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## **EL PASO COUNTY PLANNING COMMISSION**

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

Planning Commission (PC) Meeting  
Thursday, November 16, 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, JAY CARLSON, BECKY FULLER, JEFFREY MARKEWICH, ERIC MORAES, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

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

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** SARAH BRITTAIN JACK, JIM BYERS, BRANDY MERRIAM, KARA OFFNER, BRYCE SCHUETTELPELZ, AND TIM TROWBRIDGE.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, JEFF RICE, MARCELLA MAES, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** CATHY LANE, STEVE JACOBS SR., JASON ALWINE, CRISTINA WELCH, WALTER FEE, JASON JOHNSON, SEAN STEVENSON, JOSH GORDON, DAVID KIRSCHMAN, ROBERT AAMODT, DEBRA CHASE, BERTHA MACMILLAN, AND MIKE SMITH.

### **1. REPORT ITEMS**

**Ms. Herington** informed the board that PCD is arranging a combined PC/BoCC meeting to take place in early 2024. She asked that the board think of topics they'd like to discuss with the BoCC.

**Mr. Kilgore** advised that the next PC Hearing is Thursday, December 7, 2023, at 9:00 A.M. There will be no meeting on December 21, 2023.

## **2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA**

**Ms. Cathy Lane** stated that she received a one-page circulated document regarding the Briargate/Stapleton Corridor Plan. She noted the use of the word “intends”. She stated that Ms. Fuller’s comments from the last hearing were aimed at removing wiggle room. She repeated Mr. Palmer’s comments from the last hearing, that 120’ for the urban cross-section with curb and gutter in the western portion, works. She mentioned that Ms. Seago advised at the last hearing that the PC had the authority to add a conditional of approval regarding the western stretch of the corridor. She questions the difference between intentions and commitments. She requests that the PC implement a condition of approval that requires the County to complete all improvements within the platted 120’ of right-of-way in the western portion of the proposed corridor.

**Mr. Steve Jacobs Sr.** stated he appreciates the board listening to the public’s concerns. He mentioned that the County Engineer, Mr. Palmer, suggested a commitment to keep all improvements within the established right-of-way. He stated he would like to see that in writing or in a condition of approval. He hopes confusion can be avoided by updating the aerial overlay to show all improvements within the right-of-way. He also hopes to see a wall built on the 120’ limits.

**Ms. Seago** reminded the board that the previous comments were regarding an item being considered by the board. The comments cannot be considered when deciding on MP231 because they are not part of that item’s official record.

**Mr. Bailey** noted that the comments echo previous comments heard at other hearings. He stated that repetition does not give a comment more weight.

## **3. CONSENT ITEMS**

### **A. Adoption of Minutes of Planning Commission meeting held November 2, 2023.**

**PC ACTION: THE ADOPTION OF DRAFT MEETING MINUTES FROM NOV. 2, 2023, WERE POSTPONED TO THE NEXT SCHEDULED MEETING, DEC. 7, 2023.**

### **B. MS212**

**HOWSER**

#### **MINOR SUBDIVISION BRADLEY POINT FILING NO. 1**

A request by Bradley Point, LLC for approval of a 9.736-acre Minor Subdivision creating two (2) industrial lots. The property is subject to an illegal subdivision of land; the purpose of the proposed Minor Subdivision is to legalize the division of land. The property is zoned M (Industrial) and is located on the east side of East Las Vegas Street/CanAm Highway at the southbound exit ramp of South Academy Boulevard turning northwest onto East Las Vegas Street/CanAm Highway. (Parcel Nos. 6503400038 and 6503400040) (Commissioner District No. 4).

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: FULLER MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3B, FILE NUMBER MS212 FOR A MINOR SUBDIVISION, BRADLEY POINT FILING NO. 1, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, TWO (2) NOTATIONS, AND ONE (1) WAIVER, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

**C. PUDSP225**

**HOWSER**

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN  
FALCON HIGHLANDS SOUTH**

A request by Challenger Communities, LLC for approval of a Map Amendment (Rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) with approval of a Preliminary Plan to update the development proposal from 138 single-family residential lots and nine (9) tracts to 378 single-family residential lots and nine (9) tracts, including 39.9 acres of open space provisions and 19.9 acres of land dedicated for public rights-of-way. The 125.56-acre property is located at the northwest corner of the intersection of State Highway 24 and Meridian Road (Parcel Nos. 5300000817, 5300000566, 5300000587, 5300000588, and 5312400012) (Commissioner District No. 2).

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

**D. SF2241**

**PARSONS**

**FINAL PLAT  
RETREAT AT TIMBERRIDGE FILING NO. 3**

A request by TimberRidge Development Group, LLC for approval of a 44.35-acre Final Plat to create 33 single-family lots with a finding of water sufficiency. The property is zoned PUD (Planned Unit Development) and is located immediately adjacent and south of Arroya Lane and to the east of Vollmer Road. (Parcel Nos. 5221400001, 5228000039, 5227200006, 5227200007, 5227200008, 5222000026, and a portion of 5222000023) (Commissioner District No. 2).

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: CARLSON MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3D, FILE NUMBER SF2241 FOR A FINAL PLAT, RETREAT AT TIMBERRIDGE FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIXTEEN(16) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

**4. CALLED-UP CONSENT ITEM**

**3C. PUDSP225**

**HOWSER**

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FALCON HIGHLANDS SOUTH**

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**STAFF & APPLICANT PRESENTATIONS**

**Mr. Carlson** asked if water sufficiency must be addressed at this stage of the application.

**Mr. Howser** responded that water sufficiency is an option at this stage or may be deferred to Final Plat stage. This applicant is requesting to defer the water finding until Final Plat.

**Mr. Carlson** asked if optional deferral of a water sufficiency finding was mentioned in the Code.

**Mr. Howser** answered that it is in the Code and is also specified on the PC and BoCC resolutions. The presentation continued.

**Mr. Bailey** asked for further information regarding transportation.

**Mr. Rice** referenced an image from the slideshow. The proposed development would have access north to Rolling Thunder Way which ultimately leads west to Woodmen Road and east to Meridian Road. He noted that at final review, CDOT will be asked for comments regarding the Meridian/Highway 24 intersection. The City of Colorado Springs would be asked for comments regarding the Golden Sage/Woodmen Road intersection. The traffic study did not identify a need for traffic signals for any of the internal roads. The presentation continued.

**Mr. Markewich** mentioned that there is highlighting on the applicant's Letter of Intent. Highlighting can emphasize but also detract from other information. He asked that highlighting be removed from future packets.

**Mr. Howser** thanked Mr. Markewich for his feedback. The applicant presentation began.

**Mr. Moraes** asked to review imagery from a previous slide.

**Mr. Jason Alwine**, with Matrix Design Group, pulled up another slide to reference which lots would use the existing sewer and sanitation system and which lots would use a future system. He pointed out where the existing sanitary, sewer, and underdrains are currently located. He mentioned that infrastructure would be replaced as they build their proposal. Everything in their proposal, minus the first 26 lots, will use a different system than the current residents in the area.

**Mr. Markewich** asked if replacement of the beforementioned infrastructure will bring relief to the current residents' complaints.

**Mr. Alwine** stated he could not answer that question because he is not fully informed about the existing issues with the existing residents. He knows that their proposal will divert most of their development to a new underdrain system.

**Mr. Markewich** reiterated that the new system will be for all but 26 of the proposed lots.

**Mr. Bailey** asked for clarification regarding the relationship between the applicant and the existing Metro District. The Metro District includes the area north of the current proposal.

**Mr. Alwine** explained that by "we", he meant the project's owners, developers, and constructors. Therefore, *the project* is required to rebuild the various systems or bring them into compliance.

**Mr. Bailey** clarified that the new infrastructure will be built by the project and then accepted by the existing Metro District.

**Mr. Alwine** confirmed and further clarified that three entities will potentially review and accept the rebuilt and new infrastructure: El Paso County regarding roadways, Falcon Highlands Metro District regarding water, and Woodmen Hills Metro District regarding sewer.

**Mr. Bailey** clarified that the owner/developers are collaborating with the Metro Districts regarding the design of infrastructure.

