

**EL PASO COUNTY PLANNING COMMISSION**

**May 19, 2009**

**MINUTES**

PRESENT  
DURING PART OR  
ALL OF THE MEETING

Steve Hicks  
Steve Sery  
David Powell  
Ed Bracken  
Verlin Dickman  
David Kunstle  
Steve Immel  
John Vohland

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  
Tony Deconinck, Development Services  
Kevin Diekelman, Development Services  
Raimere Fitzpatrick, Development Services  
Drew Gorgey, County Attorney's Office  
Rich Harvey, Development Services  
Mark Gebhart, Development Services  
Gary Hamacher, Development Services

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. Immel	Mr. Bracken	
Mr. Powell	Mr. Hicks	Mr. Dickman
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.

**1. Report Items - Ms. Kleckner reported:**

- A. Staffing and workload. Ms. Kleckner reviewed building permit activity and the Development Services Executive Summary stating there was a slight increase in overall submittal activity for the month of May. Ms. Kleckner stated the C and D project submittals for the current month are at a slight increase, the monthly submittals are half of last year. Ms. Kleckner stated the project managers, and planners as well as engineering staff are still carrying a significant workload.
- B. The Procedures Manual. Ms. Kleckner stated adjustments are being made to reflect the recently authorized administrative authority. County Attorney review is nearing completion.
- C. The Land Development Code: There will be a work session scheduled for today on version 2 revisions. Sign revisions – waiting for direction from executive management on scheduling a Board of County Commissioners work session.
- D. Ms. Kleckner presented the Planning Commission a copy of the resolution the Board of County Commissioners approved on May 14, 2009 regarding the study of groundwater contamination issues, and future Land Development Code (LDC) Revisions relating to water reuse.
- E. The next Planning Commission Meeting is scheduled for June 2, 2009.

- E. Reported on Board of County Commissioners' action on items previously heard by the Planning Commission.

Mr. Sery explained the procedures for the hearing.

**2. Consent Items**

**A. Minutes of the Regular Meeting held May 5, 2009.**

**B. SF-08-009**

**Deconinck**

**Final Plat  
Palomino Reserve**

Request by Shawn McKee for final plat approval of the Palomino Reserve development. The proposed 88.3-acre subdivision is in the RR-5 (Residential Rural) zone district. The proposed subdivision includes fifteen (15) single-family lots with a minimum lot size of five (5) acres. The property is located southwest of the intersection of Highway 83 and County Line Road. (Schedule Nos. 61000-00-495 and 61000-00-497)

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 preliminary plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. Collateral sufficient to ensure that the public improvements as listed in the approved Estimate of Guaranteed Funds shall be provided when the final plat is recorded.
8. 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.
9. Park fees in lieu of land dedication for regional park purposes (Region 1) in the amount of \$4,980.00 shall be paid at the time of recording.
10. Fees in lieu of school land dedication in the amount of \$4,620 shall be paid to El Paso County for the benefit of Lewis-Palmer School District 38 at the time of recording.
11. Applicant shall submit the Mylar to Enumerations for addressing prior to recording.
12. 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.

13. A completed U.S. Army Corps of Engineers (COE) permit shall be provided to Development Services prior to project commencement if ground-disturbing activities will occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required will be acceptable.
14. There shall be no direct lot access to Colorado Highway 83 from any lot within this subdivision, unless such access location is approved by the CDOT.
15. Prior to scheduling this item for hearing by the Board of County Commissioners revised covenants shall be submitted and approved by the Development Services Division and the County Attorneys Office to ensure that the proposed lots are included within the covenants, as appropriate. This would include any private road declarations or agreements, fire protection requirements, water covenants, and subdivision covenants, whether proposed as separate covenants or combined.
16. Applicant shall resolve outstanding issues with the Pikes Peak Regional Building Department Floodplain Administrator prior to scheduling this project for the Board of County Commissioners.
17. A Prebles Meadow Jumping Mouse clearance letter from the US Fish and Wildlife Service shall be submitted to Development Services prior to recording.
18. Prior to recording the final plat, the applicant shall provide documentation that the well number 146322 has been re-permitted.

#### **NOTATION**

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.
2. This property is situated within the West Cherry Creek Drainage Basin. This basin has not been studied; therefore, no drainage or bridge fees are due.

