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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, May 2, 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, BRYCE SCHUETTPELZ, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: ERIC MORAES.

PC MEMBERS PRESENT AND NOT VOTING: NONE

PC MEMBERS ABSENT: BRANDY MERRIAM, JAY CARLSON, AND JEFFREY MARKEWICH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, EDWARD SCHOENHEIT, JOE LETKE, ASHLYN MATHY, LORI SEAGO AND MARCELLA MAES.

OTHERS PRESENT AND SPEAKING: TUCKER ROBINSON, DANIEL KUPFERER, DREW MACALMON, TARAH MACALMON, HEATHER HARTUNG, JON WAGNER, MICHAEL LUND, BLAINE HAWKINS, AND RYAN WATSON.

1. REPORT ITEMS

Ms. Herington updated the board on the creation of informational brochures for the community. The first pamphlet created is about Code Enforcement. A brochure about the public process is coming next. She also advised the board that June 6, 2024, will be the annual meeting for the board. The consultant working on the Land Development Code update will give a presentation on that day. The next regular meeting for the board will be May 16, 2024.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held April 18,2024.

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

**FINAL PLAT
SPACE VILLAGE ROAD MINOR SUBDIVISION**

A request by Jon Spencer for approval of a 22.8-acre Final Plat creating two industrial lots. The property is zoned I-3 (Heavy Industrial) and is located roughly one-half mile west of the Marksheffel Road and Space Village Avenue intersection. (Parcel No. 5417001005) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Mr. Smith asked for information about the Air Force's review comments.

Ms. Mathy stated that there were no outstanding comments from the Air Force. The most impactful comments were made by the City of Colorado Springs.

Mr. Bailey clarified that the Air Force was sent a review request and notice of the application.

Ms. Mathy confirmed that they were part of the review schedule.

Mr. Smith stated he is unsure if the Air Force asked the proper questions.

Mr. Bailey asked if the board wanted to have further discussion on the application's proximity to the military base.

Mr. Whitney reiterated that notice was given, and comments can't really be made. Military installations are hard-pressed to say what they really think.

Mr. Bailey stated that they should trust the process. The opportunity to provide review comments was given to the Air Force.

Mr. Tucker Robinson, representing the ownership group, stated that they met with the Space Force and met with them on base to present the development plan. A couple of concerns were raised and have since been addressed in the plan. They have not heard concerns since then.

Mr. Smith stated that was exactly what he wanted to know.

PC ACTION: MS. FULLER MOVED / MR. TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER MS227 FOR A FINAL PLAT, SPACE VILLAGE RD MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THIRTEEN (13) CONDITIONS, THREE (3) 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 (8-0).

C. P2312

LETKE

**MAP AMENDMENT (REZONING)
23218 HIGHWAY 94 - REZONE PROJECT**

A request by GWH, LLC c/o Michael Butler for approval of a Map Amendment (Rezoning) of 60 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is addressed as 23218 Highway 94, approximately .25 miles north of Highway 94 and .5 miles west of North Ellicott Highway. (Parcel No. 3412000026) (Commissioner District No. 2)

It was recognized that members of the public are in the audience and watching the hearing online for this item.

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

4. CALLED-UP CONSENT ITEMS

3C. P2312

LETKE

**MAP AMENDMENT (REZONING)
23218 HIGHWAY 94 - REZONE PROJECT**

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STAFF & APPLICANT PRESENTATIONS

Mr. Bailey asked for clarification because Mr. Schoenheit mentioned lot sizes of 2.5 acres, but the request is to rezone the area to RR-5 (minimum lot size of 5 acres).

Mr. Schoenheit stated that the Letter of Intent mentioned 1.5-acre lots at one point.

Mr. Bailey clarified that currently, they are only considering a rezone to RR-5.

Mr. Letke reiterated that the proposal is a rezone to RR-5 and lot sizes cannot be less than 5 acres.

Mr. Daniel Kupferer, with Land Development Consultants, gave his presentation. He clarified that the intent is to develop 8-10 5-acre lots. Configuration will be determined with the floodplain in mind.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MS. BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER P2312, FOR A MAP AMENDMENT (REZONING), 23218 HIGHWAY 94 REZONE PROJECT, 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 (8-0).

