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**Board of County Commissioners**

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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, February 1<sup>st</sup>, 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, JIM BYERS, JAY CARLSON, BRANDY MERRIAM, ERIC MORAES, BRYCE SCHUETTELPELZ, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** WAYNE SMITH.

**PC MEMBERS ABSENT:** BECKY FULLER, JEFFREY MARKEWICH, AND KARA OFFNER.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, ASHLYN MATHY, CHRISTIAN HAAS, LACEY DEAN, CHARLENE DURHAM, CARLOS HERNANDEZ MARTINEZ, MIRANDA BENSON, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** KEVIN KOFFORD, BLAINE PERKINS, AND LOREN MORELAND.

#### **1. REPORT ITEMS**

**Mr. Kilgore** advised the board that the next PC Hearing is Thursday, February 15<sup>th</sup>, at 9:00 A.M. Multiple items will have combined staff reports and presentations.

**Mr. Bailey** gave the board an update regarding the meeting that he and Mr. Carlson recently attended with Commissioner VanderWerf. The purpose was to work towards a meeting between the full BoCC and the entire PC. He thanked the other PC members for providing potential discussion topics. In response to the questions of whether the PC is doing the right thing or should be doing anything differently, he reported that Commissioners VanderWerf and Bremmer stated they are very pleased with the work done by the PC. He thanked the board members for participation in discussions, asking questions, and making points on the record. This contribution gives the BoCC a solid foundation on which to base their final decision.

**Mr. Carlson** added that one of the first comments made by Commissioner VanderWerf was that the BoCC wants the PC to function independently. The BoCC does not want the PC to operate with thoughts of “what would the BoCC do or think”. He further added that Commissioners VanderWerf and Bremer both mentioned they read through the PC Minutes and pay attention to dissenting votes, if any. Overall, it is important to get their thoughts on the record.

**Mr. Bailey** noted his appreciation for PCD staff that captures those thoughts and puts the minutes together. Because the BoCC depends on the PC to provide different perspectives, the questions and discussion that take place are important. He stated the BoCC relies upon the minutes to accurately reflect those conversations when they prepare to make their final decision. He reiterated that a meeting between both full boards is in the works.

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

**3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held January 18<sup>th</sup>, 2024.

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

**B. P236**

**HAAS**

**MAP AMENDMENT (REZONING)  
KNECHT REZONE**

A request by Jon Knecht for approval of a Map Amendment (Rezoning) of 21.03 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The properties are located at 12375 North Meridian Road, 12425 North Meridian Road, and unaddressed Hobbs Road (Parcel Nos. 4218000002, 4218000004, and 4218000023) (Commissioner District No. 1).

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

**C. P237**

**PARSONS**

**MAP AMENDMENT (REZONING)  
STERLING RANCH EAST FILING NO. 5 REZONE**

A request by Classic SRJ Land, LLC for approval of a Map Amendment (Rezoning) 42.03 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban). The applicant intends to develop single-family homes pursuant to the approved Sterling Ranch Sketch Plan. The property is located north of the Pawnee Rancheros Subdivision, south of the Future Briargate Parkway/Stapleton Corridor, and east of the Sand Creek Channel. A concurrent Preliminary Plan is also requested. A combined staff report has been provided. (Parcel Nos. 5233000018 and 5200000552) (New Parcel Nos. 5233000024 & 5200000573) (Commissioner District No. 2)

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: SCHUETTELPELZ MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER P237 FOR A MAP AMENDMENT (REZONING), STERLING RANCH EAST FILING NO. 5 REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) 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 (9-0).**

**D. SP235**

**PARSONS**

**PRELIMINARY PLAN  
STERLING RANCH EAST FILING NO. 5 PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC for approval of a Preliminary Plan to create 160 single-family residential lots in four phases. The 47.17-acre property is zoned RR-5 (Residential Rural) and is located south of the future extension of Briargate Parkway/Stapleton Corridor and east of the Sand Creek Channel. A concurrent rezone is also requested. A combined staff report has been provided. The Preliminary Plan is within the approved Sterling Ranch Sketch Plan area. If the request for a Preliminary Plan is approved, the applicant will be required to obtain Final Plat approval prior to the issuance of any building permits on the property. (Parcel Nos. 5233000018 and 5200000552) (New Parcel Nos. 5233000024 & 5200000573) (Commissioner District No. 2).

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: TROWBRIDGE MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SP235 FOR A PRELIMINARY PLAN, STERLING RANCH EAST FILING NO. 5 PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

**4. CALLED-UP CONSENT ITEMS**

**3B. P236**

**HAAS**

**MAP AMENDMENT (REZONING)  
KNECHT REZONE**

A request by Jon Knecht for approval of a Map Amendment (Rezoning) of 21.03 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The properties are located at 12375 North Meridian Road, 12425 North Meridian Road, and unaddressed Hobbs Road (Parcel Nos. 4218000002, 4218000004, and 4218000023) (Commissioner District No. 1).

**STAFF & APPLICANT PRESENTATIONS**

**Mr. Trowbridge** asked for an explanation of how the rezoning cures the existing issues with the lots. He would also like the public comments to be addressed by the PCD staff and/or applicant. The presentation began.

**Mr. Trowbridge** asked for more information regarding the FEMA floodplain shown on the drainage analysis presentation slide. He stated he is familiar with the area and it is prone to flooding. He asked if the area highlighted in yellow was the full extent of the floodplain or just the existing creek/drainage.

**Mr. Hernandez Martinez** explained that the area highlighted was a 100-year FEMA floodplain boundary, "Zone A". Base flood elevations are not currently shown on the slideshow image. He stated the applicant will need to show base flood elevations on the final plat when they request to further subdivide the property. The presentation continued.

**Ms. Merriam** asked for clarification regarding where the existing driveways are located.

**Mr. Hernandez Martinez** indicated where those were located on the slideshow image.

**Ms. Merriam** asked if the two driveways accessing Meridian Road are in line with the County's future plans for that road. Will two driveways continue to be allowed?

**Mr. Hernandez Martinez** answered that the two driveways will be allowed to remain. One driveway is north of the floodplain for the northern two lots, and one is south of the floodplain, accessing the 1-acre parcel. Crossing over the floodplain would require additional permitting and engineering documentation.

**Mr. Trowbridge** asked if there are three total access points. It appears there might be two driveways on the 1-acre parcel alone. He stated his understanding is when the final plat is processed, the 1-acre parcel will remain and the northern portion of the property will be divided into multiple parcels. He asked if there is an existing access easement for the eastern, isolated lot.

**Mr. Hernandez Martinez** deferred to the applicant. (Mr. Trowbridge will ask them later.)

**Mr. Trowbridge** asked if this property would need to go back to the Board of Adjustment (BOA) after rezoning to RR-5, or does the BOA approval carry over regardless of the zoning district?

**Ms. Seago** answered that the BOA action is effective even after a zone change to RR-5, if granted. The applicant will not need to return to the BOA for approval of the lot size in a new zoning district.

**Mr. Trowbridge** asked if the parcel is now considered a legal lot since the BOA gave their approval?

**Ms. Seago** replied that is *not* the case. The BOA approval only granted that the lot size (1-acre) was acceptable. The applicant will still need to plat the lots during a subdivision process (after rezoning, if approved) to make them legal.

**Mr. Trowbridge** stated the 1-acre lot will remain non-conforming in the RR-5 zoning.

**Ms. Seago** replied that is correct and further stated the BOA approval would carry forward. She reiterated that the legal existence of the lot will be cured with the subdivision process.

**Mr. Carlson** asked if there is a reason the applicant is not currently pursuing four parcels.

**Mr. Haas** answered that the applicant's hands are tied because the current zoning requires a minimum lot size of 35 acres. Combined, the parcels are approximately 21 acres. To legalize the lot through any subdivision action, they would need to rezone to a district more suitable for the land that they have. Without rezoning, all the parcels would require BOA action to allow their current sizes in the A-35 zoning district and then would still need to go through the subdivision process. He stated the BOA appearance and rezoning could have been done in either order. Ultimately, the 1-acre lot size is closer to meeting RR-5 requirements than A-35. After the platting process, it will be a non-conforming legal lot.

**Mr. Carlson** asked why they are requesting to split the parcel into a 1-acre, 13-acre, and nearly 7-acre lots instead of more equally divided parcels.

**Mr. Haas** replied that those sizes are how the parcel is currently divided. He stated the applicant is free to draw the lot lines wherever they'd like after the rezoning is potentially approved. He has not seen a future plat for the property, but he assumes they would propose lot sizes closer to the minimum requirement. Staff presentation concluded; applicant presentation began.

**Mr. Kevin Kofford**, with Kimley-Horn and Associates, Inc., answered Mr. Carlson's question by stating the applicant intends to submit a request for a Minor Subdivision to plat and legalize the parcels. He did not specify how many lots would be part of the final configuration. Answering Mr. Trowbridge's question, he stated there is not an easement currently in place, but access will be evaluated during the subdivision process. They may propose a shared driveway or a private road depending on the number of parcels, but they have not gotten that far in planning. Regarding the multiple driveways currently in place, he clarified that there is only one north of the floodplain and one south. The northern driveway currently acts as a shared driveway to the two northern parcels. Addressing information Mr. Hernandez Martinez brought up during the drainage presentation, Mr. Kofford stated he has worked with the floodplain administrator regarding Black Squirrel Creek. While current mapping shows "Zone A", a Letter of Map Revision (LOMR) was completed in the past, it is actually a "Zone AE" floodplain, and base flood elevations are known. The presentation continued.

**Mr. Carlson** asked if any of the existing structures were occupied.

**Mr. Kofford** replied that only one of the three is currently occupied. The others are uninhabitable and currently in the process of remodeling.

**Mr. Bailey** asked about the different names, Jon and David Knecht.

**Mr. Kofford** explained that Jon is the owner of the property. David is the applicant; he is Jon's son.

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: MERRIAM MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3B, FILE NUMBER P236 FOR A MAP AMENDMENT (REZONING), KNECHT REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).**

## **5. REGULAR ITEMS**

### **A. PUDSP232**

**PARSONS**

#### **PUD/PRELIMINARY PLAN STERLING RANCH FILING NO. 5 PUD/PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC for approval of a combined Planned Unit Development and Preliminary Plan to create 72 single-family residential lots in a single phase of development. The 11.66-acre property is zoned RR-5 (Residential Rural) and is located north of Sterling Ranch Road, east of Vollmer Road, and is immediately adjacent to and west of Dines Boulevard. The PUD/ Preliminary Plan is within the approved Sterling Ranch Sketch Plan area. If the request for a PUD/Preliminary Plan is approved, the applicant will be required to obtain Final Plat approval prior to the issuance of any building permits on the property (Parcel No. 5233302049) (Commissioner District No. 2).

#### **STAFF & APPLICANT PRESENTATIONS**

**Ms. Parsons** presented drone footage of the subject area.

**Mr. Moraes** asked if either the applicant or PCD staff could soon give an update on how far along the full project has come across the multiple projects.

**Ms. Parsons** replied that she can give an update on rezoning approvals. Many of the Final Plats have been approved by the BoCC but have not yet been recorded. Many developers choose to construct improvements before putting down collateral. When a Final Plat is recorded, PCD collects all required collateral and fees, which can seem like a “double whammy” if the developer needs to put 100% of the construction collateral up as well as build the improvements at the same time.

**Mr. Moraes** expressed his understanding. When asking for an update, he is hoping to understand how many projects have come through the hearings process so far and approximately how many future steps need to be taken before this area’s development is complete. Drone footage continued.

**Mr. Carlson** asked if the industrial area was all camper/RV storage.

**Ms. Parsons** explained that most of the area is currently used as camper/RV storage. The southern portion is being used for a maintenance garage for a trash company. A pond separates that area from the residential. A trash transfer station is in the development review process. The owners of that property recently had a BOA hearing which approved placement of the structure further north on the property (within setbacks), so it is further away from the residential zoning. She pointed out where that transfer station will be in relation to the subject PUDSP.

**Mr. Trowbridge** referenced the subdivision currently shown on the drone footage. He noted that the area is zoned RS-5000 (minimum 5,000 sq ft lots) and wonders how the proposed zoning of 3,000 sq ft lots is compatible.

**Ms. Parsons** clarified that the current proposal's lot sizes range from 3,000 to just over 5,000 sq ft.

**Mr. Trowbridge** understood there is a range but reiterated that most of the lots are 3,000 sq ft. He questions how the increased density is in harmony with the RS-5000.

**Ms. Parsons** explained that RS-5000 is a straight zone and equals 8 dwelling units per acre. The currently proposed density is 6.17 dwellings per acre and the applicant is additionally proposing approximately 20% open space. She stated that overall, the current proposal could be considered less dense (even though the lot sizes may be smaller). She added that RS-5000 has no requirement for open space. She stated the applicant has proposed buffering and transition areas to address compatibility from the RS-5000 zoning to a smaller lot size with smaller homes. (Break, then the applicant's presentation began.)

**Mr. Trowbridge** mentioned that he expected to see multi-family residential as part of the proposal when he saw what the proposed density would be. He asked Mr. Moreland why it was decided that multi-family was not the right direction for the area.

**Mr. Moreland**, with Classic SRJ Land, LLC, explained that Colorado's construction defect laws have caused multi-family to *not* be advantageous. Developers are setting themselves up for a legal battle in the future, but he hopes that changes in the next few years. He stated Classic Homes does offer paired, two-story patio homes that could either be built individually or paired with other units. He stated many builders are starting to offer that option for affordability. He also mentioned there are tiny 600 sq ft to small 1300 sq ft homes being offered by developers. With those other options being available, he believes what they have proposed will be a good fit for the area.

**Mr. Trowbridge** acknowledged the hinderance of the construction defect laws.

**Mr. Moreland** added that if those laws change, he could see Classic requesting an amendment to allow for the multi-family option. He stated that if condos were advantageous to build, they would be quick to jump on board to make it work.

**Mr. Carlson** asked how developers who are currently building townhomes and condos are getting around the construction defect laws.

**Mr. Moreland** explained that they often retain a certain number of units to protect themselves.

**Mr. Carlson** asked how those laws affect multi-family condos and apartments.

**Mr. Moreland** explained that builders of townhomes and other high-density products face class-action litigation. Apartments are not included in those lawsuits because they are rented out and remain owner controlled. The presentation concluded.

**NO PUBLIC COMMENTS OR FURTHER DISCUSSION**

**PC ACTION: CARLSON MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER PUDSP232 FOR A PUD/PRELIMINARY PLAN, STERLING RANCH FILING NO. 5 PUD/PRELIMINARY PLAN, 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 TO RECOMMEND APPROVAL PASSED (9-0).**

**Mr. Whitney** commended Ms. Parsons for her presentation.

**6. NON-ACTION ITEMS (NONE)**

**MEETING ADJOURNED** at 10:43 A.M.

**Minutes Prepared By:** Miranda Benson