Mr. Bracken made a motion to approve Consent items 2a and 2b, with a correction to the minutes Mr. Powell seconded the motion. The vote was a unanimous vote (8-0) for approval, subject to the proposed conditions and notations, and that these items are forwarded to the Board of County Commissioners for consideration. The Resolution can be found in Book \_\_\_\_\_, Page 09-028, Resolutions of the El Paso County Planning Commission.

#### **REGULAR ITEMS:**

**3. VA-09-001**

**Dossey**

#### **Variance of Use Global Near Space Services**

A request to operate a flight testing program including an aerostat (lighter-than-air vehicle that remains tethered to the ground) for testing and training purposes. The 160-acre parcel is zoned A-35 (Agricultural) and is located at the southeast corner of the Judge Orr Road and Yoder Road intersection. The tethered balloon flights are anticipated to reach altitudes of up to 2,000 feet with most occurring during the normal work week. Applicant states that initial feedback from the FFA indicates that waivers for the operation will be granted. (Schedule No. 136000-00-003) (VA-09-001)

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

Mr. Dossey, stated that there were seven (7) adjoining property owners notified and as of this date two responses were received one in favor and one in opposition.

Mr. Dossey stated that the Land Development Code does not allow the aerostat as a use in the A-35 zone. Therefore, if the applicant can meet and satisfy the review criteria, staff would

recommend approval with the deletion of condition number 3. The variance of use request shall expire five (5) years from the date of Board of County Commissioners' approval.

SPEAKING FOR: Mr. Tim Murphy Vice President Operation for Global Near Space Services representing the applicant stated the company was formed in 2006 for the purpose of developing a vehicle that will fly in near space above 80,000 feet is our goal for four to five month at a time. Mr. Murphy stated that the use of property will be for testing and training for about a week or two out of a month; the other weeks of the month the aerostat would be deflated. Mr. Murphy stated the launch and recovery of the aerostat requires four crew members; only two crew members will be required to maintain the aerostat.

Mr. Murphy stated the traffic and noise level will be kept to a minimum. The only noise would be from training and from the semi-truck need to fill the aerostat: the truck would be on site for about 2 hours during inflation of the aerostat.

Mr. Immel asked regarding the inflation what is the long term intent; is the plan to have large storage tank on site? Will there be any combustible?

Mr. Murphy stated that a bulk trailer will be brought in to inflate the aerostat. Mr. Murphy stated that there are a couple of options related to composite compress tanks and gas recycling; but that those options would likely be explored sometime down the road. Mr. Murphy stated he would be working with the Calhan Fire Department when the aerostat is being inflated.

Mr. Kunstle stated that he had heard different hours of operations. He asked if Mr. Murphy could you please clarify. .

Mr. Murphy clarified the testing and training schedules. Mr. Murphy stated the test would consist of about one week long term test and the rest would be for training. Mr. Murphy stated there are two training options to purchase, the first one will be trained in Colorado Springs, and the other trained at their location. Mr. Murphy stated that there will be two to three crews trained at a time which consists of six to eight individuals.

Mr. Kunstle asked if this was limited to tethered aerostats.

Mr. Murphy answered yes. If anything were to change the applicant would need to apply for an additional variance of use approval.

Mr. Powell asked to clarify the maximum altitude

Mr. Murphy explained the maximum altitude requested.

Mr. Murphy stated that he would only need a maximum altitude of 4000 feet and if he needs additional feet he understands he would need to re apply with Development Services.

Mr. Craig Dossey stated that staff will ask for a revised letter of intent reflecting a maximum height of 4000 feet prior to the Board of County Commissioners hearing of the request.

Mr. Murphy stated that any changes to the operation would require approval from the FAA. He has from the FAA approval up to 4000 feet.

SPEAKING AGAINST: NONE

Mr. Bracken made a motion for approval of Resolution No. VA-09-001 (utilizing the Standard Resolution on Page 51) regarding the Global Near Space Services Aerostat Variance of Use, more particularly described in Book \_\_\_\_\_, Page 09-029, 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 8 to 0 subject to the following conditions and notation.

### **Discussion**

Mr. Immel stated he would like clarification on the altitude and also daily operational time, there has been some opposition to the request. The launch should be limited to normal business hours between 8 am and 5 pm.

Mr. Bracken doesn't agree. This is a business and the project has received one complaint. He stated that he was not ignoring the complaint, but sees the need for operations to occur during both day time and night time.

Mr. Vohland commented he would support Mr. Bracken statement as well as the applicant comment that they are already very limited with regard to night operations.

Mr. Hicks, agrees with Mr. Vohland and also added that with night operations there would be less visual impact.

