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Board of County Commissioners

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, July 18, 2024

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, BRYCE SCHUETTPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JEFFREY MARKEWICH AND TIM TROWBRIDGE.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, SCOTT WEEKS, ELIZABETH NIJKAMP, ED SCHOENHEIT, DANIEL TORRES, JOE SANDSTROM, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: TOM SWAIM AND ROGER LUND.

1. REPORT ITEMS

Ms. Herington updated the board regarding an upcoming BOCC policy change that impacts how volunteer board vacancies are filled across the County. She provided an update on the current vacancy status of the PC. Because the board member assigned to the LDC working group is not an active member of the PC due to the new policy, the board may want to select a new/backup representative. The first LDC workgroup meeting is August 14, 2024.

Mr. Bailey asked the board members to consider their interest in serving on the LDC workgroup. He acknowledged that Mr. Moraes is their top choice. In the past, Mr. Trowbridge expressed interest.

Mr. Kilgore advised the board that agenda item 3D, P247, would be requesting postponement to a date certain of August 1. The next PC Hearing will be Thursday, August 1, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held June 20, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

B. VR2314

HOWSER

**VACATION AND REPLAT
THE SHOPS AT MERIDIAN RANCH FILING NO. 2**

A request by Hunjan Gas Stations, LLC and Shops at Meridian Ranch, LLC for approval of a 2.43-acre Vacation and Replat creating 2 commercial lots from 1 commercial lot, resulting in a net increase of 1 commercial lot. The property is zoned CR (Commercial Regional) and is located at 11830 Stapleton Drive, at the northeast corner of the intersection of Stapleton Drive and Meridian Road (Parcel Nos. 4230319055 and 4230319056) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2314 FOR A VACATION AND REPLAT, THE SHOPS AT MERIDIAN RANCH FILING NO. 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NINE (9) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

C. P243

LETKE

**MAP AMENDMENT (REZONING)
MARY JANE RANCH REZONE**

A request by Robert Williams for approval of a Map Amendment (Rezoning) of 40 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located at 6425 J D Johnson Road which is at the intersection of Falcon Highway and J D Johnson Road and one mile east of Peyton Highway. (Parcel No. 3315000001) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Fuller asked why the Assessor's website map didn't match the imagery provided in the staff report.

Mr. Letke explained that the Assessor's aerial imagery may not be as up to date as the GIS application used by PCD staff. The image in the staff report is correct.

Ms. Fuller asked when the parcels south of the subject property were subdivided.

Mr. Letke answered that those properties were subdivided prior to State regulations. They are legal non-conforming, smaller than 35 acres in the A-35 zoning district.

Mr. Whitney pointed out that the staff report identified the rezoning would be compatible with the other zoning in the area, but that appears to all be A-35. He further stated that it appears the property is surrounded by 5-acre lots.

Mr. Letke clarified that the properties northwest are zoned RR-5 and while zoned A-35, the properties to the south are smaller than the 35-acre minimum lot size. Deeds were used to verify parcel legality.

Mr. Kilgore added that when zoomed out on the Assessor's map, some of the parcel lines disappear.

Ms. Fuller asked if the lots to the south were all 5 acres in size.

Mr. Letke answered that some are 5 acres, some are slightly larger.

PC ACTION: FULLER MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER P243 FOR A MAP AMENDMENT (REZONING), MARY JANE RANCH REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

D. P247

WEEKS

**MAP AMENDMENT (REZONING)
MULTIFAMILY DEVELOPMENT FISHERS CANYON - THOMPSON THRIFT VENETUCCI**

A request by CS 2005 Investments III, LLC for approval of a Map Amendment (Rezoning) of 63.52 acres from PUD (Planned Unit Development) to RM-30 (Residential Multi-Dwelling). The property is located north of South Academy Boulevard and west of Venetucci Boulevard. (Parcel Nos. 6504300049 and 6504300050) (Commissioner District No. 4)

PC ACTION: FULLER MOVED / CARLSON SECONDED TO POSTPONE CONSENT ITEM 3D, FILE NUMBER P247 FOR A MAP AMENDMENT (REZONING), MULTIFAMILY DEVELOPMENT FISHERS CANYON - THOMPSON THRIFT VENETUCCI, TO A DATE CERTAIN OF AUGUST 1, 2024. THE MOTION TO POSTPONE THE ITEM PASSED (9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

E. VA242

LETKE

**VARIANCE OF USE
POWERS BOULEVARD CMRS TOWER VARIANCE OF USE**

A request by T-Mobile West, LLC for approval of a Variance of Use to allow a temporary freestanding CMRS Facility (Commercial Mobile Radio Service) tower in the A-5 (Agricultural) district. The vacant property is located at the northeast corner of State Highway 21 and Fontaine Boulevard. (Parcel No. 5500000015) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: CARLSON MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER VA242 FOR A VARIANCE OF USE, POWERS BOULEVARD CMRS TOWER VARIANCE OF USE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITTAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.
IN OPPOSITION: NONE.
COMMENTS: NONE.

4. CALLED-UP CONSENT ITEMS (NONE)

5. REGULAR ITEMS

A. P242

BAGLEY

MAP AMENDMENT (REZONING) APEX VILLAGE REZONE

A request by Richard Holmes for approval of a Map Amendment (Rezoning) of 37.47 acres from A-35 (Agricultural) to CC (Commercial Community). The property is located at 16888 Elbert Road and is located one-half of a mile south of the intersection of Elbert Road and Hopper Road. (Parcel No. 4122000002) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked about drainage and topography related to property east of Elbert Road.

Mr. Schoenheit explained that the land east of Elbert Road has different terrain, contours, and slope. He stated that there is a slight slope on the northern part of the subject property.

Ms. Merriam clarified then that the drainage will not be an issue.

Mr. Schoenheit replied that if development is kept at a small scale, there should not be a great impact. If larger commercial use were to be proposed, the potential need for water detention would need to be evaluated. That was not required for the subject application.

Ms. Merriam asked about the scale of the proposal. She asked if the event center would be a small local riding arena or a large County Fair.

Mr. Schoenheit answered that the applicant is proposing a small-scale 2,000-3,000 square foot business even center – a small building for commercial – and a small parking lot. At least initially, the impact should not be great.

Ms. Merriam asked about the permeability of different parking surfaces.

Mr. Schoenheit explained that gravel parking lots are assessed at 80% impervious. The larger the parking lot, the more runoff, which would affect the drainage analysis.

Mr. Whitney asked about the limited commercial use (size) allowed after the potential rezoning.

Ms. Bagley stated that if the property were to be rezoned to CC (Commercial Community), any of the allowed commercial uses would be possible so long as they meet dimensional standards.

Mr. Whitney clarified that he thinks the estimation that runoff would be limited with the current proposal could be irrelevant if the plans expand in the future.

Ms. Bagley confirmed and added that the CC zoning district does not have a maximum lot coverage standard, so the property could potentially be fully utilized in a commercial way.

Mr. Smith mentioned a letter of opposition that discusses a berm existing where the driveway is proposed. How will that be addressed?

Mr. Schoenheit answered that the applicant will need to submit construction drawings and a grading and erosion control plan during the Site Development Plan stage.

Mr. Smith clarified that the applicant would need to address potential drainage impacts that grading would create at that later stage.

Mr. Schoenheit confirmed.

The staff presentation concluded. The applicant's presentation began.

Mr. Smith asked if the applicant has any investment partners.

Mr. Richard Holmes, the owner and applicant, replied that they do not currently have partners. He is waiting to have the results of the requested rezone before he ventures further. His intention currently is to establish a single event center in Phase 1.

Ms. Fuller asked for further explanation of how the proposal is in conformance with the Master Plan.

Mr. Holmes replied that from what he read in the Master Plan, proposing a rural center in the subject placetype seemed appropriate. The only way for him to provide that on his property is to pursue a rezone.

