



## **Town of Green Mountain Falls**

**10615 Green Mountain Falls Road**

**Planning Commission Meeting Agenda**

**Tuesday May 23, 2023 at 6:30 pm**

**Town Hall Meeting & Regular Meeting**

Town Clerk is inviting you to a scheduled Zoom meeting.

<https://us02web.zoom.us/j/89213439589?pwd=bDFoYVpQMjUrSUdtT3JrMjQ2eIViZz09>

Meeting ID: 892 1343 9589 Passcode: 739617 One tap mobile +17193594580

### **MEETING AT 6:30 pm**

#### **1. CALL TO ORDER / ROLL CALL / TECH CHECK**

#### **2. ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA**

#### **3. CONSENT AGENDA**

Approval of Meeting Minutes from 2023-05-09

#### **4. PUBLIC INPUT: 3 Minutes per speaker**

#### **5. Business**

- a. Land Use Code/ Muni Code Inconsistencies Discussion

#### **6. Old Business**

- a. Contract Planner Update
- b. LU Code update in MuniCode
- c. Zoning Map Update in MuniCode
- d. Fee Schedule Update

#### **7. Correspondence**

#### **8. Adjourn**

**TOWN OF GREEN MOUNTAIN FALLS  
Planning Commission Meeting  
2023-05-09 at 6:30 P.M.**

**REGULAR MEETING MINUTES**

**Commission Members Present**

Lamar Mathews, Chair

Lisa Bonwell

Ann Esch

Rocco Blasi

Mike Frey- Not Present

**Town Clerk**

Bo Ayad

**Town Manager**

Becky Frank

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**1. Call to Order & Roll Call**

Chair Lamar Mathews called the meeting to order at 6:31 p.m. Roll was taken and all commissioners were present except for Commissioner Mike Frey. Mayor Dixon was also present.

**2. Additions, Deletions, or Corrections to the Agenda**

Commissioner Bonwell made a motion, seconded by Commissioner Blasi to accept the Agenda as posted. Motion passed unanimously.

**3. Consent Agenda**

A motion to approve PC Meeting Minutes from 04/11/2023 was made by Commissioner Blasi with recommendations/corrections and seconded by Commissioner Bonwell. Motion passed unanimously.

#### **4. Public Input – 3 Minutes Per Speaker**

Mayor Dixon made comments about using residences for business services.

#### **5. Business- A discussion between the PC Commissioners**

PC Members discussed the guard rail on Hotel St. and how to be more ready for changes on projects in the future. Some engineers from the town made themselves available to serve on a sub-committee that will review designs in the future. Commissioner Esch Motioned to create a sub-committee of the four volunteers that will be called the “Design Sub- Committee”. Chair Matthews seconded the Motion which passed unanimously. Those sub-committee members are Eric Caldwell, Peter Carttar, Don Walker and Phil McIntire.

#### **6. Old Business**

Updates on hiring a contract planner, bringing current the new LU Code and Zoning Map and work on the fee schedule was made by Town Staff.

#### **6. Correspondence:**

There was no correspondence.

#### **7. Adjournment**

Meeting adjourned at 8:01 p.m. By Chair Mathews



## MEMORANDIUM to PLANNING COMMISSION

To: Planning Commission  
From: Staff  
Date: May 23, 2023  
Re: Municipal Code/Land Use Code Inconsistency

### **Background**

Staff has discovered a couple of inconsistencies between the newly adopted Land Use Code and the Town's Municipal Code. These will need to be addressed in order to process applications that may contain uses associated with animal shelters, open space and fencing. The following sections of code require alignment:

### **Municipal Code Sections:**

#### **Section 6-121., Property size requirements.**

"Within the town, horses shall be kept on property which is two and one-half acres or larger in size, provided that said animals are fenced back from the property line a minimum of ten feet and that all other applicable requirements herein provided are satisfied, except for any horse with a permit issued prior to the original passage of this article (April 1996)."

#### **Section 6-122. - Enclosures.**

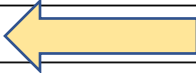
"Horses shall be kept in a suitable fenced enclosure, corral or pen in which said animals shall be restrained, providing a minimum area of 1,500 square feet per animal. Said enclosure, corral or pen or any shelter, shed, stable or barn in which horses are housed shall be located a minimum distance of 75 feet from any neighboring house, dwelling or place of business."

#### **And Section 6-78. - Limit on number of animals.**

"(a)It is unlawful for any resident in the town to have more than the following number of each type of pet unless the residence is licensed as a kennel pursuant to this Code, or unless the maximum number is exceeded by pets of less than six months of age:(1)Dogs: two.(2)Cats: four.(3)Rabbits: six.(4)Pot-bellied pigs: three.(5)Ferrets: three.(6)Reptiles (nonexotic): four.(7)**Horses: two.**

(b)It is unlawful to keep, own, harbor or allow to run free any exotic animal or any livestock of a type not listed above within the Town.(c)Notwithstanding any other provision of the Green Mountain Falls Municipal Code, use of animals otherwise prohibited may be allowed by special use permit from the town pursuant to section 16-710 for commercial purposes, subject to such conditions and restrictions as may be imposed by the board of trustees.”

**Land Use Code Section:**

Commercial Uses					
Adult Entertainment*			C		Article 3:3(c)i
Animal Shelter			C		
Automotive Center and Services			C		
Bar or Brewery			X		
Bed and Breakfast	C	C	X		
Business or Personal Service	C	C	X		
Fast Food Restaurant			C		
Fueling Station			C		
Hotel or Motel			X		
Indoor Entertainment or Recreation			C		
Office			X		
Outdoor Entertainment or Recreation			X	C	



The proposed application is requesting the animal shelter to be located in an area that is zoned open space.

**Discussion**

The pending LU Application cannot be approved unless code conflicts are resolved.

**Section 6-121.** Fence set-back discussion.

**Section 6-122.** Enclosure discussion.

**Section 6-78.** Land Use Code. Number of horses discussion. Clean up via ordinance and adding a “C” to the “Animal Shelter” line in open space column of Table 3-1: Permitted Use Table in the Land Use Code. And add “Animal Shelter” to the list of uses under “Open Space” zoning district.

**Recommendations from PC-** TBD 2023-05-23 Meeting

**Alternatives**

- 1) Take no action.
- 2) Vote to approve that this topic move on to the Board of Trustees in the form of an ordinance to make uniformity between LU Code and Muni Code.
- 3) Request additional information.



**Town of Green Mountain Falls  
Land Use Approval Application  
Fence Permit**

**General Information**

- This checklist serves as a guideline for submitting a request for Planning Commission review of a Fence Permit, per Section 16-707 GMF Zoning Code.
- Applicants are responsible for reviewing and understanding the Code.
- Complete applications are subject to staff review time of two weeks (14 days).

**Applicant**

Applicant: Jesse Stroope
Address: 10770 Florence Avenue, GMF 80819
E-Mail: <a href="mailto:jessestroope@yahoo.com">jessestroope@yahoo.com</a>
Phone: 405-760-1094
Owner: Historic Green Mountain Falls Foundation
Address: 1001 W. Wilshire Blvd, Fourth Floor, Oklahoma City, OK 73116
E-mail: <a href="mailto:l.eichman@occf.org">l.eichman@occf.org</a>
Phone: 405-767-3700

**Property**

Physical Property Address: 10325 W US Hwy 24	
Type of Project: Equine Fence Repair/Ugrade	Zoning/Lot Size: 30 Acres
Hillside Overlay zone? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Land Survey/ILC Included: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**Certification & Signature**

**APPLICANT'S STATEMENT:** I understand the procedures and requirements (pages 1 and 2 of this application) that apply to my request and acknowledge an incomplete application will not be scheduled for public hearing. GMF Staff's acceptance of the application, 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.

By checking this box, I agree to the certification statement and am typing my full name as an electronic signature.

Applicant Signature Jesse Stroope Date 5/8/23  
Owner Signature [Signature] Date 5/8/23  
Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

This document can be signed electronically using [Adobe Reader DC](#) for free.



**Land Use Approval Checklist**

**Fence Permit Plan Review**

This checklist serves as a guideline for submitting a Fence Plan Review application and is not a substitute for the provisions in Green Mountain Falls Municipal Code or any other rules that apply.

Applicants are expected to review [§16, Zoning](#), [§17, Subdivision](#), [§18, Building Regulations](#).

<input type="checkbox"/>	1. <a href="#">Land Use Approval Application Form</a>
<input type="checkbox"/>	<p>2. <b>Letter of Explanation</b> Description of the proposed project including:</p> <ul style="list-style-type: none"> <li>• Construction schedule</li> <li>• Zoning designation</li> <li>• Fence height, material, and whether <a href="#">lattice</a>, <a href="#">solid</a>, or <a href="#">open</a></li> <li>• Any potential traffic vision obstruction</li> </ul>
<input type="checkbox"/>	<p>3. <b>Site Plan Drawings</b> Fencing site plan may be on multiple sheets but must include:</p> <ul style="list-style-type: none"> <li>• Footprint with setbacks to property line</li> <li>• Clearly labeled front, sides, and rear of property</li> <li>• Zoning designation of any abutting properties</li> <li>• Driveways, public and private roads, public trails</li> <li>• Existing structures with distances to proposed fence</li> <li>• Waterways and floodplains with <a href="#">FEMA Flood Zone</a></li> <li>• ILC or Survey</li> </ul>
<input type="checkbox"/>	<p>4. <b>Required Fees</b> <a href="#">Current Fee Schedule</a></p>

Complete applications must be received **14 days** (two weeks) prior to a regularly scheduled meeting of the Planning Commission. An applicant's attendance is recommended. Instructions are available on the [Land Use Approval Application Process](#) tab of the Town Website.



# Land Use Application Form

## Letter of Explanation

**Summary:**

The purpose of the application is to remove existing barb wire fencing and replace it with no climb barrier fence.

**Construction Schedule:**

The construction is scheduled to begin as soon as the application is approved with an estimated 60 day completion.

**Zoning Designation:**

The property is zoned public land/open space.

**Fencing:**

The fencing to be installed is five feet tall. The material is four-inch pressure treated posts with open metal mesh. There is no potential for traffic obstruction.



## Site Plan Information

Fencing site plan summary:

The currently existing barb wire and t-posts will be removed from the property.

Section 6-121, Property size requirements states that the fence line be a minimum of 10 feet from the property line. We request a waiver for this requirement. There will be no residential border with any of the fence line now or in the future.

Existing gates will remain in place and updated. There will be a new gate constructed at the top of Red Butte for emergency equipment access.

The front of the property will be designated as the North side, the side that abuts Highway 24 with the primary access points located on that side.

Zoning for the adjacent property is:

West Side: Joyland property: PUD: Planned Use Development

The South side of the fenced area is on Pittman property.

East side not in town, bordered by Colorado Springs utilities.

North side not in town, bordered by Highway 24

There are no public or private roads within the fence line, there are no public trails within the fence line.

The existing barn structure is approximately ten feet from the proposed fence line. The future plan is for the removal of the barn structure.

There are no waterways on the property and it is not a FEMA flood zone.