Mr. Kunstle, also agreed with the Commissioner's and stated that he did not want place any additional conditions and restriction on the applicant.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

#### **CONDITIONS OF APPROVAL**

1. Approval of this variance is limited to the storage, launch, ascent, flight, and recovery of tethered aerostats on the site and to the caretaker's residence, a small office, and classroom space. The uses are limited to the areas depicted on the variance site plan and the approved site development plan (PPR-09-007). Approval of site development plan file number PPR-09-007 shall initiate the launch, ascent, flight, and recovery of the aerostat as the only use on the undeveloped site. An amended site development plan shall be submitted and approved prior to the issuance of a building permit and construction of the hangar, caretaker's residence, and classroom space.
2. The launch, ascent, flight, and recovery of all aerostats and tethered craft shall be conducted in a centralized area within the area identified on the site plan as "balloon flight operations area". At no time shall any planned operation or associated activities be conducted within the 250-foot buffer area shown on the plan.
3. Any approval of the variance of use request shall expire five (5) years from the date of Board of County Commissioners' approval.
4. 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 at least 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.
5. Current copies of any applicable Federal Aviation Administration (FAA) permits and requirements shall be submitted for inclusion into the project file (VA-09-001) with the El Paso County Development Services.
6. A noxious weed management plan shall be submitted to the Development Services for review and approval prior to site development plan approval. Development of this plan should be coordinated with the Double E Conservation District and the El Paso County Environmental Services Department.
7. The applicant shall adhere to all requirements of the Colorado Division of Wildlife concerning wildlife habitat.

#### **NOTATIONS**

1. The Board of County Commissioners may consider revocation and/or suspension of the variance of use approval 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 one (1) 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.

Mr. Sery asked Mr. Drew Gorgey of the El Paso County Attorney's Office to review the Bylaws regarding the Election of Officers, which was not placed on the agenda. Mr. Gorgey stated per the Bylaws the Annual Meeting is to be held in May and this is found to be sufficient notice regarding the scheduling of Election of Officers. Mr. Sery asked if there was a motion to continue the Election of Officers to another date. No motion was made.

Mr. Bracken nominated Mr. Sery to be appointed Chairman of the El Paso County Planning Commission; Mr. Sery accepted the nomination and Mr. Powell seconded the motion upon a voice vote it was approved unanimously 8 to 0.

Mr. Vohland nominated Mr. Immel to be appointed Vice-Chairman of the El Paso County Planning Commission; Mr. Immel accepted the nomination and Mr. Kunstle seconded the motion upon a voice vote it was approved unanimously 8 to 0.

**4. SKP-08-002**

**Deconinck**

**Gleneagle Patio Homes  
Sketch Plan**

Request by MCTN LLC, (Owner) and Gleneagle Golf Club (applicant) for approval of an amended sketch plan to convert 10.5 acres of Tract P to accommodate 47 new patio homes. The overall parcel is 103.78 acres and is zoned RR-5 (Residential Rural). There is a concurrent application to rezone the proposed parcel to PUD (Planned Unit Development). The property is located approximately three-quarters of a mile northeast of the intersection of Struthers Road and Gleneagle Drive, within the Tri-Lakes comprehensive planning area. (Schedule No. 62062-01-096) (SKP-08-002) (Deconinck).

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. Applicable park and school fees shall be paid with any final plats.
2. Approval is limited to a patio home/townhome type development with a maximum of 47 units. The approval of the sketch plan shall be effective for a period of five (5) years. If, at the expiration of the five-year period, rezoning to implement the sketch plan is not obtained, the approval of the sketch plan shall expire.
3. 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.

**NOTATIONS**

1. Action taken by the Planning Commission and Board of County Commissioners on a sketch plan shall be considered a preliminary decision to the zoning and platting of the property and shall not be considered a final decision for purposes of judicial review.
2. Sketch plans not forwarded to the Board of County Commissioners for consideration within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
3. A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Development Services Department prior to project commencement if ground-disturbing activities would occur in wetland areas.

Both the Amended Sketch Plan and PUD rezone for Gleneagle were heard concurrently.

See below for discussion of both items.

