

EL PASO COUNTY PLANNING COMMISSION

April 7, 2009

MINUTES

PRESENT
DURING PART OR
ALL OF THE MEETING

Bob Roulier
Bob Null
Ray Schanel
David Powell
Steve Hicks
Ed Bracken
Steve Immel
John Vohland
Steve Sery

COUNTY STAFF
PRESENT DURING
PART OR ALL OF
THE MEETING

Mike Hrebenar, Development Services
Elaine Kleckner, Development Services
Paul Danley, Department of Transportation
Craig Dossey, Development Services
Kari Parsons, Development Services
Tony Deconinck, Development Services
Kevin Diekelman, Development Services
Raimere Fitzpatrick, Development Services
Mark Gebhart, Development Services
Beverly Gonzales, Development Services
Rich Harvey, Development Services
Drew Gorgey, County Attorney's Office

Mr. Sery called the regular meeting of the Planning Commission to order in the Hearing Room at the Pikes Peak Regional Development Center at 9:00 A.M. and appointed the following voting members:

Mr. Roulier	Mr. Schanel	Mr. Bracken
Mr. Powell	Mr. Null	Mr. Immel
Mr. Sery	Mr. Vohland	Mr. Hicks

NOTE: The Comment Agenda is automatically incorporated as part of the record. The digital recording is the official record of the meeting.

Mr. Sery opened the meeting with the introduction of Elaine Nelson, a former employee. Ms. Nelson shared with all present that she is officially retired and is home caring for her ninety-nine year old mother. She expressed how much she enjoyed working with all the Commissioners in the past years and felt this was a good time since this might possibly be Mr. Roulier's and Mr. Null's last meeting. She wished to extend her appreciation for the Commissioner's time and how she enjoyed working with them. Mr. Sery on behalf of the Planning Commission and the County of El Paso returned their appreciation for her excellent work.

1. **Report Items** - Ms. Kleckner reported:
 - A. Ms. Kleckner reviewed building permit activity and the Development Services Executive Summary stating that for the month of March projects in El Paso County, Fountain, and the Town of Monument increased with the City of Colorado Springs showing a decrease. Ms. Kleckner compared the 2008 to 2009 permits The City of Colorado Springs was substantially down for year while El Paso County had a slight decrease. Ms. Kleckner reviewed Development Services application data and stated that March active projects exceed 200 with 134 under review, clarifying the difference in project numbers from the previous meeting. Ms. Kleckner introduced Mr. Richard Harvey a new staff member to the engineering division and stated that Paul Danley has gone to the Department of Transportation to handle special projects. Mr. Immel asked if a position for project management had been filled. Ms. Kleckner stated that the recruitment for Project Manager I is ongoing.

- B. The next step in the process of getting the new procedures (Procedures Manual) in place will be an approval resolution of endorsement from the Board of County Commissioners. That hearing date is tentatively scheduled for April 16, 2009.
- C. The Board of County Commissioners held a work session on March 19, 2009 addressing Regulatory Relief, Fee Modifications and Administrative Procedures. Mark Gebhart, presented a summary of selected topics; one is allowing the administrative authorities that the Board of County Commissioner didn't allow to be implemented. When the code was adopted other concerns are guest houses, time period of plats to stay active, fees, and well and septic on five acres or less. Mark stated the purpose of the work sessions is to get direction from the Board. Water supply credits and ground water contamination will be discussed on April 9th, 2009. Mr. Bracken is concerned, when the Board approves the topics at the work sessions to be implemented there is not a proper process with the Planning Commission or other stakeholders. Mark Gebhart stated that the action by the Board of County Commissioners would be to pursue the targeted topics in the Land Development Code, so the Planning Commission would have an opportunity to review specifics. Mr. Sery stated that the action goes around the typical process, but is still going through the public process. It was agreed by Mark Gebhart that it goes through the public process. Mr. Sery suggested that the topic of process could be discussed at a different time. Mr. Null asked what happened to the Code Committee. He wanted to make sure that new members would have an opportunity to serve on this committee. Mark Gebhart explained that the Code Committee did a good job, but the county is resource challenged along with a time constraint. Mr. Vohland recommended that Mark Gebhart should disband the Code Committee or check if a board action is needed.
- D. Ms. Kleckner stated that Raimere Fitzpatrick is leading an effort to provide stakeholders outreach on billboards. A white paper draft is being refined and should be reported to Planning Commission on April 21, 2009. Other code revisions were approved by the Board of County Commissioners hearing on December 18, 2008. The new Land Development Code books are available; Version 2 revisions are in progress and are scheduled for the Planning Commission hearings in May and to be adopted by the Board of County Commissioners in June 2009.
- E. Reported on Board of County Commissioners' action on items previously heard by the Planning Commission.

