

REQUESTS FROM PLANNING COMMISSION

FOR JULY 16TH PC MEETING AND AT JULY 16TH MEETING

Article 1

- In Legal Authority (?) we need to say: ALL NEW CONSTRUCTION MUST GET A BUILDING PERMIT THROUGH PPRBD. This needs said somewhere and removes the need to say it repeatedly elsewhere.
- All new construction, remodels, additions, installations, electrical work, retaining walls, decks over 200 sq ft. or above 30 inches, and other accessory uses and installations require a certificate of zoning compliance from the Town of Palmer Lake and a building permit from the Pikes Peak Regional Building Department (PPRBD).
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Article 2

- Sec. 17.2.060-Dimensional Requirements Table
- **SETBACK FROM HWY 105**
 - They want it simplified to read average 200 ft not closer than 150 ft in any area (to keep flexible). Members did not understand the added red line “..Or where a structure occurs on only 1 side (within 750 ft) that structure to a point 200 ft from Hwy 105 on opposite side.” They want flexibility but average of 200 ft not closer than 150 ft to Hwy 105.
- ⁵ An average of two hundred (200) feet but not closer than 150 ft. in any area. Staggered setbacks shall be reviewed by the Planning Commission.
 - Note that in the Dimensional Table this rule applies to all zone districts, a property could be rezoned to R-1 or even R-5,000 along Hwy. 105 and not be subject to the setback.
 - ~~footnote 5. We said we wanted: Hwy 105 setback can be the line drawn between existing structures w/in 750' of the subject property. Or where a structure occurs on only 1 side (w/in 750') from that structure to a point 200' from Hwy 105 on the opposite side.~~
 - ~~200 feet for new development only. Existing structures may be remodeled or rebuild in the same location. The Highway 105 setback for changes to an existing structure(s) can be the line drawn between the existing structure(s) w/in 750' of the subject property. Or where a structure occurs on only 1 side~~

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(w/in 750') from that structure to a point 200' from Hwy 105 on the opposite side:

- Mike at CMI noted the following as another option:

Appendix E in the 2022 Comprehensive Plan ("Plan") put the setback at 200 feet along Highway 105. Appendix E also included a map showing the properties used for establishing the setback.

- *The setback in the Plan applies to both sides, rather than the language in Footnote 5 regarding a property on the opposite site.*
- *The Plan does not specifically address shallow properties (rear property line is close to 200 feet from the right of way, limiting building placement on the property). A possible approach to this type of situation would be a front setback line that is set at a maximum distance from the rear property line, such as the following regarding property depth (distance from front property line to rear property line).*

- The front setback shall be a minimum 200 feet from the Highway 105 right of way. Where a property has a depth of less than 300 feet, the front setback line shall not be more than 100 feet measured from the rear property line."

- Setbacks may be staggered upon approval by the Planning Commission.

- QUESTION FOR PC: CAN WE ADD SETBACKS FOR NEW DEVELOPMENT, MAYBE STAGGERED TO ACHIEVE AN OVERALL SETBACK OF 200 FT. UPON APPROVAL BY THE PLANNING COMMISSION. I THINK YOU NEED SOME FLEXIBILITY.

- **BUILDING HEIGHT**

- Footnote 2: top floor stepped back a minimum of 8' on all sides:

- 32 feet only if the 3rd story is stepped back a minimum of 8 ft. on all four sides

- Keep all height at 30 ft (no other options unless an applicant requests a variance from the code)
 - CMI believes that the 32 ft rule is better for the downtown area. If you want the 8 ft. setback for the 3rd floor, okay. Most historic downtowns throughout the state allow 3 stories. It's also an advantage to spur redevelopment in the downtown area. Historically, CMI believes that the Depot with the tower/cupola and the old Rocklands hotel that burned down, were over 30 ft. as measured using the PPRBD method of measuring height. The hotel

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appears in historic photos to be 3 1/2 stories and was located in downtown Palmer Lake.



