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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, April 18, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, KARA OFFNER, 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, JIM BYERS, JEFFREY MARKEWICH, ERIC MORAES, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, ASHLYN MATHY, DANIEL TORRES, ED SCHOENHET, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RICHARD SMITH, JEFF PARR, LORNA BENNETT, PHILLIP DREW, MICHAEL HITE, KELLY PARR, AND ROGER LUND.

1. REPORT ITEMS (NONE)

The next PC Hearing is Thursday, May 2, 2024, at 9:00 A.M.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held March 21, 2024.

Mr. Whitney disclosed that he requested one revision, which was incorporated.

PC ACTION: THE MINUTES WERE APPROVED WITH ONE REVISION BY UNANIMOUS CONSENT (8-0).

B. VR2316

MATHY

**VACATION AND REPLAT
BENT GRASS REPLAT**

A request by Virgil Sanchez for approval of a 1.46-acre Vacation and Replat creating 2 commercial lots. The property is zoned CS (Commercial Service) and is located at 8035 Meridian Park Drive, south of the intersection of Bent Grass Meadows Drive and Meridian Park Drive. (Parcel No. 5301104002) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MS. BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2316 FOR A VACATION AND REPLAT, BENT GRASS REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

C. CS241

HAAS

**MAP AMENDMENT (REZONING)
7125 N MERIDIAN ROAD REZONE**

A request by CAP Storage Falcon, LLC for approval of a Map Amendment (Rezoning) of 2.13 acres from CR (Commercial Regional) to CS (Commercial Service). The property is located approximately one-quarter mile south of East Woodmen Road on the northwest corner of Old Meridian Road and McLaughlin Road. (Parcel No. 5312114004) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked for an explanation of the difference between CR and CS zoning districts.

Ms. Mathy, who was assigned the project following Mr. Haas' resignation, explained that the applicant is requesting a rezoning to CS (Commercial Service) so they can proceed with the establishment of a mini-warehouse storage facility. The process would be more difficult under its current zoning of CR (Commercial Regional).

Mr. Carlson asked for the definitions of each zoning type.

Mr. Kilgore stated he put the definitions in the Staff Report packet, found on page 4.

Ms. Mathy explained that CR (Commercial Regional) is for regional centers and should ease use of pedestrian and vehicular circulation, serve as a convenience to the public, and should be an esthetic enhancement to the community and region. CS (Commercial Service) is meant to accommodate retail, wholesale, and services of commercial use to the public. Overall, the CS zoning is more suitable to the applicant's intention to establish a mini-warehouse.

PC ACTION: MS. FULLER MOVED / MR. SCHUETTEL SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER CS241 FOR A MAP AMENDMENT (REZONING), 7125 N MERIDIAN ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

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

E. SF2324

BAGLEY

**FINAL PLAT
HAY CREEK VALLEY SUBDIVISION**

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

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

F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

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

G. CS234

LETKE

**MAP AMENDMENT (REZONING)
MAYBERRY FILING NO. 2A CS REZONE**

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service). A concurrent Vacation and Replat is also being requested (VR2323). The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414201031 and 3414201030) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked if the two Mayberry files (CS234 & VR2323) had a combined staff report. She further asked if they would be voted on individually.

Mr. Trowbridge explained that they are related but considered individually.

Mr. Carlson further explained that the Rezoning request must be considered before the Final Plat.

PC ACTION: MR. TROWBRIDGE MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3G, FILE NUMBER CS234 FOR A MAP AMENDMENT (REZONING), MAYBERRY FILING NO. 2A CS 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 (8-0).

H. VR2323

LETKE

**VACATION AND REPLAT
MAYBERRY FILING NO. 2A**

A request by Mayberry Communities, LLC for approval of a Vacation and Replat to reconfigure the properties of 1 tract, 3 lots, and dedication of right-of-way on approximately 3.5 acres. The proposal does not increase the number of lots or tracts on the property. Approval of the Map Amendment (Rezoning) CS234 shall be considered prior to consideration of the Vacation and Replat. The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414101001 3414101002 3414201028, and 3414201031) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. SCHUETTPELZ MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER VR2323 FOR A VACATION AND REPLAT, MAYBERRY FILING NO. 2A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) 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 (8-0).

