


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
 Stan VanderWerf, Chair

FROM: John Green, Planner II
 Lupe Packman, PE Engineer I
 Craig Dossey, Executive Director

RE: Project File #: VA-21-001
 Project Name: Black Forest Meadows
 Parcel No.: 51230-00-017

OWNER:	REPRESENTATIVE:
Deborah Ritchy 17104 Goshawk Road Colorado Springs, Colorado 80908	N/A

Commissioner District: 1

Planning Commission Hearing Date: 7/15/2021
 Board of County Commissioners Hearing Date 8/10/2021

EXECUTIVE SUMMARY

A request by Deborah and Edward Ritchy for approval of a variance of use to allow a business event center to be known as Black Forest Meadows. The 20-acre property is zoned RR-5 (Rural Residential) and is located one-quarter (1/4) of a mile north of the intersection of Goshawk Road and Hodgen Road and is within Section 23, Township 11 South, Range 65 West of the 6th P.M. The subject parcels are located within the Black Forest Preservation Plan (1987).

The parcel is currently developed with a single-family dwelling, two livestock barns, and two small outbuildings. The applicant is proposing to repurpose the existing 1,488 square-foot barn as an event space for weddings and receptions. If the variance of use

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 PHONE: (719) 520-6300



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is approved, the applicant will be required to submit and receive approval of a site development plan and a building permit through Pikes Peak Regional Building Department. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application. The site development plan will need to provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Deborah and Edward Ritchy for approval of a variance of use to allow a business event center to be known as Black Forest Meadows.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the July 15, 2021 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: The July 15th Planning Commission Draft minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code (2021), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;

- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

D. LOCATION

North:	RR-5 (Residential Rural)	Single-family dwelling
South:	RR-5 (Residential Rural)	Single-family dwelling
East:	RR-5 (Residential Rural)	Single-family dwelling
West:	RR-5 (Residential Rural)	Single-family dwelling

E. BACKGROUND

The 20-acre parcel was legally created by deed on April 26, 1965 (Bk. 2070, Pg. 727). The parcel was zoned A-4 (Agricultural) when zoning was first initiated for this area of unincorporated El Paso County on September 20, 1965, (BoCC Resolution No. 434870). Due to nomenclature changes to the Code, the A-4 zoning district was renamed as the RR-5 (Rural Residential) zoning district.

The subject property is developed with a single-family dwelling, two livestock barns, and two outbuildings. The dwelling was constructed on the property in 1987, while one of the two barns was built in 1996. The second barn, identified as the “Alpaca Barn”, on the site plan, was constructed in 2020. The other two outbuildings located on the property were constructed in 1996.

If the variance of use is approved, the applicant will be required to submit and receive approval of a site development plan to initiate the use. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and provide a more detailed depiction of the proposed use, including landscaping, on-site and off-site parking, and lighting.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to repurpose existing agricultural structures on the property to be used for weddings and other small gatherings. The subject property is bordered by properties zoned RR-5 (Rural Residential) on all sides. The surrounding properties are of similar density and are developed as single-family residential. The proposed use is categorized as a “Business Event Center” pursuant to Section 1.15 of the El Paso County Land Development Code (2021). A Business Event Center is defined as:

“A for-profit business whose purpose is to provide a place for people to assemble for events in the nature of, but not limited to, recreational, social, cultural, political, or educational purposes.”

The proposed business event center is not a permitted principle use in the RR-5 (Rural Residential) zoning district pursuant to Table 5-1 of the El Paso County Land Development Code (2021). The proposed Business Event Center, to be primarily used for weddings and gatherings, will incorporate the following structures and uses on the parcel:

- Proposed 875 square-foot pavilion;
- Existing 2,208 square-foot pole barn to be upgraded with dressing rooms and bathrooms;
- 1,296 square-foot alpaca barn to be used for photographs only; and
- Two outbuildings to store support equipment.

The proposed hours of operation for the facility are as follows:

- 9:00 A.M. - 10:00 P.M.
- Events will be a maximum of 8 hours and be held either 9:00 A.M. to 5:00 P.M. or 2:00 P.M. to 10:00 P.M.

There are several other zoning districts within the County that would allow for the proposed use without the need for approval of a Variance of use. The F-5, A-5, and A-35 zoning districts allow for a business event center as a special use while the CC, CR, and CS zoning districts allow for a business event center as a permitted use. The applicant could have chosen to rezone the parcel to a commercial zoning district in lieu of the Variance of Use. However, the Black Forest Comprehensive Plan does not support rezoning the property to a commercial or industrial district and commercial or industrial zoning in this area would not be consistent with the surrounding area. Additionally, rezoning the

parcel to a commercial zoning district would permit uses with greater potential for impacts to those surrounding residential parcels than the proposed Business Event Center.

Potential off-site impacts related to the proposed use may include noise, visual/aesthetics, light, and traffic. The applicant has indicated that the proposed event space will be limited to a maximum of 75 guests and that the hours and days of operation will be limited in an effort to mitigate potential impacts to adjacent properties. The applicant has indicated that in order to mitigate concerns regarding noise and visual clutter, all of the facilities within the development will be centrally located to the interior of the parcel and screened with landscaping to help reduce the potential visual and noise impacts on adjacent properties.

The applicant has submitted a traffic memo in support of the variance of use request, which indicates that no detriments to any road facilities would occur as a result of approval of the variance of use. The proposed event center will not require any additional employees outside of the two property owners and therefore will not require additional employee parking. Additionally, the applicant's letter of intent states that guests attending events at the property would primarily use a shuttle service to and from the property to limit the amount of traffic on-site and reduce the potential visual impacts to surrounding neighbors traditionally occurring with large open parking areas. The applicant has indicated that the proposed shuttle service will be coordinated by individual wedding parties and will pick up passengers at specific off-site parking areas throughout the region, as determined by needs of individual guest lists.

Should the variance of use be approved, a site development plan will also need to be submitted and approved in order to initiate the use. County review and administrative approval of a site development plan will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, water quality, parking, and lighting standards.

2. Zoning Compliance

The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 5 acres

- Minimum front, side, and rear yard setback: 25 feet
- Maximum height: 30 feet

The existing dwellings and accessory structures meet the 25-foot setback from all property lines, the maximum height, and lot coverage limitations as required in the RR-5 zoning district. Should the variance of use request be approved, approval of a site development plan will be required prior to building permit issuance and initiation of the use. The site development plan review will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards in Chapter 6 of the Code.

3. Policy Plan Analysis

Consistency with the El Paso County Policy Plan (1998) is not a required review criterion for a variance of use request. For background, the El Paso County Policy Plan has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Policy 6.1.8 - *Encourage incorporating buffers or transitions between areas of varying use or density where possible.*

Policy 6.1.11 - *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

Policy 6.2.12 - *Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.*

The subject property is located within a rural area of the County and is surrounded by parcels located within the RR-5 (Rural Residential) zoning district. The proposed use is intended to operate as a business event center, primarily specializing in weddings and gatherings. However, the property will also be utilized as a private residence. The proposed use, should it be approved, will result in one additional building being constructed on the property. The aesthetic nature of the property and scale of development will be consistent with the scale of development on the surrounding properties (Policy 6.1.11 and Policy 6.2.12).

Potential adverse impacts generated by the development include visual impacts, noise, dust, and traffic impacts. While the proposed use is commercial in nature

and will include up to 75 guests, the applicant has attempted to mitigate the impacts on surrounding properties through the use of landscape buffers, 120-foot or greater setbacks for the proposed event space, and an alternative shuttle system for traffic mitigation (Policy 6.1.8).

As part of the application, the applicant has provided a site plan that depicts a landscaping buffer of existing evergreen trees to provide screening from adjacent single-family lots. Additionally, the applicant's site plan shows that the buildings associated with the use are located in the interior of the parcel, at a distance of over 120 feet from the nearest adjacent parcel. That distance provides a buffer between the activities associated with the proposed use and the adjacent residential properties. Should the variance of use to allow the business event center be approved, a site development plan must be reviewed and approved prior to issuance of any building permits and initiation of the use on the parcel. Compliance with the applicable development standards, such as landscaping, parking, and ADA compliance, will be reviewed with the site development plan application.

4. Small Area Plan Analysis

Consistency with the small area plan is not listed as an applicable review criteria for a variance of use. However, for background purposes, the parcel is located within the boundaries of the Black Forest Preservation Plan (1987) and is specifically identified as being within the Timbered Area.

The Plan includes goals and objectives which apply to the overall Plan area and not each specific sub area. Relevant goals and objectives are as follows:

Goal 4.1A – *Allow for limited commercial development which supports and enhances the Black Forest Planning Area.*

Goal 4.3 – *Limit commercial activities within the forested and low density residential planning units to those which accommodate the needs of local residents. In those areas, minimization of the number and scope of commercial areas should take precedence over convenience and accessibility.*

Goal 4.4 – *Maintain the scale of new commercial uses so that it is in balance with the existing uses.*

Goal 4.6 – *Encourage all new commercial development within the planning area to be compatible with the visual character of the existing uses.*

The Plan identifies the subject parcel as appropriate for rural residential densities of one dwelling unit per five (5) acres and does not specifically identify the area for commercial uses. The Plan also indicates that new commercial uses should be of compatible scale to the surrounding development. Consistent with that recommendation, the applicant is repurposing existing agricultural structures on the property for the commercial use, which are anticipated to be of a similar scale to the surrounding residential parcels. If the proposed use is approved, an additional 865 square-foot pavilion is proposed to be constructed in the southern portion of the property. The proposed use will not result in a significant increase in the number of structures or density of development on the property and appears to be consistent with the character of the surrounding properties as proposed. The Planning Commission and Board of County Commissioners may find that the proposed use is in compliance with Goal 4.4, which recommends that the scale of the commercial development be in balance with the intensity of development surrounding the parcels.

The proposed use represents a Business Event Center to be utilized for weddings and gatherings of up to 75 guests on the property. Additionally, the applicant has stated that mitigation efforts such as increased setbacks for the structures from surrounding properties, evergreen landscaping, and alternative transportation methods for guests will be utilized to further limit the potential impact of the use on surrounding properties.

The existing single-family dwelling on the property will continue to be used as a private residence, and it is intended that the proposed use also serve as an event and gathering space for local residents. While the proposed use is commercial in nature, it will provide services to surrounding community members as recommended in Goal 4.1A and Goal 4.3.

5. Water Master Plan Analysis

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. However, for background, the Water Master Plan has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through

the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 – Integrate water and land use planning.

The subject parcel is in Region 4A of the El Paso County Water Master Plan. Region 2 has a current water supply of 725-acre feet per year and a current demand of 725-acre feet per year. The 2040 water supply is projected to be 725-acre feet per year and the projected demand is 958-acre feet. The 2060 water supply is projected to be 725-acre feet per year, whereas the demand is anticipated to be 1,170-acre feet per year; therefore, there is projected to be a deficient supply of water for central water providers in this region of the County.

Water service for the parcels will be provided by an on-site well. A commercial well permit from the Colorado Division of Water Resources must be obtained prior to initiation of the use demonstrating sufficient water service for the proposed development.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low to moderate wildlife impact potential. Colorado Parks and Wildlife was sent a referral for the project and indicated that wildlife impact associated with the use would be negligible.

The Master Plan for Mineral Extraction (1996) identifies floodplain deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the variance of use application which would restrict the proposed development.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife and the El Paso County Community Services Department, Environmental Services Division, were sent a referral with the application and indicated that potential impact to wildlife with the proposed use would be minimal. The departments will also be sent a referral for the subsequent site development application, should the variance of use be approved.

3. Floodplain

The parcel is outside the 500-year floodplain (Zone X) as indicated by FEMA Flood Insurance Rate Map panel number 08041C0310G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The parcel is located within the West Kiowa Creek (KIKI0200) drainage basin, which is an unstudied basin and is not part of the EPC Drainage Basin Fee program. Drainage fees are not assessed with variance of use requests.

5. Transportation

The site is accessed from Goshawk Road, which is not El Paso County owned or maintained. According to the traffic memo submitted by the applicant, which was prepared by LSC Consultants, the site will generate a total of 46 ADT on event days. Per the Engineering Criteria Manual (2020), design ADT for a rural gravel road is 200 ADT.

The applicant will limit the number of daily trips on Goshawk Road on event days by implementing a shuttle system. Guests will park offsite and be shuttled in on several trips that will reduce the deterioration of the road. The third-party shuttle service will pick up guests at specific locations upon request of the wedding party.

The 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the site.

The development is not subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended. Road impact fees will not be required per the definition of zoning action and the variance of use in the Implementation Document (2019).

H. SERVICES

1. Water

Water is to be provided by a proposed on-site well. A commercial well permit may be required from the Colorado Division of Water Resources to operate the use as proposed.

2. Sanitation

Wastewater is to be provided by a professionally engineered onsite wastewater treatment system (OWTS). The applicant will be required to coordinate with El Paso County Public Health for approval of an engineered wastewater system that adequately serves the proposed development.

3. Emergency Services

The parcels are within the Falcon Fire Protection District. The District was sent a referral with the application and does not have an objection to the proposed use. Additional comments may be provided with a subsequent site development plan application.

4. Utilities

Electrical service is provided by Mountain View Electrical Association and natural gas service is provided by Black Hills Energy. Both agencies were sent a referral and have no outstanding comments.

5. Metropolitan Districts

The parcels are not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a variance of use application. The El Paso County Parks Master Plan (2013) indicates that there are no existing or proposed trails or parks located in close proximity to the subject parcels.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a variance of use application.

I. APPLICABLE RESOLUTIONS

Approval Page 51

Disapproval Page 52

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the business event center known as Black Forest Meadows as proposed and discussed in the applicant’s letter of intent with a maximum number of guests not to exceed 75 individuals. Any subsequent addition or modification to the use beyond that described in the applicant’s letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site development plan shall be applied for and approved prior to initiating the proposed business event center use.

NOTATIONS

1. Variance of use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or variance of use conditions/standards are being violated, preceded by notice and public hearing.
3. If the variance of use is discontinued or abandoned for two (2) years or longer, the variance of use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten (10) adjoining property owners on June 29, 2021, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Site Plan

Adjacent Property Owners' Responses

July 15, 2021 Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

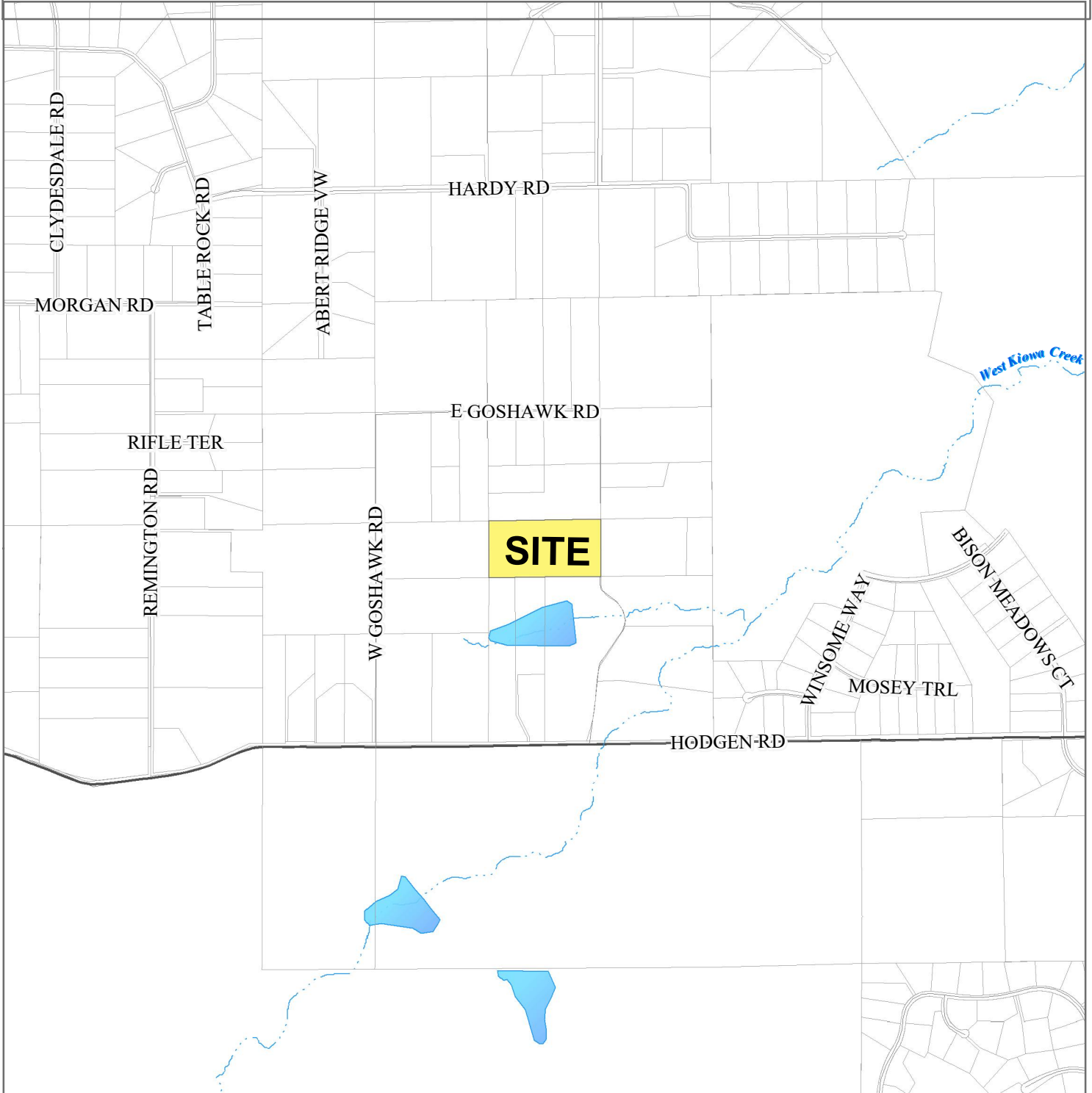
El Paso County Parcel Information

PARCEL	NAME
5123000017	RITCHEY DEBORAH L

File Name: VA-21-001

Zone Map No. --

Date: June 28, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 14 (719) 520-6600



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Letter of Intent

Black Forest Meadows LLC; Black Forest Meadows and Black Forest Meadows Alpacas situated on 20 acres of northern El Paso County, is home to some of the largest and most magnificent Pines trees, lush lawns, natural grassy meadows, rolling hills and awesome views of Pike's Peak, "America's Mountain". Guests and visitors find themselves in awe of being surrounded by nature as if they were in the Colorado Mountains with grassy meadows and the unparalleled beauty of the Black Forest yet, only 15 minutes from all of the amenities of the Front Range with fine dining and lodging in Colorado Springs, Monument and Palmer Lake.

When the original land owners bought this property in 1987 it was virgin land with the exception of some minor logging the 1800's and the Corp of Engineers dam which was built to the south of this property. The property owners cared for this property and have treated it as a gift from nature as we also feel the same gratitude and respect for the land and our neighbors.

Black Forest Meadows would provide the ideal setting for a true Colorado wedding and special event experience, being situated close to the Front Range and its amenities, hidden enough for privacy and separated far enough to not disturb adjacent land and home owners. Black Forest Meadows is focusing on small groups of guests and events so that guests enjoy the experience, unhurried and relaxed. Guest would enjoy a hands on Alpaca experience walking and feeding them and could have photos taken with them. The sand badminton/volleyball court and horse shoe pit would provide guests enjoyment as would a variety of lawn games.

As a way to give back to the community, we plan to host several free of charge educational tours and non-profit fund raising events.

Access to Black Forest Meadows utilizes an existing entrance from Goshawk Road E. An additional emergency access is available on the west at the intersection of Goshawk Road W and Hodgen Road. It is anticipated the overall annual average daily trip and from the property to be less than 12, as shown in the Trip Generation & Driveway Permit Technical Memo / Traffic Memo page 3. There are 39 parking stalls onsite, including 4 ADA parking stalls. As outlined in the Traffic Memo on page 3, there are 10 parking spaces allocated for vendors (including a shuttle bus) out of the total 39 parking spaces; leaving 29 parking spaces for wedding party and guests. The Bride and Groom would be responsible for procuring and providing shuttle service for guests who exceed the allotted parking spaces available on site.

The following El Paso County criteria seems to be met for not requiring a TIS as found in ECM Appendix B (B.1.2.D): Vehicular traffic 1) Daily trip generation is less than 100 (consistent with CDOT criteria for no study) 2) No additional intersections with State Highway – none proposed 3) Increase in trips does not increase by more than 100 daily trips – less than 100 trips total 4) No change in traffic type – proposed residential use 5) Acceptable LOS on adjacent roadways is maintained – proposed traffic increase vs. existing trips on Hodgen Road is negligible 6) No accident or safety problems on adjacent roadway in immediate vicinity – none documented 7) No change in land use with access to Hodgen Road – none proposed Pedestrian/Bicycle traffic No existing or new pedestrian/bicycle facilities or traffic is required

along Hodgen Road. Please reference Trip Generation & Driveway Permit Technical Memo / Traffic Memo page 1, paragraph 2 and Site Trip Generation Estimate on page 3.

The main location of the operation is located at 17104 Goshawk Road E, Colorado Springs, CO 80908. Existing building located one quarter mile from Goshawk Road E will be the site of the events secluded unobtrusively in the center treed portions of the property, as referenced on the site plan map. Hours of operation for event day will be 9:00 am to 10:00 pm while observing county noise ordinance and curfews. Dust will be minimal as the main existing driveway is graveled with class 6, road base. Black Forest Meadows is anticipating using a water tanker truck with sprayers for use on the driveway if dust control is needed. Black Forest Meadows is located in the Falcon fire protection district with the nearest station 10 miles from the building headquarters. Entrances and driveways are wide enough for fire engines, emergency responders and police. Multiple open areas are available for a medical helicopter.

