



**Town of Green Mountain Falls
Planning Commission Regular Meeting
Agenda**

**Tuesday, August 23, 2022 @ 6:30 PM
In-person Meeting @ 10615 Green Mountain Falls Rd
Green Mountain Falls, CO 80819**

OR JOIN ZOOM MEETING:

<https://us02web.zoom.us/j/81242538019?pwd=QTIZOHY0eDdPQVJGRtFvdE9KejRXdz09>

Meeting ID: 812 4253 8019; Passcode: 224366; Dial-in: 346-248-7799

	ITEM	DESIRED OUTCOME
1.	CALL TO ORDER/ROLL CALL	
2.	AUDIO CHECK	
3.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	Action Recommended
4.	PUBLIC COMMENT	Public Comment
5.	APPROVAL OF MINUTES - August 9, 2022, Meeting Minutes	Action Recommended
	NEW BUSINESS	
6.	Public Hearing: Variances for 11110 and 11120 Belvidere Ave.	Public Comment
7.	Application 20220321 – Easements and Variances for 11110 and 11120 Belvidere Ave.	Action Recommended
8.	Application 20220804 – Easement Application for 10565 Foster Ave	Action Recommended
	OLD BUSINESS	Action Recommended
9.	Land Use Code Rewrite: a. Discussion with associate attorney and land use specialist Austin Flanagan of Hoffman, Parker, Wilson & Canterbury, P.C. b. Land Use Code alternatives c. Presentation – Preliminary Zoning Summary d. Continued review of land use code draft	Action Recommended
10.	OTHER BUSINESS	
11.	Adjournment	

**Register for public comment by 4:00 PM the day of the meeting: planner@gmfco.us

Planning Commissioners:

Lamar Mathews, Chair

Lisa Bonwell, Vice-chair

Ann Esch, Commissioner

Mike Frey, Commissioner

Rocco Blasi, Commissioner



MEETING MINUTES
Planning Commission
August 9, 2022
6:30 p.m. In-Person and Zoom Meeting

Commissioners Present: Chair Lamar Mathews, Vice-chair Lisa Bonwell, Ann Esch (Zoom), Mike Frey

Commissioners Absent:

Board of Trustees Liaison: Mayor Todd Dixon

GMF Staff: Nate Scott (Town Clerk/Treasurer/Planner)

Agenda Item	Motion/Discussion	M/S	LM	MF	A E	LB	
1. CALL TO ORDER / ROLL CALL	Meeting called to order at 6:30 p.m.						
2. AUDIO CHECK	Audio is good for Zoom participants.						
3. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA	Discussion on whether to reorder the agenda to accommodate David Douglas and Chief Murphy (Agenda #8). Agenda is kept as-is. No motion or formal action.						
4. PUBLIC COMMENT	Mayor Dixon encourages Planning Commission to hold a public meeting at Sallie Bush regarding the rezoning process as suggested in the Land Use code draft.						
5. APPROVAL OF MINUTES - July 12, 2022, Meeting Minutes - July 27, 2022, Meeting Minutes	Motion to approve both sets of minutes.	MF/LB	A	A	A	A	
NEW BUSINESS							
6. Application 20220531 – 11115 Falls Ave – Garage and Driveway Construction	N. Scott summarizes the application, with the address correction of 11155 Falls Ave. Driveway design will use the culvert standard of El Paso County. Staff did not think an engineering review was necessary, as the drainage is being considered with retaining wall						

MEETING MINUTES

Planning Commission

August 9, 2022

6:30 p.m. In-Person and Zoom Meeting

	designed into the building and the addition of the culvert, which will facilitate the current drainage pattern.						
	Motion to approve.	AE/LB	A	Abstain	A	A	
7. Application 20220804 – 10855 Ute Pass Ave – Covered Deck Construction	N. Scott summarizes the application. Chair Mathews asks if fire resistant materials are being used? They are using pressure treated wood with a fire retardant applied.						
	Motion to approve.	LM/LB	A	A	A	A	
8. WUI Code Presentation and Discussion – David Douglas and Dan Battin of the FMAC	<p>Dan Battin was unable to attend so Chief Steve Murphy was asked to attend in his stead. David Douglas gives a verbal presentation, focusing on what can/should be done on private property to aid in Town's overall fire mitigation efforts. Wildland Urban Interface code has been adopted across the country and internationally. There are aspects of the code that could be integrated into the Land Use code rewrite, specifically vegetation management.</p> <p>Discussion about what parts of WUI code could be relevant to the Town (zoning vs. building regulations), what sources are relevant to research, and what is in the Town's jurisdiction for regulation.</p> <p>Chief Murphy explains that certain codes aren't being enforced, making rescue options more difficult. Piles of junk, firewood, etc. next to houses make access difficult. Proactive structure prep/hardening would save fire personnel time in the next fire event. He</p>						

MEETING MINUTES

Planning Commission

August 9, 2022

6:30 p.m. In-Person and Zoom Meeting

	<p>recommends studying the Firewise site online to learn about what should be done. Fire hydrants should also be kept clear from decorations and debris.</p> <p>No formal action taken.</p>						
OLD BUSINESS							
9. Review Planning Commission Applications and Interview(s)	<p>Rocco Blasi application is reviewed. The Commission then alternates interview questions.</p> <p>Motion to recommend that the Board of Trustees appoint Rocco Blasi to the Planning Commission.</p>	AE/MF	A	A	A	A	
10. Code Rewrite	<p>a. Review of RFQ Responses No responses to the RFQ were received. One consultant indicated that the town-wide rezoning may not be realistic within the detailed timeline.</p> <p>b. Recommendation of consultant to hire Discussion about what the next steps are, how do the Town's purchasing policies guide the process, what are options for spending the DOLA funds, timeline considerations.</p> <p>c. Continued review of Land Use Code draft Review starts on page 22, Article 4, section 12-4-10. Fire Mitigation is skipped, so that Commissioners can review WUI code information before addressing this section. Review ends on page 38.</p> <p>Discussion about e-vehicle stations.</p>						

MEETING MINUTES

Planning Commission

August 9, 2022

6:30 p.m. In-Person and Zoom Meeting

	Action items: Bonwell to compile WUI resources. Nate to send consultant list to Bonwell for follow-up. Nate to send Town attorney land use contact info to Lamar. If a summary of the upcoming changes is compiled before next meeting, it will be presented as an agenda item at the next meeting, for public information.						
11. OTHER BUSINESS							
12. ADJOURNMENT	Meeting adjourned at 9:06 p.m.						