**Mr. Alwine** answered that they have been in contact with the Metro Districts for several months regarding water and sanitation. He further stated that this is in the preliminary, 2D design stage. If approved by the BoCC, as they move forward, they would then submit CDs which include more detail and collaboration with all involved parties (i.e., County, Metro Districts, etc.).

**Mr. Markewich** asked if they cannot agree with the other entities, would this project be moot?

**Mr. Alwine** stated he could not fully answer that question. It would depend on what the impasse includes regarding infrastructure improvement.

**Mr. Markewich** replied that in the grand scheme of things, there would need to be an agreement of some sort between all entities for this project to move forward.

**Mr. Alwine** confirmed and added they would also need water. He stated that they currently have the water rights for 50 units. (BREAK)

**Ms. Fuller** asked Mr. Rice to address the current drainage issues in the existing subdivision. It is her understanding that it's not the current applicant's responsibility to fix those issues, but as they develop, they cannot make it worse.

**Mr. Rice** explained that the County reviews each subdivision as its own standalone design regarding improvements and mitigation. The County is aware that there are groundwater and drainage issues in the subdivision north of this proposal. Unfortunately, the developer in that area left some things unfinished that the County is trying to catch up on. DPW is working on roadway improvements. He reiterated that those issues are in the existing area and this proposal is a different developer and a different subdivision. Each project is reviewed on a case-by-case basis. He further mentioned that some of the issues are also under different jurisdiction. The County can put restrictions and requirements on infrastructure they anticipate accepting. The County also strives to make sure the developers and ultimate purchasers of the individual lots have the information they need to mitigate or avoid identified issues.

**Ms. Fuller** asked if anything protects the existing subdivision from this new development making their identified problems worse.

**Mr. Rice** answered that the proposed development is downstream from the existing subdivision so the drainage would not affect the area to the north.

**Mr. Markewich** asked if the County was taking responsibility and helping with the identified issues.

**Mr. Rice** responded that he's not sure if responsibility is the correct phrasing, but the County looks at the complaints and evaluates if there is anything associated with the County infrastructure. As far as he's aware, County staff at DPW has looked at the underdrains but it's not something the County maintains.

**Mr. Markewich** asked how, if at all, the current proposal can help the County address the drainage issues to the north.

**Ms. Seago** stated that regarding the underdrain system and groundwater issues of the properties to the north, the County has received a Notice of Claim and there may soon be litigation pending

against the County. She asked that County staff avoid any statements of the County's liability or non-liability and what they may or may not be doing regarding those specific issues.

**Mr. Bailey** added that while the Planning Commission is sensitive to the mentioned problems, their direct impact on the application being considered is irrelevant because it's outside of this application's criteria of approval.

**Mr. Moraes** asked if the future residents of this proposal would be set up for an issue due to the problems to the north and the flow of drainage being north to south.

**Mr. Rice** answered that the geological studies and drainage report address the recommendations for how to develop and grade this site, including underdrains, so that doesn't become an issue. The County can't control how the developer ultimately builds those improvements, but those recommendations are available in the project's file.

**Mr. Bailey** stated that while the County can't control how the developer builds the improvements, they will not accept it if it's not built to a certain standard. He added there's a difference between the County's acceptance and a Metro District's acceptance. He would hope those entities would not accept anything that makes the situation worse.

**Mr. Rice** confirmed Mr. Bailey's statements. He explained that one requirement the County put on the roadway improvements include mitigation if there is underground water within a certain distance of pavement. Drainage pipes and storm drains are not typically affected by groundwater because there's another underdrain.

**Mr. Carlson** asked if current conditions from the north were considered when the studies were completed for drainage and water runoff on this project.

**Mr. Rice** answered that the drainage report evaluates the surface drainage and runoff. A geotechnical report gives an evaluation of the groundwater. The studies completed for this project did evaluate off-site to on-site flow.

**Ms. Fuller** mentioned another project from the past. In that case, a property downstream had to deal with run-off issues caused by a property further north.

**Mr. Rice** stated that he would focus on the difference between surface drainage and groundwater. He believes groundwater is what is contributing to the problems in this area. Regarding run-off, this site will direct surface drainage to their detention basins.

**Mr. Markewich** asked if the northern property is experiencing issues with the underground water drainage, would that ultimately flow to the south and impact the property in this proposal? He wouldn't want the issues happening in the north to be repeated.

**Mr. Rice** answered that it could potentially happen, but the County does not review the groundwater in detail. He stated it is an issue for the builders unless it's affecting the road. He stated the Metro District has an underdrain system, but the County does not maintain that. An underdrain system is for nuisance flows. He stated it sounds like the residents are experiencing a constant issue, which shouldn't be happening. Regarding the existing subdivision, he's not sure whether or not the developer did enough to protect against the problems being experienced. The underground water should stay in the underdrain if it's functioning, but it's an established issue that they do not see water coming out of the underdrains. Ultimately, the County doesn't have that much control of or review of that topic.

**Mr. Markewich** asked if the County has specific review criteria in laws, rules, or regulations that speak to how underground water flow should be handled.

**Mr. Rice** answered that regarding how systems should be designed, it does not.

**Mr. Markewich** stated it should say somewhere that it must be accommodated, even if it doesn't specify what the design must be.

**Mr. Rice** stated that would be the purpose of the soils and geology study. The geohazard study identifies where the groundwater lies. The developer must determine how to handle the issue.

**Mr. Bailey** clarified that the County doesn't tell a developer that they must accept that risk. That is a market-driven decision if a developer wants to spend a lot of money to build a subdivision that gets flooded. He stated it's not the County's problem if it's controlled by a Metro District.

**Mr. Rice** added that the County reviews the reports that professionals have completed and signed. County engineers review the documents regarding roads and drainage to ensure they're generally doing what they should. They could be deviating from what they should be doing, but that's beyond the County's control.

## **PUBLIC COMMENTS**

**Ms. Cristina Welch** spoke in opposition. She lives in the Falcon Highlands subdivision. She offered printed copies of the County's response to the earlier mentioned legal claim. (Copies were received and have been uploaded to the file.)

**Mr. Bailey** stated the claim is not relevant to this application.

**Ms. Cristina Welch** stated she would like to present the County's response to the legal claim because she would like the PC to understand what the public is trying to avoid by opposing this project. She then read her emailed comment that is already part of the project's file and record. Topics included differences between draft and final comments of PUDSP225 plat notes regarding the Metro District's maintenance responsibilities of underdrain systems.

**Mr. Walter Fee** spoke in opposition. He lives in the Falcon Highlands subdivision. He then read the emailed comment that is already part of the project's file and record. Topics included the compatibility of the proposed lot sizes to the surrounding development, the impact further development will have on existing damaged roadway infrastructure, and the schools in the area being at capacity. He noted landscape buffering and increased density will take additional water. Expenses to roadway infrastructure repair will cost the County.

**Mr. Jason Johnson** spoke in opposition. He lives in the Falcon Highlands subdivision. He doesn't think the proposal will be in harmony with the surrounding area. He stated his lot size is over 12,000 sq ft and he disagrees that 3,500-6,000 sq ft lots are compatible. He noted that there are two Challenger Homes-related individuals on the Falcon Highlands Metro District board.

**Mr. Sean Stevenson** spoke in opposition. He lives in the Falcon Highlands subdivision. He agreed with the comments already made. He does not think the proposal meets multiple criteria of approval and specifically mentioned, *"The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area."* He noted that the surrounding property includes multi-acre properties. His neighborhood consists of

.25 to 1-acre lots. He stated 378 homes on 59 acres is not compatible, would negatively impact existing residents, and would destroy the landscape. He believes approval of this PUDSP will destroy the character and nature of the area that people move to Falcon for. He then mentioned criteria of approval, *"The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed."* While he understands that water sufficiency is not being evaluated at this stage, he still has concerns regarding infrastructure supporting the proposed 378 additional homes. He stated that the existing Falcon Highlands Metro District has failed to address the increasingly problematic issue of the failed subterranean drainage system which has resulted in the influx of millions of gallons of underground water to seep into the basements of many neighbors. He spoke about current residents' hardships regarding drainage maintenance. He then spoke about traffic. He has experienced bottlenecks at Highway 24 and Meridian Road. He didn't see or hear an explanation in the presentations regarding the plan to accommodate the increase in vehicles on the existing roadways. He stated the roadways are rapidly deteriorating and the current design has a hard time handling the current population alone.

**Mr. Bailey** stated traffic and drainage have nothing to do with the current application. He stated there are going to be houses in this area regardless there are many more projects that have already been approved. He noted this is a primary growth area in the County.

**Mr. Josh Gordon** spoke in opposition. He lives in the Falcon Highlands subdivision. He agreed with previous comments. He retired from the military and chose to retire in this area because of the rural character of Falcon Highlands. He stated he moved out of Meridian Ranch because of its suburban nature. He stated this proposal would change that rural character to be more suburban. The applicant's representative mentioned that Filing 3 of Falcon Highlands South would be comparable, but the other filings are not. He also noted that Challenger Homes has two representatives that serve on the Falcon Highlands Metro District board who do not live in the community. He stated those two members were quitclaim deeded small parcels of land to meet the board eligibility requirement and he believes there is a conflict of interest.

**Mr. David Kirschman** spoke in opposition. He lives in the Falcon Highlands subdivision. He stated the 40 acres of green space was an attempt at hiding drainage fields and areas unprofitable to build on. He believes labeling it as green space is dangerous to the community. He stated no one would want to take their kids on a walk through a drainage field because it's not a safe area to be.

**Mr. Robert Aamodt** spoke in opposition. He lives in the Falcon Highlands subdivision. He submitted documents from the CO Division of Water Resources to the clerk (which have been uploaded to the project file). He noted that County staff used the word "should" which is operative and he would prefer something more concrete. He disagrees with the applicant's LOI stating the existing drainage ditch will not be affected. He explained that the east drainage ditch could be affected by the proposed number of houses because the additional density will impact absorption and additional water would drain to it. He added that additional density and overall land-use will compact the soil and affect the underground water flow. He didn't notice this detail on the plat drawings, but he stated there is already drainage feeding into the existing ditch. He does not believe the application meets the following approval criteria: *"The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County."* He noted that there have already been "forever chemicals" found in wells and drainage channels of the County. Higher densities will increase those contaminants. The increase in households will impact safety when it comes to emergency evacuation on already overburdened



infrastructure. Regarding approval criteria, *"The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area."*, he mentioned that the original intended use was only for 138 homes, not 378. He doesn't think there is water to support the increase. The increase is an "overbuild" of the initial design. He stated this proposal will add stress to the area's resources making it difficult for existing residents to develop their properties. The residents depend on non-visible resources (i.e., well water). He agreed with previous comments that the application does not meet the following criteria: *"The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed."* He stated he understands the Master Plan's projection of growth and the need for housing, but he thinks the housing shortage has subsided. Regarding the issues residents are currently having with the Metro District, he thinks the County should take a proactive approach to protect current and future property owners within the District. He does not think the District can support the proposal.

**Ms. Debra Chase** spoke in opposition. She lives in the Falcon Highlands subdivision. She brought a posterboard showing the area. She pointed out Bridal Vail Way and Antelope Meadows Circle. She stated neither road has ADA access or sidewalks and neither would be compatible with an increase in density. She referenced approval criteria, *"Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities."* She thinks this needs to be addressed as a condition of approval.

**Mr. Bailey** asked if the roads Ms. Chase referenced were part of the current application.

**Ms. Chase** stated they were not. The roads are already built in the area.

**Mr. Bailey** clarified that the board cannot use that information when considering this application. A current applicant cannot be held responsible for correcting a deficiency that may exist somewhere else. He added that there are other avenues to voice those concerns.

**Ms. Bertha MacMillan** spoke in opposition. She lives in the Falcon Highlands subdivision. She stated they purchased within the area for the character, but she believes the current proposal is contradictory. When she looked up the definition of a suburban community, she found that it is a lower density neighborhood surrounding a large city. She doesn't believe the proposal is low density, but urban. She is concerned with how the increased density will impact the schools in the area. She mentioned they once had the highest student to teacher ratio, but the district is having a hard time attracting and retaining qualified teachers. The proposal will attract many young families. She stated growth needs to be done responsibly. She further noted that the proposal will use roads that already exist for access. Emergency responders will need to navigate through the entire subdivision to get to the new homes. She stated there are more than 2 cars per driveway, and cars are often parked in the street. Traffic can only pass one way at a time. She is worried about response times and mentioned that the Sheriff's Office is already stretched thin. She expressed dissatisfaction with the proposed open space. She believes the current issues happening with the Falcon Highlands Metro District are relevant to the subject proposal. She believes Challenger having members on the board is a conflict of interest and unethical. She doesn't understand how the board can accept responsibility for a new underdrain system when it isn't maintaining the current one. She questions the motives of their election to the board.

**Mr. Mike Smith** spoke in opposition. He lives in the Falcon Highlands subdivision. He then read a document into the record. The document was given to the clerk and has been incorporated into the project file/official record. Topics included the unincorporated nature of Falcon, what a “bill of particulars” is, annexation likelihood, and maintenance responsibility of sewage systems.

**Mr. Alwine** stated that the current infrastructure is outside the purview of this application. This project will design and build infrastructure to County standards, including ADA standards. He pointed out that there is a D49 school site identified in this neighborhood, so the school district would need to address overcrowding or future school site plans. There were no police/fire comments to be addressed other than to pay the required fees. He reiterated that the water sufficiency finding is deferred to a later stage. Future water availability will be expensively researched by multiple agencies. He stated the existing drainage area northeast of this project should not be impacted because the proposed area will drain south/southwest. He used a slideshow image to point out a trail that will connect to a regional trail system. Regarding the existing roads, he stated that whether they’re deteriorating or not, they were built to handle the proposed level of traffic. A traffic study was submitted during two stages of their process and he stated no comments were received regarding the proposed density. He disagreed that there is an inadequate transition of density areas. He pointed out the 19,000-30,000 sq. ft. lots in the center of the proposal, north of Antelope Meadows Circle. The lots in the southwest corner, south of Antelope Meadows Circle, adjacent to the existing 12,000 sq. ft. lots, descend from 7,700 sq. ft. to 5,500 sq. ft. at the southernmost edge. He stated the smallest lots on the northeast side of the proposal are buffered by roadway, landscape, and a wall. He added that they are proposing native seed (no sod) for landscaping and they do not anticipate a need for much irrigation.

**Mr. Moraes** asked to review the applicant’s Falcon Highlands Metro District “Response to Opposition Letter” slide of the presentation. He then asked for further explanation of Phase 4.

**Mr. Alwine** referenced a different slide for mapping and further explained that Filing Nos. 3 and 4 would be part of Phase 4 and would drain into the rebuilt system completed with this proposal. Returning to the “Response to Opposition Letter” slide, he explained that Phases 2 and 3 build what Phase 4 will tie into.

**Mr. Smith** asked if Falcon Fire Protection District commented on the proposal.

**Mr. Alwine** answered that there were no comments other than to pay the required fees at the building permit stage.

## DISCUSSION

**Mr. Markewich** stated he would be in opposition of the proposal because he does not see compatibility with the character of the surrounding neighborhood. He specifically mentioned the 3,500 sq. ft. lots. He read *“The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities ...”* and stated he would include the Metro District as a public facility. He stated the Metro District doesn’t seem to be doing its job currently so he doesn’t think it will be able to take on additional responsibility. He feels that they’re asking for trouble when considering the roads. He doesn’t think smaller homes work in this area.

**Ms. Fuller** mentioned that this development could possibly form its own Metro District. She doesn’t think the problems with the current Metro District are a convincing argument against the current proposal. She stated decisions regarding schools are made later. She struggles with the 3,500 sq. ft. lot size but added that lot size is considered in home affordability. She noted the smallest lots are pushed over to the commercial side and are buffered by a road. She noted that

drainage being included in open space is just the way it's done. She mentioned the infill seems appropriate. She will be in favor of the proposal.

**Mr. Smith** asked for clarification on how the LDC criteria, *"The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities ..."* applies to the existing roads and this proposal.

**Mr. Rice** explained that the developer's engineer prepares a traffic impact study and analyzes the capacity of the roads and needed improvements. This applicant's traffic study did not identify any improvements needed. One factor considered was the capacity the collector roads can handle.

**Mr. Bailey** clarified that the traffic impact study incorporates both existing and proposed traffic. (Mr. Rice confirmed.)

**Mr. Moraes** brought up a past application and how wait times were considered regarding traffic. The condition of the road is a secondary effect to the increased number of cars on the road. He stated that if a road is in poor condition, that will ultimately impact the flow. He thinks that this project may be setting the future inhabitants up for failure, especially the homes directed into the existing drainage system. Until the existing issues are fixed, he doesn't think further development should be tied in. He specifically mentioned the following criteria: • *The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.* • *The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships.* He noted that he doesn't see the proposal working out with the topographical conditions. Regarding compatibility and transition, viewed the proposal from north to south and thinks existing residents would have less opposition if there were a better transition.

**Mr. Whitney** stated that he generally agrees with Mr. Moraes' comments. He noted that each project is independently considered, but they are not hermetically sealed. This project is within an established neighborhood. He noted current conditions are a problem. He doesn't think the proposal fits. He is opposed to the project.

**Mr. Carlson** mentioned it's the developer's job to make a profit and County staff's job to process an application, but he believes it's the Planning Commission's job to preserve the quality of life in the County. He doesn't like the idea of more than doubling the density of this neighborhood. He stated he doesn't think it's compatible with the surrounding area and he thinks it would have a negative impact on existing development. He is opposed to the project.

**Mr. Whitney** added that he understands a finding of water sufficiency can be postponed to the final plat stage, but it troubles him to be asked to recommend approval of a project like this when there is such extensive discussion regarding water. He stated it seems nonsensical to approve a project when such an important topic will not be addressed until much further down the road.

**Mr. Bailey** stated he is worried about considering projects "from inside out instead of outside in." From the map image on the slideshow, it would appear there is only a neighborhood to the north. He asked that the map be zoomed out. He also noted that he thinks the 3,500 sq. ft. lots are meant to be a buffer to the commercial area northeast, not the neighboring residential. Woodmen Road is also a buffer. He stated the approved PUD and Sketch Plan considered the need for transition to protect the existing neighborhood. Looking from the inside out, residents might think they don't

want a small residential lot next to them, but he thinks they would rather have that than have commercial. The current landowner has proposed a land-use which protects the existing neighborhood from the roadway and commercial areas. He doesn't think the proposal is unreasonable. He further remarked that the approved Sketch Plan and PUD have been around for a long time but the residents in attendance have only recently gotten involved. He worries about "moving the goal posts" on applicants at the final stages, after approval of broader planning stages. He believes this proposal is in line with the approved plans and just provides more details. He noted that the BoCC has the final decision-making authority. He added that the property owner of this project has an equal right to be on the Metro District board as any other property owner in the district. He stated the applicant owns land and wants to do something with it. Regarding the public comments concerning property values decreasing due to the proposal, he doesn't see a difference between those individuals' economic rights and the applicants.

**Mr. Moraes** responded to Mr. Bailey's comment of "moving the goal posts". At one point, this proposal included 0.5-acre lots. There have been many amendments since then allowing the density to increase. He noted that land-use boards were established because there are limits to what a person can do with the land they own as it begins to affect the neighbors. Regarding the comment that the public has only become interested recently, he stated it must start somewhere. He commented that PCD has increased the notification procedures; only a handful of people would have been notified before. He understands that there may be a broader perspective when zooming the map out, but he still thinks the proposal could be more compatible.

**PC ACTION: CARLSON MOVED / MARKEWICH SECONDED TO RECOMMEND DISAPPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3C, FILE NUMBER PUDSP225 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, FALCON HIGHLANDS SOUTH, CITING THAT THE PROPOSAL IS NOT IN HARMONY WITH THE CHARACTER OF THE SURROUNDING AREA AND THAT IT WILL HAVE A NEGATIVE IMPACT ON EXISTING DEVELOPMENT, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO DISAPPROVE PASSED (5-2).**

**IN FAVOR:** CARLSON, MARKEWICH, MORAES, SMITH, AND WHITNEY.

**IN OPPOSITION:** BAILEY AND FULLER.

**COMMENTS:** NONE FURTHER, SEE ABOVE DISCUSSION.

**5. REGULAR ITEMS (NONE)**

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

**MEETING ADJOURNED 11:51 A.M.**

**Minutes Prepared By:** Miranda Benson