

EL PASO



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission (PC) Meeting

Tuesday, May 15, 2018

El Paso County Planning and Community Development Department

2880 International Circle, Hearing Room

Colorado Springs, Colorado 80910

**PRESENT AND VOTING: JIM EGBERT, TONY GIOIA, ALLAN CREELY, BRIAN RISLEY, JOAN LUCIA-TREESE, SHARON FRIEDMAN, LAWRENCE WOOD,**

**PRESENT AND NOT VOTING: PETER AURICH, THOMAS BAILEY, AND GRACE BLEA-NUNEZ**

**ABSENT: JANE DILLON AND KEVIN CURRY**

**STAFF PRESENT: CRAIG DOSSEY, MIKE HREBENAR, MARK GEBHART, KARI PARSONS, GABE SEVIGNY, LEN KENDALL, GILBERT LAFORCE, JEFF RICE, AND EL PASO COUNTY ATTORNEY LORI SEAGO**

**OTHERS PRESENT WHO SPOKE AT THE HEARING: DAVID HOSTETLER, RON COVINGTON, JERRY EDWARDS, RICHARD ROBERTSON, BRIAN LUNDE, JONATHAN MOORE, KERRY ABERNANY, JOAN VAIRIN, JONATHON SMITH**

## 1. Report Items

- A. Planning and Community Development Department – Mr. Craig Dossey** welcomed the new Planning Commission Board Members and gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting. **Mr. Dossey** stated the Planning Commission would be holding their annual meeting and election of officers during the meeting and that there will be a Planning Commission meeting held on June 5, 2018, with two (2) items to date. He reported that **Mr. Raimere Fitzpatrick** is still out of the office therefore, the Building Permit Report was unavailable. **Mr. Dossey** also gave a staffing update noting that the department currently had two (2) positions open and that they were having trouble soliciting applicants.

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## 2. Annual Meeting and Election of Officers

The Sunshine Law was presented at the first of the year and therefore did not need to be reviewed at this time.

**Mr. Creely** nominated **Mr. Egbert** as Planning Commission Chair. **Mr. Egbert** accepted the nomination. **Ms. Lucia-Tresse** made a motion to close nominations and **Mr. Egbert** be elected by acclamation. **Mr. Tony Gioa** seconded the motion. Motion passed unanimously to appoint **Mr. Egbert** as Planning Commission Chair. **Ms. Lucia-Tresse** nominated **Mr. Risley** as Vice Chair. **Mr. Risley** accepted the nomination. **Mr. Creeley** nominated **Mr. Curry** as Vice Chair. **Mr. Curry** informed the Planning Commission Secretary, **Ms. Tracey Garcia**, he would not be in attendance but would be happy to serve in any capacity should he be nominated; **Mr. Egbert** accepted the nomination on behalf of **Mr. Curry**. **Ms. Lucia-Tresse** made a motion to close nominations and **Mr. Creely** seconded the motion. Motion passed unanimously to close nominations. The vote was 4-2 for **Mr. Risley**.

## 3. Consent Items

### A. Approval of the Minutes – May 1, 2018

The minutes were approved as presented. (7-0)

### B. VR-17-012

**PARSONS**

#### **VACATION AND REPLAT ACADEMY VILLAGE FILING NO. 3**

A request by Peoples National Bank Colorado for approval of a vacation and replat of Lot 4, Academy Village Filing No. 2, to create two (2) commercial lots. The 2.93 acre property is zoned CS (Commercial Service) and is located north of Struthers Road and west of Gleneagle Drive intersection. (Parcel No. 72014-01-004)

**It was requested that Consent Item 3B, VR-17-012, be moved and heard as a Regular Item.**

**Ms. Parsons** gave a brief overview of the project and asked **Ms. Seago** to go over the Review Criteria for a Vacation/Replat. **Ms. Parsons** then introduced the applicants' representative, **Mr. David Hostetler** of Land Development Consultants Inc. for owner, **People's National Bank** now known as **Community Bank of Colorado**, to give his presentation and answer any questions from the Planning Commission.

**Mr. Hostetler** gave a brief presentation of the project and stated pursuant to county requirements, his office prepared and compiled the submittal items

with assistance from their design team members as well as direct involvement with immediate surrounding areas, which includes Paradise Villas to the North of the project. The request represents the second phase of development for the lot that they have met the requirements and zone regulations without waivers, variance, or deviations and respectfully request approval.

#### **QUESTIONS/COMMENTS:**

**Mr. Gioia:** For the sake of the audience here, could you give a brief overview of the breakup of the new plat?

**Mr. Hostetler** stated yes and noted that the applicant's primary developer for the additional lot is **Mr. Ron Covington** of Covington Homes. **Mr. Hostetler** stated that back in 1998 they had a Concept Plan that was approved as part of their development that indicated two (2) different buildings on the lot. We're taking this second phase and building it out and then introduced **Mr. Covington** to address questions from the Planning Commission.