- Sec 17.2.70 RESIDENTIAL AGRICULTURAL ZONE (RA-5) (c) (4): same comment re: ~~105 setback 750' avg.~~ **average 200 ft not closer than 150 ft in any area (to keep flexible).**
- **Article 6 (pg 6 of notes) re: farmhouse definition – remove specific structures (farm, bunk) from agricultural zone and treat all accessory dwelling or other accessory use the same per the total buildable area of the lot.**

Article 3

- Sec. 17.3.230. It is not that I want 10' instead of 5' from ROW. I was pointing out a conflict that still exists. (b)1. says 5'. But (c)(1)c says a 10' LS strip at parking lot frontage is required. The new verbiage added there is OK but doesn't resolve the 10 LS strip conflict.
 - (b) 1. All parking areas ~~on lots less than 10,000 square feet shall be set back a minimum of five (5) feet from any public right-of-way. All parking areas on lots greater than 10,000 square feet shall be set back a minimum of ten (10) feet from any public rights-of-way.~~
 - a. (c) (1) c. **A 5' 10 ft. minimum landscape area is required all around the entire parking lot perimeter, excluding the entrance drive.**

Commented [BC1]: PC noted 5 ft., and then Bill F sent his edits, and he wanted 10 ft. I have modified the rule to account for smaller lots- 10K = 5 ft, over 10K sq.ft. 10 ft. PLEASE RESOLVE AMONG THE REVIEWERS.

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- All lights used to illuminate parking spaces, driveways, or maneuvering areas shall be designed, arranged, and screened to minimize light spillage on adjoining lots or streets. Light trespass on adjoining lots and streets shall be a maximum of 0.1 Fc at the property line and shall comply with Section 17-3-X Lighting. (agree to keep 0.1fc)
- *No changes to this item (8)- same verbiage*
- ~~Sec. 17-3-275. Location of residential parking spaces. As written, it implies that a garage can be setback 22' but the building setback is typically 25'.~~
~~This is good for large lots but too restrictive on smaller ones. E.g. a small house w/ a 1 car garage setback 25'. The 2nd req'd space can't be in the front yard if it needs to be setback 22'. It would have to go on the side yard but the setback there is 7.5'.~~
- **Article 3 (pg 3 of notes) re: garage or required off street parking space – all setbacks should be 25 ft from property line (not from back of sidewalk or public right of way); otherwise, applicant can request a variance from the code**
 - Garages or required off-street parking spaces shall be set back ~~twenty-two (22)~~ **twenty-five (25) feet from the PROPERTY LINE.** ~~back of any sidewalk or public right of way.~~
- **Next sec., 17.3.340 re: planting requirements, the members want to see the El Paso County Landscape and Planting Manual Appendix D – before they consider/finalize this in the code.** *Appendix D was an incorrect citation, it's simply the Landscape and Planting Manual.*
- Sec. 17.3.340 Minimum Planting Requirements.
 - **CMI has used EPCO Landscape and Planting manual for the buffering standards and inserted it into the Code.**
 - **Rather than a reference, we added minimum planting requirements. This represents a combination of requirements from the City of Manitou Springs and the Town of Monument, communities for which CMI has worked. The scale of development in Manitou Springs and the terrain is similar in many respects to that of Palmer Lake. Again, we need to be mindful that the town has had NO landscape requirements.**
 - ~~I'd expect quantitative requirements here but there are none. We must go to 17.3.395 to find any.~~
 - ~~The minimum planting requirements shall adhere to the El Paso County Landscape and Planting Manual, Appendix D, as may be amended. This~~

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~~includes plant material specifications, living ground cover requirements
internal landscaping requirements.~~

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- ~~We internal landscaping requirements? I propose “.... multi-family 15%, commercial 5% of the lot area shall be landscaped w/ 1 tree / 800sf of said req'd area. This kind of follows EPCO but requires less. SEE ABOVE- used~~ EPCO Landscape and Planting Manual
- ~~All New and Existing trees and parking lot~~ landscaping count towards internal landscaping. COVERED IN 17.3.320 (a)
- Sec. 17.3.395 (b) (3) (Ran out of time during workshop to discuss this piece)
 - We need buffer trees at all roadways. Or, at least along County Line & Hwy 105 (SFR exempt) e.g. between a Bucees and County Line and Beacon Lite Rd? Or at any commercial along Hwy105 or Beacon Lite. Wish we had that requirement at the County Line Rd. Warehousing. Existing trees count, the section about Alternative compliance provides relief where it doesn't make sense. I propose 1 tree / 40' of road frontage and/or property lines between single family residential and commercial / multi-family. ½ of the trees may be replace by shrubs (10 shrubs = 1 tree).
 - SINCE BUC-EES IS A PD, THIS IS AN ITEM THAT CAN BE NEGOTIATED OR COULD BE A CONDITION OF APPROVAL IN THE PLANNING COMMISSION'S RECOMMENDATION TO THE BOARD OF TRUSTEES.
 - Added buffering requirements for new development using EPCO Landscape and Planting Manual standards- this will ensure that the buffering is similar as you drive between property in El Paso County and the Town of Palmer Lake.
- (1) (b) (6) I had a question about this we ran out of time for. Buffer trees at 2' or 6' or 10' per lineal foot of buffering? This is too close for trees to be planted? THIS IS ONLY STATING THE AMOUNT REQUIRED NOT THE SPACING OF THE TREES- EARLY IT STATES THAT “*Plantings shall be clustered to reflect the patterns found in nature, as opposed to being thinly distributed throughout the site.*”
 - **Article 4: no comments**

