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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, February 15, 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: JAY CARLSON, BECKY FULLER, JEFFREY MARKEWICH, WAYNE SMITH, BRYCE SCHUETTEL, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS BRANDY MERRIAM, ERIC MORAES, AND KARA OFFNER.

STAFF PRESENT: JUSTIN KILGORE, ELIZABETH NIJKAMP, GILBERT LAFORCE, CHARLENE DURHAM, HAO VO, BRET DILTS, ED SCHOENHEIT, DANIEL TORRES, KARI PARSONS, RYAN HOWSER, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: NINA RUIZ, HERB ZIMMERMAN, LANNY KIDD, ANDREA BARLOW, AND LOREN MORELAND.

1. REPORT ITEMS

Mr. Kilgore advised the board that the next PC Hearing is Thursday, March 7, 2024, at 9:00 A.M.

Mr. LaForce, Development Services (Engineering) Manager with DPW, introduced two new staff members.

Mr. Dilts and **Ms. Vo** each introduced themselves.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held February 1, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (7-0).

B. CS233

HOWSER

**MAP AMENDMENT (REZONING)
MAYBERRY FILING NO. 4**

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) 4.44 acres from PUD (Planned Unit Development) to CS (Commercial Service). A concurrent Final Plat is also being requested. Approval of the Map Amendment (Rezoning) shall be considered prior to consideration of the Final Plat. The property is located on the south side of Colorado State Highway 94, approximately two (2) miles east of the intersection of Colorado State Highway 94 and Peyton Highway. (Parcel No. 3414102015) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MS. FULLER MOVED / MR. TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER CS233 FOR A MAP AMENDMENT (REZONING), MAYBERRY FILING NO. 4, 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 (7-0).

C. SF2317

HOWSER

**FINAL PLAT
MAYBERRY FILING NO. 4**

A request by Mayberry Communities, LLC for approval of a Final Plat illustrating eight (8) commercial lots on 4.44 acres. A concurrent Map Amendment (Rezoning) is also being requested. Approval of the Map Amendment (Rezoning) shall be considered prior to consideration of the Final Plat. The property is located on the south side of Colorado State Highway 94, approximately two (2) miles east of the intersection of Colorado State Highway 94 and Peyton Highway. (Parcel No. 3414102015) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Mr. Whitney mentioned that he saw a reference to add a seemingly significant plat note regarding geologic conditions and hazards. He doesn't see that plat note mentioned in the conditions or notations that are included in the motion. He asked if the staff report indicating importance is sufficient or if it should be included in the motion. He asked if it was already included by reference in the Pre-construction Conference notation.

Ms. Parsons explained that PCD staff is identifying that the applicant provided a geological and soils study that Colorado Geological Survey (CGS) has reviewed and provided comment. Through the review period, PCD staff utilizes CGS comments to enable the applicant to depict certain notes on the Preliminary Plan and Final Plat. She stated that because the applicant has already depicted the recommended notes, an additional condition of approval is not needed. PCD staff is pointing to the review comment because the approval criteria references constraints being mitigated so they do not impede development.

Mr. Whitney asked if that note can be seen on the Final Plat and if PCD staff is satisfied with the note.

Mr. Howser confirmed.

PC ACTION: MS. FULLER MOVED / MR. SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2317 FOR A FINAL PLAT, MAYBERRY FILING NO. 4, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NINE (9) CONDITIONS, TWO (2) NOTATIONS, 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 (7-0).

D. SF2231

HOWSER

**FINAL PLAT
JOYFUL VIEW SUBDIVISION**

A request by OGC RE2, LLC for approval of a 70.24-acre Final Plat illustrating nine (9) single-family residential lots. The properties are zoned RR-5 (Residential Rural) and are located at 19925 Joyful View and 20045 Joyful View, Calhan, CO 80808. (Parcel Nos. 3300000466 and 3300000467) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. TROWBRIDGE.

4. CALLED-UP CONSENT ITEMS

3D. SF2231

HOWSER

**FINAL PLAT
JOYFUL VIEW SUBDIVISION**

A request by OGC RE2, LLC for approval of a 70.24-acre Final Plat illustrating nine (9) single-family residential lots. The properties are zoned RR-5 (Residential Rural) and are located at 19925 Joyful View and 20045 Joyful View, Calhan, CO 80808. (Parcel Nos. 3300000466 and 3300000467) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney clarified that his earlier question (regarding geological plat notes) was meant for this project. He appreciated the previous explanation. The presentation continued.

Mr. Carlson asked if the proposed cul-de-sac would allow sufficient access to Lot 4 (when considering the drainage constraints).

Mr. Schoenheit, with DPW Development Services (Engineering), confirmed it would allow access.

Mr. Carlson mentioned that most of the usable land on Lot 4 is at the southern end.

Mr. Markewich asked for clarification regarding the historic zoning change from A-4 to RR-5.

Mr. Howser explained that the change was strictly nomenclature; the zoning types are otherwise the same. The staff presentation concluded. The applicant's presentation began.

Ms. Ruiz, with Vertex Consulting Services, representing the applicant, addressed Mr. Carlson's comment. She explained that Lot 4 has about 2.5 acres of buildable area in the northern portion, which connects to the cul-de-sac. The applicant evaluated possible well and septic system locations to confirm the lot will be buildable without crossing the floodplain. The presentation continued.

Mr. Smith asked for further explanation regarding the fire cistern.

Ms. Ruiz referenced the proposed location of the cistern (on Lot 7). She explained that the developer is responsible for its construction. The Fire Department will inspect the cistern prior to any building permits being issued.

Mr. Whitney asked if all surrounding property was zoned RR-5. (It is.)

Mr. Markewich asked if there was any required ongoing maintenance for the fire cistern after its initial construction. He asked who will be responsible for ongoing road and cistern maintenance.

Ms. Ruiz explained that covenants will be established as part of the subdivision process. The covenants will establish a shared responsibility for the private drive as well as the cistern.

Mr. Trowbridge asked if the Fire Department will inspect the cistern on an ongoing basis or will the residents of the subdivision need to provide the Fire Department with regular inspection reports.

Ms. Ruiz stated the Fire Department would complete the inspections, but she's not sure how often. The applicant's presentation concluded.

PUBLIC COMMENTS

Mr. Herb Zimmerman spoke in opposition. He lives west of the subject property. He commended Mr. Schoenheit for his professionalism. He submitted a letter for himself as well as a neighbor. He stated that though the property was assigned zoning 40 years ago, much has happened since that time. He stated that because the parcel is landlocked, he thinks the PC should take into consideration everything that is surrounding to ensure it makes sense. He believes the property directly north is zoned A-35.

Mr. Carlson clarified that the land north of the subject property is zoned RR-5. (A zoning map was presented to show the surrounding zoning districts.)

Mr. Zimmerman observed and understood that the land immediately north of the subject property is zoned RR-5. He stated that regardless of the zoning district, all surrounding properties are made up of 35 acres or greater. He doesn't think the subdivision makes sense in the area because it is landlocked and surrounded by larger parcels.

Mr. Lanny Kidd spoke in opposition. He lives west of the subject property. He stated he purchased in the area because he didn't want very many neighbors. He stated there are currently no parcels in the area smaller than 35 acres. He worries that more houses will mean more dogs, which could kill his calves.

Ms. Ruiz responded to the public comments. Regarding the comment that the subdivision doesn't fit with the surrounding character, she pointed out that there are other 5-acre subdivisions in the vicinity. She stated that even though the immediately adjacent properties are not 5 acres, the area has been zoned RR-5 for 40 years. She stated that when the Master Plan was adopted, the subject area was recognized as appropriate for 5-acre lots.

DISCUSSION

Ms. Fuller stated she would be in support of the proposal. She stated splitting the parcels into 5-acre lots is allowed within RR-5, so the board is not in a position where they can restrict that right. She understands that it may feel like a big change in the character, but 5-acre lots are allowed within that zoning type.

Mr. Whitney agreed with Ms. Fuller. He understands the opposed neighbors' frustration as he also lives on acreage that is surrounded by parcels denser than his own. As Ms. Fuller stated, the board is not able to make recommendations based on personal preference, but by what is allowed by law and regulation. For that reason, he will also be in favor of the application.

Mr. Markewich stated he would also be in favor because he believes the application meets the review criteria. He mentioned that as time passes, many of the other large parcels may be similarly subdivided unless the zoning is changed.

PC ACTION: MR. SCHUETTELZ MOVED / MR. SMITH SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3D, FILE NUMBER SF2231 FOR A FINAL PLAT, JOYFUL VIEW SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, 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 (7-0).

5. REGULAR ITEMS (Items 5A through 5D were presented as a combined report and presentation.)

A. SKP235

PARSONS

SKETCH PLAN STERLING RANCH SKETCH PLAN AMENDMENT

A request by Classic SRJ Land, LLC for approval of a 212-acre Sketch Plan Amendment to the approved 1,444-acre Sterling Ranch Sketch Plan. Multiple concurrent Map Amendment (Rezoning) requests are also being considered. The applicant intends to develop single-family homes. The property is located north of the Future Briargate Parkway/Stapleton Corridor, south of Arroya Lane, and east of the Sand Creek Channel. A combined staff report has been provided. (Parcel Nos. 227000005, 5227000006, 5227000008, and 5200000553) (Commissioner District No. 2)

B. P239

PARSONS

MAP AMENDMENT (REZONING) STERLING RANCH NORTH RR-2.5 REZONE

A request by Classic SRJ Land, LLC for approval of a Map Amendment (Rezoning) 33.97 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The applicant intends to develop single-family homes

pursuant to the concurrently requested Sterling Ranch Sketch Plan Amendment. The property is located north of the Future Briargate Parkway/Stapleton Corridor, south of Arroya Lane, and east of the Sand Creek Channel. A combined staff report has been provided. (Parcel Nos. 227000005, 5227000006, 5227000008, and 5200000553) (Commissioner District No. 2)

C. P2310

PARSONS

**MAP AMENDMENT (REZONING)
STERLING RANCH NORTH RR-0.5 REZONE**

A request by Classic SRJ Land, LLC for approval of a Map Amendment (Rezoning) 37.87 acres from RR-5 (Residential Rural) to RR-0.5 (Residential Rural). The applicant intends to develop single-family homes pursuant to the concurrently requested Sterling Ranch Sketch Plan Amendment. The property is located north of the Future Briargate Parkway/Stapleton Corridor, south of Arroya Lane, and east of the Sand Creek Channel. A combined staff report has been provided. (Parcel Nos. 227000005, 5227000006, 5227000008, and 5200000553) (Commissioner District No. 2)

D. P2311

PARSONS

**MAP AMENDMENT (REZONING)
STERLING RANCH NORTH RS-5000 REZONE**

A request by Classic SRJ Land, LLC for approval of a Map Amendment (Rezoning) 328.72 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban). The applicant intends to develop single-family homes pursuant to the concurrently requested Sterling Ranch Sketch Plan Amendment. The property is located north of the Future Briargate Parkway/Stapleton Corridor, south of Arroya Lane, and east of the Sand Creek Channel. A combined staff report has been provided. (Parcel Nos. 227000005, 5227000006, 5227000008, and 5200000553) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney mentioned that the staff report indicates there is no increase in the overall density for the Sketch Plan. He wonders about the potential for incrementalism. He asked if there is anything preventing the applicant from requesting further amendment to later increase the density.

Ms. Parsons replied that any applicant has the right to request any development. She mentioned that this Sketch Plan had a reduction in density previously, from 5,400 units to 4,800 units, when further details (like a potential ASD20 school location) were actualized. Areas that were fully built-out were updated on the Sketch Plan, which reduced the overall density. She stated that she would not anticipate the 4,800-unit cap increasing based on the planned roadway infrastructure. The presentation continued.

Mr. Carlson asked about the width of the buffer on the east side of the proposed amendment.

Ms. Parsons answered that the buffer will be approximately 40 acres. The width cannot be defined because exact dimensions are not provided on a Sketch Plan. That information will be available on the Preliminary Plan. The applicant might have a general idea of width, but she has not seen that plan yet. PCD and DPW staff presentations concluded.

Mr. Smith asked if the Sherriff's Office was a review agency.

Ms. Parsons confirmed that most applications, including this one, are sent to the Sherriff's Office for review and comment through the EDARP system. The Sherriff's Office did not provide comments or concerns regarding the Sterling Ranch Sketch Plan area, nor have they requested a substation, though they could in the future. The applicant's presentation began.

Ms. Barlow, with N.E.S., representing the applicant, addressed Mr. Carlson's question regarding the width of the buffer. She indicated different areas on the presentation image. The buffer varies from 50 feet wide in the north to 250 feet wide in the southern portion. The presentation continued.

Mr. Trowbridge stated he was not generally in favor of the proposed Sketch Plan amendment. He stated it appears that the larger lots are being shoved to the far north and the density is tripling, sometimes even quadrupling. He prefers a gradual transition in density. He remarked that while the Black Forest Preservation Plan (BFPP) is no longer in place on its own, it was part of the Master Plan discussion and much of its spirit was incorporated into the Plan, including gradual density transitions. He stated the revised transition happens very suddenly.