Structural facilities to be used for guest activities will include a 25' X 30' Pavilion (to be built upon approval of variance of use), an existing 48' x 46' pole barn (with dressing room and restrooms upon approval of variance of use) and a rustic 36' x 36' Alpaca barn (for photographs only). The existing private residence on site will remain private and not utilized by guests. Upon approval of request of variance use existing bathrooms and septic system will be upgraded and permitted for use. Potable drinking water would come from the existing domestic water that the Black Forest Meadows owners utilize with adjudicated water rights. Group size would not exceed 75 guests per event with no guests staying overnight on the property. Event times would be limited to 8 hours, from either 9am – 5pm or 2pm – 10pm adhering to noise ordinances. A licensed Wedding Coordinator/Planner will be required and copies of all contracts will be kept in Black Forest Meadows files for review and compliance.

Land disturbance will be less than one acre and shall not negatively affect adjacent and downstream drainage.

Last year, 2020 and this year, 2021 have proven to be hardship years for the owners of Black Forest Meadows. Being able to work from home on the property reduces the hardship of a commute due to a serious medical issue requiring a lengthy hospital stay and disability in 2019, early retirement in 2020 and supplemental oxygen use for property owner, Edward Ritchey. Ed and Deborah Ritchey are able to maintain the property as Ed is a retired Mechanical Systems Engineer for Lockheed Martin and grew up on a Dairy Farm. For the past 25 years, Deborah Ritchey has aspired to owning and operating a small wedding venue as she had been the owner and operator of her own wedding planning business and Sales Manager for The Shriner's Hospital for Children Event Center.

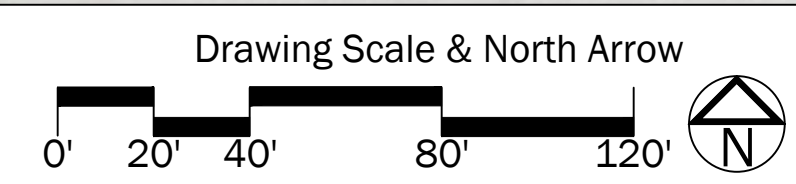
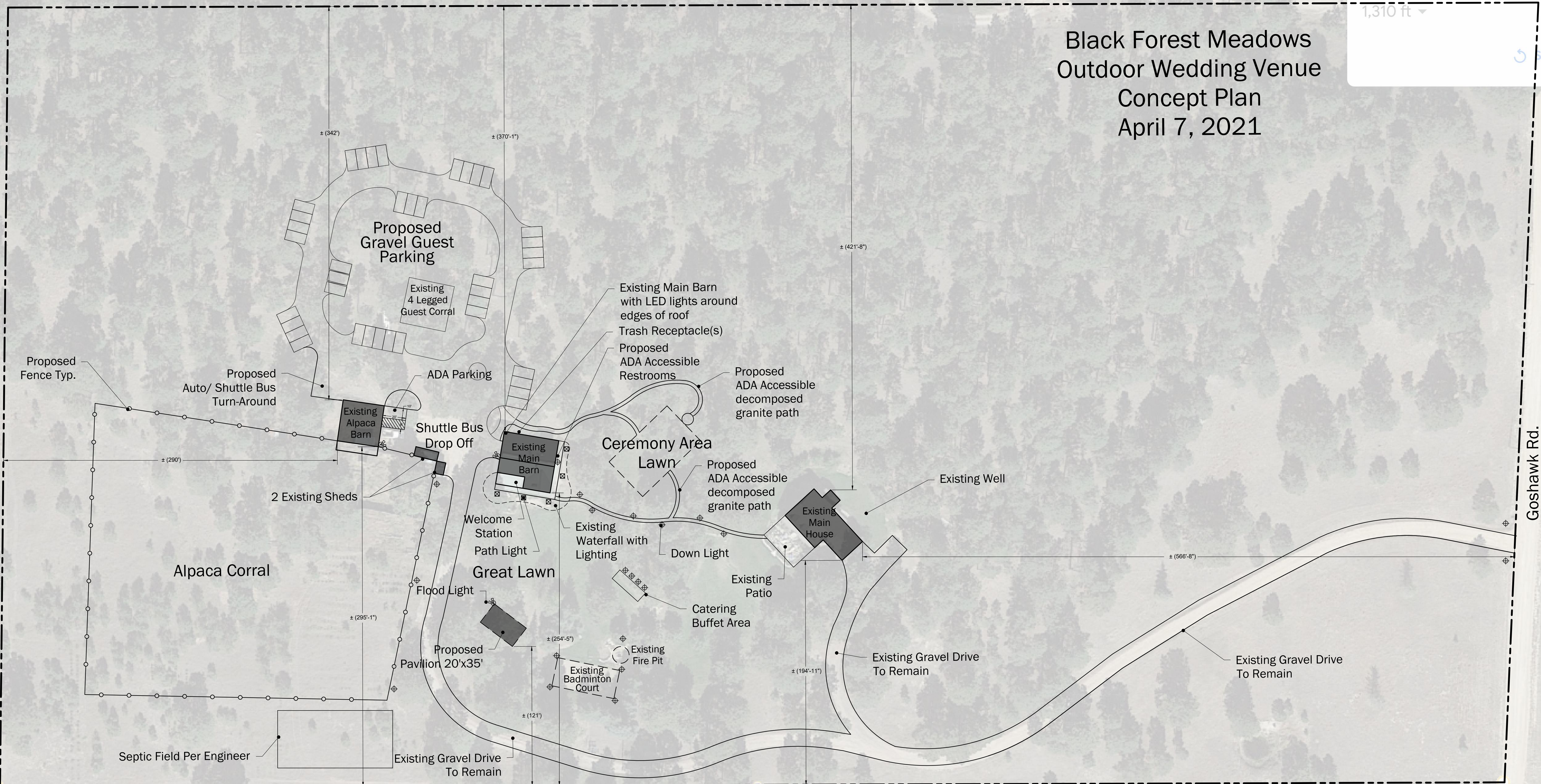
It is our wish to give back to the community and share the beauty of Colorado while preserving and maintaining this peaceful and beautiful land with little or no impact to our surrounding neighbors.

Black Forest Meadows
Outdoor Wedding Venue
Concept Plan
April 7, 2021

Distance ?

1,310 ft

Start



PCD File No. VA-21-001

I am looking forward to the addition of Black Forest Meadows to our County as a meeting space and wedding venue. The community in El Paso County greatly needs more outdoor spaces built for gatherings for families, schools, and businesses. Having had numerous conversations with Deborah and Ed regarding the sustainability of their property, their educational programs and opportunities with Alpacas for local schools and clubs, and the overall beauty of their property, I support their mission and vision. I am excited to see how they use their property to foster more community outreach and attract local and out of state visitors for private events. - Brandon, Edison Apps, LLC

I would like to start off by saying, Deborah and Ed are phenomenal to work with. They are both entrepreneurs with strong values in hospitality and truly know what it means to be in the service industry. From the moment I stepped onto Black Forest Meadows and met Deborah and Ed, I knew that their venue would be a success. They make you feel welcomed and listen to your wedding vision, all while providing an amazing space for a gathering. Being a wedding planner in Southern Colorado, our team is always looking for new wedding venues to refer our clients to. Being that they are in the Black Forest area, this is a great addition to the area, as there are only a few other venues to refer our clients to.

Jessica Johnson

Owner | J'Loren & Co. Events

719.505.6214 | events.jloren@gmail.com

July 11, 2021

To whom it may concern:

Ed and Deborah Ritchey are our newest neighbors here on Goshawk Road in Black Forest. They purchased an existing residence which had been the home of some other long time friends and neighbors who moved away.

From the start, they have extended the hand of friendship with others and have shown a sincere willingness to care for our small neighborhood properties. They joined our volunteer Hodgen Road cleanup crew this spring and have attended our gatherings where they could share their plans and objectives with the rest of the local residents addressing any questions or concerns.