Mr. Whitney explained that while the subject property is surrounded on 3 sides by A-35, he sees compatibility due to the placetype designation. The idea that the area could change to 2.5-acre lots presents a seismic shift, which troubles him greatly.

5. REGULAR ITEMS

A. VA234

MATHY

VARIANCE OF USE 11210 SOUTH HOLMES ROAD – ADDITIONAL UNIT

A request by Drew MacAlmon for approval of a Variance of Use on 4.78 acres to allow a second dwelling for rental in the RR-5 (Residential Rural) district. The property is located at 11210 South Holmes Road which is a quarter of a mile south of the intersection of Burgess Road and South Holmes Road. (Parcel No. 6224000026) (Commissioner District No. 1)

STAFF & APPLICANT PRESENTATIONS

Mr. Smith asked for clarification on whether other properties in the area have Accessory Dwelling Units (ADUs).

Ms. Mathy clarified that the Master Plan supports ADUs in the subject area. She added that PCD has received applications for ADUs in the area.

Ms. Herrington suggested that the applicant may have more information regarding ADUs in their area. PCD does not have a map tracking ADUs. She mentioned the most recent Variance request for an ADU was on Ford Road. The applicants began their presentation.

Mr. Whitney stated he struggles to differentiate between an ADU and Accessory Living Quarters (ALQ). He asked if the structure has a kitchen.

Mr. MacAlmon stated it does not have a kitchen.

Mr. Trowbridge mentioned that the staff report states there is a kitchen.

Mr. MacAlmon clarified that when they built the structure, there was no permanent cooking appliance. He stated they didn't know having one would be such an issue, and they had later added a stove. There was a Code Enforcement complaint in 2022 that resulted in a violation. Once they were advised of the violation, the stove was removed. An inspection was completed, and he stated their violation as closed out. He reiterated that there is currently no kitchen.

Mr. Trowbridge asked if the original request was to build an office.

Mr. MacAlmon answered that it was always shown as an upstairs office with two lower-level bedrooms as a rental unit or living space.

Mr. Trowbridge asked if they spoke to the Regional Building Department or Planning Department about the intended rental use.

Mr. MacAlmon answered that they talked about having office space with additional space for storage and family, to provide a couple extra bedrooms on their property.

Mr. Trowbridge stated he's troubled by what appears to be a back door attempt at getting a Variance approved, so he's not in favor of approval.

Mr. Schuettpelz agreed with Mr. Trowbridge and reiterated the history provided in the staff report. He stated that when he looked at *current* online photos of the unit, he saw a full kitchen. He observed a sink, refrigerator, and an oven. He agreed that it seems like they're asking for forgiveness, not permission. He stated that it appears the intention was always to rent it out, and he noted that the applicant's presentation even stated they began renting it out immediately.

Ms. MacAlmon stated that their understanding after construction was that adding an oven/stove made it a kitchen. She stated they didn't realize that would be problematic, so they added an oven/stove to mitigate having so many small appliances. As soon as it was brought to their attention, however, they removed it.

Mr. MacAlmon added that when they built the accessory structure, it was labeled as an "accessory structure with living quarters" either by Regional Building or Planning, he can't remember. He then stated there was no definition for that in the 2018 Land Development Code. However it is defined now, they're asking for permission to use it as a short-term rental moving forward.

Ms. Fuller stated she would feel better about their presentation if they admitted to sneaking something through and getting caught. She reiterated that their site plan was approved with the words "no kitchen" but then a kitchen was later added. The argument that the applicants had no idea doesn't seem believable. She mentioned the amount of time it took between the Code Enforcement violation and the submission of their Variance application. She suggested they improve their presentation before going to the BoCC. She then asked for the applicants to address the criteria for approval: "The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship."

Ms. MacAlmon wanted to explain their experience through the process. They have 4 children and both work from home. When they built the structure, the intent was to have a space to work from home without *being* home. They focused on completing that office space first. Through the process, they realized there might be a way to monetize the other space in the structure. She stated that the purpose and function of the space evolved over time. The primary intent, however, was always to have a place to work from home.

Ms. Herington added that the reason there was a long period of time between the Code Enforcement complaint and the MacAlmons' application was due to PCD evaluating a potential Code revision to allow ADUs during that time. She had advised that they hold off until PCD had a better idea of where that potential Code amendment was going. That Code amendment was put on hold waiting for State legislature. Once PCD realized they would not be moving forward immediately with any Code amendments, it was recommended that the MacAlmons begin the Variance process.

