

**EL PASO COUNTY PLANNING COMMISSION**

**August 18, 2009**

**MINUTES**

PRESENT  
DURING PART OR  
ALL OF THE MEETING

Steve Sery  
Steve Hicks  
Verlin Dickman  
Steve Immel  
David Sered  
Robert Plyley  
John Vohland  
Eddie Bracken

COUNTY STAFF  
PRESENT DURING  
PART OR ALL OF  
THE MEETING

Mike Hrebenar, Development Services  
Elaine Kleckner, Development Services  
Kevin Diekelman, Development Services  
Tony Deconinck, Development Services  
Kari Parsons, Development Services  
Craig Dossey, Development Services  
Rich Harvey, Department of Transportation  
Max Rothschild, Development Services  
Raimere Fitzpatrick, 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. Immel	Mr. Dickman
Mr. Vohland	Mr. Hicks
Mr. Sery	Mr. Bracken

Mr. Sery stated per the bylaws the new associate members would need to attend three (3) planning commission meetings before they are eligible to vote but could ask a question or make a comment.

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 –**

- A. Ms. Elaine Kleckner reviewed the building permit activity and executive summary stating the month of July was bleak in terms of Development Services Division submittals but noted that there was an increase in building permit activity, while Colorado Springs and Fountain showed a decrease. Ms. Kleckner stated Development Services Division is still recruiting for a Project Manager I position and also stated a Planner may be recruited in the near future.
- B. The Procedures Manual: Ms. Kleckner stated adjustments are being made to reflect the recently authorized administrative authority. County Attorney review is ongoing.
- D. The Land Development Code: Ms. Kleckner stated that Version 2 revision was approved by the Board of County Commissioners on August 6, 2009 except for guest house and home occupation provisions. The sign revision white paper is completed; the Board of County Commissioners work session is yet to be scheduled.
- E. Ms. Kleckner stated that the Groundwater Contamination Study Committee appointments are scheduled for the Board of County Commissioners meeting on August

27, 2009. The Fountain Creek District Watershed, Flood Control and Greenway District has formed and is exercising land use authority. Lafarge application will be heard on August 28, 2009.

- F. Ms. Kleckner stated the next Planning Commission Meeting is scheduled on September 1, 2009, and the Planning Commission had previously indicated it will hold one meeting per month through the end of the year. Ms. Kleckner stated that two new Planning Commissioner training sessions have been held, the Roberts Rules of Order will be final session on October 6, 2009, after regular items have been heard.
- G. Reported on Board of County Commissioners' action on items previously heard by the Planning Commission.

Mr. Sery explained the procedures for the hearing and asked if there was anyone that would like to have a full hearing on any items on the consent calendar. Ms. Kleckner stated that staff has asked that consent item 2g be pulled for a full hearing due to opposition. Mr. Bracken asked to have the minutes from July 7, 2009 and July 21, 2009 pulled from the consent calendar.

## 2. Consent Items

- A. **Minutes of the Regular Meeting held July 7, 2009 and July 21, 2009 pulled from consent calendar.**
- B. **AL-09-003** **DECONINCK**  
**SPECIAL USE**  
**PETERSON AFB TOWER RENEWAL**

Request by Towerco (applicant) on behalf of K Ventures LLC (owner) for a special use renewal of an existing 80' commercial mobile radio service (CMRS) telecommunications tower. The 22.8-acre site is in the I-3 (Heavy Industrial) zone district and is located at 6985 Space Village Boulevard, approximately one-quarter mile southeast of the intersection of Platte Avenue and Peterson Road. (Schedule No. 54170-01-004) (AL-09-003) (Deconinck).

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

### CONDITIONS

1. Any subsequent co-location, additional equipment shelter or additional antenna on the stealth CMRS site other than that shown on the site plan may be subject to review and approval by the Development Services Department.
2. Approval is limited to one (1) commercial tower and associated antennas as depicted on the applicant's letter of intent, site plan and elevation drawing, with a maximum height of eighty (80) feet above the natural ground surface.
3. The equipment building shall either be natural concrete/stone exterior or shall be painted in a color that will blend with the surrounding area. The paint on the tower shall also be maintained in good condition and in accordance with the specs for industrial coatings.
4. Any subsequent co-location, additional equipment shelter or additional antenna on the tower site other than that shown on the site plan shall be subject to administrative review and approval by the Development Services Department.
5. Any changes in the owner of the tower shall be followed by notification to Development Services within 15 days of the change in ownership. Notification shall include the name and business address of the new owners with verification that the new owner has fully reviewed all applicable development permits, understands applicable conditions of approval, and shall ensure the transfer of all financial assurances.

6. Prior to scheduling for the Board of County Commissioners approval, a guarantee of financial surety shall be provided to El Paso County for the removal of the tower in case of abandonment.

**NOTATIONS**

1. The 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.
2. 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.
3. Special 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 be resubmitted in their entirety.

**C. AL-09-004**

**DECONINCK**

**SPECIAL USE  
PIKES PEAK RACEWAY TOWER RENEWAL**

Request by Towerco (applicant) on behalf of Cordell Tomlin (owner) for a special use renewal of an existing 150' commercial mobile radio service (CMRS) telecommunications tower. The five-acre site is in the I-3 (Heavy Industrial) zone district and is located at 0 Industry Avenue, approximately one-quarter mile east of the intersection of Industry Avenue and Wigwam Road. (Schedule No. 57260-00-019) (AL-09-004).

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. Any subsequent co-location, additional equipment shelter or additional antenna on the stealth CMRS site other than that shown on the site plan may be subject to review and approval by the Development Services Division.
2. Approval is limited to one (1) commercial tower and associated antennas as depicted on the applicant's letter of intent, site plan and elevation drawing, with a maximum height of one hundred fifty (150) feet above the natural ground surface.
3. The equipment building shall either be natural concrete/ stone exterior or shall be painted in a color that will blend with the surrounding area.
4. Any subsequent co-location, additional equipment shelter or additional antenna on the tower site other than that shown on the site plan shall be subject to administrative review and approval by the Development Services Division.
5. After Board of County Commissioner approval of this special use (AL-09-004), the applicant shall record a copy of the approval letter with the El Paso County Clerk and Recorder
6. Any changes in the owner of the tower shall be followed by notification to Development Services Division within 15 days of the change in ownership. Notification shall include the name and business address of the new owners with verification that the new owner has fully reviewed all applicable development permits, understands applicable conditions of approval, and shall ensure the transfer of all financial assurances.
7. Within 45 days of Board of County Commissioners approval, a guarantee of financial surety shall be provided to El Paso County for the removal of the tower in case of abandonment.

**NOTATIONS**

1. The 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.
2. 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.
3. Special 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 be resubmitted in their entirety.

**D. AL-09-005**

**DECONINCK**

**SPECIAL USE  
PARK STEALTH TOWER**

Request by Towerco (applicant) on behalf of Rita Park (owner) for a special use renewal of an existing 95’ stealth commercial mobile radio service (CMRS) telecommunications tower. The 4.8-acre site is in the RR-5 (Residential Rural) zone district and is located at 2746 Rustic Oak Grove, approximately one-quarter mile north of the intersection of Highway 83 and Old North Gate Road. (Schedule No. 62040-00-017) (AL-09-005).

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. Any subsequent co-location, additional equipment shelter or additional antennas on the stealth CMRS site other than that shown on the site plan may be subject to review and approval by the Development Services Department.
2. Approval is limited to one (1) stealth commercial tower and associated antennas as depicted on the applicant’s letter of intent, site plan and elevation drawing, with a maximum height of ninety-five (95) feet above the natural ground surface.
3. The equipment building shall either be natural concrete/ stone exterior or shall be painted in a color that will blend with the surrounding area.
4. Any subsequent co-location, additional equipment shelter or additional antenna on the tower site other than that shown on the site plan shall be subject to administrative review and approval by the Development Services Department.
5. Any changes in the ownership of the tower shall be followed by notification to Development Services within 15 days of the change in ownership. Notification shall include the name and business address of the new owners with verification that the new owner has fully reviewed all applicable development permits, understands applicable conditions of approval, and shall ensure the transfer of all financial assurances.
6. Within 45 days of Board of County Commissioners approval, a guarantee of financial surety shall be provided to El Paso County for the removal of the tower in case of abandonment.

**NOTATIONS**

1. The 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.

2. 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.
3. Special 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 be resubmitted in their entirety.

**E. SP-09-001**

**DOSSEY**

**PRELIMINARY PLAN  
MATIKA SUBDIVISION**

Request by Julie Barry-Rusin to subdivide a parcel located at 14775 Black Forest Road. The 42.27-acre parcel is zoned RR-5 (Residential Rural) and is located approximately 2 1/4 miles north of Shoup Road, approximately 1.6 miles south of Hodgen Road, on the east side of Black Forest Road. The proposal is to maintain the RR-5 (Residential Rural) zoning and to subdivide the parcel into seven lots. The property is located within the Black Forest Comprehensive Plan area. (Schedule No. 51320-00-001) (SP-09-001)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. Applicable school, park, drainage and bridge fees shall be paid with any final plats.
2. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements 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.
4. Applicant shall obtain signed waivers of the State's 600 foot well spacing requirement and submit to the Development Services Division for review by the El Paso County Attorney's office prior to scheduling this application for the Board of County Commissioners hearing.
5. HOA documents, which meet the requirements of the State Engineer's Office augmentation requirements, the El Paso County Attorney's Office conditions of approval, and the Division of Wildlife recommendations, shall be submitted for review by the El Paso County Development Services and County Attorney's office prior to recording of the final plat for Matika Subdivision (SF-09-001).
6. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county-maintained roadway.
7. There shall be no direct lot access to Black Forest Road from any lot within this subdivision.
8. The applicant shall submit a letter from the Black Forest Fire District in support of the roadway length.
9. Prior to the Board of County Commissioners hearing for the final approval of the preliminary plan and associated documents, the applicant shall address any remaining technical corrections to those documents.

**NOTATIONS**

1. According to the El 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.

2. All lien holders are required to ratify the final plat.
3. Private drainage ways will be maintained by a Home Owners Association which will be established at the time of final plat.

Mr. Vohland made a motion to approve Consent Items 2b, 2c, 2d, 2e and 2f with additional condition added to the staff report regarding water quality on consent item 2e; conditions were added to consent item 2f. Mr. Bracken seconded the motion. The vote was a unanimous vote (6-0) 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 on Page 09-042 through 09-046, Resolutions of the El Paso County Planning Commission.

**Regular Item**

**Minutes of the Regular Meeting held July 7, 2009**

**Minutes of the Regular Meeting held July 21, 2009**

Mr. Bracken made a motion to approve the minutes from July 7, 2009; Mr. Vohland seconded the motion upon a voice vote the motion was approved unanimous 6 to 0.

Mr. Bracken made a motion to approve the minutes from July 21, 2009; Mr. Hicks seconded the motion upon a voice vote the motion was approved unanimous 6 to 0.

**G. U-09-001**

**DOSSEY**

**APPROVAL OF LOCATION  
DONALD WESTCOTT FIRE STATION**

A request by Donald Westcott Fire Protection District for approval of location for a fire station. The 28.75-acre parcel is zoned RR-5 (Residential Rural) and is located north of Old North Gate Road and south of Stagecoach Road on the west side of Highway 83. The applicant is proposing to use the existing residential structure as a fire station, with the intent being to construct a larger facility on the site at a later date. The parcel is located within the boundaries of the Tri-Lakes Comprehensive Plan area. (Schedule No. 61000-00-152) (U-09-001)

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. Prior to the authorization of a building permit, a site development plan application shall be submitted and approved by the El Paso County Development Services Division.
2. The approval of location is for the temporary use of the existing residence as a fire station and the future construction of a new fire station as depicted on the approval of location site plan. Future development of the new facility will require approval of an additional site development plan and will be subject to all applicable development standards of the Code at the time of submittal.
3. Future facility expansion will be limited to the area depicted on the location approval site plan and reviewed pursuant to the dimensional standards of the RR-5 (Residential Rural) zoning district.
4. The district shall adhere to the guidelines of the submitted Wildlife Habitat Plan on file with Development Services.

**NOTATIONS**

1. Approval of location requests are not forwarded to the El Paso County Board of County Commissioners for consideration. Pursuant to C.R.S. 30-28-110, final El Paso County action occurs at Planning Commission.

