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## **EL PASO COUNTY PLANNING COMMISSION**

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

Planning Commission (PC) Meeting  
Thursday, June 20, 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, BRANDY MERRIAM, ERIC MORAES, AND CHRISTOPHER WHITNEY.

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

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

**PC MEMBERS ABSENT:** JAY CARLSON, TIM TROWBRIDGE, BRYCE SCHUETTELPELZ, AND WAYNE SMITH.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, ASHLYN MATHY, KARI PARSONS, BRET DILTS, CHARLENE DURHAM, HAO VO, DANIEL TORRES, ED SCHOENHEIT, ELIZABETH NIJKAMP, JOSH PALMER, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** RANDY NOVAK, PAULA & JORDAN LYLES, HEATHER RUBENAKER, KATE JOHNSON, MARY ARLINGTON, KATIE HARMS, JODY HEFFNER, GREG MIRANDA, ED KOVITZ, NIKI FIELDS, PAUL OTIS, MONTE GOODRICH, ALEX MARTINEZ, BONNIE KATTAU, BRIAN HADFIELD, TERESA FIELDS, DANIEL SOLIGNY, ANITA SQUIER, WILLIAM MISTRETTA, RENAE HOLLENBECK, KARI MARTINEZ, AND ED HENNING.

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

The next PC Hearing is Thursday, July 18, 2024, at 9:00 A.M.

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

#### **3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held June 6, 2024.

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

**B. P244**

**MATHY**

**MAP AMENDMENT (REZONING)  
2775 NORTH MERIDIAN ROAD REZONE**

A request by John Uppole for approval of a Map Amendment (Rezoning) of 35 acres from RR-5 (Residential Rural) to A-35 (Agricultural). The property is located at 2775 Meridian Road, one-quarter mile south from the intersection of Corral Bluffs View and Meridian Road. (Parcel No. 4331000022) (Commissioner District No. 2)

**NO PUBLIC COMMENT**

**DISCUSSION**

**Ms. Fuller** asked why the applicant was requesting a rezoning to A-35, as that is less commonly seen.

**Ms. Mathy** answered that the A-35 zoning better aligns with the applicants' future plans for the property.

**PC ACTION: FULLER MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P244 FOR A MAP AMENDMENT (REZONING), 2775 NORTH MERIDIAN ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) 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).**

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, FULLER, MORAES, WHITNEY, MARKEWICH, AND MERRIAM.

**IN OPPOSITION:** NONE.

**COMMENTS:** NONE.

**C. VA235**

**MATHY**

**VARIANCE OF USE  
1185 NORTH CURTIS ROAD VARIANCE OF USE**

A request by Andrii Varko for approval of a Variance of Use on 5 acres to allow RV and mixed storage in the RR-5 (Residential Rural) zoning district. The property is located at 1185 North Curtis Road, at the intersection of Dragonman Drive and North Curtis Road. (Parcel No. 4410000052 (Commissioner District No. 2)

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

**D. SF245**

**MATHY**

**FINAL PLAT  
IVILO HEIGHTS FINAL PLAT**

A request by Pawel Posorski for approval of a 6.02-acre Final Plat creating two single-family residential lots. The property is zoned RR-2.5 (Residential Rural) and is located approximately 0.38 miles east of the intersection of Vessey Road and Holmes Road. (Parcel No. 5206000138) (Commissioner District No. 1)

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION:** MORAES MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SF245 FOR A FINAL PLAT, IVILO HEIGHTS FINAL PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, ONE (1) NOTATION, 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).

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, FULLER, MORAES, WHITNEY, MARKEWICH, AND MERRIAM.

**IN OPPOSITION:** NONE.

**COMMENTS:** NONE.

**E. VR232**

**BAGLEY**

**VACATION AND REPLAT  
ARMONIA RANCH VACATION PLAT**

A request by Jerome W. Hannigan and Associates, Inc, for approval of a 49.02-acre Vacation and Replat creating one single-family residential lot and vacating two County Right of Ways while also dedicating an additional County Right of Way. The property is zoned RR-5 (Residential Rural) and is located at 10612 and 10613 Twin Pines Road, directly southwest of the intersection of Ayer Road and Goodson Road. (Parcel Nos. 5214004014 and 5214003001) (Commissioner District No. 1)

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION:** MARKEWICH MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER VR232 FOR A VACATION AND REPLAT, ARMONIA RANCH VACATION PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, FULLER, MORAES, WHITNEY, MARKEWICH, AND MERRIAM.

**IN OPPOSITION:** NONE.

**COMMENTS:** NONE.

**F. SF1827**

**PARSONS**

**FINAL PLAT  
RETREAT AT TIMBERRIDGE FILING NO. 4 SUBDIVISION**

A request by TimberRidge Development Group, LLC, for approval of a Final Plat for the Retreat at TimberRidge Subdivision to create 10 single-family residential lots and 1 tract. The site is 34.47 acres, zoned PUD (Planned Unit Development), and is located immediately adjacent and north of Arroya Lane and to the east of Vollmer Road. (Parcel Nos. 5222000023 and a portion of 5227000007) (Commissioner District No. 2)

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION:** FULLER MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3F, FILE NUMBER SF1827 FOR A FINAL PLAT, RETREAT AT TIMBERRIDGE FILING NO. 4 SUBDIVISION, 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 (7-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, FULLER, MORAES, WHITNEY, MARKEWICH, AND MERRIAM.

**IN OPPOSITION:** NONE.

**COMMENTS:** NONE.

#### **4. CALLED-UP CONSENT ITEMS**

**3C. VA235**

**MATHY**

##### **VARIANCE OF USE 1185 NORTH CURTIS ROAD VARIANCE OF USE**

A request by Andrii Varko for approval of a Variance of Use on 5 acres to allow RV and mixed storage in the RR-5 (Residential Rural) zoning district. The property is located at 1185 North Curtis Road, at the intersection of Dragonman Drive and North Curtis Road. (Parcel No. 441000052 (Commissioner District No. 2))

**Mr. Whitney** explained that in his review of the proposal, he was looking for evidence of meeting the required regulations (i.e., LDC 5.3.4(C) *"The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship."*). He asked the applicant to provide justification for that criterion.