Mr. Byers mentioned a recent application (rezoning to RVP for a commercial purpose) that had significant community opposition. Part of the opposition was due to business being taken from Maggie's Corner Store in Peyton. He theorized that the subject proposal could have the same result. He questioned the timing of the proposal and asked, "why now?"

Mr. Holmes responded that he has observed what is happening in the surrounding area and further stated that his proposal will likely be a 20-year plan. His first phase will be small scale. Long-term, he envisions a place that provides medical offices, pet care, haircuts, etc.

Mr. Byers asked how the proposal will be compatible and consistent with the surrounding area.

Mr. Holmes answered by explaining that the surrounding area needs a rural center. The nearest places like that available are Black Forest and Elbert, each about 10 miles away. His goal is to serve the immediate, growing community. After the first phase, businesses could come in as needed, or if an investor is interested. He stated the infrastructure would be in place to support future needs. He acknowledged that the property is surrounded by RR-5 and A-35, but it's located along Elbert Road and would be able to easily serve the wider area.

Mr. Byers remarked that he found it interesting that there was such opposition to the RVP proposal but there is much less opposition to the current proposal.

Mr. Whitney reiterated his understanding that Mr. Holmes is proposing something that isn't compatible with surrounding zoning at this time because it could be needed after future growth.

Mr. Holmes agreed. He reiterated that he would begin with a small first phase.

Mr. Whitney replied that once a rezoning is potentially approved, "the horse is out of the barn." If the property is rezoned, it has the potential to become a much larger commercial development than currently intended.

Mr. Holmes stated the development would follow the rural placetype.

Mr. Whitney responded that the property is within the rural placetype already, and as noted in the staff report, that placetype does not recommend commercial development.

Ms. Fuller pointed out the large size of the property. She asked if the rezoning would allow for a Wal-Mart to be built as a worst-case scenario.

Mr. Holmes answered that it could be allowed but is not his intention. He'd like to develop a village-like setting. He does not intend to build a strip mall.

Ms. Bagley read a list of what would be allowed by right in the CC zoning district. She mentioned commercial and retail shopping centers, community buildings, gas stations, health clubs, material disposal sites, offices, and rehabilitation centers.

Mr. Bailey cautioned against using subjective examples of worst- or best-case scenarios. He further stated that a Wal-Mart on the subject parcel is an overestimation.

Ms. Fuller agreed and further stated that while a Wal-Mart on the parcel is highly unlikely, how the rezoning could impact the area overall is a very important discussion. The subject property is very large and is located within a residential area.

Mr. Whitney pointed out that whether the community would like to see those services available in the area or not will be reflected by public outreach.

Mr. Bailey noted that even if people are opposed to the rezoning at the hearing, market forces would drive the scale of development and dictate the timeline. He stated that he appreciates the property owner's entrepreneurial drive and vision in recognizing that the subject area may grow in the future. He further stated that the groundwork for the establishment of a commercial center will be complete for when the surrounding A-35 is developed into 5-acre, 2.5-acre, or denser lots.

Ms. Merriam pointed out that the residents of the eastern plains have often intentionally moved to a remote area because they wanted to avoid density, traffic, etc. She mentioned observing this sentiment in the public comments of multiple projects. She doesn't think the proposal is a good idea for the current community.

Mr. Holmes replied that he moved to the area for those same reasons. He further stated that there are now several subdivisions of 5-acre lots that have been approved by the County. He stated that he was disappointed when the property across the road from him was subdivided. He suggested that his proposal is a result of what has been allowed to happen already in the rural area. When he saw the addresses of people opposed to his proposal, he observed that they are located directly off Elbert Road. He stated that Elbert Road is going to become so busy in the future that they won't have the rural feeling they had been looking for.

Ms. Merriam suggested that if the applicant's proposal isn't approved by the BOCC at this time, perhaps the idea would be successful in the future. She stated that she doesn't want to see the subject area being turned into a dump, which could be an allowed use if rezoned.

Mr. Holmes responded that he has already noticed two parcels along Elbert Road used as vehicle dumps. His intention is to create a village setting as opposed to a dump. He lives on the property.

Mr. Schuettpelz asked if the applicant would continue to live on the property.

