

EL PASO COUNTY

COLORADO

COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
 Mark Waller, Chair**

**FROM: Len Kendall, Planner I
 Beck Grimm, EI Engineer I
 Craig Dossey, Executive Director**

**RE: Project File #: AL-18-023
 Project Name: Norton Extended Family Guest House
 Parcel No.: 62230-00-054**

OWNER:	REPRESENTATIVE:
John Norton 4145 Ridgeway Lane Colorado Springs, CO 80908	John Norton 4145 Ridgeway Lane Colorado Springs, CO 80908

Commissioner District: 1

Planning Commission Hearing Date:	4/2/2019
Board of County Commissioners Hearing Date	4/23/2019

EXECUTIVE SUMMARY

A request by John Norton for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.3 miles east of the intersection of Howells Road and Ridgeway Lane. The applicant has already received approval of a new primary residence on the property, while simultaneously converting the original residence into a guest house. This special provision for extended family housing allows a family member in need to live in the guest house. One adjacent property owner has expressed opposition to this application stating concern regarding negative future impacts including the allowance of multiple residences on 5 acre properties. The Land Development Code



(2019) allows a guest house in the RR-5 zoning district and does not consider a guest house to be a dwelling unit.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by John Norton for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.3 miles east of the intersection of Howells Road and Ridgeway Lane.

Waiver(s)/Deviation(s): There are no waivers or deviation requests as part of this application.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the April 2, 2019 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 6 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the Land Development Code, the Board of County Commissioners may consider the following criteria in approving a special use:

- The special use is generally consistent with the applicable Master Plan;
- The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
- The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
- The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;

- The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

D. LOCATION

North:	RR-5 (Residential Rural)	Single-family residential
South:	RR-5 (Residential Rural)	Single-family residential
East:	RR-5 (Residential Rural)	Single-family residential
West:	RR-5 (Residential Rural)	Single-family residential

E. BACKGROUND

The parcel was created in December of 1967. The parcel was initially zoned A-5 (Rural) on January 4, 1955. Due to changes in nomenclature the A-5 zoning district has been renamed to the RR-5 (Residential Rural) zoning district. There is an existing 1,360 square foot dwelling (existing residence) on the property which has been addressed as 4145-B Ridgeway Lane due to the new residence converting to the principal dwelling and maintaining the original 4145 Ridgeway Lane address. The applicant has applied for and received approval of a new structure that will be designated as the principal dwelling unit upon completion (new structure). Once the structure is completed, the existing residence will be converted to a guest house. A guest house is an allowed accessory use in the RR-5 zoning district, however, special provisions for extended family housing requires approval of a special use.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Land Development Code (2019) requires approval of a special use and residential site plan for a guest house with special provisions for extended family housing. The Code has specific use regulations for a guest house. A guest house may not exceed the size of the principal residence on the lot or 1,500 square feet, whichever is less. All electric, gas, central or municipal sewer and water services to the guest house shall be interconnected to and indistinguishable from that of the principal dwelling units and shall not have separate meters, service lines or billings. The Code also states that a permit may be authorized as an administrative special use to provide for temporary living arrangements to house immediate family members whom are elderly, disabled, or exhibit a family need, or for immediate family members providing for the needs of the residents of the primary residence on the property. The approval of the permit shall be based upon a finding that the following standards and conditions have been met:

- There is a legitimate family hardship or need that justifies the request for the extended family housing.
- The special use standards of Chapter 5.3.2 of the Land Development Code are complied with.

- The extended family housing shall be removed within 3 months after the need no longer exists or 3 months after the date of the expiration of the permit, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.
- In conjunction with an approval for extended family housing, an affidavit signed by the owner is filed for recording with the El Paso County Clerk and Recorder's Office acknowledging that the extended family housing may not be leased or rented and that removal of the structure may be required for failure to comply with these terms of approval.

2. Zoning Compliance

The property is a 5.37 acre legally created parcel in the RR-5 (Residential Rural) zoning district. Based on the applicant's site plan drawing, the existing and proposed residences will meet the 25-foot setback from all property lines. The proposed dwelling is shown to be 51 feet from the rear yard property line and 161 feet from the southern side yard property line. The other setbacks will exceed the minimum setback of 25 feet. The new structure is labeled in the letter of intent as a 4,400 square foot dwelling. The size of a guest house is limited to the size of the principal residence or 1,500 square feet, whichever is smaller. Due to the conversion of principal and accessory structures on the property the existing residence (1,360 sf) will meet the guest house size requirement.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Goal 13.1- Encourage an adequate supply of housing types to meet the needs of county residents.

Policy 13.1.3- Recognize the need for housing alternatives that provide for the county's special populations. Special populations may include low income, elderly, and physically and mentally impaired.