**Mr. Andrii Varko** answered that the location of the property is directly west of Dragonman's, which comprises of a shooting range, motocross racetrack, and military museum. Directly north, is an established dog kennel. He stated that residential use is less desirable because of the traffic and noise produced by the surrounding uses. He views the restriction of residential use in that location to be a hardship.

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

**Mr. Whitney** mentioned that potential support for compatibility is provided by surrounding commercial uses. He asked for a map to show where those properties are located.

**Ms. Mathy** presented a vicinity map. The Dragonman property, a well-known commercial use, is directly west of the subject property. There are several commercial uses, including paintball, motocross, and a shooting range. As previously mentioned, there are also dog kennels north of the subject property. The adjacent Area of Change is identified as New Development, so development and change can be expected.

**Mr. Bailey** asked if the surrounding, approved commercial uses were established through Variances or by right through zoning.

**Ms. Mathy** answered that she believes the Dragonman approval was done in the 1990s and stated that she would need to do additional research to identify the process that was used.

**Mr. Bailey** asked for that research to be done during the applicant's presentation. He stated that not being allowed to do things surrounding properties have been granted permission to do may identify the hardship.

**Mr. Markewich** asked for additional information regarding drainage. If the entire parcel is covered in asphalt, how does that impact drainage? How is the applicant addressing any concerns.

**Mr. Schoenheit** explained that a Site Development Plan will be needed, but what has been identified in the initial concept drawings shows grading across the parcel with gravel. There are plans for water detention to address additional runoff.

**Mr. Markewich** asked if RV rooftops that fill each space would be part of the evaluation.

**Mr. Schoenheit** replied that only structures affixed to the ground are used in the drainage study. He stated that vehicles are not counted as having an impervious value. Water runoff will still go into the ground surface. He reiterated that drainage would be further addressed during review of the Site Development Plan. Water runoff will need to meet historic rates.

**Mr. Markewich** remarked that shipping containers are not considered permanent structures.

**Mr. Schoenheit** agreed and further stated that only permanent structures are included when evaluating the total imperviousness of the surface type(s).

**Mr. Markewich** asked for verification that a detention pond would be utilized.

**Mr. Schoenheit** replied that if the Variance request is approved, a Site Development Plan would be reviewed and the drainage report would need to be examined to determine how drainage should be addressed.

## **NO PUBLIC COMMENTS**

## **DISCUSSION**

**Ms. Mathy** answered the previous request for additional information regarding the surrounding commercial uses. Dragonman's was initially approved as a Special Use in 1996 for an outdoor recreational facility (military museum). There have been multiple Variance of Use approvals. Additionally, there was a Special Use Amendment approved in 2012 to allow for the retail sale of firearms. The dog kennel north of the subject property is an approved Special Use and Site Development Plan for a Doggy Dude Ranch.

**Ms. Fuller** asked if the two mentioned properties were still zoned residential.

**Ms. Mathy** confirmed.

**Mr. Markewich** asked if there was a height restriction. Could shipping containers be stacked?

**Ms. Mathy** answered that there is a maximum height in the RR-5 zoning district (30 ft) that would still need to be met.

**Mr. Markewich** asked if the maximum height applied to temporary structures.

**Ms. Mathy** confirmed.

**PC ACTION: MORAES MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER VA235 FOR A VARIANCE OF USE, 1185 NORTH CURTIS ROAD VARIANCE OF USE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-1).**

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, FULLER, MORAES, MARKEWICH, AND MERRIAM.

**IN OPPOSITION:** WHITNEY.

**COMMENTS:** Mr. Whitney explained that the surrounding properties are still zoned RR-5 and are residential. He further stated that while there are commercial uses in the neighborhood, he doesn't think two wrongs make a right.

## **5. REGULAR ITEMS**

### **A. P2315**

**BAGLEY**

#### **MAP AMENDMENT (REZONING) LAZY Y ROCKING J RR-5 REZONE**

A request by N.E.S., Inc. for approval of a Map Amendment (Rezoning) of 5 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located at 12960 North Peyton Highway and is one-half of a mile south of the intersection at Highway 24 and Peyton Highway. (Parcel No. 3207000007) (Commissioner District No. 2)

**THIS ITEM WAS PART OF A COMBINED PRESENTATION WITH ITEM 5B, RVP231. RESULTS ARE BELOW.**

### **B. RVP231**

**BAGLEY**

#### **MAP AMENDMENT (REZONING) LAZY Y ROCKING J RV PARK REZONE**

A request by N.E.S., Inc. for approval of a Map Amendment (Rezoning) of 29 acres from A-35 (Agricultural) to RVP (Recreational Vehicle Park). The property is located at 12960 North Peyton Highway and is one-half of a mile south of the intersection at Highway 24 and Peyton Highway. (Parcel No. 3207000007) (Commissioner District No. 2)

## **STAFF & APPLICANT PRESENTATIONS**

**Mr. Markewich** noted that there will be separate entrances for the single-family residence and the RV Park. He asked if the residence would be able to access the RV Park without having to get back onto the main road.

**Mr. Torres** replied that he is not aware of any proposed internal connection, but that could be a detail included in the Site Development Plan.

**Mr. Markewich** asked if there were any concerns about the distance between the two accesses.

**Mr. Torres** stated that it wasn't part of the current review criteria. Further evaluation will take place during the Site Development Plan stage.

**Mr. Byers** asked if having only one access point for over 100 units would be a concern.

**Mr. Torres** answered that having only one access point is typical of commercial sites. There is no requirement to have two. If two were proposed, it would then be at risk of not meeting access spacing requirements from the ECM.

**Ms. Bagley** concluded the staff presentation and added that the only request before the hearing body at this time is for the rezoning of the property. If approved, the next steps would include a Final Plat (water, sewage, etc.) and then a Site Development Plan (buffering, landscaping, etc.).

**Mr. Moraes** asked for clarification on a grey line that was part of the Master Plan Placetype map.

**Ms. Bagley** deferred to the applicant. The applicant's presentation then began.

**Ms. Andrea Barlow**, with N.E.S. Inc, representing the applicants, stated that there is no existing road or driveway located where the grey line appears, so she isn't sure what it was depicting. The presentation continued.

