

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

LETTER OF DETERMINATION

Date: June 17, 2020
Subject: Heckendorf Ranch PD - 2505-224-02-002
Parcel/Use Area H and Area I
Through: Kevin Wrede, Planning Manager

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

2.2 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

2.4 Areas "E" and "H"

Land Uses: Commercial/Light Office (Co/L-Of)

Use: Retail sales and service, restaurants, copy services, business supplies, shops, personal services, and offices

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

Determination:

Per the Heckendorf Ranch PD, the more intense uses/impacts for "highway oriented" use were identified and called out as permitted uses in use area A and use area H and I were intended for retail services, with no mention of auto related services. Therefore, it is the determination that fuel station was not an intended permitted use in Use Area H or 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).

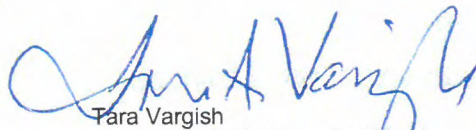
Determination:

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

Per 17.06.020.B.3

A written notice of appeal of any administrative decision shall be filed within fifteen (15) days of the decision being appealed. The notice of the appeals shall be filed with the Manager and shall state with specificity the reason for appeal. The Board (Board of Adjustment) shall hear such appeal within sixty (60) days of the filing of the notice of appeal.


Tammy King
Zoning Manager


Tara Vargish
Director of Development Services