Planning Commission (PC) Meeting

Tuesday, January 2, 2018

El Paso County Planning and Community Development Department

2880 International Circle, Hearing Room

Colorado Springs, Colorado 80910

**PRESENT AND VOTING: JIM EGBERT, ALLAN CREELY, TONY GIOIA, KEVIN MASTIN, AND JANE DILLON**

**PRESENT AND NOT VOTING: NONE**

**ABSENT: KEVIN CURRY, BRIAN RISLEY, LAWRENCE WOOD, MITCHELL SMITH, JOAN LUCIA-TREESE, AND SHARON FRIEDMAN**

**STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, NINA RUIZ, JEFF RICE, GILBERT LAFORCE, ELIZABETH NIJKAMP, AND EL PASO COUNTY ATTORNEY KENNETH HODGES**

**OTHERS PRESENT: JEFF MARK, JASON ALWINE, CHRIS PADDOCK, JANE FREDMAN, DEANNE BREKKE, SARAH WYN, MICHELE CHRZANOWSKI, ROBIN SILVER, ED GANNON, RANDY MORLEY, AND DAVID HANEY**

1. **Report Items**
2. **Planning and Community Development Department – Mr. Craig Dossey** gave an update of the Planning Commission agenda items. He gave statistics to the number of projects and how they were approved/denied as well as a comparison to how the Board of County Commissioners voted.

**Mr. Dossey** stated that there would be a meeting on January 16, 2018.

1. **Consent Items**

**Mr. Hodges recommended that we move Consent Item 2A, Sunshine Law, to Regular Agenda Items since it requires voting on the record.**

1. **Approval of the Minutes – December 19, 2017**

The minutes were approved as presented. (5-0)

1. **SF-17-017 PARSONS**

**FINAL PLAT**

Jackson ranch filing no. 3

A request by Four Gates Land Development, LLC, for approval of a final plat to create nine (9) single-family residential lots. The 26.21 acre property is zoned RR-2.5 (Residential Rural) and is located east of Roller Coaster Road, north of Higby Road and west of Sahara Road. (Parcel Nos.61210-06-017, 61210-00-020, 61210-00-022 and 61210-00-023)

**PC ACTION: GIOIA MOVED/CREELY SECONDED TO APPROVE CONSENT ITEM NO. 2C, SF-17-017 FOR A FINAL PLAT FOR JACKSON RANCH FILING NO. 3 UTILIZING RESOLUTION PAGE 19 WITH ELEVEN (11) CONDITIONS AND TWO(2) NOTATIONS (MORE PARTICULARY DESCRIBED ON PAGE 18-001) WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).**

1. **SF-17-016 PARSONS**

**FINAL PLAT**

Jackson ranch filing no. 4

A request by Four Gates Land Development, LLC, for approval of a final plat to create eight (8) single-family residential lots. The 31.18 acre property is zoned RR-2.5 (Residential Rural) and is located east of Roller Coaster Road, north of Higby Road and west of Sahara Road. (Parcel Nos.61210-00-020, 61210-00-022 and 61210-00-023)

**PC ACTION: GIOIA MOVED/CREELY SECONDED TO APPROVE CONSENT ITEM NO. 2D, SF-17-016 FOR A FINAL PLAT FOR JACKSON RANCH FILING NO. 4 UTILIZING RESOLUTION PAGE 19 WITH ELEVEN (11) CONDITIONS AND TWO(2) NOTATIONS (MORE PARTICULARY DESCRIBED ON PAGE 18-002) WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).**

**Regular Items:**

**Sunshine Law** – The statement was read into the record for 2018.

**DILLON MOVED TO APPROVE/CREELY SECONDED AND GIOIA MOVED/CREELY SECONDED TO AMEND THE WORDING. THE MOTION WAS UNANIMOUSLY APPROVED AS AMENDED TO INDICATE MEETINGS BEING HELD ON THE FIRST AND THIRD TUESDAYS. (5-0).**

1. PUDSP-16-003PARSONS

**MAP AMENDMENT (REZONE)**

Lorson Ranch EAST

A request by Lorson Conservation Invest I, LLLP, Lorson, LLC Nominee, Eagle Development Company, and Murray Fountain, LLC, for approval of a map amendment (rezoning) of 274.59 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development). The applicant also requests the PUD (Planned Unit Development) be approved as a preliminary plan to authorize the development of 826 single family lots, rights of way, a school site tract owned by El Paso County, a future development tract and multiple open space and drainage tracts. The property is located north of the Peaceful Valley Lake Estates Subdivision, on the south side of Bradley Road, west of the anticipated extension of Meridian Road and east of Marksheffel Road, more specifically east of the East Tributary of Jimmy Camp Creek. (Parcel Nos. 55000-00-402, 55000-00-403, 55000-00-404, 55000-00-406, 55000-00-267, 55000-00-268, 55000-00-269, 55144-00-006, 55144-00-007, 55144-08-088, 55133-01-001, 55231-00-003)

**Mr. Hodges** gave an overview of the approval criteria for a map amendment (rezone) and preliminary plan.

**Ms. Parsons** gave a brief overview of the project and then introduced the applicants’ representative **Mr. Jeff Mark** and **Mr. Jason Alwine** to give their presentation and answer questions from the Planning Commission.

**Mr. Gioia –** Why are you proposing fewer trees? Answer from Mr. Alwine – We looked at water conservation as well as even with the reduction of proposed trees there is a substantial amount of landscaping proposed.

**Mr. Mastin** – Regarding the reduction in intersection sizing that you mentioned, what is the reasoning for that? Answer from **Mr. Alwine** – To reduce a residential intersection from 175’ to 160’ is because the lot depth is reduced. The other proposed modification is on a collector road. We are at 561’ which is down from the required 660’. We had to give some of that space to the school spacing. It also mitigates some drainage issues that might have occurred at the required spacing.

**Mr. Mastin** – What was the status of these plans in 2015? Answer from **Mr. Mark** – The density was greater then, but some of the road classifications have changed and have caused us to lower our density.

**Mr. Egbert** – You show open space on the proposed plan? Could you explain what will happen in those areas? Answer from **Mr. Mark** – We have considerable drainage improvements to make as well as bridge construction. There will also be areas to ride bikes and walk.

**Mr. Egbert** – I understand that the homeowners were concerned about open space and losing some of that space. Is the east side showing more open space than the west side did? Answer from **Mr. Mark** – We have planned for over 70 acres of open space in perpetuity.

**Mr. Gioia** – Do you know the measurements from the back of the existing lots to the proposed new lots? Answer from **Mr. Mark** – I believe it is about 300’.

**Ms. Parsons** gave her full presentation to the Planning Commission.

**Mr. Egbert** – Do we know what is going to happen with the land that used to be the golf course? Answer from **Ms. Parsons** – It is within the City of Fountain and not within The County’s land use jurisdiction,

**Mr. Jeff Rice** gave staff’s engineer presentation for this project.

**Mr. Egbert** – Are there any signalized intersections? Answer from **Mr. Rice** – No, not at this point, but there is a roundabout proposed next to the school site.

**Mr. Egbert** – What is going on both east and west on Fontaine Boulevard that would cause the traffic numbers to go up? Answer from **Mr. Rice** – When Meridian Road is extended, there could be commercial uses proposed. The additional residential area would add to the traffic numbers as well.

**Mr. Gioia** – You don’t foresee a potential for traffic jams with the shorter intersection spacing? Answer from **Mr. Rice** – No, we looked at the traffic traveling in both directions and what the needs were, and we don’t anticipate any issues.

**Mr. Egbert** – Is the school that is proposed an elementary school or middle school? Answer from **Mr. Rice** – I believe it’s proposed to be an elementary/middle school with up to 500 students.

**Ms. Dillon** – With regard to the school, is there any development to the west that could draw students and then create issues with traffic volumes? Answer from **Mr. Rice** – That would be a long-term issue, and if Fontaine is extended, then the traffic would be utilizing that roundabout to get to the school site. We will look at it more when a school is proposed.

**Mr. Gioia** – There is talk about a 7’ drop in grade. Where is the drainage going to accommodate that drop? Answer from **Mr. Rice** – We have a preliminary drainage report that shows that drainage going to the west. Specific drainage will be addressed at the Final Plat stage.

**Recommended Added Condition No. 11**

Applicant and Lorson Ranch Metro District shall provide a detention basin/water quality BMP maintenance agreement and easement for each offsite pond at the time of construction of each basin/BMP is necessary to mitigate developed flows from development of any final plat within the Lorson Ranch East PUD/Preliminary Plan.

**Mr. Mastin** – There were notices put out to the neighbors to the west, were the southern neighbors notified? Answer from **Ms. Parsons** – The notice is sent out to all adjacent property owners. This is a curtesy notification. The requirement for notification is publication in the County’s advertising paper, Shoppers Press.