**Mr. Markewich** asked if there would be a communal septic dump station for the RVs.

**Ms. Barlow** answered that there would be a communal dump station. She then referenced a presentation image to indicate its location.

**Mr. Markewich** then asked if it would be a commercial system.

**Ms. Barlow** confirmed and added that they have already submitted an application to CDPHE. They are also working with Entech Engineering, Inc., for soils and geology testing and design.

**Mr. Markewich** asked if the applicant would allow outside individuals to use their communal system for a fee.

**Ms. Barlow** confirmed with the applicant that they would not allow that.

**Mr. Markewich** further asked if the RV camp expects to provide enough water for RVs to fill their tanks when they request a finding of water sufficiency (during a later stage of the process).

**Ms. Barlow** replied that RVs filling their tanks is an anticipated use. When they complete water estimates per site, they use maximum capacity numbers. The actual use will likely be far less. A preliminary water resources report was submitted with the rezone, but more detail will be provided during the Final Plat and Site Development stages. The State Water Engineer and County Engineer will review the water report.

**Mr. Markewich** asked for verification that the building setback is 20 feet from the designated, future Peyton Highway line. Ms. Barlow confirmed. He then asked if closure during the winter months was a condition of use (for approval) or simply a description of the intention.

**Ms. Barlow** replied that it was a description of the applicant's intention, but they are willing to include that in the conditions of approval if necessary.

**Mr. Markewich** asked what length of residency is needed to become eligible to enroll in the school.

**Ms. Barlow** stated that she doesn't know what/if there is a requirement. She further stated that the RV Park's open season is primarily during school breaks. She also stated that the applicant would like the school to notify them if students are enrolled using the park's address because their intention is *not* to have people using it for residency.

**Mr. Markewich** asked if residency was defined in the Code.

**Ms. Barlow** replied that she would defer to County staff, but she doesn't believe there is a definition of residency as it applies to eligibility within a school district.

**Mr. Markewich** remarked that special attention should be given to the driveway accessing Peyton Highway. He mentioned that it would need to be wide enough for multiple drivers pulling RVs to use the road at a time.

**Ms. Barlow** agreed and further stated that it is planned with enough width to allow for that purpose. She then used a slideshow image to describe the internal roads planned. The applicant has considered moving a check-in gate further away from Peyton Highway to allow for additional distance. The placement of that gate is affected by the topography.

**Mr. Moraes** asked if there would be terms of rental. He asked if a person could stay at the park long term, from March through October, for example.

**Ms. Barlow** stated that terms of rental will be included in the ultimate maintenance plan, but they do not currently restrict the duration of someone's stay. In theory, someone could stay for 9 months. She further stated that she has discussed the topic with the applicants and they are open to including a reasonable time limit (i.e., 3 months) in the conditions for approval, if desired.

**Mr. Moraes** asked if there would be direct, internal access from the applicant's residence to the RV Park or if they would need to get onto Peyton Highway for access.

**Ms. Barlow** used a slideshow image to explain where the applicant would like to include a direct access option in the future site plan drawings. It will likely be gated to preserve their privacy.

**Mr. Moraes** asked for more information about the expected rate of occupancy.

**Ms. Barlow** stated she would need to discuss that subject with the applicant to get a better idea.

**Ms. Merriam** asked for information regarding the neighbors' FEMA concerns.



**Ms. Barlow** stated that the RV Park is not a FEMA designated site for illegal immigrants. Regarding the public comments that mentioned RV Parks were used by FEMA for temporary housing, there was a situation in Florida (during emergency responses to flooding) where FEMA had agreements with local RV Parks for temporarily displaced people during that disaster. She stated that FEMA could not commandeer a site; it must be an agreement made with the property owner.

**Ms. Merriam** asked for more information about whether RVs of the maximum size would fit.

**Ms. Barlow** replied that the site is being designed to serve as a high-end RV Park. The sites are designed to be larger than those of the sites at surrounding RV Parks. She also reiterated that there would be a regulation on the age of the RVs.

**Ms. Merriam** mentioned that there are no/very limited options for filling propane, gasoline, etc., in the area. She mentioned that people with large RVs will have an even harder time because of their size at those amenities. She asked if the on-site store would provide propane.

**Ms. Barlow** confirmed with the applicants that the store will provide propane for guests of the Park.

**Ms. Merriam** then mentioned food supplies and asked if the store would also act as a restaurant.

**Ms. Barlow** stated the store would not include a restaurant. She stated RVers could leave the Park and support the local economy for supply purchases or to visit restaurants.

**Ms. Merriam** asked how far the RV Park was located away from the nearest shopping center that could supply those amenities.

**Ms. Barlow** replied that the Park is approximately 9.5 miles away from a shopping center in Falcon.

**Ms. Fuller** asked if the 5-acre parcel could one day be sold separately from the RV Park.

**Ms. Barlow** answered that it could be possible in the future.

**Ms. Fuller** asked for more information about how the proposal meets the Master Plan's placetype designation of primarily large-lot residential with limited commercial use.

**Ms. Barlow** replied that the RV Park could act as a supporting commercial use along with the surrounding properties' commercial uses. She stated that the RV Park may not be limited in size, but it will be limited in impact.

**Ms. Fuller** reiterated that the RV Park would result in many more people on the property than would be expected if the property were zoned RR-5.

**Ms. Barlow** clarified that the visitors to the Park would be temporary.

**Ms. Fuller** mentioned that surrounding commercial uses that exist but do not have formal approval. She asked County Staff if Code Enforcement is involved.

**Ms. Barlow** stated that some of the properties had EA meetings with the County but then never pursued formal Special Use or Variance applications, but some of the properties have been in operation for a long period of time.

**Ms. Herington** added that when land use zoning was established in the area (1990s) compared to when the businesses were established could result in some of them being legal non-conforming uses. If they were established after zoning regulations were enacted, Code Enforcement does not proactively search for violations. Compatibility with surrounding uses in that scenario would be at the discretion of the board. She further stated that the Planning Department does not have records of when some of the commercial uses were established, so she cannot definitively say whether they are legal non-conforming or violations.

**Ms. Barlow** added that when looking at the historical aerial imagery of the properties, some of them (i.e., the construction and trucking properties) sprung up between 2019 and 2022.

**Ms. Fuller** mentioned that the trucking business is across the street from the subject property. She asked how many trucks are on the property.

**Ms. Barlow** answered that there are only a few. She further explained that the civil construction business operated on the north side of the subject property. Images were part of the presentation.

**Ms. Fuller** stated that the other RV Parks mentioned in the presentation seemed to be located directly on Highway 24.

**Ms. Barlow** brought up the slideshow image showing RV Park comparisons. Those locations are generally located on Highway 24.

**Mr. Whitney** asked County staff if the board could determine compatibility with surrounding commercial uses if they are Code violations.

**Ms. Herington** reiterated that legal non-conforming would not mean illegal because the use was established prior to zoning. When zoning was applied to the area, it was likely done so as blanket zoning; individual properties were not assessed for their specific uses. Compatibility can be subjective.

**Ms. Seago** confirmed that a finding of compatibility can be made at the board's discretion so long as there is evidence for the decision that has been made. The LDC criteria for approval states existing uses and does not differentiate between legal, non-conforming, etc.

**Ms. Barlow** reiterated that many of the uses, including the RV storage, were established post 2010.

**Mr. Whitney** explained that he understands Code Enforcement is complaint-based and violations have not been reported. He struggles with the notion that compatibility is being made with potential Code violations.

**Ms. Barlow** replied that the applicants for this project are going through the correct process to rezone the property for the intended use. There are multiple uses in the area that haven't done that. By pointing out their existence, she is not implying that they're bad or shouldn't be allowed, but that they are part of the existing character of the area. She used their presence as evidence that the proposal is compatible with the surrounding character and use of the land. They were brought up in response to the public comment letters that presented an image of rural and agricultural uses only. Based on the lack of Code Enforcement complaints for the existing

commercial uses, the neighbors seem to be fine with those, but not fine with this one which is attempting to go through the correct process.

**Ms. Herington** added that while some of the surrounding properties may be operating commercial uses without Planning Department approval, they may be allowed accessory uses. More research would need to be completed to determine the full picture.

**Ms. Fuller** asked if the RV Parks used in the presentation image had direct Highway 24 access.

**Ms. Barlow** answered that PEAK RV Resort (Powers & Fountain Blvd.) is access off a side road (not a frontage road), the RV Park in Monument is accessed off a frontage road, the KOA is accessed off Judge Orr Road, Falcon Meadows directly accesses Highway 24, Wrangler (Platte & Powers) is accessed off a frontage road, and the Calhan location directly off Highway 24. The two locations that have direct highway access are older. Having worked on other projects along Highway 24, CDOT would not likely approve any direct access, even if they were directly adjacent.

## **PUBLIC COMMENTS**

**Mr. Randy Novak** spoke in support. He knows the applicants and goes RVing. He believes the proposed RV Park would be a nice getaway within 1 hour of Colorado Springs. He mentioned the local businesses that could benefit from the proposal (i.e., gas station, general store, coffee shop, etc.).

**Ms. Paula Lyles & Ms. Jordan Lyles** spoke in support. She lives in Peyton and stated the area is a great place to explore. She believes an RV Park in the area makes sense. Jordan has special needs. They bought an RV to enjoy the outdoors together. They prefer to stay in places near medical offices in case of emergency, which the proposal could provide. She liked the concept of community building within the RV Park with optional events like the applicants mentioned. In her camping experiences, people are mostly quiet and respectful. She knows the applicants and commended their character. She pointed out that they are willing to live next to the RV Park, which shows their confidence in who will be welcomed to stay there and their ability to manage the visitors.

**Ms. Heather Rubenaker** spoke in support. She stated that she represents the Outdoor Hospitality Industry ("OHI"), which is a 501(C)(6) trade association. She stated that the applicants are highly engaged in the organization and have utilized the programs provided by OHI to ensure they make educated decisions based on the reporting and information available. She goes camping and would enjoy staying at the facility proposed by the applicants. She mentioned a 2023 OHI generational camping report that identifies the average stay as being 3 nights; she would not anticipate the average camper staying at the facility for months at a time. The gross annual income of the average RVer is \$92k. She stated that 37% of the survey respondents made over \$100k, and the average spending in the surrounding economy averaged \$200/day for a family of 4. She concluded by stating that there is no data that shows a facility such as the one proposed would lower any neighboring residential property values.

**Ms. Kate Johnson** spoke in support. She summarized a letter provided by the Santoro family. They stated that they look forward to camping at the proposed location (10 minutes from their home), especially after learning of proposed communal activities. They commended the amount of space proposed between each campsite.

**Ms. Mary Arlington** spoke in support. She is with the Colorado Campground and Lodging Owners Association (“CCLOA”), a non-profit organization involved with outdoor tourism. The applicants are associate members while navigating their application process. She stated that she wanted to speak due to public comments that misrepresent the industry. She addressed the need for additional campsites nationwide. RVers are sometimes traveling professionals but are most often vacationers. She spoke about the lifestyle and budget of a typical camper. If RVers travel with children during the school year, they tend to be homeschoolers and do not enroll their children in local schools. She stated that RVers are typically environmentally conscious. In her experience as an RV Park owner for 10 years, she only had one instance of an RVer setting off fireworks, and only called the police for an unruly guest once. She mentioned that the proposal will benefit the local economy and will attract people wanting to visit Colorado Springs while staying in a rural, peaceful location.

**Ms. Katie Harms** spoke in opposition. She is president of the Peyton School Board. She mentioned attendance at the neighborhood meeting; notification was spread by word-of-mouth. She pointed out that many respondents are a mile or so away because of the large properties. She stated that the town of Peyton has 6 small businesses and no restaurants. The on-site store would take business away from the local general store. Regarding the surrounding properties that operate commercial uses, she stated that they don’t affect neighbors or generate traffic. Most have been there for many years. The only months the local school will not be in session are June and July. She stated that traffic headed to/from the property from the Denver area will likely travel past the schools. There is a bus stop 500 feet from the subject property.

