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Board of County Commissioners

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, September 5th, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, JEFFREY MARKEWICH, BRYCE SCHUETTEL, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JIM BYERS AND BECKY FULLER.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, MINDY SCHULZ, KARI PARSONS, RYAN HOWSER, ASHLYN MATHY, SCOTT WEEKS, ED SCHOENHEIT, CHARLENE DURHAM, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: CLEMENT 'BUD' SILVERS JR, CHARLES MANLY JR, PAELEIGH REED, DAVE ELLIOTT, DANIEL JACQUOT, AND MICHAEL BARR.

1. REPORT ITEMS

Ms. Herington advised the board that there would be a non-action item at the end of the hearing. This is a presentation regarding the Your El Paso Master Plan's 3-year implementation report. Additionally, she mentioned that the Land Development Code (LDC) Update's website is now live. There is a link to the that webpage, which includes the consultant's LDC assessment, on the County's Planning and Community Development (PCD) homepage. Commission members and the public are all welcome to submit comments on that LDC Update website. The next PC Hearing is Thursday, September 19th, at 9:00 A.M.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held August 15th, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

5. REGULAR ITEMS

A. ID244

PARSONS

SPECIAL DISTRICT SERVICE PLAN SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3

A request from Edw. C. Levy Company, and White Bear Ankele Tanaka and Waldron, for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Southern Colorado Rail Park Metropolitan District Nos. 1-3. The 3,108-acre area included within the request is zoned A-5 (Agricultural) and RR-5 (Residential Rural) and is located south of Charter Oak Road and east of the Fort Carson Military Installation. The service plan includes the following: a maximum debt authorization of \$430,000,000.00, a debt service mill levy of 50 mills for commercial, and an operations and maintenance mill levy of 15 mills, for a total maximum combined mill levy of 65 mills. The statutory purposes of the districts include the provision of the following:

- 1) street improvements, transportation, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) solid waste disposal;
- 6) design, construction, and maintenance of water systems including fire hydrants;
- 7) sanitation systems; and
- 8) security services.

(Parcel Nos. 6600000030, 6600000040, 6600000041, 6600000046, 6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010, 6600000011, 6600000012, and 6600000014) (Commissioner District No. 4)

STAFF & APPLICANT PRESENTATIONS

Mr. Markewich reiterate that the City of Colorado Springs finds the application acceptable. He asked for verification that the language about eminent domain is transferable to the City.

Ms. Parsons confirmed and read condition of approval number one: *"If any portion of the land within the Southern Colorado Rail Park Metropolitan District Nos. 1-3 annexes into a municipality, City Council or the appropriate body within the municipality shall be the authorizing entity in regard to: eminent domain powers, increase to the maximum mill levy or debt, and modification of the Service Plan as described in Conditions of Approval Nos. 2-6 of the Southern Colorado Rail Park Board of County Commissioners Resolution approving the subject Service Plan (ID244)."* She confirmed that that City is agreeable to that condition.

Ms. Brittain Jack asked if the Ray Nixon power plant was located in unincorporated County.

Ms. Parsons confirmed but added that it is owned and operated by the City of Colorado Springs. Most of the City's utilities are in the County, including the WSEO's that will come before the Board.

Mr. Steve Mulliken, attorney representing the applicant, introduced the proposal and gave a brief presentation.

Mr. Sean Allen, attorney representing the applicant, explained that there is approximately 5.6 million square feet of commercial space to support the \$430 million maximum debt authorization. The estimated value of that commercial square footage is taken, and that value is extrapolated out to approximately \$410 million in PAR. In the three series of debts, the first will be all new money (first issuance), the second series will occur 5 years later (to refund the first series and issue new money), and the third series will occur 5 years later (to refund again and issue the final phase of new money). At that point, the total project funds, total PAR, will be issued. That is the method used to estimate what money is needed. He then reiterated the points covered by Ms. Parsons regarding mandatory criteria of approval.

Mr. Carlson asked how phase one, specifically the railroad, was paid for.

Mr. Mulliken answered that the Metro District will not pay for the railroad. That will either be paid for privately by the applicant or through grants.

Mr. Carlson expressed his understanding of how the first 3 phases of development would help pay for their own infrastructure, but he asked if any infrastructure would be completed in phase 4 prior to development in that area.

Mr. Mulliken answered that the location of the last phase includes where the mining operation currently exists and is already approximately 70% completed. The bluff will not serve the railroad and will be industrial only. When it comes time to finish development of that area, there will be 2 different Metro Districts providing issuance.

Mr. Trowbridge asked for more information about the repayment plan along with build-out of all phases of development.

Mr. Mulliken explained that the subject proposal differs from the typical residential Metro District in that there are no homeowners. He had considered including a small area of affordable housing within the vicinity, but that was decided against due to proximity to the industrial rail park, Ft. Carson, etc. He stated that when the financial projections were done, they estimated \$225/sq ft for the value of the industrial properties. He stated they are usually estimated at a higher value than that. He believes their estimates produced a conservative number. As the first manufacturer is brought in, the value of the property will increase. Property owners will pay taxes on the current assessed values. He anticipates that after the first property user moves in, the cost of phase 1's development will nearly be paid for.

Mr. Carlson clarified that the estimated value of \$225/sq ft was for the improvements, not the land.

Mr. Mulliken confirmed.

Ms. Brittain Jack asked if annexation to the City of Colorado Springs would result in a flagpole.

Mr. Mulliken replied that the annexation statute states that contiguity cannot be disrupted or prevented due to an intervening governmental or public land, which occurs with Fort Carson in this case. He further stated that they are currently working with the City.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: BRITTAIN JACK MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER ID244 FOR A SPECIAL DISTRICT SERVICE PLAN, SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: BAILEY, BRITTAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

6. NON-ACTION ITEMS

A. A Presentation regarding the implementation action matrix in the Master Plan (3-year update).

PC ACTION: THIS ITEM WAS POSTPONED TO THE PLANNING COMMISSION HEARING ON 9/19/2024.

MEETING ADJOURNED at 12:16 p.m.

Minutes Prepared By: Miranda Benson