

**TOWN OF GREEN MOUNTAIN FALLS
PLANNING COMMISSION MINUTES
TUESDAY, OCTOBER 23, 2012**

The meeting was called to order at 6:01 p.m. by Planning Commission Chairman David Kosley.

Attendance: Lowndes - present Thorne - present
 Krall - present LoCascio - present

APPROVE MINUTES FROM OCTOBER 9, 2012 M/S LoCascio/Thorne to approve the minutes as submitted. All yea

1,831 SF RESIDENTIAL ADDITION – 10790 EI Paso Trail; Donna Everly, Property Owner; Architect, Robert Seever, Keystone Associates, Representative

Property owner, Donna Everly, a registered critical care nurse, and a small staff of nurses and volunteers currently provide licensed foster care for 7 developmentally disabled children. Scope of work: a 1,831 sq. ft. two-story addition to an existing two-story residence. The addition will connect the existing house to the existing detached garage; add three bedrooms, a new living room and a rehabilitation area. The residential addition will allow the home to become a state licensed Specialized Group Center through the Department of Human Services. This foster care classification will allow care/orthopedic rehabilitation for up to 16 developmentally disabled children between the ages of 2 and 16 in a comfortable residential environment. The home/site will be handicap accessible as many of the children are wheelchair bound. Seever stated that the homeowner is working with Alpine Engineering for an increase to the current septic system. Setbacks are all in compliance.

M/S Kosley/Lowndes to approve drawings as submitted. Kosley, Lowndes, Krall and Thorne; LoCascio abstained. Motion passes.

Chairman Kosley called the Public Hearing to order at 6:30 p.m.

PUBLIC HEARING - SECOND PRESENTATION OF A REQUEST TO PURCHASE 1,380 SF SECTION OF HONDO AVENUE PUBLIC RIGHT OF WAY; 10645 UTE PASS AVENUE - Property Owner, The Green Mountain Land & Cattle Company, LLC – Representative, Surveyor Erik Watts

**REQUEST OF A 4' VARIANCE TO THE EAST SIDE PROPERTY LINE SETBACK
Property Owner, The Green Mountain Land & Cattle Company, LLC –
Representative: Surveyor Erik Watts**

A letter dated 10/09/12 from Jesse Stroope, General Manager of The Outlook Lodge making a formal request to purchase a 1,380 square foot portion of Hondo Avenue right of way to create a conforming lot for 10645 Ute Pass Avenue was received and entered into the record. As outlined by Stroope, the lot is less than 3800 square feet, zoned as a legal non-conforming lot. Approval of the sale would increase the square footage to create a 5,000 square foot legal conforming lot. The property owner desires to make improvements to the property and convert it from residential use to a business use. The land is zoned business. A legal nonconforming property can be maintained but not expanded. The property will be used in conjunction with The Outlook Lodge operations. An encroachment has existed on a portion of Hondo Avenue right of way since the building was constructed in 1955. The property taxes collected have been assessed using the residential rate because the use was residential for the past twelve years.

The site was posted with a Public Hearing Notice. The Public Hearing Notices were published in the Courier View. Four informational packets were mailed to property owners within 100' of the property. Sharon Pruitt, 10660 Hondo Avenue called Town Hall on 10/18/12 requesting clarification on the site plan layout. Chairman Kosley stated that with the use changing to business use, property taxes would be assessed at the commercial rate. Sales tax would also be collected. It would create a legal lot size. Increased property taxes would be received due to the increase in the assessed valuation based on the improvements being proposed. The driven portions of Hondo Avenue will not be interfered with; the encroachment will be corrected within the existing footprint. Public Works Director, Robert McArthur has performed a site visit and concluded that there would be no impact to the current use of Hondo Avenue.

Addressing the side setback encroachment was determined to be a beneficial procedure for the parcel to become compliant with municipal code requirements. The commissioners determined that granting a variance was in harmony with the general purpose and intent of the zoning codes; the variance would not be injurious to the neighborhood or detrimental to the public; unique conditions exist applicable to the land and structure and granting the variance is necessary for the reasonable use of the land. The commissioners clarified that the variance addresses the south east side corner of the building which is 1' from the property line and is not to be considered a variance to rear property line setback requirements.

The Public Hearing was closed at 6:37 p.m.

The following findings were discussed and agreed upon:

- Submittal complies with the Green Mountain Falls Municipal Code, Chapter 11, Article V, Section 11-116 through 11-120.
- There are no adverse effects to the Town. Property has historically encroached into the un-driven portion of the right of way since the construction in 1955. The existing driven portions of Hondo Avenue would not be changed from current width. The width of Hondo Avenue on to the east is 50' and on the west it is 35' according to the survey by Erik and Oliver Watts. Public Works Director, Robert McArthur submitted a memo dated 10/12/12 stating his department sees no conflict with the proposal.
- The benefits to the Town are: it is currently a non-conforming lot, less than 4,000 sq. ft. The lot size created with the sale would be 5,258 sq. ft., a legal conforming lot. Creating a legal conforming lot would permit improvements to be done to the current structure.
- The use of the property has been residential with residential taxes collected. The land is zoned business. The use is being changed to business for a motel operation. Sales and lodging taxes will be collected. Assessed valuation will increase with the significant improvements proposed Business property taxes will be collected at the 29% rate rather than the 7.96% residential rate.
- Ute Pass Realtor, Donna Jones, Land Resources provided ranges of the current square foot price of land. The range Jones gave was \$1.18 sq. ft. to \$3.21 sq. ft. Property owner's offer is \$3.81 sq. ft. for a purchase price of \$5,257.80.

M/S Kosley/Krall to recommend approval of the request by the Board of Trustees for the sale of a portion of Hondo Avenue ROW and recommend that the Board of Trustees consider depositing the sale proceeds into the Pikes Peak Community Foundation/Fire Restoration Fund for the new town hall. All ye

M/S Thorne/Krall to recommend that the Board of Trustees grant the request for a 4' setback variance to the south east side of the structure. All ye

OTHER BUSINESS: No other business was presented that required Planning Commission discussion or action.

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

The meeting was adjourned at 6:47 p.m.

David Kosley, Chairman

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer