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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, June 2, 2020
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, AND BECKY FULLER

PRESENT VIA ELECTRONIC MEANS BUT NOT VOTING: GRACE BLEA-NUNEZ, TIM TROWBRIDGE, AND THOMAS GREER

PRESENT AND NOT VOTING: ERIC MORAES AND JAY CARLSON

ABSENT: NONE

STAFF PRESENT: CRAIG DOSSEY, LINDSAY DARDEN, NINA RUIZ, GILBERT LAFORCE, AND EL PASO COUNTY ATTORNEY LORI SEAGO (VIA REMOTE ACCESS)

OTHERS SPEAKING AT THE HEARING: DANIELLE WIEBERS, DANIELLE PALMER, TAMMY DAVIS, HEATHER CURRY, KEVIN O'NEIL, HARRIET JARMON, HERBERT HOPPER, SCOTT WORKMAN, WANDA WORKMAN, TAMMY FIELDS, RUSTY RENZELMAN, DREW WESTRA, LINDSAY RESSLER, JOHN HELMICK, MELANIE BERG, DAN CARLESS, MICKEY DAVIS, MARK TRUESDELL, SUSAN SHIELDS, KRISTIN ROWAN, AND TROY HUTCHISON

Report Items

1. A. Report Items -- Planning and Community Development Department – Mr. Dossey -- The following information was discussed:

- a) The next scheduled Planning Commission meeting is for **Tuesday, June 16, 2020.**

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- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting as well as a Planning and Community Development progress report of permits and projects in process.
- c) **Mr. Dossey** also gave an update on the Master Plan and upcoming meetings. There is an Advisory Committee meeting tomorrow (June 3, 2020). He played a video on the placetypes focus of the Master Plan. The survey and mapping exercise are located on the website for community input.
- d) Welcome to **Mr. Jay Carlson**, new Planning Commission member.

B. Public Input on Items Not Listed on the Agenda – NONE

2. Consent Items

- A. **Approval of the Minutes – May 19, 2020**
The minutes were approved as presented. (5-0)

B. CS-19-002

RUIZ

**MAP AMENDMENT (REZONE)
ELLCOTT TOWN CENTER COMMERCIAL**

A request by Colorado Springs Mayberry, LLC, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to CS (Commercial Service). The three parcels, totaling 9.5 acres, are located south of Highway 94, approximately 1.3 miles west of the Highway 94 and North Ellicott Highway intersection and are within Section 14, Township 14 South, Range 63 West of the 6th P.M. (Parcel Nos. 34000-00-259, 34000-00-260, and 34000-00-350) (Commissioner District No. 4)

PC ACTION: BAILEY MOTIONED/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM 2B, CS-19-002, FOR A MAP AMENDMENT (REZONE) FOR ELLICOTT TOWN CENTER COMMERCIAL UTILIZING RESOLUTION PAGE NO. 27, CITING 20-023, WITH THREE (3) CONDITIONS, TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).

**SPECIAL USE
TURBO RV RENEWAL**

A request by Eric Vandenhoeck for approval of a reconsideration of an expired special use for recreational vehicle repair as a rural home occupation. The five (5) acre property is zoned RR-5 (Residential Rural) and is located northwest of the Baptist Road and Interstate 25 interchange, on the south side of Doolittle Road, approximately 780 feet west of Lindbergh Road and is within Section 28, Township 11 South, Range 67 West of the 6th P.M. (Parcel No. 71280-04-003) (Commissioner District No. 1)

PC ACTION: LUCIA-TREESE MOTIONED/BRITTAIN JACK SECONDED TO APPROVE CONSENT ITEM 2C, AL-19-034, FOR A SPECIAL USE FOR TURBO RV RENEWAL UTILIZING RESOLUTION PAGE NO. 39, CITING 20-024, AND WITH CONFORMITY TO THE MASTER PLAN WITH ONE (1) CONDITION, THREE (3) NOTATIONS, AND ONE (1) MODIFICATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).

REGULAR ITEMS**3. VA-19-002****DARDEN**

**VARIANCE OF USE
PETE LIEN AND SONS BATCH PLANT**

A request by Pete Lien and Sons, Inc., for approval of a variance of use for a ready-mix concrete batch plant. The 92.47-acre property is zoned A-35 (Agricultural) and is located at the northeast corner of the Stapleton Road and Judge Orr Road intersection. (Parcel No. 42000-00-405) (Commissioner District No. 2)

Ms. Darden gave a brief overview and asked **Ms. Seago** to go over the review criteria for a variance of use. She then introduced the applicants' representative **Ms. Danielle Wiebers** to go over their presentation.