Notice of Public Hearing

RE: Variance Request 20220321: Front Setback Variance @ 11110 and 11120
Belvidere Ave.

LEGAL DESCRIPTIONS OF THE PROPERTIES:

11110 Belvidere Ave. = El Paso County Tax Schedule # 8308201028:

TRACT IN SW4NW4 SEC 8-13-68 AS FOLS, BEG AT SW COR OF LOT 12 BLK 58 ADD 8 TO GREEN MOUNTAIN FALLS, TH WLY ON NLY LN OF BELVIDERE AVE 75 FT, TH NLY AT R/A TO BELVIDERE AVE 150 FT, ELY TO NW COR OF AFSD LOT 12, TH S 2<59' W 150 FT M/L TO POB 4

11120 Belvidere Ave. = El Paso County Tax Schedule # 8308201029:

TRACT IN SW4NW4 SEC 8-13-68 AS FOLS, BEG AT SW COR OF LOT 12 BLK 58 ADD 8 TO GREEN MOUNTAIN FALLS, TH FOL NLY LN OF BELVIDERE AVE WLY 75 FT FOR POB, TH NLY AT R/A TO BELVIDERE AVE 150 FT, WLY ON A LN PARA TO SD NLY LN OF BELVIDERE AVE 100 FT, SLY AT R/A TO LAST COURSE TO NLY LN OF BELVIDERE AVE, TH ELY ALG SD NLY LN TO POB 3

To Whom It May Concern:

The owners of the above properties are requesting approval of a variance to the Town's 15-foot front setback development requirement. The variances being requested are to allow for the reconstruction of existing decks within the same footprint. The variances, if approved along with ROW easement agreements, will allow the project to satisfy the zoning requirements of the Town of Green Mountain Falls.

The Town of Green Mountain Falls requires all zoning variance requests be subject to a public hearing in both Planning Commission and Board of Trustees meetings. The first of these Public Hearings will be held at the August 23, 2022, Planning Commission meeting at 6:30 p.m. The second will be held at the August 30, 2022, Board of Trustees meeting at 7:00 p.m. Both meetings will be in Town Hall, located at 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819.

If you wish to make a comment regarding the application under review, and are unable to attend the Public Hearing, you may submit a written statement by the dates listed above to the Town Clerk at clerk@gmfco.us. A copy of the full application may be obtained from the Town Clerk, should you need more information than what has been included with this letter. Emailed comments are preferred; however, physical submissions will also be accepted at the front desk of Town Hall (10615 Green Mountain Falls Rd.). Public Comment will not be included as part of the Staff review of the request after 5pm on the day before the Public Hearing.

You may contact the Town Clerk if you have any questions or comments regarding this application at the email address above or by phone at 719-684-9414 x1.



Nate Scott
Town Clerk/Treasurer



To: Planning Commission
From: Nate Scott, Town Clerk/Treasurer/Planner

Date: August 18, 2022

Re: 20220321a and b: Easement Requests for 11110 and 11120 Belvidere Ave.;
20220321c and d: Variance Requests for 11110 and 11120 Belvidere Ave.

Background

The applicant Bruce McSpadden is requesting the Planning Commission's consideration for an application for a deck replacement along with ROW easements and variances on both properties from the Town in order to accommodate the rebuild. The application for the Architectural and Zoning Review was received and paid for on March 21, 2022. The application for the easements was received and paid for on July 24, 2022. Public notice for the variances was posted online and at Town Hall on August 8. The applicant understands that this construction, if approved, will need to be presented to Pikes Peak Regional Building Department for permitting upon approval of the Town and any contractor must acquire a Business License.

Planning Commission Recommended Actions:

- Review proposed Architectural and Zoning Application for compliance with Green Mountain Falls Zoning and Land Use Code.
- Review proposed easement for compliance with Green Mountain Falls Zoning and Land Use Code.

Project Summary

The reconstruction of the deck at 11110 Belvidere was approved at the May 24, 2022, Planning Commission meeting. The applicant was advised prior to that meeting that the reconstruction at 11120 Belvidere would need a variance, as the site plan indicated that the front setback would not be met. Upon further review and survey work on both properties, it was discovered that the deck footprints on both properties encroach into town right-of-way. Therefore, a variance and easement will be required in order to allow the reconstruction of both decks.

The applicant has submitted site plans showing the proposed measurements of the easements, and upon approval of the Town, the surveyor will prepare complete legal descriptions to be included in the final easement agreement. The proposed easement dimensions will allow for deck reconstruction and also envelope the front steps on both properties so that improvements can be made to those in the future if necessary.

Per the applicant: "both decks are necessary to our cabins as they provide safe entrances and exits to two of four cabin doors. We will not be expanding the footprint of the decks, only replacing them with composite materials which will improve the fire resistance of our cabins and is supportive of Green Mountain Falls' current fire mitigation efforts."

Staff has included an aerial photo view of the properties, which shows an approximate distance from the CSU water lines to the building footprints. Staff has no concern with the easement interfering with utility infrastructure or operation.

Discussion

1 - Architectural and Zoning Application:

The electronic file maintained by Town Hall, *Official Town Zoning Map 2019*, shows the Zone District as R-1 for both parcels, therefore the front setback requirement for both is fifteen feet.

2 – Granting of Variance:

Sec. 16-709. Variances. (Staff comments in bold.)

(a) No variance in the strict application of the provisions of this Land Use Code, including building requirements, signs, and fences, shall be recommended by the Planning Commission or approved by the Board of Trustees unless it finds that the following requirements and standards are satisfied. It is the intent of this Article that the variance be used only to overcome some exceptional physical condition of a parcel of land located within the neighborhood which poses practical difficulty to its development and prevents its owner from using the property as intended by this Land Use Code. Any variation granted shall be the minimum adjustment necessary for the reasonable use of the land.