Ms. Kleckner stated staff recommends reverting back to two Planning Commission meetings per month commencing in May 2009.

Mr. Sery stated that Regular item #4 Little Flower Mesa Stealth CMRS has been continued until May 5, 2009 and asked if there was anyone in the audience that would like to have a consent item heard as a regular item.

Mr. Sery explained the procedures for the hearing.

2. Consent Items

A. Minutes of the Regular Meeting held March 3, 2009.

B. VR-07-013

PARSONS

VACATION/ REPLAT MICK SUBDIVISION FILING 2A

A request by Sun I Harris and Wayne C Harris to vacate and re-plat Lot 4 of Mick Subdivision Filing 2 into 2 lots and rename Mick Subdivision Filing 2A. The property consists of 10.03 acres and is in the RR-5 (Residential Rural) zone district. The property is located on the northeast corner of the intersection at Burgess Road and Vollmer Road within the Black Forest Preservation Plan comprehensive planning area. (Schedule Nos. 52150-01-027) (Parsons)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. A completed U.S. Army Corps of Engineers permit shall be provided to the El Paso County Development Services Division prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project may be acceptable.
3. Fees in lieu of school land dedication in the amount of \$306.00 shall be paid to El Paso County for the benefit of Academy School District No. 20.
4. Fees in lieu of regional parkland dedication in the amount of \$353.00 shall be paid to El Paso County (Park Region 2).
5. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current Title Commitment at the time of submittal of the Mylar for recording.
6. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the El Paso County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider(s) or developer(s) must provide to the El Paso County Development Services Division at the time of recording the plat, a certification from the El Paso County Treasurer's Office that all prior years' taxes have been paid in full.
7. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
8. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
9. A driveway access permit will be required from the El Paso County Development Services Division for any access to a county maintained roadway.
10. The owner / developer / builder of each lot within this subdivision shall have the responsibility of meeting the 2003 International Fire Code (IFC) standards. At the time of approval of this project, this property is located within the Black Forest Fire Protection District, which has adopted the 2003 IFC requiring fire sprinklers for covered structures over 6,000 square feet in size, and other fire mitigation requirements depending upon the level of fire risk associated with the property and structures. The owner of any lot should contact the fire district to determine the exact development requirements relative to the 2003 IFC.
11. Applicant shall submit the Mylar to Enumerations for addressing prior to recording the final plat.
12. All access easement agreements shall be recorded with the final plat and the final plat shall reference these documents.
13. Drainage fees (Sand Creek drainage basin) in the amount of \$3,945.00 and bridge fees in the amount of \$521.00 shall be paid at the time of recording the plat.
14. All remaining technical issues shall be resolved prior to being scheduled for hearing by the Board of County Commissioners.
15. The Homeowner Association documents / covenants shall be revised prior to recording the plat and recorded with the final plat.
16. An administrative site plan review will be required prior to issuance of any building permits for a future residence. The site plan and submitted materials shall conform to the requirements of the El Paso County Land Development Code.

NOTATIONS

1. Final plats not forwarded to the Board of County Commissioners within twelve (12) months following El Paso County Planning Commission action (or an extension thereof) shall be deemed withdrawn and a new final plat shall have to be submitted in its entirety.
2. Failure to record the Plat within one (1) year following the Board of County Commissioners approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations and updated fees.

C. PUD-06-013

DOSSEY

**PIONEER LANDING AT LORSON RANCH
SITE SPECIFIC PLANNED UNIT DEVELOPMENT REZONE**

Request by Lorson, LLC, and Bradley Marksheffel, LLC, to rezone 27.61 acres from PUD (Planned Unit Development) District to a more specific PUD (Planned Unit Development) District with a site specific development plan for Pioneer Landing at Lorson Ranch. The plan includes 118 single family residential lots, trails, and open space. The property is located north of Fontaine Boulevard and east of Marksheffel Road, on the north side of Old Glory Drive. (A Portion of Schedule Nos. 55143-00-002)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. Applicable park and school fees shall be paid with any final plats.
2. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
3. A completed U.S. Army Corps of Engineers' permit should be provided to the El Paso County Development Service Division prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project would be acceptable.
4. Prior to approval of a site plan the land use(s), densities, setbacks, height limits, access locations, and lot area coverage as depicted on the site plan shall be found to be in conformance with the PUD development plan, as approved by the Board of County Commissioners.
5. No building permits shall be issued prior to recording the PUD development plan and final plat.
6. Development of the property shall be in accordance with this site specific PUD development plan. Minor modifications may be made subject to the limitations contained in the El Paso County Land Development Code, as amended.
7. The development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing before the El Paso County Planning Commission.
8. All owners of record must sign the PUD development plan.
9. Updated commitment to serve letters from school, fire, water and wastewater districts, and utility providers shall be provided with final plat submittal.
10. A special district disclosure notice shall be required to be recorded in conjunction with each final plat within this project.