She stated that rezoning the property would drain community resources with no financial benefit. If the property is rezoned, there is no going back. The property owners wouldn’t have to follow the rules they’ve included in the proposal. If the property or business is sold, the land maintains the RVP zoning. She stated that this situation happened in Calhan and students *were* enrolled in the district. The assessed value of the land does not increase when there are no permanent structures, so no additional revenue would be generated for the schools. The house would remain residential for taxing purposes if rezoned to RR-5 as requested. She referenced a letter from Calhan that identified students from the RV Park as transients needing additional resources that the school cannot afford to provide. She asked if it would be fair to provide accommodations for non-tax-paying residents. She stated that while she wishes they could provide for every student, an RV Park does not provide the resources. She then mentioned the safety of students traveling to school or waiting at a bus stop near an RV Park with strangers. She stated the Park would have unobstructed views of nearby schools and asked if people would be okay with transient strangers watching their children daily, suggesting the Park would make the schools unsafe. She then stated that someone could abduct a child and disappear immediately because they have no home address or traceable information.

She mentioned that there is only one Sheriff Deputy in a 500-mile radius. She stated that law enforcement in Calhan spends most of their time dealing with issues at the RV Park that provides no revenue from zoning. She stated that there is nothing in Peyton to keep people busy or out of trouble. She further stated that large vehicles and RVs would damage the roads. She concluded by stating that Zachary Usher with FEMA explained that they may sometimes lease space from RV Park owners during Federal emergencies to support temporary housing needs when necessary or requested by a State or Tribe. Lastly, she mentioned the recent BOCC proclamation recognizing Colorado’s proud Western heritage.

**Mr. Jody Heffner** spoke in opposition. He stated that he is a real estate broker. He repeated what Ms. Barlow stated regarding the highway access of the comparable RV Parks. He stated that he does not oppose having an RV Park in the community, but he does oppose the placement. He stated that the proposal is not located where the Master Plan identifies commercial enterprises should be and is within a rural residential area. He stated that the mentioned commercial uses in the area are on A-35 zoning that allows for their use. He repeated the lack of traffic that those uses generate. He doesn't think the proposal meets the criteria that states, "*The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.*" The surrounding property is agricultural. He spoke about the initial zoning process. In addition to the location, he stated there would be health, safety, and school issues.

**Mr. Greg Miranda** spoke in opposition. He stated that the proposal will only benefit the property owners and their guests, not the community. He suggested that the property owners don't care about the community because of the public notification range and use of social media to spread the word. He stated that there is no guarantee that the current owners will not sell the property or change the rules they've proposed. While Ms. Barlow stated earlier that there was no maximum length of stay, they had told people at the neighborhood meeting that guests wouldn't be allowed to stay longer than 15 days.

The applicant has said that there wouldn't be traffic generated across Highway 24, but then they say that the rezoning will benefit business in Peyton which are all located across the highway. He further stated that cars waiting at the coffee shop would impede traffic. He raised traffic safety concerns and reiterated that people will likely travel north from Peyton to the Denver area. He worries about inexperienced drivers pulling RVs. He pointed out that there is no merge or turn lane onto the subject property. There is only a dirt shoulder. He then stated that an increase in traffic would increase the insurance premiums that the residents will have to pay. Regarding property insurance, increased premiums are being applied to areas with high crime ratings. If the subject property is sold to someone who doesn't follow the same rules, the crime rate could increase as was reported in Calhan.

**Mr. Ed Kovitz** spoke in opposition. He resides nearby and operates an RV storage facility that was established 30 years ago (legal, non-conforming). He is concerned about fire danger. He read an article that states 85% of grass fires are caused by unattended campfires. The proposal includes over 100 campsites, is within one mile of 5 subdivisions, and one-half of a mile from the Town of Peyton. Microbursts happen frequently. He concluded by bringing up the future requirement of a 300-year water supply. He stated that he saw a news report that climate change is causing underground water supplies to dry out.

**Ms. Niki Fields** spoke in opposition. She read from her letter that was supplied to the board and has been uploaded to EDARP as part of the record titled "Public Opposition – Niki Fields"

**Mr. Paul Otis** spoke in opposition. He stated the proposal is relocating RVs from other locations into the subject area. He mentioned other places that serve as campgrounds and RV storage. He stated water in Peyton is limited and should be considered.

**Mr. Monte Goodrich** spoke in opposition. He stated that the proposed rezoning is not compatible because all surrounding properties are A-35 or RR-5. There is no commercial zoning in the area.

There is limited commercial use on three surrounding properties. One is a tractor repair service, run by a single individual, which supports nearby agricultural uses. The only advertisement for that service is a sign indicating the entrance. Another service provided in the area is wild game and livestock meat processing. The business is not advertised as a retail establishment but provides a service to the agricultural community. The RV storage facility is legal non-conforming and provides a service to the surrounding residents. Another business mentioned, Colorado Civic Construction, is located on A-35 zoned property and operates out of a “shop-minium” from which he lives. Business is not conducted from the property and there is no advertisement for a commercial establishment. He stated that none of the mentioned commercial uses are comparable to or compatible with the proposal. They are limited services to the immediate community.

**Mr. Alex Martinez** spoke in opposition. He paraphrased the letter previously provided, titled “Public Opposition - Martinez, Alex” in EDARP, incorporated into the record.

**Ms. Bonnie Kattau** spoke in opposition. Stated that there is only one firefighter on staff in the area and the remaining members volunteer out of Colorado Springs. She owns Maggie’s Corner Store, located at Peyton Highway and Highway 24. She stated that her store would be able to provide the RV Park guests with all their needs, so the applicant doesn’t need to put a store on their own property. She previously served as a volunteer firefighter and was an EMT in Peyton. She has a disabled adult son that will be triggered by additional people in the community. She stated that many people who live in rural areas are away from commercial activity for the same reason – to keep disabled family members away from that activity. She mentioned that she believes retired military and veterans live there for the same reason. Agriculture is calming. She spoke about the lifestyle in rural communities. She stated that many people moved to the area with the understanding that the Master Plan did not allow commercial uses and the rural feel would be preserved. She asked what right someone had to come into their community and change the culture.

**Mr. Brian Hadfield** spoke in opposition. He read from the letter he provided, which is part of the record and uploaded to EDARP, titled “Public Opposition - Hadfield, Brian”.