I. PUDSP235

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
ROLLING HILLS RANCH NORTH**

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

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

4. CALLED-UP CONSENT ITEMS

3D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-

half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney asked if Ms. Bagley could further explain the area's location and the relationship between placetype and zoning district during her presentation.

Mr. Trowbridge asked if Ms. Bagley could cover any impacts or encumbrances that the applicant will encounter from the non-conformance.

Ms. Merriam stated that her questions are associated with rezoning RR-5 to CS in the area.

Mr. Whitney added that he's unsure if the conditions within the Staff Report were fully captured in the drafted resolution. Ms. Bagley's presentation then began.

Ms. Bagley described the surrounding zoning types and uses in relation to the subject property to address Ms. Merriam's earlier question. The property west is zoned RR-5 (Residential Rural) but is used as a substation for Mountain View Electric Association (MVEA). The property north is zoned I-2 (Industrial) and is used for outside storage. Further north, the property within the Town of Monument is used for industrial and commercial services. The vacant property south is zoned A-35 (Agricultural). To address Mr. Trowbridge and Mr. Whitney's questions, she explained that the existing duplex on the property would not be allowed-by-right in the CS zoning district. She further explained that the LDC requires that duplexes be served by central services, but the existing building is served by well and septic. If the duplex is allowed to remain on the property after rezoning to CS, it would create a legal non-conformity.

Mr. Whitney asked if the County would typically authorize a zoning change when it would knowingly create a legal non-conformity.

Ms. Bagley answered that it is not typical. The County normally requests that existing uses should cease (if no longer allowed) once rezoning occurs. She further explained that this is the reason the third condition of approval in the Staff Report states that the duplex will only be allowed to remain until commercial development begins.

Mr. Whitney asked for clarification on whether the condition is phrased as once commercial development begins or for one year, whichever happens first.

Ms. Bagley read the proposed condition of approval number 3. "The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction." She clarified that the definition was pulled from the LDC.

Ms. Merriam asked for additional clarification. She asked if parking RVs, trailers, etc. on the property for outdoor storage constitutes commercial development.

Ms. Bagley confirmed that would be a change in use of the land and would be considered commercial development.

Ms. Fuller asked if the duplex could be allowed to remain after commercial development if it served on-site management.

Ms. Bagley answered that if the applicant were requesting the duplex serve as a caretaker's quarters, a different application would be needed with that request. She is unsure if a duplex would be allowed for that purpose.

Ms. Herington explained that converting the duplex to serve as a caretaker's quarters would be part of a new use on the property and would be incorporated into a Site Development Plan, which is required for outdoor storage or contractor's equipment yards. An on-site residence would need to be included as part of the overall use and be formalized in the Site Development Plan.

Ms. Fuller asked if the duplex not being on central services would be an issue at that point.

Ms. Herington responded that once the building is converted to a caretaker's quarters, it would no longer be considered two rentals. If the applicant went through the Site Development Plan process with the existing well and showed sufficient utility service to keep a caretaker's residence in their overall commercial development, there shouldn't be a problem. Utilities and infrastructure would be evaluated with any Site Development Plan for any commercial use on the site.

Ms. Bagley then addressed Mr. Whitney's earlier question regarding placetype. She explained that while the proposed rezone doesn't align with the Master Plan placetype of Rural, it does match the surrounding established neighborhood and existing land uses.

Mr. Whitney remarked that he finds it interesting how placetype trumped zoning on a past project and it's the other way around for this project.

The presentation then continued. There were no questions for Engineering. Ms. Nina Ruiz, with Vertex Consulting Services, then began her presentation for the applicant. There were no questions for the applicant.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MR. WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3D, FILE NUMBER CS235 FOR A MAP AMENDMENT (REZONING), 16050 OLD DENVER ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) 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 (8-0).

3E. SF2324

BAGLEY

FINAL PLAT HAY CREEK VALLEY SUBDIVISION

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification of the location. She stated combining then subdividing the 6 existing parcels seemed awkward. She also mentioned the traction of the roads. She expressed concern regarding its nearness to USAFA property and asked if air quality would be affected.

Mr. Whitney added that he is concerned about this project's relationship to the nearby military installation. The subject property is right off Jacks Valley where artillery training takes place. He understands that the County doesn't have the jurisdiction to deter development close to military property, but he wanted the record to show, "this is nuts". He believes there *should* be interplay between military installations and land-use proposals, even if it's not part of the LDC criteria. He referenced the presentation given to the Planning Commission on March 21, 2024, by the Defense Mission Task Force. He stated, "this is scary". Plat notes may be effective for the first sale, but he worries about property owners in the future that may have no idea what they bought and where it's located. He stated that because the military is not allowed to complain, they may make a mild comment or remark which can be interpreted as them standing on a desk and shrieking. He then asked if the Air Force Academy (USAFA) submitted a review comment for the project.

Ms. Bagley replied that they did submit a comment with the past Preliminary Plan, which has since been approved by the BoCC. They requested a plat note and suggested that advisory language should be included in the HOA covenants so that future owners are aware of the proximity to a military installation and shooting range. They were also present at the EA meeting.

After a break for technical difficulties, the presentation began.

Ms. Bagley presented a GIS map to further explain the vicinity per Ms. Merriam's earlier request.

Ms. Merriam asked about potential emergency evacuation on the single existing road in the event of a grassfire from a small plane crash, for example.

Ms. Bagley referenced the GIS map to show the nearby roads. A 60-foot-wide private road will service the proposed lots. That road would connect to Hay Creek Road through an access easement that goes through an adjacent property. In a larger context, she zoomed out to show that Hay Creek Road serves multiple lots to the west. The LDC states dead-end roads should not serve more than 25 lots and a second access should be available, but Hay Creek Road does not meet that section of the Code. The fire department was notified of the proposal.

Ms. Fuller asked for clarification regarding ownership of the property per the Assessor's Office and who was listed as the applicant on the Staff Report.

Ms. Bagley deferred to the applicant to explain if ownership had changed because she would have entered the name listed on the application into her Staff Report.

Mr. Jason Alwine, with Matrix Design Group, spoke online representing the applicant. He suggested it may be a clerical error.

Mr. Tim Buschar, with COLA, LLC, spoke representing the applicant. He explained that Mr. Fitzgerald previously owned the property, but Mr. O'Leary is the current owner and applicant.

Ms. Fuller stressed the importance of having the correct applicant information.

Ms. Bagley ensured that the application will be checked and if the current owner's signature is needed, it will be obtained prior to the BoCC hearing. The applicant's presentation then began. There were no questions for the applicant.

PUBLIC COMMENTS

Mr. Richard Smith spoke in opposition. He read verbatim from a printed letter which was handed to the Planning Commission during the hearing and has been uploaded as part of the record. Titled "Public Comment - Multiple Neighbors, read at the hearing - Received 4-18-2024. MB" in EDARP.

Mr. Jeff Parr spoke in opposition. He continued reading verbatim from the letter.

Ms. Lorna Bennett spoke in opposition. She continued reading verbatim from the letter.

Mr. Phillip Drew spoke in opposition. He discussed encroachment on military installations. He then read verbatim from the remainder of the letter. He doesn't believe analysis of the proposal has been complete regarding encroachment on the military training location or the potential fire risk to existing residents.

Mr. Michael Hite spoke in opposition. He stated that there were only 12 houses in his subdivision on Hay Creek Road in 1981. He was not advised of a waiver being obtained for the 25-house limit on a dead-end road. He discussed his experience during a past fire in the area. He is very concerned about all existing residents needing to evacuate from the valley at the same time.

Ms. Kelly Parr spoke in opposition. She referenced the GIS image on the screen and pointed out the location of the military firing range in relation to the proposed subdivision. She discussed the potential noise and danger to future residents.

DISCUSSION

Ms. Brittain Jack remarked that while she has toured USAFA and hears the encroachment concerns from the public, which she is also concerned about, the people opposing the current subdivision live in that same area and bought land close to the military installation.

Mr. Whitney asked about the fire department's response to review comments.

Ms. Bagley read the fire district's review comment, which is part of the record on EDARP.

Ms. Herington reminded the Chair that the applicant should be given time for rebuttal after the public comments were made.

Mr. Whitney asked for clarification regarding the public's assertion in the letter that there has been no waiver granted to exceed 25 properties on a dead-end road.

Ms. Bagley answered that the waiver was approved with the Preliminary Plan by the BoCC.

Mr. Whitney asked for verification from Ms. Seago. If a waiver is approved at the Preliminary Plan stage, would that carry over to the Final Plat stage?

Ms. Seago confirmed that would be correct.

Ms. Bagley explained that 2 waivers were requested and approved. One was a modification to allow private roads instead of public roads. The second was a waiver from LDC 6.3.3.C, which would allow one access point where two are required. She stated the fire district was agreeable to the waiver.

Mr. Carlson asked if the waivers were for Hay Creek Road.

Ms. Bagley replied that the waivers only apply to the proposed subdivision being added to Hay Creek Road.

Mr. Carlson then stated that the entire area doesn't meet the criteria anyway.

Ms. Bagley continued to explain that the proposed subdivision would increase the number of lots that access Hay Creek Road.

Mr. Carlson clarified that the private road wouldn't need that waiver because they're adding less than 25 lots on a dead-end road.

Ms. Bagley agreed, but further clarified that the waiver would only apply to the proposed subdivision adding more lots, not additional subdivisions off Hay Creek in the future. Any future subdivision request would also need to pursue those waivers. The approved waiver is not a blanket waiver for all development on Hay Creek Road.

Ms. Fuller clarified that the land is zoned RR-5 and they are proposing to split it into 5-acre lots or greater, which is allowed-by-right. She's not concerned about that aspect. She then asked what protection current residents have from this road greatly exceeding the number of lots allowed on a dead-end road. She mentioned the safety concern in case of fire for the residents further west. From previous discussion, it seems like the waiver didn't deal with Hay Creek Road.

Ms. Bagley explained that the waiver does deal with Hay Creek Road with regard to the proposed subdivision adding lots onto the dead-end road. It is not a blanket waiver for all of Hay Creek Road that would allow lots to be added anywhere, it is specifically allowing the proposed subdivision.

Ms. Fuller understood and further asked if other larger parcels along the road would need to pursue the same waiver if they were to propose subdivisions.

Ms. Bagley confirmed. They would need to request a waiver, which would be considered by the Planning Commission (PC) and receive final determination by the Board of County Commissioners (BoCC). She confirmed that the Planning Department did express concerns about adding parcels onto Hay Creek Road, however, the waiver has already been approved for the proposed subdivision.

Mr. Carlson reiterated that while concerning, the waiver has already been approved.

Ms. Bagley clarified that the discussion from an EA meeting that was read into the record by the public (in the provided letter) was regarding a different property further along Hay Creek Road.

Mr. Whitney asked how they continue to get waivers if the road is already out of compliance?

Ms. Bagley stated she is unsure if waivers were requested for the previously subdivided lots.

Mr. Whitney clarified that he's worried each project is being evaluated on its own when the overall area is out of compliance.

Ms. Bagley replied that when the Preliminary Plan was reviewed, the whole area, including Hay Creek Road, was evaluated. The applicant went forward with a request for the waiver. The PC recommended approval and the BoCC approved the waiver.

Ms. Fuller asked if more development can be approved with additional waivers in the future. She asked what is protecting the existing residents from that happening. She asked for an explanation of the process the residents would need to go through to advocate for themselves (contacting PCD staff or their county representatives, etc.).

Ms. Bagley explained that the LDC outlines what requirements need to be met. Sections of chapters 6, 7, and 8 can be waived via approval by the BoCC. If people are opposed to waiving those sections of the Code, they should send an email to the project manager (planner) during the

application review period. The planner's contact info is on the "Notice of Application" letter mailed to all property owners within 500 feet. Additional mailed notices are sent and posters are placed on the property to notify neighbors of a scheduled public hearing.

Mr. Carlson reiterated that if people opposed the waiver that was granted, they should have contacted the Planning Department or spoken at the public hearing for the Preliminary Plan.

Ms. Bagley confirmed.

Ms. Herington added that Planning Department staff does not advocate for a project, they advocate for the public process from notification through public hearing. Staff will ask an applicant to hold a neighborhood meeting if there is known opposition. Moving forward, potential applicants in the area will be asked to hold a neighborhood meeting.

Ms. Fuller asked if there was opposition present for the Preliminary Plan.

Ms. Bagley answered that she was not the project manager for that application, but she was at the meeting and she remembers there was one person in opposition.

Mr. Trowbridge asked for the criteria of approval to be presented. He asked for staff or the applicant to address how the proposal meets: "The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;". He mentioned the traffic load for the entire Hay Creek Road. He stated he finds it hard to believe the waiver they were granted is sufficient.

Ms. Seago recommended that the applicant answer that question. She also reminded the Chair that the applicant should be allowed to speak in rebuttal.

Mr. Alwine reiterated that the proposal is for a Final Plat to enact what was already approved. He can't speak to traffic concerns caused by other projects. He stated the applicant has done several things to meet the fire protection criteria, including meeting with the fire district. He stated they are meeting the fire district's criteria regarding the type, size, and location of a fire suppression cistern. They had a fire mitigation report reviewed and approved prior to the Preliminary Plan that holds the applicant to certain criteria at the time of building permits. The fire district reviewed the proposal and provided letters of no concern. A traffic report was submitted to El Paso County as part of the Preliminary Plan process and there were no concerns other than the design of the Hay Creek intersection. He mentioned that the applicant will have to pay PID impact fees. He stated that while the proposal is for 20 lots, there are already 6 in existence, so it's a net increase of 14 homes. Because they have an approved fire protection report, he believes they've done their due diligence to provide responses and meet the criteria and waiver requirements. He stated that they met with USAFA and have an avigation easement recorded. The applicant is required to disclose that USAFA and Jacks Valley are present.

Mr. Buschar added that the applicant has met with USAFA. The new avigation easement recorded with the Preliminary Plan is geared towards Jacks Valley to address fumes, pyrotechnics, the shooting range, etc. That information will also be in a plat note, in the CC&Rs, recorded on the title work, and in an addendum to the future purchase agreements. Regarding the conservation easement purchased with DOD funds that was mentioned, a meeting was held. They did not request a buffer, nor did they request to purchase the property. He stated helicopters, not airplanes, fly over the subject property between June and July. Thunderbird flyovers happen occasionally. He stated that some existing residents enjoy the noise and proximity to the military installation. When learning that the applicant has proposed less lots than they could have with the

existing RR-5 zoning, USAFA was pleased. He stated since the beginning of this process, they knew impacts from fire were going to be an issue and they've been working with the Fire Chief. What was requested, and what the applicant is providing, is a 33,000-gallon cistern for the valley. It was also mentioned that the fire district, USAFA, and the National Forest Service would respond in case of a fire. The recommended fire mitigation has already been completed on-site by removing mistletoe from 1.6 acres. When people/builders select home sites, they will be responsible for fire mitigation for their properties before building permits are released.

Mr. Carlson asked for an explanation of fire evacuation issues related to Hay Creek Road.

Mr. Alwine reiterated that the applicant has submitted a fire protection report and a traffic study. He does not recall direct comments with evacuation concerns coming up.

Mr. Buschar added that the fire department was happy a water source would be brought in. He stated many of the homes may remain vacant for parts of the year as the buyer market often has multiple homes. He also clarified that the application was submitted by View Homes and has Mr. O'Leary's signature.

Ms. Bagley stated she was checking if there were any outstanding comments on the fire report.

Mr. Carlson asked if evacuation was addressed in LDC chapter 6.

Ms. Bagley answered that the chapter says emergency access should be granted for evacuation.

Ms. Fuller stated the discussion touched on the criteria of approval, "Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision...". The PC is asking about the subdivision's access to Hay Creek Road. She asked if off-site impacts (adding net 14 lots to an already overburdened road) had been addressed by the applicant or in the application.

Mr. Carlson stated they were given a waiver.

Mr. Buschar stated the applicant is not responsible for making any improvement to Hay Creek Road other than the intersection. There are no other improvements required from the applicant as the road has the capacity for increased traffic.

Mr. Whitney asked for more information about the discussion with the conservation group regarding a buffer zone.

Mr. Buschar answered that it took place during the Preliminary Plan stage. They came down, discussed options, but never made an offer to the applicant for a buffer. He thinks that when they saw the final subdivision would only consist of 20 lots as opposed to the 40 allowed by zoning, they were less concerned. No buffer was requested. His understanding of how the process works is that a conservation easement would have been requested as a buffer zone and the applicant would have been compensated by the conservation fund for setting that land aside. The applicant is proposing smaller, 5-acre lots on the northern side of the subdivision and has larger lots on the side adjacent to USAFA. The topography would not allow houses close to the southern boundary, so that area is designated as a no-build area anyway.

PC ACTION: MS. BRITAIN JACK MOVED / MR. SCHUETTELPELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3E, FILE NUMBER SF2324 FOR A FINAL PLAT, HAY CREEK VALLEY SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, THAT THIS ITEM BE FORWARDED TO

THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED BY A VOTE OF 3-5, RESULTING IN A RECOMMENDATION TO DENY.

IN FAVOR: MS. BRITTAIN JACK, MR. CARLSON, AND MR. SCHUETTPELZ.

IN OPPOSITION: MS. FULLER, MS. OFFNER, MR. TROWBRIDGE, MR. WHITNEY, AND MS. MERRIAM.

COMMENTS:

Ms. Merriam thinks the aspect of safety should be revisited because Hay Creek Road does not meet current standards.

Ms. Fuller concurred, adding that “this is a bad situation” and it may not be the current applicant’s responsibility to fix the entire area, but this proposal would make a bad situation worse. She doesn’t think the proposal fully meets the approval criteria regarding fire and off-site impacts.

Mr. Whitney agreed with previous comments and further mentioned fire safety with ingress and egress. He doesn’t understand how a situation out of compliance can be allowed to continue and grow.

Ms. Brittain Jack explained that the applicant will provide a water cistern that the existing residents don’t currently have, so she does believe the fire impacts have been addressed.

Mr. Schuettpelz explained that the military property must stop somewhere. If USAFA had wanted the buffer and purchased the property, the line would just be adjacent to other houses. The applicant has mitigated future issues by advising of the property’s proximity to USAFA in multiple places. While not having secondary access is concerning, he agrees that it’s not this applicant’s responsibility to fix the whole neighborhood which has existed for some time. He reiterated that exceeding the residence limit on a dead-end road was acceptable for the residents who currently live there and spoke in opposition. He believes the applicant has done everything they can to make the situation better (with the cistern) and perhaps there could be secondary access in the future.

Mr. Carlson recognized the safety issue and concerns for the neighborhood. He urged the public to pay attention to notifications sent by PCD. He stated the time to oppose the project was at Preliminary Plan stage. He doesn’t recall evacuation concerns being raised during that time. He voted to recommend approval because of the waivers that were previously approved.

***FOLLOWING CALLED-UP ITEM 3E, MR. TROWBRIDGE WAS EXCUSED FROM THE HEARING. THERE WERE SEVEN (7) VOTING MEMBERS MOVING FORWARD.**

3F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam stated that she would like more information about drainage. She mentioned there were drainage concerns for past projects in the same area.

Mr. Daniel Torres, with DPW Engineering, explained that the subject property is within 4 different drainage basins, so the topography is challenging. The applicant is proposing 6 detention ponds across the site, which will be maintained by their metro district. He referred to an image on the slideshow for pond locations.

Ms. Merriam asked for a vicinity map that showed the proposed development with its drainage in relation to the surrounding area.

Mr. Torres deferred to the applicant.

Ms. Barlow, with N.E.S., referred to a slideshow image to explain that there is a ridgeline on the east side of the property. She explained that the drainage ponds are located where they are to capture the water before it continues to Apex Ranch.

Ms. Merriam clarified that the 6 ponds from the image are all for the proposed subdivision. She stated that she is asking how this drainage proposal fits in with development around it.

Ms. Barlow stated that there is no development to the north or east. The Reata subdivision is to the south. It is an older development and has no detention pond.

Mr. Kofford, with Kimley-Horn, further explained that there is no detention system in the Reata subdivision. Water flows in 4 different directions on the subject property. The proposal is maintaining historic patterns. The Apex Ranch subdivision (west) has a full-spectrum detention basin that will be downstream from 2 of the proposed ponds.

Ms. Merriam asked for a map. (Mr. Torres presented one.) She then asked if rains from the last few years washed out one of the roads in the area.

Mr. Torres replied that he is not aware.

Ms. Merriam asked if 6 ponds were necessary because it's on a ridge.

Mr. Torres answered that the number of ponds depends on the increase in flow.

Mr. Carlson asked for information regarding a proposed parking lot.

Ms. Bagley suggested a full presentation which would answer questions. (Presentation began.)

PUBLIC COMMENTS

Mr. Roger Lund spoke in opposition. He mentioned that the proposed development will be three times larger than Apex Ranch. Many of his concerns were already addressed in the presentation. He asked if the water finding would be delayed until Final Plat. He walked the site with Mr. Desjardin and Mr. Kofford to discuss existing flooding issues in the area. He suggested that one of the drainage ponds should be relocated below the confluence near his property.

Ms. Barlow responded. The finding of water sufficiency is being requested during this phase; they are not deferring that finding to the Final Plat stage. They anticipate the Final Plat being administratively approved for that reason. During the Preliminary Plan stage, final locations of detention ponds are not exact. She pulled up a map of the area. The development of a detention pond will address the flooding issues that Mr. Lund currently faces. The Final Plat process will include more detailed design and construction details regarding the pond.

Mr. Carlson asked if relocation of the pond is possible after walking the property with Mr. Lund.

Mr. Desjardin, with ProTerra Properties, replied that he's not convinced. Currently, they have proposed the pond adjacent to the public right-of-way. This will make maintenance access easier. It will be in an existing field, so not as many trees will need to be removed. The terrain is steeper

where Mr. Lund is requesting it be relocated. The pond is currently proposed on one of two forks. Further evaluation will take place during the Final Plat stage.

NO FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3F, FILE NUMBER SP238 FOR A PRELIMINARY PLAN, OVERLOOK AT HOMESTEAD PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) 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).

***FOLLOWING CALLED-UP ITEM 3F, MS. BRITTAIN JACK WAS EXCUSED FROM THE HEARING. THERE WERE SIX (6) VOTING MEMBERS MOVING FORWARD.**

31. PUDSP235

HOWSER

PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN ROLLING HILLS RANCH NORTH

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification regarding the Placetype.

Mr. Carlson asked about the transition and buffer with surrounding development.

Mr. Howser explained that the subject property is located within the Large Lot Residential Placetype, as is the Estates filing to the west. The rest of Meridian Ranch is in the Suburban Residential Placetype. He referenced imagery on his slideshow. He stated that while the proposal is not consistent with Large Lot Residential, it is consistent with the surrounding area. He further mentioned that the applicant received BoCC approval for a Sketch Plan Amendment that allows up to 4 units per acre in the subject area. That approval predated the Master Plan, which was taken into consideration.

Ms. Merriam asked when the Sketch Plan Amendment was approved.

Mr. Howser answered that the approval was complete in August 2021. While the Master Plan was adopted in May 2021, the application was received under a previous Master Plan, so it was reviewed using the previous standards.

Mr. Carlson clarified that the applicant could propose up to 4 units per acre per the Sketch Plan.

Mr. Howser confirmed. He then discussed the proposed buffer area. He referenced the zoning map to show that the proposed buffer to the north is greater than previous filings. He stated that it is PCD Staff's opinion that the increased density could be compatible with the additional buffer that the applicant is proposing. He added that The Sanctuary at Meridian Ranch, south or the

subject property, was approved with 4.5 units per acre. The current proposal is consistent with previous filings southwest of the subject area.

Ms. Barlow, with N.E.S., completed the applicant's presentation. There were no questions.

NO PUBLIC COMMENTS

DISCUSSION

Mr. Whitney clarified that the Sketch Plan Amendment was approved using the previous Master Plan criteria for reference, which designated the area as appropriate for suburban density.

PC ACTION: MS. FULLER MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3I, FILE NUMBER PUDSP235 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, ROLLING HILLS RANCH NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, FIVE (5) 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 (6-0).

5. REGULAR ITEMS (NONE)

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 12:03 P.M.

Minutes Prepared By: Miranda Benson