11. The subject property is situated within the study area boundaries for the Lorson Ranch and Rolling Hills Ranch Small Area Transportation Improvement Program (Off-Site Road Improvement Study) and development is subject to any associated fees that are adopted prior to recordation.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety

D. SP-06-023

DOSSEY

**PIONEER LANDING AT LORSON RANCH
PRELIMINARY PLAN**

Request by Lorson, LLC, and Bradley Marksheffel, LLC, for approval of a preliminary plan for Pioneer Landing at Lorson Ranch. The two parcels total 27.61 acres and are currently zoned PUD (Planned Unit Development) District. The plan includes 118 single family residential lots, trails, and open space. The property is located north of Fontaine Boulevard and east of Marksheffel Road, on the north side of Old Glory Drive. (Schedule Nos. 55000-00-255 and 55-000-00-257)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county maintained roadway.
2. Prior to scheduling for Board of County Commissioners consideration, all remaining minor Development Services Department issues shall be resolved.
3. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
4. Applicable school and park fees shall be paid with any final plats.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Updated commitment to serve letters from school, fire, water and wastewater districts, and utility providers shall be provided with final plat submittal.
7. The subject property is situated within the study area boundaries for the Lorson Ranch and Rolling Hills Ranch Small Area Transportation Improvement Program (Off-site Road Improvement Study) and development is subject to any associated fees that are adopted prior to recordation.

NOTATIONS

1. If a zoning or rezoning petition is disapproved by the El Paso County Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the El Paso County Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final action by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
3. A Special District Annual Report and Disclosure Form shall be required to be recorded with any final plats.

E. VR-08-015

DOSSEY

**CONSTITUTION BUSINESS PARK
VACATION AND REPLAT**

Request by Jasperco, LLC, for approval of a vacation and replat to create four lots where one lot currently exists. The applicant is proposing to vacate Lot 1 Eight Line Subdivision and replat the property as Lots 1-4 Constitution Business Park Subdivision. The property is zoned CC (Commercial Community) and is located at the southeast corner of the Peterson Road and Constitution Avenue intersection. (Schedule No. 54052-18-002)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the El Paso County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Development Services Department, at the time of recording the plat, a certification from the El Paso County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Development Services.
8. The subdivision improvements agreement, including the surety estimate as approved by the El Paso County Development Services shall be filed at the time of recording of the plat.

9. Collateral sufficient to ensure that the public improvements as listed in the approved surety estimate shall be provided prior to recording the plat.
10. All remaining technical issues shall be resolved prior to recording the plat.

NOTATIONS

1. Final plats not forwarded to the Board of County Commissioners within twelve (12) months following Planning Commission action (or an extension thereof) shall be deemed withdrawn and a new final plat shall have to be submitted in its entirety.
2. Failure to record the plat within one (1) year following the Board of County Commissioner approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations, and updated fees.

F. AL-08-020

DOSSEY

**CONSTITUTION BUSINESS PARK
SPECIAL USE**

Request by Jasperco, LLC, for approval of a special use to allow retail/wholesale warehousing and accessory manufacturing on Lot 2 of the proposed Constitution Business Park replat. The proposed 30,042-square-foot site is zoned CC (Commercial Community) and is located at the southeast corner of the Peterson Road and Constitution Avenue intersection. (Schedule No. 54052-18-002) (Commissioner District No. 2) (AL-08-020)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. Approval is limited to a retail and wholesale warehouse facility and accessory manufacturing on Lot 2, subject to compliance with the following conditions and notations and the site plan as approved.
2. Prior to issuance of a building permit, the applicant shall submit a site development plan in accordance with the El Paso County Land Development Code (2008). The plan shall address, among other things, landscaping, setbacks, lighting, and parking requirements.
3. The applicant shall comply with all applicable local, state, and federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous waste.
4. Any new signage must be approved in accordance with the Land Development Code.
5. No outside storage shall be permitted on site.
6. Lighting shall not impact adjacent properties. A photometric plan shall be submitted with the site development plan that shows zero lumens at all property lines.