The purpose of the administrative special use for a guest house for extended family housing is to provide housing for an immediate family member to live on the property to assist a family member in need. As cited in the applicant's letter of intent, the property owners intend on housing their son in the extended family dwelling. This application recognizes a need for housing alternatives that provide for the County's different populations.

4. Small Area Plan Analysis

The property is located within the Briargate Transition (Sub-Area 2) of the Black Forest Preservation Plan (1987). Relevant policies are as follows:

Goal 3.A – Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.

Policy 3.5 – Generally support residential development which compliments and enhances the area’s terrain, vegetation and natural resources.

Policy 3.6 – Encourage the maintenance of safe and attractive dwelling units and the redevelopment of substandard structures.

The prevailing land use in the Briargate Transition subarea is rural residential developments of 5 to 10 acre lots. Rural-residential development is defined in the Plan as:

“Land development and uses which are characterized by predominantly residential lots or parcels ranging from 2.5 to 10.0 acres in area....”

The proposed special use would not affect the area of the lot and would not increase the overall density of the area, as a guest house is defined in the Code as:

“Lodging attached to the principal dwelling or located within a garage or accessory structure which may be occupied only by occasional, non-paying guest of, the family residing in the principal dwelling. A guest house is not considered a dwelling unit. Extended family housing is a form of guest house utilized on a non-permanent basis to house immediate family members that require housing due to age, disability, or family need. A family member shall be related blood, half blood or at law, and which the term “at law” also includes in-law relationships arising from a deceased or former spouse.”

The Code states that a guest house is not a dwelling unit, therefore, it does not increase the density as it is a temporary solution for family members. Approval of the application will allow the guest house to be lived in by a family member in need and this special use will not have any impact on the number or size of structures on the property. Although the application does not strictly consistent with the policies of the Plan, the Plan does state in its introduction that it “is an advisory rather than a regulatory planning tool.”

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards exist on the subject property.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0507G shows the property lies within the zone X area, which is determined to be outside the 500-year floodplain.

4. Drainage And Erosion

The property is located within the Kettle Creek (FOMO3000) drainage basin. Although the Kettle Creek drainage basin is a fee basin, no drainage or bridge fees are required for a special use. No public drainage improvements will be required.

5. Transportation

The proposed residence is accessed from Ridgeway Lane. A traffic impact study was not required due to the proposed use not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the special use. No public roadway improvements will be required.

H. SERVICES

1. Water

Water supply is provided by a private well.

2. Sanitation

Wastewater is provided by an onsite wastewater treatment system (OWTS).

3. Emergency Services

The property is within the Black Forest Fire Protection District.

4. Utilities

Electrical service is provided by Mountain View Electric Association and natural gas service is provided by Black Hills Energy.

5. Metropolitan Districts

The subject property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a special use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a special use application.

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the El Paso County Land Development Code (2018); staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the extended family dwelling, as discussed and depicted in the applicant's letter of intent and site plan drawings.
2. The proposed use shall comply with all requirements of the Land Development Code and all County, State, and Federal regulations except those portions varied by this action.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. 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.
2. 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.
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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on March 18, 2019, for the Board of County Commissioners meeting. Responses will be provided at or before the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Site Plan

Planning Commission Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name: AL-18-023