Mr. Holmes stated that he plans to build a 3,000 square foot business event center, so there would still be room for his home.

Mr. Schuettpelz asked staff how long that would be allowed if the property were to be rezoned.

Mr. Holmes added that he would be interested in establishing owner-occupied commercial developments that have residences above the businesses.

Ms. Bagley answered that a detached single-family residence is not allowed within the CC zoning district so a Variance of Use application would be needed.

Ms. Seago stated that the existing residence would become a legal non-conforming use because it existed before the rezoning. The applicant would not be allowed to expand the non-conformity, but he wouldn't be required to move.

Ms. Bagley further explained that mixed-use residential use could be allowed in the CC zoning district with Special Use approval, which would require additional review by the PCD Department. It could potentially be an administrative process.

Mr. Holmes concluded by stating he believes having a commercial center in this area will be good.

PUBLIC COMMENTS

Mr. Tom Swaim spoke in opposition. He does not believe the application satisfies the first LDC criteria of approval, *"The application is in general conformance with the Your El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned."* He stated that the subject property is in the rural placetype defined in the Master Plan. Commercial zoning is inconsistent with that placetype and is not listed in the conformance table. He stated that the entire surrounding area is an open prairie that provides habitat to wildlife. The surrounding area is also used for agricultural grazing.

He questioned the purpose of a Master Plan if it is not adhered to. He pointed out that the Master Plan is meant to ensure responsible development, and avoid the pitfalls of haphazard, uncontrolled development. The Master Plan is meant to help people decide where they'd like to live with the assurance that they are within a neighborhood that has a stable placetype. He explained why he and his wife chose to build in Apex Ranch Estates (with an average 1 home per 15 acres). They previously lived in Peaceful Valley, Fountain, and felt driven out by the uncontrolled development of Lorson Ranch. When they researched potential areas to move, they specifically chose an isolated area. They were comforted by the designation of the surrounding rural placetype. He stated that a rezoning to commercial within the rural placetype would be a violation of people's trust in the County's efforts via the Master Plan to ensure responsible development. He reiterated that the relocation to an area distanced from conveniences was done intentionally. He suspects that other people drawn to the area are looking for that same quality of life.

He stated that approving a rezone contrary to the Master Plan's designation will set a bad precedent for further exceptions and lead to accelerated development. He is concerned that the commercial development of the subject parcel will create a high-risk situation destined for failure due to its location. He stated that adherence to the Master Plan is not only done for aesthetic and sustainable development of the County but is also done for valid business reasons. Nearby successful commercial centers are in areas with higher density levels and established public infrastructure. He mentioned the Woodmen/Meridian/Hwy 24 intersection, the Stapleton/Meridian intersection, and Northgate/Hwy 83 intersection. He pointed out that areas like Peyton and Elbert have historically proven that they lack the population to sustain commercial areas. He further pointed out that there is a parcel of land already zoned commercial at the corner of Meridian and Hodgen (Winsome development) that has been vacant for the past 5 years. He suggested that its location is more appropriate, but the lack of development seems to suggest there is a lack of demand. He questioned the applicant's business plan, ability, and lack of representation.

Mr. Roger Lund spoke in opposition. Agreed with Mr. Swaim's remarks regarding LDC criteria number 1. He stated that he would focus on criteria number 3, *"The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions."* He read the list of uses that would be permitted if rezoning were approved: assisted living, dining services, food delivery, entertainment, learning center, child daycare, grocery, local deliveries, hair salon, fitness center, library, mail and packing services, banking, office space, car wash, laundromat, shopping/retail, and medical centers. He doesn't think any of those uses are compatible with the existing rural residential area. He stated that he moved to the country for a reason. While the comment about Wal-Mart was facetious, if he had wanted to live in proximity to the listed amenities, he would have purchased a home near Falcon Highlands or Meridian Ranch. He stated that he wants to enjoy his quiet land and does not want to experience the impacts that come with commercial development.

As a solution or Mr. Holmes, he suggested looking into Internal Revenue Code (IRC) Section 1031, "like-kind exchange". He explained that if someone owns a piece of real estate meant for a use other than what they have planned, they can work out a third-party transaction with a qualified intermediary to exchange that parcel for another one. He applauds Mr. Holmes for being an entrepreneur but suggested that he should contemplate locating his proposal somewhere that is either already zoned commercial or will not have the adverse impact that the subject location has. He reiterated Mr. Swaim's reference to the commercial property at Meridian/Hodgen. He further suggested that a rezoning to RR-5 would not be as drastic of a request (siting LDC criteria 3) as the proposed rezoning from A-35 to CC. He is worried about Mr. Holmes' 20-year plan not coming to fruition and the surrounding area being left with blighted property. He concluded by pointing out that while the review agencies didn't object to the applicant's plan, they also didn't endorse it.

Mr. Holmes provided rebuttal. He stated that his intention is to build a rural center, not a giant commercial center. He stated that to accomplish that, the Planning Department told him he'd need to pursue a rezoning to Community Commercial. If there is another way to accomplish his goal, he's open to pursuing that path.

DISCUSSION

Mr. Smith asked if there would be the opportunity for the applicant to meet again with PCD staff to discuss other options. He specifically mentioned rezoning to RR-5.

Mr. Bailey explained that the opportunity for an applicant to meet with staff to discuss their vision has already taken place and is what brought them to this point.

Ms. Bagley added that Mr. Holmes has met with PCD staff several times and began the process in pursuit of a Special Use for limited commercial on his property. Mr. Holmes' plans continued to expand, so staff mentioned that rezoning to commercial would accommodate his full vision for the future. She stated that it is still an option to pursue the Special Use request, but the rezoning was deemed more appropriate for the full number of commercial uses that he wanted.

Mr. Carlson clarified that the applicant could request a Special Use to accommodate the 2,000-3,000 square foot business event center.

Ms. Bagley replied that she would need to investigate whether it would be a Special Use or Variance of Use, but it would be possible.

Ms. Fuller asked if the applicant could pursue a PUD zoning where most of the property is 5-acre residential lots and a smaller portion is designated commercial.

Ms. Bagley replied that if that was what the applicant had wanted to do, it could have been explored as a potential solution.

Ms. Fuller explained that she hopes every possibility is explored to help the applicant because land use development is not his profession. She further stated that the large size of the property is what worries her regarding compatibility.

Ms. Bagley stated that a PUD was not discussed. The applicant was only interested in proposing commercial development. PCD staff discussed pursuing a Special Use or Rezoning at that time.

Ms. Fuller asked if staff ever tries to suggest applicants pursue PUDs.

Ms. Bagley explained that PCD staff review what an applicant submits and compares that with the LDC to determine the best route an applicant should take to accomplish their goal. Based on what Mr. Holmes presented as his objective, PCD staff suggested pursuing Special Use or Rezoning.

Ms. Herington added that a business event center in A-35 would require Special Use approval. That aligns with the conversation that has taken place during the hearing. There are additional uses that could be allowed with Special Use in A-35. While the letter of intent was written broadly, the PC has the option to condition the straight zone to remove certain uses.

Mr. Bailey clarified his understanding that the overall vision is what led to the current request. The applicant's plan may not be specific enough to define in a PUD currently.

Mr. Schuettpelz reiterated that the first phase mentioned (a business event center as Special Use in A-35) was discussed, but then the applicant continued by describing additional aspirations that exceeded what is allowed with Special Use approval. As presented currently, he doesn't think the rezoning to commercial meets LDC criteria points 1 or 3.

Mr. Whitney agreed with Mr. Schuettpelz' comments. He remarked that the obstacle seems to be nailing down what the applicant wants. If the applicant were only intending to do a small business event center, perhaps a Special Use could have been utilized without upsetting residents of the surrounding area. A rezoning to commercial, however, has the potential of turning the property into something that's wildly incompatible with properties around it.

Ms. Fuller added that Agritainment is allowed in A-35.

Ms. Bagley confirmed.