NOTATIONS

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

* The above notations are abbreviated; they have the same force and effect as the items found within their entirety in the El Paso County Land Development Code.

**VACATION AND REPLAT
ROCKY MOUNTAIN INDUSTRIAL PARK, FILING 1A**

Request by Ewing Irrigation to vacate and replat Lot 1 of the Rocky Mountain Industrial Park Filing 1 from one industrial lot to four industrial lots ranging from 1.40 acres to 2.09 acres). The property consists of one 7.92-acre lot in the I-3 (Heavy Industrial) zone district. The property is located approximately one-quarter mile north of the intersection of Constitution Avenue and Capital Drive. (Schedule No. 53333-03-014) (Deconinck)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Development Services Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time
7. The owner / developer / builder of each lot within this subdivision shall have the responsibility of meeting the 2003 IFC (International Fire Code) standards. Additionally, at the time of approval of this project, this property is located within the Falcon Fire District, which has adopted this Fire Code requiring residential fire sprinkler requirements for covered structures over 6000 square feet in size, and other fire mitigation requirements depending upon the level of fire risk associated with the property and structures. The owner of any lot should contact the fire district to determine the exact development requirements relative to the adopted Fire Code.
8. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Development Services Department.
9. Prior to accepting Sandy Court into the County maintenance system, the applicant shall seal existing cracks in the pavement, install a stop sign at the intersection with Capitol Drive (per MUTCD), and clean the storm box.

NOTATIONS

1. Final plats not forwarded to the Board of County Commissioners within twelve (12) months following Planning Commission action (or an extension thereof) shall be deemed withdrawn and a new final plat shall have to be submitted in its entirety.
2. Failure to record the Plat within one (1) year following the Board of County Commissioner approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations and updated fees.

3. School and park fees are not required with non-residential subdivisions. Drainage basin fees were collected with the previous plat and are not required to be paid again.

H. SP-06-024

PARSONS

**PRELIMINARY PLAN
LIVING WATERS SUBDIVISION FILING NO. 2**

Request by Harbor Lights Assembly of God, for preliminary plan approval of Living Waters Subdivision Filing No. 2 development. The proposed 8.744 acre subdivision is in the RM-30 (Residential Multi-Dwelling) District and has a concurrent application in process for a rezone to PUD (Planned Unit Development) zone district (PUD-06-014). The subdivision includes a 26 lot- duplex residential development, and a single lot with an existing church. The property is located directly on Constitution Ave on the north side and approximately ½ mile east of Peterson Road and is not within a comprehensive planning area. (Schedule No. 53323-10-003) (Parsons) (SP-06-024)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county maintained roadway.
2. Prior to scheduling for Board of County Commissioners consideration, all remaining minor Development Services Department issues shall be resolved.
3. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
4. Applicable school and park fees shall be paid with any final plats.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. There shall be no direct lot access to Constitution Avenue.
7. The applicant will be required to submit a commitment to serve letter from the fire department as part of the final plat subdivision submittal requirements.
8. Applicable drainage and bridge fees shall be paid with any final plats.
9. Prior to recording of any final plat, a development agreement or subdivision improvement agreement shall be executed between the owner, developer and El Paso County that identifies on-site and off-site improvements.
10. Completion of landscaping shall be guaranteed and collateral posted with the final plat. This improvement shall be included in the estimate of guaranteed funds and subdivision improvement agreement or development agreement at time of final plat.