Article 5:

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- Sec. 17.5.100. – General Review Process.
 - (c)(2) PC review - is that supposed to be under 10,000 sf? (d4 says 10,000 sf or greater requires at least one public meeting) **GOOD CATCH**
 - (d)(7) we eliminated Clusters. **GOOD CATCH**
 - Table 17.5.1 Required Decision-Making Process for Land Use Applications:
 - add Amending the Community Master Plan. **THIS IS LISTED UNDER REZONINGS**
 - Should be a column for Neighborhood meetings (frequently req'd in other jurisdictions in the region) **Section added for neighborhood meetings at option of applicant.**
 - Table 17.5.1
 - Remove Clusters **GOOD CATCH**
- 17.5.305 Procedure for Amending the Community Master Plan: the plan was put together w/ much public input. This section should address that.
- **The amendment requires a public hearing with the Planning Commission, followed by a public hearing with the Board of Trustees pursuant to 17.5.200**
- **Community Input required for an amendment to the Community Master Plan. Whereas the adopted Community Master Plan was adopted after considerable community input, any amendment to the Community Master Plan requires at least one community meeting that is properly noticed. *Drafting note: Typically, amendments to the master plan are site specific for a rezoning, but if a major change is required or conditions in town change, then a revised Master Plan is often recommended. This determination is made by the Planning Commission.***
- **Added submittal requirements for landscape plans; did not mandate tree/vegetation replacement as required in El Paso County, Monument or Manitou Springs.**
- Sec. 17.5.350. Conditional Review Use applications.
 - **The following impacts have been added to the list**

Any other potential impacts to mitigate during the review process?

- **Methods of operation**

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- Signage
- Loading and unloading
- Sanitation
- Public safety
- Mitigate vibrations, chemicals, toxins, pathogens, gases, heat, and radiation
- Sec. 17.5.370. Procedures for a Site Development Plan: (g) 1. & 2. 10% is too low of a threshold to have to start over. Increase to 20% (arbitrary)? OR, make the trigger based on changes to the originally proposed use - which is really the key.
- 10% is handled administratively; anything over that is a new resubmittal- this is the same trigger that exists for PDs

(g) Amendments to Approved Site Development Plans.

- (1) Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character, or density of an approved Site Development Plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
- (2) Changes to approved Site Development Plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new Site Development Plan application. Such amendments shall conform to the review procedures outlined in Section 17.5.340. A complete Site Development Plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

ADDED NEW SECTION- LANDSCAPE PLANS

Article 6: CMI will ensure that all definitions are included and will undertake a final update to the definitions once all articles are in one document.

- Farm House: deleted per PC
- Commercial: is defined as Retail. Offices, clinics, events centers, etc? Isn't Commercial basically anything that's not SFR? Multi-family is also actually commercial, no? (that's howt IRC and IBC see it). We get in trouble where we use the term non-residential or non-commercial. The term is typically non-residential and residential. Multi-family is considered residential. This is a zoning ordinance not a building code.

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- Fully Shielded: We can't seem to get away from the night sky "horizontal" verbiage that allows you to shine light onto your neighbors property and into their windows. Fully shielded is the term used under the stricter IES standards and this is their definition.
- Lot, Reverse corner: what does this say? is it needed? Deleted
- Open Space: Are we being asked which definition to use? I like the parts about open to the sky and impermeable surfaces don't count. And, I like the bullet list. HOWEVER: I don't think we regulate "open space" anywhere? We regulate Impervious Coverage. Revised by Krob/GMS
- Impervious Coverage: add this definition the term is defined as impervious surface, CMI has add impervious coverage