

**TOWN OF GREEN MOUNTAIN FALLS  
PLANNING COMMISSION MEETING  
MINUTES OF REGULAR MEETING - TUESDAY, APRIL 13, 2010**

The meeting was called to order by Chairman Kosley at 6:00 p.m.

**ATTENDANCE:** Turnbull - present    Lowndes - present    Krall - present

**APPROVE MINUTES FROM March 9, 2010. M/S Kosley/Krall to approve the minutes as submitted. All yea**

**Resident** Trajn Boughan was present to request that the minutes from 1/12/10 be corrected. Boughan stated that her statement did not reference that she would remove the proposed fence if neighbors produced opposition to it. Chairman Kosley said that her written statement was not being referred to in the 1/12 minutes. He remembered Boughan saying that the Planning Commission should go forward despite neighborhood concerns about her survey and grant her a fence permit; if neighbors later produced a survey showing that the fence was not on her property, then she would remove the fence. Kosley said that he would attach Boughan's letter of February 4, 2010 with the 1/12/10 minutes. Boughan was agreeable to Kosley's suggestion.

**SITE VISITS FOR ITEMS ON THE AGENDA** - Commissioners left to perform site visits for items listed on the agenda.

**The Commissioners returned at 6:43 p.m. and continued with the meeting agenda.**

**NEW CONSTRUCTION: TWO STORY RESIDENTIAL, 1,993 SQUARE FEET - 10875 KANSAS AVENUE; THURMAN AND LARSEN FAMILY** Property Owners, Jim Thurman and Randy Larsen were present with the submittal. The criteria listed on the Planning Green Sheets were complete. Setbacks complied with as well as maximum height requirements. Larsen has met with the Pikes Peak Regional Building Department, the El Paso County Health Department and the local Fire District. Public Works Director, Robert McArthur performed a site visit and submitted his comments regarding Kansas Avenue right of way encroachments. The property owners realize that they had requested lot line vacation several years ago and that the property is one parcel. They are proposing to remove the existing cabin and the right of way encroachments once a CO has been received from Regional. This request was presented in a letter dated 3/30/10. The commissioners addressed potential of increased surface runoff from the new construction as well as the removal of the existing cabin. The property owners will mitigate any drainage problems should they arise and will work with Robert McArthur on the grade of Kansas Avenue when the encroachments are going to be removed. Commissioners questioned the amount of soil to be removed and stored. Property owners sufficiently answered any concerns. The construction phase was proposed to start in June and finalize by the end of October. **M/S Turnbull/Krall to approve the construction drawings as submitted. All yea**

**INSPECTION AND PERMIT DISCUSSION - 6960 LAKE STREET, Property Owner, Michael Urban** was not present. The Fire Department inspection form and letter of 4/5/10 and the email from Regional Building dated 3/31/10 were entered into the planning file for the property at 6960 Lake Street. Chairman Kosley was satisfied that

the compliance process was underway. He noted that Urban was given a 4/27/10 deadline for completion of the nine corrections. Fire Department will re-inspect at that time. Kosley stated that follow-up would be with the Marshal's Office who will report to the Board of Trustees on the code upgrades. Currently, Urban Electronics does not have a 2010 business operating license nor has an insurance certificate been received. Marshal's Department will seek direction from the Board of Trustees.

**REQUEST FOR A REVOCABLE PERMIT FOR AN UPON THE SURFACE PATIO ON PUBLIC RIGHT OF WAY MEASURING 600 SQUARE FEET - PINE GABLES STRAY DOG SALOON - 10530 UTE PASS AVENUE - Business Owner, Scott Hunt and Architect, Rob Seever** Business Owner, Scott Hunt and Project Architect, Rob Seever was present. Concept presentations had been made at the 3/09 planning meeting and at the 3/02/10 Board meeting. Seever and Hunt proposed entering into a revocable permit agreement with the town to enclose the public right of way at the east side of the Pine Gables Stray Dog Saloon. The owner desires to create a patio accessed only from the bar and will apply for a Modification to a Liquor Licensed Premise to the Board of Trustees on 4/20/10 to serve food and alcohol on the patio. The area will be enclosed by a 4' metal pipe fence. A 6' sidewalk would be constructed and connect to the existing sidewalk in front of Urban Electronics. The existing steps connecting to the upstairs unit will be upgraded.

The following changes from the concept presentation meetings of 3/09 and 3/02/10 were presented by Rob Seever. After research and deliberation, the spruce tree on right of way will be removed. They feel it unlikely the tree root system could survive with the installation of the concrete stem wall. The tree removal opens the patio area up from the 350 square feet to approximately 600 square feet and increases occupancy from 22 to 40. Indoor occupancy is 97. According to Seever, this increases the occupancy threshold and precipitates a full review by the El Paso County Health Department. The bathrooms will now be remodeled to allow for handicap accessibility. The two octagonal windows on the exterior wall will be removed and a 6' glazed overhead door/window will remain open during service hours. This is to create more efficient service and create a line of sight for bartenders to easily police the area. The inside bar will be removed and reconfigured. The band platform will be relocated to the east wall directing the sound into the interior of the room. It is proposed to eventually remove the skylights and swamp cooler to allow for additional ceiling insulation to mitigate noise.

Marshal Ford submitted a department memo for the Commissioners and Board members to consider when developing the revocable permit agreement. Howard Street resident, Trajn Boughan, wanted to go on record to let the Planning Commission and Board of Trustees know that there are dissidents in the town that do not want to see the bar culture out doors on the public right of way. Boughan supported the bar business but preferred that the patrons, passive smoke, and alcohol smells were indoors. She expressed a concern with the potential for an increase of noise complaints.

Commissioners were concerned that the patio use had the potential for increased noise issues. The commissioners stated that a primary factor would be when the service area should be closed for food and drink; they thought 10:00 p.m. was too late. Hunt agreed and stated his intent was to close the patio area for service when it became dark which in the summer months would be close to 9:00 p.m. The area would still be used by

smokers. Chairman Kosley noted that with the roll up windows, smokers would have to be in another section of the patio and could not smoke by the opened windows according to State law. Hunt stated that the bartenders will direct smokers to an area at the end of the patio when the windows were open. It was stated that the windows would be closed when a band was playing but perhaps not if an acoustical performance was going on.

Hunt was aware of the revocable ordinance procedures, Chapter 18, Article III, and the fact that the permit could be rescinded by the Board. Hunt would have the financial responsibility of restoring the area to pedestrian use. The area would remain a public right of way. He was aware that there will be annual fees attached to the revocable permit; that the Planning Commission and Board of Trustees are authorized to impose at any time additional conditions or provisions relating to the revocable permit; that the board may consider the requirement of a bond or cash deposit, and that public liability and property damage insurance policies were required.

Hunt assured the commissioners and audience members that he has a substantial financial investment to protect with this modification. He will work with the Marshal's department, the Town boards and community residents to provide a use that will compliment the business and increase the revenue sources to the town. He will assure that his staff manages the patio area so as not to impede gazebo park events and gatherings or the peace of surrounding neighbors and businesses.

The commissioners discussed the construction timeline. It is Hunt's intent to have the patio opened by the beginning of June. There was emphasis on the re-directed pedestrian pathway being accomplished in a timely manner in order to accommodate the public. Chairman Kosley said that he thought it was a good idea and would bring people into the community. He stated that the operation is dependent on good management. **M/S Turnbull/Krall to approve the request for a revocable permit as presented with the inclusions of the conditions discussed during the planning meeting that will be included in an agreement created by the Board of Trustees. All yea**

**M/S Turnbull/Lowndes to approve the construction plans as submitted with an emphasis on completing the pedestrian walkway in a timely matter. All yea**

**NOMINATIONS FOR PLANNING COMMISSION CHAIRMAN AND VICE CHAIRMAN AND RECOMMENDATION FOR REAPPOINTMENT OF PLANNING MEMBERS TO THE BOARD OF TRUSTEES** - Commissioner Turnbull nominated Jamie Krall as Vice Chair. Lowndes nominated Dave Kosley as Chairman. There were no other nominations received. Dominique Turnbull and John Lowndes agreed to reappointment, each for a two year term, as Commissioners. **M/S Turnbull/Lowndes to request that the Board of Trustees accept the nominations for Dave Kosley as Chair for a one year term, Jamie Krall as Vice Chair for a two year term and reappoint Dominique Turnbull and John Lowndes as commissioners for a two year term. All yea**

**OTHER BUSINESS:** The commissioners concurred to maintain Planning membership at five members. Town Attorney Dan Stuart concurred with that decision. Chairman Kosley is requesting that at their 4/20/10, the Board of Trustees appoint a 5th commissioner from the letters of intent submitted to the Board.

**No other business** items were presented or discussed.

**CORRESPONDENCE** - No correspondence was received that required Commission action or discussion.

**The meeting was adjourned at 7:52 p.m.**

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Chairman David Kosley

**ATTEST:** \_\_\_\_\_  
Chris Frandina, Municipal Clerk/Treasurer