

April 11, 2008

To: Teller County Planning Commission
Teller County Planning Department

Subject: CUP Application File:CUP-00555(08)

The Divide Planning Committee, having first met with the applicant during an informal, general meeting, have met on several occasions to review the actual CUP application and all available information submitted with the application. The DPC, through a quorum of our members, have reviewed and discussed the merits of the above mentioned CUP Application as it pertains to the adopted Divide Regional Plan. We have formed these beliefs:

1. **We feel that the applicant has not proved that the intended use requested through this CUP application cannot be located within the existing Town Center. The benefit of approval would be singularly to the applicant with minimal benefit to the Community. We feel that approving this application will send the wrong message to the County and future applicants.**

- “Addendum “A” of the Divide Regional Plan titled “Criteria For Amending Divide Town Growth And Conservation Map” includes item **I** and **VI**

I. NEED

Is there a demonstrable need? How much potential development ground is left in the Town Center? Given the long term nature of a project approval process (acquiring water rights, preliminary planning etc.), is it the right time to expand the Town Center Boundary? Does the specific measure of the current percentage of ground developed within the Town Center generally match the percentage as defined in D1?

VI. IMPACTS

Can impacts per County requirements and special concerns be mitigated appropriately? Impacts include but are not limited to the following:

- Emergency access, escape plan, including fire-related
- Roads, traffic
- Water supply and quality (drainage)
- Sewer / septic
- Fire protection and associated costs
- Sheriff protection
- Hazardous issues
 - spills
 - chemical explosions
- Quality of life issues
 - open space preservation
 - environmental
 - wildlife
 - views
 - road corridor vistas

- lights
- noise
- odors
- Industrial agricultural, rural agriculture
- Cumulative community impacts
- Appropriate density

Prior amendments/approvals do not establish precedence. The Planning Committee should consider how each proposal will impact the vision outlined in the Divide Regional Plan.”

2. **We speculate that after obtaining approval from the County this applicant may either subdivide and sell off, or develop the remainder of the parcel. The resulting additional development possibility could effectively create a Divide West Business Park full of metal buildings or some other development. Where does this strip development end – Florissant and Woodland Park?**

The Divide Regional Plan specifically addresses this within its Vision Statement:

“The **Town Center** blends a tight-knit, pedestrian friendly, residential and concentrated commercial district, adopting the “node” concept of growth and discouraging “strip” commercial growth.”

3. **The Divide Regional Plan states, “Goals and Policies should address the preservation of a small mountain community.” Specific goals stated address use of rural lands, commercial development within the town center, and open space preservation. Listed below are specific items we feel are of concern when considering this application.**

Divide Regional Plan III. GOALS AND POLICIES

C. PLANNING AREAS: The Divide Region consists of 3 distinct planning areas: the **Town Center** includes both businesses and residences, the **Rural Residential** area includes existing lots and parcels smaller than 35 acres, and **Rural Lands** are large tracts making up the rest of the Region. (See Maps 1 and 2)

C1. GENERAL

C1.01 Rural Lands: Maintain existing uses, density, and open character.

C1.03 Town Center: Includes business and residential areas, has a specific outer boundary, and additional future development is encouraged to locate within the Town Center.

C1.07 Prevent commercial and industrial development outside of the Town Center.

C2. TOWN CENTER – GENERAL (SEE MAP 2)

C2.01 There is only one Town Center in the Divide Region.

C2.02 All new commercial, denser residential, and light industry should be in the Town Center.

C2.05 Growth should be based upon infrastructure, community values, and physical opportunities and constraints.

C2.06 Town Center should not develop in a leapfrog pattern.

C3. TOWN CENTER – BUSINESS AREA

C3.02 Encourage infill and redevelopment before any expansion of the Business Area.

C3.03 Encourage businesses that don't need retail visibility to locate further from the highways.

C3.04 Prevent strip commercial zoning along Highways 24 and 67 - Town Center area should expand in a nodal form rather than along highway strips.

C3.07 Discourage downtown business encroachment on residential or adjacent land uses. Encroachment includes “external effects” such as noise, glare, dust and trash, as well impact on views.

C5. RURAL LANDS - Including recreational uses (as defined by this document)- private or public tracts of land generally 35 acres or larger (see definition).

C5-1 Rural Lands should be encouraged to stay as they are.

E. PARKS, TRAILS, OPEN SPACE, AND WILDLIFE PRESERVATION: The Divide Regional Plan incorporates the Teller County Parks Open Space Master Plan and the Wildlife Development Guidelines.

Parks: The Plan encourages the Divide Park Board, Inc., to continue its efforts to provide support for community and neighborhood parks.

Trails: Public trails in the Divide Region should connect the Town Center and Rural Residential areas to schools and recreation areas, providing safe, non-motorized travel routes.

Open Space and Wildlife Habitat: Preservation of natural vistas, pristine environments, and wildlife habitats is encouraged as recommended in the above Guidelines.

E17. Preserve rural character, including large ranches and A-1 zoned tracts, natural vistas, pristine environments, and wildlife habitat, as provided in the Parks Master Plan.

In conclusion, the Divide Planning Committee recommends and requests that the Teller County Planning Commission reject the proposed conditional use permit as submitted.

Sincerely,

The Divide Planning Committee

William Blackburn, Committee Chairman

Divide Planning Committee members:

John Collins
Zug Standing Bear
John Kissingford

Jim Irving
Pete Rawson
William Blackburn

Terry Wenzlaff
Conni O'Connor

Fred Swets
Kim Pennock