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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, December 7, 2023
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, JIM BYERS, BECKY FULLER, BRANDY MERRIAM, ERIC MORAES, KARA OFFNER, BRYCE SCHUETTEL, WAYNE SMITH, AND TIM TROWBRIDGE.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: SARAH BRITTAIN JACK, JAY CARLSON, JEFFREY MARKEWICH, AND CHRISTOPHER WHITNEY.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, ASHLEY MATHY, RYAN HOWSER, ELIZABETH NIJKAMP, EDWARD SCHOENHEIT, MARCELLA MAES, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: KRIS MCKINNEY, SCOTT DONNELL, KEVIN PLIMPTON, NICK BENNETT, JOAN BENNETT, MARGARET FOULKE, MARY ADAMS, MIKE DUNCANSON, DANA KING, CHRISTINE MOHR, JOHN OGREN, STEPHEN JACOBS JR, KEN BERRY, AND STEVE JACOBS SR.

1. REPORT ITEMS

A. Planning Department. The next PC Hearing is Thursday, January 4, 2023, 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 from meeting held November 2, 2023.

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

B. VA233

MATHY

**VARIANCE OF USE
15080 WEST CHAPARRAL LOOP**

A request by Zach Gatti for approval of a Variance of Use on 10.58 acres to allow a second dwelling in the RR-5 (Residential Rural) district. The property is located at 15080 West Chaparral Loop, which is approximately one-half mile from the intersection of East Chaparral Loop and Wagon Trail (Parcel No. 3132002004) (Commissioner District No. 2).

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

C. SF2226

HOWSER

**FINAL PLAT
ROMENS SUBDIVISION**

A request by Romens Living Trust, Adelaida Romens, Trustee, for approval of a Final Plat to create seven (7) single-family residential lots. The 36.53-acre property is zoned RR-5 (Residential Rural), and is located between the intersections of Hopper Road, Bradshaw Road, and Cleese Court (Parcel No. 4100000075) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: FULLER MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER SF2226 FOR A FINAL PLAT, ROMENS SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Later during the hearing, Ms. Seago noted that the motion made for agenda item 3C (Romens Subdivision) did not include the required information regarding a water sufficiency finding. She recommended someone make a motion to reconsider the item so that information could be captured in the recommendation forwarded to the BoCC.

PC ACTION: TROWBRIDGE MOVED / MERRIAM SECONDED TO RECONSIDER CONSENT ITEM NUMBER 3C, FILE NUMBER SF2226 FOR A FINAL PLAT, ROMENS SUBDIVISION. THE MOTION WAS PASSED (9-0).

PC ACTION: FULLER MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER SF2226 FOR A FINAL PLAT, ROMENS SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) 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 WAS APPROVED (9-0).

D. MS231

HOWSER

**MINOR SUBDIVISION
MURR SUBDIVISION**

A request by Erik and Sharon Murr for approval of a Minor Subdivision to create four (4) single-family residential lots. The 37.4-acre property is zoned RR-5 (Residential Rural), and is located on the north side of Davis Road, approximately one-half mile west of Curtis Road (Parcel No. 4333000016) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: SCHUETTELZ MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3D, FILE NUMBER MS231 FOR A MINOR SUBDIVISION, MURR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

4. CALLED-UP CONSENT ITEM

3B. VA233

MATHY

**VARIANCE OF USE
15080 WEST CHAPARRAL LOOP**

A request by Zach Gatti for approval of a Variance of Use on 10.58 acres to allow a second dwelling in the RR-5 (Residential Rural) district. The property is located at 15080 West Chaparral Loop, which is approximately one-half mile from the intersection of East Chaparral Loop and Wagon Trail (Parcel No. 3132002004) (Commissioner District No. 2).

STAFF & APPLICANT PRESENTATIONS

Mr. Moraes asked why this project was proposed as a Variance rather than a Minor Subdivision where the owner could then have two lots and two homes.

Ms. Mathy answered that the applicant anticipates having a relative that needs assistance living in the second household. Once that family member no longer needs the house, they intend to rent or lease the second home. The applicant was not interested in pursuing a division of their property and the County cannot force them to pursue that.

Ms. Mathy deferred to the applicant to answer why a Minor Subdivision was not pursued.

Mr. Bailey mentioned that the board has been informed there will be a Land Development Code amendment regarding Accessory Dwelling Units (ADUs). He asked how the anticipated Code change would impact this proposal. He asked if the intent was less restrictive to allow applicants to build ADUs more easily.

Ms. Mathy explained that the Code update is not anticipated until sometime in 2024. This project has been in progress for about 6 months. When the ADU Code amendment discussion began, this project was already on the hearing schedule.

Ms. Herington agreed with Ms. Mathy and added that the BoCC has asked her to evaluate the Code and the County's allowance for ADUs (and ALQs) compared to other jurisdictions. The Your El Paso Master Plan contains substantial language to support ADUs in all residential placetypes. A draft of the Code amendment has been completed and initial discussions have been held with the BoCC. She anticipates bringing the Code amendment draft to PC within the first quarter of 2024. Because changes are still being discussed, she can't answer how it would have impacted this proposal.

Mr. Moraes stated in addition to his earlier question, he was wondering if the draft, as it is currently written, would permit what the applicant is proposing [without going through this process].

Ms. Herington stated that as it is currently written, it would permit the proposal. She emphasized that it is only a draft. She summarized some of the proposed changes. There would not be a size limit to the ADU and the owner would need to sign an affidavit that they will maintain residence on the property. There is also language in the draft limiting the use to one driveway, which is different from this proposal. She stated that if the property owner is willing to sign and record that affidavit that one of the homes is their primary residence, she thinks the proposal would be within the draft.

Mr. Zachary Gatti, applicant, addressed Mr. Moraes' first question. He stated he and his wife attempted to subdivide the lot in 2019 and were directed to get more information from FEMA. It took 2 years for FEMA to respond. The COVID pandemic was then an impact. He reached out to some engineers that told him subdividing was unlikely and could cost him \$30,000-\$50,000. The project was set aside at that point. They recently decided to revisit the idea of a second house on their property because of a family member in need.

Mr. Moraes made a motion.

Ms. Herington advised the board that members of the public signed up to speak regarding this item.

PUBLIC COMMENTS

Mr. Kris McKinney spoke in opposition. He stated parcels in the area range between 6-23 acres and most people have animals/livestock. He stated increasing density will increase problems with interaction. People in the area live there to avoid density. He thinks it will change the character of the neighborhood to increase the number of houses. He wonders why Mr. Gatti can't do an addition to his current home. He further mentioned concerns regarding water.

Mr. Scott Donnell spoke in opposition. Regarding the comment of the applicant's previous attempt at the subdivision process, he stated that the process is in place for those that have more than 10 acres (due to zoning) in the neighborhood. He stated there was a reason the LDC did not allow second residences to be used as rentals. He requested that the spirit of the LDC be upheld and not allow rental properties where none have been permitted before. He mentioned the precedent it would set in the neighborhood.

Mr. Kevin Plimpton spoke in opposition. He summarized the history of the land. He stated there was trucking company on-site, there is now an 18-wheeler parked there advertising for an electrical company, and now this proposal. He worries about the precedent of rental homes.

Mr. Gatti responded to public comments. He stated it's been a long, drawn-out, expensive process. He believes the County has processes in place to ensure situations like his do not become precedent. He stated his family is proudly involved in the community. He addressed the concerns regarding the previous use of the land. He stated he let a friend park their vehicle on his lot briefly. He is using a semi-trailer as storage. The advertisement on the trailer is for a defunct company, but that's how it was when he bought it.

DISCUSSION

Ms. Merriam asked if the Variance of Use is passed by the BoCC, does that stay in title work so the property could easily be subdivided if sold in the future?

Ms. Mathy answered that the approval would run with the use of the land. Also, a condition of approval states that if there is a period of 2 years where the Variance of Use has not been utilized, the approval would be revoked. So long as the approved structure is being used for its approved function, the approval will run with the property (despite ownership).

Ms. Merriam asked if the Variance of Use currently being requested limits the use to a family member of the current owner and is not to be used as a rental.

Ms. Mathy clarified that the current request is for a second dwelling that *can* be used as a rental after the family member is no longer using it.

Mr. Bailey mentioned that times have changed since the Code was written and that may be seen as causing a "peculiar and exceptional practical difficulty or undue hardship".

Mr. Moraes stated he had initially struggled with this request's compliance with approval criteria number 1 (referenced by Mr. Bailey). He believes the request complies with approval criteria number 2 (that the use is compatible with the surrounding area and is harmonious with the character of the neighborhood). Anyone in the neighborhood with more than 10 acres (like this applicant) could propose subdivision and have a rental house on each 5-acre lot. He believes this property does have an added peculiarity if the Corps of Engineers must get involved due to drainage in the area. He now understands the undue hardship.

Ms. Fuller asked what would happen if the applicant were to turn both houses into rentals after getting their Variance of Use approved. She asked what recourse the neighbors would have if that were to happen. [LDC 5.3.4 (D, Limit of Approval) (E, Renewal/Expiration) was pulled up.]

Ms. Mathy explained that the situation described would not be in compliance with the conditions and notations of this request. The Variance of Use approval would be deemed abandoned and would no longer be in effect. Code enforcement would get involved.

Ms. Seago clarified that the Variance of Use would *not* be deemed abandoned but Code Enforcement *would* get involved and the County would work with the owner to bring the property into compliance. She explained that could be done via Subdivision or a new Variance of Use.

Mr. Byers asked if the reason the applicant didn't pursue subdivision was because of the requirement for an engineering Letter of Map Revision (LOMR).

Ms. Mathy used the slideshow to reference an image of the property. There is a floodplain bisecting the applicant's lot. It is her understanding that the County's floodplain administrator asked the applicant to go through additional work. The applicant had explained to her that the fees had become overwhelming so he decided to cease pursuing a subdivision. She noted that the floodplain administrator, Keith Curtis, did provide comments regarding the Variance of Use application. His comments indicated the floodplain is accurately depicted and there are no buildings within the floodplain. There was no need for further review of the project.

Mr. Byers asked if the required LOMR process due to the floodplain on this property was put in place by the Corps of Engineers or by the County. He added that the LOMR process is not required during subdivision for all properties that contain a floodplain.

Ms. Mathy answered that this property is unique. She believes there were additional concerns that the floodplain administrator wanted addressed by taking those extra steps.

Mr. Howser clarified that the County's LDC requires that the base floodplain elevations must be shown (during the subdivision process). If it's an unstudied floodplain basin, the applicant would need to go to FEMA for that mapping process. If the floodplain basin has already been studied, an applicant would not need to go through the LOMR process.

Mr. Bailey referenced LDC 5.3.4 sections D and E which had been pulled up to show general Limits of Approval and Renewal/Expiration codes for a Variance of Use. He stated that the Planning Commission has the authority to recommend to the BoCC that a time limit on approval. He reiterated that Variance of Use approval generally runs with the land. If the property were to be sold, the Variance would be allowed to continue.

Mr. Trowbridge stated that the conditions of approval for this request mention that approval will be limited to what is depicted in the applicant's Letter of Intent (LOI). If the applicant were to sell the property, he doesn't think it would be in compliance. He thinks the new owner would need to bring the property back into compliance with a new Variance of Use application or Subdivision request.

Ms. Seago clarified that Mr. Trowbridge's understanding is that if the property is sold, the LOI is no longer being followed. (Mr. Trowbridge confirmed.) Ms. Seago then stated she disagreed with that understanding. The sale of the property does not impact the Variance so long as the use complies with the LOI. She referenced the LOI and stated they are wanting to build a second dwelling that will become the property owner's primary residence. The existing residence will be used for a family member and then later used as a rental. As the LOI reads, any owner of the property would be expected to use one dwelling as their personal residence and the other could be rented out.

Mr. Trowbridge asked if the LOI specifies that *this* owner would be using the property in the specifically mentioned ways, if the property were to be sold, is the LOI no longer valid.

Ms. Seago stated the County looks at the use of the property, not *who* is implementing the use. The LOI would be interpreted as any current owner living in one residence and the other used for rental.

PC ACTION: MORAES MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3B, FILE NUMBER VA233 FOR A VARIANCE OF USE, 15080 WEST CHAPARRAL LOOP, 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 WAS APPROVED (8-1).

IN FAVOR: BAILEY, FULLER, MERRIAM, MORAES, OFFNER, SCHUETTPELZ, SMITH, AND TROWBRIDGE.

IN OPPOSITION: BYERS.

COMMENTS: Mr. Byers explained that he was troubled by the idea of an approved Variance in perpetuity, he was concerned with the inability to subdivide due to the floodplain, and he mentioned the comments from adjacent neighbors. Ms. Fuller mentioned that Mr. Gatti should make the storage trailer more visibly appealing for the neighbors.

5. REGULAR ITEMS

A. P235

BAGLEY

MAP AMENDMENT (REZONE) OVERLOOK AT HOMESTEAD

A request by PT Overlook LLC for approval of a Map Amendment (Rezoning) of 350.83 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property 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 – No subsequent discussion.

PUBLIC COMMENTS

Mr. Nick Bennett spoke in opposition. He spoke regarding water and quoted an article by USGS, *Aquifers and Ground Water* by Water Science School dated October 16, 2019. He is concerned about the existing wells in the area running dry if properties are changed from A-35 to RR-5.

Ms. Joan Bennett spoke in opposition. She stated the ridge called Rattlesnake Ridge in the area is an unofficial sanctuary that animals have moved to following the expansion of Colorado Springs and Monument outskirt developments. She noted that the letter provided by EPC Parks in the project's file identified the area as Swift Fox habitat, classified as a species of special concern. She stated that the developer told concerned residents they should be grateful that rezoning to RR-2.5 hadn't been requested. She doesn't believe the rezone would benefit the water table or wildlife. She would like the land to remain A-35 so as not to cause disturbance. She noted that the EPC Parks letter requested preservation of the forested area (including the ridge) and for a plat with a proposed alignment that allows construction grading averaging less than 10%. She hasn't seen those changes.

Ms. Margaret Foulke spoke in opposition. She provided images to the clerk (now uploaded to the project file). She discussed slope and drainage impacts the later Preliminary Plan will have. She doesn't think it's fair to use the Reata Subdivision as a comparison because it's lower in elevation and more level. She stated Reata doesn't affect the property on the other side of Sweet Rd. If there is going to be 25% lot coverage within the new development, as stated by the applicant, the drainage will be severely impacted. She noted that Mr. Schoenheit's engineering presentation stated the drainage study was not complete (because it is not needed during the rezone stage). She then discussed how the later Preliminary Plan doesn't appear to dedicate land for public use of the open space/park. She stated that she called the State to ask how additional wells can be approved for the Dawson Aquifer when it's already having issues. She stated that she was informed by their office that they're trying to get something passed to restrict new wells having access to the Dawson Aquifer. She thinks the applicant is trying to get their project approved before that restriction from the State. She mentioned that multiple people in her neighborhood have had wells fail.

Mr. Bailey asked for comments related to the Map Amendment (Rezone) approval criteria.

Ms. Foulke stated that LDC criteria of approval is outdated and is not addressing current issues. She spoke about the topography of the area.

Ms. Mary Adams spoke in opposition. She stated the subject area is one of the last open hillsides and she doesn't want to see houses fill the area. She thinks it will be overcrowded. She mentioned wildlife, drainage, and water. She mentioned not understanding how an HOA will be established.

Mr. Mike Duncanson spoke in opposition. He is concerned about water, drainage, and traffic. He stated the Upper Black Squirrel Creek Water Management District provided a letter that didn't

support drilling 62 additional wells into the Dawson Aquifer. He mentioned The Falcon Herald recently published an article about water concerns. He stated drainage from the proposed development (following the rezone) will flow downhill into Reata and Apex subdivisions and cause issues. He then spoke about the increased traffic impacts.

Ms. Barlow responded to public concerns. She reiterated that most of the comments were specific to the Preliminary Plan, which will go through the hearing process in the future. Regarding the County Parks comments (for the Preliminary Plan), the applicant is meeting with that office to discuss concerns. There will be parking for the park. Regarding the comments that the zoning should remain A-35, she noted that the surrounding neighborhoods (Reata and Apex) were also A-35 before being rezoned for the 5-acre lots they are currently, so she doesn't see why dissimilar consideration should be applied to this site. The approval criteria calls for consideration of compatibility. She stated drainage would be addressed with the Preliminary Plan.

DISCUSSION

Mr. Moraes explained that this is a multi-stage process. Consideration for rezoning looks at compatibility with the Master Plan and surrounding land-uses. The next step, the Preliminary Plan, will look at the mentioned issues (i.e., drainage, water, traffic). If a roadblock happens at any stage in the process, progress forward stops. The issues mentioned by the public will need to be solved along that path. He doesn't mind hearing public comments regarding issues that will be evaluated at future stages because current residents are the "boots on the ground". He noted that it appears as if a future roadway connection was planned when the Apex subdivision was platted. He thinks it would be beneficial to keep County and/or construction traffic from using that roadway to prevent deterioration.

Mr. Bailey agreed that those comments are appreciated, but care should be taken as to how much time is spent on concerns that will be addressed at a future stage. He noted that this stage must be addressed before moving too far ahead with specific details (like drainage, water, and traffic mitigation) to ensure those efforts will be beneficial down the road.

Mr. Trowbridge agreed that many of the comments were premature, but he appreciates hearing them and applauds the neighbors "doing their homework". He reiterated that water decisions are controlled by the State. The State's water requirement is 100 years, but the County requires sufficiency findings for 300 years. He encouraged the neighbors to follow the project on EDARP to view updated documents along the process.

Ms. Fuller reiterated that the only criteria that can be evaluated at this time is for rezoning, which does not include consideration of water or drainage. She encouraged neighbors to utilize the approval criteria at each stage. Traffic and water concerns are common. The board relies on the expert guidance provided by the County Engineer and County Attorney. She will be in favor of the current application.

PC ACTION: FULLER MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5A, FILE NUMBER P235 FOR A MAP AMENDMENT (REZONE), OVERLOOK AT HOMESTEAD, 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 WAS APPROVED (8-1).

IN FAVOR: BAILEY, BYERS, FULLER, MORAES, OFFNER, SCHUETTELPELZ, SMITH, AND TROWBRIDGE.

IN OPPOSITION: MERRIAM.

COMMENTS: Ms. Merriam explained that she believes the County is losing A-35. She only sees partial compatibility and/or suitability with the criteria.

**MASTER PLAN
BRIARGATE / STAPLETON CORRIDOR PRESERVATION PLAN
AND ACCESS CONTROL PLAN**

The El Paso County Department of Public Works requests adoption of the Briargate Parkway/Stapleton Road Corridor Preservation Plan and Access Control Plan ("Plan") as an element of the El Paso County Master Plan. With adoption, this Plan will become the principal plan for further planning and development of the Briargate Parkway/Stapleton Road corridor within unincorporated El Paso County. The Plan area begins at Black Forest Road, which is the eastern boundary of the Wolf Ranch subdivision and coincides with the eastern boundary of the City of Colorado Springs. The terminus of the Plan area is along Stapleton Road at Meridian Road (All Commissioner Districts).

STAFF & APPLICANT PRESENTATIONS

No commission members had additional comments following DPW's presentation of the changes made since the last hearing.

PUBLIC COMMENTS

Mr. Bailey asked that all public comments be specific to the changes made.

Mr. Dana King spoke in opposition. He thanked the commission and representative for making the changes. He stated he would like to advocate for additional consideration for the intersection at Loch Linneh Place. He stated residents do not want an access point in that location. He also asked for current residents to have an input on the possibility of a sound barrier/wall. He mentioned a drawn 28-foot raised median and stated it is larger than any other corridor type.

Ms. Christine Mohr spoke in opposition. She thanked DPW staff and the consultant for making the changes to the alignment. She is still concerned about the spacing and cost of the sidewalks. She stated the revised submission is still unclear about annexation and open space. She questioned if the Parks Department would be able to later build a sidewalk after the Master Plan is adopted. She brought up a gas pipeline along Briargate Pkwy and stated the pipeline was built when the proposed roadway was anticipated to be a minor arterial road, not principal arterial. She is concerned that the additional weight over that pipeline will be an issue. She asked for a provision to be added that there won't be future expansion of the road. She also asked that the proposed sidewalks be completely removed from the plan.

Mr. John Ogren spoke in opposition. He stated that the Planning Commission had asked for two things during the last hearing: revisions to the Master Plan (which were completed) and an image that shows the proposed alignment alongside existing easements and dedicated rights-of-way. That image was not provided.

Mr. Bailey asked the board if anyone was concerned about that image. He stated his understanding is that the changes made to the Plan took that information into account.

Ms. Paz de Araujo stated she would show the image after public comments.

Mr. Stephen Jacobs Jr. spoke in opposition. (Audio is unable to be heard in the recording.) He noted that the draft minutes from November 2, 2023, were not available to the public.

Mr. Bailey replied that the video, the official record, was immediately available to the public.

Mr. Ken Berry spoke in opposition. He is concerned about the speed limit for the corridor. Excessive speeders are going to kill wildlife.

Mr. Bailey stated that speed limits were not something that had been discussed at the previous meetings and that change was not requested.

Mr. Steve Jacobs Sr. spoke in opposition. Asked for an image of the urban section of the corridor. He asked for clarification regarding the curb and gutter within the initial urban section. Mr. Joshua Palmer and Ms. Paz de Araujo pulled up the image and showed Mr. Jacobs Sr. the open drainage for that section type. Mr. Jacobs Sr. stated he is concerned that the improvements are not contained within the 120' until the ultimate urban section. He also stated the bike trail would be limited if it is within 120' and there would be more room if stormwater infrastructure were put underground. He mentioned the bike trail should be built before the ultimate phase. He would also like access to Loch Linneh Place to be removed.

NO FURTHER DISCUSSION

PC ACTION: TROWBRIDGE MOVED / MERRIAM SECONDED TO ADOPT REGULAR ITEM NUMBER 5B, FILE NUMBER MP231 FOR A MASTER PLAN, THE BRIARGATE/STAPLETON CORRIDOR PRESERVATION PLAN AND ACCESS CONTROL PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION WAS APPROVED (9-0).

6. NON-ACTION ITEMS

5C. MP233

CHAVEZ

MASTER PLAN CO 83 ACCESS CONTROL PLAN

The El Paso County Department of Public Works in conjunction with Colorado Department of Transportation (CDOT) and the City of Colorado Springs requests adoption of the CO 83 Access Control Plan as an element of the El Paso County Master Plan. With adoption, this Plan will become the principal plan for further planning and development of the CO 83 corridor access within unincorporated El Paso County and the City of Colorado Springs on this CDOT owned highway. The Plan encompasses CO 83 at Powers Boulevard (CO 21) to County Line Road (Palmer Divide Road) (All Commissioner Districts).

STAFF & APPLICANT PRESENTATIONS

Mr. Moraes mentioned a public comment that had been received. He asked for clarification regarding access point 3. 3:08

Mr. Arthur Gonzales, with CDOT, explained that they were not aware of the existing access agreement at the time the Plan was written. He stated they have spoken with the Jovenchi development and plan to make edits to that paragraph to allow for the existing plan, adopted in 2002, to take precedence over what their findings were.

Mr. Moraes understood that would change what has been presented at this meeting. (Mr. Gonzales confirmed.) Mr. Moraes then asked what changes, if any, were made after the citizen outreach meetings.

Mr. Gonzales answered that in the final report, they have provided a summary of the questions and how they were addressed and conveyed back to the citizens.

Ms. Merriam mentioned that there are a lot of rural lots within the subject corridor. The Planning Commission and Board of County Commissioners have recently seen agritainment proposals. She asked if there would be a process created for landowners that begin agritainment businesses that generate additional traffic and may need access to CO Hwy 83.

Mr. Gonzales answered that they use the County's planning referral process. CDOT reviews those requests as they are submitted to the County. That process is followed daily.

Mr. Smith mentioned that some public comments included noise from large trucks travelling on CO Hwy 83. He mentioned needing to divert from I-25 with a large trailer when the interstate was under construction and narrow concrete barriers were in place. He stated there are often trucks on CO Hwy if they need to divert from I-25 and asked how that is taken into consideration.

Mr. Jason Nelson, with CDOT, explained that many comments included speed and large trucks. He stated that speed was a common factor when evaluating the crash study. For that reason, instead of committing to signalized intersections, they are committing to roundabouts. There will be many benefits to adding roundabouts along that mostly residential corridor.

Mr. Smith stated he understands the roundabouts may help with large truck traffic. He asked what would then happen with the truck traffic. Does that force them to stay on I-25 where they can't navigate safely? Does that create additional congestion? When Mr. Nelson pointed out the major I-25 renovation was finished, Mr. Smith mentioned construction happens often and there are also weather events and/or crashes that sometimes close I-25. CO Hwy 83 would pick up all that diverted traffic.

Ms. Victoria Chavez, with DPW, mentioned that Elbert Road is an alternative route to Denver. She stated there are 3 redundant routes when there is construction on any of them.

Mr. Trowbridge asked about the roundabout at CO Hwy 83 and County Line Road.

Mr. Nelson replied that the cross-section was built in 5 days following an increase in traffic from the I-25 construction. There was a deal with the power company to have the traffic signal in place for 3 years. There is a project designed but there is no identified funding. Presentation continued.

Mr. Trowbridge asked when this item would return to the PC for adoption.

Mr. Moraes asked that the mentioned edit (from the public comment) be completed.

Mr. Nelson assured the edit would be made and confirmed it will return to the PC 1/18/2024.

NO PUBLIC COMMENT

NO FURTHER DISCUSSION

NO PC ACTION: THIS ITEM WAS HEARD AS A NON-ACTION ITEM FOR DISCUSSION ONLY.

6A. LDC236, Potential Code Amendment: Temporary Sign Code Amendment.

STAFF PRESENTATION

Mr. Bailey pointed out that removal of a section should change the header section (F to E).

Ms. Herington confirmed and further stated that no language would be replacing that section, so the headers would need to be adjusted.

Mr. Trowbridge stated that he noticed the sign area (size) was edited especially in commercial zoning but neither definition talks about the area of a sign. It is only limited to 7 feet in height. Does that mean the top of the sign is limited to 7 feet off the ground or that the bottom of the sign must be at least 7 feet off the ground. He asked if the signs could be any length.

Ms. Herington stated she could make clarifications. She stated height is typically measured to the top of the sign. She stated all references to size were removed. Limitations are applied to height only. Any structure over 7 feet in height requires a building permit, which is then not considered temporary. She added that there would not be a limit to the number of signs someone could have on their property. There would be a limit to the duration of the signage: 12 months in good repair.

Mr. Trowbridge asked for an explanation regarding 12 months as the temporary duration.

Ms. Herington explained that discussion included wanting to give people enough time to post different types of “political speech” on their property. From an election viewpoint, considering the duration of an election cycle, the 12-month period was decided to allow people to do that.

Mr. Trowbridge asked if a banner affixed to a fence was considered a sign.

Ms. Herington explained that a banner affixed to a fence would fall under a different section of the Code. This Code pertains to free-standing signs only. She further stated Code Enforcement does not currently receive many complaints or violations about signage. She stated the Code amendment mainly reflects what is currently happening in the County.

Mr. Byers asked if the countdown started over if a sign posted for a year was removed for 2 days, and then put up again for another year.

Ms. Herington replied that technically, the countdown would restart. She added that the sign would need to be in good repair and affixed to the ground.

Ms. Fuller asked if this Code amendment affected semi-trailers that have signage on them.

Ms. Herington stated it would not affect those. She believes those are permitted. She added that if they are used for storage in an area of new development. If it has a sign attached to it, it would not be considered a sign.

Mr. Kilgore addressed Mr. Trowbridge’s request for clarification regarding height. In another section 6.2.10 of the Code, under (C) General Height Standards, (2) Height Limitations, (b) states *“Sign Height to be Measured from Grade. The height of a sign shall be determined using the average elevation of the finished grade.”* Addressing Ms. Fuller’s question, section 6.2.10 (C) (3) Restrictions on Sign Placement, (e) Design and Construction, (v) states *“No Vehicle or Trailer to be Used as Sign. Vehicles or trailers bearing a sign shall not be parked or located on private property for the primary purpose of displaying the sign, unless otherwise provided herein. This does not apply to signs or lettering on buses, taxis, or vehicles parked or used as part of normal business operations.”*

Ms. Herington thanked Mr. Kilgore and stated trailers as signs are not permitted in the County. She reiterated that there have not been many complaints or violations regarding this topic. PCD will present this item to PC on January 4th and to the BoCC on January 25th.

NO PUBLIC COMMENT

NO FURTHER DISCUSSION

NO PC ACTION: THIS ITEM WAS HEARD AS A NON-ACTION ITEM FOR DISCUSSION ONLY.

MEETING ADJOURNED at 12:33 P.M.

Minutes Prepared By: Miranda Benson