NOTATIONS

1. Preliminary Plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

I. PUD-06-014

PARSONS

**REZONING: RM-30 TO PUD
HARBOR LIGHTS ASSEMBLY OF GOD
LIVING WATERS PLANNED UNIT DEVELOPMENT**

Request by Harbor Lights Assembly of God, for approval to rezone 8.744 acres from RM-30 (Residential Multi-Dwelling) District to PUD (Planned Unit Development) District for the Living Waters PUD, 26 lots designated for duplex development, and one lot with an existing church. Private roads serve the proposed development. The property is located directly on Constitution Ave on the north side and approximately ½ mile east of Peterson Road and is not within a comprehensive planning area. (Schedule No. 53323-10-003)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. Prior to scheduling for Board of County Commissioners' hearing of the final approval of the PUD Development Plan, the applicant shall address any remaining technical corrections to the development plan submitted with the application.
2. Development of this PUD zone shall be subject to all conditions of approval of the associated preliminary plan.
3. Development of the property shall be in accordance with the PUD development plan. All subsequent specific development plans submitted and processed shall be consistent with the overall PUD Development Plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission.
5. All owners of record must sign the PUD development plan. The applicant shall provide a current Title Commitment at the time of recording.
6. A driveway access permit will be required from El Paso County Development Services Division for any access to a county maintained roadway.
7. Prior to recording of any final plat, a development agreement or subdivision improvements agreement shall be executed between the owner, developer and El Paso County that identifies on-site and off-site improvements.
8. Completion of landscaping shall be guaranteed and collateral posted with the final plat. This improvement shall be included in the estimate of guaranteed funds and subdivision improvement agreement or development agreement at time of final plat.
9. A final plat shall be submitted, approved and recorded prior to obtaining a building permit for the site.
10. Internal roads shall be private and maintained by a property owners association.
11. Property owners association documents shall be submitted and approved by the Development Services and the County Attorneys Office prior to recording of any final plat.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the El Paso County Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of the El Paso County Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

3. A Special District Annual Report and Disclosure Form shall be required to be recorded with any final plats.
4. Deviations for internal private roads have been reviewed and approved by the County Engineer with the concurrent preliminary plan application.

Mr. Powell made a motion to approve Consent items 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h and 2i. Mr. Vohland seconded the motion. The vote was a unanimous vote (9-0) for approval, subject to the proposed conditions and notations, and that these items be forwarded to the Board of County Commissioners for consideration. The Resolution can be found in Book _____, Page 09-014(Item 2b), Page 09-015 (Item 2c), Page 09-016 (item 2d), Page 09-017 (item 2e), Page 09-018 (item 2f), Page 09-019 (item 2g), Page 09-020 (item 2h), and Page 09-021 (item 2i) Resolutions of the El Paso County Planning Commission.

Regular Item

3. VA-08-010

DOSSEY

**BSK INVESTMENTS CONTRACTOR EQUIPMENT YARD
VARIANCE OF USE**

Request by BSK Investments, LLC, to renew a previously approved variance (VA-03-011) to allow a contractor's equipment yard and also to modify the allowed uses to include accessory retail sales. The 5.01-acre lot is zoned RR-5 (Residential Rural) and is generally located southwest of the Marksheffel Road and Woodmen Road intersection. The property is not included within a comprehensive planning area. (Schedule No. 53080-00-007)

Mr. Craig Dossey presented the project before the Planning Commission and answered any and all questions.

Mr. Dossey stated that there were 6 (six) adjoining property owners notified and as of this date no responses have been received.

Mr. Dossey stated that the property is in a transitional area that has deviated from the R-5, A-5 and CC zoning through Special Uses and Variances. As for long range planning issues, Staff anticipates this area to be eventually annexed by the City of Colorado Springs.

Mr. Bracken question why the five (5) year expiration date opposed to the ten (10) year expiration requested by the applicant.

Mr. Dossey explained that expiration date of five (5) years recommended by staff is due to the uses not being allowed in the RR-5 zone district. Staff is more concerned in regard to the addition of accessory retail sales. Staff has an interest in reevaluating the accessory retail use after five (5) years. Staff does not support a ten (10) year variance request.

Mr. Immel questioned the role of the Planning Commission on the approval or disapproval of the applicants request until they meet the criteria to the satisfaction of Board of County Commissioners.

Mr. Dossey stated that the Planning Commission responsibility is to review the proposal based on the criteria and to make a recommendation to the Board of County Commissioners.

Mr. Drew Gorgey, County Attorney, referenced 5.3.C of the Land Development Code.

Ms. Debra Greer, representing the applicant, stated that the previous variance had expired in November of 2009. This company has been in business for over ten (10) years its main business is to provide a revegetation service. The property is used to store materials that are used to perform the contracts. Ms. Greer stated that the expansion of the parking lots was a request by El Paso County which the owner agreed to do. It will be included on the site plan that will be submitted after the approval of the variance. Ms. Greer stated that the retail sales would include the sale of heavy equipment. She then clarified that the equipment would not include road graders or large tractors; that it would be limited in size.

Mr. Allen Smith representative for BSK Investment Contractor's Yard reiterated the time length of business operation and the hardship that a five (5) year opposed to a ten (10) variance expiration would have on their business.

Mr. Bracken stated the heavy equipment definition would have to be clarified.