**Ms. Teresa Fields** spoke in opposition. She lives directly across the road from the proposal. She stated that the proposed driveway will be directly across from her parents’ house which is on her property. She stated the zoning change and resulting RV Park are not compatible with the character of the area. She is concerned about the disruption the Park will cause her family. If the rezoning is approved, it would result in there always being an RV Park across from her home; never being able to enjoy a quiet summer evening again. She stated the rezoning would only benefit the property owners, not the community. She stated the RV Park would be an unprecedented, incongruous, incompatible leapfrog change.

**Mr. Daniel Soligny** spoke in opposition. He recently moved to Peyton and lives near the proposal. He stated that he learned about the proposal one month after purchasing his property. He stated a rezoning to RV Park is not what he anticipated in the area and is why he purchased where he did. He mentioned the investment he made, the time it took to achieve his goal, and the lifestyle he intended for his family. He mentioned traffic, views, and the burden of visitors. He further mentioned the Fire District and law enforcement impacts. He doesn’t believe the site is suitable for the use and he believes it should remain A-35. He stated agricultural land should be preserved.

He stated that a stay lasting 3-9 months would be a short-term rental, not a vacation. He questioned the ability to manage guests staying for that period and mentioned that any stay lasting longer than 2 weeks requires an eviction in Colorado. He questioned the comment of support for the site near medical facilities if there are none available in the Peyton area. The applicants stated no open fires would be allowed but then supporters mentioned s'mores. He is concerned about the potential of changing intentions after the rezoning. He stated that the RV Park in Calhan was not permitted to have a dump station because it was deemed unsafe, so he questions why it would be allowed in Peyton. He is opposed to the allocation of resources, namely water, to visitors.

**Ms. Anita Squier** spoke in opposition. She lives nearby on a private road. She is concerned about lost drivers using their road. She mentioned that they were not consulted during the process. There is a bus stop near their road. She lives on land zoned A-35 and she would like the area to maintain that character. She mentioned her view of the hill on which the campground will be located. She stated that when she goes camping, she looks for places close to amenities. She has never camped in a rural residential area. She then mentioned the traffic that will be generated and the safety of traveling on Peyton Highway.

**Mr. William Mistretta** spoke in opposition. He stated he lives 5 miles from the proposal. He spoke about the LDC criteria that states, *"The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions."* He stated that there is nothing similar to the proposal in the area. He then stated rezoning should not be detrimental to the surrounding area or detrimental to health, safety, or welfare. He mentioned that there is only one access point to the site permitted to accommodate over 100 campsites. He mentioned the implication that would have in case of a fire. He stated that the proposal would not be harmonious with the character of the neighborhood. As evidenced by the number of residents in opposition that attended the PC hearing, along with the number of letters submitted, he believes it is safe to say that the proposal is not harmonious.

**Ms. Renae Hollenbeck** spoke in opposition. Reiterated the comments made by Mr. Goodrich. Overall, he mentioned residences that have accessory commercial components which support the community. She added that Ms. Barlow had mentioned a kennel and stable as well. The residence that owns a stable has been there for a long time. They built a barn with pens. They had 2 ponies for a short while; the property does not actively operate a business. She stated that the RV Park would be the only commercial operation in the area.

**Ms. Kari Martinez** spoke in opposition. She stated that the existing zoning was applied to the land for a reason. She mentioned the development of Colorado Springs and Falcon, heading towards Peyton. Wildlife is being displaced to the subject area. Livestock is also in the area. She stated that when people are bored because of the lack of amenities, they will cause trouble.

**Mr. Ed Henning** spoke in opposition. He asked questions about the process of rezoning and its permanence. He stated that he purchased his property from the same LLC proposing the rezone. He doesn't think it's compatible with the existing area. He mentioned his view. He stated that the rezone would only benefit the applicants, not the community. The community does not want the RVP rezoning or to have the proposed RV Park in their community. He is concerned about changes to the intended purpose/management. He stated his property value would decrease and the cost

of drilling wells could increase. He asked if the community would be required to cover building costs. He stated that approval of the subject rezoning could spur subsequent rezoning in the area to support the RV Park, changing the community. He worries about management of the high number of guests and mentioned fireworks and fire risk. He expressed a concern that the adjacent 5-acre property with the proposed house the applicants will live on could be sold separately, resulting in no on-site management. He then prayed.

**Mr. Markewich** asked County staff if the applicants were required to provide the amount of information that they did regarding the intended use.

**Ms. Herington** answered that the applicant was not required to provide a site plan or to identify the number of RVs. Rezoning requests are only required to provide a Rezoning Map and a Letter of Intent related to the LDC criteria for approval. The detailed information up front is above and beyond what is required.

**Mr. Markewich** then asked if the applicant could substantially change their stated intent after potential rezoning approval. Are they held to the site plan included during this stage?

**Ms. Herington** stated that the LDC has zoning standards that the applicant would be required to stay within. Conditions of approval could also be applied to the rezoning. Nothing holds the applicant to their stated intention at this stage.

**Mr. Markewich** clarified that a condition of approval could be applied to the rezoning that ties approval to a site plan "roughly similar to" what they've discussed at this hearing.

**Ms. Seago** suggested using more concise language but confirmed that adding a condition of approval to include very specific details from what was presented. She suggested mentioning any specific documents that depict details needing to be captured. She stated that she could assist in the wording of that condition, if needed.

**Mr. Markewich** asked if including a condition like "not to exceed 110 campsites" would be allowed.

**Ms. Seago** confirmed.

**Mr. Markewich** then suggested to the applicant that they may want to consider additional conditions of approval such as temporary closure December – February, restricting the length of stay, prohibiting contractual agreements with FEMA, banning open fires, or allowing propane firepits only. He asked if those conditions of approval would be appropriate during the rezoning or if they should be addressed at a later stage.

**Ms. Seago** answered that conditions of approval like that could be included but need to be a furtherance of the criteria of approval. For example, if the board considers that the rezoning is only compatible with the surrounding area *if* "x, y, or z" are happening, then those types of conditions should be included in the record. If the condition of approval is to make the rezoning more palatable to the neighbors or is a personal preference, that would not be legally supportable.



**Ms. Herington** added that County staff could also take note of those suggestions to be used during review of the future Site Development Plan.

**Mr. Markewich** asked if there was anything available to prevent a potential future buyer of the RV Park from deviating from the expressed intention of the Park by the current applicants. Will the future owner be bound by the same conditions of approval?

**Ms. Seago** answered that the rezone (or Site Development Plan) would always be bound by the conditions of approval tied to the BOCC resolution.

**Mr. Bailey** reminded the board that the applicant would need to appear before them again for at least one future step of the process. If the proposal is significantly different at that time, the board will be able to address any concerns.

**Ms. Seago** reiterated that if the parcel goes through the subdivision process and the resulting adjacent property (on which the applicant declared they intend to live) is separated, the two properties could potentially be sold independently of one another.

**Ms. Barlow** provided rebuttal. Regarding conformance with the Master Plan, she stated that there have been changes to the area since the blanket zoning was applied in the 1990s and a new Master Plan has been adopted since that time. She stated that the subject property is within a priority development area which indicates there will be development along Highway 24. Regarding the comments that tourism and commercial uses are not permitted in the subject area, the Master Plan only identifies those supporting uses in the Mountain Interface area of Highway 24. She stated that she doesn't imagine the County intended to restrict that use from other places throughout the County.

Regarding the RV Park not benefiting the community, the camp store was specifically criticized at the neighborhood meeting. It was portrayed as becoming a direct competitor to Maggie's Corner Store. Having it set up to only serve RVs that visit the site will not detract from community patronage at the Corner Store. RVers will still have the option to also support the local economy. If approved, the RVP property will be taxed commercially and 58% of that money will go to the school district.

The reason the applicant invited supporters to speak in favor of the proposal was to dispel the myth that people who stay at the RV Park will be criminals and pedophiles targeting children at the bus stop. Those types of comments are extremely offensive. The proposed RV Park will be high quality and will attract normal people looking to enjoy a vacation. The proposal will not provide permanent housing. The comparisons to other RV Parks (like the one in Calhan) are inaccurate; this proposal is going to be different from the others.

She stated that the proposal will fit the description of limited commercial regarding impact. The traffic impact is so low that CDOT did not request an access permit be pulled. Most traffic will not coincide with school traffic. The peak period of use will be during the school's summer break. The anticipated times of day are also expected to differ. She stated that many of the concerns were fear-based and have more to do with change. She argued that there will not be harm or detriment to the community from the proposed use. There were comments indicating people didn't have a problem

with RV Parks but that they shouldn't be in the subject area but in commercial areas. The applicant wants to create a different atmosphere that attracts people wanting to enjoy the rural area.

The applicant is open to added conditions of approval that restrict the intended use to tourism. The definition of RV Park in the LDC is not helpful. She suggested the Code revision differentiate between RV Parks intended for housing and those for tourism. The applicant is open to adding a condition restricting the duration of someone's stay. The applicant is also agreeable to a condition capping the quantity of sites to 100. The site plan presented reflects the future intent. If anything, the number of campsites may decrease. Water and sewer capacities may impact that.

The RV Park and RR-5 properties are proposed to be separated for financing purposes. It is the applicant's intention to live on the RR-5 property for the rest of their lives. After that time, things could change, but one cannot pick their next-door neighbor. The applicant would like to be a good neighbor and their property will provide a buffer between the RV Park and the southern property owner. She stated that the last speaker was the only person with a shared property line to the RV Park. To pursue their chosen business venture, a rezoning to RVP is the only option. The applicant is going through the proper avenue.

**Mr. Moraes** asked what source the occupancy rate (from the applicant's presentation) was based on.

**Mr. Smith**, the applicant, answered that the occupancy rate was based upon statistics provided by OHI. It included the number of campers, the number of couples, those with children, with animals, single individuals, etc. From that information, he gathered that there is an average of 2.2 people per camper. He used that number to estimate the number of visitors per month.

**Mr. Moraes** asked what number of campsites of the approximately 100 proposed would be filled on average.

**Mr. Smith** replied that the estimated standard rate would be 65-70%.

**Ms. Fuller** advised against discounting public comment from people who don't share a property line. She believes many of the people in the area are worried about setting a precedent. She stated that she does not find the request to be in conformance with the Master Plan. She specifically mentioned uses of less prevalence and that the services should be in support of the community. She agreed with the public comments that the proposal would not serve the community as the other commercial ventures were identified to do. The comparable RV sites have more direct highway access and do not appear to cause travel between neighborhoods. Someone from the public used the term leapfrog zoning and she sees that as an appropriate description.

**PC ACTION: BRITAIN JACK MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER P2315, FOR A MAP AMENDMENT (REZONING), LAZY Y ROCKING J RR-5 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 (7-1).**

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, FULLER, MARKEWICH, MORAES, AND WHITNEY.

**IN OPPOSITION:** MERRIAM.

**COMMENTS:**

**Ms. Brittain Jack** stated she hates fear-based mongering. She finds it offensive that it's portrayed as a bad thing for someone to want to make a profit or have a business.

**Ms. Merriam** explained that she voted against the requested rezoning to RR-5 because she views the two requests as a packaged deal and she is not in favor of the RVP rezoning siting suitability and compatibility.

**PC ACTION: BRITTAIN JACK MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER RVP231, FOR A MAP AMENDMENT (REZONING), LAZY Y ROCKING J RV PARK 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 FAILED (2-6), RESULTING IN A RECOMMENDATION TO DISAPPROVE.**

**IN FAVOR:** BAILEY AND BRITTAIN JACK.

**IN OPPOSITION:** BYERS, FULLER, MARKEWICH, MERRIAM, MORAES, AND WHITNEY.

**COMMENTS:**

**Mr. Moraes** commented that he does not agree with the argument that the proposal will provide a limited commercial supporting land use to the community. He quoted the Master Plan, *"Supporting land uses are less prevalent and serve an ancillary function that complements the primary land use."* The primary land use in the subject area is Large-Lot Residential, which is primarily single-family detached homes. He listed nurseries, repair shops, studios, bakeries, barber shops, and small-scale businesses that serve and support people who reside in the area as being more appropriate. He did not observe evidence that the RV Park would support or serve people living in the Large-Lot Residential placetype. He does not see compatibility with the placetype. If the RV Park is conservatively occupied at 50% of 100 campsites, that results in 50 RVs on the property at any given point. Given that scale, he does not see compatibility with the surrounding RR-5 or A-35 zoning.

**Ms. Fuller** responded to Ms. Brittain Jack's earlier comment regarding capitalism. She doesn't think anyone present is against someone making money. The question being asked is if the subject location is appropriate for the proposed use.

**Ms. Brittain Jack** replied that she made that remark because she counted at least 4 people from the public make comments along the lines of "these people just want to make money."

**Mr. Whitney** agreed with Mr. Moraes and Ms. Fuller's previous remarks. He does not find the request to be in general conformance with the Master Plan, even when considering tourism and the importance of economic development. While valuable, it cannot be placed anywhere – it must fit. Regarding the LDC criteria, *"The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions,"* the proposal just isn't. He is troubled by the comparison that just because someone runs a tractor repair shop for their neighbors or themselves, they are now deemed commercial and used as compatibility for more intense commercial endeavors. He compared that logic to allowing a vehicle manufacturer because someone operates a Kool-Aid stand.

**Mr. Bailey** explained that he focused on the Master Plan conformance in a broader sense than strictly land use applicability. There are provisions in the Master Plan that he recognizes the proposal as being compatible with. Judgement can be applied as compatibility does not imply an exact match. He mentioned private property rights and that the applicant has the right to develop their land the way they'd like. He further commended the applicant for going through the correct process. He stated the area which received blanket zoning 30 years ago, an area where no one lived, has experienced a significant change since the zoning was applied. The entire Highway 24 corridor is dramatically different than it was. He stated that the proposed type of use will be found in the area eventually, due to growth.

**Ms. Merriam** encouraged and commended public participation in the process. She stated that she voted against the motion because she did not see the suitability or compatibility of the proposal and she heard the messages of the public. She mentioned that legal non-conforming, "grandfathered", uses are exceptions.

**Ms. Brittain Jack** stated that she was part of the Master Plan's adoption for 2 years. Experts advised the board at that time that the County should expect to grow by 250,000 people; they will need to live somewhere. She spoke about her history in the community. She believes people need to embrace growth.

**\*\*Ms. Fuller and Mr. Whitney were excused from the meeting. Voting members are now: Bailey, Brittain Jack, Byers, Markewich, Merriam, and Moraes (6).**

**C. ID242**

**PARSONS**

**SPECIAL DISTRICT SERVICE PLAN  
OVERLOOK AT HOMESTEAD METROPOLITAN DISTRICT**

A request from PT Overlook LLC., and Icenogle, Seaver, and Pogue, P.C., for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Overlook at Homestead Metropolitan District. The 350.8-acre area included within the request is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. The service plan includes the following: a maximum debt authorization of \$10,000,000.00, a debt service mill levy of 50 mills for residential, an operations and maintenance mill levy of 10 mills, and special purpose mill levy of 5 mills for a total maximum combined mill levy of 65 mills. The statutory purposes of the district include the provision of the following:

- 1) street improvements, transportation, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities;
- 6) design, construction, and maintenance of water including fire cisterns;
- 7) sanitation systems;
- 8) solid waste disposal;
- 9) security services; and
- 10) covenant enforcement.

(Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

## **STAFF & APPLICANT PRESENTATIONS**

**Mr. Markewich** asked for clarification regarding the increase in the estimated property tax. He asked if that is due to improvements expected to be made on the property.

**Ms. Parsons** explained that the analysis is based on the actual financial plan which was submitted. That report included a 6% bi-annual increase in assessed value. She deferred to the applicant for additional details.

**Mr. Bailey** remarked on the benefit to the County that Special Districts provide.

**Mr. Markewich** asked for confirmation that individual property owners will be responsible for their own well and septic systems as opposed to one communal system.

**Ms. Parson** confirmed. She explained that the subdivision is rural in nature and that each lot will have a custom home built, have a well drilled, and design a septic system. At the time a water sufficiency finding is made, it is typical for the CAO to apply conditions that well monitoring should occur and be part of covenants. It is also typical that if a Special District is created, the District would absorb that responsibility.

**Mr. Markewich** asked if that process would take place in the future.

**Ms. Parsons** explained that that process has already taken place and was approved. A finding of water sufficiency was determined during the Preliminary Plan stage. The requested Special District is merely incorporating that aspect into its Service Plan.

**Mr. Markewich** then asked a question on Ms. Fuller's behalf. The presentation identified 5 mills as a Special Purpose mill levy. However, it was verbally described as a being for covenant enforcement. He asked if the applicant could use the 5 mills for any other reason besides covenant enforcement.

**Ms. Parsons** answered that the adopted policies do not allow the 5 mills to be used for any other reasons beside Fire Protection District purposes or covenant enforcement. The staff presentation concluded; the applicant presentation began.

**Ms. Jennifer Ivey**, with Icenogle, Seaver, and Pogue, P.C., representing the applicant, agreed that the 5 mills are only allowed to be used for the specific reason listed in the proposed Service Plan, which is identified as covenant enforcement. She also confirmed the answer given to Mr. Markewich's previous question regarding the increased tax revenue. She then briefly summarized the Special District's hearing timeline process.

**Mr. Markewich** asked about open space in the subdivision.

**Ms. Parsons** answered that the property is straight zoned, which does not include open space requirements. The subject property is rural in nature, however, so there will be open space. The geology and designated no-build space will be a natural flow of open space that the District will maintain.

## **NO PUBLIC COMMENTS**

**NO FURTHER DISCUSSION**

**PC ACTION: BYERS MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5C, FILE NUMBER ID242 FOR A SPECIAL DISTRICT SERVICE PLAN, OVERLOOK AT HOMESTEAD 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 (6-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, BYERS, MARKEWICH, MERRIAM, AND MORAES.

**IN OPPOSITION:** NONE.

**COMMENTS:** NONE.

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

**MEETING ADJOURNED** at 3:08 P.M.

**Minutes Prepared By:** Miranda Benson