Mr. Risley – Block storage is indicated on the site plan. Could you give more information on that area? **Ms. Wiebers** -- We make readymade pre-cast blocks and they are stored in the area depicted, and we use landscaping around that area and spray for dust control.

Ms. Darden then gave her full presentation along with **Mr. Gilbert LaForce** who gave his engineering findings and answered questions. Their report is on permanent file.

Mr. Risley – Could you list some of the other approved uses that would fall into one of the zone areas that could be used for this property? **Ms. Darden** – The M zoning district is obsolete, and projects cannot be rezoned to that zone any longer, and the I-3 is heavy industrial which could have batch plants, sawmills, heavy truck repair and manufacturing. Livestock feed area or sales, meat processing, mineral extraction, mini warehouse, nursery, outside storage, plaster manufacturing, RV and boat storage, etc. are also uses that would be allowed in the I-3 zone district.

Mr. Trowbridge -- Would the haul route fee be dedicated to maintaining this specific route or does it go into a pool of funds? **Mr. Dossey** – Typically they are dedicated to those roads directly impacted.

Mr. Trowbridge -- Is there an inspection beforehand to establish the condition of the road so it can be maintained at the same level? **Mr. Dossey** – The County has inventories of the condition of roads, so that does help to direct funds. If there isn't a current assessment on file, then it will require a pre-assessment of those roads to determine where the funds and maintenance are needed.

IN FAVOR: NONE

IN OPPOSITION:

Ms. Danielle Palmer – I live 7 ½ miles away. We as a community have spoken that we are in opposition to this application. Pedestrian related deaths are a concern. The increased traffic and heavy equipment on our one-lane highway is a problem. Schriever AFB is already putting traffic on our area. There are over 300 potholes and already unsafe. Roads are not maintained as needed. Highway 94 is already overused.

Ms. Tammy Davis – Presented lifestyle pictures instead of data. In opposition of the project. Wind will bring dust and particulates into the pond that we enjoy. Now we will have to have that pond tested. To go from agricultural to heavy industrial is not fair when we followed the Master Plan guidelines when we bought our property.

Ms. Heather Curry – I live on Ft. Smith Road and is the last road before Highway 24. The noise level that these plants produce is very loud. The traffic from the cement trucks are troublesome. Highway 24 backs up to Garrett in rush hour traffic already. We moved to Falcon to get away from that kind of noise and congestion. This will negatively affect our community.

Mr. Kevin O'Neil – I own the 57 acres on the corner of Stapleton and Highway 24. We will end up with a hodge podge of zoning if we continue to allow agricultural land to go to heavy industrial. There are developers out there trying to do the right thing and show those needed buffers.

Ms. Harriet Jarmon – I live on Ft. Smith Road. I sent in an opposition letter. I found a document on EPA website regarding cement plants and they talk about the sulfur dioxide that affects communities. Children and the elderly and those with asthma and other medical conditions will suffer from this plant. The wind will blow about 30-50 mph and all of those materials into our community. As a mom, a resident I ask you to reconsider.

Mr. Herbert Hopper – I did send in a letter of opposition. We looked at how the area was zoned when we purchased our property. The agricultural zoning is what we desired to live next to. What is the next step if they get this approval? Will they then bring in an asphalt plant? Any of those other uses could come in as well.

Mr. Scott Workman and Ms. Wanda Workman – We live at 10427 Elbert Road, about 1 and ¼ mile from this property. We run cattle in the area. In addition to the presentations given today, there's another subdivision that is being developed on Stapleton. What will happen to those subdivisions when that plant goes in. We are worried about limestone runoffs that our cattle drink from in addition to the safety of the residents. There is no way that a batch plant is compatible with the surrounding neighborhoods. I'm concerned about the wetlands. I have ducks, geese, antelope and cattle that all drink from those water areas. The Marksheffel plant sounds like they are closing and losing their lease. Is it because no one wants it there? There's already too many accidents off Highway 24; this will only make it worse.

Ms. Tammy Fields – We live at 14400 Judge Orr Road, about ¼ of mile from property. We are extremely concerned about the devaluation of our property. The proposed use is not compatible with the area and is not harmonious to the existing community. This should involve a rezoning and not a variance of use. Heavy truck traffic, noise and air quality, rural lifestyle and wellbeing of our residents are all concerns. I'm not anti-development, I know that growth is coming; but this is not an appropriate area for the plant. There are other heavy industrial areas in the County that would be more suitable.