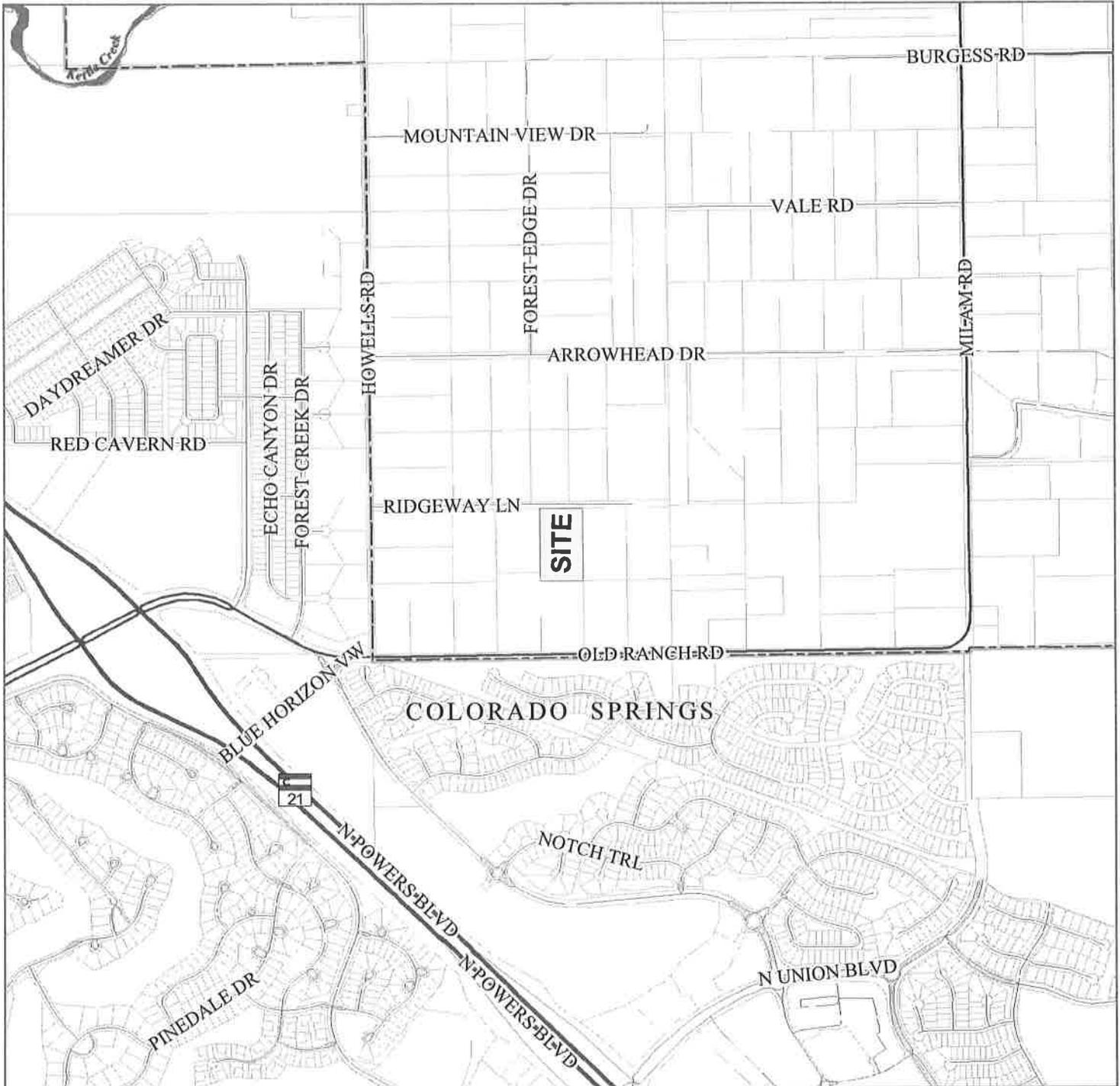
Zone Map No. --

PARCEL	NAME
6223000054	NORTON JOHN B JR

ADDRESS	CITY	STATE
4255 RED DESERT PL	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80923	9212

Date: December 19, 2018



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced, used to prepare derivative products, or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

7 Jan 19

John Norton
4145 Ridgeway Lane
Colorado Springs, CO 80908

LETTER OF INTENT to the
El Paso County Planning and Community Development Department

1. I am requesting approval of a special use on my property at 4145 Ridgeway Lane, to reclassify the existing small house as a guest house when the new house under construction is completed in Spring 2019.
2. The current small house (1,360 square feet on a 5.7 acre lot) is in an area zoned for one residence per property. I have a young adult son who is disabled and not ready to live on his own, but is capable of gaining some independence by living next to me in the small house when I move into the new house (4,400 square ft, 100 ft away from the small house).
3. The new house and old house will be considered one residence with common utilities and a single address, and the guest house will not be available for rental or for any other use except for supporting my special needs family member.
4. This approval will have no impact on drainage, and drainage will continue to have no effect on any adjacent properties.
5. This request has already been granted a project officer (Mr Len Kendall) and my first assistance meeting with him has already taken place.
6. If you have any questions, please contact me at jsnorton90@msn.com or (719) 338-6029.

Sincerely,



John B. Norton

Site Plan Drawing for Project: Norton Extended Family Guest House

Adjacent Property: 4124 Ridgeway Lane
 William & Elizabeth Spalding
 # 6223 000112 (PRIVATE) (PUB/STC)
 # 6223 000097