I am most pleased to be neighbors with our new neighbors, Ed and Deborah Ritchey.

Marlice Van Zandt
Goshawk Road resident since 1990

EL PASO  **COUNTY**
COLORADO

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, July 15, 2021
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITAIN JACK, TIM TROWBRIDGE, ERIC MORAES, AND JAY CARLSON

PRESENT VIA ELECTRONIC MEANS AND VOTING: NONE

PRESENT AND NOT VOTING: BRANDY MERRIAM

ABSENT: GRACE BLEA- NUNEZ AND BECKY FULLER

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, RYAN HOWSER, JOHN GREEN, GILBERT LAFORCE, DANIEL TORRES, LUPE PACKMAN, JEFF RICE, ELENA KREBS, ELIZABETH NIJKAMP (VIA REMOTE ACCESS) AND EL PASO COUNTY ATTORNEYS MARY RITCHIE AND LORI SEAGO

OTHERS SPEAKING AT THE HEARING: ANDREA BARLOW, WILLIAM PARISH, JIM BEYERS, JASON ALWINE, LORI KING, DANNY MIENKA, BROOKE TEAL, GLEN BUTTS, ROBIN SMITH, JAMES CHLEAN, ELIZABETH CULLER, CHIEF WRIGHT, JEFF DAZ, FELICIA GRILLO, AND BEAU WORTHINGTON

Report Items

- 1. A. Report Items -- Planning and Community Development Department – Mr. Dossey -- The following information was discussed:**
 - a) The next scheduled Planning Commission meeting is for Thursday, August 5, 2021 at 1:00 p.m.**

2880 INTERNATIONAL CIRCLE, SUITE 110
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COLORADO SPRINGS, CO 80910-3127
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- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- B. Public Input on Items Not Listed on the Agenda – NONE**

2. Annual Meeting and Election of Officers

The Sunshine Law was presented at the first of the year and therefore did not need to be reviewed at this time.

Ms. Lucia-Treese nominated **Mr. Risley** as Planning Commission Chair seconded by **Ms. Brittain Jack**. **Mr. Risley** accepted the nomination. **Ms. Lucia-Treese** made a motion to close nominations. Motion passed unanimously to close nominations. Motion passed 6-0 to appoint **Mr. Risley** as Planning Commission Chair. **Ms. Lucia-Treese** nominated **Mr. Bailey** as Vice Chair seconded by **Mr. Carlson**. **Mr. Bailey** accepted the nomination. **Ms. Lucia-Treese** made a motion to close nomination. Motion passed to close nominations. The motion passed 6-0 for **Mr. Bailey** as Vice Chair.

CONSENT ITEMS

- 3. **A. Approval of the Minutes – June 17, 2021**
The minutes were unanimously approved as presented. (7-0)

- B. SF-21-014** **HOWSER**
VACATION AND REPLAT
CLOVERLEAF FILING NO.1

A request by PT Cloverleaf, LLC, for approval of a vacation and replat of three parcels, collectively representing a portion of one platted (1) tract, into three (3) single-family residential lots. The three parcels total 1.5-acres and are zoned RS-20000 (Residential Suburban) and are located north of Leggings Way, east of Bowstring Road, approximately 0.34 miles northeast of the Higby Road and Jackson Creek Parkway intersection and within Section 23, Township 11, and Range 67 West of the 6th P.M. (Parcel No. 71231-02-047, 71231-02-048, and 71231-02-050) (Commissioner District No. 1)

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3B, SF-21-014, FOR A VACATION AND REPLAT FOR CLOVERLEAF FILING NO. 1 UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-039, WITH THIRTEEN (13) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

C. MS-21-001

GREEN

**MINOR SUBDIVISION
D. JOHNSON SUBDIVISION**

A request by Delroy and Janet Johnson for approval of a minor subdivision to create four (4) single-family residential lots. The 28.62 acre property is zoned RR-5 (Residential Rural) and is located on the west side of Highway 83 approximately one half (1/2) mile north of the intersection of Highway 83 and Old North Gate Road and is within Section 34, Township 11, and Range 66 West of the 6th P.M. (Parcel No. 61000-00-157) (Commissioner District No. 1)

PC ACTION: BAILEY MOVED/TROWBRIDGE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3C, MS-21-001, FOR A MINOR SUBDIVISION FOR D. JOHNSON SUBDIVISION, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-038, WITH THIRTEEN (13) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

D. PUDSP-20-005

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
FALCON MEADOWS AT BENT GRASS**

A request by Better Land, LLC, and Challenger Communities, LLC, for approval of a map amendment (rezoning) from a site-specific PUD (Planned Unit Development) to a site specific PUD (Planned Unit Development) and approval of a preliminary plan for 267 single-family residential lots. The seven (7) parcels, totaling 67.01 acres, are located along the northwest side of Bent Grass Meadows Drive, approximately 0.7 miles east of the intersection of Meridian Road and Bent Grass Meadows Drive and are within Section 1, Township 13 South, Range 65, West of the 6th P.M. (Parcel Nos. 53010-00-019, 53012-01-061, 53012-01-062, 53012-01-063, 53012-04-005, 53010-00-023, and 53012-04-006) (Commissioner District No. 2)

Item PUDSP-20-005 was requested to be pulled from the Consent calendar and heard as a Regular item with an abbreviated presentation. It was heard after all the Consent items.

Ms. Parsons gave an abbreviated presentation of the project, she also read the criteria of approval into the record.

Mr. Carlson – My main concern is trying to understand what was of record and what we're amending. Were there density changes? What was the change?

Ms. Parsons – Referring to the PUD from 2006 (Ms. Parsons full report is part of the public record) You are basically modifying the lot layout, the street pattern and incorporating the development of lots. The regional trail corridor will be brought up from south to north and to the west and recommending approval of a large open space tract be located at the northern property line. You are also approving a greater buffer of 50 feet and then the detention instead of having the setback on the rear of the lots, you would be modifying that to have a buffer plus the detention tract. On the western portion of the property, instead of having the 35-foot setback in the rear of the lots, you would be proposing to create a 35 open space tract, then a wall and then the single family lots.

Mr. Carlson – On the northern lots, I believe you said there was a 100-foot setback? **Ms. Parsons** – It was 50 foot. Now we have a large open space between the two developments.

Mr. Risley – I assume the applicant is aware of the proposed modifications? **Ms. Parsons** – We have reviewed them in detail with the applicant.

Mr. Bailey – Can you tell us the purpose of the maintenance access road in the open space tract alongside the wall?

Ms. Parsons – In the case for some reason that the metropolitan district wasn't maintaining that, the county needs the legal and physical access to maintain it. Ultimately, the responsibility will fall with the Bent Grass Metropolitan District. That is fairly standard on all the detention ponds. We need to have legal and physical access.

Mr. Bailey- My question, is that because the whole northern boundary is the channel, is that the reason for the access? It's not just to get down to the detention pond. It seems like access to that will be much quicker from Bent Grass Meadow Drive but is there a need for that maintenance access road along the northern boundary? **Ms. Parsons** – It serves two-fold. There is a 25-foot trail corridor easement that will potentially parallel that access road and that will be determined at the final plat. **Mr. Bailey** – Ok, that does clarify.

Mr. Trowbridge –Why are we being asked to let them build most of the development for the CLOMR (Conditional Letter of Map Revision) in the revised condition 8D?

