

COMMISSIONERS:
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CAMI BREMER (VICE -CHAIR)

HOLLY WILLIAMS
CARRIE GEITNER
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

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

FROM: Ryan Howser, AICP, Planner III
Daniel Torres, PE Engineer III
Kevin Mastin, Interim Executive Director

RE: Project File #: VR-22-009
Project Name: The Glen at Widefield Filing No. 11A
Parcel No.: 55220-00-010

OWNER:	REPRESENTATIVE:
Glen Investment Group No. VIII, LLC 3 Widefield Boulevard Colorado Springs, CO, 80911	Glen Investment Group No. VIII, LLC 3 Widefield Boulevard Colorado Springs, CO, 80911

Commissioner District: 4

Planning Commission Hearing Date:	10/20/2022
Board of County Commissioners Hearing Date	11/1/2022

EXECUTIVE SUMMARY

A request by Glen Investment Group No. VIII, LLC for approval of a vacation and replat to replat a portion of public right-of-way for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. The 0.661-acre property is zoned RS-6000 (Residential Suburban), and is located within the Glen at Widefield Filing No. 11 subdivision, which is located west of the intersection of South Marksheffel Road and Peaceful Valley Drive and are within Section 22, Township 15 South, Range 65 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request for approval of a vacation and replat to replat a portion of public right-of-way for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots.

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

Authorization to Sign: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Consent item at the October 20, 2022 hearing.

Recommendation: Approval based on recommended conditions and notatons.

Waiver Recommendation: N/A

Vote: 9-0

Vote Rationale: N/A

Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and



- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

D. LOCATION

North:	City of Fountain	Vacant
South:	RS-6000 (Residential Suburban)	Residential
East:	RR-0.5 (Residential Rural)	Residential
West:	RS-6000 (Residential Suburban)	Residential

E. BACKGROUND

The Board of County Commissioners (BoCC) approved the final plat for The Glen at Widefield Filing No. 11 on March 1, 2022.

This request is for a vacation and replat of a portion of right-of-way for Penny Cress Drive that was originally platted as a roadway extension to the northerly boundary of The Glen at Widefield Filing No. 11 subdivision. This roadway extension was intended to ensure public access for the property located to the north. The property to the north is now being developed within the City of Fountain and the plan for development does not include an extension of Penny Cress Drive into that subdivision; therefore, the roadway extension and right-of-way is no longer needed. The applicant is requesting to vacate the right-of-way and replat it to add additional acreage to the two adjoining lots (Lots 25 and 71 of The Glen at Widefield Filing No. 11) while also creating a new tract (Tract E) to preserve a trail connection with the subdivision.

F. ZONING ANALYSIS

1. Land Development Code Compliance

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

2. Zoning Compliance

The proposed replat will not create any additional lots and will not result in any nonconforming lots or challenges with any lots’ ability to meet the dimensional standards or requirements or the RS-6000 zoning district.



G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the vacation and replat.

2. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel numbers 08041C0956G and 08041C0957G, dated December 7, 2018.

3. Drainage and Erosion

The property is located within the West Fork Jimmy Camp Creek (FOFO2000) drainage basin. The West Fork Jimmy Camp Creek drainage basin is a studied basin with drainage and bridge fees. Drainage and bridge fees have been previously paid with the platting of The Glen at Widefield Filing No. 11 subdivision so will not apply to this vacation and replat.

Per the associated drainage letter, the drainage patterns of the subdivision are not affected by this replat. Runoff will be conveyed to the existing full spectrum detention pond (Pond D) as previously indicated in the approved final drainage report for the subdivision. Pond D is a private facility owned and maintained by The Glen Metropolitan District No. 3.

A grading and erosion control plan was previously submitted and approved with The Glen at Widefield Filing No. 11 subdivision. No significant changes to the grading and erosion control plan are proposed.

4. Transportation

The site is located within The Glen at Widefield Filing No. 11 subdivision, which is located north of Mesa Ridge Parkway and west of South Marksheffel Road.

Right-of-Way for a future extension of Penny Cress Drive was originally platted to provide access to the northerly development within the City of Fountain. The development plan for this northerly property does not include an extension of Penny Cress Drive; therefore, the right-of-way is no longer needed.

A traffic impact study was previously submitted and accepted with The Glen at Widefield Filing No. 11 subdivision. No changes to the traffic study are required as the proposed vacate replat does not affect the traffic generated by the



subdivision nor the conclusions and recommendations provided within the traffic study.

H. SERVICES

1. Water

The applicant received a finding of sufficiency with regards to water quality, quantity, and dependability with the Glen at Widefield Filing No. 11 final plat. No changes to the total number of lots within the subdivision is being proposed at this time and therefore a finding of water sufficiency is not required with this application.

2. Sanitation

Widefield Water and Sanitation District has committed to provide wastewater service to the Glen at Widefield Filing No. 11 final plat. The proposed replat will not negatively impact the district's ability to provide wastewater service.

3. Emergency Services

The property is within the Security Fire Protection District. The District was sent a referral and did not provide a response.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy (BHE) will provide natural gas service. Both utility providers were sent referrals for the final plat; MVEA has no outstanding comments and BHE did not provide a response.

5. Metropolitan Districts

The site is within The Glen Metropolitan District No. 3, which is responsible for ownership and maintenance of drainage, landscaping, and open space tracts within the overall Glen Development. The District is proposing to own and maintain the new tract.

6. Parks/Trails

No land dedication or fees in lieu of land dedication will be required at this time.

7. Schools

No land dedication or fees in lieu of land dedication will be required at this time.



I. APPLICABLE RESOLUTIONS

See Attached Resolution

J. STATUS OF MAJOR ISSUES

There are no major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.



6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified two (2) adjoining property owners on September 22, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
Planning Commission Resolution
BoCC Resolution
PC Minutes - Draft



El Paso County Parcel Information

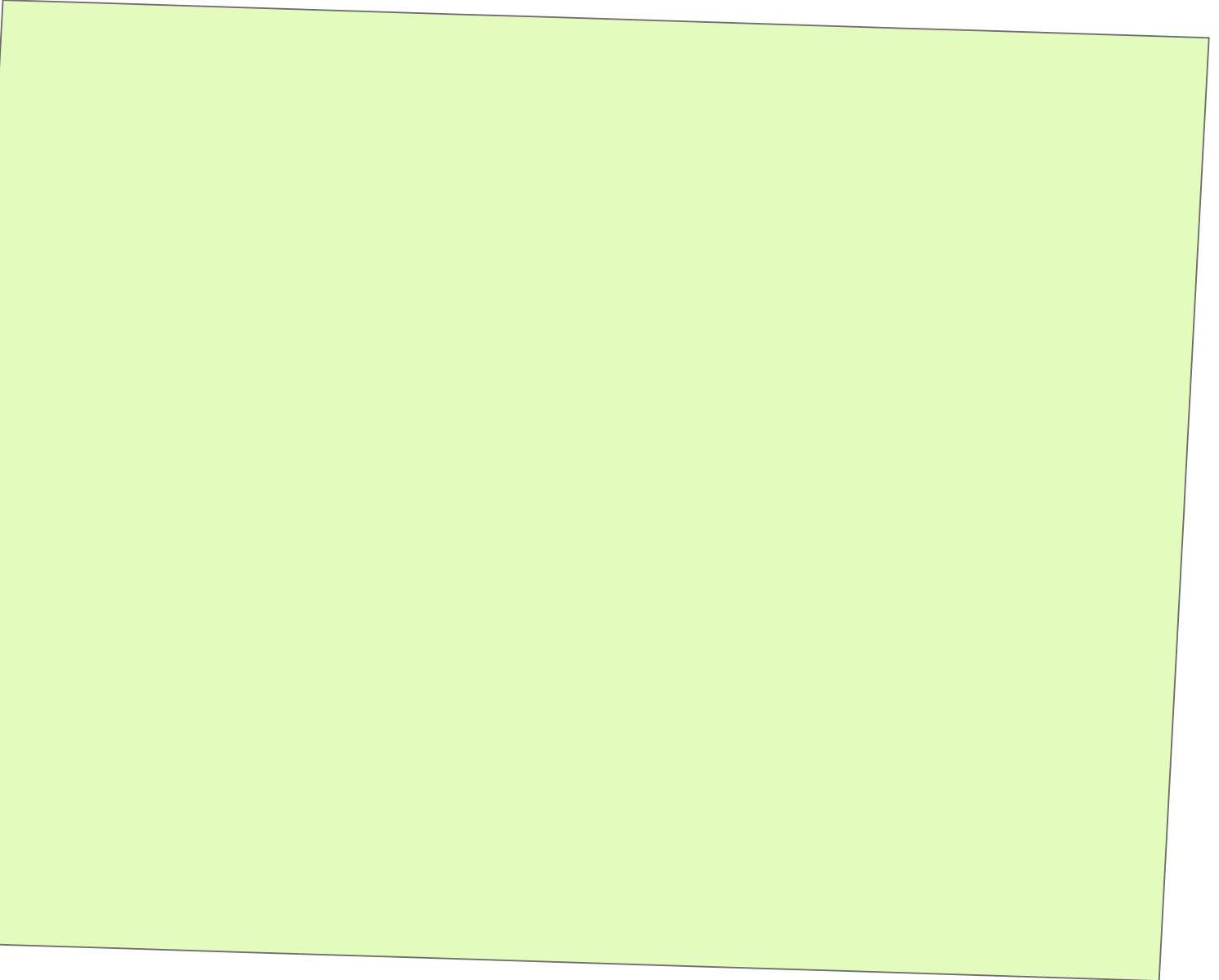
File Name:

Date:

PARCEL

NAME

ADDRESS



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



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LETTER OF INTENT

VACATION AND REPLAT THE GLEN AT WIDEFIELD FILING NO. 11A June 13, 2022

OWNER/APPLICANT:

Glen Investment Group No. VIII, LLC
3 Widefield Boulevard
Colorado Springs, CO 80911
(719) 392-0194

OWNER:

Glen Investment Group No. VIII, LLC
3 Widefield Boulevard
Colorado Springs, CO 80911
(719) 392-0194

ENGINEERING CONSULTANT:

Andy McCord
Kiowa Engineering Corp.
1604 South 21st Street
Colorado Springs, CO 80904
(719) 630-7342

SURVEYING CONSULTANT:

John Towner
Pinnacle Land Surveying Co.
121 County Road 5
Divide, CO 80814
(719) 634-0751

PROPERTY TAX SCHEDULE NO.: 55220-00-010

SITE LOCATION AND SIZE: The overall Glen at Widefield Filing No. 11 subdivision is located at the northwest corner of the Peaceful Valley Road and Marksheffel Road intersection. The land included within the proposed vacation and replat is known as Lot 25 and Lot 71 as well as a portion of the Penny Cress Drive right-of-way of the Glen at Widefield Filing No. 11. The total area of Lot 25 and Lot 71 and the Penny Cress Drive right-of-way that is the subject of this request is 0.661 acres.

CURRENT ZONING OF THE PROPERTY: RS-6000 (Residential Suburban).

REQUEST: Approval of a vacation of Lots 25 and 71 and a portion of the Penny Cress Drive right-of-way within The Glen at Widefield Filing No. 11 and replat as Lots 25A and 71A and Tract E of The Glen at Widefield Filing No. 11A.

JUSTIFICATION: This request is needed to vacate the portion of right-of-way for Penny Cress Drive that was originally platted as an extension to the northerly boundary of The Glen at Widefield Filing No. 11 subdivision which was intended to ensure public access for the property located to the north. The property to the north is now being developed within the City of Fountain and the plan for development does not include an extension of Penny Cress Drive into

the subdivision as a means of public access, therefore, the extension is no longer needed and the applicant requests vacating the right-of-way and replatting the area within the current right-of-way so as to add additional acreage to the two adjoining lots (Lots 25 and 71 of The Glen at Widefield Filing No. 11) while also creating a new tract (Tract E) to preserve a trail connection with the subdivision.

The proposed replat will not create any additional lots for development, which means it is consistent with the approved preliminary plan and will not require the provision of additional water or wastewater services. The Glen at Widefield Filing No. 11 was found to be consistent with the Criteria for Approval in Chapter 7 of the El Paso County Land Development Code, including the El Paso County master plan. This request is also consistent with those findings for the same reasons as were determined with Filing No. 11.

The El Paso County Land Development Code includes requirements associated with the vacation of right-of-way that are in place to ensure that the vacation of the right-of-way will not “interfere with development of, or deny access via public thoroughfare to, adjoining properties...” As stated above, the development to the north that is proposed in the City of Fountain does not require nor is it designed to incorporate a public roadway connection to the right-of-way proposed for vacation.

There are no natural or man-made hazards that will be impacted with approval of the proposed request and no additional traffic will be generated. The request does not include any new proposed waivers or deviations.

ROAD IMPACT FEES:

The Glen at Widefield Filing No. 11 will be included in the ten (10) mill Public Improvement District. Lots 25 and 71 included within The Glen at Widefield Filing 11A will continue to remain in the ten (10) mill District and associated fees will be paid at the time of building permit.

OTHER IMPACT FEES:

All other impact fees associated with the two lots (Lots 25 and 71) have been previously paid with the recording of The Glen at Widefield Filing No. 11. No additional fees will be due with this request since the vacation and replat request does not create any additional buildable lots or parcels.

CONSISTENCY WITH APPROVAL CRITERIA

1. The approval criteria for a vacation of right-of-way includes the following:
The request complies with the El Paso County Land Development Code and the original conditions of approval of the recorded plat.

The proposed request is in complete compliance with the requirements of the Code and with the conditions of approval associated with the approval of The Glen at Widefield Filing No. 11.

The Code states that no nonconforming lots can be created with the vacation of right-of-way.

The lots on either side of the proposed right-of-way for vacation (Lots 25 and 71) were platted as conforming lots with The Glen at Widefield Filing No. 11 and are proposed to increase in size (becoming even more conforming) with the vacation of the identified portion of the Penny Cress Drive right-of-way as replatted.

The Code does not allow for the vacation of right-of-way action to fall within the intent and purpose of the subdivision regulations.

No new buildable lots or parcels are being proposed with this request that would otherwise violate the intent and purpose of the County's subdivision regulations.

The approval will not adversely affect the public health, safety, and welfare.

The request to vacate and replat Lots 25 and 71 and a portion of the Penny Cress Drive right-of-way within The Glen at Widefield Filing No. 11 will not have an adverse effect on the public health, safety, and welfare since no new traffic access points are being proposed. In fact, vacation of the previously platted right-of-way connection to the property to the north may actually improve public safety with The Glen at Widefield development since no additional vehicle trips from the development to the north will be traveling through the development.

No land is left, by reason of this vacation, without an established public right-of-way or private access easement connecting the land with an established public road.

As stated above, the development to the north will gain access to public roads via alternative locations, rendering the existing platted connection unnecessary.

A dedication or intent to dedicate has been established, where necessary.

There is no need to dedicate additional right-of-way as a result of this request.

Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.

There is no conflict between the CC&Rs of the development and the proposed request for approval of a vacation and replat.

2. The El Paso County Land Development Code states that a replat “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat. The approval criteria for a replat includes the following:

The replat complies with the Code, and the original conditions of approval associated with the recorded plat.

The proposed replat complies with the Land Development Code, including the dimensional standards for residential lots within the RS-6000 zoning district and would be in compliance with the conditions of approval associated with the previously approved The Glen at Widefield Filing No. 11 final plat.

No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.

Existing Lots 25 and 71, which are the lots subject to the requested replat, were found to be conforming with approval of The Glen at Widefield Filing 11 and will increase in size with the requested replat, making them even more conforming.

The replat is in keeping with the purpose and intent of the Code.

The proposed replat is not a material change to the previously approved final plat and would support the purpose and intent of the Code, including the standards in the RS-6000 zoning district and the rules and regulations governing the division of land.

The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.

Approval of the proposed replat would be directly consistent with The Glen at Widefield Filing No. 11, which was found to be in conformance with the findings for a major subdivision at the time it was approved.

Legal and physical access is proposed to all parcels by public right-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.

Legal access has already been established for the overall The Glen at Widefield development, including access to Filing No. 11 which ensures access to the two lots that are the subject of this request (Lots 25 and 71).

The approval will not adversely affect the public health, safety, and welfare.

The request to vacate and replat the Lots 25 and 71 and a portion of the Penny Cress Drive right-of-way within The Glen at Widefield Filing No. 11 will not have an adverse effect on the public health, safety, and welfare since no new traffic access points are being proposed. In fact, vacation of the previously platted right-of-way connection to the property to the north may actually improve public safety with The Glen at Widefield development since no additional vehicle trips from the development to the north will be traveling through the development.

Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

There is no conflict between the CC&Rs of the development and the proposed request for approval of a vacation and replat.

VACATION AND REPLAT (RECOMMEND APPROVAL)

PATTERSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO

RESOLUTION NO. VR-22-009
THE GLEN AT WIDFIELD FILING No. 11A

WHEREAS, Glen Investment Group No. VIII, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a vacation and replat to replat a portion of public right of way for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. within the RS-6000 (Residential Suburban) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on October 20, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, 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 El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. 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. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an 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. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed... and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified, or additional lots are created. In approving this vacation and replat, the El Paso County Planning Commission considered one or more of the following criteria:

1. The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The replat is in keeping with the purpose and intent of this Code;
4. The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
5. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
6. The approval will not adversely affect the public health, safety, and welfare; and
7. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

WHEREAS, Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.

Delayed finding: A finding of sufficient water supply in terms of quantity, quality, and dependability is hereby postponed until the final plat. With each final plat filing the applicant shall submit documentation in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code and shall make a request to the Board of County Commissioner for a finding of water sufficiency.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the vacation and replat to allow Glen Investment Group No. VIII, LLC within the RS-6000 (Residential Suburban) zoning district with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

- 1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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

BRITTAIN-JACK seconded the adoption of the foregoing Resolution.

The adoption of this plan shall be by resolution as carried by the affirmative votes of a majority of the entire membership of the commission.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

The Resolution was adopted by a unanimous vote of 9-0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20th day of October, 2022, at Colorado Springs, Colorado

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley

Brian Risley, Chair

EXHIBIT A

THE GLEN AT WIDFIELD SUBDIVISION FILING NO. 11A LAND DESCRIPTION

A tract of land located in a Portion of the South One-half (S1/2) of Section 22, Township 15 South (T15S), Range 65 West (R65W) of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Lots 25, 71 and a portion of Pennycress Drive as platted in The Glen at Widefield Subdivision Filing No. 11 as recorded under Reception No. _____ in the records of the Clerk and Recorder's Office, County of El Paso, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 25; Thence $N00^{\circ}18'38''W$ along the West line of said Lot 25, a distance of 133.09 feet to the Northwest corner of said Lot 25; Thence $N89^{\circ}51'21''E$ along the North line of said Lot 25, a distance of 72.65 feet to the Northeast corner of said Lot 25; Thence $N00^{\circ}18'38''W$, a distance of 50.00 feet to a point on the North line of said Glen at Widefield Subdivision Filing No. 11; Thence $N89^{\circ}51'21''E$ along the North line of said Glen at Widefield Subdivision Filing No. 11, a distance of 50.00 feet; Thence $S00^{\circ}18'38''E$, a distance of 50.00 feet to the Northwest corner of said Lot 71; Thence $N89^{\circ}51'21''E$ along the North line of said Lot 71, a distance of 75.39 feet to the Northeast corner of said Lot 71; Thence $S00^{\circ}08'39''E$ along the East line of said Lot 71, a distance of 132.52 feet to the Southeast corner of said Lot 71 and a point on the Northerly Right-of-Way line of Golden Buffs Drive as described in said Glen at Widefield Subdivision Filing No. 11; Thence $S89^{\circ}41'22''W$ along the Northerly Right-of-Way line of said Golden Buffs Drive, a distance of 197.64 feet to the Point of Beginning.

Said Parcel contains 0.661 acres (28,774 S.F.) more or less.

RESOLUTION NO. [Click here to enter text.](#)

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

APPROVE VACATION AND REPLAT OF THE GLEN AT WIDFIELD FILING
NO. 11A

WHEREAS, Glen Investment Group No. VIII, LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat to replat a portion of public right of way for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots within the RS-6000 (Residential Suburban) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 20, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 1, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. 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 of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the vacation and replat of THE GLEN AT WIDEFIELD FILING NO. 11A;

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 1st day of November, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Stan VanderWerf, Chair

By: _____
County Clerk & Recorder

EXHIBIT A

THE GLEN AT WIDFIELD SUBDIVISION FILING NO. 11A
LAND DESCRIPTION

A tract of land located in a Portion of the South One-half (S1/2) of Section 22, Township 15 South (T15S), Range 65 West (R65W) of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Lots 25, 71 and a portion of Pennycress Drive as platted in The Glen at Widefield Subdivision Filing No. 11 as recorded under Reception No. _____ in the records of the Clerk and Recorder's Office, County of El Paso, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 25; Thence N00°18'38"W along the West line of said Lot 25, a distance of 133.09 feet to the Northwest corner of said Lot 25; Thence N89°51'21"E along the North line of said Lot 25, a distance of 72.65 feet to the Northeast corner of said Lot 25; Thence N00°18'38"W, a distance of 50.00 feet to a point on the North line of said Glen at Widefield Subdivision Filing No. 11; Thence N89°51'21"E along the North line of said Glen at Widefield Subdivision Filing No. 11, a distance of 50.00 feet; Thence S00°18'38"E, a distance of 50.00 feet to the Northwest corner of said Lot 71; Thence N89°51'21"E along the North line of said Lot 71, a distance of 75.39 feet to the Northeast corner of said Lot 71; Thence S00°08'39"E along the East line of said Lot 71, a distance of 132.52 feet to the Southeast corner of said Lot 71 and a point on the Northerly Right-of-Way line of Golden Buffs Drive as described in said Glen at Widefield Subdivision Filing No. 11; Thence S89°41'22"W along the Northerly Right-of-Way line of said Golden Buffs Drive, a distance of 197.64 feet to the Point of Beginning.

Said Parcel contains 0.661 acres (28,774 S.F.) more or less.

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development

O: 719-520-6300
KevinMastin@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

Planning Commission Meeting
Thursday, October 20, 2022
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: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY

PC MEMBERS PRESENT AND NOT VOTING: MERRIAM

PC MEMBERS ABSENT: ERIC MORAES – VIRTUAL AND VOTING

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, LUPE PACKMAN, EDWARD SCHOENHEIT, DANIEL TORRES, CARLOS HERNANDEZ, PETRA RANGEL, MARCELLA MAES, JOE LETKE, AND EL PASO COUNTY ATTORNEY LORI SEAGO

1. REPORT ITEMS

A. Planning and Community Development – Kevin Mastin or Justin Kilgore

Mr. Mastin Planning and Community Development has advertised the Executive Director position. We have received 46 applicants. It will be posted till October 30th, 2022. It will probably be the first of the year before the position will be filled. Matthew Fitzsimmons one of our Senior Planner's has accepted another position. PCD is in the process of hiring a new planner. Will work with HR to look at the correct number of applicants. We are trying to get two out of this next hiring cycle to bring it to a total of eight. I briefed the BoCC about the critical need for two (2) additional planners to bring the total to ten (10). Mr. Mastin thanked the Board members for their efficiency.

Mr. Kilgore Ms. Parsons will be taking over the presentation for 2D and 4D.
Ms. Parsons has some staff report and resolution updates for the Board.

Ms. Parsons in your packets the resolutions are now attached to each item. Conditions of approval were specifically spelled out in those resolutions as well as the findings for each item. That is very consistent with the Board of County Commissioners and their process. To be consistent with the Board of County Commissioners and more transparent as the El Paso County strategic plan requires us to be. We have attached those resolutions so that the people who look at the staff report online, the people in the audience and the commissioners themselves can see those resolutions from the Planning Commission, rather than identifying a page in a book that the public has no access to. We don't have to vote on this it is just for clarification.

Mr. Trowbridge how do we reference that in a motion to approve?

Ms. Parsons just like the Board of County Commissioners reference the resolution, number of conditions, approval and a finding of sufficiency that is applicable.

Ms. Seago I would recommend that you use language similar too: I make a motion to approve item xyz in accordance with the resolution included in the packet.

Ms. Parsons handed resolutions to the chair so he can circle if approved or denied.

Mr. Risley asked if there were any questions for staff. Chair saw none. I don't see it on the agenda but customarily we allow a period for the members of the audience that would like to comment on items that are not on the agenda. Chair asked if there was anyone that would like to address the Board. Chair would like that put back on the agenda.

B. The next scheduled Planning Commission meeting is for Thursday, November 3, 2022, at 9:00 A.M.

2. CONSENT ITEMS

A. Approval of Minutes – September 15, 2022 – Board Approved 10/20/22

B. VR-22-004

**VACATION AND REPLAT
PAWNEE RANCHEROS FILING NO. 2A**

HOWSER

A request by Mason, LLC for approval of a vacation and replat to replat one (1) residential lot as two (2) residential lots. The 5.37-acre property is zoned RR-2.5 (Residential Rural), and is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and is within Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53040-02-017) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: BAILEY MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, VR-22-004 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH TEN (10) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. VR-22-005

HOWSER

**VACATION AND REPLAT
PEYTON RANCHES FILING NO. 1B**

A request by Maddie Investments, LLC for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots. The 17.82-acre property is zoned RR-5 (Residential Rural), and is located on the east side of Chaparral Loop East, approximately one and one-quarter of a mile east of Peyton Highway, and approximately two (2) miles north of Highway 24 and is within Section 33, Township 11 South, Range 63 West of the 6th P.M. (Parcel No. 31330-01-001) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: CARLSON MOVED/TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, VR-22-005 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH NINE (9) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

D. CS-21-003

BAGLEY

**MAP AMENDMENT (REZONE)
CIRCLE K AT NEW MERIDIAN AND HIGHWAY 24 REZONING**

A request by Circle K Stores Inc. for approval of a map amendment (rezoning) from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service). The 8.99 acre property is located northeast of the intersection of New Meridian and Highway 24 and southeast of the intersection of Old Meridian and Highway 24 and within Section 12, Township 13 South, and Range 65 West of the 6th P.M. (Parcel Nos. 53124-02-015, 53124-02-016, 53124-03-003, 53124-03-004, 53124-04-003, 53124-05-003 and 53124-05-005) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There were none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. **Mr. Trowbridge** asked for clarification of the Letter of Intent for zoning and residence on the lots. Also had a question about traffic. **Ms. Parsons** gave clarification of the zoning that was taken care of last night in passageway it was changed from CC to CS. Residential homes are participating in the rezone. Residences will be occupied. The contracts for those individuals have been uploaded into EDARP. **Ms. Parsons** also gave clarification about the traffic. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: TROWBRIDGE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, CS-21-003 FOR AN APPROVAL OF A MAP AMENDMENT (REZONE), UTILIZING ATTACHED RESOLUTION, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

E. VR-22-009

HOWSER

**VACATION AND REPLAT
THE GLEN AT WIDEFIELD FILING NO. 11A**

A request by Glen Investment Group No. VIII, LLC for approval of a vacation and replat to replat a portion of public right-of-way as a tract for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. The 0.661-acre property is zoned RS-6000 (Residential Suburban), and is located within the Glen at Widefield Filing No.11A subdivision, which is located west of the intersection of South Marksheffel Road and Peaceful Valley Drive and are within Section 22, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55220-00-010) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this heard as a regular item. There was none. Asked if there were any members in the audience the wanted this heard as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: PATTERSON MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2E, VR-22-009 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

3. Called Up Consent Items.

4. REGULAR ITEMS

A. AL-19-018

HOWSER

SPECIAL USE RAEL STORAGE RURAL HOME OCCUPATION

A request by Steve Rael for approval of a rural home occupation as a special use for an existing automobile and boat storage yard. The 40-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Colorado Highway 83, approximately one-third of a mile south of Colorado Highway 105/Walker Road and is within Section 15, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-489) (Commissioner District No. 1)

Mr. Howser presented Staff's presentation for the Special Use for rural home occupation request.

Ms. Seago summarized the criteria for approval.

Ryan Howser presented the background for the request in 2018, El Paso County code enforcement issued a notice of violation. In 2019, the applicant formally applied for the special

use to legalize the storage on the property. In early 2022, the applicate submitted the appropriate site plan to complete the application process.

Mr. Rael – Owner gave his presentation.

Mr. Howser presented arial view of the property with the trailers. It shows the intent of the 50-foot setback as opposed to the current location which is quite close to the property line.

Mr. Hernandez discussed the transportation and roadway fees. Roadway improvements are with CDOT.

Mr. Whitney had questions about CDOT.

Mr. Mastin confirmed that it is the applicant's responsibility, and it would not affect the ability to vote on this.

Ryan Howser presented the conditions and notations. This is a long running code enforcement violation. We have applied a 30-day time window for the applicant to receive the approval of the Commercial Site Development plan, also have applied 30-days to move the trailers and put up 100% Opaque fence screening. The Staff presentation was concluded.

Mr. Trowbridge, Mr. Carlson and Ryan Howser discussed the fencing. The fencing must surround the outside storage use, just around the trailers. If it goes higher than 7-feet, it would be considered a structure and would need a building permit.

Mr. Schuettpelz questioned the paving. Is it 25 or 42 spaces?

Mr. Howser our code requires paving for a parking area of more than 25 spaces. If the applicant does only 25, he does not have to pave. If he does more than 25 it is tripped in our parking standards of our code, it would have to be paved. If he would exceed the 25 spaces, he would have to come back for a revision of the Special Use. Today for the Special Use it is 25.

Mr. Risley has it been paved?

Mr. Rael I have acquired the asphalt but have not paved. It is on the westside of the property. It will be 25 spaces.

Mr. Trowbridge and Mr. Bailey the current letter of intent is only to pave 25. That is what is tide to any resolution that we decide for approval.

Mr. Risley questioned the grading of the property per the letter of intent.

Mr. Rael – you just grade the asphalt we will not disturb the land. It is just crushed asphalt.

Mr. Mastin- the crushed asphalt is something like millings that will be put down. No machinery.

Mr. Whitney just to make clear for the record it will be 25 spaces millings on the ground covering the spaces no paving.

Mr. Bailey further on to that the specific details of how the site development plan will follow this approval within 30 days. The 25 spaces in the letter of intent ties to our task today which is to look at the existing code what's allowed for a Special use how that gets implemented comes next. It probably won't come to this commission.

Mr. Mastin yes that is correct. If he goes over the 25 spaces, he will not be complying with what this board approves.

Mr. Risley are there any folks that would like to speak. There are only those that are opposed to the Special Use.

Jill Fowler I'm here to oppose. I am directly across from Mr. Rael. He has been in violation for the past 4 years. The RV's and Semi have been parked for 15 years. Jill Fowler presented pictures. I hired a certified appraiser. He is currently the president of the Colorado Association of Real Estate Appraisers. He did an analysis and submitted an impact statement that indicated that the RV storage has an estimated negative impact of 5.5% for my overall property. The Special use does not meet the criteria or the letter of intent.

DAVE ELLIS – Representative for the Canterbury Estates – Equestrian Community.
Mr. Rael's property is about 800 feet from our community. Dave showed a picture. Mr. Rael's property does not keep up to the character of the neighborhood. The picture shows a person riding a horse behind the trailers on Mr. Rael's property. It makes an iron curtain between our equestrian community and his. We are asking for a buffer of equivalent characters to the size of our properties. I looked at 7 storage properties. My spread sheet column 3 looks at the zoning and none of them are RR-5. Showed pictures of the storage lots with very high opaque fences. They have easy access from a paved road. The Rael Storage as proposed here is not in harmony with our neighborhood. Incompatible, safety concerns, flammable materials. Please protect the value of the present and future owners. If was up next to highway 83 our association has no problem with that.

Ivan Anthony my property is on the southeast corner. Mr. Rael said he emailed everybody I did not get an email. Rael Storage is for RV's and trailers not vehicles or boats as stated in the Staff Report. If approved, it will set a precedent to other landowners RR-5. I have lived here since 1991. I moved here for the rural feel. Mr. Rael has been in violations for at least 15 years. It was in 2019, that I was notified. Mr. Rael kept adding more and more RV's. You can see part of the trailers from my house. What is the purpose of zoning laws if we do not follow them.

Debra Duey I have lived in monument since 1969. I have known the Rael's for 40 years. The gentleman who spoke before me owns his own business on his property. The horse barn on the other side of Rael that is a business. I have looked personally at the changes of our views. That I have had to put up with because it is the law. Steve is doing the best he can. We all have the right to own a business within the law.

Mr. Risley we will close the public testimony of the hearing.

Mr. Rael closed his testimony. If you could give me till November, I will have the RV's moved.

Mr. Whitney asked to question David Ellis about the compatibility of Canterbury and Mr. Rael.

Mr. Carlson, Mr. Bailey, Mr. Schuettpelz, Mr. Patterson discussed the fencing issue, 50' foot set back. Our job is to apply the criteria that exists today.

Mr. Risley asked for a vote. 5-4 in opposition for disapproval. What would the recommendation be for the BoCC? It is a double negative.

Ms. Seago a motion to approve would be to capture the conditions and notations. If it passes that would be the recommendation to go forward.

PC ACTION: BAILEY MOVED/PATTERSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, AL-19-018 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-4).

C. MP-22-001

MEYER

**EPC PARKS MASTER PLAN
UPDATE 2022**

El Paso County Community Services Department requests adoption of the El Paso County Parks Master Plan. This Master Plan repeals and/or replaces the existing El Paso County Parks Master Plan (2013). The Master Plan area includes all land within El Paso County located outside the incorporated municipalities and includes the accompanying maps, charts, and descriptive and explanatory matter. The Master Plan is an advisory document to guide park, trail, and open space development and preservation decisions.

Type of Hearing: Legislative

Ms. JACKSON – Presented the Presentation.

Mr. Carlson were the early evaluations processed by your own people for each asset? Evaluations were not on public use just on grading landscaping. Do consider volunteers.

Ms. Jackson in our firm we have an individual that is a past landscape architect and a GIS specialist who went in the field first. The second round we had a local landscape architect to ensure the grading was done correctly. It was all parks to see all the elements if they were in poor, fair or good condition.

Mr. Trowbridge looking at the cost of 14 million. How does that fit with historical spending by the county. It was over 8 million alone for Fox Run.

Mr. Marts – In previous years we have not. In future years the work that they have done will tie to the strategic plan. Not proposing funding 45% is third party funding. We have over twenty thousand hours of volunteer service that we do. We are not able to do what we do without volunteers.

Mr. Risley this is a regular hearing Is there anybody wanting to speak on this topic?

Scott Layman – I'm just a concerned citizen. One of the things you can use is a work release program to help with the parks. It would be a training exercise for the inmates. It would help with cost.

Ms. Seago Mr. Chair I neglected to provide any criteria at the beginning of the hearing. This is a legislative item. This is an item on which the Planning Commission's action is the final action, and it will be provided as an information item if approved to the BoCC. The BoCC will not vote on it because it is a legislative item. There is a lot of discretion in terms wither to approve or deny the item. If it has a rational connection to public purpose and does not violate the Constitution you are free to approve as you see fit.

Mr. Risley this is like the Water Master Plan and the County Master plan. Our job is to certify that the first eight statues that the parks division has followed the statuary requirements in terms of public input. Ms. Jackson walked us through that. We are certifying this if we choose to take that action.

Mr. Bailey – requirements for 2 hearings. No vote.

El Paso County Attorney - Lori Seago confirmed NO vote

DISCUSSION:

PC ACTION: NO VOTE

D. AL-22-014

BAGLEY

**SPECIAL USE
17340 FAIRPLAY DRIVE MINOR KENNEL**

A request by Mark and Anne Seglem for approval of a minor kennel as a special use for eight (8) personal dogs. The 1.06-acre property is zoned RS-20000 (Residential Suburban) and is located approximately west of West Higby Road and one-half of a mile northwest of the intersection of West Higby Road and Fairplay Drive and is within Section 24, Township 11 South, Range 67 West of the 6th P.M. (Parcel No. 71241-03-061) (Commissioner District No. 1)

Ms. Parsons – Presented Presentation.
Applicant is Virtual

Mr. Risley is there anybody present that might be in the hallway? Nobody is present.

Ms. Seago read criteria for approval

Mr. Seglem – Presented Presentation.

Mr. Risley any questions for the applicant.

Ms. Parsons continued the presentation

Mr. Risley one of the emails about opposition spoke about a walking path adjacent to the property. Can you indicate where the open space is located?

Mr. Seglem – We were part of the WASC in which the county was very much in favor we worked with a developer. One hundred twenty-eight of us here in South Woodmoor purchased land from the original owners. We were permitted to purchase additional land approximately .468 acres which is about ½ of what you see. There is a walking trail behind the land. WASC donated land for the trails. We asked that they move the trails further from our home so it would not be a problem. WASC did not do that. We asked Woodman HOA to move the trail 10 to 20 feet further from the house.

Ms. Parsons continued the presentation.

Mr. Bailey is there a time limit on the approval of this special use? In general, once a special use is granted does this continue and the applicant can replace the dogs in the future.

Ms. Parsons I do not believe so we did not want to guess when the dogs would pass. that is correct unless there was a specific condition added that did not allow them to do that.

Mr. Carlson on the first condition would that include that they are not going to operate a kennel. Concerned another homeowner would want to have kennel

Ms. Seago yes you are correct they would not be able to run a kennel.

Mr. Trowbridge If you sold the property would the special use be void?

Ms. Seago the special use does run with the land.

Ms. Parsons anybody online? No

Mr. Risley – Does the applicant have anything further they would like to say?

Mr. Seglem I would also say that again within 5 years we will be below the 8 dogs. We would like our dogs to stay home.

Mr. Trowbridge can we put a 5 year limit? That would help reassure everybody.

Ms. Parsons can we put this just for the dogs that are there now. We do not want another code enforcement issue.

Mr. Trowbridge can we revisit in 5 years that is all I'm saying

Mr. Carlson in the presentation you stated you fit your dogs with anti-bark collars. Does that work.

Mr. Seglem it does work. In recent trip to the vet, it is a concern about zapping the dogs due to their age. We are doing everything we can. They bark only when someone is walking down the trails close to our fence. The homeowners' dogs are not on a leash, not in control and they run up to the fence.

Mr. Mastin are all the dogs chipped?

Mr. Seglem all the dogs are all registered with the county.

Mr. Mastin it would be a concern if there is a new dog was brought in.

Mr. Risley Commissioners have concerns if this runs with the land it would extend the problem we have now.

Ms. Seago It does not have to run with the land with the sale of property

Mr. Patterson sounds reasonable to me.

Mr. Bailey have a question about condition number two.

Ms. Parsons what the applicant has on the site plan is sufficient.

Mr. Carlson – Wouldn't it allow 8 dogs for ever more.

Mr. Trowbridge, Mr Carlson, Mr. Risley, Mr. Bailey have concerns about the 5 years.

Mr. Seglem We use a local vet which is easy to trace if we were trying to slip in a new dog.

Mr. Carlson, Mr. Risley, Mr. Trowbrige would it be easier to give him the extension for 5 years.

Ms. Parsons to be frank we would have staff time involved with processing a special use which requires an engineer, code enforcement, planning staff, planning commission, admin staff, BoCC, added expense to the applicant it would be about 25 hours. Staff is not concerned about the issue.

Ms. Seago – I would like to make some un-legal comments that you could take for how they are worth having done code enforcement in the past I ask that you consider some of the burden. Is it worth the county resources? The special use is consistent with the letter of intent. He has named all the eight dogs. I question is this good use of staff and county time. As you deliberate to consider what you are trying to achieve here, what impacts you are trying to mitigate and what is realistic based on future resources necessary to enforce whatever conditions you impose.

Ms. Brittian-Jack bottom line is they are making a request given us their intent in keeping their family together. Their pets are their family. I do not see nit picking is serving anybody. If we are going to put a condition it should end when they no longer own the property.

Mr. Trowbridge the expiration on the property is the way to go.

Mr. Risley called the vote.

DISCUSSION:

PC ACTION: TROWBRIDGE MOVED/ CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4D, AL-22-014 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH AN ADDITIONAL CONDITION WILL MAKE IT THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0)

**SPECIAL DISTRICT POLICIES AND MODEL SERVICE PLANS
PROCEDURES AMENDMENT**

A request by the El Paso County Planning and Community Development Department to amend the Special District Policies and Model Service Plans, as referred to in Chapter 9 of the El Paso County Land Development Code (2022). The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

Type of Hearing: Legislative

Ms. Parsons – No vote – This is a courtesy to let you know what the proposed changes are because you do make recommendations for special districts. In an overall summary to tell you why we did this is that these policies were adopted in 2007 prior to the land development code prior to the adoption of the water master plan prior to the adoption of the El Paso County master plan there was language riddled throughout that reference the old small area plan and the old countywide policy plan which does not exist anymore. It had to be cleaned up so it met our current criteria's and plans. We are seeing a trend for special districts to build, design, construct the infrastructure. Keep that burden of ownership and maintenance on themselves. The operational costs for districts are being raised as more district's purpose unique developments that may have private roads. The county is not owning and maintaining them. It costs more money to operate those districts. Working with the industry we purposed a small increase to allow them to have an additional 5 mils yet over all of 65 mil cap is still recommended to be the maximum.

That is the bulk of improvements. The Gallagher adjustment was taken out of state statute as a reflection

We have stricken that language throughout the policy and model service plans as indicated in this proposal. This is the policy for the board to adopt

Mr. Trowebridge recommending addition of an overall of 5 mil 65 is still the upper limit you are proposing. not the 70.

Ms. Parsons – Yes it does state that in the report. Overall maximum is still 65.

Mr. Trowebridge has this been discussed with the BoCC. Are they aware this is coming?

Mr. Mastin yes, they are aware.

Mr. Risley are there any other comments? Just to be aware this was included as a regular item. We do have an information section only on the agenda was it an oversight

Ms. Parsons we have not taken policies to the Planning Commission. It was kind of a grey area. We do not take procedures to you we usually go direct to the BoCC. It was just to make you aware.

Mr. Risley we do not need to open to public testimony.

Mr. Bailey the grey area knowing we do not have to go through the process. Thank you for the courtesy Lets use the Non action item area moving forward.

Mr. Risley the master plan will be heard on November the 3rd which tells me we have a meeting that day.

Are there any other items?

Mr. Mastin Flying Horse North will have a lot of citizen input.

Ms. Brittan- Jack I have a 9:00 appointment, is it appropriate to come later?

Mr. Kilgore currently we have 5 items that day

Mr. Risley adjourned the meeting.

**MEETING ADJOURNED at [time].
12:24**

Minutes Prepared By: __MM__