

of Hodgen Road and Meridian Road. The agreement will avoid litigation over the county's Oct. 2021 request that Winsome close the entrance to Winsome Way at the intersection of Hodgen Road with which Winsome complied. The two parties will now work with Winsome's engineering firm, Kimley-Horn, to agree to design changes to the intersection that will bring it into conformity with county standards. Once the changes are made and satisfactorily inspected, the county will reimburse Winsome up to a maximum of \$200,000.

The BOCC approved the final plat for Winsome Way Filing No. 1 in January 2021. It included the

construction of the intersection with Hodgen Road.

Roller Coaster Road improvements

At the Oct. 4 BOCC meeting, the commissioners approved an intergovernmental agreement between the county and Triview Metropolitan District relating to improvements to Roller Coaster Road. Triview has identified a need to install a new water pipeline within county rights-of-way on Roller Coaster Way, Old North Gate Road, and Baptist Road while the county needs to make certain improvements to these roads. Under the agreement, Triview will complete the roadway improve-

ments when it installs the new pipeline in exchange for a waiver of county permit fees associated with the pipeline work.

Other decisions

- Sept. 27—the commissioners approved a license agreement between the county, Forest Lakes LLC, and the Forest Lakes Metropolitan District relating to the New Santa Fe Regional Trail. The county operates and maintains the trail within county property between Baptist Road and the United States Air Force Academy. The agreement enables Forest Lakes to install a public trail from its Falcon Commerce

Center on Woodcarver Road to the trail. This trail will be maintained by Forest Lakes Metropolitan District.

- Sept. 27—approved a contract amendment and change order with Wilson & Co. for civil engineering planning and design services for the drainage system associated with Gleneagle Drive, Struthers Road, and North Gate Boulevard at a cost not to exceed \$455,500. The amendment allows Wilson & Co. to continue its planning and design of the system, which now has additional environmental assessments, multiagency

coordination, and other requirements associated with it.

- Oct. 11—approved a memorandum of agreement and a non-exclusive permanent easement for the Silverton Lane improvement project. The easement concerns property owned by William and Roberta Davis for which county will pay \$4,000.
- Oct. 25—approved the reappointment to the Planning Commission of Associate Member Christopher Whitney for one year until Nov. 16, 2023.

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El Paso County Planning Commission, Oct. 20

Two special use applications recommended for approval despite neighbors' concerns

By Helen Walklett

At the Oct. 20 El Paso County Planning Commission meeting, the commissioners heard two special use applications arising from code violation notifications. The first was an application by Steve Rael Jr. to legalize the operation of the existing RV and boat storage yard at his Highway 83 property. The second was an application to allow for a minor kennel for eight personal dogs at a Woodmoor property where county rules set a limit of four dogs.

Highway 83 RV storage special use

Rael's special use application relates to his existing RV storage business at his 40-acre property zoned RR-5 (residential rural) on the west side of Highway 83, one-third of a mile south of its junction with Walker Road.

The business was started in 2006. Rael first received a violation notice in October 2018 and applied to legalize the business in July 2019. To meet the criteria for the special use approval, outside storage activities must be located a minimum of 50 feet from all property boundaries and screened to a minimum of 6 feet in height. Rael did apply to the Board of Adjustment in July 2022 to have the boundary setback reduced to 30 feet to avoid the RVs being parked right on the edge of his driveway, but this request was denied. A site development plan was submitted earlier this year and is being reviewed concurrently.

The storage business currently has 42 storage spots but Rael plans to reduce this to 25, which is the number for which he is seeking approval with this application. He intends to pave the storage

area before moving the vehicles to it. The setback will be the required 50 feet and there will be a 6-foot opaque screen around the area.

Twelve adjoining property owners were notified of the application, with six responding in favor and six in opposition. During the public comment part of the hearing, three neighbors spoke in opposition, stating the business negatively impacts neighboring property values, is not in keeping with the character of the surrounding area, and would set an unwanted precedent. One of the neighbors, Jill Fowler, addressed the El Paso Board of County Commissioners (BOCC) in June to bring its attention to the long-running code violation. See https://www.ocn.me/v22n7.htm?zoom_highlight=%22jill+fowler%22

One neighbor spoke in support of Rael, stating there were other businesses operating on neighboring properties and asking for the commissioners' mercy particularly in relation to the applicant having lost his wife earlier this year.

Commissioner Jay Carlson said, "I don't think the 6-foot fence really makes any effort at concealing these vehicles. Most of them are 13 feet tall or somewhere thereabouts so my mind would think about a 15-foot fence would cover these up and it's just my opinion that it's just not consistent with the character or in harmony with the surrounding neighborhood." Associate member Bryce Schuettpelz said he was also struggling with it being in harmony with the neighborhood.