Mr. Rice – The reasoning for that CLOMR is because if it is needed it would most likely be for offsite improvement which would be involved with other

property owners. **Mr. Trowbridge** – So it's not a drainage issue? **Mr. Rice**- We don't anticipate issues on their site, there could be, but we just don't know. Downstream is where we anticipate where there will need to be a CLOMR. Also, to clarify on the west side of the property that maintenance road will also be used to maintain a drainage swell.

Mr. Risley – What would trigger condition 10? A traffic impact study? **Ms. Parsons** – It would be based on that traffic impact studies that would be submitted with the final plat and other developments in the area. **Mr. Rice** – Basically once a number of trips tries making a left turn there, it becomes a queuing issue or a safety issue, so our criteria require left turns after certain peak number of trips have been meant to make it safer. **Mr. Risley**- So it is implied it would be triggered by a traffic impact study through the Land Development Code. **Mr. Rice** – Right and the assumption is based on the development it would generate that number of trips. **Mr. Risley** - I just wanted to make sure we aren't creating a grey area. **Mr. Rice** – With each final plat we would get an updated traffic study that counts that traffic that is going through there.

Ms. Barlow – I want to emphasize that the previously approved site specific PUD and Preliminary Plan did not include the area to the south and east of Bent Grass Meadows Drive and that the under original PUD plan the allowed density was 8 to 12 units per acre. That was always intended to be a much higher density in that area.

William Parish – My main concern is having motorized vehicles on that maintenance road. It's important that there are no vehicle signs posted. I am asking to have that fence moved all the way down, about 90 to 110 yards. I am the only lot that has the fence going halfway down my property.

Jim Beyers – To respond about the comment on the wall. We tentatively identified a spot where that would terminate. We intend to build the wall.

Mr. Risley – My understanding is that an agreement between a developer and an adjacent landowner would be imbedded at the final plat stage.

Ms. Parsons - In a nutshell with the existing filing that this particular developer constructed and is still constructing, there was agreement at the final plat that the masonry wall would be extended. The staff did have concerns with the masonry wall being extended across the drainage way. That particular portion of the drainage way is what we are now platting with this plat. I think what the resident is asking for is that the applicant go ahead of time and continue the wall that was agreed upon sooner than what this particular filing is moving.

Mr. Parish – I just want to clarify. I am not asking them to go to the water way, just close to it

Ms. Parsons - Staff is reviewing final construction drawings with the final plat submittal. For obvious reasons we would want to allow the improvements of the channel and detention before we place something that would interfere with the construction. That is why staff didn't have a concern with the installation of the wall at this time.

Mr. Risley – We are hearing the Preliminary Plan today and that it really doesn't apply to the approval criteria but acknowledging that there is an ongoing discussion.

Mr. Moraes – I don't know if we can prevent private vehicles being on there versus the county vehicles going out there. **Ms. Parsons** – The vehicle that would on there would just be the maintenance vehicle. If someone were to trespass on this private property that would be up to the Sheriff's department to enforce that, not the Planning and Community Development Department.

PC ACTION: CARLSON MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3D, PUDSP-20-005 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR FALCON MEADOWS AT BENT GRASS, UTILIZING RESOLUTION PAGE NO. 31, CITING, 21-036, WITH ELEVEN (11) CONDITIONS AND FIVE (5) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

E. PUDSP-20-006

HOWSER

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
EAGLE FOREST**

A request by Eagle Forest Development, LLC, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for nine (9) single-family residential lots. The 44.19-acre property is located on the north side of Shoup Road, approximately one-half (1/2) mile west of Herring Road and within Section 8, Township 12 South, Range 65 West of the 6th P.M. (Parcel No. 52080-00-071) (Commissioner District No. 1)

PC ACTION: TROWBRIDGE MOVED/BRITAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3E, PUDSP-20-006 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR EAGLE FOREST, UTILIZING RESOLUTION PAGE NO. 31, CITING, 21-037, WITH EIGHT (8) CONDITIONS AND FIVE (5) NOTATIONS, AND THAT THE

**ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS.
THE MOTION WAS APPROVED (7-0).**

**Regular Items
4. VA-21-001**

GREEN

**VARIANCE OF USE
BLACK FOREST MEADOWS**

A request by Deborah and Edward Ritchy for approval of a variance of use to allow a business event center. The 20-acre parcel is zoned RR-5 (Rural Residential) and is located approximately one-quarter (1/4) of a mile north of the Goshawk Road and Hodgen Road intersection along the west side of Goshawk Road and is within Section 23, Township 11 South, Range 65 West of the 6th P.M. (Parcel No. 51230-00-017) (Commissioner District No. 1)

Mr. Green gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a variance of use. He then gave his full presentation.

Note for the record: The Planning Commission took a brief break after Mr. Green's presentation in order to allow the Board of County Commissioners to come back into the hearing room and adjourn their hearing that was held earlier in the day.

Mr. Trowbridge – How many events do you anticipate holding per week, per month?

Ms. Ritchy – We are planning on seasonal events so, June through September possibly October, maybe twenty events per year with one event per weekend.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Risley – Having grown up in Black Forest I am always interested in projects that are sensitive to the contextual surrounding of the forest but are also ways of creating economic activity in Black Forest as well. In my opinion, it looks like a well-balanced project and I wish you the best.

**PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR
RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 4, VA-21-001**

FOR A VARIANCE OF USE FOR BLACK FOREST MEADOWS, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-041, WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

5. P-20-009

GREEN

**MAP AMENDMENT (REZONE)
ROCK CREEK MESA**

A request by Colorado Springs Equities, LLC, Golden Eagle Ranch LLC, and New Direction IRA INC, for approval of a map amendment (rezoning) of 37.26-acres from F-5 (Forest) to RS-5000 (Residential Suburban). The six (6) parcels included in the request are located west of the intersection of Colorado Highway 115 and Pawnee Road, approximately one-half (1/2) mile south of the City of Colorado Springs incorporated boundary and are within Sections 30 and 31, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65303-00-017, 65303-00-022, 65304-00-009, 65304-01-001, 65312-00-007, 75000-00-236) (Commissioner District No. 3)

Note for the record: **Mr. Carlson** recused himself from hearing this item due to a professional relationship with the applicant. Quorum is still in place with six voting members.

Mr. Green gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a map amendment (rezone). He then introduced the applicants' representative **Mr. Jason Alwine** give their presentation.

Mr. Mientka – In my mind this application represents solid planning. We are across the street from Fort Carson, our largest employer, we are in an environment where housing is at a critical shortage. So, when we look at this particular piece of real estate, we ask how it can best benefit the community and make sense within its surroundings. This application doesn't come without a history. The majority of the land I have owned since 1995 so I have been a neighbor in the community, and I understand there are concerns and anxiety with change and I welcome their concerns. The reality is that this is a balanced zoning application. This property could have been developed in 1995, but there isn't any water available, there is an existing water district, but it hasn't been able to issue taps. Coincidentally I owe about 16 acres north of this property that is within the City of Colorado Springs limits. From that effort we looked at the opportunity to serve this property. When you run the economics on the utility extensions it's about density. We would love to have 400 or 600 units in order to make economic sense of utility extensions. We tried to balance out an amount of density that is compatible with a highly dense

mobile home park and others' that have larger lots. In order for us to get the utilities to serve Rock Creek Mesa, we needed to get a couple things, the density and the Springs utilities to serve out of boundary. There isn't going to be thousands of homes. We bring more than just housing for Fort Carson and housing for Department of Corrections. Right now, Fort Carson is short 4300 units for housing and we have a responsibility collectively where possible to protect the base. Housing is a strong motivator for this approval. We have a fire district that is capable, but they lack a dependable supply of water. This proposal gets us a step closer to providing southwest 115 fire protection. Eliminating the water treatment facility is going to be good for everybody up there. We satisfy that from the mobile home perspective. As you hear from folks that are opposed to this that don't want growth and I understand. I bring them stable property values. Let me help you with fire protection.

