

The amended 2013 budget was approved unanimously.

**2014 budget approved**

Bartow stated that if the \$250,000 for West Baptist Road improvements will not be spent in 2013, it could be added to the line for this item in the draft 2014 budget, which had zero funding allocated for next year.

Denslow said it was too soon to decide not to spend any of the appropriated \$250,000 on West Baptist Road improvements in 2013 and move it to 2014. The funding shortfall for West Baptist Road is still \$3.5 million.

Williams stated that the amount budgeted for West Baptist Road improvements in 2014 could be increased from the proposed zero dollars because the budget pro-

posed an end of year balance in the BRRTA general fund of \$717,640. BRRTA attorney Jim Hunsaker, of Spencer Fane & Grimshaw, said that adding another \$250,000 to \$600,000 to the West Baptist Road improvement line in 2014 would not obligate spending any of this money in 2014 and that grants for 2014 are still being sought. Williams made a motion to add \$500,000 to this line and reduce the general fund end of year balance to \$217,640.

This amendment was unanimously approved.

Bartow noted that the conservatively budgeted debt service fund revenue for 2014 was about \$24,000 less than the firm mandatory payments because of the time lag in receiving November and December tax revenue. This \$24,000 BRRTA sales and use tax revenue shortfall will be deducted from the debt service reserve fund, which

has a current balance of \$2.15 million.

Williams noted that this is only about 1 percent of the debt reserve fund. The bonds will be paid off in 13 years, by the end of 2026. The debt reserve fund was created in part to cover such revenue time delays.

There was no public comment during the open portion of the public hearing. The 2014 budget was unanimously approved as amended.

In 2014 BRRTA meetings will normally be held on the second Friday of the second month of the quarter at 2:30 p.m. in Monument Town Hall, 645 Beacon Lite Rd. However, the Nov. 9 BRRTA meeting was canceled due to the 2014 budget approval.

The meeting adjourned at 9:40 a.m.

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*El Paso Board of County Commissioners, Sept. 24*

**Roller Coaster property rezoning request denied**

*By Lisa Hatfield*

On Sept. 24, the Board of County Commissioners (BOCC) unanimously denied a rezoning request for a parcel at the intersection of Roller Coaster Road and Old North Gate Road. Gregory S. and Tanya R. Wolff were requesting a map amendment to rezone a 13.66-acre parcel from RR-5 (Residential Rural) to RR-2.5 zoning. The Wolffs could still pursue an administrative option to conceivably put three or four lots on this parcel.

Raimere Fitzpatrick, project manager/planner II, Development Services Department, presented the staff's recommendation that Wolffs' proposal was consistent with the minimum 2.5 acres suggested for this sub-area in the Tri-Lakes Comprehensive Plan, which was last updated in 2000.

The El Paso County Planning Commission voted 5-2 to deny recommendation of the same request at its Sept. 3 meeting. The planning commissioners voting against the rezoning were Steve Hicks, Bob Cordova, Jerome Hannigan, Timothy Trowbridge, and Tony Gioia. The official summary of the Planning Commission meeting provided to the BOCC by Fitzpatrick did not include non-zoning comments (such as those made about water concerns and possible neighbor opposition) made by the planning commissioners. The consensus request of the BOCC was that in the future these comments would be included for their information.

The Wolff parcel is located in the county, within the Ponderosa Breaks planning sub-area of the Tri-Lakes Comprehensive Plan. This plan recommended "future zoning size to be at least 2.5 acres on unplatted properties. That lot size will help maintain the existing rural density." It also says, "Overall densities should be consistent with adjacent existing subdivisions."

To the north, east and west, the property is bordered by developed but unplatted single-family county residential lots zoned RR-5 Rural Residential. To the south is a city utilities electric substation and the Colorado Springs urban-density Flying Horse subdivision, which was not yet constructed when the plan was written.

David Jones of Land Resource Associates represented the Wolffs at the hearing. Some of Jones' arguments supporting the rezoning request:

- Subdividing this lot into 2.5 acres lots is consistent with the Tri-Lakes Comprehensive plan last updated in 2000.
- The Flying Horse development in the recent Colorado Springs annexation to the south is a very dense, urban subdivision; allowing a zoning change on the Wolffs' property would provide a transition area to

five-acre properties.

- Property values are primarily affected by covenants and restrictions; unplatted properties have no covenants.
- The views on adjacent properties will not be blocked if the Wolffs develop it with 2.5-acre or five-acre lots.
- Creating three more lots would have a very small overall traffic impact.

Comments from applicant Greg Wolff, who has lived on the property for 21 years, included:

- "Everybody wants to come in and then shut the door behind them."
- Wolff has already obtained water rights for four wells on that property, "so I guess the state thought it was OK for me to do."
- The three properties to the west, with manufactured homes built in the 1960s, were deeded five acres but are now cut by the Old North Gate Road easement and are not really five acres.
- The whole reason for a comprehensive master plan is so that we set the precedent once; all the analysis was done when the plan was adopted in 2000. The goal is to be "compatible with zoning around you."

Eleven neighbors spoke about their opposition to the rezoning request. Their concerns included setting a zoning precedent for denser development in this neighborhood in the future, the impact of denser development on existing roads, more rapid aquifer depletion, greater risk for adjacent wells, and reducing the rural feeling of the area.

**Note:** The BOCC can only make land use decisions based on zoning law, but it can also consider non-zoning issues including water and neighbor opposition as part of the bigger picture. The Colorado state engineer makes decisions on awarding well permits.

Both Fitzpatrick and William Louis, the attorney representing one of the Wolffs' neighbors, explained that the applicant could still create three to four lots on this parcel without a formal rezoning hearing process. The Wolffs could apply for an administrative minor subdivision to the board of adjustment for lot area variances to allow lots smaller than five acres minimum.

District 1 Commissioner Darryl Glenn made a motion to deny the applicant's rezoning request, citing concerns about the compatibility with the existing neighborhood. Commissioners Peggy Littleton and Amy Latham mentioned protecting private property rights and encouraged Wolff to "take a different route" to creating smaller lots on his property. Commissioner Dennis Hisey and Latham were not concerned with setting a precedent, "because

each development is evaluated on its own merit," they both said.

Commissioner Sallie Clark said, "I agree with Planning Commission decision." Since the property is surrounded by the county except for (the Flying Horse portion, which belongs to the city), which has very different rules and zoning requirements, this RR-5 zoning "keeps it within what I think the county had intended."

The motion to deny Wolff's rezoning request was approved 5-0.

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*NEPCO, Sept. 14*

**County official details planned roadwork**

*By Lisa Hatfield*

At the Sept. 14 meeting of the Northern El Paso County Coalition of Homeowners Associations (NEPCO), Jim Reid, executive director of the El Paso County Public Services Department discussed planned road capital improvement projects and maintenance in northern El Paso County.

The Pikes Peak Rural Transportation Authority (PPRTA) "is a small (1 percent) sales tax that does a lot of work" on capital improvements, road maintenance, and transit service, he said. It was started in 1997 to improve transportation funding throughout the region. It was re-

newed by voters in 2012 for another 10 years with a specific list of prioritized projects. PPRTA funding cannot be redirected to other projects.

This year, the county has about \$1.2 million of non-PPRTA money for road maintenance, and that funding may be redirected as needed.



Above: Jim Reid. Photo by Lisa Hatfield.



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