52.150](#), including but not limited to art galleries and studios, bakeries, pharmacies and dog grooming facilities (without an overnight boarding facility of animals).

Determination:

Retail and Automobile service/fuel station/wash/rental are clearly two separately defined uses in Title 17 and not interchangeable for use areas. It is further the determination that a fuel station was not contemplated with the approval of the above referenced approved PD.



Tammy King
Zoning Manager



Bill Detweiler
Director of Development Services