Mr. Green provided a brief history of the project area. His full presentation is on the public record. **Mr. Green** also noted that since the application was submitted prior to the Master Plan being adopted it was judged against the Southwest Highway 115 comprehensive plan.

Mr. Trowbridge - Can you tell me how this plan complies with 6.1.2 which discourages small discontinuous land development projects?

Mr. Green – In staff's review of this item and looking at what the existing development of the area that would be how it was reviewed what would be discontinuous or not. That it's not a standalone leapfrog development that it would be around existing development in the area, specifically approximately 273 dwelling units, including the mobile home park.

Daniel Torres provided his engineering findings on behalf of **PCD**.

IN FAVOR:

Lori King – We moved into the area about six years ago and we bought a working well at that time and within six months of us living here, the well went dry and we had well technicians come out and they said it's a common issue in this area. We have water delivered. At that point we went to the Rock Creek Water District and they told us they would not be able to take on new customers due to low water as well. We have called every water district in and out of town and they are all saying they can't. We are concerned about a large fire. We just wanted to speak up and ask for the critical resource of water.

IN OPPOSITION:

Brooke Teal – I'm a resident of the mobile home park and my main concern is egress in case of a wildfire. Although additional water is important, it means nothing if there is a fire coming down and we have no way out. It's not a matter of

if, it's a matter of when it burns. Adding a hundred or so homes on that park with only one way out. Our fire department is mostly volunteer.

Glen Butts - I'm curious how Piute inward is still just one road. He talked about bringing in water, no sewer, we haven't had a septic system, I'm just curious about natural gas, we are all on propane. Is that something that's going to come in too? We did truck water during the drought; we're not hauling now. It's only happened a few times in many years that I know of. Development is inevitable. My biggest complaint is that we all had to comply to the F-5 building.

Robin Smith – I'm directly above the planned development. I'm happy to see they've added plans on things like having a playground. I do believe it is a good location, the other one is too small with limited access. One of the things I've been worried about with having kids running around, with them taking out the only playground we had because when kids don't have something to do they become destructive. I want to make sure we keep our kids safe. The only thing is that they don't own that land yet. Currently our roads going up and down are very small. We have no sidewalks, so people currently walk in the road. We need more infrastructure before we add more residents.

James Chlean – I'm completely opposed because it's going to completely change our neighborhood. The population density is going to increase so much that is going to create a lot of problems, we don't have road or sidewalks. I do understand the fire concerns. I believe our area is a wildlife corridor. It will completely change the character of our area. I think building would be reasonable if it was kept the same way. Adding more people will increase traffic, crime and add more stress on our first responders. I don't believe it's just grass land that they are going to develop, two of the parcels are F5 for a reason, animals need those areas. I just would hate to see our neighborhood change from the country environment to this dense suburbia

Elizabeth Culler – My only concern is the density. The density is based off the mobile home park but that is only a portion of the neighborhood. I would recommend basing the density off the current single-family homes.

Chief Wright – I'm the fire chief for the south west highway 115 district. I'm here to tell you what I would have to deal with if this is approved. This will require significant upgrade to infrastructure. We are a very small fire district. The 80926-zip code is in a high fire situation. Adding 211 all of a sudden would be a major impact. If this development goes through, we will have no room for expansion. We currently have five feet on all sides. Our response comes from the station that is ten miles south of this location. The fire district wouldn't see any tax revenue for 18 to 24 months after the houses are sold. In talking to the developer, which was a pretty short conversation, the only thing they wanted to tell us was the water that they are bringing. That water is great except we already have 300,000 gallons

sitting up the road. Fire is 5% of what we do. We mostly do medical and traffic accidents. 70% come from that trailer park which is higher density just like you are proposing.

Ms. Brittain Jack – Are you speaking on behalf of the fire district or personal?

Chief Wright - On behalf of the fire district. We're not for or against this. We're just telling you our reality.

Mr. Risley – The staff report indicates your district had been sent a referral copy for the proposal and that there were no comments received. **Chief Wright** – I did send in comments.

Jeff Daz – I've been living in Rock Creek Mesa for 25 years. The water issue has only happened once. My biggest concern is the wildfires. There is only one way in and one way out. The proposed building is right next to the park entrance. It will be dangerous with the proposed stop light at 115 and Pawnee with the truck traffic. The roadways are very narrow and can't support the traffic.

Felicia Grillo – We are a small community and the issue here is water. RS-5000 does not fit into Rock Creek Mesa. Most of the properties are not on 10,000 square foot lots, everyone is on large acreage. The mobile home park is on 42 acres. They are talking about spot zoning, which is illegal. I have pictures to show why there shouldn't be a stoplight on Pawnee. Ms. Gillo's pictures are on the public record. The terrain of the mesa is not just grass. The forestry department does have a letter in requesting the applicant to mitigate all the high fire vegetation prior to building. We believe it should have been RR-.05. This will benefit the developer and not our community.

Beau Worthington – There is an over whelming concern for the unique nature of the area that will be lost and the overwhelming density. We're taking land zoned for agricultural uses to the and converting to the highest density that is allowed by the planning department. Our clients aren't opposed to ever developing this area. They are opposed to the 5000 square foot lots that ignore the historical trends. There are 20 homes in the area that have between 4 acres and 25 acres. Historical trend is to move away from high density development. The applicant is proposing to have half the lot size than which they were originally for. Rock Creek Mesa is not a place for high density, it would lose the rural characteristics of the area. The lots are much bigger outside of the mobile home park. In summation the plan as proposed should be denied by this board for all the reasons you have heard this afternoon.

Ms. Ruiz – I did want to clear the record on the comments by the fire district. We did take a look into EDARP and we did send a request through EDARP and EDARP reflects that no response was received for the latest request forwarded to

the Fire Department. The chief will send the comments via email and will be included for the BoCC. I did want to remind everyone that the request is for a rezone today. Concerns have been brought up about potential roadway alignment and evacuation routes. These types of discussions are not appropriate at the rezone stage as we do not have a specific layout for the lots and roadways.

Mr. Bailey – I would like to hear the staff's perspective about the spot zoning comment.

Ms. Ruiz – This is a unique portion of the county. We have F-5 immediately surrounding the property but if you look at the actual lot sizes, they are actually much smaller than 5 acres and are more similar to suburban development. RM-30 is also in the area, which is our most dense residential zone district. There is also the mobile home park. There are non-conforming lots and non-conforming lot sizes within this area. We have high densities within the RM-30 area and we also have high density mobile home park within the area. As John pointed out, immediately north, the city would permit urban type of development and dense development as well. So, we would not consider this as spot zoning for these reasons. **Mr. Bailey** – Thank you. I didn't either but I just wanted to make sure we were able to address that for the record. **Ms. Ruiz** – We have a lot of these areas in the county because lots were created, and some development occurred prior to there being zoning. Typically when we implement zoning we did a blanket zoning and not pay attention to the land uses or lot sizes, so this is an example of that.

DISCUSSION:

Mr. Moraes – At least twice you went back to the mobile home density and your development in these areas. What is the density outside of the mobile home that five of the properties abut?