Mr. Dossey stated that staff was unaware of the owners intend to sell equipment as part of the accessory retail sales use because such sales were not included in the letter of intent.

Mr. Dossey requested a new letter of intent to include specific details regarding the size of the heavy equipment to be sold as part of the accessory retail sales use.

Mr. Bracken made a motion to continue (VA-08-010) BSK Investment Contractor's Yard until April 21, 2009 and seconded by Mr. Roulier. To have applicant and staff discuss proposed uses and the applicant to provide a new Letter of Intent. Upon voting it was approved by a vote of 8 to 1 with Mr. Powell is opposition.

**4. AL-08-021 CONTINUED UNTIL MAY 5, 2009 DECONINCK
SPECIAL USE
LITTLE FLOWER MESA STEALTH CMRS**

Request by T-Mobile (applicant) on behalf of Little Flower Mesa II LLC (owner) for a special use for a stealth commercial mobile radio service (CMRS) telecommunications tower at this site. The tower will be 65 feet tall and disguised to look like a tree. The 7.75-acre site is in the R-T (Residential Topographic) zone district and is located at 4210 Outpost Road approximately one half mile southeast of Hwy 24 and Fountain Avenue. (Schedule No. 76024-00-004) (Deconinck)

**5. SF-08-002 DECONINCK
FINAL PLAT
NEW BREED RANCH, FILING 2**

Request by New Breed Ranch, Inc., for final plat approval of New Breed Ranch, Filing 2. The proposed approximately 54-acre subdivision is in the PUD (Planned Unit Development) zone district and is a portion of the entire 333-acre site. The subdivision includes 11 single-family lots ranging in size from 4 acres to 5 acres. The property is located on Shoup Road approximately 3/4 mile east of its intersection with Highway 83. (Schedule No. 62000-00-455) (Deconinck)

Mr. Tony Deconinck asked the Planning Commission if they wanted to hear a full presentation of this project. Planning Commission had questions on previous comments from adjacent property owners. Staff received one comment in opposition stating dissatisfaction with hiking trails that applied to Filing 1.

Jim Scott developer of New Breed Ranch answered questions regarding the dissatisfied adjacent property owner regarding the landscaping and hiking trails.

Mr. Bracken made a motion for approval of resolution No. SF-08-002 (utilizing the Standard Resolution on page 19) regarding New Breed Ranch, Filing 2 Final Plat more particularly described in book _____, Page 09 -022, Resolutions of the El Paso County Planning Commission, and that this matter would be forwarded to the Board of County Commissioners for their consideration. Mr. Powell seconded the motion and upon voting it was approved by a unanimous vote of 9 to 0 subject to the following conditions and notion.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
2. The final plat shall be subject to all applicable conditions of approval of the associated PUD rezone and Preliminary Plan.
3. Except as otherwise modified by this action, all other terms, limitations and conditions as identified in Board of County Commissioner's Resolution No. 00-281 shall remain valid and in effect.

4. The following plat notes shall be added to the final plat:
 - a. One and two family dwellings exceeding 3,600 square feet including attached garages and covered decks which are located within the designated urban-wildland interface area shall be equipped with az~ approved automatic sprinkler system.
Exception: When vegetation management distances are implemented at a rate of one and a half times the requirements outlined in Section H-108.1 of Appendix H, R3 occupancies may be allowed follow the fire sprinkler requirements as outlined in Section 9012.7.
 - b. One and two family dwellings exceeding 6,000 square feet including attached garages and covered decks shall be equipped with an approved automatic sprinkler system. *The installation or addition of fire walls/barriers shall not eliminate or reduce this requirement.*
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g., Preble's Meadow Jumping Mouse).
6. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current Title Commitment at the time of submittal of the Mylar for recording.
7. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Development Services Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
8. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
9. Fees in lieu of school land dedication in the amount of \$3,366 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of recording.
10. Park fees in lieu of land dedication for regional park purposes (Region 1) in the amount of \$4,642 shall be paid at the time of recording.
11. Drainage fees for this subdivision are based on the 2008 fees. Drainage fees in the amount of \$16,450.00 and bridge fees in the amount of \$1,383.48, for a total of \$17,833.48, shall be paid at the time of recording.
12. The Subdivision Improvements Agreement, including the Estimate of Guaranteed Funds as approved by the El Paso County Development Services Department shall be filed at the time of the recording of the Final Plat.

NOTATIONS

1. Final Plats not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

There being no further business to come before the Planning Commission, the meeting was adjourned at 11:16 AM.

Beverly Gonzales, Recording Secretary

Adopted: