

EL PASO COUNTY PLANNING COMMISSION

April 21, 2009

MINUTES

PRESENT
DURING PART OR
ALL OF THE MEETING

Bob Roulier
Steve Sery
Steve Hicks
John Vohland
Steve Immel
Ray Schanel
David Kunstle

COUNTY STAFF
PRESENT DURING
PART OR ALL OF
THE MEETING

Mike Hrebenar, Development Services
Gary Hamacher, Development Services
Mark Gebhart, Development Services
Craig Dossey, Development Services
Kari Parsons, Development Services
Tony Deconinck, Development Services
Kevin Diekelman, Development Services
Raimere Fitzpatrick, Development Services
Jeff Rice, 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. Immel
Mr. Hicks	Mr. Kunstle	Mr. Sery
Mr. Vohland		

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

No Report Items - Ms. Kleckner on vacation:

Mark Gebhart reviewed the following topics with the Planning Commission.

Guest Houses

- Reevaluate current allowances
- Define temporary, occasional, permanent
- Modify fees

Fee Modifications

- Reduce appeal fee to \$250.00
- Retain Cost of Service Philosophy
- Modify fee to reflect administrative authorities
- Develop sliding scales
- Across the board modifications
- Temporary-remainder of 2009

Plat Recording Extensions

- Modify to provide a 2 year administrative extension

Administrative Approvals

- Implement existing authorities
- Continue to evaluate for efficiencies

Staff recommendations in reports

- Continue to provide recommendations

Water Supply/Groundwater Contamination

- Encourage direct reuse of wastewater
- Acceptable to recharge wastewater
- Further study of septic impacts on groundwater

The next Planning Commission Meeting is scheduled for May 5, 2009.

Mr. Sery explained the procedures for the hearing.

1. Consent Items

A. Minutes of the Regular Meeting held April 7, 2009 and April 21, 2009

B. VR-09-002

DECONINCK

**VACATION AND REPLAT
HIGH PRAIRIE LIBRARY**

Request by Farmer's State Bank of Calhan to vacate and replat Lots 1 of NJO Filing No. 1 from one commercial lot to two commercial lots of 1.86 acres and 2.04 acres. The existing lot is approximately 3.88 acres and is zoned CC (Commercial Community). The property is located north of the intersection of Highway 24 East and Old Meridian Road in the Falcon/Peyton Comprehensive Planning Area. Schedule No. (43072-07-009 and 43072-07-010) (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. 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.
8. The shared access and maintenance agreement shall be recorded prior to recording the plat.
9. Collateral sufficient to ensure that the public improvements and best management practices as listed in the approved Estimate of Guaranteed Funds shall be provided when the Final Plat is recorded.

10. The subdivider or developer shall contribute their fair and equitable share in the Falcon Small Area Traffic Study. This amount shall be paid to the Small Area fund prior to final plat recordation.
 - i. In the event of future expansion, the High Prairie Branch Library will result in additional traffic generation within the Falcon Small Area. Prior to issuance of a building permit, the transportation impacts shall be re-assessed based on the Small Area study in place at the time and processed by DSD staff administratively. Administrative decisions may be appealed to the Board of County Commissioners.
 - ii. In the event of future platting, the development shall reassess the Small Area impacts using the Study in place at the time.
11. An administrative site development plan review and approval will be required prior to issuance of any building permits. The site development plan and submitted materials shall conform to the requirements of the El Paso County Land Development Code (2008).
12. All remaining technical issues as identified by the Development Services Department shall be resolved prior to scheduling this project for hearing by the Board of County Commissioners.

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. The impervious potential of the subdivision is not increasing over the previous plat. No reconsideration of the basin fee was made and no additional fees apply.
4. No parkland fees or dedications are required with a commercial development.
5. This request is within the Falcon #49 School District. School fees are not required with a commercial development

Mr. Vohland made a motion to approve Consent items 1b, Mr. Hicks seconded the motion. The vote was a unanimous vote (7-0) 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 09-023 Resolutions of the El Paso County Planning Commission.