(b) The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance conforms to the requirements and standards listed below:

(1) The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Land Use Code on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public. **This project is beneficial to public safety, property value, and neighborhood aesthetics.**

(2) The granting of the variance will not permit the establishment of any use which is not permitted in the district. **This requirement is met.**

(3) There must be proof of unique circumstances. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings in the neighborhood and which circumstances, or conditions are such that the strict application of the provisions of this Land Use Code would deprive the applicant of the reasonable use of such land or building. **The unique circumstance in this case is that these structures were built years ago without any survey or review, and no title search was prompted which could have identified the encroachment.**

(4) There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances shall not be considered. **The unique circumstance listed above dictates a limited area to build, creating a hardship for improvement on this lot.**

(5) The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted by the Board of Trustees is the minimum variance that will accomplish this purpose. The report of the Planning Commission shall fully set forth the circumstances by which this Land Use Code would deprive the applicant of any reasonable use of his or her land. Mere reasonable loss in value shall not justify a variation; there must be a deprivation of beneficial use of land. **This proposed use is reasonable for the R-1 zoning district.**

(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood. **This requirement is met.**

(7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Land Use Code to other lands, structures, or buildings in the same district. **This requirement is met.**

(c) The Board of Trustees may prescribe any safeguard that it deems necessary to substantially secure the objectives of the regulations or provisions to which the variance applies.

(d) Upon application, the Planning Commission, after giving notice as required by law, shall schedule a public hearing of the proposed variance. The Planning Commission shall consider and decide all proposed variations, taking into account the standards enumerated above.

(e) Procedure. Procedures for variance hearings shall be the same as those for zoning and rezoning, with the exception of the publication requirement contained in Paragraph 16-711(f)(2) below, which shall not be required. (Ord. 97-01)

3 – Granting of Easement:

From [Chapter 11, Article V](#):

- **Sec. 11-111. - Factors to be considered in granting easements.**

The following factors shall be considered in review by the Planning Commission and Board of Trustees of any request for an easement for use of public lands. Said factors shall not be exclusive, however:

- (1) Conformation with the Town Comprehensive Plan; **(Land Use Code rewrite should allow flexibility and promotion of positive development.)**
- (2) Adverse effects to the Town if an easement is granted; **(This small easement will not affect utilities or the functional use of the ROW in this area.)**
- (3) Benefits to the Town if an easement is granted. **(This property will be improved, thus increasing tax base.)**

- **Sec. 11-112. - Reasons for granting of easement.**

The following reasons for granting of said easement shall be deemed sufficient justification for such grant;

- (1) Compensation due and payable to the Town for use; **(There is a \$50 annual fee for easement.)**
- (2) Assistance to property owners who do not have clear title to their land due to an encroachment of their property upon public land and which purchase of said public property is not considered a feasible alternative by the Planning Commission and Board of Trustees; **(Easement is a positive alternative to purchase – the Town holds on to its ROW and has reclamation language in the agreement if something drastically changes.)**
- (3) Service of the health, safety and welfare of the inhabitants of the Town, or alternatively, lack of detriment or harm to the health, safety and welfare of the inhabitants of the Town. **(There is no risk to health, safety, or welfare of Town residents.)**

- **Sec. 11-113. - Presentations required to procure a grant of easement.**

Anyone wishing to procure a grant of an easement for the use of public land owned by the Town will be required to make two (2) presentations to the Planning Commission, as further described below, as a precondition to seeking the Board of Trustees' agreement to said sale:

- (1) The first presentation shall include clear identification of the land to be subjected to an easement and the feasibility of the proposed easement (Step #1 - Concept Approval).
- (2) The second presentation shall include the formal submittal requirements (Step #2 - Formal Submittal).
- (3) Any decision to grant said easement shall be by resolution passed by the Board of Trustees.
- (4) The procedure for the first and second presentation to the Planning Commission shall be determined by the Planning Commission, which shall set forth guidelines in the form of check lists for preparation for said proceedings, to include public hearing procedures. Said guidelines shall be available to the public, and may be provided at the office of the Town Clerk.
- (5) No second presentation will be scheduled before the Planning Commission until the guidelines for presentation as set forth in the document available to the public have been met. Review of said guidelines shall be made by the Town Clerk as a prerequisite to scheduling said presentation before the Planning Commission.

Conclusion and Recommendation

As outlined above, this is the first step in granting easements, which along with the variances for both properties, will be necessary for approval of the deck reconstruction.

Staff recommends approval of the variances and the easement concepts, with Step 2 for the latter to occur at the next Planning Commission meeting, along with the Architectural and Zoning review for the decks themselves. Step 2 will

include the submission of a complete legal description of the easement areas for recording purposes, along with the easement agreement, to be presented to the Board of Trustees for a final decision.



ORA ST

MYRTLE ST

GRANDVIEW AVE

OLATHE ST

COTTAGE ST

IONA AVE

KANSAS AVE

IONA TR

IONA AVE

HONDO AVE

HONDO AVE

PUEBLO AVE

FALLS AVE

MIDLAND AVE

BELVIDERE AVE

BELVIDERE AVE

11120

36.36 ft

4CIP

Total: 36.36 ft

11110

25.02 ft

Total: 25.02 ft

6CIP

Page 6

Notice of Public Hearing

RE: Variance Request 20220321: Front Setback Variance @ 11110 and 11120 Belvidere Ave.

LEGAL DESCRIPTIONS OF THE PROPERTIES:

11110 Belvidere Ave. = El Paso County Tax Schedule # 8308201028:

TRACT IN SW4NW4 SEC 8-13-68 AS FOLS, BEG AT SW COR OF LOT 12 BLK 58 ADD 8 TO GREEN MOUNTAIN FALLS, TH WLY ON NLY LN OF BELVIDERE AVE 75 FT, TH NLY AT R/A TO BELVIDERE AVE 150 FT, ELY TO NW COR OF AFSD LOT 12, TH S 2<59' W 150 FT M/L TO POB 4

11120 Belvidere Ave. = El Paso County Tax Schedule # 8308201029:

TRACT IN SW4NW4 SEC 8-13-68 AS FOLS, BEG AT SW COR OF LOT 12 BLK 58 ADD 8 TO GREEN MOUNTAIN FALLS, TH FOL NLY LN OF BELVIDERE AVE WLY 75 FT FOR POB, TH NLY AT R/A TO BELVIDERE AVE 150 FT, WLY ON A LN PARA TO SD NLY LN OF BELVIDERE AVE 100 FT, SLY AT R/A TO LAST COURSE TO NLY LN OF BELVIDERE AVE, TH ELY ALG SD NLY LN TO POB 3

To Whom It May Concern:

The owners of the above properties are requesting approval of a variance to the Town's 15-foot front setback development requirement. The variances being requested are to allow for the reconstruction of existing decks within the same footprint. The variances, if approved along with ROW easement agreements, will allow the project to satisfy the zoning requirements of the Town of Green Mountain Falls.