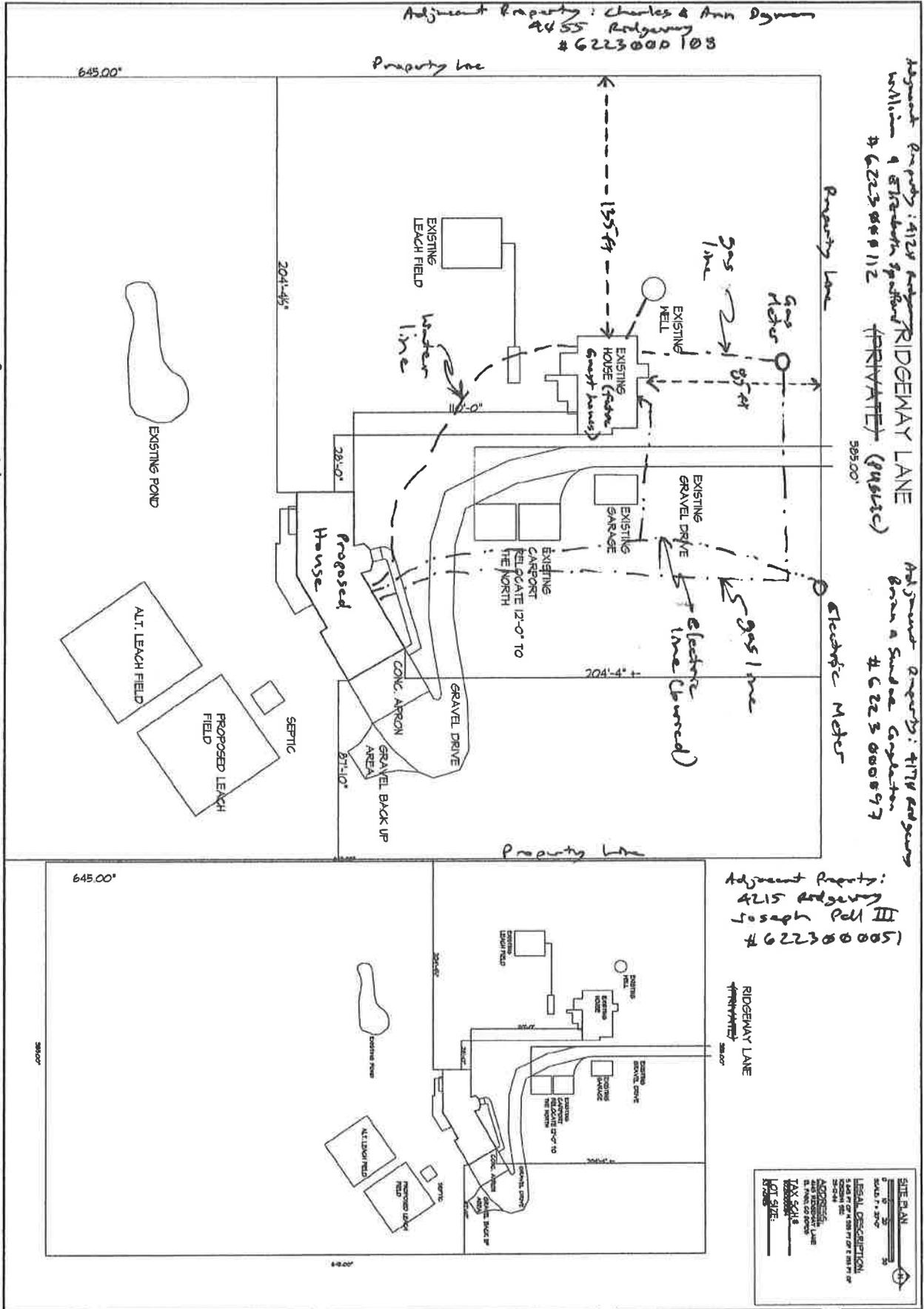
Adjacent Property: 4178 Ridgeway Lane
 Brian & Sandra Copleton
 # 6223 000097

Adjacent Property: Charles & Ann Dymon
 2455 Ridgeway
 # 6223 000108

Adjacent Property:
 4050 Old Ranch
 John & Elaine Bradley
 # 6223 000109

Adjacent Property: 4130 Old Ranch
 Steve & Wanda IX, LLC
 # 6223 000053

Adjacent Property:
 4190 Old Ranch
 Diane S. Dales
 # 6223 000052



SHEET NO.	1
TOTAL SHEETS	1
DATE	2018
SCALE	1" = 20'
LEGAL DESCRIPTION	
OWNER	
ADDRESS	
TAX MAP	
LOT SIZE	

DAVID WOODY and CO.
 CUSTOM HOME DESIGN AND DRAFTING
 PO BOX 2541 MONUMENT CO. 80152
 (719)551-9018

CUSTOM HOME FOR:
 MR. & MRS. NORTON

DATE: 2018
 DRAWN BY: DJL
 S-1

EL PASO COUNTY



COLORADO

COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, April 2, 2019
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

REGULAR HEARING

9:00 a.m.

PRESENT AND VOTING: JIM EGBERT, KEVIN CURRY, JANE DILLON, JOAN LUCIA TREESE, GRACE BLEA-NUNEZ, SHARON FRIEDMAN, AND PETER AURICH

PRESENT AND NOT VOTING: NONE

ABSENT: BRIAN RISLEY, ALLAN CREELY, AND TOM BAILEY

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, KARI PARSONS, LEN KENDALL, JEFF RICE, GILBERT LAFORCE, BECK GRIMM, AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS PRESENT WHO SPOKE AT HEARING: JUDY VON AHELFELDT, BEN KELLEY, GREG WOLFF, MIKE CASTINE, JOHN NORTON, LAIN CHAPPELL, DAN SIEVERS, DAN TADIE, MARY REDEZKU, JEREMY MCKAY, MARK MCMILLEN, DAN IREY, JIM GOODRID, BILL FITZPATRICK, CHRIS CUMMINS, DAN MAYNARD, JOHN GARDNER, AMIE LENNON

