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**Board of County Commissioners**  
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## **PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, January 5, 2023  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** TOM BAILEY, JAY CARLSON, BECKY FULLER, ERIC MORAES, TIM TROWBRIDGE, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** BRIAN RISLEY, SARAH BRITTAIN JACK, AND BRANDY MERRIAM.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, CHRISTIAN HAAS, CHARLENE DURHAM, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** PATRICK CATANACH AND ANGELIA ZIPPLIES.

**Mr. Bailey** established that he is acting Chair in Mr. Risley's absence. He acknowledged Ms. Lucia-Treese' recent passing. He requested a moment of silence (observed).

**Mr. Trowbridge** shared his thoughts and memories of Ms. Lucia-Treese.

#### **1. REPORT ITEMS.**

**A. Planning Department.** Next PC Hearing is Thursday, January 19, 2023, at 9:00 A.M.

**Mr. Kilgore** announced the next hearing date will include a luncheon. He introduced new planner, Christian Haas, and stated two more planners will be starting next week. He also introduced the new Executive Director, Meggan Herington.

**Mr. Whitney** asked how many total planners PCD will have after the two start next week?

**Mr. Kilgore** answered that there are currently 6 planners on staff.

**Ms. Herington** added that there are two additional positions yet to be filled. She also introduced herself and gave a brief explanation of her background. She stated she would like to schedule time to meet or speak individually with each of the board members.

**Mr. Bailey** thanked Ms. Herington and commended the PCD staff.

**Mr. Moraes** asked if PCD has seen a decrease of applications over the last 6-9 months compared to the previous year?

**Mr. Kilgore** answered that he has been with PCD for 5 months, so he can only speak for that time. Recently, 4 or 5 projects have either cancelled or postponed. Other than that, multiple projects are coming in per day. He also made the correction that PCD currently has 7 planners (one on leave) and a manager on staff.

**B. Call for public comment for items not on hearing agenda. NONE.**

## **2. CONSENT ITEMS.**

**A. Adoption of Minutes from meeting held December 1, 2022.**

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**B. CS-22-002**

**PARSONS**

### **MAP AMENDMENT (REZONE) EMPRISE STORAGE REZONE**

A request by Land Development Consultants, Inc. for approval of a map amendment (rezoning) of 40 acres from RR-5 (Residential Rural) to CS (Commercial Service). The 40-acre property is located directly south of Highway 94 and 0.20 miles west of the intersection of Highway 94 and Franceville Coal Mine Road, and is within Section 18, Township 14 South, Range 64 West of the 6th P.M. (Parcel No. 44000-00-056) (Commissioner District No. 4).

**PC ACTION: MORAES MOVED / CARLSON SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, CS-22-002, FOR A MAP AMENDMENT (REZONE), EMPRISE STORAGE REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**C. P-22-015**

**PARSONS**

### **MAP AMENDMENT (REZONE) HOMESTEAD NORTH FILING NO. 3**

A request by Classic SRJ Land, LLC, and SR Land, LLC, for approval of a map amendment (rezoning) of 41.63 acres from RR-5 (residential Rural) to RS-6000 (Residential Suburban). The parcels are located north of the northeast corner of the Briargate Parkway and Vollmer Road

intersection and is within Section 28, Township 12 South, Range 65 West of the 6th P.M. The subject parcels are within the Sterling Ranch Sketch Plan area. (Parcel Nos. 52280-00-030 and 52280-00-038) (Commissioner District No. 2).

## **DISCUSSION**

**Mr. Carlson** asked if there were any responses from the public?

**Ms. Parsons** stated no opposition was received prior to the meeting. She added there were two members of the public present in the audience for whom she answered questions.

**PC ACTION: SCHUETTPELZ MOVED / MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, P-22-015, FOR A MAP AMENDMENT (REZONE), HOMESTEAD NORTH FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**D. SP- 22-007**

**PARSONS**

### **PRELIMINARY PLAN HOMESTEAD NORTH FILING NO. 3 PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC, and SR Land, LLC, for approval of the Homestead North at Sterling Ranch Filing No. 3 Preliminary Plan to create 77 single-family residential lots. The 40.83-acre development area is zoned RR-5 (Residential Rural). A concurrent Map Amendment (rezone) to RS-6000 (Residential Rural) is also requested. The subject property is within the Sterling Ranch Sketch Plan area which depicts a density of 2 dwelling units per acre. The proposed density is 1.8 dwelling units per acre. The parcels are located north of the northeast corner of the Vollmer Road and Briargate Parkway intersection and is within Section 28, Township 12 South, Range 65 West of the 6th P.M. (Parcel Nos. 52280-00-030 and 52280-00-038) (Commissioner District No. 2).

**Member(s) of the public requested this item be heard as a Regular Item.**

## **3. CALLED-UP CONSENT ITEMS**

**2D. SP- 22-007**

**PARSONS**

### **PRELIMINARY PLAN HOMESTEAD NORTH FILING NO. 3 PRELIMINARY PLAN**

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## DISCUSSION

**Ms. Parsons** explained that this item has a combined staff report and presentation with the rezone addressed previously, P-22-015.

**Mr. Bailey** advised the details concerning the rezone may be skipped. He questioned if a full staff presentation would be needed, or if the members of the public could state their specific questions/concerns?

**Ms. Herington** stated it would be appropriate to have the member of the public state his concern now that the item has been pulled from the Consent Items.

**Mr. Catanach** is a resident of The Retreat at TimberRidge. He is concerned that this project will include multi-dwelling units.

**Ms. Parsons** asked Ms. Seago to read the preliminary plan approval criteria into the record and stated this proposal does not include multi-family developments, but is for single-family detached units only. She then began the staff presentation.

**Ms. Seago** requested that the meeting proceed more formally. (Questions were being asked from the audience during staff presentation.)

**Mr. Bailey** explained to the audience that there would be a time later for comments from the public. He asked Ms. Parsons if the site included in this application was included in the approved Sterling Ranch Sketch Plan?

**Ms. Parsons** confirmed that the site is within the approved Sterling Ranch Sketch Plan and is consistent with the density proposed in that sketch plan. This project has an average overall density of 1.8 dwelling units per acre where the sketch plan allows for 2 dwelling units per acre. The area then tapers to higher density further south where Homestead North Filing Nos. 1 and 2 are located.

**Mr. Bailey** clarified for the question from the audience regarding rezoning, that this project does not deviate much from the adjacent zoning or approved sketch plan.

**Ms. Parsons** stated that is correct. She added that she had a conversation with Mr. Bailey prior to this hearing about the Parks Board's recommendation to the BOCC verifying the applicant depict a regional trail corridor along the eastern portion of the site. The applicants have depicted that trail. It is meant to connect into the sidewalk system, go to the north, then cross at an intersection. However, there is also a trail that dead-ends at Poco Rd where there is no currently planned crosswalk. Both trails are shown on the Preliminary Plan.

**Mr. Bailey** requested the presentation continue with Ms. Parsons explaining the background, from the sketch plan to what is currently approved, then continue with the applicant's presentation.

**Ms. Herington** asked that a map of the approved sketch plan be shown. Staff presentation continued.

**Mr. Trowbridge** requested more information about the background timeline.

**Ms. Parsons** stated the original sketch plan was approved in 2007 with two minor subsequent amendments. A condition at the podium required the applicant to include larger buffers and setbacks along the southern perimeter and additional open space corridors and trails. The applicant has not altered from that. In 2018, there was a minor modification approved administratively to relocate the MVEA Substation. There were no increases to density. In 2022, an administrative approval modified the sketch plan because Academy School District 20 no longer wanted the school site in the Branding Iron Filing No. 2 subdivision due to a large gas line running through the site. It was not feasible for the school district to relocate that gas line. The school district is in the process of doing a school land agreement with the County, SR Land LLC, and Classic/Elite Properties, which will go to the BOCC to move the school site to the land depicted in the 2022 amendment. No changes were made north of Briargate Parkway. The area is proposed to be serviced by the Sterling Ranch Metropolitan District for water and wastewater. There is an intergovernmental agreement with the Falcon Area Water and Wastewater Authority (FAWWA). The 1041 was approved administratively by a previous Executive Director.

**Mr. Carlson** clarified that the approved sketch plan depicts a density of 2 dwelling units per acre and this preliminary plan proposes 1.8 dwelling units per acre. He asked if that equals an overall total of 8 *more* homes than originally approved?

**Ms. Parsons** corrected Mr. Carlson's summary. The proposed plan equals 8 *less* homes than the approved sketch plan permits. She added that the applicants have provided a transition of larger lots on the northern end to smaller lot sizes to the south, consistent with the approved Homestead Filing Nos. 1 and 2.

**Mr. Whitney** clarified that there will be less density along Poco Rd, and it will gradually become more dense as you go south.

**Ms. Parsons** confirmed that is true.

**Mr. Bailey** addressed the concerns raised earlier by a member of the audience. He stated that this development is part of a long-standing plan that the developer has been working on for many years. It is unfortunate that anyone came into this situation midway through the process, not knowing what was planned around the area. The role of the Planning Commission is to apply specific criteria of approval to an application.

**Ms. Barlow** with N.E.S., reiterated that the proposed preliminary plan does not include multi-family residential. She added that the rezone, which was just recommended for approval (P-22-015), does not allow multi-family development. She stated that SR Land LLC and the builder, Classic Homes, are both local companies with local representation, and are both represented on the Sterling Ranch metro district board. If anyone has questions about how Sterling Ranch is planned, she recommends they attend the metro district meetings.

## **PUBLIC COMMENT**

**Mr. Catanach** stated he had heard rumors about multi-family residential from around the community. He stated his issue is with Classic Homes charging premiums for lot views when they knew this future development has been in place. He stated the residents will need to talk with Classic Homes.

**Ms. Zippies** is also a resident of The Retreat at TimberRidge. She stated she did look at the Master Plan before buying. She stated she is in contact with a nearby homeowner now, and they stated they only received an email a few days ago, but no letters in the mail. She is concerned that the entire neighborhood of TimberRidge was not notified. She also has concerns that everyone in TimberRidge that currently backs up to Sand Creek will see houses and a cul-de-sac when they paid more to have a lot with a view. She thinks they should have been notified by more than just the yellow poster on the property.

**Mr. Bailey** stated notification procedures are not within the control of the Planning Commission but can be addressed by the BOCC if the public has concerns or wants to change those rules. The County Attorney ensures all notifications are done properly.

**Ms. Parsons** clarified that PCD staff does not notify property owners via email about public hearings. The rezone was advertised in the *Colorado Springs Gazette*, N.E.S. put up the yellow poster on the property, and PCD staff mailed hearing notices to adjacent property owners. Notices are not mailed to the entire nearby developments. Regarding views, there is nothing in the Land Development Code or Engineering Criteria Manual that would preserve a view of the front range or any riparian corridor. Any issues with private agreements would be a civil matter between the citizen and the builder.

**Mr. Trowbridge** asked how far in advance the letters are mailed to the adjacent property owners?

**Ms. Parsons** answered that the internal requirement is 16 days, but they are often sent out by Miranda closer to 20 days prior.

**Mr. Moraes** asked if the notices were sent via registered mail? He has seen certified mail receipts in EDARP before.

**Ms. Parsons** clarified that the applicant is required to send registered notices to adjacent properties at the time of initial submittal. PCD's public hearing notice, newspaper advertisement, etc. are not certified.

**Mr. Moraes** asked if it was a state or local regulation that only adjacent property owners receive notifications? Somewhere he lived previously sent notices to anyone within a 200-foot boundary.

**Ms. Parsons** answered that there is no requirement to notify the public for a Planning Commission for a preliminary plan. The requirement followed by PCD staff is the state statute to notify for a rezone via the newspaper, which is for the BOCC hearing. PCD staff meets the mandated requirement and goes above and beyond with the mailed letters. She asked Ms. Seago to verify.

**Ms. Seago** confirmed.

**Mr. Moraes** then asked if Ms. Parsons could explain the lots transitioning in size from north to south.

**Ms. Parsons** stated lots are an average of 20,000 - 23,000 ft<sup>2</sup> at the north, going down to the zone district minimum which is 6,000 ft<sup>2</sup> to the south.

**Ms. Barlow** clarified that there are no lots as small as 6,000 ft<sup>2</sup>. The smallest lots are just short of 9,000 ft<sup>2</sup> and the overall average is .28 acres.

**Ms. Fuller** asked that the review criteria be presented. She sympathized with neighbors who purchased their homes not knowing that the area had plans to be developed. There are resources at PCD available to the public that could have answered those questions if they had been asked ahead of time. Also, as a recommending body, they are not allowed to oppose a project just because of who the developer may be and whether they are local or not. That is not part of the review criteria.

**Mr. Kilgore** added that PCD utilizes a website called EDARP. Every application that comes through PCD goes through that system: all documents, all comments, all reviews. It is all available for the public to view. If citizens are unfamiliar with how to use the website, they are more than welcome to call or come into PCD where staff will help answer their questions.

**Mr. Bailey** thanked Mr. Kilgore for that reminder. He commended PCD staff for their transparency and efforts in making EDARP user-friendly and available to the public.

**Mr. Whitney** asked if any person interested in purchasing a property can call PCD to inquire about the zoning or adjacent vacant land?

**Ms. Parsons** answered that PCD would be happy to speak with any citizen. She then pulled up El Paso County's website and walked through accessing PCD's webpage to show the link for EDARP and contact information for PCD staff.

**Mr. Bailey** advised the public that items from this meeting would be heard by the BOCC on January 17<sup>th</sup>.

**PC ACTION: TROWBRIDGE MOVED / PATTERSON SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 2D, SP-22-007, FOR A PRELIMINARY PLAN, HOMESTEAD NORTH FILING NO. 3 PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH EIGHT (8) CONDITIONS AND FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**4. REGULAR ITEMS. NONE.**

**MEETING ADJOURNED at 9:52 A.M.**

**Minutes Prepared By: Miranda Benson**