The Town of Green Mountain Falls requires all zoning variance requests be subject to a public hearing in both Planning Commission and Board of Trustees meetings. The first of these Public Hearings will be held at the August 23, 2022, Planning Commission meeting at 6:30 p.m. The second will be held at the August 30, 2022, Board of Trustees meeting at 7:00 p.m. Both meetings will be in Town Hall, located at 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819.

If you wish to make a comment regarding the application under review, and are unable to attend the Public Hearing, you may submit a written statement by the dates listed above to the Town Clerk at clerk@gmfco.us. A copy of the full application may be obtained from the Town Clerk, should you need more information than what has been included with this letter. Emailed comments are preferred; however, physical submissions will also be accepted at the front desk of Town Hall (10615 Green Mountain Falls Rd.). Public Comment will not be included as part of the Staff review of the request after 5pm on the day before the Public Hearing.

You may contact the Town Clerk if you have any questions or comments regarding this application at the email address above or by phone at 719-684-9414 x1.



Nate Scott
Town Clerk/Treasurer



**Town of Green Mountain Falls
Land Use Approval Application
Zoning Variance**

General Information

- A zoning variance is a request to deviate from the requirements in the Green Mountain Falls Land Use and Zoning Code, as established in §16-709.
- This checklist is a guide to submitting a complete application and is not a substitute for all provisions in GMF Municipal Code. Applicants are responsible for reviewing and understanding the Code.
- Complete applications are subject to **four weeks (28 days)** GMF Staff review before appearing on Planning Commission and Board of Trustees agendas.

Applicant

Applicant:	BRUCE McSpadden
Address:	5220 Fairway Homes
E-Mail:	BMcPaper@aol.com
Phone:	816-550 4193
Owner:	same as above
Address:	
E-mail:	
Phone:	

Property

Address: 11120 and 11110 Belvidere	
Zoning Designation:	Lot Size: 176 x 150
Hillside Overlay zone? Yes <input type="checkbox"/> No <input type="checkbox"/>	Land Survey Included: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Certification & Signature

APPLICANT'S STATEMENT: I understand the procedures that apply to my request and acknowledge an incomplete application will not be processed or scheduled for public hearing until such time it is complete. GMF Town Staff's acceptance of the application, the payment of fees, and submittal of accompanying materials does not constitute completeness. I further agree to reimburse the city for technical and professional consulting expenses that may be incurred during the review of my request. Failure to reimburse the Town for invoiced expenses constitutes an incomplete application.

Certification: The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge.

Applicant Signature Bruce McSpadden Date 7-24-22
Owner Signature Bruce McSpadden Date 7-24-22
Owner Signature _____ Date _____

This document can be signed electronically using Adobe Reader DC for free.

To the City of Green Mountain Falls:

Our cabins at 11120 and 11110 Belvidere have been in our family since 1993. The decks on both cabins were there at the time they were purchased by my father-in-law and now are rotten, unstable, and need to be replaced.

The recent survey we had completed by Rampart Surveys revealed what we suspected - that the deck on 11120 is not on our property, and although the deck on 11110 is, it does not meet current zoning guidelines. As a result, we are applying for a variance that includes separate easements for both cabins as illustrated in the attached site plan which would meet the town's requirements.

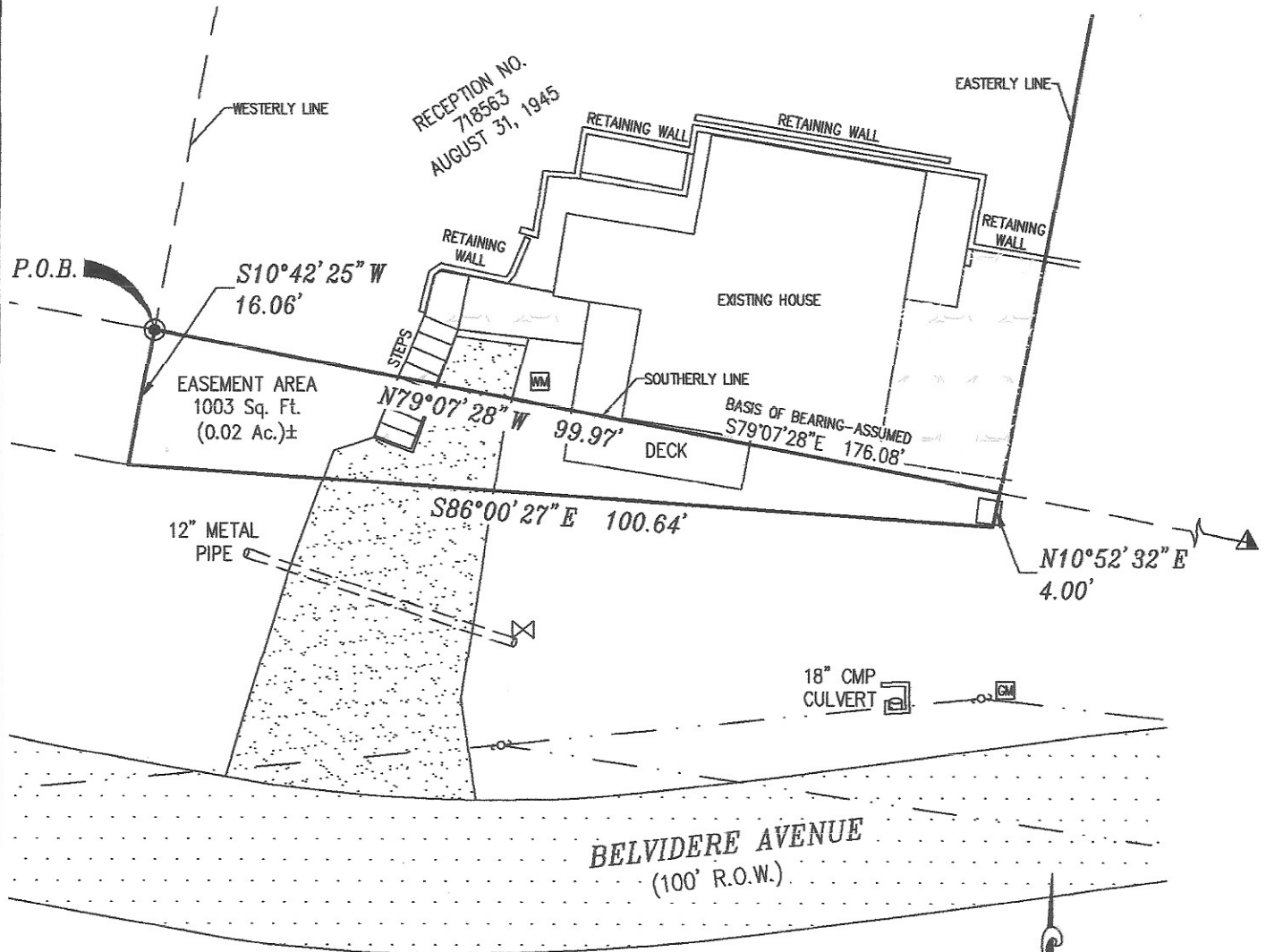
Both decks are necessary to our cabins as they provide safe entrances and exits to two of four cabin doors. We will not be expanding the footprint of the decks, only replacing them with composite materials which will improve the fire resistance of our cabins and is supportive of Green Mountain Fall's current fire mitigation efforts.