Report Items

Planning and Community Development Department – Mr. Dossey and Mr. Gebhart

- A. The next scheduled Planning Commission meeting is for Tuesday, April 16, 2019.**

2880 INTERNATIONAL CIRCLE, SUITE 110

PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127

FAX: (719) 520-6695

- B. **Mr. Dossey** gave an update of the EDARP program. Most modules are up and running now, including Code Enforcement and Inspections.
- C. The local Housing Business Association will hear a bill tomorrow that will allow the BoCC to delegate the approval authority over final plats. If water and public improvements have been addressed at the preliminary plan stage, then it could be administratively processed and not go to hearing.
- D. **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- E. **Mr. Gebhart** mentioned that the Water Master Plan will have the final certification completed today. The links will be sent to military bases and surrounding counties. It will also be uploaded to the website and EDARP.
- F. The Water Master Plan has been submitted to the American Planning Association conference and the Special District Association conference, both to be held in September, 2019. It has additionally been submitted to the Colorado APA for an award.
- G. The Arkansas River Basin Water Forum will be held April 24-25, 2019 in Pueblo, Colorado.
- H. **Mr. Gebhart** gave more information on the scope of the County Master Plan and projected timeline. The Houseal-Lavigne consultants will be here again May 13-17, 2019. He also showed the list of groups/participants that were involved in the March 18-20, 2019 interviews. **Mr. Egbert** asked that those lists be included in the minutes.

Mr. Curry – I want to commend you on the Water Master Plan and the work that has been done. Will there be a broadband master plan? I would like to see County Master Plan members identified with their affiliations.

Ms. Blea-Nunez – Will we get notice of Steering Committee hearings and can we attend those meetings? **Mr. Gebhart** – Yes, it is public and you may attend. **Ms. Seago** – Keep in mind that when three or more Planning Commission meeting, then you now have a Planning Commission hearing and it has to be posted. Please let Tracey know if you plan to attend so that we may post an agenda. **Mr. Dossey** – We will post an agenda for every Steering Committee meeting so that we are covered.

Ms. Dillon – Can you tell us their affiliation and why they were chosen? **Mr. Dossey** – We have representation from the development community, a professional planner, two Planning Commission members, and the rest were general public that the BOCC recommended and have an interest in the County in different aspects.

Ms. Lucia-Treese – I want to commend you on the list of people chosen for the Steering Committee. I know most of them. They are very active individuals in the community and come with a vast background and great experience. I think it's a well-rounded, balanced group of people.

1. Consent Items

A. Approval of the Minutes – March 19, 2019

The minutes were approved as presented. (7-0)

Ms. Judy Von Ahelfeldt requested that both Red Tail Ranch items be moved to the Regular calendar. They will be heard after the other consent items.

B. SP-18-004

PARSONS

PRELIMINARY PLAN REDTAIL RANCH

A request by Michael Ludwig for approval of a preliminary plan to create 12 single-family residential lots. The 67.9 acre property is zoned RR-5 (Residential Rural) and is located approximately one-quarter (1/4) of a mile north of Shoup Road, along the west side of Vollmer Road. (Parcel Nos. 52090-00-128, 52090-00-129, 52090-02-006, and 52090-02-008)

Ms. Kari Parsons requested that she present both items together for the preliminary plan and final plat. **Ms. Seago** went over the review criteria for both.

Ms. Andrea Barlow, NES, Inc. gave her presentation and answered questions from the Planning Commission.

Mr. Egbert – So is the stock pond acceptable for agricultural and not residential? **Ms. Barlow** – That is correct.

Mr. Curry – Approval of the final plat would vacate Walker Place Lots 1 and 2. Were there any notes placed on the plat at that time that would impact this? **Ms. Parsons** – No sir.

Mr. Jeff Rice gave his engineering report/findings to the Planning Commission. There is no FEMA floodplain. The property lies in two drainage basins; however, they are unstudied and no fees apply. Permanent BMPs proposed for full-spectrum water quality basins and ditch checks. All required permits were obtained. With regards to traffic, access is proposed Sanctuary Pine Drive connecting to extension of Ward

Lane. Vollmer Road is a 2-lane rural minor arterial road. The County Road Impact fee will be assessed.

IN FAVOR:

Ms. Judy Von Ahelfeldt – I am the adjacent neighbor and I have been working with them for over a year. The pond that is in question was built in 1990s. When the subdivision came, I was pleased to see it was going to be 5-acre tracts. The Black Forest Preservation Plan has an addendum that encourages subdivisions to put trails in during development. There are trails systems throughout the area, but I was not able to continue the trails because of two wetland areas on my property and would have required me to cut a lot of my trees at a considerable expense. I wanted the stock pond to remain and have the developer construct a spillway to make it safer. Now, I find that it's to be filled in. The water correspondence was not posted until Thursday late afternoon in EDARP. The detention ponds will be de-watered. I would be willing to augment some of my water to keep the pond. Her report is on file. I believe we need additional conditions or notations requiring the developer to keep the stock pond or construct one on my property.

