

**TOWN OF GREEN MOUNTAIN FALLS  
PLANNING COMMISSION MEETING  
MINUTES OF REGULAR MEETING - TUESDAY, MARCH 9, 2010**

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

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

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

**SITE VISITS FOR ITEMS ON THE AGENDA** - Chairman Kosley determined it was not necessary to perform site visits for items listed on this agenda.

**REPLACEMENT OF WOODEN TIMBER RETAINING WALL WITH BLOCK WALL, 10720 GRANDVIEW AVENUE, Property Owner, Peter Kolar** was present with a drawing from Colorado Engineering of a redi-rock retaining wall, 28' wide, 20' long and 12' at the highest point. The existing timber retaining wall is rotting and falling away from the site. This project will be permitted through Pikes Peak Regional Building Department. **M/S Kosley/Lowndes to approve the drawings as submitted. All yea**

**FENCE PERMIT REQUEST - 6850 HOWARD STREET - Property Owner, Trajn Boughan:** This item was tabled from the January 12, 2010 meeting to give the adjacent neighbors an opportunity to review the survey presented by Boughan, discuss discrepancies they felt were presented with Boughan's survey and give everyone an opportunity to work together. The Town has been notified that a lawsuit has been filed in El Paso County District Court by Attorney, John Cyboron for Plaintiffs Susan M. Gee and Judith K. McMillin. The Plaintiffs are requesting the court to resolve the disputed boundaries among the said parties. Commissioner Kosley recommended tabling this item until the court resolution. **M/S Krall/Lowndes to table the item until the court presents a ruling. All yea**

Attorney, Newman McAllister representing adjacent property owners, Christina and Mary Varnell, agreed with the action taken by the Planning Commission. McAllister stated that these types of suits are more expeditious than other lawsuits, usually remedied in 60-90 days, because all parties agree on one surveyor, usually the County surveyor, to resolve the boundary dispute.

Boughan requested that the Town in the interim protect her privacy and protect her from trespassers. Kosley recommended that Boughan contact the Marshal's Department. Trajn Boughan wanted to ask the commissioners about another matter. Kosley requested that Boughan put any inquiries in writing so that the commissioners would have ample time to research her subject matter.

**PERMIT DISCUSSION - 6960 LAKE STREET, Property Owner, Michael Urban**  
At the 2/09/10 meeting, the Planning Commission requested that property owner Michael Urban, 6960 Lake Street, attend this meeting to discuss the absence of construction permits from the Regional Building Department for a business remodel with the inclusion of an apartment that Urban submitted construction drawings for to the commission and Board of Trustees in 1995.

Chairman Kosley is requesting the Pikes Peak Regional Building Department, El Paso County Health Department and the Fire Department perform an inspection and submit the information to the commission if these agencies find that Urban is lacking necessary permits to operate Urban Electronics and to maintain living quarters on the premise. Urban said that a Regional Inspector had been at the premise a week ago. No contact was made with the Town Hall by the inspector and no report has been received. The clerk was requested to contact the agencies and request the inspections. Urban was agreeable to the request. The commissioners will put review of this subject on the agenda for April 13, 2010.

**CONCEPT PRESENTATION OF A 350' PUBLIC RIGHT OF WAY PROPOSAL FOR PINE GABLES STRAY DOG SALOON, 10530 UTE PASS AVENUE** - Business Owner Representative and Project Architect, Rob Seever was present. Both Seever and the business owner, Scott Hunt had presented before the 3/02/10 Board meeting. The intent was to present the concept and to poll the Board of Trustees to see if there was an interest in the proposal. The proposal is to enter into an agreement with the Town to lease approximately 350' of 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. Hunt would apply for a Modification to Premise for liquor to be served on the patio. Hunt would like to beautify this area of public right of way. 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 repaired. Seever is proposing a concrete poured patio area with concrete stem wall. This area would house six tables and allow for about 22 individuals to have food and drink and be able to enjoy the scenic views of the Gazebo Lake area. An open 4' high decorative fence would close off the area except for the bar patrons. Seever stated that this confined addition would be more aesthetically pleasing than the current space where smokers congregate. The modified premise permit would alleviate liquor code concerns that individuals going out to smoke were taking alcohol with them. A service window for individuals to order drinks and food is being proposed. Hunt stated that he feels the patio would increase revenues for the bar establishment by having an outdoor seating facility for lunch and dinner.

Seever noted that in general, the Board of Trustees supported the concept. The commissioners reviewed the Board minutes from the 3/02/10 meeting. Board members did discuss areas of concern: the expansion of a liquor license to the outdoor area, correctly defining the municipal code as to whether the Town would be assigning an easement or revocable permits, enforcement of the noise ordinance and the effects on the public works operating procedures for street maintenance. Revocable permits are normally issued for structures or devices to include but not limited to: bicycle parking racks, newspaper vending machines, benches, tables and chairs, plantings, canopies, trees and shrubbery and flagpoles. These permits are not permitted to interrupt the normal flow of pedestrian traffic and interfere with the public use of public property. Easements are historically granted for specific purposes; the most usual being for utilities, assistance to property owners to clear title due to an encroachment of private property onto public property or a service of health, safety and welfare of the residents of the Town alleviating a detriment.

Chairman Kosley stated the Board of Trustees oversees the municipal codes addressing contracts for rights of way. Planning Commission will review the aesthetics of the project. Seever would like to formally present to the Planning Commission on Tuesday, April 13, 2010. By that time, the Board may have an avenue to pursue on how to attach the right code to private use of the rights of way.

Planning Commissioners stated that the noise control may be an issue and that the Board should stay consistent with the hours of operation as have been attached to another outdoor business establishment.

**REVIEW OF 2010-2020 CAPITAL IMPROVEMENT PLAN** - Trustee Dick Bratton presented the commissioners with copies of an updated CIP dated March 4, 2010. No changes were suggested except for replacing "upgrade of Town Hall" with "upgrade of Marshal's Office" in 2011 and moving Town Hall upgrade to 2012. Cost of Marshal's Office upgrade was discussed at \$5-6,000.

**LAND USE DISCUSSION FOR 5 ACRE PARCEL OWNED BY PENNY LLOYD, 10640 GREEN MOUNTAIN FALLS ROAD** Penny Lloyd notified Town Hall and requested that the discussion be tabled for an unspecified time.

**OLD BUSINESS / NEW BUSINESS** - Trustee Bratton recommended that the commissioners communicate to the Board of Trustees on which of the three pending applicants should be appointed to the Planning Commission. Chairman Kosley stated that though commissioners may send their individual comments to the Board, the Commission per the bylaws will not make a formal recommendation to the Board. In the near future, the commissioners will be presenting an amendment to the bylaws to increase the number of commissioners that can serve. **No other** items presented or discussed.

**CORRESPONDENCE** - **A request** from the Development Services Department of El Paso County for agency review was received. P. J. Anderson, Passin' Through LLC, property north of Cascade and Highway 24, is requesting a minor amendment to an existing PUD. He requests decreasing the number of 2.5 acre lots from 40 to 18 and increase the number of 35 acre parcels from 4 to 6. This property consists of 280.71 acres and will remain a PUD Zone District. No comments received.

**The meeting was adjourned at 7:16 p.m.**

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Chairman David Kosley

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