Mr. Bailey connected that experience with the criteria's mention of peculiar and exceptional difficulties. The recently adopted Master Plan strongly suggested that there needed to be Code changes regarding ADUs and to allow for their use throughout the County. Those changes have not yet happened. His opinion is that because the County has not been able to make that Code revision, the MacAlmons have experienced an undue hardship.

Mr. Smith asked if the MacAlmons had checked into the requirements to get an oven approved?

Mr. MacAlmon stated they did not ask. He added that when it was brought to their attention (that there would be further requirements), they removed the oven.

Mr. Smith asked if it would be a difficult process to have the oven approved.

Mr. MacAlmon stated that it's his understanding that going through the Variance process will allow the full kitchen (with oven). The space is used for occasional short-term rentals only. They set a maximum of 5 guests and one car. They thought they did go through the correct process with permitting, inspections, etc.

Mr. Smith recapped his understanding of the request. He mentioned the cost of raising 4 kids as well as the increased property tax after adding an accessory structure to the property.

Ms. MacAlmon reiterated the misunderstandings due to the language in the Code. Their intention was always to comply with the process.

Mr. Kilgore added that the Code does not differentiate between short- and long-term rentals.

Mr. Whitney asked if Planning staff reviews applications for compliance with criteria of approval or if it's up to the Planning Commission to make that determination.

Ms. Mathy explained how Planning staff treats each application that is submitted. Staff will explain what the LDC criteria for approval is and what the Master Plan says about the area. A Variance of Use is a request for something not normally allowed, so staff looks for supporting criteria in the Letter of Intent. Regarding this proposal, there has been confusion in the past. The structure was approved as an accessory building with no stove. The applicant was not required to complete an affidavit that restricts rental of the space.

Mr. Trowbridge asked if the original request included bedrooms.

Ms. Mathy stated that she had the original request pulled up on her computer. She read the description of file number ADD18365: "Approved 1200 sq ft accessory building with living space and no stove (affidavit not required) 412 sq ft deck and 340 sq ft deck." When the request was submitted, it was not as an ADU, but as office and storage space.

Ms. Fuller asked where the words "with no stove" came from.

Ms. Mathy answered that those words were in the description of the file (entered by PCD admin staff). She then pulled up the site plan within file number ADD18365. She then read that it was described as an accessory structure, 1200 sq ft bottom floor, home office and storage, 1200 sq ft second floor, total height 27.6 feet. Therefore, the initial request depicted home office and storage. When a Code Enforcement complaint was submitted, it was brought to PCD's attention that there is a stove, and the space was being used as a rental. It was at that point that the stove was removed. They wanted to continue renting the space, so PCD met with the MacAlmons to go over what the process would be to allow that use.

Mr. Bailey asked if it was the typical process to listen to what an applicant wants to accomplish and advise them of the appropriate way to achieve their goals.

Ms. Mathy confirmed and added there was a discussion to include what the applicant can expect.

Ms. Seago offered to read the LDC definitions of the terms that have been discussed thus far. She offered to begin with ALQ.

Mr. Bailey asked if that was also in the Code in 2018 or if it is only found there today.

Ms. Mathy clarified that those details were discussed during the meeting with the applicants and Code Enforcement. The definitions for guest house and ALQ have not changed since construction of the MacAlmons' building and do state that the structure cannot be rented or leased.

Ms. Seago then continued to read that ALQs are allowed in RR-5 zoning. She summarized the definition found in the LDC: lodging, which may include a kitchen, accessory to the principal dwelling, which may be occupied only by occasional, non-paying guests of the family. She reiterated that it could have a kitchen but wasn't allowed to be rented. She thinks they weren't required to sign an affidavit initially because it didn't appear to have a kitchen at that time.

Ms. Herington added that the definition of kitchen *has* changed, however. The definition of kitchen previously hinged on the 220-volt connection for a stove. Now, the definition of kitchen includes elements of what makes up the kitchen space.

Mr. Kilgore clarified that there was a 2019 Code update that redefined "kitchen". He added that the initial application was submitted as a "guest house", which has since been redefined as an ALQ. The application has encountered multiple definition changes. The Variance application will remedy any previous miscommunication.