Ms. Seago – In my opinion, this is a private matter between Ms. Von Ahelfeldt and the property owner.

Mr. Cummings -- We are not seeking a continuance or request any changes. We are filling in the stock pond based on our augmentation plan. We have been working with Ms. Von Ahelfeldt, but whatever that resolution will not affect the project before you today.

IN OPPOSITION: NONE

Mr. Jim Goodrid – I just wanted to go on record asking for no street lights for the project. We moved out there to look at the stars. **Ms. Parsons** – There is no desire to put street lights in this particular subdivision.

DISCUSSION:

Ms. Friedman – We have had a lot of developments come before us, so I'd like to commend the developer for sticking with the 5 acre recommendation and working with the Black Forest folks.

PC ACTION: CURRY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2B FOR SP-18-004 FOR A PRELIMINARY PLAN FOR REDTAIL RANCH UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-019 WITH SIX (6) CONDITIONS AND TWO (2) NOTATIONS WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE

BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

C. SF-18-021

PARSONS

**FINAL PLAT
REDTAIL RANCH**

A request by Michael Ludwig for approval of a final plat to create 12 single-family residential lots. The 67.9 acre property is zoned RR-5 (Residential Rural) and is located approximately one-quarter (1/4) of a mile north of Shoup Road, along the west side of Vollmer Road. (Parcel Nos. 52090-00-128, 52090-00-129, 52090-02-006, and 52090-02-008)

PC ACTION: CURRY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2C FOR SF-18-021 FOR A FINAL PLAT FOR REDTAIL RANCH UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-020, WITH THIRTEEN (13) CONDITIONS AND ONE (1) NOTATION WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

D. CS-18-004

KENDALL

**MAP AMENDMENT (REZONE)
TAMLIN ROAD REZONE**

A request by NES, Inc., on behalf of the property owner C & M Properties, LLC, for approval of a map amendment (rezoning) of 16.49 acres from being split-zoned RR-5 (Residential Rural) and CC (Commercial Community) to CS (Commercial Services). The property is located directly east of the Marksheffel Road and Tamlin Road intersection. (Parcel No. 53210-02-001)

PC ACTION: AURICH MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2D CS-18-004 FOR A MAP AMENDMENT (REZONE) FOR TAMLIN ROAD UTILIZING RESOLUTION PAGE 27, MORE PARTICULARLY DESCRIBED ON PAGE 19-021, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

REGULAR ITEMS

3. AL-18-025

KENDALL

**SPECIAL USE
PETRICK RESIDENCE EXTENDED FAMILY**

A request by Dan Sievers, on behalf of property owners Randall and Gwendena Petrick, for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.15 miles south of the intersection of Pleier Drive and Silverton Road. (Parcel No. 62040-01-016)

Mr. Kendall asked **Ms. Seago** to go over the review criteria for a special use. He then introduced the applicants' representative **Mr. Dan Sievers**, for their presentation.

Mr. Curry – You mentioned that the basement isn't to code but it's used for laundry. **Mr. Sievers** – it is not habitable space.

Ms. Friedman – Aren't things supposed to be to code? **Mr. Sievers** – It was built in the 70s but it does not meet current code.

Mr. Kendall then gave his full presentation to the Planning Commission.

Mr. Egbert – Can they have a separate kitchen? **Mr. Kendall** – they can with a signed affidavit stating that you will not rent the house for profit.

Mr. Curry – Does it qualify if it is not attached? **Mr. Kendall** – Yes, it would be an accessory structure and does qualify.

IN FAVOR:

Mr. Dan Tatty – My mother in law lives on the property, and I live adjacent. My mom is 83 and lived with us for a long time. She doesn't drive any more but is incredibly independent. They fully intend to ensure that our mom does well. We will all provide the care that she needs.

IN OPPOSITION:

Mr. Ben Kelly – I don't think any reasonable person is against someone caring for an elderly family member, but it should be done within the confines of the land code. The basement area needs to be brought to code. The administrative relief for this to be a guest house has two findings. It cannot have an adverse effect on the surrounding area and does not increase density. When another residence is built, it will look like two primary residences. The staff report states that the Code states a permit may be authorized to allow immediate family members that have a

specific medical need, etc. The family member must reside in the primary residence. In the last three years, there have been eleven requests brought to the Planning Commission. It doesn't say it permits a new primary residence to house the family who care for the person with the familial need.

Mr. Wolff – I have the property to the east. The house I plan to build will have the views of the Air Force Academy and Pikes Peak. This proposal will have an adverse effect to my property.

