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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting  
Tuesday, November 2, 2021  
El Paso County Planning and Community Development Department  
2880 International Circle, Colorado Springs, Colorado 80910

**SPECIAL HEARING**  
**9:00 a.m.**

**PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, JAY CARLSON, ERIC MORAES, BRANDY MERRIAM, TIM TROWBRIDGE, AND SARAH BRITTAIN JACK**

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

**PRESENT AND NOT VOTING: BRYCE SCHUETTPELZ**

**ABSENT: BECKY FULLER**

**STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, DANIEL TORRES, JEFF RICE, CARLOS HERNANDEZ, MERCEDES RIVAS, GILBERT LAFORCE, ELIZABETH NIJKAMP (VIA REMOTE ACCESS), SPENCER PIRZADEH, KYLIE BAGLEY, EDWARD SCHOENHEIT, CHARLENE DURHAM, KARI PARSONS, ELENA KREBS, AND EL PASO COUNTY ATTORNEYS LORI SEAGO AND MARY RITCHIE**

**OTHERS SPEAKING AT THE HEARING: GRANT DEWEY**

**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, November 18, 2021 at 9:00 a.m.**
- b) **Mr. Dossey** gave an update on the year-to-date building permits and also provided an update of the Planning Commission agenda

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items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

- c) **Mr. Dossey** introduced **Mr. Carlos Hernandez, Mr. Edward Schoenheit, and Ms. Charlene Durham** as newly hired engineers for the department. He then introduced the newly hired planner III **Kylie Bagley** and the newly hired associate planner, **Spencer Pirzadeh**. Welcome everyone!

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

**2. CONSENT ITEMS**

**A. Approval of the Minutes – October 7, 2021**

The minutes were unanimously approved as presented. (9-0)

**B. P-21-004**

**RIVAS**

**MAP AMENDMENT (REZONE)  
WATERVIEW NORTH RESIDENTIAL**

A request by CPR Entitlements LLC, and PHI Real Estate Services LLC, for approval of a map amendment (rezoning) of 23.54 acres from A-5 (Agricultural District) to RS-5000 (Residential Suburban District). The three (3) parcels are located northeast of the Bradley Road and South Powers Boulevard intersection and are within Section 9, Township 15 South, Range 65 West of the 6th P.M. (Parcel Nos. 55000-00-436, 55000-00-438, and 55000-00-439) (Commissioner District No. 4)

**Mr. Trowbridge-** Can staff show us the zoning in the area, I was concerned about some of the comments in the staff report about how this is not conforming in some ways, to the master plan.

**Mr. Dossey** – Regarding the master plan element, when we were looking at this area in terms of the placetype, this area was already sketch planned for some of these uses, but the way we looked at it is if it does change from how we looked at it to something else, we want to make sure it is in keeping of the master plan. Specifically, in consistency with the airport and the overlay. It is not that we ignored the sketch plan when we created that place type but recognized that things do change. We did what thought was right in the context overall, but certainly not ignore the sketch plan. That is where that disconnect comes from. Recognizing the presence of the airport and that key area. Before you today is an attempt to implement the sketch plan that was already approved.

**Ms. Rivas** – Presented zoning information of the questioned parcel, her presentation is part of the full record.

**Mr. Trowbridge** - It wasn't clear to me that there was other residential in the immediate vicinity, it is under the runway practically, so the airport overlay is a bit of a concern.

**Mr. Bailey** – Just a general comment on that, I think this is one of many examples of places where there are areas that the Master Plan identified for one use, but it is also appropriate for a variety of uses. I appreciate the question because the same kind of issues arose in my mind as well.

**Mr. Dossey** – You're in a transition period where you have existing approvals out there that may or may not be consistent with the Master Plan, and that is ok. The approvals got done with guidance that was different, but you are in a transitional period where existing approvals are going to be hanging out there until new sketch plans come in under the new Master Plan. You're going to see some inconsistencies, but that is the nature of implementing a new Master Plan.

**Mr. Moraes** – I thought we were going to use the sketch plan amendment that was approved back in July, we were going to use the policy plan that was in place prior to the Master Plan.

**Mr. Dossey** – It is based on when the application was made and the reason why, let's say they came in for a commercial rezoning instead of residential. You would want to look at it in context of the new Master Plan, not the old policy plan. That is where the background come into effect.

**PC ACTION: LUCIA-TREESE MOVED/MORAES SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, P-21-004, FOR A MAP AMENDMENT (REZONE), FOR WATERVIEW NORTH RESIDENTIAL, UTILIZING RESOLUTION PAGE NO. 27, CITING 21-061, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**C. SP-20-003**

**PARSONS**

**PRELIMINARY PLAN  
STERLING RANCH PHASE II PRELIMINARY PLAN**

A request by SR Land, LLC, 8335 Vollmer Road, LLC, and Challenger Communities, LLC, for approval of a preliminary plan to create 212 residential lots. The four (4) parcels totaling 74.62 acres, are zoned RS-5000 (Residential Suburban) and I-3 (Heavy Industrial) and are located north of Woodmen Road, south of Vollmer Road and Dines Road, and are bisected by Sterling Ranch Road. The parcels are within Sections 4 and 33, Township 12 South, and Section 5, Township 13 South, Range 65 West of the 6th P.M. (Parcel Nos.

52330-00-012, 52330-00-013, 53000-00-173, and 53000-00-222)  
(Commissioner District No. 2)

**Ms. Merriam** – I have a question regarding the traffic study. Is the flow into the larger roads considered, for example, using the human body veins and arteries, these smaller (vein) roads flow into the (arteries) the larger roads of Powers and Woodmen which are not mentioned in the traffic study.

**Mr. Rice** – Our criteria require them to look up to the intersections and roads where they have a significant impact, which is at least 5% at the intersections. So, this project when they did their original sketch plan, I believe they analyzed the intersections at Vollmer up to possibly Briargate and Marksheffel and then the general traffic going south on Vollmer and the future traffic going east. There is a master traffic study that looked at all those and then when we do each preliminary plan, they narrow down the impact of each final plat. So, this prelim plan was looking at the intersections of Marksheffel and Vollmer and improvements that would need to be done on Vollmer with conjunction of filing two. In this case Marksheffel road has been reviewed by the City and they will take over maintenance. With the larger roads since there is background traffic already. It is less percentage impact from the project.

**PC ACTION: MORAES MOVED/ LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, SP-20-003, FOR A PRELIMINARY PLAN FOR STERLING RANCH PHASE II, UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-059, WITH SIX (6) CONDITIONS AND FOUR (4) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**D. SP-20-010**

**PARSONS**

**PRELIMINARY PLAN  
BENT GRASS EAST COMMERCIAL FILING NO. 3**

A request by Land First, Inc., for approval of a preliminary plan to create six (6) commercial lots. The 5.05-acre parcel is zoned CS (Commercial Service) and is located at the southwest corner of the Meridian Park Drive and Bent Grass Meadows Drive intersection, approximately 350 feet west of Meridian Road, and is within Section 1, Township, 13 South, Range 65 West of the 6th P.M. (Parcel No. 53011-01-060) (Commissioner District No. 2)

**PC ACTION: TROWBRIDGE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2D, SP-20-010, FOR A PRELIMINARY PLAN FOR BENT GRASS EAST COMMERCIAL FILING NO. 3, UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-060,**

**WITH SIX (6) CONDITIONS AND THREE (3) NOTATIONS, ONE (1) WAIVER, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**Regular Items**

**3. VA-20-004**

**RUIZ**

**VARIANCE OF USE  
WESTERN MINING MUSEUM**

A request by the Western Museum of Mining & Industry for approval of a variance of use to allow a business event center. The 28.39-acre parcel is zoned RR-5 (Rural Residential) and is located at the southeast corner of the Interstate 25 and North Gate Boulevard Interchange and is within Section 7, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M. (Parcel No. 62072-00-017) (Commissioner District No. 1)

**Ms. Ruiz** gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a Variance of Use, **Ms. Ruiz** then introduced the applicant, **Mr. Grant Dewey** to provide their presentation.

**Mr. Bailey** – The decision to use a business center as a standard was something that you all came up with in consultation with, the applicant to get as close as possible to what they have been doing for a very long time. Is that accurate? **Ms. Ruiz**- That is accurate, yes. **Mr. Bailey**- Ok, I just don't want us to get caught up in the terminology, because business event center seems to me a little awkward here because we are trying to shoehorn this application because we don't have standards for this type of application as neatly as we would like. **Ms. Ruiz** – That's true. So, in the Land Development Code it gives the authority for the director to make a determination on the most similar use. It also includes within the Land Development Code that an applicant, through the variance of use process could request a different type of use. In this case we identified that their primary use would be just the business event center, but we thought it was important that the applicant describe fully what their use is in their letter of intent and that they outline that list of additional items that they are putting under the event center that aren't specific to the events but that are associated, so that they don't run into issues in the future.

**Mr. Bailey** – I just don't want to lose sight that this museum has been there for a long time, it is going to continue to function as a museum as one of the ways to keep the museum operating, business event center type activities that they want to add on this property but it's not a significant change from what they have been doing for a number of years. **Ms. Ruiz**- You are correct, they have been operating what we would consider a business event center for a number of years now out of compliance. What they are proposing is not a change. **Mr. Bailey**- But the museum is not out of compliance, the museum aspect is legitimate. **Ms. Ruiz**- The museum was approved in 1975.

**Mr. Carlson-** Will they continue to do the haunted mines?

**Ms. Ruiz-** The applicant will go over their proposed events in their application. We didn't want them to limit their selves too much because with a variance of use request you are limited to what you asked for.

**Mr. Dewey** presented his application to the Planning Commission.

**Mr. Carlson** – What prompted the need for the application?

**Mr. Dewey** – Back in 2015 someone asked the museum to allow them to host a tiny home jamboree and when they held that, it was bonkers due to a turnout that was far expected. Then in 2019 with the Celtic Festival, someone in the neighborhood had an issue with the traffic, so that raised the attention to the County again.

**Ms. Brittain Jack** – When you were doing an event, did you need to apply for a permit prior to this?

**Mr. Dewey** – For our own events no, but for those that were coming on to our property to hold their own events, yes. Since this has begun, we have started applying for special use permits for all of ours.

**Mr. Trowbridge** – Reading through several conditions and notations, I assume you read through all of those and are ok with all of those, number four caught my eye, the one that states you will be dedicating part of the right-of-way to the City. **Mr. Dewey** – Numbers one through seven are fairly familiar as far as the county putting those out there if we were to do future development and such. Number eight and beyond are relatively new, I just saw them yesterday. I haven't had enough time to process what they might mean. I think they may be more restrictive than necessary.

**Mr. Trowbridge** – There are a lot of restrictions about notifying different organizations a month in advance and a lot of traffic stuff in here. I am wondering how much of a burden that places on you. I am a little concerned about some of these.

**Mr. Dewey** – I appreciate that. I do consider them burdensome both with the amount of time in advance and extra duties that I don't think are really necessary.

**Ms. Ruiz** – Before I go through our presentation, I wanted to address a few things that came up during the applicant's presentation that aren't part of the staff's presentation. The applicant has now made a request that the site development plan condition be eliminated. That is not an option per the Land Development Code. **Ms. Seago** can correct me if I am wrong, but I don't believe the Planning Commission and the Board of County Commissioners has the authority to remove that as part of the process. We have to formalize the site plan and have an understanding of the improvements of the

property currently and if there are any improvements necessary. **Ms. Seago** – I would agree with that.

**Mr. Bailey** – That is part of the process that you work with the applicant to understand the site development plan that would be particular with this particular use. **Ms. Ruiz** – A lot of it is already included with the information already provided, we just need a little more information. We understand the flexibility of its use and we aren't going to tell them that each event needs to be operated the same. We just need a better understanding of the activity area and then we will put together a bubble that this is where activities will occur and then we want the parking delineated where they are going to put up the fencing per the Fish and Wildlife, just little details like that.

**Mr. Bailey** – A lot of the info presented today speaks to that. **Ms. Ruiz**- Yes.

**Ms. Lucia-Treese** – My understanding is that this was not residential community concern, but rather a concern from the county? So, you've brought up the variance of use and not because they have been bad.

**Ms. Ruiz** – So it came to our attention a couple of years ago that they were holding events a due to significant traffic concerns. Traffic was backed up and it was creating a situation that the County did not want to see reoccurring, that is why we sent a notice of violation out to them. It was not because of anyone complaining, this is purely brought to the County's attention due to traffic concerns. The second item that I wanted to address was the conditions of approval. He had discussed items 8 – 12 that he had potential concerns. I know that the traffic study was not included in the staff packets, but those conditions of approval actually mirror what the traffic study recommends and calls for in order to deal with the traffic, **Mr. Rice** will present that in greater detail. There was also a question about submitting applications for each event. So, we have the ability to submit for a temporary use now the temporary use within the land development code states it should be temporary in nature and should not have significant impacts, staff felt that it would be inappropriate to ask him to submit a temporary use for each of these events, that is why we chose the variance of use route versus submitting multiple temporary uses. In the long run it will actually be better for him to do one variance of use, it will cost him a lot less and he will have that peace of mind knowing the variance of use has been approved.

**Mr. Moraes** – On that point, for example, one of the uses spoke about a carnival. In the Land Development Code, it says a carnival can't be held no more than three times a year, because the variance of use is there that restriction goes away? So, he can have it four times a year and be ok. **Ms. Ruiz** – He could. He is going to be limited to everything that is discussed in the letter of intent.

**Ms. Ruiz** gave her full presentation to the Planning Commission. Her presentation is part of the public record.

**Mr. Rice** presented his engineering report/findings on behalf of **PCD**. His report is part of the public record.

**Mr. Bailey** – That is an important discussion here because these all say, “if an event is anticipated to have”. The impact of traffic is an issue. Is there any way to help them anticipate what this is or what happens if they do see an amount of people they weren’t anticipating for an event?

**Mr. Rice** – We reviewed what they had on their website and we recommended that they change their website to specify parking rather than saying parking wherever you want. We would look at whether or not an organizer of an event has it under control.

**Mr. Bailey** – You reiterated the point that for the larger events its typically an outside event organizer that has more experience dealing with the bureaucracy to make this type of thing happen. You put some of my fears to rest.

**Mr. Carlson** – What happens when they assume there is going to be 300 people coming but 10,000 show? Do we cancel their variance and shut down their operation?

**Ms. Ruiz** – In order to revoke their variance of use it has to go to the Board of County Commissioners for their approval. If it is a onetime offense, we’re not going to revoke their variance of use. A lot of their events have been in operation for years, so they do have a good idea of anticipated number of people.

**Mr. Moraes** – I don’t have a problem with the recommended conditions. I have an issue with the note that mentions the review timelines and that the County is not responsible for the delay due to review. If they meet the timelines and all of a sudden, the County can’t process in time, when do you tell them that? And does it look bad on the County.

**Mr. Rice** – The County isn’t going to say they need to cancel an event because the County doesn’t have time to review that. Those are timelines that we can meet, as long as the organizer is working with us. We don’t want to be put in a situation where they do submit something, and we say a change needs to occur and they don’t submit the revision until a week out. That puts us in a bad spot.

**Mr. Moraes** – What is the cut off? **Mr. Rice** – With these types of projects it is typically within a week. **Mr. Moraes**- I guess I wouldn’t want to see the blame put on the county.

**Ms. Seago** – Many of these approvals aren’t issued by the county, as you can see they are issued by the City or by CDOT. In setting forth these timelines the County is trying to provide the applicant a reasonable amount of time to get these approvals. We have no control over whether or not they can obtain these approvals from the City of CDOT. That is why the applicant is encouraged to engage in this process well



ahead of time if possible. If CDOT doesn't issue their special use permit, then the event can't go further. That is out of the county's hands, that is out of the applicants' hands, so the earlier the better.

**Ms. Brittain Jack** – Does the applicant have to go to the City, CDOT and the county for a permit?

**Mr. Rice** – If it is more than 250 daily visitors that is between the applicant, CDOT, and the state patrol. Typically, if it is under 250 the City doesn't have a huge concern as long as they are getting their permitting from CDOT.

**Ms. Brittain Jack** – So if the City and CDOT says its ok, you aren't going to do anything. **Mr. Rice** – Right.

**Mr. Risley** – Perhaps the applicant can tell us how many events per year they anticipate in the medium/ large range.

**Mr. Dewey** – I would say five for events, days would be 12 to 20. They will be seasonal. It is mostly weekends. It won't be more than 30 days. That would be the max.

**Mr. Risley**- If you are anticipating five events per year as you just indicated, as soon as one event is over you or the event organizer will be starting the application process for the next event which means this will be a continual process, I would go as far to say a continual burden. Very rarely do I see the overreach of the County, but in my opinion, this is an overreach. I personally struggle with this because I don't see this being asked of any other users in the area.

**Ms. Ruiz** – The requirements from CDOT would apply regardless if the county is putting it as a condition of approval, because the City and CDOT have rules and regulations outside of the County. What we are trying to do is to ensure per the criteria, that there aren't going to be any negative offsite impacts and we fully accommodated and considered the transportation impact, that includes the impact to CDOT and the impact to the City of Colorado Springs. We also want to make sure the applicant is fully aware of the steps that they have to take and so the county can facilitate those discussions. If we didn't have this as a condition of approval, the applicant would still need to go to CDOT and to the City, but he wouldn't have the benefit of the County assisting in the reviews and facilitating that conversation.

**Mr. Dewey**- The way this looks to me is that I have to have to apply for a special use permit every time, so why do I need to apply for a variance. The other piece is if CDOT has this requirement then they should come talk to me about it. I don't think it's the City or the County's job to do that for them.

**Mr. Carlson**- You said you didn't receive a lot of these conditions until the last few days. **Mr. Dewey** – Correct, they were in the report and so when I saw the report

yesterday is when I was made aware of a lot of these. **Mr. Carlson** - Are you in a position to move forward with this? **Mr. Dewey**- I would rather have the time with my Board and others in the County to talk about these.

**Ms. Ruiz** – These recommended conditions of approval have been in staff comments for quite a while. The recommended conditions of approval have also been included with the traffic report prepared by his consultant.

**Mr. Rice** – We are trying to put this under one umbrella instead of having a separate review for each event.

**Mr. Risley**- Essentially what we are doing here is legitimize something that has been here since 1975.

**Ms. Ruiz** – The museum doesn't include these types of events, so these events are not specifically related to the museum. We consider this as a separate use. So, these types of events have not been occurring since 1975.

**Mr. Risley**- Understood.

**Ms. Brittain Jack** – Have any of the neighbors had complaints? Any public comment?

**Ms. Ruiz**- We haven't received any public comment at all.

**Ms. Lucia-Treese** – I think we are putting an undue burden on the applicant that we seem to be signaling this one applicant for these conditions, that CYA for the county to help this applicant keep their museum open and generate some additional revenue that is needed to keep it in the county. I feel like there is an overreach here. It is just not settling with me.

**Note for the record – The Chair called for a recess at 10:40, hearing reconvened at 11:15. Quorum is still in place. During the break Nina Ruiz with PCD worked with the applicant to resolve concerns with the proposed conditions of approval. Both the applicant and PCD agreed to amend the number of conditions for approval. The discussion below details that information.**

**Ms. Ruiz** – We were trying to save the applicant time and hassle but have determined that it is best if they do all the work up front and that they put more time in the site development stage, and for the County requirements that will relieve them moving forward. We will eliminate recommending conditions of approval eight, nine, ten, and twelve. We will leave number 11, regarding the temporary use. What we anticipate happening is that when they submit their site development plan, they will include a traffic management plan. The traffic management plan will account for the small, medium and large events, it will not account for events that are larger than

750, which is why condition number 11, which will become number 10 is still included. That says if attendees could get over 750, they need to submit a temporary use to the County. There was also a question about CDOT and the City of Colorado Springs coordination, as I mentioned before the applicant has to do that, regardless if the County has a condition of approval that acknowledges that. They understand that. Condition of approval number five does include CDOT as well as other entities, so we believe we are covered.

**Mr. Trowbridge-** Why doesn't it just say from 250 to 1,750?

**Ms. Ruiz** – The reason why it is split is because we anticipate that the plan will look different for the small, medium and large events. The need for off- site parking could be different.

**Mr. Dossey** – There are two types of events that we need to address, those two specific ranges. My concern leaving it vague, is if we don't have the same engineer reviewing it the conditions of approval address two different type of events based upon these windows we provided, that way it is clear that what we need is based on the analysis of those two ranges.

**Mr. Trowbridge** – Why not put in that qualifier then? What's the difference between the two ranges? Is it medium and large events?

**Mr. Bailey** – Were those called out in the traffic impact study they did?

**Mr. Dossey** – I would prefer to leave it to the numbers and have their engineer evaluate it based off that.

**Mr. Dewey** – Simply those numbers are estimates I made to create some framework. I didn't find any thresholds from the City, County or CDOT. We are sticking with them in a sense because they are now in the traffic impact study.

**Mr. Risley** - But they were arbitrary numbers essentially, yes? **Mr. Dewey** – Yes.

**Mr. Moraes** – I looked at previous variances of use requests and they always have the first condition that says that the variance of use is going to be in accordance with the applicants' letter of intent. I don't see that in this one. So, what condition as written says the variance is in accordance with the letter of intent?

**Ms. Ruiz** – With this one we were a lot more specific in the conditions of approval. If you look at notation number one, it does state "Variance of use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code." Because we have removed so many conditions of approval, if

you would like to make a suggestion to add that one back in, staff has no issue or concern.

**Mr. Moraes** – With how you are saying it, you don't think it is necessary because you are covered by the notation **Ms. Ruiz** – Well we did take away quite a few conditions. **Mr. Moraes** – If the use goes away for more than two years, the variance is discontinued or revoked, how does that work again with multiple uses?

**Ms. Ruiz** - That is in the Land Development Code, we just carry the language over to our resolutions. We would look at the use holistically. Let's say they stop having events, but they are listed as agritainment, we're not going to say your variance of use is gone. **Mr. Moraes** – Lastly, peddlers' sales as a use is just merchandise that is made off of property that is sold there. I don't know if that is something the applicant does want to include. **Ms. Ruiz**- We would consider that part of the gift shop, farmer's market, we would consider that as an accessory.

**Ms. Merriam**- I am still unclear with whether or not they need an approval per event.

**Ms. Ruiz** – They wouldn't have to come back. The only time they will need to come back is if they expand or if they are out of compliance with their variance of use. The applicant may have to go to CDOT and the City every single time, we don't know we can't speak for them, but for the county they do not.

**Mr. Dewey**- I want to thank the County staff. I expressed concern about the site plan, it is my hope it can be very minimal, hopefully both in time and cost. We are open to the suggestion because of that.

**IN FAVOR: NONE**

**IN OPPOSITION: NONE**

#### **DISCUSSION:**

**Ms. Lucia-Treese** – I am feeling much more comfortable now with some of those conditions removed. I just felt they were an undue burden on the applicant. I want to thank the applicant and staff for coming together and mesh out the concerns we had as members of this board. I am in favor.

**Mr. Carlson**- I just want to say I appreciate what you are doing for the community, and I am sorry you have to go through this after all these years.

**Mr. Moraes** – Do we want to include a condition of approval that talks about that they have to adhere to their letter of intent?

**Ms. Lucia-Treese**- I think we have enough conditions and notations. I think that the applicant certainly understands the concerns of the board and the county.

**Mr. Bailey** – Generally I would like to see the language be the same for all of these, but I think the argument is that because we have separate conditions that call out traffic, signage, noise and that we want the applicant to adhere to the letter of intent. In this case I think what we have written here is sufficient. I am content with as it is written.

**Mr. Risley** – I apologize to staff about my comment about overreach. I do think where we ended up is much more reasonable and sustainable. Having grown up here I have seen what this museum represents for the community and I think it is an important part of our culture. I align with other comments about the burdensome process that you've had to go through here but hopefully that will legitimize what you are doing.

**PC ACTION: LUCIA-TREESE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, VA-20-004, FOR A VARIANCE OF USE FOR WESTERN MINING MUSEUM, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-062, WITH THE AMENDED NINE (9) CONDITIONS, FOUR (4) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

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 November 18, 2021 Planning Commission hearing.**