Mr. Rusty Renzelman – We live 14980 Stapleton Drive. The applicant has not provided any relevant evidence that this is consistent with the review criteria. If they are granted the variance they will make millions. All the gain will be at the expense of the neighborhood. There is virtually no way to screen the structure. A very generic landscaping plan was submitted. The trees take more than 20 years to mature and will offer little buffer. This will be one of the largest batch plants in the County if approved. They are proposing a mammoth operation. I used to own and operate Alpine Concrete. We used to purchase our material from TCC. Pete Lien and Sons have purchased TCC. The true operations of the plant are not fully disclosed. The plant will operate around the clock on maintenance things that can't be done during daytime hours. Around the clock noise and air quality will impact our

community greatly. We did our due diligence as responsible home owners. If this is granted, I'm very skeptical that they will adhere to what they outline in their letter of intent. I did not see any of the company's yearly violations that are documented on a daily basis through MSHA (Mine Safety and Health Administration). I've been in the concrete industry for a long time and there are operations that will happen 24/7.

Mr. Drew Westra – This is a clearly a business problem not a community problem. They bought cheap agricultural land for personal gain instead of already zoned industrial land. This will give them an unfair competitive advantage. This could also be detrimental to the area and give the message that others can do the same. There is no hardship here. They bought it with intent to use it as industrial and claimed a hardship. Property values are going to decrease. What is the plan for job growth?

Ms. Lindsay Ressler – I am a real estate attorney assisting one of the home owners in the area. The health concerns, air, water and noise impacts have been mentioned. The Policy 5.3.4 says it should be used sparingly. The standard is the strict application shows peculiar or unique circumstances. They have not proven this here. This is not unreasonable or disproportionate to the owner. From a legal perspective, the variance should not be granted based on the information provided thus far.

Mr. John Helmick – We own the 829 acres across the street from the proposed batch plant. My biggest concern is the fear of the unknown. The noise of the plant and the trucks, the traffic associated with this type of plant, are all concerns. We live in a rural area that is not conducive to this industrial use. This location is inappropriate for this use.

Ms. Melanie Berg – I live on the southside of Meadow Lake area. We wish this to remain rural in nature. Allowing the plant would adversely affect the roads that are already congested. I have asthma so the fresh air is important. I have birds, deer, and wildlife will be affected greatly.

Mr. Dan Carless – I am the developer of Old West Ranch. We sold many 35 acre parcels. It's a high-quality rural area. Putting a heavy industrial use is not ideal. It would negatively impact the area with noise, wind and dust/elements blowing. This heavy use will be more problematic on already overused, less maintained roads. This does not comply, there is no hardship, it is not compatible or harmonious to the character of the area. This should go in a heavy industrial area. This will establish a dangerous precedent. I appeal to you to protect this neighborhood.

Mr. Mickey Davis – My property surrounds the proposed plant. Cheap industrial property, low-end housing, will devalue the area. We are currently putting up with heavy traffic from sand plant nearby. The roads are suffering. Turn lanes are not

going to solve this amount of traffic. A permanent variance a change of zoning. If you want to change zoning, then do the rezone.

Mr. Mark Truesdell – I bought property only two years ago. I live about 5 miles east of the plant. The wind will blow. Water pollution, heavy traffic, deep aquifer water use are all concerns. Everyone east and south of that plant relies on the aquifers. In direct contrast to the Falcon Peyton Area Plan, it calls for keeping of major thoroughfares open for truck traffic. If you put those trucks out there, there will only be more congestion. They talked also about bringing in high-paying jobs. Seems to me if you are closing one plant and opening another, those jobs just transfer from one to another and don't create new jobs. The general public opinion is against this. Don't postpone, just deny it.

Ms. Susan Shields – We live about 6 miles from the proposed site. I'm concerned about water and proposed augmentation plan. I'm concerned about the residential growth, the wind, the noise, all the things mentioned before me. Once it's been approved, its unlimited as to what they will do. There are a lot of wetlands. So many concerns.

Ms. Kristin Rowan – My concern is with the water usage that would be taken with a use such as this.

Mr. Troy Hutchison – I've lived in Falcon for over 17 years and work at Schriever AFB. My primary concern is with traffic and heavy trucks that this plant will cause. I've witnessed how cement trucks impact traffic. My commute to work is already congested and the speed on Highway 24 is supposed to be around 65 mph. No one maintains that speed. Highway 24 has had tragic fatalities. Curtis Road experiences high volumes of traffic and again high speeds. I understand that the company has been asked to put up a light at Stapleton and Highway 24 and the State will put in the light on their schedule.

The applicant's representative had an opportunity for rebuttal. **Ms. Wiebers** – Marksheffel property is scheduled for renewal in 2021 not closure. Pete Lien and Sons has been owned for 25 years. None of the operations are 24/7. SO2 is an emission not involved with a readymade block plant. This plant will reduce the amount of miles driven throughout the County. The hardship goes back to the fact that we went to the County. We tried to find property that was already properly zoned. That property isn't there. The other properties that are zoned industrial are forty acres and have 4 or 5 different uses on that property. We are asking for 92 acres to run one use.

DISCUSSION:

Ms. Fuller – I'm not seeing a hardship. Regarding harmonious with character, everything around that is residential. Nothing looks commercial or industrial. That is a heavy industrial use. I'll be voting no.

Ms. Brittain Jack – Pioneer Sand and Gravel was mentioned as creating a lot of traffic. Where are they located in reference to this area? Did they get a variance?

Ms. Darden – Is located on Curtis Road and on Garrett Road. It is a non-conforming use; it was established prior to zoning.

Ms. Brittain Jack – in terms of our upcoming Master Plan, do we have anything that addresses this area? **Mr. Bailey** – We aren't changing parcels, but we have identified areas of change and the Master Plan recognizes gross deficiencies in what we have now in terms of industrial zoning and how we manage development to provide for needed industry with the least amount of impact. This is a locally undesirable use and no one wants to live next to it. **Mr. Dossey** – I marvel at how many of our small area plans don't account for those locally undesirable uses. The siting of industrial uses is always an issue. When we develop the placetypes and areas of change, it's hard to predict what industrial areas will look like and where will they be located. Regarding the sand business, it is a legal non-conforming parcel. The zone is A-35.

Mr. Moraes – When I look at this project, I was torn because due to growth on that side of town, we do need to have some kind of industrial area. However, it needs to be intentionally planned. A-35 is the least intensive use in the zoning. The people that developed the LDC intentionally did not place the "Batch Plant" use as an Allowed, Special, or Temporary Use. Dealing with variances, if we approve this one, it may start a domino effect. Pretty soon, with enough variances with industrial uses, now we've unintentionally started an industrial area where it was planned as agricultural. We are taking a use that is a special use in the most intensive district and trying to place it in the least intensive zone. In my research, I asked for the other variances that have been approved in the last five years. There's only been one in the last 5 years that was approved for a landscaping company. The A-35 variance in the past had neighbors that were in favor; there aren't any neighbors that want this. I'm not in favor of this even though I'm not a voting member today.

Ms. Lucia-Treese – I can see both points of view. On a 92.47-acre parcel to only be using 23 of those acres to me seems to limit the impact and that this is a ready-mix plant so there are other criteria that come into play. No one wants it in their back yard, but as we continue to have growth in that area and agricultural land being divided down for residential homes, the 35-acre may not be germane to 2020 as it was in 1970 or 1980. I have mixed feelings on growth in the County. It comes down to what does our review criteria tell us and what are we bound to do as

Commissioners, and I believe in this case that the applicant has met the threshold for the criteria, so I will be voting in favor of this.

Mr. Risley – I agree with **Ms. Lucia-Treese**. Sometimes we see cases that are black and white, this one is not. There are many factors to take into account. One of the things that I look at is the language says these are things we may consider. I don't know that the applicant did anything to demonstrate a hardship. I'm not convinced that is compatible with the surrounding area. I believe the applicant tried to be sensitive and build out only a portion. No one wants this in their community but it's essential for the growth that the County is seeing. We have to balance all that. I hope that when the County Commissioners take this into consideration that they listen to our thoughts and our input. We appreciate all the comments today. I encourage you to go to that meeting and voice those concerns as well. We are a recommending body. This item will be heard on June 23, 2020 at 9:00 a.m. by the Board of County Commissioners.

PC ACTION: LUCIA-TREESE MOTIONED/BRITTAIN JACK SECONDED TO APPROVE REGULAR ITEM 3, VA-19-002, FOR A VARIANCE OF USE FOR PETE LIEN AND SONS BATCH PLANT UTILIZING RESOLUTION PAGE NO. 51, CITING 20-025, WITH TWELVE (12) CONDITIONS AND FOUR (4) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (3-2). THE NAY VOTES WERE FULLER AND RISLEY.

4. **El Paso County Master Plan – Informational Update – No Action Needed – Mr. Dossey** updated the Planning Commission on the Master Plan process during his report items. No further information provided.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

The minutes were approved as presented at the June 16, 2020 Planning Commission hearing.