

# EL PASO



# COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission (PC) Meeting  
Tuesday, February 6, 2018  
El Paso County Planning and Community Development Department  
2880 International Circle, Hearing Room  
Colorado Springs, Colorado 80910

**PRESENT AND VOTING: JIM EGBERT, KEVIN CURRY, ALLAN CREELY, TONY GIOIA, LAWRENCE WOOD, JOAN LUCIA-TREESE, SHARON FRIEDMAN, AND JANE DILLON**

**PRESENT AND NOT VOTING:**

**ABSENT: BRIAN RISLEY, KEVIN MASTIN, MITCHELL SMITH**

**STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, GABE SEVIGNY, JEFF RICE, GILBERT LAFORCE, AND EL PASO COUNTY ATTORNEY COLE EMMONS**

**OTHERS PRESENT: DAN COMBS, ANDREA BARLOW**

**A moment of silence was offered to honor the fallen El Paso County Deputy Micah Flick who died in the line of duty on February 5, 2018.**

## **1. Report Items**

**Planning and Community Development Department – Mr. Craig 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. He also gave the comparative data for residential building permits and active projects. **Mr. Dossey** stated he would give his Annual Report at the end of the meeting.

**Mr. Dossey** stated that there would be a meeting on February 20, 2018.

## **2. Consent Items**

### **A. Approval of the Minutes – January 16, 2018**

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

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

www.ELPASOCO.COM

**FINAL PLAT  
PIONEER LANDING AT LORSON RANCH FILING NO. 3**

A request by Eagle Development Company for approval of a final plat to create 12 single-family residential lots. The 1.836 acre property is zoned PUD (Planned Unit Development) and is located north of Fontaine Boulevard, east of Marksheffel Road and west of the East Tributary of Jimmy Camp Creek. (Parcel Nos. 55144-08-090, 55144-08-091, 55144-25-018)

**PC ACTION: GIOIA MOVED/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM NO. 2C, SF-17-000 FOR A FINAL PLAT FOR PIONEER LANDING AT LORSON RANCH FILING NO. 3 WITH EIGHT (8) CONDITIONS AND TWO (2) NOTATIONS UTILIZING RESOLUTION PAGES 19 (MORE PARTICULARLY DESCRIBED ON PAGE 18-006) AND THAT THIS ITEM BE FORWARDED TO THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).**

**Regular Items:  
3. VA-17-010**

**SEVIGNY**

**VARIANCE OF USE  
MOUNTAIN SPLENDOR SERVICES  
CONTRACTOR’S EQUIPMENT YARD AND OFFICE**

A request by Dan Combs for approval of a variance of use to continue operation of an existing contractor’s equipment yard and office. The property is zoned A-5 (Agricultural) and is located south of Woodmen Road on the east side of Maine Lane. (Parcel No. 53080-00-048)

**Mr. Emmons** gave an overview of the approval criteria for a map amendment (rezone).

**Mr. Gabe Sevigny** gave a brief overview of the project and then introduced the applicants’ representative **Ms. Andrea Barlow, NES**, to give their presentation.

**Mr. Gioia** – I agree with the alternative plan to add more landscaping versus the 6’ fence. It looks like on your plan that you are planning on planting 9 additional trees. Does that fully screen that southern border? Answer from **Ms. Barlow** – we placed them where we felt additional screening was needed, but I’m sure my client would add even more trees if that is the preference of this Planning Commission.

**Mr. Sevigny** gave his presentation to the Planning Commission and answered questions.

**Mr. Egbert** – When the previous business was in operation did someone reside on the property? Answer from **Mr. Sevigny** – The tree nursery is an allowed use in the A-5 zoning district. I'm not aware if anyone resided on the property.

**Mr. Curry** – What were the responses from those in favor of this project? Answer from **Mr. Sevigny** – They were in favor of the project; they said he is a good neighbor; he takes care of the driveway; and they have no objection to the business.

**Ms. Friedman** – The prospect of having a small enclave of development seems to be of concern. Can you explain that? Answer from **Mr. Sevigny** – According to the zoning map, this is included in an enclave of properties that are surrounded by the City of Colorado Springs. Applicants have the choice of annexing into the City to tie into public services.

**Mr. Sevigny** gave the Engineering report/findings to the Planning Commission.

**Mr. Gioia** – If we removed the condition regarding the installation of a fence, then the Board could agree with that or ask that the original condition be included. Is that correct? Answer from **Mr. Sevigny** – Yes, that is correct.

**Mr. Egbert** – I notice you have not recommended a 6' fence on the west side. Could you explain that? Answer from **Mr. Sevigny** – The property to the west is a compatible use and therefore we have not recommended a privacy fence.

**Ms. Friedman** – Did anyone talk to the people that use that trail and get their thoughts about the fence? Answer from **Mr. Sevigny** – The space is 30' with 2-story houses on the south side, and it would shorten the width to install the fence and make it feel more unsafe.

**Mr. Curry** – Relative to this discussion on the fence, since it is in the LDC as a requirement and if we were to do not require the condition for the fence, is it sufficient to just remove the condition or do we need a variance to go against the code?

Answer from **Mr. Emmons** -- You should make a positive statement as a condition. The purpose of the fence would be for mitigation. This is a variance and you have great discretion when imposing conditions. If you feel that adding more landscaping would accomplish a similar type of mitigation, then my recommendation is that you substantiate that as part of your condition.

**Mr. Dossey** – If that is the direction that the Planning Commission wants to go then you acknowledge on the record that an additional fence is not required and when the Planning and Community Development staff review the site development plan, it gives me as the Director, the authority to accept the site development plan without the required fencing.

**Ms. Dillon** – I understand the people using the fence would prefer to see a fence versus looking at a contractor's equipment yard. Two fences would not be that bad when you consider that it's a 30' trail.

**Mr. Emmons** – For the record, could you please ask for anyone to speak in favor or in opposition of this request before moving on?

**Mr. Combs** – If I'm required to screen from the housing, why is okay for the developer who developed this to not have to do the required landscaping? **Mr. Egbert** – Had you gotten the variance before, you would not have been expected to do the additional landscaping.

**IN FAVOR: None**

**IN OPPOSITION: None**

**Ms. Barlow** – When staff produced the photos going back in time, it was really evident to me that the use and nature of the property changed very little. Quail Bush Creek residents came in after Mr. Combs already had the use in place. We did include on page 14 for your review, the request/waiver to add the additional landscaping and to remove the requirement of the opaque fence.

**DISCUSSION:**

**Mr. Curry** – I discount the applicant's comment stating that the development occurred after his use was in place simply because the use was not approved. I look more at the harmony and character of the adjoining properties and the adverse effects of this use. I believe that with the additional trees, this will be more in compliance and in harmony with the neighboring residential properties. I will be in favor of this project.

**Ms. Lucia-Treese** – I concur with Mr. Curry. I think that adding the additional trees bring it more into harmony with the adjoining neighborhood.

**PC ACTION: GIOIA RECOMMENDED A REWORDING OF CONDITION #3 TO STATE THAT "IN LIEU OF A 6' OPAQUE PRIVACY FENCE, THE APPLICANTS WILL PLANT FIFTEEN (15) AUSTRIAN PINES ALONG THE SOUTHERN PROPERTY BOUNDARY AS VISUAL SCREENING" AND MADE A MOTION FOR APPROVAL. LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM NO. 3, VA-17-010 FOR A VARIANCE OF USE FOR MOUNTAIN SPLENDOR SERVICES CONTRACTOR'S EQUIPMENT YARD AND OFFICE WITH FIVE (5) CONDITIONS WITH FIVE CONDITIONS AND THREE (3) NOTATIONS UTILIZING RESOLUTION PAGES 51(MORE PARTICULARLY DESCRIBED ON PAGE 18-008) AND THAT THIS ITEM BE FORWARDED TO THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS.**

**FRIEDMAN AMENDED THE MOTION TO STATE 10' TREES BE PLANTED. LUCIA-TREESE SECONDED THE AMENDMENT. BOTH MOTIONS WERE APPROVED UNANIMOUSLY (8-0).**

**Mr. Dossey** gave a PowerPoint presentation as an annual update to the Planning Commission. He outlined project numbers and fees received, collateral collected and released, as well as quantified infrastructure accepted into the County. He also gave an overview of some of the code enforcement violations that led to County-sponsored abatement and cleanup.

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.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

Minutes were approved as presented at the March 6, 2018 meeting.