Ms. Barlow replied that she is aware of the Master Plan's process and how the BFPP as well as other small area plans were pulled in. She further stated that the ultimate decision regarding the subject area (and even further north) was to define it as the Suburban Residential placetype which is appropriate for new development ranging in density from 2.5-acre lots to 5 units per acre. The proposal is within that range. She believes they meet the Master Plan's new guidance. She stated the Master Plan supersedes the previous plans.

Mr. Trowbridge remarked that he didn't disagree.

Mr. Smith mentioned that the size of the lot has been discussed, but he wonders about the resulting affordability between each lot size.

Ms. Barlow clarified that Mr. Smith was asking about the ultimate price of the house after construction. She deferred to Mr. Moreland.

Mr. Loren Moreland, with Classic SRJ Land LLC, answered that they are evaluating variables, such as Metro Districts and what is already built in the region. He stated that higher density homes (3-5 units per acre) average between \$450,000-\$550,000, which he stated is becoming more affordable. He added that the 2.5-acre homes sold in TimberRidge cost around \$1.2 million. The 0.33-acre homes west of the subject area are selling for an average of \$930,000. He stated that as density increases, so does affordability.

Mr. Whitney asked for further explanation of the immediate surrounding development.

Ms. Barlow referred to an image in her slideshow presentation. The Retreat at TimberRidge PUD is west and northwest of the subject area. When the Sketch Plan was originally approved in 2008, the region west of the smokestack was zoned RR-5. It was rezoned to PUD in 2017. The Ranch's Sketch Plan, southeast of the subject area, approved 2,200 units within approximately 800 acres. The current zoning of that region is RR-2.5, but the Sketch Plan anticipates a range of densities; the largest lots will be 1-acre lots along the perimeter. Immediately east of the subject area, there are 5-acre lots. East of that, Eagleview Subdivision's Preliminary Plan was recently approved for 2.5-acre lots. Continuing east, the Paintbrush Hills subdivision has 5,000 to 12,000 sq ft lots.

Mr. Whitney asked if the purpose of the amendment was to accelerate density where it is appropriate to match the adjacent TimberRidge density.

Ms. Barlow agreed with that statement. The surrounding area has changed since 2008.

Mr. Whitney understood and agreed.

Ms. Barlow stated the applicant would not have requested an amendment if the surrounding changes had not been a factor. She further stated that while Classic Homes is the current developer of the subject and western area, they were not the original owner or initiator of the PUD change. She referred to another slideshow image that illustrated 2.5-acre lots along the north.

Ms. Fuller mentioned that the density transition lines are not random; they match what is adjacent.

Ms. Barlow confirmed and further pointed out how the proposed density mirrors the existing density to the west.

Mr. Whitney expressed his concern that if surrounding areas increase in density, further amendments might be requested.

Ms. Barlow mentioned that the area to the west is already built-out in the southern part and they are in the final stages along the north. That area is unlikely to change. If there are density changes that are approved in the east before the subject area is fully developed, she conceded that they might request an amendment to match that density. She remarked that buffers and transitions often create pockets of higher density once surrounding areas fully develop.

NO PUBLIC COMMENTS

DISCUSSION

Mr. Carlson stated he would normally agree with Mr. Trowbridge's remarks, but in this case, he appreciates the applicant's sensitivity to transition with the lots to the north and east. He specifically mentioned the "L" shape of the 0.5-acre rezone and the buffer region along the 5-acre properties. He commended the applicant.

PC ACTION: MS. FULLER MOVED / MR. SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER SKP235 FOR A SKETCH PLAN AMENDMENT, STERLING RANCH SKETCH PLAN AMENDMENT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-0).

PC ACTION: MR. SCHUETTELZ MOVED / MR. SMITH SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER P239 FOR A MAP AMENDMENT (REZONING), STERLING RANCH NORTH RR-2.5 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 (7-0).

PC ACTION: MS. FULLER MOVED / MR. SMITH SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5C, FILE NUMBER P2310 FOR A MAP AMENDMENT (REZONING), STERLING RANCH NORTH RR-0.5 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 (7-0).

PC ACTION: MR. SCHUETTPELZ MOVED / MR. SMITH SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5D, FILE NUMBER P2311 FOR A MAP AMENDMENT (REZONING), STERLING RANCH NORTH RS-5000 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 (7-0).

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 10:47 A.M.

Minutes Prepared By: Miranda Benson