REGULAR ITEMS:

2. 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 stated the project was continued from April 7, 2009 with direction from the Planning Commission to have the applicant prepare a new letter of intent.

Applicant prepared a new letter of intent stating the use for an Accessory Retail Sales and also requesting a ten (10) year variance. Applicant indicated in the letter of intent there was a weight restriction limit on the equipment to be sold under the retail sales accessory use.

Mr. Kunstle questioned the applicant regarding the zoning. He stated, after reviewing the maps provided, that there seemed to be more residential lots than commercial sites. Mr. Kunstle stated he did not have a problem with the variance however he was in favor of a five (5) year variance rather than a ten (10) year to allow Development Services to review the area of development per the Land Development Code.

SPEAKING AGAINST: NONE

Mr. Vohland made a motion for approval of Resolution No. VA-08-010 (utilizing the Standard Resolution on Page 49) regarding the BSK Investment Contractor's Equipment Yard Variance of Use, modifying condition number 2 based on hardship, to reflect a ten (10) year variance of use instead of five (5), more particularly described in Book ____, Page 09-024, 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. Schanel seconded the motion and upon voting it was approved by a vote of 6 to 1 subject to the following conditions and notation, with Mr. Kunstle in opposition.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. Approval is limited to the renewal of the previously approved variance of use for a contractor's office and equipment yard and accessory retail uses to include: the sales of agricultural related equipment including compact tractors under 10,000 lbs gross vehicle weight (GVW) and attachments; and contractors supplies such as straw bales, logs, and silt fence supplies related to the erosion and re-vegetation business, as depicted in the applicant's letter of intent and site drawings.
2. The variance of use shall be granted for a period of five (5) years from the date of the El Paso County Board of County Commissioners' action.
3. This variance of use approval shall be deemed abandoned, and of no further force and effect, if the primary intended use and/or activity has not been substantially implemented upon the approved site within one (1) year of the Board of County Commissioners' variance of use approval, or if implemented, has been discontinued for a period of one (1) year. For the purpose of this condition, this variance of use shall be deemed discontinued if the primary intended use has not been actively and regularly conducted on the approved site.
4. Storage of junk or inoperable and unregistered vehicles is prohibited.
5. The parking of vehicles or equipment along Utah Lane is prohibited.
6. Retail sales must be incidental to the principal use for which the variance is granted. Retail sales display shall not be marketed to passer-by traffic along the Woodmen Road corridor. Outdoor display area shall be screened from adjacent properties.
7. No subsequent enlargement, expansion, or modification of the use shall be allowed unless the proposal is reevaluated and goes through the public hearing process in accordance with the requirements of the Land Development Code.

NOTATIONS

1. 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.
2. 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.
3. Variance of use requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to resubmitted in their entirety.

**PUD DEVELOPMENT PLAN
LORSON RANCH TOWNHOMES AND APARTMENTS**

Request for approval of a PUD Development Plan for Tracts 14 and 17 of Ponderosa at Lorson Ranch Filing 1. The two tracts total 36.1 acres and are located northeast of the Marksheffel Road and Fontaine Boulevard intersection. The applicant proposes densities of approximately 8.8 dwelling units per acre for Tract 14 and 20 dwelling units per acre for Tract 17, in addition to 13.3 acres of open space. The two tracts are located within the Highway 94 Comprehensive Planning Area. (Schedule No. 55000-00-337) (PUD-08-006)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

Mr. Craig Dossey presented both the Lorson Ranch PUD Development and the Lorson Ranch Townhomes Preliminary Plan before the Planning Commission and answered any and all questions.

Mr. Dossey stated that there were three (3) adjoining property owners notified and as of this date no responses had been received.

Mr. Cocolin, developer, stated that this is a follow-up from the previous year to the concept plan, and asked if he could answer any questions that the Planning Commission may have.

SPEAKING AGAINST: None

Mr. Hicks made a motion for approval of Resolution No. PUD-08-006 (utilizing the Standard Resolution on Page 29) regarding the Lorson Ranch PUD Development more particularly described in Book _____, Page 09-025, 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. Vohland seconded the motion and upon voting it was approved by a vote of 7 to 0 subject to the following conditions and notations.

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 development 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 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 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.
12. A finding of water quantity and dependability sufficiency by the County Attorney's Office and a finding of water quality sufficiency by the County Health Department will be required prior to scheduling a final plat application for hearing by the Planning Commission.

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.

4. SP-08-008

DOSSEY

**PRELIMINARY PLAN
TRACT 14 LORSON RANCH TOWNHOMES**

Request by Lorson Ranch Development Corporation for approval of Preliminary Plan for Tract 14 of the Ponderosa at Lorson Ranch Subdivision Filing 1. The 23.5-acre tract is located northeast of the Marksheffel Road and Fontaine Boulevard intersection and is included within the Highway 94 Comprehensive Planning Area. The proposal anticipates construction of 206 townhome units in the form of three, four, and five-plex units for an overall density of approximately 8.8 du/acre. (Schedule No. 5500000337) (SP-08-008)

Mr. Craig Dossey presented both Lorson Ranch PUD Development and Lorson Ranch Townhomes Preliminary Plan before the Planning Commission and answered any and all questions.

Mr. Dossey stated that there were three (3) adjoining property owners notified and as this date no responses have been received.

Mr. Cocolin developer stated this is a follow up from the previous year with the concept plan, and asked if he could answer any questions the Planning Commission may have.

SPEAKING AGAINST: None

Mr. Hicks made a motion for approval of Resolution No. SP-08-008 (utilizing the Standard Resolution on Page 25) regarding the Lorson Ranch Townhome Preliminary Plan more particularly described in Book ____, Page 09-026, 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. Vohland seconded the motion and upon voting it was approved by a vote of 7 to 0 subject to the following conditions and notation.

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 technical issues shall be resolved in accordance with Development Services.
3. Applicable school and park fees shall be paid with any final plats.
4. 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.
5. The applicant will be required to submit a fire protection report as part of the final plat subdivision submittal requirements.
6. The applicant will be required to submit a commitment to serve letter from the school district and utility providers as part of the final plat subdivision submittal requirements.
7. Any outstanding technical issues will be required to be addressed prior to the approval of the early grading permit.
8. Applicable drainage and bridge fees shall be accounted for with the final plats.
9. A finding of water quantity and dependability sufficiency by the County Attorney's Office and a finding of water quality sufficiency by the County Health Department will be required prior to scheduling a final plat application for hearing by the Planning Commission.

NOTATIONS

1. According to the EI Paso County Land Development Code, approval of the Preliminary Plan will expire after twelve (12) months unless a final plat has been approved and recorded or a time extension has been granted.

Mr. Hicks made a motion for approval of Resolution No. SP-08-008 (utilizing the Standard Resolution on Page 25) regarding the Lorson Ranch Townhome Preliminary Plan more particularly described in Book ____, Page 09-026, 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. Vohland seconded the motion and upon voting it was approved by a vote of 7 to 0 subject to the following conditions and notation.

5.

FITZPATRICK

Review of Billboard Stakeholder Process And Issue Paper Discussion

Mr. Raimere Fitzpatrick reviewed the progress on Billboards and the Stakeholders meeting along with the White Paper discussion with the Planning Commission and asked for their feed back.

Mr. Vohland asked what type of information staff is looking to receive from the Planning Commission.

Mr. Fitzpatrick stated he is looking for their recommendations and any ideas which could help in future discussion and development of the issue paper and potential code revisions.

Mr. Fitzpatrick answered any and all questions the Planning Commission had on the Billboard issues.

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:35 p.m.

Terry Lowderman, Recording Secretary

Adopted: