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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, February 18, 2021
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, BECKY FULLER, SARAH BRITTAIN JACK, AND JOAN LUCIA-TREESE

PRESENT VIA ELECTRONIC MEANS AND VOTING: TIM TROWBRIDGE, THOMAS GREER, AND GRACE BLEA-NUNEZ

PRESENT AND NOT VOTING: NONE

ABSENT: JAY CARLSON AND ERIC MORAES

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, TRACEY GARCIA, ELENA KREBS, RYAN HOWSER, ELIZABETH NIJKAMP, AND EL PASO COUNTY ATTORNEY COLE EMMONS (VIA REMOTE ACCESS)

OTHERS SPEAKING AT THE HEARING: RAIMERE FITZPATRICK AND LES GRUEN

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 Thursday, March 4, 2021 at 1:00 p.m.**



- 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.
- c) **Mr. Dossey** announced that he will give his Annual Report at the end of the hearing.

- B. Public Input on Items Not Listed on the Agenda – Ms. Fuller** mentioned that there is a grant program open for local businesses for \$3,500 to \$7000. Go to <https://coloradoenterprisefund.org/PikesPeakSmallBusinessReliefProgram> for more information.

CONSENT ITEMS

- 2. A. Approval of the Minutes – February 4, 2021**
The minutes were unanimously approved as presented. (8-0)

- B. P-18-009** **RUIZ**
MAP AMENDMENT (REZONE)
RIVERBEND

A request by Avatar Riverbend, LP., for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to RS-5000 (Residential Suburban). The two parcels total 51.99 acres and are located southwest of the Highway 85/87 and Main Street intersection and within Section 14, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65141-00-043 and 65141-00-033) (Commissioner District No. 4)

Mr. Trowbridge requested that they receive additional background information on this item and the preliminary plan request by Riverbend.

Ms. Ruiz gave a brief background to the Planning Commission and offered the opportunity for any questions. There were no questions and the members felt comfortable with not pulling the Riverbend items to Regular and moved to a motion.

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, P-18-009, FOR A MAP AMENDMENT (REZONE) FOR RIVERBEND UTILIZING RESOLUTION PAGE NO. 27, CITING 21-007 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-0).

C. SP-18-007

RUIZ

**PRELIMINARY PLAN
RIVERBEND**

A request by Avatar Riverbend, LP., for approval of a preliminary plan to create 203 single-family residential lots, public rights-of-way, and tracts for open space, drainage, and utilities. A concurrent application is under review for approval of a map amendment (rezone) from the PUD (Planned Unit Development) to the RS-5000 (Residential Suburban) zoning district. The two parcels total 51.99 acres and are located southwest of the Highway 85/87 and Main Street intersection and within Section 14, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65141-00-043 and 65141-00-033) (Commissioner District No. 4)

PC ACTION: FULLER MOVED/BRITTAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, SP-18-007, FOR A PRELIMINARY PLAN FOR RIVERBEND UTILIZING RESOLUTION PAGE NO. 25, CITING 21-008 WITH FIVE (5) CONDITIONS AND THREE (3) NOTATIONS WITH A FINDING OF WATER SUFFICIENCY FOR QUALITY, QUANTITY, AND DEPENDABILITY AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-0).

Regular Items

3. VA-20-001

HOWSER

**VARIANCE OF USE
SPACE VILLAGE APARTMENTS**

A request by Bridle Dale, LLC, for approval of a variance of use to legalize the existing multi-family residential development. The 0.63-acre property is zoned CC (Commercial Community), is subject to the CAD-O (Commercial Airport Overlay) district, and is located on the south side of Space Village Avenue, approximately 785 feet east of the intersection of Space Village Avenue and Peterson Boulevard, approximately one mile west of Marksheffel Road and is within Section 17, Township 14 South, Range 65 West of the 6th P.M. (Parcel No. 54170-00-019) (Commissioner District No. 4)

Mr. Howser gave a brief overview of the project and asked **Mr. Emmons** to go over the review criteria for a variance of use. He then introduced the applicants' representative **Mr. Raimere Fitzpatrick** to give their presentation.

Mr. Howser gave his full presentation to the Planning Commission.

Ms. Fuller – You mentioned that no zoning districts would allow this density. What zone would allow this density? And there's no other residential close to this? **Mr. Howser** – The RM-12 zone district would allow 12 units per acre, the RM-30 zone

district allows 30 units per acre, and the applicant is proposing approximately 33 units per acre. There's a small portion of residential located to the north.

Ms. Fuller – Do we know when that became extended living? **Mr. Fitzpatrick** – From the activities prior to 2013, it began being used as an extended stay for several week or month-long occupancy used by traveling construction crews. It was an apartment use prior to 2013. Cherokee Metro District confirmed that water usage patterns changed in the late 90s to show more usage.

Ms. Fuller -- What else is specifically there? **Mr. Fitzpatrick** – There is a gas station and laundry mat, and there are other higher density use businesses located across the street there as well. Some of the trends are showing extended stay beyond a month or so; they've become more of permanent residence and just move from room to room in order to be able to stay there. The client purchased the property knowing it was a violation and wanted to get things done correctly.

Ms. Fuller – Is I-3 zoning for junkyards or storage? **Mr. Fitzpatrick** – Its storage that is located there and other uses that fit in the I-3 zone.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Dossey – This is close to the gated Peterson AFB here. I see this area as in transition. You will see areas that have some new residential housing. This area is seeing some change driven by the base as well other families moving into the area. This is what we have been talking about with our Master Plan Advisory Committee pertaining to the areas of change. Large scale developments are coming in as a higher and better use. This is part of the transitional area in Cimarron Hills that we have identified in the Master Plan process.

Mr. Risley – Given the need for this type of housing, this application is ideal and very much needed in our region.

Ms. Lucia-Treese – This type of housing is definitely needed. The property is well maintained. Next to it is a small shopping center with dry cleaners and restaurants. It's a good use for that land and area.

Mr. Trowbridge – I want to echo what **Ms. Lucia-Treese** said. It's a well-maintained property and I'm in support of this application.

**PC ACTION: LUCIA TREESE MOVED/BAILEY SECONDED FOR APPROVAL
REGULAR ITEM NUMBER 3, VA-20-001 FOR A VARIANCE OF USE FOR
SPACE VILLAGE APARTMENTS UTILIZING RESOLUTION NO. 21-009 WITH
THREE (3) CONDITIONS AND THREE (3) NOTATIONS UTILIZING**

RESOLUTION PAGE 51 AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (8-0).

4. VA-20-001

HOWSER

**VARIANCE OF USE
FIVE STAR EQUESTRIAN CENTER**

A request by Urban Strategies, Inc., for approval of a variance of use to legalize multiple single-family detached and attached residences, a vehicle repair garage, an equestrian center, and horse boarding facility. The 85.66-acre property is zoned A-5 (Agricultural) and is located on the west side of Midway Ranch Road, approximately one-half mile north of Rancho Colorado Boulevard and is within Sections 15 and 22, Township 17, and Range 65 West of the 6th P.M. (Parcel No. 57000-00-104) (Commissioner District No. 4)

Mr. Howser gave a brief overview of the project and asked **Mr. Emmons** to go over the review criteria for a variance of use. He then introduced the applicants' representative **Mr. Les Gruen** to give their presentation.

Ms. Fuller – is this asking for a change in how the corvette center and repair is used? **Mr. Gruen** – I neglected to mention that. Right now, it is classified as a vehicle repair facility. The LDC is very specific in its uses, so the PCD staff recommended that it be expanded to include recreational vehicle repair so that it covers that use as well and provides greater flexibility.

Ms. Fuller – Vehicle repair can create very dirty water. Has that been addressed? **Mr. Gruen** – 5-6 acre feet of water is currently being used where they are approved for 10 acre feet of water. I'm not aware of any restriction for another type of owner and how much water they use. **Ms. Fuller** – I'm more concerned about oils. I thought it was just repair and not a garage use. **Mr. Gruen** – The corvette center operates as a restoration center for 1-3 cars per year only. There are only 3 to 5 cars there currently. All the uses are regulated by the state and are inspected on a regular basis. **Mr. Howser** – The use of heavy machinery is not in the request. It would have to be amended to include heavy machinery. If we were to consider that additional use, we need to update the conditions to include it. All variance of uses require a site development plan. The condition says 14 units and a vehicle repair garage. His letter of intent includes truck repair. **Ms. Fuller** – so the use is identified. **Mr. Gruen** – My request clearly asks for a truck and recreational repair garage in response to questions from staff that related to being foresightful so that the owner doesn't have to come to this body to expand the use.

Mr. Gruen – This is not an abandoned use. A full restoration will take much longer than a repair, but it is in operation. I would request that the conditions and notations reflect all the uses.

Mr. Risley – Condition 4 should be revised to state what? **Mr. Gruen** -- The applicant is aware that the existing well permit does not specifically allow for commercial uses including the vehicle repair garage use that exists on the property and is the subject of this variance of use application. The applicant will need to apply for a revised well permit from the State Water Engineer allowing for the vehicle repair garage use.

Ms. Brittain Jack – My brother in law has a business like this and it is highly regulated by the state as far as environmental impacts.

Mr. Trowbridge – It's noted in the staff report that ranch residences are permitted by right on property. Could this applicant establish additional ranch residences or does the LOI and Condition #1 supersede that? As far as the water issue, I would think a condition be added that they provide evidence that they have applied for appropriate permit. **Ms. Ruiz** – It's a use by right, so if they want to add additional ranch residences, there would be no issue. I understand that you want this to be a condition of approval, but the County has no jurisdiction or authority to approve a well permit. It has been included as a notation since the state has the authority and all enforcement powers. **Mr. Emmons** – I am fine with those responses. I have nothing different. If there is a concern such that **Ms. Fuller** expressed with regard to environmental matters, that a condition be added to essentially say the developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species. It's a catch all condition that is typically in all of our approvals, and that would cover any concerns that Ms. Fuller has with regard to environmental impacts. **Mr. Gruen** – I have no issue with that notation.

Ms. Fuller – if this were approved, it could be expanded for more people to be on the ranch? Or is it limited to the 13? **Ms. Gruen** – There is no intent to build any more dwelling units. The last building was added in the 90s. The zoning itself allows for one dwelling unit for every five acres related to employee housing. Under the existing zone, they would have the right to do so under the zoning. **Ms. Ruiz** – He is correct, it's 1 dwelling unit per 5 acres. If there are concerns there and they are stating they have no intentions to add more, then you could add a condition to place a cap on the number of units total.

Mr. Risley – The site development plan would delineate those details, is that correct? **Ms. Ruiz** – That is correct; it would be done administratively but they would be required to get the appropriate permits. For someone living and working

on site, the impacts would be less because there is less traffic generated due to there being no need to leave the site for work.

Mr. Howser gave his full presentation to the Planning Commission.

Mr. Howser -- If we are to consider the truck repair, then Condition Number 1 needs to be amended.

Mr. Bailey – The applicant has requested the truck repair use be approved as well. The staff report and conditions need to be revised to reflect the applicant's request.

Mr. Risley – Was it an oversight that the truck repair was omitted? **Mr. Howser** – It was an oversight.

Revised Condition No. 1 – To add in truck and recreational vehicle repair.

Revised Notation No. 4 – To state all of the uses proposed.

New Condition No. 4 – Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Ms. Fuller – if a new owner came to ask for the truck repair, I would not have an issue with it.

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR APPROVAL REGULAR ITEM NUMBER 4, VA-20-005 FOR A VARIANCE OF USE FOR FIVE STAR EQUESTRIAN CENTER WITH THREE (3) CONDITIONS AND FOUR (4) NOTATIONS REVISING CONDITION NUMBER 1, NOTATION NUMBER 4 AND ADDING CONDITION NUMBER 4 AS STATED ABOVE UTILIZING RESOLUTION PAGE NO. 21-010 CITING RESOLUTION ON PAGE 51 AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (8-0).

Mr. Dossey gave his Annual Report of Activities to the Planning Commission.

5. El Paso County Master Plan – Information Update – No Action Needed

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 March 4, 2021 hearing.