These improvements will not affect our community negatively as the decks are 50 feet and 25 feet respectively from the street. Also, our cabins are unusually separated from our neighbors, with our nearest neighbor being 60 feet to the west.

Sincerely,

Bruce McSpadden

**EXHIBIT: 11120 BELVIDERE AVENUE
GREEN MOUNTAIN FALLS, TELLER COUNTY, COLORADO
SW1/4NW1/4 SEC. 8, T13S R68W, 6TH P.M.**

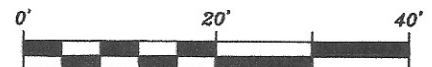
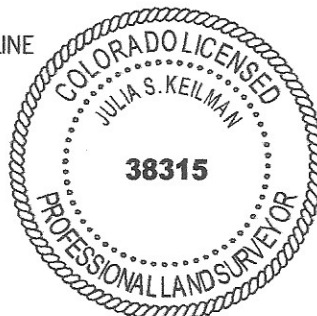


LEGEND:

- FOUND REBAR AND YELLOW CAP STAMPED "LS 12043"
- ▲ FOUND 1" IRON PIPE
- GM GAS METER
- POWER/UTILITY POLE
- WM WATER METER
- ⋈ WATER VALVE

- — — — — OVERHEAD ELECTRIC / O.H. UTILITY LINE
- ▭ ASPHALT
- ▭ GRAVEL
- ▭ FLAGSTONE

FOR AND ON BEHALF OF
RAMPART SURVEYS, LLC



SCALE: 1" = 20'
JOB NO.: 22306
JULY 15, 2022

**RAMPART
SURVEYS**

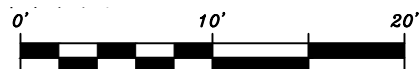
P.O. Box 5101
Woodland Park, CO. 80866
(719) 687-0920

THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY AND IS INTENDED ONLY TO
DEPICT THE ATTACHED PROPERTY DESCRIPTION.

C:\Users\Rampart Surveys Dropbox\Surveys Dropbox\22122306\dwgs\22306 - SP (11110) EASE.dwg, 8/2/2022 11:39:34 AM, AutoCAD PDF (High Quality Print).pc3



- FOR AND ON BEHALF OF
RAMPART SURVEYS, LLC



AUGUST 2, 2022

P.O. Box 5101
Woodland Park, CO. 80866
(719) 687-0920

ESTIMATE



3-14 PAID 12 823.28
3-11 PAID 50.00

Bruce MCSpadden
11120 +11110 Belvidere
Green mountain falls

Mountain Pro Home Improvement

Colorado Springs, CO,80916
Colorado Springs, Colorado 80916
Phone: (719) 960-6162
Email: mountainpro@yahoo.com

Estimate # 038185
Date 03/08/2022
PO # 5365
Business / Mountain Pro Home
Tax # Improvement

Description	Total
-------------	-------

Deck Remodel. Scope of work for both decks.	\$0.00
---	--------

PRICE IS A LABOR AND MATERIALS QUOTE. Demo of all old decking, post, joist, decking, stairs on one deck with disposal in 40 yard dumpster on site. New composite decking of customers choice installed with clip "no screw system". Joist tape will be applied to new joist to ensure protection from rott. Composite facia installed around frame. New pressure treated 2x8x6 joist will be installed and secured with hurricane ties. Proper joist hangers will be installed with galvanized nails. Installed 12 inch on center recommendation for composite decking. New black matt coated metal railings installed with new blocking installed for post backing. New stair stringers (3) installed 2x12x16 installed 12 inch on center. Post will be 6x6 pressure treated lumber. Footings will be 10inch sana tubes 30" in depth. Footing must be 6" above grade before post can connect. All work will be installed to pikes peak regional building code and to industry standard. Home owners permit will be purchased and all inspection requests will be handled by Mountain Pro.

Framing for both decks

Install pressure treated 2x8x6 joist.
New joist will be installed at 12 inches on center for composite decking stability.
Composite material requires 12 inch on center to ensure no flexing in the decking.
All components of the existing deck will be examined once demo and if any repairs at house are needed will be addressed at that time. Blocking for metal railing post will be installed during the framing process.
Post will be 6x6 pressure treated lumber.
Beam will be made up of (2) 2x10x12 with 1/2" pressure treated firing between beam.
6x6 metal post brackets installed with galvanized nails.
Proper hurricane ties, joist hangers, deck mate 3 inch screws, galvanized nails, composite clips, 5 inch ledger locks will be installed to pikes peak code
1/2"x5" Lag bolts will be installed 12" on center into ledger board.
Ledger board against house 2x8 pressure treated.
All framing will be inspected by pikes peak.

Composite Decking both decks.

Demo of old composite decking and disposal. Install new Fiber on composite decking.
45 degree angle decking is offered as an design option if home owners approve.
Joist tape installed on all new joist.



To: Planning Commission
From: Nate Scott, Town Clerk/Treasurer/Planner
Date: August 18, 2022
Re: 20220818a: Easement Request for 10565 Foster Ave.; Step 1 of 3

Background

The applicant Don Hays is requesting the Planning Commission's consideration for an application for construction of a deck at 10565 Foster Ave., which is dependent upon a ROW easement and variance from the Town to accommodate the project. The applicant understands that this construction, if approved, will need to be presented to Pikes Peak Regional Building Department for permitting upon approval of the Town, all contractors must acquire a Business License, and the total fees for this project will be \$675 (\$125 for deck review, \$500 for variance, \$50 for easement).

Planning Commission Recommended Actions:

- Review proposed easement for compliance with Green Mountain Falls Zoning and Land Use Code.
- This is step one of three for an easement application.

Project Summary

This project has been in the works for over a year. The applicant approached the town with the deck plan and was advised that the project will require a variance and either a sale of land or ROW easement. Due to the location of this project along a main thoroughfare with tight parking and utilities in the area, staff advised that a purchase was likely not going to be approved by the town and recommended the applicant work towards a proposal for an easement. This will give the town flexibility; in case some major utility or road project needs to happen in the future.

Staff has included an aerial photo view of the properties, which shows an approximate distance from the CSU water lines to the building footprints. Staff has no concern with the easement interfering with utility infrastructure or operation at this time.

Discussion

1 - Architectural and Zoning Application:

The electronic file maintained by Town Hall, *Official Town Zoning Map 2019*, shows the Zone District as R-1 for parcel 8308409011, and the El Paso County Assessor shows an area of 3,450 sq. feet. therefore, the zoning is R-1 5,000 Single-Family Residential with the following setback requirements:

- a. Front, fifteen (15) feet;
- b. Side, five (5) feet; and
- c. Rear, ten (10) feet.

2 – Granting of Easement:

From Chapter 7, Article V:

- **Sec. 7-101. - Factors to be considered in granting easements.**

The following factors shall be considered in review by the Planning Commission and Board of Trustees of any request for an easement for use of public lands. Said factors shall not be exclusive, however:

- (1) Conformation with the Town Comprehensive Plan; **(Land Use Code rewrite should allow flexibility and promotion of positive development.)**
- (2) Adverse effects to the Town if an easement is granted; **(This small easement will not affect utilities or the functional use of the ROW in this area.)**
- (3) Benefits to the Town if an easement is granted. **(This property will be improved, thus increasing tax base. It is also in a highly visible spot from the town's center, so will improve the aesthetics of the area.)**

- **Sec. 7-102. - Reasons for granting of easement.**

The following reasons for granting of said easement shall be deemed sufficient justification for such grant;

- (1) Compensation due and payable to the Town for use; **(There is a \$50 annual fee for easement.)**
- (2) Assistance to property owners who do not have clear title to their land due to an encroachment of their property upon public land and which purchase of said public property is not considered a feasible alternative by the Planning Commission and Board of Trustees; **(Easement is a positive alternative to purchase – the Town holds on to its ROW and has reclamation language in the agreement if something drastically changes.)**
- (3) Service of the health, safety, and welfare of the inhabitants of the Town, or alternatively, lack of detriment or harm to the health, safety and welfare of the inhabitants of the Town. **(There is no risk to health, safety, or welfare of Town residents.)**

- **Previous Sec. 11-113. - Presentations required to procure a grant of easement. (This has been removed with the latest code update, but it is a good procedure to follow.)**

Anyone wishing to procure a grant of an easement for the use of public land owned by the Town will be required to make two (2) presentations to the Planning Commission, as further described below, as a precondition to seeking the Board of Trustees' agreement to said sale:

- (1) The first presentation shall include clear identification of the land to be subjected to an easement and the feasibility of the proposed easement (Step #1 - Concept Approval).
- (2) The second presentation shall include the formal submittal requirements (Step #2 - Formal Submittal).
- (3) Any decision to grant said easement shall be by resolution passed by the Board of Trustees.
- (4) The procedure for the first and second presentation to the Planning Commission shall be determined by the Planning Commission, which shall set forth guidelines in the form of check lists for preparation for said proceedings, to include public hearing procedures. Said guidelines shall be available to the public, and may be provided at the office of the Town Clerk.
- (5) No second presentation will be scheduled before the Planning Commission until the guidelines for presentation as set forth in the document available to the public have been met. Review of said guidelines shall be made by the Town Clerk as a prerequisite to scheduling said presentation before the Planning Commission.

Conclusion and Recommendation

As outlined above, this is the first step in granting easements, which along with a variance, will be necessary for approval of the deck construction. Staff recommends approval of the easement concept, with further approval contingent on the easement area being redrawn to exclude the area between the front stoop east to the electrical service box, to ensure that nothing interferes with that utility.

Step 2 will occur at the next Planning Commission meeting, along with the Architectural and Zoning review for the deck and variance application. Step 2 will include the creation and submission of a complete legal description of the easement areas for recording purposes, along with the easement agreement, to be presented to the Board of Trustees for a final decision.











4 UNKNOWN ER AVE

4 DIP

4 DIP

Total: 21.14 ft

21.14 ft

6 DIP

10555

10535

*EASEMENT EXHIBIT
10565 FOSTER AVENUE
GREEN MOUNTAIN FALLS
EL PASO COUNTY, COLORADO*

-
- A circular seal with a rope-like outer border. The text "COLORADO LICENSED" is at the top, "JULIA S. KEILMAN" is in the middle, and "PROFESSIONAL LAND SURVEYOR" is at the bottom. The number "38315" is in the center.

LOT 3, BLOCK 11
ADDITION ONE TO THE TOWN
OF GREEN MOUNTAIN FALLS
8/28/1888

HOWARD STREET,

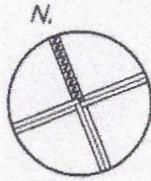
JULY 26, 2022

THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY AND IS INTENDED TO
LO: DEPICT THE ATTACHED PROPERTY DESCRIPTION.