Mr. Mike Casteen – I live in the neighborhood but not adjacent. I can see this home, I've known the family for years. In 1983 I remodeled my home to allow my mother to live with my family. I appreciate the provisions of being able to take care of family. Even though the administrative relief is acceptable, it is a stretch with the home size. My concerns are that it is on top of the hill and we've seen issues with homes turning into AirBnB. It does give the appearance of two homes.

Mr. Lane Chappell – I'd like to say that the applicants will sign the affidavit, and the windows of the basement and egress are not to code and cannot be considered habitable square footage.

Mr. Curry – Is there a limit to number of structures on an RR-5 lot? **Mr. Kendall** – there is a 25% lot coverage.

Mr. Curry – This issue of the square footage does matter if we are being asked to approved 1600 square feet. Or is it 2400 square feet? We want it right for the record. **Mr. Kendall** – They can ask for relief of the size limitation. Based on my conversation, the floor plans used show 1648 sf. The garage is not included in the square footage.

Ms. Friedman – Is livable square footage defined in the Code? **Mr. Kendall** – If it is storage, then it wouldn't be counted. **Mr. Dossey** – I think the best way to think about this is that being part of a detached structure, we see a guest house being located upstairs above a garage, we wouldn't count the bottom part which is the garage, we would only count the top floor as livable space. We have to make those interpretations every day when we review site plans.

Ms. Dillon – If this was not approved, they could just build on to the other house and it would be acceptable. Is that correct? **Mr. Kendall** – Yes, that is correct.

DISCUSSION:

Ms. Friedman – After the need is no longer required, how does it go away? **Mr. Kendall** – Our code enforcement staff would follow up on any complaints that come in to our office.

PC ACTION: LUCIA-TREESE MOVED/DILLON SECONDED TO APPROVE REGULAR ITEM NO. 3, AL-18-025 FOR A SPECIAL USE FOR PETRICK EXTENDED FAMILY UTILIZING RESOLUTION PAGE 39, MORE PARTICULARY DESCRIBED ON PAGE 19-022 WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

4. AL-18-023

KENDALL

**SPECIAL USE
NORTON EXTENDED FAMILY GUEST HOUSE**

A request by John Norton for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.3 miles east of the intersection of Howells Road and Ridgeway Lane. (Parcel No. 62230-00-054)

Ms. Kendall asked **Ms. Seago** had previously gone over the review criteria for a special use. He then introduced the applicant **Mr. Norton**, for his presentation.

Ms. Blea-Nunez – What was the nature of the concern that you did receive? **Mr. Kendall** – It was regarding density.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

PC ACTION: CURRY MOVED/BLEA-NUNEZ SECONDED TO APPROVE REGULAR ITEM NO. 4, AL-18-023 FOR A SPECIAL USE FOR NORTON EXTENDED FAMILY UTILIZING RESOLUTION PAGE 39, MORE PARTICULARY DESCRIBED ON PAGE 19-023 WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS. THE MOTION WAS APPROVED UNANIMOUSLY (6-0).

5. PUDSP-18-001

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
FOREST LAKES PHASE II**

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433)

Mr. Curry -- "After discussion with the County Attorney's office, I will recuse myself from this matter. I understand Classic has raised concerns I MIGHT be biased against them because of anticipated objection to one of their unrelated upcoming applications. To be clear, I have nothing against Classic Homes or their NES consultants whatsoever. I judge every application in light of the review criteria and the evidence and testimony presented. And I am convinced I could review and vote on THIS matter fairly and objectively. That said, Classic and other applicants have a right to know that all hearings before this body are based solely on the evidence presented and IF I were to vote against this particular matter, Classic would not have such confidence. Thus, I will recuse myself on this matter, and I will work with the County Attorney's office on what the expectations are for my participation or recusal on other future Classic Homes applications."

There is still a quorum in place with Mr. Curry's recusal and Mr. Aurich not in attendance.

Ms. Parsons asked **Ms. Seago** to go over the review criteria for a planned unit development and preliminary plan. She then introduced the applicant's representative, **Ms. Barlow, NES, Inc.**, for their presentation.

Mr. Dan Maynard, Core Consultants, gave an overview of the wetlands and wildlife habitats.

Ms. Friedman – Were there wildfire implications on the ridge where the road was located? **Ms. Barlow** – We changed it to have two access points and the fire department was in favor of that. The County asks us to add to that and we are providing an emergency access road which may double as a regional trail.

Ms. Friedman – For ongoing mitigation, who does that fall on? **Ms. Barlow** – The metro district.

Ms. Friedman – Why does there need to be more units? **Ms. Barlow** – The number of units is dictated by the amount of developable land. We have reduced it by 23%. There is a higher demand for the lot size, and with infrastructure costs rising, more lots are necessary.