Mr. Alwine – We do have various lot sizes, 10,000 to 30,000. It will range anywhere from quarter acre size up 60,000 plus. Anywhere from four units per acre to less than a unit per acre. **Mr. Moraes** – Density of 5.4 and proposed 4.3 but you skip over everything in the middle (referring to the vicinity map). **Mr. Alwine** – Correct, part of that is because we have 30 dwelling units per acre, so it's going to skew the numbers. We have a church facility that is almost an acre and half that doesn't allow density. There are multiple parcels that are vacant. From a zoning standpoint we feel we fit in the transitional use, buffering the higher density mobile home park to the existing 20,000-foot lots.

Mr. Trowbridge – I like the idea that the applicant is bringing in utilities. I know the water is an issue up there and if they were proposing to bring this in and making it available to everyone, which is kind of hinted at, seems to be a good thing. Although we are not talking about traffic access, I am sensitive to evacuation in case of fire. I do have that concern with increasing the density up there. I also don't like the fact it is a half a dozen different parcels scattered up there all over the

place. If we were talking about the most eastern lots, I probably wouldn't have a problem. There are too many pros and cons for me to have a clear picture. I don't believe the RS-5000 is compatible

Ms. Lucia-Treese – I share **Mr. Trowbridge's** comments. I do not believe the RS-5000 is compatible with the existing zoning. Going from F5 to RS-5000 I just don't see where there is any compatibility.

Mr. Bailey – The overall context is a large area with significant density in the mobile home park and a very similar sized area of the larger lots the 10,000 and higher, originally zoned lots in the middle. To me the RS-5000 density for the parcels that we are looking at today are compatible. What we have is a transitional area that already has a critical mass of a population. There is certainly demand for housing in that area. We have a property owner who has come up with a way to get water to that area to support that level of density, I think is very consistent with the small area plan. The master plan that looks forward almost specifically addresses and tells us to do stuff like this where we can because the demand for housing in Colorado Springs is not going to decline. The demand is not the same as it was, it is significantly greater today and the places we have that can grow are places like this. This is the kind of thing we have to do in this county. People that have had the benefit of vacant land next to them are going to have to accept the fact that people want to live in close proximity to them. What was rural 30 years ago is not so rural anymore. I don't see any reason we should not rezone this land and approve this application.

Ms. Brittain Jack – I echo that. This is exactly what we have been looking at and what we've done in the eastern part of the county and in black forest, so I don't see the difference. It's across the street from Fort Carson and we need more density and we need more housing in this community because its growing and it's going to continue to grow.

Mr. Moraes – I look at the zoning of RS-5000 up north of Pawnee Road and I think that's a decent transition from a dense mobile home park to the 5,000 foot lots and now you hit Pawnee Road and there's that man made break right there and now you actually have development south of Pawnee Road. I look at the development on the south side. Where the minimum lot size is 5,000 square feet but I understand the current lot sizes are about 10,000. I can understand RS-5000 on the far south side. The southeast corner I can understand because it abuts the RM30 and the highway. I can't really make a case for the two larger lots. The far east side we have lots that are larger than an acre surrounding them and on the west side you have lots larger than an acre surrounding them. Now I have to look at the whole agenda item together and if approving all six of these development areas to RS-5000, I am not in support of that.

Mr. Risley – I think this is a fascinating project. I see the benefit of infilling and developing land that was difficult in the past to develop. This is no longer a rural area. In my mind I would rather see land like this developed than true forest land. I certainly understand the concerns of the neighbors and I think that is a situation where the devil will be in the details. We are looking at rezoning and when I look at the approval criteria, I think there is compelling support for a rezone of this nature. To **Mr. Moraes'** comments with having six different parcels the right approach. I think the applicant could have come in with a PUD and it would have created more density in a lot more different ways, so I think because of this approach there is some sensitivity to that aspect as well.

Ms. Ritchie - If a motion to approve fails, the item is deemed denied. If a motion denied fails, a motion to approve must pass in order to approve the item.

PC ACTION: BRITTAIN JACK MOVED/BAILEY SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 5, P-20-009 FOR A MAP AMENDMENT (REZONE) FOR ROCK CREEK MESA, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-040, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS DENIED (3-3). THE ITEM WILL GO TO THE BOCC. LUCIA-TREESE, TROWBRIDGE AND MORAES WERE THE NAY VOTES DUE TO DENSITY AND COMPATIBILITY.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

VARIANCE OF USE (Approved)

Commissioner Trowbridge moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. VA-21-001
Black Forest Meadows Variance of Use**

WHEREAS, Deborah and Edward Ritchy, did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the RR-5 (Rural Residential) zone district toto allow a business event center to be known as Black Forest Meadows where such use is not permitted; and

WHEREAS, a public hearing was held by this Commission on July 15, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Planning Commission Members during the hearing, this Commission finds as follows:

1. That the application was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. That all exhibits were received into evidence.
5. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
6. That the proposed variance of use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.4, Variance of Use, of the El Paso County Zoning Resolutions.

7. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County, and

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Planning Commission considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County;
3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED that the application of Deborah and Edward Ritchy, for a variance of use within the RR-5 (Rural Residential) zoning district allow a business event center to be known as Black Forest Meadows for the following described unincorporated area of El Paso County be approved:

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following condition(s) and notation(s) shall be placed upon this recommendation:

CONDITIONS

1. Approval is limited to the business event center known as Black Forest Meadows as proposed and discussed in the applicant's letter of intent with a maximum number of

guests not to exceed 75 individuals. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.

2. A site development plan shall be applied for and approved prior to initiating the proposed business event center use.

NOTATIONS

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Lucia-Treese	aye
Commissioner Bailey	aye
Commissioner Brittain Jack	aye
Commissioner Carlson	aye
Commissioner Trowbridge	aye
Commissioner Moraes	aye

The Resolution was adopted by a vote of 7 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: July 15, 2021

Brian Risley, Chair

EXHIBIT A

The North Half of the Northwest Quarter of the Southeast Quarter of Section 23, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado. Together with a non-exclusive easement for roadway purposes as described in Grant of Easement recorded in Book 2385 at Page 20 in the records of El Paso County, Colorado.

RESOLUTION NO. 21-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE VARIANCE OF USE TO BUSINESS EVENT CENTER
VA-21-001 – BLACK FOREST MEADOWS

WHEREAS, Deborah and Edward Ritchy, did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use RR-5 (Rural Residential) zoning district to allow a business event center to be known as Black Forest Meadows where such is not permitted for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 15, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use; and

WHEREAS, a public hearing was held by this Board on August 10, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the County Commissioners during the hearing, this Board finds as follows:

1. That the application for the variance of use was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested persons and the general public were heard at those hearings.
4. That all exhibits were received into evidence.

5. That the proposed land use does permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
6. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Board of County Commissioners considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County;
3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State, and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the application by Deborah and Edward Ritchy, for a variance of use to allow a business event center to be known as Black Forest Meadows, where such is not a permitted use for the

unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Approval is limited to the business event center known as Black Forest Meadows as proposed and discussed in the applicant's letter of intent with a maximum number of guests not to exceed 75 individuals. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site development plan shall be applied for and approved prior to initiating the proposed business event center use.

NOTATIONS

1. Variance of use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or variance of use conditions/standards are being violated, preceded by notice and public hearing.
3. If the variance of use is discontinued or abandoned for two (2) years or longer, the variance of use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 10th day of August 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder

By: _____
Chair

EXHIBIT A

The North Half of the Northwest Quarter of the Southeast Quarter of Section 23, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado. Together with a non-exclusive easement for roadway purposes as described in Grant of Easement recorded in Book 2385 at Page 20 in the records of El Paso County, Colorado.