Commissioner Thomas Bailey reminded that the commissioner's job was to apply the criteria for a special use to this specific

application and commented, "It's really unfortunate when we have things like this drive neighbors apart."

Carlson moved for a recommendation to disapprove on the grounds that the use was not consistent in character or harmony with the surrounding neighborhood. Commissioner Tim Trowbridge seconded, but the motion failed 4-5. Bailey made a motion to recommend the application for approval, and this was successful 5-4. The no votes were Trowbridge, Carlson, Schuettpelz, and Commissioner Christopher Whitney.

The application was scheduled to be heard at the BOCC land use meeting at 1 p.m. on Nov. 1 but was continued at that meeting to the Dec 6 BOCC meeting at the applicant's request to allow him more time to prepare.

Fairplay Drive minor kennel special use

The commissioners heard an application from Mark and Anne Seglem of Fairplay Drive in Woodmoor for approval of a minor kennel as a special use for eight personal dogs, which is four more than is allowed under the zoning. The 1.06-acre property is zoned RS-20000 (residential suburban) and is half a mile northwest of the intersection of West Higby Road and Fairplay Drive.

The Seglems were issued a violation notice on July 20, and they submitted the special use application the following day. A site development plan has been submitted for concurrent review. Kari Parsons, senior planner, Planning and Community Development Department, stressed "This is not a commercial operation."

Applicant Mark Seglem told

the commissioners he and his wife had lived in the house for over 15 years and were not aware of the county limit on dogs when they moved in. He said, "We both realize that ignorance of the law is no excuse, but unfortunately here we are and we've gotten into a situation where we have eight personal dogs. We actually had more than four when we moved into Woodmoor, and neighbors never said anything, and we were surprised to find out that there was in fact a limit." Seglem stressed that five of the dogs are older and said that as they pass, they will not replace them. He also said there is absolutely no intention to operate as a commercial kennel.

The Seglems were part of the Woodmoor Open Space Committee (WOSC LLC) that worked with the developer of part of the former Walters Open Space and were one of the homeowners who purchased land from the original owners and extended their plot to the rear. Seglem said the open space behind the property was donated by WOSC to the Woodmoor Improvement Association (WIA) and there is a walking trail behind their property where people walk dogs and his dogs bark at them. He said he had asked WOSC at the time they donated the land to move the trail farther away from the back of his property, but this did not happen. He has since asked WIA to move the trail

10 or 20 feet back from his property line and has planted vegetation to screen the boundary but said this will take time to mature.

The county sent out 10 notifications to adjoining property owners and received seven letters in objection. No one spoke in favor or against at the hearing.

The commissioners' discussion centered on the fact that the special use, if granted, would run with the land, meaning a future purchaser could decide they wanted to operate a commercial kennel at the property. Lori Seago, senior assistant county attorney, advised a condition could be added to limit the special use so that it expired with the sale of the property. Commissioners Trowbridge and Brian Risley clarified that the applicant's letter of intent stating dogs would not be replaced as they passed would ensure eight dogs were not kept until the property was potentially sold. The applicant stated they would be completely amenable to an additional condition being imposed.

Trowbridge moved for a recommendation of approval with the added condition that the special use would expire with the sale of the property. Carlson seconded and the vote was unanimous.

The application was scheduled to be heard at the BOCC land use meeting at 1 p.m. on Nov. 1.

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Woodmoor Improvement Association, Sept. 28 and Oct. 26

Owners raise concerns about excess dogs, new open space

By Jackie Burhans

The Woodmoor Improvement Association (WIA) board met on Sept. 28, which was too late for the October edition of OCN. At that meeting, the board heard about work being done on roads in Woodmoor. It also met on Oct. 26 to hear owners' concerns about a neighbor with multiple dogs and about plans to improve WIA's newest open space.

Update on roadwork

Larry Quirk of Kiewit reported to the board on work being done in Woodmoor starting with Lake Woodmoor and Fairplay Drives.

Kiewit was scheduled to do milling, paving, crack repairs, and striping on 18 sites as quickly as possible, Quirk said. Kiewit was not scheduled to work on Furrow Road, as that work was being handled by Martin Marietta. Quirk left the board with a flier showing the sites and proposed schedule but noted it was subject to change. Board President Brian Bush thanked Quirk and said WIA would be sending out information on roads via its eBlast newsletter.

Neighbors object to large number of dogs

John Ottino, a resident and former

board member, raised a concern that a neighbor has requested a special use permit for a minor kennel from the county so they can keep eight dogs. Ottino said the neighbor has as many as 11 dogs and that the dogs were a nuisance. WIA's rules and regulations limit the number of pets allowed to four per household. The situation, he said, had been going on for years and a former neighbor had to sell their house and move because they couldn't get the issue resolved. The dog owners had gone to the county who told them to work with the county planner.

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