RAMPART SURVEYS

P.O. Box 5101
Woodland Park, CO. 80866
(719) 687-0920

IMPROVEMENT LOCATION CERTIFICATE

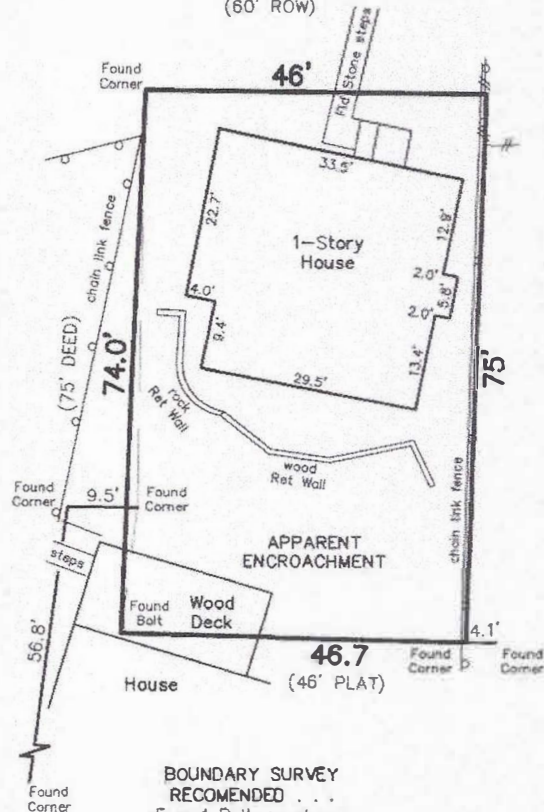


SCALE: 1" = 20'

CROSSED PATHS SURVEYING SERVICES, INC. has relied upon the COMMITMENT for TITLE INSURANCE issued by EMPIRE TITLE OF WOODLAND PARK, File No. 52731ECS, with regard to any recorded easements, rights-of-way affecting the subject property. No additional research regarding the existence of easements or restrictions of record has been performed by CROSSED PATHS SURVEYING SERVICES, INC.

Due to the consumer thinking an ILC is a PROPERTY BOUNDARY SURVEY the Board of Licensure repealed 6.6.2 (c). Major improvement locations shall be shown with dimensions to the nearest property lines, with a minimum of two dimensions shown, and shall be sufficient to locate structures.

10565 FOSTER AVENUE
(60' ROW)



**BOUNDARY SURVEY
RECOMMENDED . . .**
Found Bolt as shown
hereon may or may
not be a corner;
Found Corners at 9.5'
create a question of
Senior Rights

RECORD TITLE DESCRIPTION:

The Northwesternly 46 feet of the Northeastly 75 feet of Lot 3, Block 11,
Green Mountain Falls Addition No. 1, County of El Paso, State of Colorado

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR

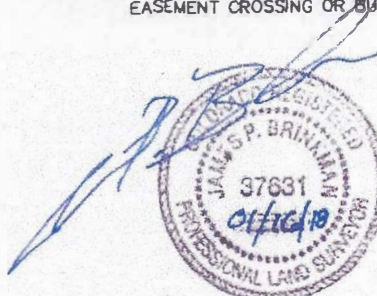
EMPIRE TITLE OF WOODLAND PARK

THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.

I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE,

January 16, 2018

EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.



**CROSSED PATHS
SURVEYING SERVICES, INC.**
P.O. BOX 49742
COLORADO SPRINGS,
COLORADO 80949
(719) 661-2349
jimpls@xpathinc.com

JOB NO. 1412220C.10

DATE: 01/16/18

BY: JPB

Town of Green Mountain Falls



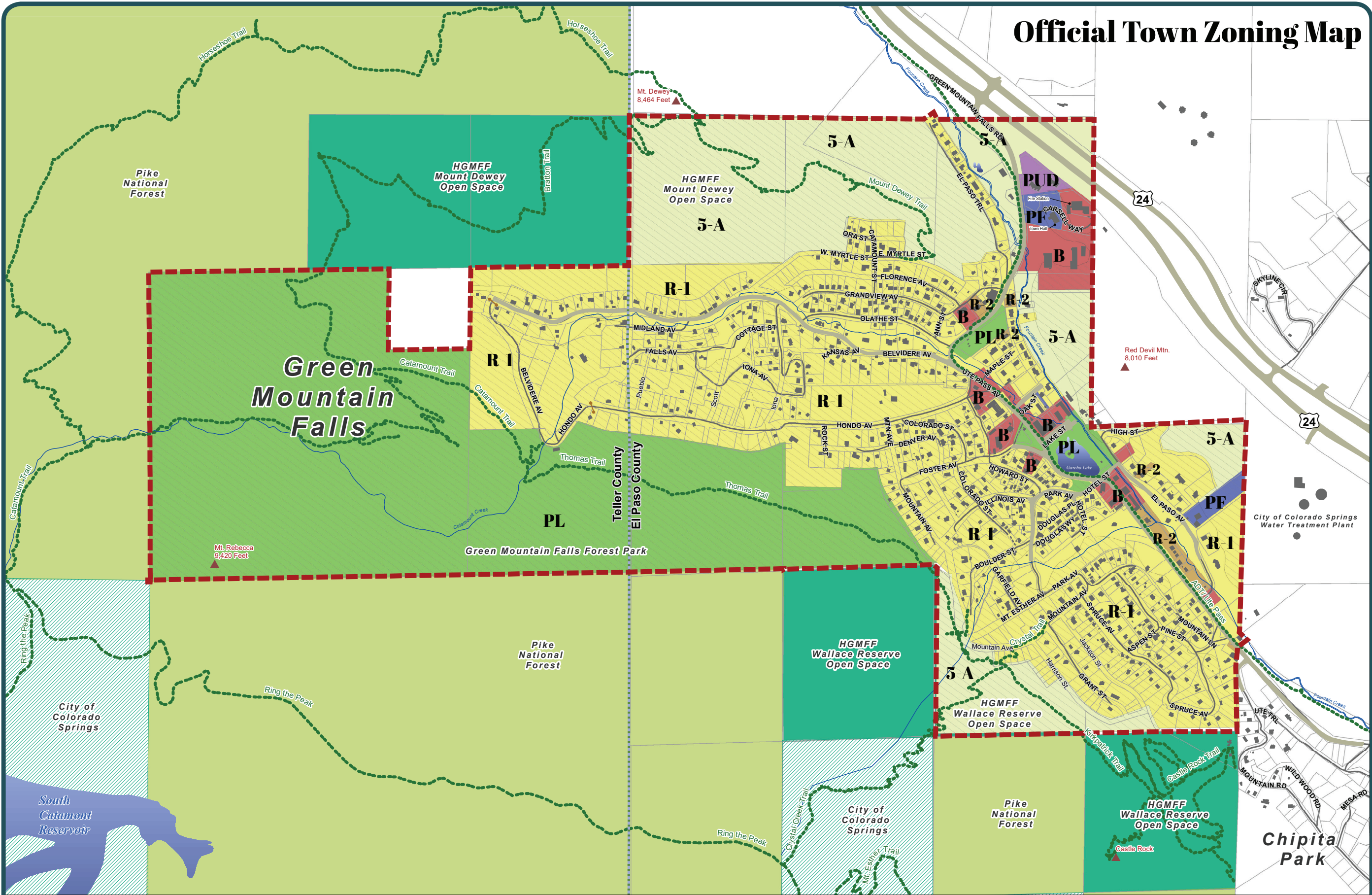
Zoning Update

Informational Meeting

All Material is “Draft”

FIGURE 18. OFFICIAL TOWN ZONING MAP
Source: Green Mountain Falls June 2019

Official Town Zoning Map



Green Mountain Falls Official Zoning Map

Trails

Streams

Gates

County Line

Buildings

Paved Streets

Parcel

Green Mountain Falls Boundary

Water Bodies

Open Space

Colorado Springs North Slope Recreation Area

Pike National Forest

Official Zoning Districts

5-A 5 Acre Hillside

R-1 Single Family Residential

R-2 Two-Family Residential

B Business District

PF Public Facilities

PL Public Lands

PUD Planned Unit Development

Hillside Overlay

PlanGMF2019
Looking Forward

Map Sources: US Forest Service digital geographic data and the Teller County Geographic Information System as modified by the Town of Green Mountain Falls.

All data and information contained herein are for planning purposes only. The information does not replace legal description information in the chain of title and other information contained in official governmental records such as in County Clerk and Recorder's office or in the courts. Also the representations of location in this map data cannot be substituted for actual legal surveys.

The information contained herein is believed accurate and suitable for limited use and subject to the limitation set forth above. The Town of Green Mountain Falls makes no warranty as to the accuracy or suitability of any information contained herein. Users assume all risk and responsibility for any and all damages including consequential damages, which may flow from the user's use of information.

Town of Green Mountain Falls Comprehensive Plan Update

Official Town Zoning Map

June 10, 2019

0

500

1,000

Feet

1 inch=300 feet

Zoning Update

Why?

- Surveys done initially for the Land Use Code update indicated a desire to Update Zoning and Overlay districts
- Those same surveys indicated the additional following desires:
 - Make the Code more user-friendly and easier to understand
 - Modernize development review and approval procedures
 - Revise “use” regulations
 - Improve development standards
 - Implement certain community-specific goals identified in the 2019 Comprehensive Plan
 - Eliminate Inconsistencies
 - Improve Fire Mitigation Standards
 - Have Code that is enforceable

Zoning: Was vs. Is

R-1; 5,000 Single-Fam Res R-1; 10,000 Single-Fam Res R-1; 20,000 Estate Res R-1; 5-acre Hillside Res R-2; Two-Family Residential	SFR; Single and Two-Family Residential
	MFR; Multi-Family Residential
B; Business	B; Business
PUD; Planned Unit Development	PUD; Planned Unit Development
HO; Hillside Overlay	Downtown Village and Historic Preservation Overlays
PF; Public Facilities	PF; Public and Semi-Public
PL; Public Lands	OSP; Parks and Open Space

Zoning: Was vs. Is (cont.)

R-1s vs SFR

	R-1; 5,000	R-1; 10,000	R-1; 20,000	R-1 5-acre	SFR
Minimum Lot Size	5,000 sq ft	10,000 sq ft	20,000 sq ft	5 acres	5,000 sq ft
Minimum Lot Frontage	50 ft	100 ft	100 ft	200 ft	50 ft
Maximum Lot Coverage	n/a	n/a	n/a	n/a	40%
Front Setback	15 ft	15 ft	15 ft	50 ft	15 ft
Side Setback	5 ft	10 ft	10 ft	25 ft	5 ft
Rear Setback	10 ft	10 ft	10 ft	25 ft	10 ft
Maximum building height	35 ft	35 ft	35 ft	25-35 ft	35 ft

Zoning: Was vs. Is (cont.)

R-2 vs SFR

	R-2	SFR
Minimum Lot Size	20,000 sq ft	5,000 sq ft
Minimum Lot Frontage	100 ft	50 ft
Maximum Lot Coverage	n/a	40%
Front Setback	Depends	15 ft
Side Setback	Depends	5 ft
Rear Setback	Depends	10 ft
Maximum building height	35 ft	35 ft

Zoning: Was vs. Is (cont.)

B vs B

	B	B
Minimum Lot Size	10,000 sq ft	2,500 sq ft
Minimum Lot Frontage	100 ft	25 ft
Maximum Lot Coverage	n/a	80%
Front Setback	15 ft	0 ft
Side Setback	5 ft & Depends	5 ft
Rear Setback	15 ft	15 ft
Maximum building height	n/a	35 ft

Zoning: Was vs. Is (cont.)

R-2 vs MFR

	R-2	MFR
Minimum Lot Size	20,000 sq ft	10,000 sq ft
Minimum Lot Frontage	100 ft	100 ft
Maximum Lot Coverage	n/a	55%
Front Setback	Depends	15 ft
Side Setback	Depends	5 ft
Rear Setback	Depends	10 ft
Maximum building height	35 ft	35 ft

Next Steps

- Finalize Land Use Code
- Conduct Public Meetings
- Create Plan for re-zoning
 - All R-1s and R-2 convert to SFR
 - MFR available upon land owner request
- Hire a Consultant to review and advise the Planning Commission on final Code versions