Ms. Blea-Nunez – With regard to the wildfire, some things say they are requirements not recommendations. **Ms. Barlow** – The forest service reviews what the fire department requires. A certificate of occupancy does not get issued without those requirements being met.

Ms. Blea-Nunez – With regard to the mouse habitat, are the houses planned to be fully outside the habitat? **Ms. Barlow** – Yes, that is correct; no houses will be built within those boundaries.

Ms. Blea-Nunez – Are there any Native American sites that you are aware of?
Ms. Barlow – We are not aware of any Native American areas on this plan.

Ms. Parsons gave her full presentation to the Planning Commission.

Mr. Gilbert LaForce gave his engineering findings/report to the Planning Commission.

Ms. Friedman – I got the feeling that this development will help in access to the national forest. Is that planned? **Ms. Parsons** – Access and parking were concerns from the neighborhood. If the public had access to the trails- forest, then people would come. In response, the applicant depicted a small parking lot on the Plan.

Ms. Dillon and Ms. Blea-Nunez both had to leave the hearing at 2:15 p.m. Due to the lack of a quorum at that time, it was decided to continue the item to the April 16, 2019 hearing. Public testimony will be heard at that time.

PC ACTION: NO ACTION REQUIRED TO CONTINUE REGULAR ITEM NO. 5, PUDSP-18-001 FOR A PLANNED UNIT DEVELOPMENT AND PRELIMINARY PLAN UTILIZING RESOLUTION PAGES 29 AND 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-024 WITH SEVEN (7) CONDITIONS, FOUR (4) NOTATIONS, AND FOUR (4) MODIFICATIONS TO THE APRIL 16, 2019 HEARING.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

SPECIAL USE (Recommend Approval)

Commissioner Curry moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. AL-18-023

WHEREAS, John Norton, did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow a guest house with special provisions for extended family housing the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 2, 2019; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
6. For the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County; and

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, the El Paso County Planning Commission considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the special use for Norton family to allow a guest house with special provisions for extended family housing in the RR-5 (Residential Rural) zoning district.

AND BE IT FURTHER RESOLVED that the El Paso County Planning Commission recommends the following conditions and notations be placed upon this approval:

CONDITIONS

1. Approval is limited to the extended family dwelling, as discussed and depicted in the applicant's letter of intent and site plan drawings.
2. The proposed use shall comply with all requirements of the Land Development Code and all County, State, and Federal regulations except those portions varied by this action.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. 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.

2. 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.
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.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Blea-Nunez seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Egbert	aye
Commissioner Friedman	aye
Commissioner Curry	aye
Commissioner Blea-Nunez	aye
Commissioner Lucia-Treese	aye
Commissioner Dillon	aye

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: April 2, 2019

Jim Egbert, Chair

EXHIBIT A

That part of the Southwest quarter of Section 23, Township 12 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, described as follows:

Commencing at the point on the Southerly line of the Southwest quarter, 1,485 feet East thereon from the Southwest corner of said Section 23; thence Northerly parallel with the Westerly line of said Southwest quarter, 660 feet to the Point of Beginning of the tract to be described hereby; thence continue Northerly on said parallel line 645 feet; thence Easterly parallel with the Southerly line of said Southwest quarter, 385 feet; thence Southerly parallel with the Westerly line of said Southwest quarter, 645 feet; thence Westerly parallel with the Southerly line of said Southwest quarter, 385 feet to the Point of Beginning.

RESOLUTION NO. 19-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF A SPECIAL USE TO ALLOW A GUEST HOUSE WITH SPECIAL
PROVISIONS FOR EXTENDED FAMILY HOUSING FOR THE NORTON FAMILY
WITHIN THE RR-5 (Residential Rural) ZONING DISTRICT (AL-18-023)

WHEREAS, John Norton, did file an application with the El Paso County Planning and Community Development Department for approval of a guest house with provisions for extended family housing within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 2, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on April 23, 2019; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.
8. That for the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow a guest house with special provisions for extended family housing within the RR-5 (Residential Rural) zoning district.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Approval is limited to the extended family dwelling, as discussed and depicted in the applicant's letter of intent and site plan drawings.
2. The proposed use shall comply with all requirements of the Land Development Code and all County, State, and Federal regulations except those portions varied by this action.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. 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.
2. 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.
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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 23rd day of April, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

That part of the Southwest quarter of Section 23, Township 12 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, described as follows:

Commencing at the point on the Southerly line of the Southwest quarter, 1,485 feet East thereon from the Southwest corner of said Section 23; thence Northerly parallel with the Westerly line of said Southwest quarter, 660 feet to the Point of Beginning of the tract to be described hereby; thence continue Northerly on said parallel line 645 feet; thence Easterly parallel with the Southerly line of said Southwest quarter, 385 feet; thence Southerly parallel with the Westerly line of said Southwest quarter, 645 feet; thence Westerly parallel with the Southerly line of said Southwest quarter, 385 feet to the Point of Beginning.