Mr. Craig Dossey presented the Donald Westcott Fire Station request for approval of location for a fire station before the Planning Commission and answered any and all questions.

**SPEAKING FOR:** Tasha Norman, Planner with N.E.S., Inc., stated that the Donald Westcott Fire Protection District is requesting a location approval for a two phase occupation of the property by the District. During the first phase, the site and residence are proposed to be used by the Fire Protection District to house two to five fire personnel on a twenty-four hour basis. The residence and garage are located in the wooded area of the site, at a distance of more than 1,200 feet from the highway. The residence would be utilized as is with no new building construction during the first phase. The fire fighters' personal vehicles and a few smaller fire protection vehicles would be parked in the existing garages; no large fire trucks would be stored at the site during the first phase.

The proposed use of the existing site improvements would occur for a temporary but undetermined period of time, possibly for several years. The intent is to eventually construct a new fire station facility on the property in phase two. The new fire station facility would be located closer to Highway 83, within a non-wooded area that is generally depicted on the site plan. The new station would ultimately include interior space for typical fire station operations, living space for additional firefighter personnel, vehicle bays for fire equipment, and parking spaces for personal vehicles. The future development area depicted on the plan would contain all of these uses in a configuration that has yet to be determined.

The District proposes to utilize existing structures and utilities on the site, at an intensity that corresponds to a residential use. The primary occupancy will involve the existing residence and garage to house personnel and smaller District vehicles. The existing barn and carport have no paved access for vehicles, and will, therefore, be utilized to store small quantities of tools and equipment needed for maintenance of the property, and will not be used to store fire protection vehicles or equipment.

The property is located within the "Ponderosa Breaks" sub-area of the Tri-Lakes Comprehensive Plan (Tri-Lakes Plan) boundary. The Tri-Lakes Plan designates areas along the State Highway 83 Scenic and Historic Byway for Mixed Uses, generally of a medium to high density. The proposed uses of the existing residence by fire personnel in the interim, and the future construction of the fire station, are consistent with the identified master plan designation. Phase I will be to occupy the existing buildings; Phase II will be for construction of the new fire station. There is no proposal to rezone.

Mr. Bracken questioned the construction on the future build and the distance between spacing, particularly on the curves along State Highway 83. He added that he would like to see a traffic study or analysis done on State Highway 83. He also has concern with the entrance to the fire station on this particular section of the highway.

Ms. Norman stated that there will be no full size emergency vehicles used on the site, now or in the future. She added that there is no intent that this site will ever be used for any training purposes

Mr. Vohland asked whether there could be a condition placed on the approval of location if the property does not sell.

Mr. Dickman addressed the need for an emergency signal on State Highway 83 due to visibility and topography.

Mr. Immel asked why this particular location was chosen for the fire station.

**SPEAKING FOR:** Chief Jeffrey S. Edwards, Donald Westcott Fire District. Mr. Jeffrey S. Edwards, Fire Chief of Donald Westcott Fire District, stated that there was a need for an additional fire station in this area. The area is considered a high wildfire hazard area, with the added risk of lack of water. Due to the location and distance, Fire Station Number 1 would have a slow response time. Chief Edwards stated that emergency vehicles kept on site will be small, i.e. a mini-pump truck, measuring about 22 feet in length, similar to the size of a pickup truck. He added that the existing driveway would not offer enough space for a full length emergency vehicle. Chief Edwards explained ISO (Insurance Service Office) rates. Chief Edwards stated that the fire trucks are filled with water from the fire hydrants. The existing single story home will be used for the fire station with three garage bays. Chief Edwards stated that fire protection service will be done free of charge to provide mitigation to homeowners.

Mr. Hicks addressed traffic, stating that State Highway 83 is dangerous, and agreed with Mr. Dickman that an emergency signal may be needed. Chief Edwards agreed to the need of an emergency signal.

Mr. Harvey addressed distance between intersection spacing, stating that spacing is a quarter mile. He stated that this is adequate for the 60 mile per hour posted speed limit along this section of State Highway 83. Mr. Harvey stated that the Colorado Department of Transportation (CDOT) regulates signalization on State Highways.

Ms. Norman noted that the site development plan would be reviewed by the Colorado Department of Transportation (CDOT) for the new expansion. The quarter mile spacing meets deceleration requirements.

Mr. Immel asked if a site development plan can be a requirement at this time.

Mr. Gorgey, in response, stated that it could be made a requirement, and that the Planning Commission would have the authority to request it. Mr. Gorgey referenced Colorado State Statutes §30.28, 110, and the El Paso County Land Development Code, Section 5.3.3 (H) (1), regarding the requirement of a site development plan on public projects. Modifications were addressed.

Mr. Dossey stated that staff is willing to offer modification to condition number 1 and 2.

1. Prior to the authorization of a building permit for a future fire station, a site development plan application shall be submitted and approved by the Planning Commission and the El Paso County Development Services Division.

2. The approval of location is for the use of the existing residence as a fire station as depicted on the approval of location site plan. Future development of the new facility will require approval of an additional approval of location and site development plan and will be subject to all applicable development standards of the Code at the time of submittal.

**SPEAKING AGAINST:** Ms. JoEllen Wills, adjacent neighbor.

Ms. Wills stated that she is concerned that the fire station will create an additional amount of activity on State Highway 83 in both the morning and the evening. She apologized to Chief Edwards for her position today, but her concern for safety on Highway 83 is her reasoning for the opposition. She added that she feels this area of the Highway is dangerous now, even without the addition of the emergency vehicles, and future growth will bring a higher increase in traffic. She commented on ISO rates, adding that she has an insurance background, and that insurance will not be impacted unless actual fire hydrants are added. Ms. Wills noted that she has an easement from her property through this site, and wonders what the impact of the fire station will have on this.

Mr. Vohland made a motion for approval of Resolution No. U-09-001 (utilizing the Standard Resolution on Page 9) with modification to condition number one (1) and two (2) of the staff report regarding Donald Westcott Fire Station – Approval of Location, more particularly Page 09-047 Resolutions of the El Paso County Planning Commission. Mr. Dickman seconded the motion and upon voting it was approved by a unanimous vote of 6 to 0 subject to the following conditions and notation.

**3. PUD-99-010**

**DOSSEY**

**PLANNED UNIT DEVELOPMENT AMENDMENT  
FALCON VISTA SUBDIVISION**

All Things Furry, LLC, is proposing to amend the approved PUD (Planned Unit Development) zoning for the Falcon Vista Subdivision (PUD-99-010) to allow an animal crematory as an accessory use and pet grooming, pet day care, and pet kenneling (indoor, overnight) as allowed uses. Specifically, the applicant is proposing to implement the uses on Lot 24 of the Falcon Vista Subdivision. The lot is comprised of 29,185 square-feet and is located north of Falcon Highway, south of Highway 24, east of Meridian Road, on the north side of Swingline Road. The lot is located within the Falcon/Peyton Comprehensive Planning Area. (Schedule No. 43073-03-021)

Mr. Dossey presented the All Things Furry, LLC request for approval of the planned unit development amendment for the Falcon Vista Subdivision before the Planning Commission and answered any and all questions.

Mr. Dossey stated that the Planning Commission continued this item at the July 21<sup>st</sup> Planning Commission meeting. The applicant has since revised the request so as to only include grooming and a crematorium, as an accessory special use. The kenneling and boarding uses are no longer part of the request.

**SPEAKING FOR:** Debra Greer consultant with, D.D. Greer Design Studio addressed the reduced setback. Ms. Greer state that the applicant wants to keep the streetscape along Swingline Road. The setback is 22 feet, 10 inches. Ms. Greer stated that the applicant is willing to move the two pinon pine trees to the back of the building. Ms. Greer also stated that the owner has a clean air permit from the State of Colorado for the burn unit, which will burn up to 1600°, and will not release any visible smoke, odor or particles into the air, the unit is safe and non-polluting. Ms. Greer stated that the applicant has withdrawn the pet daycare and the kenneling from this application.

Mr. Vohland stated that he is very familiar with this facility because he knows the applicant personally, but can remain impartial.

Mr. Bracken made a motion for approval of Resolution No. PUD-99-010 (utilizing the Standard Resolution on Page 29) regarding the Falcon Vista Subdivision on PUD Amendment, more particularly described on Page 09-048, 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. Immel seconded the motion and upon voting it was approved by a unanimous vote of 6 to 0 subject to the following conditions and notation.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. 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.
2. Prior to approval of a site development plan to initiate the crematorium, the proposed 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 amended PUD development plan, as approved by the Board of County Commissioners.
3. No building permits shall be issued prior to recording the PUD development plan.
4. 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.
5. All owners of record must sign the PUD development plan.
6. No further building additions shall be allowed without a modification to the PUD. The total square footage allowed on the lot is limited to 3,520 square feet.
7. The additional use for a crematorium and dog grooming as listed in the PUD development guidelines shall be developed as depicted on the Site Development Plan submitted concurrently with this application.
8. The crematorium, if approved under the special use provision, as required by this PUD amendment, shall only be operated during the veterinary clinic's normal business hours. In addition, no odor, ash, or fumes shall be emitted from the smoke stack of the crematorium.

**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. **AL-09-007**

**DOSSEY**

**SPECIAL USE REVIEW  
FALCON ANIMAL HOSPITAL CREMATORY**

A request by All Things Furry, LLC, for approval of a special use to allow an animal crematory as an accessory use at 11860 Swingline Road in Falcon. The applicant is proposing to operate an animal crematory on Lot 24 of the Falcon Vista Subdivision. The lot is comprised of 29,185 square-feet and is located north of Falcon Highway, south of Highway 24, east of Meridian Road, on the north side of Swingline Road. The lot is located within the Falcon/Peyton Comprehensive Planning Area. (Schedule No. 43073-03-021)

Mr. Bracken made a motion for approval of Resolution No. AL-09-007 (utilizing the Standard Resolution on Page 39) regarding the Falcon Vista Animal Hospital Crematory Special Use, more particularly described on Page 09-049, 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. Immel seconded the motion and upon voting it was approved by a unanimous vote of 6 to 0 subject to the following conditions and notation.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. The crematorium is limited to small animals. No noxious fumes, ashes, or odors shall be allowed to emanate from the facility.
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. Prior to approval of a site development plan to initiate the crematorium, the proposed 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 amended PUD development plan, as approved by the Board of County Commissioners.

**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 El Paso County Land Development Code (2008).
2. The Board of County Commissioners may consider revocation and/or suspension of the special use approval 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.
4. Special 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.

5. **VA-09-003**

**PARSONS**

**VARIANCE OF USE  
BRADY VARIANCE – BUFFALO RUN ROAD**

Request by Karen Brady for a variance of use to allow a second dwelling on a 2.53-acre parcel. The property, addressed as 789 Buffalo Run Road, is zoned RR-2.5 (Residential Rural) and is located approximately one-half mile north of the intersection of Highway 94 East and Antelope Drive in the View Point Estates Subdivision. Tax ID number 3410006003.

Ms. Kari Parsons presented the Brady Variance – Buffalo Run Road to the Planning and stated that both homes are connected to the same utility meter.

**SPEAKING FOR:** Ms. Karen Brady, applicant stated that both of her parents are suffering from a terminal disease. She would like for her parents to live near her, and for the reasons that she stated to the Commissioners, she is asking for a 25 year variance of use.

Mr. Vohland made a motion for approval of Resolution No. VA-09-003 (utilizing the Standard Resolution on Page 51) regarding the Brady Second Dwelling twenty – five (25) year Variance of Use, more particularly described on, Page 09-050, 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. Immel seconded the motion and upon voting it was approved by a unanimous vote of 6 to 0 subject to the following conditions and notation.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

**CONDITIONS OF APPROVAL**

1. Approval of this variance is limited to a 1,080 square foot second dwelling to be used by the Brady’s immediate family members only.
2. At no time shall the dwelling unit be available for rent.
3. A driveway permit shall be obtained post-approval for this variance. No driveway permit currently exists, as this subdivision pre-dates the requirement. Has been satisfied.

**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. Any approval of the variance of use request shall expire five (5) years from the date of Board of County Commissioners’ approval, unless otherwise approved.
3. If the variance of use is discontinued or abandoned for one (1) year or longer, the variance of use shall be deemed abandoned and of no further force and effect.
4. 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 be resubmitted in their entirety.

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:45 p.m.

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Terry Lowderman, Recording Secretary

Adopted: