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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, January 4, 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 BRITAIN JACK, JIM BYERS, BECKY FULLER, JEFFREY MARKEWICH, ERIC MORAES, KARA OFFNER, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: TIM TROWBRIDGE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JAY CARLSON, BRANDY MERRIAM, BRYCE SCHUETTPELZ, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, RYAN HOWSER, JOE LETKE, LACEY DEAN, ED SCHOENHEIT, CARLOS HERNANDEZ MARTINEZ, DANIEL TORRES, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: NONE.

1. REPORT ITEMS

Ms. Herington advised the board that PCD is moving forward with consultant proposals to update the LDC. She should have an update regarding the chosen consultant within the next month. She advised the board that PCD received a \$250,000 grant from the State to put towards that work. PCD is also working on an annual report of the Your El Paso Master Plan, which is not an update, but a review on efficiency. That should be presented in the spring.

Mr. Kilgore advised the board that the next PC Hearing is Thursday, January 18th, at 9:00 A.M. He also advised the board that the annual appreciation luncheon may take place following that hearing.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held November 16, 2023.

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

Adoption of Minutes for meeting held December 7, 2023.

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

B. VR2313

HOWSER

VACATION AND REPLAT HILL SUBDIVISION FILING NO. 1

A request by Douglas and Katherine Hill for approval of a 14.69-acre Vacation and Replat of one (1) residential lot into three (3) residential lots. The property is zoned RR-5 (Residential Rural) and is located at 6910 Alpaca Heights (Parcel No. 5129004018) (Commissioner District No. 1).

NO PUBLIC COMMENT

Mr. Whitney disclosed that he is a neighbor of the subject property. He had a conversation with Ms. Seago and he does not feel that he has a conflict of interest. He will not be recusing himself.

PC ACTION: MORAES MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2313, FOR A VACATION AND REPLAT, HILL SUBDIVISION FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATION, 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 TO RECOMMEND APPROVAL PASSED (9-0).

C. SF2321

HOWSER

FINAL PLAT FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1

A request by Foundation Lutheran Church for approval of a 5.968-acre Final Plat creating one (1) commercial lot. The property is zoned CR (Commercial Regional) and is located at the southwest corner of the intersection of Towner Avenue and Londonderry Drive, approximately three-quarters of a mile west of the intersection of Londonderry Drive and Meridian Road (Parcel No. 5225208001) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: FULLER MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2321, FOR A FINAL PLAT, FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWELVE (12) 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).

Later during the hearing, Mr. Kilgore advised the board that a condition of approval had been updated and differs slightly between how it appears in the staff report and how it is written in the resolution. Ms. Seago recommended a board member make a motion to reconsider the item so the revised condition could be discussed and captured in the PC resolution forwarded to the BoCC.

PC ACTION: WHITNEY MOVED / FULLER SECONDED TO RECONSIDER CONSENT ITEM 3C, FILE NUMBER SF2321, FOR A FINAL PLAT, FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1. THE MOTION TO RECONSIDER PASSED (9-0).

Mr. Howser explained that the number of conditions did not change, nor did the intent. He reiterated that the revised conditions appear in the staff report (part of the packet) but were not updated on the resolution presented to the board.

Mr. Bailey asked for the revised conditions of approval to be presented before the board.

Mr. Howser pulled up the staff report packet from EDARP. He first presented the resolution to show the incorrect wording of condition number 12. The fee amount has not been finalized yet. The staff report's updated condition omits that detail and states, *"Drainage fees and bridge fees shall be paid for the Falcon drainage basin (CHWS1400) at the time of plat recordation. Fees shall be assessed, and fee amounts approved prior to plat recordation."* He apologized for the discrepancy.

PC ACTION: FULLER MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2321, FOR A FINAL PLAT, FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT BUT MODIFYING THE TWELFTH CONDITION, WITH TWELVE (12) 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).

D. P238

LETKE

**MAP AMENDMENT (REZONE)
WESTERN DRIVE TOWNHOMES REZONE**

A request by M.V.E., Inc. for approval of a Map Amendment (Rezone) of the southern 2.99 acres of 721 Western Drive, which is a split-zoned 7.12-acre lot, from M (Industrial) to RM-30 (Residential Multi-Dwelling). The property is located on the south side of Western Drive, north of US Highway 24, and east of Hathaway Drive (Parcel No. 5407401016) (Commissioner District No. 4).

Mr. Bailey asked a member of the audience who had indicated they were present for this item if they would like to provide a comment. They declined.

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: BRITAIN JACK MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER P238 FOR A MAP AMENDMENT (REZONE), WESTERN DRIVE TOWNHOMES 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).

4. CALLED-UP CONSENT ITEMS (NONE)

5. REGULAR ITEM

A. LDC236

HERINGTON

**LAND DEVELOPMENT CODE
TEMPORARY SIGN CODE AMENDMENT**

Amendments to the El Paso County Land Development Code Chapter 6, General Development Standards, Article 2, Development Standards for Ancillary Facilities and Activities, Section 10, Signs, On-Premise, related to standards for temporary signs in residential, commercial, and industrial zoning districts (All Commissioner Districts).

STAFF PRESENTATION

Mr. Markewich asked Ms. Herington to explain the process of considering a Code amendment.

Ms. Herington explained that the item is being presented at this hearing as a regular action item. Its presentation on December 7, 2023, was non-action and for discussion only. After receiving a recommendation from this board, it will be presented to the BoCC on January 25, 2024. The presentation began.

Mr. Markewich asked if a different part of the Code addresses signs affixed to a structure.

Ms. Herington answered that 6.2.10.C.3.e, which currently exists in the Code, specifies that signs are not allowed on walls, fences, or rooftops. No vehicle or trailer can be used as signage, and no sign may be attached to natural objects. PCD is not proposing changes to that part of the Code.

Ms. Brittain Jack asked if home-builder semi-trailers with signage affixed to them that are parked on vacant property violates the Code.

Ms. Herington confirmed that would violate the Code. Presentation concluded.

NO PUBLIC COMMENTS

Mr. Moraes stated that all his questions from the last meeting were addressed. He noted that the first bullet point ("*Do not require a permit*") on the final slide which shows proposed changes to 6.2.10.D.1.d and 6.2.10.D.2.e, appears to be redundant because it is specified earlier.

Ms. Herington stated that the bullet point could be removed.

Mr. Whitney asked for the rationale behind making changes to this section of the Code.

Ms. Herington explained that the changes are intended to ease enforceability. PCD is not currently receiving calls for signage Code criteria *or* complaints regarding temporary signage. The

complaints that PCD does receive are related to disrepair. The proposed Code change permits greater allowance for temporary signage on private property as well as establishing enforceability.

Mr. Markewich asked if it would be permitted for a builder to have a trailer with their logo on it parked on the street of a development actively being worked on.

Ms. Herington explained that there is a difference between a trailer being used as construction storage that happens to have a logo on it and a trailer off-site from active development that's sole purpose is advertising. She then added that if *"-Do not require a permit"* is to be removed, that should be included in the motion.

Mr. Moraes responded that it wasn't important, just an observation.

Ms. Herington agreed that it is redundant. She explained that PCD wanted to make sure anyone reading this part of the Code picked up that piece of information. She added that the Code will be rewritten within the next couple of years. The overall format of the Code will be changed to address repetition.

Mr. Bailey noted that the provided resolution does not include language that allows for administrative corrections as is typical for a Master Plan, for example.

Ms. Herington agreed and added that the resolution only references Exhibit A, which is the proposed change as it is currently written.

Ms. Seago stated that language is already in the Code itself. As changes are incorporated into the Code, the allowance for administrative edits is already in place.

Mr. Whitney proposed a hypothetical scenario. Would it be allowed for a landowner to park a trailer with signage on it that identifies themselves as the owner/builder of that vacant parcel? If that's not allowed on its own, if the landowner were to put a few boxes in the trailer and call it storage, would that then be permitted? He thinks signs that identify what's coming are useful.

Ms. Herington replied that if a complaint were received in that scenario, Code Enforcement would need make a judgement call regarding whether it is being used as a sign or construction storage.

Mr. Whitney reiterated that Code Enforcement is complaint driven.

Mr. Bailey asked if PCD currently receives many complaints of trailers used as signs.

Ms. Herington stated it is not common. She added that PCD has received some complaints that Code Enforcement will go out to investigate. She stated it becomes subjective.

PC ACTION: MORAES MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER LDC236 FOR A LAND DEVELOPMENT CODE UPDATE, TEMPORARY SIGN CODE AMENDMENT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NO CONDITIONS OR NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

6. NON-ACTION ITEM

A. LDC233

KILGORE

LAND DEVELOPMENT CODE LANDSCAPE CODE UPDATE

A request by the El Paso County Planning and Community Development Department to amend Chapter 6 of the El Paso County Land Development Code (as amended) pertaining to Section 6.2 Development Standards for Ancillary Facilities and Activities, specifically, sections 6.2.1 and 6.2.2, to provide clarification of the requirements, increase options for landscaping materials, and provide a Landscaping and Planting Manual for reference. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department. (All Commissioner Districts.)

STAFF PRESENTATION

Mr. Whitney asked for an explanation of “artificial landscaping”.

Mr. Kilgore replied that artificial turf, fake trees, rubber mulch, and landscape art (metal sculptures of nature), are all examples. The presentation continued.

Ms. Herington added that many of the changes stemmed from the Code being prohibitive of xeriscaping and would penalize property owners when attempting to use artificial materials. The proposed changes would allow more options without requiring an alternative process. The proposal will also codify by reference a Landscape Manual that has been in existence for many years. PCD worked with the HBA and the CSU Extension to update and formalize that manual. The presentation continued.

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

MEETING ADJOURNED at 10:15 A.M.

Minutes Prepared By: Miranda Benson