**5. PUD-08-004**

**Deconinck**

**Planned Unit Development Rezone  
Gleneagle Patio Homes**

Request by MCTN LLC, (Owner) and Gleneagle Golf Club (applicant) for approval of a PUD rezone of 10.35 acres of Tract P to accommodate 47 new patio homes. The overall parcel is 103.78 acres and is zoned RR-5 (Residential Rural). There is a concurrent application to amend the sketch plan for this property. The property is located approximately three-quarters of a mile northeast of the intersection of Struthers Road and Gleneagle Drive, within the Tri-Lakes comprehensive planning area. (Schedule No. 62062-01-096) (Deconinck)

Mr. Powell recused himself from the Planning Commission regarding both items; he is a resident of Gleneagle.

Mr. Tony Deconinck presented an overview of both projects before the Planning Commission and answered any and all initial questions for staff.

Mr. Mark Gebhart then presented the planning analysis for both projects before the Planning Commission and answered any and all questions related Land Development Code compliance and long-range planning.

Mr. Deconinck, stated that there were 172 (one hundred seventy two) adjoining property owners notified and as of the hearing date eighty three (83) responses were received. There were four in favor and seventy seven in opposition, with one no opinion and one with conditional support.

Mr. Miles Scully, owner of Gleneagle Golf Club, stated he purchased the golf course over seven (7) years ago and has been losing money in the six figures every year. Mr. Scully stated there has been a decline in golf course membership, and golf courses have been used to sell homes which resulted in an over supply of golf courses in the North area. Mr. Scully stated he has had numerous meetings with the adjoining property owners and has offered to make concessions if allowed by the Planning Commission. Mr. Scully also stated that he had offered if the adjoining property owners would support his project he would agree to not start construction for five (5) years.

**SPEAKING FOR:** Parry Thomas, representing Mr. Miles Scully, stated this has been in process over two and one half (2 1/2) years. Mr. Thomas stated they have looked at every option that would minimize the impact on the neighborhood and support the financial aspect. Mr. Thomas explained to the Planning Commission the different scenarios which were used and the footprint and setback design for Phase One of the Gleneagle Patio Townhomes.

Mr. Immel asked if there were any models of the existing structures that could be reviewed; a before and after picture.

Mr. Thomas stated unfortunately there were not.

Mr. Dickman asked if all the patio homes are single story and with moving the tee boxes has there been a spray study performed.

Mr. John Olson with Thomas and Thomas explained the boundary and the height requirements which are addressed in Phase One and also addressed the spray pattern.

Mr. Rick Evelo with Gleneagle Golf addressed to the Planning Commission the 150' foot buffer that does include the landscaping and the reconfiguration of Hole Number Six (6).

Mr. Scully stated that the golf course may not be viable; if this project is not approved, the golf course will not stay open after the fall. If the zoning is not approved Mr. Scully stated he would be seeking different zoning from Development Services which would be less costly. Mr. Scully stated the irrigation system is antiquated. He has received numerous bids on replacing the current system with a double row system. Mr. Scully stated he will finance the irrigation system and delay the construction of the townhomes if the neighborhood supports the proposed development. Mr. Scully answered any questions.

Mr. Dickman stated he is very concerned about the safety on the reconfigured Hole Number Six (6) and also the traffic on Mission Hill Way and Gleneagle Drive.

Mr. Scully stated regarding the safety issues if the neighborhood wants to reconfigure Hole Number Six (6), and want to make it a par three, he would be willing to do so.

Ms. Ruth Spencer, homeowner in Gleneagle, stated she understood that Gleneagle Golf Course was willing to sell the driving range to Eagle Villas Townhomes and lease back to the golf course to remain

a driving range but this offer was not accepted by Eagle Villas. The eighteen (18) hole golf course in the community keeps our property values up, thus contributing to our property taxes. Without the golf course all could lose.

Mr. John Fraeger stated when he came to this meeting he was in opposition, but after listening to Mr. Scully and his consultants, he has changed his mind, he would rather see the golf course remain open.

**SPEAKING AGAINST:** Mr. Doug Jenkins, representing The North El Paso County Coalition of Community Associations (NEPCO), stated their concerns regarding violation of numerous provisions of the El Paso County Policy Plan, Tri-Lakes Comprehensive Plan, Gleneagle/Academy View Sub-Area Plan and Land Development Code.

The increased traffic generated by the proposed housing project would create further congestion and delays at an already problematic intersection. Traffic along Mission Hill Way and at the intersection of Mission Hill Way and Gleneagle Drive would be greatly increased. This is already a dangerous intersection with minimal sight distances, signage and turn lanes. Improvements over and above those recommended are needed.