Ms. Herington added that an amusement center, outdoor, is a Special Use. There are many options. A commercial retail center, however, is not permitted in A-35. There is no LDC definition of a *rural* commercial center, so treating it as a commercial retail center is perhaps how staff treated the request. Staff tries to give as much information to applicants as possible during EA meetings. Staff also tries to give applicants the heads-up if a request is going to be difficult and tries to provide alternatives.

Mr. Bailey stated that there is sometimes a challenge in reconciling the Master Plan with the rules and regulations of the LDC. The Code rewrite will help. He believes the Master Plan allows for and recognizes rural centers in various places. Property owners are allowed to use their properties to become rural centers. He believes there will be compatibility because at some point it will be needed. The applicant is proposing the use before the demand, but that's not up to the Planning Commission to decide which comes first. He applauded PCD staff in recognizing that Mr. Holmes is seeking to use his property in the way he sees fit. His vision may be long term, but rezoning is the right path to get him where he'd like to see his property one day. He does think the application meets criteria 1 and 3. After potential approval by the BOCC, bulldozers will not move in and build a Wal-Mart because that's not the applicant's vision. The applicant still lives on the property. The project will start small and will take a long time.

Mr. Whitney doesn't know why criteria 1 and 3 are part of the LDC criteria for approval if they're not meant to be adhered to.

Mr. Carlson cited non-conformance with LDC criteria for approval number 1 and 3. He further mentioned the property's very large size and the lack of control over future use of the property.

Ms. Fuller also mentioned concerns regarding the property's large size. She agreed that applicants have every right to ask for a rezoning of their property, but the Planning Commission has the right to say it doesn't fit.

Ms. Merriam stated she doesn't think the application meets LDC criteria numbers 1 or 3 as presented. She further stated there is nothing stopping the applicant from pursuing a Special Use.

Mr. Smith appreciated the forward thinking, and stated there are opportunities available. He agreed with the concern regarding a lack of control due to the large size of the property. He encouraged the applicant to speak with a consultant.

Mr. Whitney commended the applicant for trying to be forward thinking but encouraged the applicant to come up with a way to be ahead of the curve without changing the character of the area. He mentioned the process may need to be taken in smaller steps.

Mr. Bailey pointed out that there is no black and white; there is a lot of middle ground in the views expressed by board members. There must be a balance between holding onto the County everyone knows from the past with the County that exists currently.

PC ACTION: CARLSON MOVED / MERRIAM SECONDED TO RECOMMEND DISAPPROVAL OF REGULAR ITEM 5A, FILE NUMBER P242 FOR A MAP AMENDMENT (REZONING), APEX VILLAGE REZONE, FOR NOT MEETING LDC CRITERIA 1 OR 3, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND DISAPPROVAL PASSED (7-2).

IN FAVOR: BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, AND WHITNEY.

IN OPPOSITION: BAILEY AND BRITAIN JACK.

B. MP241

CHAVEZ

**MASTER PLAN
MAJOR TRANSPORTATION CORRIDORS PLAN**

The El Paso County Department of Public Works requests adoption of the Major Transportation Corridors Plan (MTCP) into the Your El Paso County Master Plan. With adoption, this Plan will become the principal plan for further planning and development of roads within unincorporated El Paso County. The MTCP is a critical step in creating an effective and efficient transportation infrastructure that meets future needs. The Plan will provide an updated vision for future transportation, a list of transportation improvements, and a long-term right-of-way preservation plan for each major roadway. (All Commissioner Districts)

STAFF & APPLICANT PRESENTATIONS

NO PUBLIC COMMENTS

PC ACTION: FULLER MOVED / MERRIAM SECONDED APPROVAL AND ADOPTION OF REGULAR ITEM 5B, FILE NUMBER MP241 FOR A MASTER PLAN, MAJOR TRANSPORTATION CORRIDORS PLAN (MTCP), UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION FOR APPROVAL AND ADOPTION PASSED 9-0).

IN FAVOR: BAILEY, BRITAIN JACK, BYERS, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, SMITH, & WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 11:23 A.M.

Minutes Prepared By: Miranda Benson