**IN FAVOR: None**

**IN OPPOSITION:**

**Mr. Chris Paddock** – I live on the property closest to Heritage Road, and I did not get a notice. I live in Peaceful Valley Estates. Lorson Ranch has been in the development works for over 10 years and those 10 years have been very contentious. It’s hard for me to understand that adjacent doesn’t extend beyond the legal description. Dust, noise, animals don’t understand that either and we will deal with the affects of those things. We have never been asked what could help us maintain our lifestyle. We have not been included in the development plans. When the Southern Delivery System was built, they used our roads. We have chip seal roads and they are dilapidated and weeds are growing 4-5’ high. We know that we can’t stop this but it would be nice if there was some kind of inclusion to the homeowners south of this development. I would ask that you consider what they are trying to do and how they are phasing that in and come to some kind of compromise. Lorson doesn’t provide quality open spaces. They provide it in conjunction with utility easements. The bottom line is they are going to develop it and we will have to deal with it.

**Mr. Mark** had an opportunity for rebuttal. Peaceful Valley is located in Fountain. (Corrected by staff. Ms. Parsons showed a map of City of Fountain property vs. County property. Only the closed golf course is located in Fountain.) I wasn’t around 10+ years ago when there was contention. We have lessened the density. We undertook $900,000 water line which also connected to the south which gave them the additional pressure they needed. Lorson development does not have access to the south. There was talk at one point of having an emergency access. That has not been approved. We are bringing in 3 bridges that will give us additional access. Their roads have nothing to do with Lorson. We do not have control over MVE or CSU or other entities using the Peaceful Valley roads.

**Mr. Egbert** – How close will you be building to the building line? Answer from **Mr. Mark** – We have the ability to build right up to the property lines. (Staff note- incorrect; setbacks will be applicable as well as the density depicted on the sketch plan.)

**Mr. Gioia** – Is there a possibility of working with the homeowners to the south to mitigate the dust during construction? Answer from **Mr. Mark** – We undertake the process of completing the permits regarding silt and sediment and as far as dust is concerned we are required to put water on the property to help mitigate those issues.

**Ms. Dillon** – I’d like to see the landscaping slide again. Are there any street trees planned on Lamrey Road to help buffer the neighboring residents to the south? Answer from **Mr. Alwine** – Because there is no development there yet, it will be addressed in the future. At that time we will address what the landscaping requirements are and how those will be phased in with that development.

**Mr. Mastin** – I get that you are doing the permitting that is required. I would ask that you go to Black Forest Road and look at the fencing. It’s filled with trash. I expect that Mr. Paddock is going to have all kinds of trash and debris in his property that you have not mitigated. I get that you are permitted, but I’d like to see more of the developers working with homeowners to make sure that you are being good neighbors. **Mr. Mark** – Today is the first day I’ve been asked to address anything from neighbors from the south. We are certainly willing to listen. They are welcome to call me and we can discuss some of those issues.

**Mr. Egbert** – I believe that we’ve identified an area that communication could be better with your neighbors to the south. **Mr. Mark** – We are happy to forward future information to those homeowners.

**Ms. Dillon** – During pre-construction and general construction, meet with those homeowners. It is to your benefit as well. Be good stewards of the land, be good neighbors.

**DISCUSSION:**

**Mr. Gioia –** It is reasonable to understand why they didn’t get notice, but I would hope that moving forward you will stay in open communication with those neighboring areas even if they are not immediately adjacent.

**Mr. Mastin –** I have to be a voice for Mr. Paddock and others like him. This is a good development and they are providing more open space than required. I would just like to see an initiative on the developer’s side to have more communication with the neighbors.

**Mr. Creely –** I agree with both of my colleagues. There are two issues.   
First, we sometimes consider developments at a micro level and we rarely consider the boundary around it in the macro level view point.Secondly, I think that the County has more responsibility to be transparent and not just with the online process. We need a better way to communicate these projects to a farther reaching area.

**PC ACTION: GIOIA MOVED/DILLON SECONDED TO APPROVE REGULAR ITEM NO. 3, PUDSP-16-003 FOR PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY PLAN FOR LORSON RANCH EAST WITH ELEVEN (11) CONDITIONS AND FOUR (4) NOTATIONS UTILIZING RESOLUTION PAGES 29 AND 25 (MORE PARTICULARY DESCRIBED ON PAGE 18-003) WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).**

**Approved Added Condition No. 11**

Applicant and Lorson Ranch Metro District shall provide a detention basin/water quality BMP maintenance agreement and easement for each offsite pond at the time of construction of each basin/BMP is necessary to mitigate developed flows from development of any final plat within the Lorson Ranch East PUD/Preliminary Plan.

1. **AL-17-021 RUIZ**

**SPECIAL USE**

**DOUBLE D RANCH**

A request by Deanne Brekke for approval of a special use to legalize an existing kennel. The property is zoned RR-5 (Residential Rural) and is located 0.15 miles west of Milam Road and one-half mile north of Old Ranch Road. (Parcel No. 62230-00-123)

**Ms. Ruiz** gave a brief overview of the request and asked **Mr. Hodges** to go over the review criteria.

**Mr. Ruiz** introduced **Ms. Jane Fredman** to give the applicant’s presentation.

**Mr. Mastin** – Could you clarify the complaints received. Were there any complaints from the immediate adjacent owners? Answer from **Ms. Fredman** – There were no complaints until an anonymous complaint was received in 2017. Of the adjacent properties, most have negative comments or issues now that we received the anonymous complaint.

**Mr. Mastin** – When you purchased the property, were you lead to believe you could have this type of use on the property? Answer from **Ms. Brekke** – Yes, we were under the impression that this was allowed. It was already set up for this type of business and they gave me their clientele list.

**Ms. Dillon** – How many dogs are kept there now? Answer from **Ms. Brekke** – We have a cap of 10 dogs plus our own 5 dogs.

**Mr. Mastin** – Do we have a limit on the number of dogs a family can own in the County? Answer from **Ms. Brekke** – Yes, there is a limit of 4, but we have an older dog that will probably not be with us very long.

**Ms. Ruiz** gave her presentation to the Planning Commission. Now that the applicant stated she has 5 of her own dogs, we may want to look at revising the condition regarding the number of dogs permitted on the property. **Ms. Dillon** – if we increase it, then we are allowing more dogs for the kennel. I don’t know if we want to go to that number.

**Mr. Egbert** – A kennel is an allowed use in RR-5, is that correct? Answer from **Ms. Ruiz** – With special use approval, yes, that’s correct.

**IN FAVOR:**

**Ms. Sarah Wyn** – I am an employee of Double D Ranch. Dogs have a place to come and have fun; it’s not a shelter type of kennel. They have wonderful amenities and have great relationships amongst all the other animals. This is Deanne’s passion. She loves training dogs, and I’ve learned so much from her.

**Ms. Michele Chrzanowski** – We have been taking our dog there for 2 years. We had previously taken our dog to a standard kennel, but this is unique. They can play together, they get exercise, and they can rest when they want. There aren’t enough places like this and I would hate to see this go away. We can testify to the fact that they do limit the number of dogs; we’ve been turned away on days they are full.

**Ms. Robin Silver** – I’ve been bringing my dog to the ranch for about 3 years. My dog is very active and I literally bring him once a week for doggie day care. It’s been phenomenal for training. I’ve boarded him overnight, and I know I can leave and know he’s not being cooped up in a kennel for the majority of his time. I don’t know of any other operations close to my home like this.

**IN OPPOSITION:**

**Mr. Ed Gannon** – In reference to shushing the dogs, it is more cursing at the barking dogs, it’s not just yelling at the dogs, it’s profane and dirty words. I can hear it from my property. My granddaughter can hear it as well. The statement of the dogs being supervised is not always the case. The dogs have gotten out and come on my property. The cars do not drive all the way to the house; they leave them at the gate. I have seen far more than 10 dogs on the property. Due to the negative impact to the neighborhood, I would ask that you deny the special use.

**Mr. Egbert** – How long have you lived at your location? And were there issues with the use before this owner? Answer from **Mr. Gannon** – I’ve lived there for 23 years. The previous kennel owner did not have the issues that are there today.

**Mr. Randy Morley** – I’ve lived at my property since 1996. You asked Deanne about if the real estate person mislead her into thinking that she could operate her business. I am a real estate agent, and that saddens me. If she was unaware that it didn’t have the proper zoning to allow a kennel, then that saddens me. There could be liability there if the agent didn’t do his/her job. The previous owners raised golden retrievers but I don’t know if they boarded. I have seen 15-18 animals on the property at any given time with Ms. Brekke. They are not always quiet. Furthermore, they did nothing to remediate the fight at the fence. They’ve never made an attempt to make a double fence to keep the dogs confined to their property. If a special use permit is granted, I can see that increasing their property but it does nothing to increase the value to my property. In fact, it decreases mine because others wanting to purchase property more than likely aren’t going to want a boarding kennel next door. I personally find it interesting that not one letter of support came from the immediate adjacent property owners. They may be great with the dogs but they are not being good neighbors.

**Mr. Dave Haney** – The problems that the other neighbors have are not my concern. I live farther back on my property. My problem has to do with parking. The road is a roller coaster type of road. Heading west on Arrowhead, their customers stop abruptly and I have to pull out in the oncoming traffic because it’s a hill and it’s a safety issue. I’ve lived there for 30 years, and I was friends with the previous owner. Marta (previous owner) did not run a kennel. They breed and raised golden retrievers and not for any commercial use. I would like to see off-road parking.

**Ms. Fredman** had an opportunity for rebuttal. One of the issues with dealing with personal dogs and kennel dogs is the number. We could restate that to say maximum of 15 dogs to include both personal and kennel. Regarding the parking on the street, the gate is open from 7-8 am and 5-6 pm. During that time, the dogs are locked in a building so that vehicles may enter the property. With regard to Mr. Morley and their dogs with the fence fighting, there has never been a fence fight since then. My clients are willing to install a second fence. I couldn’t see a date on the photo Mr. Gannon showed. So I don’t know when that was taken. Since the first complaint, we have stayed in compliance with all the requirements. The foul language issue will stop, and no one has contacted Deanne about dogs being on their property for quite some time.

**Mr. Mastin** – You have a hand drawing of the property and Ms. Ruiz shows the house in a different location and I want to ensure that the scale is accurate. The distances from the borders are grossly inaccurate. It gives the impression that buildings are more centrally located on the property. Answer from **Ms. Ruiz** – Our most recent site plan is part of the project file in EDARP (shown at meeting) and is more to scale.

**Mr. Egbert** – If we recommend approval, and the complaints we heard today, would they be considered in violation with regard to the special use. Answer from **Ms. Ruiz** – They would have to submit a site development plan and yes they would be in violation if they have more dogs than allowed or if they are parking on the road and not bringing them fully onto the property, or if dogs are getting out. Their special use could be revoked following a revocation hearing before the BoCC if found in violation.

**Mr. Gioia** – When it comes to the approval criteria, I think generally it is in compliance with the master plan. My biggest issue is the harmony with the character of the neighborhood. I love dogs and I love what you are doing, but your neighbors do not. I am a big fan of personal property rights.

**Mr. Mastin** – I am undecided like **Mr. Gioia**. I have no doubt you are providing a great service, but part of being on this Commission is to represent the community as well and they have issues with the operation. I would love for you to find the ability to do this service somehow.

**Ms. Dillon** – One of the big concerns is parking because I understand the type of road you’re dealing with. Being assured that the parking problem continue that it would be a violation of the special use puts me at a much more comfortable level. Now the surrounding property owners know that if they see this type of violation, they can go to the County and something will be done. Property owners should not be subjected to the profanity and I emphasize that it should stop.

**Mr. Creely** – I feel like **Mr. Mastin** is correct in saying that this is a great service, but I most likely will vote against the special use. It is not compatible with the character of the surrounding area.

**Mr. Egbert** – I think this could be a very viable business, but we don’t want to police it. I would like to approve it and let it go to the Board of County Commissioners.

**DISCUSSION:**

**PC ACTION: CREELY MOVED/MASTIN SECONDED TO DENY REGULAR ITEM NO. 4, AL-17-021 FOR A SPECIAL USE FOR DOUBLE D RANCH BASED ON INCOMPATIBILITY AND HARMONY TO CHARACTER OF COMMUNITY. AYE VOTES (TO DENY) WERE FROM CREELY AND MASTIN. NAY VOTES FROM DILLON, EGBERT, GIOIA. VOTE WAS DEFEATED. (2-3)**

**DILLON MOVED/GIOIA SECONDED TO APPROVE REGULAR ITEM NO. 4, AL-17-021 FOR A SPECIAL USE FOR DOUBLE D RANCH WITH SIX (6) CONDITIONS AND THREE (3) NOTATIONS UTILIZING RESOLUTION PAGE 39 (MORE PARTICULARY DESCRIBED ON PAGE 18-004) AND THAT THIS ITEM BE FORWARDED TO THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (3-2). CREELY AND MASTIN WERE NAY VOTES FOR ABOVE MENTIONED REASON.**

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.