

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting  
Thursday, August 5, 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, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, BECKY FULLER, JAY CARLSON AND TIM TROWBRIDGE**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA- NUNEZ**

**PRESENT AND NOT VOTING: BRANDY MERRIAM AND BRYCE SCHUETTELZ**

**ABSENT: ERIC MORAES**

**STAFF PRESENT: MARK GEBHART, NINA RUIZ, RYAN HOWSER, GILBERT LAFORCE, DANIEL TORRES, KARI PARSONS, JEFF RICE, ELENA KREBS, ELIZABETH NIJKAMP (VIA REMOTE ACCESS), CARLOS HERNANDEZ (VIA REMOTE ACCESS) AND EL PASO COUNTY ATTORNEY MARY RITCHIE**

**OTHERS SPEAKING AT THE HEARING: DANNY MIENTKA, RAIMERE FITZPATRICK, JOHN ROMERO AND JOHN HEIBERGER**

**Report Items**

**1. A. Report Items -- Planning and Community Development Department – Ms. Ruiz--** The following information was discussed:

- a) The next scheduled Planning Commission meeting is for **Thursday, August 19, 2021 at 1:00 p.m.**
- b) **Ms. Ruiz** advised the board will need to make a motion to the bylaws to move the hearings back to RDC with a 9 a.m. start time

and that there will also need to be a motion to change the scheduled November 4, 2021 Planning Commission to November 2, 2021 due to a scheduling conflict.

- c) **Ms. Ruiz** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

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

**CONSENT ITEMS**

**2. A. Approval of the Minutes – July 15, 2021**

The minutes were unanimously approved as presented. (8-0)

**Note for the record: Both consent items below were pulled to be heard as regular items with abbreviated presentations due to concerns with density.**

**B. PUDSP-20-008**

**PARSONS**

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN  
MEADOWBROOK PARK**

A request by Meadowbrook Crossing, LLC, Colorado Springs Equities, LLC, and Meadowbrook Development, LLC, for approval of a map amendment (rezoning) from CR (Commercial Regional), I-2 (Industrial), and RR-5 (Residential Rural) to a site specific PUD (Planned Unit Development) and approval of a preliminary plan for 67 single-family residential lots. The three (3) parcels, totaling 8.01 acres, are located along the south side of Meadowbrook Parkway, approximately 150 feet east of the intersection of Meadowbrook Parkway and Newt Drive and are within Section 8, Township 14 South, Range 65, West of the 6th P.M. (Parcel Nos. 54080-00-053, 54080-08-002, and 54084-03-001) (Commissioner District No. 2)

**Ms. Parsons** gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a planned unit development and preliminary plan. She then introduced the applicant, **Raimere Fitzpatrick** to give their presentation. However, before **Mr. Fitzpatrick** provided his presentation **Mr. Mientka** the applicant, briefly wanted to provide context of the area. His PowerPoint slides are part of the official record.

**Mr. Trowbridge** – My concerns with this item are the location suitability, the density that is being proposed and concerns about the physical elements of the property itself.

**Mr. Carlson** – What is the size of the industrial lot that is being rezoned?

**Mr. Fitzpatrick** – It is approximately 8.01 acres. **Mr. Carlson** – Was the entire lot zoned industrial? **Mr. Fitzpatrick** – It was split zoned. A portion of it was industrial, a portion commercial and a portion of it was RR-5. **Mr. Carlson** – Do we know how big the industrial portion was? **Mr. Fitzpatrick** – It was approximately 3 or 4 acres.

**Note for the record, the industrial lot included in the request is a 0.61-acre portion.**

**Mr. Trowbridge** – My biggest concern is that it is so dense here and I can see a potential problem with drainage. There were some indications of having significant drainage slopes. So, I wanted to see what you have to address, what I see here a large amount of water flowing across this property with the density and lack of green space to soak some that up.

**Mr. Fitzpatrick** – I think those questions would be better answered by the civil engineer, **Mr. Heiberger**.

**Mr. Heiberger** – In general we have designed the project in adherence with the criteria regarding drainage, that includes providing an on site full spectrum detention pond that collects the 100-year flows from the entire site acreage. It is a detention pond, not a retention pond. It does drain fully within 40 hours. We do have a rain garden proposed on site and that is directly along Meadowbrook Parkway. That is proposed there as supplemental treatment for the water quality capture volume. Yes, there has been a lot of thought in the drainage design. There are flows coming off of highway 24, designed with coordination of CDOT. There is a current CDOT drainage easement that is sixty feet wide that dumps on to our site currently. From that pipe we are collecting and taking all those CDOT flows from that pipe through a swell that we designed within the CDOT right of way. From there the flows go from being overland to being piped. All of the highway 24 flows that come on to our site are captured and conveyed through appropriately sized drainage infrastructure. The site will be flatter than what it is today and because of that there will be a retaining wall along the highway 24 property line. In addition to that we do have vegetated swells that will be behind the wall between the homes. There is only a six foot corridor between the homes so we have spent a lot of time looking at drainage. So we have a positive drainage slope away from the homes towards the center of that six foot corridor and then a positive slope from there out to the roads. We're confident there will be no drainage issues.

**Mr. Trowbridge** – In my mind I was envisioning nothing but drainage swales between these properties. Within the property it all drains to the streets. So are there storm drains under the structure that ties into the

broader drainage? **Mr. Heiberger** – Yes, we have inlets that are on both sides of the street that collect all those flows and pipe the detention pond. We are required to capture and detain 100%. **Mr. Trowbridge** – I believe I read that there will be no basements or crawl spaces, so will they be some sort of engineered foundation? **Mr. Heiberger** – Correct, just the standard spread footing foundation.

**Mr. Trowbridge** – Do you have any examples of this type of density elsewhere in the county? If you were going for higher density, you have apartments on the other side of the Circle K, why not just extend?

**Mr. Carlson** – I am wondering why not just connect the buildings since its only six foot between the buildings? You would get more density if you just connect them.

**Mr. Mientka** – Well you get natural light, which makes it feel single family rather than a townhome. It allows us to bring architectural elements that make it feel and look better. With respect to other developments in the market, Classic Homes is building their Hannah Ridge Midtown collection which has a six foot separation that is just a mile away.

**Mr. Carlson** – There are 17 parking spaces and 67 units. It seems like a low number, as I understand you're not allowing parking on the street, correct?

**Mr. Mientka** – Correct, there is a two car garage and the ability to park in the driveway as well.

**Ms. Fuller** – There is a tremendous number of exceptions to the criteria review. We got a new revised letter of intent this morning and it seems rushed and not completely vetted.

**Mr. Mientka** - I apologize to the resubmittal of the letter of intent. It is a PUD for the reasons we all spoke about. It's is where we are going, higher and higher density. It's not problematic, it's just new. There was a comment about whether or not it was enough open space. Our master plan includes not only a dog park but little pocket parks, a community park, and a sports park. There are certain families that will lend themselves to this.

**IN FAVOR: NONE**  
**IN OPPOSITION: NONE**  
**DISCUSSION:**

**Mr. Bailey** – I have seen this kind of development in other places and I think we would all love for everyone in our county to have five acre lots, but for the young military folks and the young families out there, this a starter home option that we need. I like the way its tucked in as infill in an area of urban density. The market is going this direction. I understand the concerns about the exceptions, but I think that since our current design criteria don't address something like this, the exceptions are appropriate.

**Ms. Parsons-** Yes, because we have private roads, we had to have two waivers because the narrow roads couldn't meet the criteria, the setbacks are tight so the applicant couldn't meet the requirements for the standard utility easements which led us to the logical exception to the blanket utility easement because they couldn't meet the standard easements.

**Mr. Bailey** – I think it's a good compromise taking into account the small space. Let the market be the guide.

**Ms. Brittain Jack** – I like this a lot. I live in a community like this and there is much more open space here than where I live. I think this a good use of the property and I am going to support it.

**Mr. Carlson** – This was commercial land and we've all been in conversations of there isn't enough commercial and or industrial land to develop. So, to take industrial and commercial off the plate is a problem. Also, you're putting residential right on one of the busiest highway in the city and they're saying there won't be any noise issues. The reason we're applying for changes to the code is because of the design of this product. The density is a problem for me.

**Ms. Lucia-Treese** – I also have a problem with the density and I concur with **Mr. Carlson's** comments.

**Mr. Trowbridge-** The density seems a bit much. Sticking it into what would be a commercial area, strikes me as odd but to **Mr. Bailey's** point I understand not everyone wants to do yard maintenance. I have a lot of conflicting feelings on this, but I do believe I will be in support.

**Ms. Fuller** – The highway bothers me too.

**Ms. Nunez-** If we are switching industrial to residential, what are the plans for traffic in the evening because our traffic is really getting bad in the city. What are the plans for the main streets here to be expanded?

**Ms. Ruiz-** I did want to provide additional background. In 2019 we actually considered amending our code to include small lot PUD standards. Small

lot PUD standards would allow for this type of development. The reason for amending was because we have seen an increase number of this request and have had many of this product approved within the county. We don't see any issue with this design. When we were considering amending our code to align with what the city approves because we determined our criteria allows for more flexibility.

**Mr. Heiberger** - Overall I think it's important to note that we have performed a TIS for this project. The results did not warrant improvements to Meadowbrook Parkway in addition we have looked at all the proposed developments by **Mr. Mientka** and have done a traffic study whose results indicate wider contributions. There was a comment about concern with sound from Meadowbrook Parkway. There is a substantial buffer between the Meadowbrook Parkway and the homes both in regard to the retaining wall and the site itself sits 30-40 feet below the road.

**Mr. Carlson** – We're taking away industrial land that is dear to the county. I just don't think we should be giving up commercial land.

**Ms. Lucia-Treese** – I understand it's a new product and things are changing. I have a concern about the commercial and industrial land going residential. We have had hearings in the past for commercial or industrial type locations that have not been approved because they were too close to homes. There has to be a balance and I am just really concerned about losing industrial and commercial land.

**Ms. Fuller** – I would echo that too. No one wants that next to them. It just doesn't seem that it fits right there. I understand what they are trying to do but I don't think I can support this.

**Mr. Bailey** – I understand that discussion but we're talking about something that was proposed as industrial in 1985 and currently only a 0.61 -acre portion of the land in this particular application has inherited I2 zoning based on decisions that were made years ago, so we're not taking away industrial land. The whole area has changed, there is not enough space on this parcel for any truly industrial uses. This is a small pocket of infill where an innovative product that will help solve our problem with housing is entirely appropriate.

**PC ACTION:** BRITTAIN JACK MOVED/TROWBRIDGE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, PUDSP-20-008, FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN UTILIZING RESOLUTION PAGE NO. 31, CITING, 21-043, WITH NINE (9) CONDITIONS AND FIVE (5) NOTATIONS, AND THAT THE ITEM

**BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS DENIED (4-4). MS. FULLER, MS. LUCIA-TREESE, MR. CARLSON AND MS. NUNEZ WERE THE NAY VOTES.**

**C. SKP-21-003**

**HOWSER**

**SKETCH PLAN AMENDMENT  
MERIDIAN RANCH**

A request by Meridian Ranch Investments, Inc., for approval of a sketch plan amendment of 197 acres to increase the maximum residential density from 4,500 to 5,000 dwelling units, to redesignate 152 acres from a maximum density of two (2) dwelling units per acre to four (4) dwelling units per acre, to redesignate 45 acres from a maximum density of three (3) dwelling units per acre to nine (9) dwelling units per acre, and to add a three (3)-acre neighborhood park. The three (3) parcels, totaling 196.44 acres, are zoned PUD (Planned Unit Development) and are located approximately one-quarter of a mile west of Eastonville Road and approximately one mile north of the Eastonville Road and Stapleton Drive intersection and within Section 20, Township 12 South, Range 64 West of the 6<sup>th</sup> P.M. (Parcel Nos. 42000-00-375, 42000-00-402, 42000-00-450). Commissioner District No. 2

**Mr. Howser** gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a sketch plan amendment. He then introduced the applicants' representative, **John Romero** to give their presentation.

**Mr. Carlson** – My main concern is density for that southern parcel. It seems like every couple of years starting back in 2014 we kept increasing the units per acre and getting rid of commercial land. I understand the need for more housing, but we also hear about sprawl and sprawl is too many houses on property. We're going from three (3) units per acre to nine (9) units per acre and to me that's fine on a ten (10) to 15-acre area but on 45 acres, we've created this really tight area. My other question is, what is the density of the development to the west of that area?

**Mr. Romero** – The development to the west is 4 dwelling units per acre. Those lots are on average 50x100 and we're proposing 40x90 on the 9 dwellings per unit acre area. The original sketch plan had lower densities but it's just revolving with the market.

**Mr. Carlson** – We talk about affordability but what are those houses going to really sell for? **Mr. Romero**- Typically you see these larger homes in the four hundred thousand plus range. Then again, the idea is to provide more attainable housing for the empty nesters, the transitional buyers, etc. **Mr. Carlson** – What

does attainable mean to you? **Mr. Romero** – That is not my expertise, but I do know some of these houses, specifically the midtown collection is in the high two hundred thousand range. **Mr. Carlson** – In my mind that would be attainable, but I don't like saying it's ok to cram more lots in for the four hundred thousand price range.

**Mr. Bailey** – I think it would be useful to go over the area as a whole. I understand **Mr. Carlson's** concerns but looking at the whole would be helpful.

**Mr. Romer's** presentation is part of the official record.

**Mr. Carlson** – What is the density of the parcel to the west of the north parcel?

**Mr. Romero** – Those are MR2 but similar lot sizes.

**Mr. Howser** gave an abbreviated presentation to the Planning Commission, focusing on the zoning of the surrounding area.

**Ms. Ritchie** – The criteria says the proposed subdivision must be compatible to the adjacent area and you are using the term consistent with, is that also in your mind compatible?

**Mr. Howser** – I think when we talk about consistency, we are more so thinking about the specific type of land use that is being proposed and at this stage the entire surrounding area is residential development which would be a general consistency and compatibility with the surrounding area.

**IN FAVOR: NONE**

**IN OPPOSITION: NONE**

#### **DISCUSSION:**

**Mr. Romero** – I would like to speak briefly about consistency and compatibility of design. If you look at how we centered this development a lot of this is transitional uses, consistent open spaces, access to parks, access to trails this has been a PUD since 2000. Trying to locate this in a space that wasn't next to larger lots thinking about open space buffers, so the compatibility is thinking of how that functions within that.

**Mr. Carlson** – My main issue is with that southern parcel, but we have to talk about the entire application. We have 2.5 acres to the north; we have half acre lots to the west and we want to double the occupancy in that 152 acres and that's a huge area. We talk about attainability and affordability and all that, those houses are not going to be any cheaper just because we double the occupancy. To say we are doing this to create affordability or attainability doesn't strike true with me. Compatibility with these other surrounding areas, I don't know how



four units per acre right up against one house per 2.5 acres is compatible. I would like to see more of a transition. Of course, we need houses but we're going to wake up one day and realize we're not the greatest place to live anymore because we've put houses so close together.

**Ms. Merriam-** There is a reference to Falcon School District which is a large school district in our county and if you're doubling the capacity and specifically targeting families and then you have a school district that has no comments, I know that Eastonville road has had multiple accidents in the past few years. It does set a terrible tone that in eleven years you've increased the density.

**Ms. Fuller** – Its already residential and the fact that D49 didn't comment at all, it just means they realize where growth is happening, and our master plan acknowledges that. Yes, it's getting denser because more people want to live here, and this gets that done. I would be in support of this.

**PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, SKP-21-003, FOR A SKETCH PLAN AMENDMENT FOR MERIDIAN RANCH, UTILIZING RESOLUTION PAGE NO. 35, CITING, 21-044, WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-1). MR. CARLSON WAS THE ONLY NAY VOTE.**

## **Regular Items**

### **3. LDC-21-002**

**RUIZ**

#### **EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT EARLY GRADING**

A request by the El Paso County Planning and Community Development Department to amend Chapter 6 of the El Paso County Land Development Code (2021) pertaining to Early Grading. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

#### **Type of Hearing: Legislative**

**Ms. Ruiz** gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a land development code amendment.

**Mr. Risley** – As I recall often times applicants will come forward with multiple requests, for example they might request a preliminary plan and approval for early grading, this would supplant that need, is that accurate? **Ms. Ruiz** – So, in addition to what the Planning Commission sees which is that combined request, an applicant also has a standalone early grading permit. Those standalone early grading permits do not go to the Planning Commission, they go straight to the Board of County Commissioners. This proposed revision would take care of those standalone requests. If this revision gets approved, we would see that additional developers would choose to request early grading and you wouldn't see a request for preliminary plan instead that would all be approved administratively. **Mr. Risley**- Would you see potential for a developer that wouldn't want to take on so much risk still moving forward with a combined submittal or no? **Ms. Ruiz**- Probably not because this would give authority to the Director to approve those administratively so they wouldn't have to include that specific request within their preliminary plan. Instead, we would still be reviewing all of those documents and if the preliminary plan gets approved through Planning Commission and Board of County Commissioners and all those associated engineer documents have been approved, we would still go the administrative route where that portion of the approval is completed administratively. **Mr. Risley** – And just because it is approved administratively doesn't mean they can act on it until sometime in the future. **Ms. Ruiz** – That is correct. So they can receive approval and then for whatever reason they decide they don't want to actually start the earth work, well, one of the components of the early grading approval is that they have to provide financial assurances. So, if they don't have those financial assurances that can be a reason they would want to delay.

**Mr. Carlson** – It mentions wet utilities. Is that any utility or is that water and sewer?

**Ms. Ruiz** – Yes, that would be water and sewer.

**Mr. Rice** – The utilities would want to see a plan unless it's another utility project. Typically, there wouldn't be any other utilities until the wet utilities are put in. **Mr. Carlson** – This wouldn't allow them to do anything other than preliminary grading, correct?

**Ms. Ruiz** – That could mean they can rough in roads, they can flat the areas for development, they can grade for drainage, but it is at their own risk.

**Ms. Blea-Nunez** – Won't they use this as an argument to get their preliminary plan approved?

**Ms. Ruiz**- Great question, there is actually a form that is required. It is an acknowledgement form which they are acknowledging they are doing this at their own risk and doesn't guarantee any type of approval.

**Ms. Blea-Nunez-** What about changes to the land? For example, they decide that land would be better served as open space, it could no longer be open space if they roughed in roads, correct?

**Ms. Ruiz** – Theoretically they can still use it as open space. Realistically if someone has gone through the effort to grading the area, they will use it in some way.

**Ms. Fuller** – Why can't you just move dirt on your land?

**Ms. Ruiz-** The county has a MS4 permit and its to allow the county to ensure that the disturbance meets those MS4 requirements. So that engineer will make sure our water quality standards are being met and that goes along with the grading and erosion control. **Ms. Fuller** – What is a MS4 permit?

**Mr. Rice-** Municipal Separate Storm Sewer System. It comes from the state to the county and the county needs to enforce water quality of the water that is going through the water channels.

**Mr. Bailey** – I want to know why we are replacing the term “pre-development” with “pre-subdivision”? Development seems to be a broader term than subdivision? Why are we limiting or restricting the terminology?

**Mr. Rice** – I think it is more of a clarification because the grading itself is land development. We're saying we know you're doing a subdivision, so we want to make sure you are following all the requirements of our permitting. The reason these had to go to the board was to keep the developers from doing all types of work and then coming back and saying ok I did all this work and I need you to approve my project. That is why we put the disclaimer you're doing this at your own risk, and it doesn't guarantee approvals.

**Mr. Bailey** – I understand the disclaimers, but what if you had an industrial site that wasn't going to be subdivided., If you're just putting some industrial use on there that may need some grading, but it's not coming for a subdivision you still need approval.

**Ms. Ruiz** – There was previously some confusion to where any kind of development would have to go through this process which is not the case. This section of the code only applies if you are doing a subdivision. If you're just coming in for what we call a site development plan, and you are wanting to develop that this never applied, and we don't want it to apply. This is specifically for subdivision action.

**Mr. Bailey-** So elsewhere in the code that distinction is clear? **Ms. Ruiz-** Development versus subdivision, yes.

**IN FAVOR: NONE  
IN OPPOSITION: NONE  
DISCUSSION: NONE**

**PC ACTION: LUCIA-TREESE MOVED/CARLSON SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3 FOR AN AMENDMENT TO THE LAND DEVELOPMENT CODE FOR EARLY GRADING, UTILIZING RESOLUTION PAGE NO. 7, CITING, 21-042, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-0).**

**4. LDC-21-003**

**RUIZ**

**EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT  
VARIANCE OF USE CRITERIA**

A request by the El Paso County Planning and Community Development Department to amend Chapter 5 of the El Paso County Land Development Code (2021) to add an additional review criterion for a Variance of Use regarding Master Plan consistency. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

**Type of Hearing: Legislative**

**Ms. Ruiz** gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a land development code amendment.

**IN FAVOR: NONE  
IN OPPOSITION: NONE  
DISCUSSION: NONE**

**PC ACTION: FULLER MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 4 FOR AN AMENDMENT TO THE LAND DEVELOPMENT CODE FOR VARIANCE OF USE CRITERIA UTILIZING RESOLUTION PAGE NO. 7, CITING, 21-045, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (8-0).**

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](http://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.)

**The minutes were approved as presented at the August 19, 2021 hearing.**