The proposed housing project represents an unwise use of scarce water resources. The 300-Year Water Supply Rule applies and should not be waived. The proposed housing project is an unwise use of scarce water resources, and 47 townhomes would require allocating 54 acre-feet of purified ground water in order to comply with the 300-year water supply rule. The driving range currently uses virtually not purified ground water and minimal reclaimed water.

With the marketability of proposed housing, the units would remain unsold for years and the area will become unsightly and problematic, all of which will have a negative impact on the property values of adjacent properties. Based on current market conditions and real estate statistics, there is a 9 ½ year inventory of townhomes/patio homes in the \$325,000.00 to \$475,000.00 price range in the Gleneagle/Northgate area. The nearby Paradise Villas development has not been built out due to poor market conditions. The Tri-Lakes Comprehensive Plan prescribes a market-driven approach to zoning changes.

**SPEAKING AGAINST:** Mr. Bill Carroll representing (GCA) Gleneagle Civic Association stated his concerns. The proposed housing project would be highly disruptive to Gleneagle, "A Planned Country Club Community." Existing open space, parks and trails are already very limited in Northern El Paso County. There are no parks exist in Gleneagle.

Adverse impacts to single family homes along Gleneagle and Huntington Beach Drive could result. The proposed housing project would require abrupt density changes from multi-family to single family, resulting in decreased property values and increased privacy concerns.

Regarding traffic and Parking on Mission Hill Way, the proposed housing project would be served by a single driveway exiting onto Mission Hill Way. Double parking along Mission Hill Way would further add to congestion and safety issues. The proposed housing project features a single driveway to access all 47 townhomes, adversely impacting traffic and parking on Mission Hill Way. The original traffic study estimated 450 trips per day; revised study estimates 290 trips per day, all through the single driveway and all on Mission Hill Way.

Mr. Carroll commented that it is a slippery slope of golf course land rezoning, subdivision, sell-off and development. If the applicant can obtain a rezone on this small parcel, what will keep him from requesting similar rezoning for the remainder of his property in the future?

There could be a loss of goodwill/impact on Golf Course Business. The proposed housing project has already alienated many Gleneagle residents, golf course patrons and voters, with resulting loss of business. It is doubtful that a new irrigation system, even if installed, will make up for the long-term effect.

**SPEAKING AGAINST:** Mr. Dennis Beasley (EVOA) Eagle Villas Home Owners stated their concerns regarding site location and placement of townhomes. The planned housing project is uncomfortably close to the Eagle Villas community (minimal separation with little visual relief between communities) with units typically separated by 60' or less destroying community character. This is out of character and inconsistent with the relative placement of existing patio home communities. Existing Gleneagle communities are separated by various, adequate forms of buffering and visual relief, for example, Club Villas and Eagle Villas units are typically separated by 120' or more.

Applicant proposes building the units closest to Eagle Villas first. Eagle Villas Owners Association requests phasing be reversed, leaving the land closest to Eagle Villas undisturbed for as long as possible. They believe Phase 2 will never be built due to marketability issues.

Neighborhood property values and assessed valuations will plummet due to glut of similar housing. Noise, light and air pollution; and loss of views, privacy and wildlife corridor are also concerns.

El Paso County Master Plan change requests are a frontal assault on the Master Plan, commented Mr. Beasley.

The project would mean a 25-fold increase in density from RR-5 to PUD (1 unit per 5 acres to 5 units per acre)

The project is a drastic and unnecessary shift in land use from recreational open space to compact multi-family housing.

Eagle Villas owners paid extra for properties adjacent to land zoned RR-5 per the El Paso County Master Plan. The proposed housing project depicts 14 townhomes as close as 25 feet to the Eagle Villas property line with the resulting loss of views and privacy. The Master Plan should protect Eagle Villas owners. If these requests are approved, what protection can any El Paso County property owner expect the Master Plan to provide?

Approval of these requests does not guarantee the future financial success of the Gleneagle Golf Club, but does guarantee devastating and irrevocable impacts on adjoining property values and amenities.

Mr. Sery asked for comments from Commissioners.

Mr. Kunstle asked what would happen if development is approved, ground is broken, and the market doesn't turn and the property sits dormant?

Mr. Scully stated there's not an easy answer, with the credit market being taken away, and he is fortunate that he has good credit and good lenders.

Mr. Kunstle asked with the loss of one amenity what kind of amenity will replace it.

Mr. Scully stated the driving range fails to generate more than \$10,000.00 a year but costs over \$15,000.00 to maintain. It is a losing proposition. The practice area is a commitment area, if the residents are interesting in moving the driving range to the lake the option would be available to use the compressed balls.

Mr. Immel asked about the buffer zone on the southeast corner. If the buffer is still to close for the corner residents is he willing to modify your plans?

Mr. Scully stated yes, and he is willing to work with the residents with any issues they have.

Mr. Kunstle asked a question for staff regarding the Master Plan and the Sketch Plan amendment. The Master Plan as it sits envision the golf course as being used as a golf course as does the Sketch Plan .

Mr. Gebhart referred to the Gleneagle Master Plan table listing the golf course as a private open area. It doesn't label it on the Gleneagle Master Plan, but you can clearly see it is a golf course. Mr. Gebhart reviewed in more detail the Gleneagle Master Plan and the Sketch Plan with the Planning Commission.

Mr. Bracken made a motion for disapproval of Resolution No. SKP-08-002 (utilizing the Standard Resolution on Page 36) regarding the Gleneagle Amended Sketch Plan, lack of second, the motion failed.

Mr. Vohland made a motion for approval of Resolution No. SKP-08-002 (utilizing the Standard Resolution on Page 29) regarding the Gleneagle Amended Sketch Plan, more particularly described in Book \_\_\_\_, Page 09-030, 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. Dickman 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. Bracken in opposition.

## **Discussion**

Mr. Bracken stated he was torn on this proposal. The Commissioners have to vote based on Master Plan compliance. Mr. Bracken stated he has empathy for the developer in these economic circumstances but there nothing in the code that provides direction for approval or denial on that basis. Mr. Bracken stated there were three different plans to consider: The County Master Plan, the small area plan (Tri Lakes Plan) and the Land Development Code. He also stated the residents have an vested interest in the area. Mr. Bracken stated on the County's Master plan perspective, Development Services used Eagle Villa Townhomes using as a bench mark when in reality the preponderance of the existing development is 650 single family homes and this characterization should be used in evaluating compliance with the Policy Plan. Mr. Bracken cited the Land Development Code 6.13, 6.11, 6.17, 7.15, 7.16 and stated this does not comply with the Master Plan and is not compatible with the community.

Mr. Dickman stated he had a couple of observations and is very conflicted. The Master Plan language is very general, and is subject to what has happened over several years since the zone changes. Mr. Dickman stated something needs to be done in order to keep the golf course open. He doesn't think closing the golf course would be in the best interest of El Paso County and the neighborhood.

Mr. Dickman stated assuming the Sketch Plan approved, there are safety issues with the golf course and also with the safety of the intersection to be addressed down the line where he would like to see changes made at this time.

Mr. Kunstle agreed with his fellow Commissioners, and also stated his general concerns regarding the Sketch Plan converting the golf course into residential units. The responses were significant in opposition. Seventy-seven (77) adjoining property owners this is an extensive number of neighborhood opposition.

Mr. Sery, echoed what Mr. Dickman stated. He does not see this as a threat. This is the alternate that will keep this a golf course community open. There is enough factual information. A golf course is a shaky proposition and the applicant has taken a loss every year.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

#### **CONDITIONS OF APPROVAL**

1. Development of the property shall be in accordance with this PUD development plan. Minor modifications may be made subject to the provisions of the El Paso County Land Development Code and established county procedures.
2. Approved land uses are those defined in the PUD development plan and development guidelines. All residential uses are single family and the development shall not exceed 47 units.
3. 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. The development guide shall be recorded in conjunction with PUD development plan.
4. All owners of record must sign the PUD development plan.
5. The rezoning action shall require the final platting of the property to match the proposed.
6. PUD boundaries prior to development of the property.
7. Since the detention pond and maintenance access are not located within the boundaries of the development application, but are in the same ownership, permission from the owner is required with the final plat, as well as a maintenance agreement.
8. There shall be no direct lot access to Gleneagle Drive or Mission Hill Way.
9. 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.
10. Prior to scheduling for the Board of County Commissioners hearing for the final approval of the PUD development plan and associated documents, the applicant shall address any remaining technical corrections to those documents.

11. Improvements at the intersection of Mission Hill Way and Gleneagle Drive, as triggered by this development, shall be designed and constructed with the 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 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 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.

6.

**Work Session Item  
Land Development Code Revision, Version 2  
HAS BEEN CONTINUED UNTIL JUNE 2, 2009**

There being no further business to come before the Planning Commission, the meeting was adjourned at 4:50 p.m.

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Terry Lowderman, Recording Secretary

Adopted: