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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, April 2, 2019
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

REGULAR HEARING

9:00 a.m.

PRESENT AND VOTING: JIM EGBERT, KEVIN CURRY, JANE DILLON, JOAN LUCIA TREESE, GRACE BLEA-NUNEZ, SHARON FRIEDMAN, AND PETER AURICH

PRESENT AND NOT VOTING: NONE

ABSENT: BRIAN RISLEY, ALLAN CREELY, AND TOM BAILEY

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, KARI PARSONS, LEN KENDALL, JEFF RICE, GILBERT LAFORCE, BECK GRIMM, AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS PRESENT WHO SPOKE AT HEARING: JUDY VON AHELFELDT, ANDREA BARLOW, BEN KELLEY, GREG WOLFF, MIKE CASTINE, JOHN NORTON, LAIN CHAPPELL, DAN SIEVERS, DAN TADIE, MARY REDETZKU, JEREMY MCKAY, MARK MCMILLEN, DAN IREY, JIM GOODRID, BILL FITZPATRICK, CHRIS CUMMINS, DAN MAYNARD, JOHN GARDNER, AMIE LENNON

Report Items

Planning and Community Development Department – Mr. Dossey and Mr. Gebhart

- A. The next scheduled Planning Commission meeting is for Tuesday, April 16, 2019.**

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- B. Mr. Dossey** gave an update of the EDARP program. Most modules are up and running now, including Code Enforcement and Inspections.
- C.** The local Housing Business Association will hear a bill tomorrow that will allow the BoCC to delegate the approval authority over final plats. If water and public improvements have been addressed at the preliminary plan stage, then it could be administratively processed and not go to hearing.
- D. 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.
- E. Mr. Gebhart** mentioned that the Water Master Plan will have the final certification completed today. The links will be sent to military bases and surrounding counties. It will also be uploaded to the website and EDARP.
- F.** The Water Master Plan has been submitted to the American Planning Association conference and the Special District Association conference, both to be held in September, 2019. It has additionally been submitted to the Colorado APA for an award.
- G.** The Arkansas River Basin Water Forum will be held April 24-25, 2019 in Pueblo, Colorado.
- H. Mr. Gebhart** gave more information on the scope of the County Master Plan and projected timeline. The Houseal-Lavigne consultants will be here again May 13-17, 2019. He also showed the list of groups/participants that were involved in the March 18-20, 2019 interviews. **Mr. Egbert** asked that those lists be included in the minutes.

Mr. Curry – I want to commend you on the Water Master Plan and the work that has been done. Will there be a broadband master plan? I would like to see County Master Plan members identified with their affiliations.

Ms. Blea-Nunez – Will we get notice of Steering Committee hearings and can we attend those meetings? **Mr. Gebhart** – Yes, it is public and you may attend. **Ms. Seago** – Keep in mind that when three or more Planning Commission meeting, then you now have a Planning Commission hearing and it has to be posted. Please let Tracey know if you plan to attend so that we may post an agenda. **Mr. Dossey** – We will post an agenda for every Steering Committee meeting so that we are covered.

Ms. Dillon – Can you tell us their affiliation and why they were chosen? **Mr. Dossey** – We have representation from the development community, a professional planner, two Planning Commission members, and the rest were general public that the BOCC recommended and have an interest in the County in different aspects.

Ms. Lucia-Treese – I want to commend you on the list of people chosen for the Steering Committee. I know most of them. They are very active individuals in the community and come with a vast background and great experience. I think it's a well-rounded, balanced group of people.

1. Consent Items

A. Approval of the Minutes – March 19, 2019

The minutes were approved as presented. (7-0)

Ms. Judy Von Ahelfeldt requested that both Red Tail Ranch items be moved to the Regular calendar. They will be heard after the other consent items.

B. SP-18-004

PARSONS

PRELIMINARY PLAN REDTAIL RANCH

A request by Michael Ludwig for approval of a preliminary plan to create 12 single-family residential lots. The 67.9 acre property is zoned RR-5 (Residential Rural) and is located approximately one-quarter (1/4) of a mile north of Shoup Road, along the west side of Vollmer Road. (Parcel Nos. 52090-00-128, 52090-00-129, 52090-02-006, and 52090-02-008)

Ms. Kari Parsons requested that she present both items together for the preliminary plan and final plat. **Ms. Seago** went over the review criteria for both.

Ms. Andrea Barlow, NES, Inc. gave her presentation and answered questions from the Planning Commission.

Mr. Egbert – So is the stock pond acceptable for agricultural and not residential? **Ms. Barlow** – That is correct.

Mr. Curry – Approval of the final plat would vacate Walker Place Lots 1 and 2. Were there any notes placed on the plat at that time that would impact this? **Ms. Parsons** – No sir.

Mr. Jeff Rice gave his engineering report/findings to the Planning Commission. There is no FEMA floodplain. The property lies in two drainage basins; however, they are unstudied and no fees apply. Permanent BMPs proposed for full-spectrum water quality basins and ditch checks. All required permits were obtained. With regards to traffic, access is proposed Sanctuary Pine Drive connecting to extension of Ward

Lane. Vollmer Road is a 2-lane rural minor arterial road. The County Road Impact fee will be assessed.

IN FAVOR:

Ms. Judy Von Ahelfeldt – I am the adjacent neighbor and I have been working with them for over a year. The pond that is in question was built in 1990s. When the subdivision came, I was pleased to see it was going to be 5-acre tracts. The Black Forest Preservation Plan has an addendum that encourages subdivisions to put trails in during development. There are trails systems throughout the area, but I was not able to continue the trails because of two wetland areas on my property and would have required me to cut a lot of my trees at a considerable expense. I wanted the stock pond to remain and have the developer construct a spillway to make it safer. Now, I find that it's to be filled in. The water correspondence was not posted until Thursday late afternoon in EDARP. The detention ponds will be de-watered. I would be willing to augment some of my water to keep the pond. Her report is on file. I believe we need additional conditions or notations requiring the developer to keep the stock pond or construct one on my property.

Ms. Seago – In my opinion, this is a private matter between Ms. Von Ahelfeldt and the property owner.

Mr. Cummings -- We are not seeking a continuance or request any changes. We are filling in the stock pond based on our augmentation plan. We have been working with Ms. Von Ahelfeldt, but whatever that resolution will not affect the project before you today.

IN OPPOSITION: NONE

Mr. Jim Goodrid – I just wanted to go on record asking for no street lights for the project. We moved out there to look at the stars. **Ms. Parsons** – There is no desire to put street lights in this particular subdivision.

DISCUSSION:

Ms. Friedman – We have had a lot of developments come before us, so I'd like to commend the developer for sticking with the 5 acre recommendation and working with the Black Forest folks.

PC ACTION: CURRY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2B FOR SP-18-004 FOR A PRELIMINARY PLAN FOR REDTAIL RANCH UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-019 WITH SIX (6) CONDITIONS AND TWO (2) NOTATIONS WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE

BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

C. SF-18-021

PARSONS

**FINAL PLAT
REDTAIL RANCH**

A request by Michael Ludwig for approval of a final plat to create 12 single-family residential lots. The 67.9 acre property is zoned RR-5 (Residential Rural) and is located approximately one-quarter (1/4) of a mile north of Shoup Road, along the west side of Vollmer Road. (Parcel Nos. 52090-00-128, 52090-00-129, 52090-02-006, and 52090-02-008)

PC ACTION: CURRY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2C FOR SF-18-021 FOR A FINAL PLAT FOR REDTAIL RANCH UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-020, WITH THIRTEEN (13) CONDITIONS AND ONE (1) NOTATION WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

D. CS-18-004

KENDALL

**MAP AMENDMENT (REZONE)
TAMLIN ROAD REZONE**

A request by NES, Inc., on behalf of the property owner C & M Properties, LLC, for approval of a map amendment (rezoning) of 16.49 acres from being split-zoned RR-5 (Residential Rural) and CC (Commercial Community) to CS (Commercial Services). The property is located directly east of the Marksheffel Road and Tamlin Road intersection. (Parcel No. 53210-02-001)

PC ACTION: AURICH MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2D CS-18-004 FOR A MAP AMENDMENT (REZONE) FOR TAMLIN ROAD UTILIZING RESOLUTION PAGE 27, MORE PARTICULARLY DESCRIBED ON PAGE 19-021, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

REGULAR ITEMS

3. AL-18-025

KENDALL

SPECIAL USE PETRICK RESIDENCE EXTENDED FAMILY

A request by Dan Sievers, on behalf of property owners Randall and Gwendena Petrick, for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.15 miles south of the intersection of Pleier Drive and Silverton Road. (Parcel No. 62040-01-016)

Mr. Kendall asked **Ms. Seago** to go over the review criteria for a special use. He then introduced the applicants' representative **Mr. Dan Sievers**, for their presentation.

Mr. Curry – You mentioned that the basement isn't to code but it's used for laundry. **Mr. Sievers** – it is not habitable space.

Ms. Friedman – Aren't things supposed to be to code? **Mr. Sievers** – It was built in the 70s but it does not meet current code.

Mr. Kendall then gave his full presentation to the Planning Commission.

Mr. Egbert – Can they have a separate kitchen? **Mr. Kendall** – they can with a signed affidavit stating that you will not rent the house for profit.

Mr. Curry – Does it qualify if it is not attached? **Mr. Kendall** – Yes, it would be an accessory structure and does qualify.

IN FAVOR:

Mr. Dan Tatty – My mother in law lives on the property, and I live adjacent. My mom is 83 and lived with us for a long time. She doesn't drive any more but is incredibly independent. They fully intend to ensure that our mom does well. We will all provide the care that she needs.

IN OPPOSITION:

Mr. Ben Kelly – I don't think any reasonable person is against someone caring for an elderly family member, but it should be done within the confines of the land code. The basement area needs to be brought to code. The administrative relief for this to be a guest house has two findings. It cannot have an adverse effect on the surrounding area and does not increase density. When another residence is built, it will look like two primary residences. The staff report states that the Code states a permit may be authorized to allow immediate family members that have a

specific medical need, etc. The family member must reside in the primary residence. In the last three years, there have been eleven requests brought to the Planning Commission. It doesn't say it permits a new primary residence to house the family who care for the person with the familial need.

Mr. Wolff – I have the property to the east. The house I plan to build will have the views of the Air Force Academy and Pikes Peak. This proposal will have an adverse effect to my property.

Mr. Mike Casteen – I live in the neighborhood but not adjacent. I can see this home, I've known the family for years. In 1983 I remodeled my home to allow my mother to live with my family. I appreciate the provisions of being able to take care of family. Even though the administrative relief is acceptable, it is a stretch with the home size. My concerns are that it is on top of the hill and we've seen issues with homes turning into AirBnB. It does give the appearance of two homes.

Mr. Lane Chappell – I'd like to say that the applicants will sign the affidavit, and the windows of the basement and egress are not to code and cannot be considered habitable square footage.

Mr. Curry – Is there a limit to number of structures on an RR-5 lot? **Mr. Kendall** – there is a 25% lot coverage.

Mr. Curry – This issue of the square footage does matter if we are being asked to approved 1600 square feet. Or is it 2400 square feet? We want it right for the record. **Mr. Kendall** – They can ask for relief of the size limitation. Based on my conversation, the floor plans used show 1648 sf. The garage is not included in the square footage.

Ms. Friedman – Is livable square footage defined in the Code? **Mr. Kendall** – If it is storage, then it wouldn't be counted. **Mr. Dossey** – I think the best way to think about this is that being part of a detached structure, we see a guest house being located upstairs above a garage, we wouldn't count the bottom part which is the garage, we would only count the top floor as livable space. We have to make those interpretations every day when we review site plans.

Ms. Dillon – If this was not approved, they could just build on to the other house and it would be acceptable. Is that correct? **Mr. Kendall** – Yes, that is correct.

DISCUSSION:

Ms. Friedman – After the need is no longer required, how does it go away? **Mr. Kendall** – Our code enforcement staff would follow up on any complaints that come in to our office.

PC ACTION: LUCIA-TREESE MOVED/DILLON SECONDED TO APPROVE REGULAR ITEM NO. 3, AL-18-025 FOR A SPECIAL USE FOR PETRICK EXTENDED FAMILY UTILIZING RESOLUTION PAGE 39, MORE PARTICULARLY DESCRIBED ON PAGE 19-022 WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

4. AL-18-023

KENDALL

**SPECIAL USE
NORTON EXTENDED FAMILY GUEST HOUSE**

A request by John Norton for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.3 miles east of the intersection of Howells Road and Ridgeway Lane. (Parcel No. 62230-00-054)

Ms. Kendall asked **Ms. Seago** had previously gone over the review criteria for a special use. He then introduced the applicant **Mr. Norton**, for his presentation.

Ms. Blea-Nunez – What was the nature of the concern that you did receive? **Mr. Kendall** – It was regarding density.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

PC ACTION: CURRY MOVED/BLEA-NUNEZ SECONDED TO APPROVE REGULAR ITEM NO. 4, AL-18-023 FOR A SPECIAL USE FOR NORTON EXTENDED FAMILY UTILIZING RESOLUTION PAGE 39, MORE PARTICULARLY DESCRIBED ON PAGE 19-023 WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS. THE MOTION WAS APPROVED UNANIMOUSLY (6-0).

5. PUDSP-18-001

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
FOREST LAKES PHASE II**

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433)

Mr. Curry -- "After discussion with the County Attorney's office, I will recuse myself from this matter. I understand Classic has raised concerns I MIGHT be biased against them because of anticipated objection to one of their unrelated upcoming applications. To be clear, I have nothing against Classic Homes or their NES consultants whatsoever. I judge every application in light of the review criteria and the evidence and testimony presented. And I am convinced I could review and vote on THIS matter fairly and objectively. That said, Classic and other applicants have a right to know that all hearings before this body are based solely on the evidence presented and IF I were to vote against this particular matter, Classic would not have such confidence. Thus, I will recuse myself on this matter, and I will work with the County Attorney's office on what the expectations are for my participation or recusal on other future Classic Homes applications."

There is still a quorum in place with Mr. Curry's recusal and Mr. Aurich not in attendance.

Ms. Parsons asked **Ms. Seago** to go over the review criteria for a planned unit development and preliminary plan. She then introduced the applicant's representative, **Ms. Barlow, NES, Inc.**, for their presentation.

Mr. Dan Maynard, Core Consultants, gave an overview of the wetlands and wildlife habitats.

Ms. Friedman – Were there wildfire implications on the ridge where the road was located? **Ms. Barlow** – We changed it to have two access points and the fire department was in favor of that. The County asks us to add to that and we are providing an emergency access road which may double as a regional trail.

Ms. Friedman – For ongoing mitigation, who does that fall on? **Ms. Barlow** – The metro district.

Ms. Friedman – Why does there need to be more units? **Ms. Barlow** – The number of units is dictated by the amount of developable land. We have reduced it by 23%. There is a higher demand for the lot size, and with infrastructure costs rising, more lots are necessary.

Ms. Blea-Nunez – With regard to the wildfire, some things say they are requirements not recommendations. **Ms. Barlow** – The forest service reviews what the fire department requires. A certificate of occupancy does not get issued without those requirements being met.

Ms. Blea-Nunez – With regard to the mouse habitat, are the houses planned to be fully outside the habitat? **Ms. Barlow** – Yes, that is correct; no houses will be built within those boundaries.

Ms. Blea-Nunez – Are there any Native American sites that you are aware of?
Ms. Barlow – We are not aware of any Native American areas on this plan.

Ms. Parsons gave her full presentation to the Planning Commission.

Mr. Gilbert LaForce gave his engineering findings/report to the Planning Commission.

Ms. Friedman – I got the feeling that this development will help in access to the national forest. Is that planned? **Ms. Parsons** – Access and parking were concerns from the neighborhood. If the public had access to the trails- forest, then people would come. In response, the applicant depicted a small parking lot on the Plan.

Ms. Dillon and Ms. Blea-Nunez both had to leave the hearing at 2:15 p.m. Due to the lack of a quorum at that time, it was decided to continue the item to the April 16, 2019 hearing. Public testimony will be heard at that time.

PC ACTION: NO ACTION REQUIRED TO CONTINUE REGULAR ITEM NO. 5, PUDSP-18-001 FOR A PLANNED UNIT DEVELOPMENT AND PRELIMINARY PLAN UTILIZING RESOLUTION PAGES 29 AND 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-024 WITH SEVEN (7) CONDITIONS, FOUR (4) NOTATIONS, AND FOUR (4) MODIFICATIONS TO THE APRIL 16, 2019 HEARING.

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 April 16, 2019 hearing.