Ms. Seago stated that the terminology may have changed but the standards for the type of use and the requirements do not appear to have changed. A guest house, regardless of having a kitchen, could not be rented. If it did have a kitchen, PCD would have the applicant sign an affidavit recognizing that it couldn't be rented. If they still wanted to rent it, they would have needed a Variance of Use at that time.

Mr. Bailey expressed appreciation for the clarification. He then asked what defines a kitchen now.

Ms. Seago read that a kitchen is "a room, or part of a room, used for the preparation of food inside a dwelling consisting of a refrigerator, a sink with 1 or more basins and 1 or more cooking devices (i.e., stove, range, oven)."

Ms. Fuller suggested they redirect the discussion away from whether it was considered a kitchen because the crux of the issue was that the structure was being rented. She doesn't think the application currently meets the criteria of approval, but with changes, it could get there.

Mr. Kilgore read the 2018 kitchen definition.

Mr. Whitney asked for verification that the initial application was submitted as a guest house.

Mr. Kilgore confirmed.

Mr. Whitney reiterated that even as a guest house, it could not be rented.

Mr. Kilgore confirmed.

Mr. Smith expressed confusion about whether or not the County has Code restrictions for short-term rental of a property.

Ms. Seago clarified that rental restrictions apply to accessory structures and state they should only be used for occasional, non-paying guests of the family.

Mr. Bailey added that from what he's heard at the State level, the trend is to move away from that restriction. The discussion during Master Plan adoption also implied that the County would move away from that requirement. There's a need for more housing and ADUs are one way to address that. However, the Code to which the Planning Commission is obligated to enforce has not kept up with the nationwide trend. The Variance process allows the applicants to get out from under that dated restriction.

NO PUBLIC COMMENTS

Ms. Brittian Jack recognized that emails of support were received.

Mr. Smith asked about the neighbors' suggestion that the variance approval be tied to ownership by the MacAlmons instead of running with the land.

Ms. Seago stated that it is possible. A time limit could also be imposed.

Mr. Bailey brought the applicants back up to address any previous discussion.

Mr. MacAlmon addressed Mr. Trowbridge's earlier question about whether bedrooms were identified on the initial plans. He stated that the floorplan depicted bedroom 1 and bedroom 2, and even showed a kitchen. He stated that perhaps they were confused as to what documents needed to be submitted to which department.

Ms. Fuller questioned if the MacAlmons were ever asked if they wanted to rent out the space. Did they ask if they would be allowed to rent it out?

Mr. MacAlmon stated they were never asked, and they never asked.

Ms. MacAlmon reiterated that the primary focus when they were proposing the structure was to create a place to work from home. She stated that it never occurred to them that there would be limitations about rental and that it was not mentioned during the process.

Mr. MacAlmon pulled up the PowerPoint slide that showed the ALQ was not part of the Code in 2018. He then stated that when they permitted the structure, it was not as a guest house. Moving forward, they are asking permission to use it as an occasional short-term rental.

Mr. Bailey added that assuming motives from 2018 to base the decision currently poses a problem. He hopes that the process becomes clear in the future. He brought up the criteria for approval and mentioned that elsewhere in the Code, economic hardship is excluded.

Mr. MacAlmon stated their mortgage had increased by \$800/mo due to property taxes.

Ms. MacAlmon mentioned that they're both self-employed.

Mr. Bailey stated that even people who haven't built additional structures are experiencing rising property taxes.

Mr. MacAlmon further mentioned that if the Master Plan includes an objective for attainable housing, they're going through the process to offer an opportunity to achieve that objective.

DISCUSSION

Mr. Bailey asked PCD staff to address other ADUs that had been approved in the area.

Ms. Herington stated that the last one heard by the Planning Commission and recommended for approval was on Ford Drive, which was a 2.5-acre lot. That past application mentioned that there were 5 other ADUs being rented in the area. She then mentioned an ADU on a 10-acre lot in the eastern portion of the County.

Mr. Whitney questioned if those examples met other aspects of the criteria. He stated that just because one was approved, doesn't mean they all should be. There may have been different circumstances.

Mr. Bailey remembered that the argument in favor of the Ford Drive example was that the Code hadn't caught up with allowing the ADU by right.

Ms. Fuller recalled that there were several other ADUs in the immediate area.

Mr. Bailey added that it wasn't determined whether the other ADUs were approved or not.

Ms. Fuller suggested that the MacAlmons look at that previous application as an example for when they present to the BoCC. She reiterated that their presentation should hit each of the review criteria. She asked if Ms. Mathy could help them find that past example and prepare them for BoCC.

Ms. Mathy stated that as their project manager, she can show them past examples.

Mr. Bailey asked if that information should be part of the staff report given to the BoCC.

Ms. Herington stated she'd think about that point. She stated staff would help the applicants by providing past examples. She mentioned that staff advocates for the process, not the projects.

Mr. Whitney added that regardless of what happens at Planning Commission, the applicant needs to understand the criteria and include arguments incorporating the criteria in their argument before the BoCC. He encouraged the applicants to work with PCD.

Mr. Schuettpelz commented that a financial hardship would be a tough argument to make because if they truly built it to be a home office, then they weren't planning on recouping the cost of investment from the building itself. He stated that he will likely be in favor of the application although he doesn't like how the process was completed.

Mr. Byers agreed that the applicants are somewhat a victim of circumstance. He asked at what point the affidavit came into play within the County.

Ms. Mathy answered that when an accessory structure was proposed in 2018, the stove was the trigger for an affidavit verifying the unit would not be rented or leased.

Mr. Byers recognized that the process was confusing, and he doesn't think anything was done maliciously. He stated he will be in favor of the application.

Mr. Trowbridge disagreed with previous statements. He believes short-term rentals are a commercial enterprise. He doesn't think it's compatible with the area. He further stated that short-term rentals do not address housing needs in the community as an ADU would. Regarding any confusion that may have taken place in 2018, it's the applicant's responsibility to communicate any intent during the process. He believes that if County staff had been aware that the intent to rent was there, they wouldn't processed it as an office with bedrooms for the family. Whether there is a kitchen or not doesn't matter. He further stated that there are (or were) process improvements that could be made. Regarding the neighbors being in support of this application; they may believe that if this is approved, that means they can build accessory structures for short-term rental as well. He will not be in support of the application.

Ms. Fuller added that the Planning Commission is making a decision based on the criteria in place currently, not what it might be in three years. She doesn't think the application currently meets the criteria for approval. She encouraged the applicants to work with PCD staff to prepare for BoCC. She will not be in support of the application.

Mr. Smith remarked that the rules are clear. He sympathizes with the applicants and noted that the world is different since COVID-19. Plans change. He frequently observes people renting out campers in their backyards (people don't turn them in and Code Enforcement doesn't have the resources to be proactive about violations). He knows what the rules are, but he also knows what reality looks like. He feels bad; he's torn.

Mr. Bailey followed up by stating that if strict application of the rules provides hardship, that's when the Variance of Use is an option. He also pointed out that the criteria for approval stated the BoCC "may" consider the criteria that is being applied. The ability to apply best judgement is allowed. He will be in favor of the application because he believes a Variance of Use application is the appropriate vehicle for addressing any shortcoming in the current Code and process.

Ms. Brittain Jack believes having to go through the Variance process is an undue burden given changes in the Code. Other applicants have professional representation. She supports the application.

Mr. Smith asked about the potential of adding a condition of approval to tie the Variance to the current owners.

Mr. Bailey confirmed that an added condition *could* be made during the motion. He pointed out that the neighbors like the MacAlmons and trust how they manage their accessory structure. If the property is sold, that level of oversight may change. He believes the neighbor's request is understandable.

PC ACTION: MS. BRITTIAN JACK MOVED / MR. BYERS SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER VA234 FOR A VARIANCE OF USE, 11210 SOUTH HOLMES ROAD ADDITIONAL UNIT, 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.

Mr. Smith asked if the motion could be revised to add the second condition.

Ms. Brittain Jack stated she did not want to amend the motion.

Mr. Bailey asked how they should move forward.

Ms. Seago advised that a motion to amend the motion could be made, which would need to pass/fail on its own before returning to the original motion (or as amended) for a recommendation.

PC ACTION: MR. SMITH MOVED / MR. TROWBRIDGE SECONDED TO AMEND THE MOTION, ADDING A SECOND CONDITION THAT THE APPROVAL SHALL BE LIMITED TO THE OWNERSHIP BY THE MACALMONS AND SHALL TERMINATE UPON ANY TRANSFER OR SALE OF THE PROPERTY. THE MOTION TO AMEND THE MOTION PASSED (6-2).

IN FAVOR: BYERS, FULLER, TROWBRIDGE, WHITNEY, SCHUETTPELZ, AND SMITH.

IN OPPOSITION: BRITTAIN JACK AND BAILEY.

PC ACTION: THE AMENDED MOTION TO RECOMMEND APPROVAL WITH TWO (2) CONDITION AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION PASSED (5-3).

IN FAVOR: BYERS, BRITTAIN JACK, SCHUETTPELZ, SMITH, AND BAILEY.

IN OPPOSITION: WHITNEY, FULLER, AND TROWBRIDGE.

Mr. Whitney advised the applicant to include the criteria for approval in their BoCC presentation. The hardship may be that the process is confusing.

Mr. Trowbridge reiterated that he doesn't believe short-term rentals (commercial enterprise) are compatible in the area or address housing needs.

***FOLLOWING REGULAR ITEM 5A, MR. MORAES JOINED THE HEARING ONLINE. THERE WERE NINE (9) VOTING MEMBERS MOVING FORWARD.**

B. ID235

PARSONS

**AMENDED AND RESTATED SPECIAL DISTRICT SERVICE PLAN
PEACEFUL RIDGE METROPOLITAN DISTRICT**

A request from Peaceful Ridge Metropolitan District Directors, and White, Bear, Ankele, Tanaka, and Waldron, P.C., for approval of an amended and restated Colorado Revised Statutes Title 32 Special District Service Plan for the Peaceful Ridge Metropolitan District. The 60-acre area included within the request is zoned Residential Suburban (RS-6000) and is located north of Fontaine Boulevard west of

Marksheffel Road. The amended and restated service plan includes the following: a maximum debt authorization of \$20,000,000.00, a debt service mill levy of 50 mills for residential, and an operations and maintenance mill levy of 10 mills, for a total maximum combined mill levy of 60 mills. The statutory purposes of the district include the provision of the following:

- 1) street improvements, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities;
- 6) design, construction, and maintenance of public water including fire hydrant systems;
- 7) sanitation systems; and
- 8) security services.

(Parcel Nos. Multiple) (Commissioner District No. 4)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney asked what was stopping the applicant from refinancing multiple times.

Ms. Parsons deferred to the applicant to answer that question in their presentation.

Ms. Heather Hartung, with White Bear Ankele Tanaka & Waldron, began the presentation.

Mr. Ryan Watson, current president of the Peaceful Ridge Metropolitan District board, presented the boundary map and infrastructure overview.

Mr. Trowbridge asked if tap fees were included in the water and sanitation estimate.

Mr. Watson answered that tap fees are not included. The estimate includes infrastructure cost only. Tap fees would be paid by the homeowner. The presentation continued.

Ms. Fuller noted that the park is small.

Mr. Watson discussed the parks and explained that it's meant to be a neighborhood park.

Ms. Fuller commented that recent plats seem to include more open space.

Mr. Watson explained that the plat was approved in 2007. Space is limited in the area.

Ms. Fuller asked if the County's open space rules have changed.

Ms. Parsons clarified that there were no open space requirements for the straight urban residential zoning districts, nor are there currently.

Ms. Fuller asked why covenant enforcement is not included in the mill estimate.

Mr. Watson explained that the subject area also has an HOA that provides covenant enforcement.

Ms. Harting further explained that the Metro District would not be involved in covenant enforcement, therefore, will not need funds for it.

Mr. Watson added that the HOA fee is \$100 per year and only provides covenant enforcement. He explained that it was set up that way to provide faster control.

Mr. Trowbridge asked for more information regarding the average cost of the homes. He asked if \$525,000 - \$550,000 was the average cost after build-out.

Mr. Watson explained that it was the average cost in "2023 dollars". They looked at doing a market study to evaluate absorption, etc. He mentioned that they've spoken with other builders in the area that complete market studies. They came up with the average prices based on those conversations of what is currently happening.

Mr. Trowbridge asked what the lot prices are.

Mr. Watson stated the lots cost between \$105,000 - \$110,000 each.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MR. SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER ID235 FOR AN AMENDED AND RESTATED SPECIAL DISTRICT SERVICE PLAN, PEACEFUL RIDGE METROPOLITAN DISTRICT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) 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).

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED AT 11:47 A.M.

Minutes Prepared By: Miranda Benson