**Mr. Covington** presented three (3) exhibits: 1) the original Concept Plan dated October 1998, depicted the applicant's existing bank building and on the northern section, a proposed retail building on the same property (which is currently, applicant's proposed commercial building because they're going to build an office there instead); 2) a plan created by a civil engineer dated December 1998 depicting the proposed retail building which applicant proposes to change to a commercial office building, the bank, and some proposed townhomes that did not get designed, were abandoned and redesigned to what exists today, the Paradise Villas; and 3) a Landscape Plan dated June 1999 depicting the completed bank, proposed townhomes (which not conceived yet) and an area that was left fallow for the past 20 years even though it was on the original concept plan. **Mr. Covington** stated the applicant's intention is to finish up the design that was originally placed in 1999. **Mr. Covington** then noted that a detailed traffic study was completed to address Neighbors' concerns regarding traffic and that applicant's traffic is going to be weekday traffic, which was determined to be negligible. In addition, applicant will be contributing to the Struthers Road Improvements and believe traffic would not be a problem. Applicant plans to improve drainage system to address flooding concerns with the detention pond they're putting place. Placement of buildings' front are designed to face east of Neighbors' property to address concerns of mountain views. Buildings are placed as far west and southwest as possible and applicant has gone to great detail to match the existing architecture in surrounding area. **Mr. Covington** then noted that applicant has done everything possible to adhere to the use that was originally conceived in the original Concept

Plan and are sensitive to neighbors' concerns and have done as much as we can do to address them and minimize impact.

**Mr. Wood:** Do you have elevations for the building? Is it a two-story building?

**Mr. Covington:** Yes, sixty percent (60%) of the building area is two-story and forty percent (40%) is single story, which will be set fifty feet (50 ft.) from the property line.

**Mr. Risley:** Will your company be occupying the building?

**Mr. Covington:** Yes, one hundred percent (100%) with the exception of the St. Jude Dream Home.

**Mr. Bailey:** Could you elaborate on drainage plans that will solve issues?

**Mr. Covington:** The area along Struthers Road has a swale. The detention pond on the southwest part of the property has been engineered designed to accommodate the swale.

**Mr. Hostetler:** The drainage into the piping system currently used today is as originally planned. Zoning allows for a maximum building height of thirty-five feet (35 ft.).

**Mr. Aurich:** Is the drainage sufficient and/or correct?

**Mr. Hostetler:** Yes.

**Ms. Parsons** continued overview of the project, clarified that the maximum building height is actually forty-five feet (45 ft.), there is no maximum for lot coverage and that the People's National Bank is shown as current owner on the Assessor's website. **Ms. Parsons** then asked **Mr. Jeff Rice** to explain the engineering section of staff's presentation regarding drainage and transportation.

**Mr. Rice** stated that the Black Forest Drainage basin was studied in 1989 and that the Final Drainage Report for Academy Village dated April 1999 did not require a flood control detention. Mr. Rice stated that the current criteria required a water quality detention and that a permanent water quality facility is being proposed. The applicant has provided a Grading and Erosion Control Plan, which was more than adequate to meet the needs of the project. Mr. Rice noted there will also be an acceptable level of service for traffic once the proposed round-about for the Struthers/Gleneagle intersection is completed.

**IN FAVOR: NONE**

**IN OPPOSITION:**

**Mr. Jerry Edwards** states he is a residential neighbor residing in Paradise Villas, is retired military with twenty-one (21) years of service, residing at his home for the past five (5) years and considers his location a last resting stop. **Mr. Edwards** presented two (2) photos - the first photo depicted a view from his back yard patio overlooking the location of proposed commercial building and the second photo depicted a view from the Bank's Parking lot facing north towards his home on the right of the photo. **Mr. Edwards** asks, "Why build a building here? I would hope for an alternative."

**Mr. Richard Robertson**, Vice President of Home Owners Association ("HOA") for Paradise Villas stated he appreciated the Planning Commission's service and covered his qualifications (as noted on resume submitted to the Planning Commission) to speak on behalf of Paradise Villas residents. **Mr. Robertson** stated he is very disappointed that the applicant did not extend an invitation (to his recollection) to meet with HOA to discuss building placement. **Mr. Robertson** praised **Mr. Dossey** for his great staff. **Mr. Robertson** stated that although he did not investigate the original plat, the Villas were built in 2002. **Mr. Robertson** voiced concerns regarding transportation, that he had problems with the south side of the area and also planned to have discussions with the Donala Water and Sanitation District. **Mr. Robertson** conveyed his concerns with flooding and stated if drainage was insufficient (should the Planning Commission vote in favor for the proposed project) the HOA would take formal action. **Mr. Robertson** stated he was pleased that staff had met all requirements for this application.

**Mr. Brian Lunde**, resident of Paradise Villas, stated the proposed plat does not clearly represent or reflect the actual visual of the land if one were to go to the site – the proposed use is not conducive to residential use there. He urged the Planning Commission to take a trip to the site prior to voting.

**REBUTTAL:**

**Mr. Hostetler:** The footprint of the proposed request is identical to the original Concept Plan.

**Ms. Parsons:** The applicant did not have to submit this request and could have gone through the process of a Site Development Plan without going through the subdivision process. The difference would be that the current landowner would have to own that building; they couldn't convey the lot that

the new building would be on. Additionally, a Site Development Plan has not yet been submitted or approved by the Planning and Community Development (“PCD”) department and at this time I believe the applicant is in the process of doing that. So PCD hasn’t looked at the final design and when we do, it will be available in e-DARP. However, that decision won’t be before you, it will be determined by PCD Director, Mr. Dossey.

**Mr. Gioia:** What are the setbacks requirements for the property?

**Ms. Parsons:** Commercial Service (“CS”) zoning is twenty-five feet (25 ft.) for the perimeter. There are no internal setbacks, and there is a landscaping buffer setback of a minimum fifteen feet (15 ft.) within the twenty-five feet (25 ft.) setback.

**Mr. Gioia:** Do you have the setbacks for Paradise Villas.

**Ms. Parsons:** No, I do not have setbacks for Paradise Villas, however, I can go on line and look them up for you.

**Mr. Egbert:** At this time the hearing for this project has been closed. The Planning Commission will now make its decision.

#### **DISCUSSION:**

**Mr. Risley:** Keeping the Review Criteria in mind, I’m struggling to see where the applicant is not meeting requirements. **Mr. Risley** stated that while he appreciated the guests’ comments, there are no provisions for vision corridors and that he’d appreciate the developer being sensitive to the guests’ concerns. I’d like to note that this building could be built without any zoning action – it could be a land lease, it could be any other form of project moving forward and there would be nothing that any of could say or do about it from land use perspective.

**Mr. Creely:** I would like to vote against the proposal, but I can’t. Vision corridors are not protected. In the end, I see no reason to vote against.

**Mr. Gioia:** I agree with my colleagues. There is a reason why we have land use rules and laws and the proposed is the highest and best use of the property and I will be voting in favor for this project. This plat was in place before the Paradise Villas subdivision so the idea that this land could be developed was there when residents bought their properties, unfortunately.

**Ms. Lucia-Treese:** I concur with **Mr. Risley** and **Mr. Gioia**. Part of my concern is that the proposed project was already approved in 1999, and the Villas did not come until 2002. So there was a reasonable expectation on

part of the homeowners would have known the potential of a building event in that area. Unfortunately, views are not protected and I will be voting aye.

**Mr. Egbert:** We are blessed to live in a place with fantastic views, but they are not protected. If there is a piece of land that is privately owned and you want to control the view, you have to own the land.

**PC ACTION: MR. GIOIA MOVED/MS. LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM NO. 3B, VR-17-012 FOR A VACATION AND REPLAT FOR ACADEMY VILLAGE FILING NO. 3 UTILIZING RESOLUTION PAGE 49 WITH TWELVE (12) CONDITIONS AND ONE (1) NOTATION (MORE PARTICULARLY DESCRIBED ON PAGE 18-031) 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 (7-0).**

**4. Regular Items:**

**Item #4A was continued from the March 20, 2018 and April 17, 2018 meetings.**

**A. U-18-001**

**KENDALL**

**CONSULTATION WITH PLANNING COMMISSION  
LIBERTY TREE ACADEMY**

A request that the Planning Commission determine whether a public hearing is necessary for the acquisition of a proposed school site. The site is located on Eastonville Road approximately one-quarter mile northeast of the intersection with Meridian Ranch Boulevard (Parcel No. 4232302001).

**Mr. Len Kendall** stated that he believed the Planning Commission received a memo about the applicant and if the Planning Commission would like to have a formal public hearing before the School District on the proposed site location or Site Development Plan, has prepared a brief overview of the project and would answer any questions from the Planning Commission.

**QUESTIONS/COMMENTS:**

**Mr. Egbert:** I would like to see the plans for parent transportation/access.

**Mr. Kendall:** I believe all I have is the Letter of Intent. The applicant did submit a Preliminary Site Development Plan that was submitted and I could pull that up in e-DARP if you like.

**Mr. Egbert:** Is there a representative here?

**Mr. Kendall:** No. This item is just to see if the Planning Commission wanted to request a formal public hearing before the School District or not for approval of location at this site.

**Ms. Friedman:** What type of discussions has the applicant had with neighbors about the proposal?

**Mr. Kendall:** I do not know. I haven't reviewed the Site Development Plan yet because this item was just to see if a public hearing before the School District would be requested for approval of the location or Site Development Plan prior to acquisition to the land.

**Mr. Egbert:** I'm in favor of having a public hearing because all the neighbors need to discuss traffic issues. I didn't see any evidence in what we received that they thought that through.

**Ms. Blea-Nunez:** I would like a formal public hearing. I only saw one point of access in my review of what was submitted, which goes with your concern about transportation. I also was wondering about security.

**Ms. Lori Seago** stated Review Criteria for formal public hearing for site location or Site Development Plan.

**Mr. Egbert:** Does anybody want to make a motion?

**Ms. Lucia-Treese:** Before a motion, I have a few questions for counsel please. So what we're talking about are security and parental transportation issues. Is that a part of the Planning Commission's purview?

**Mr. Egbert:** No. The Planning Commission's purview is to determine whether we'd like to propose applicant to a public hearing before the Board of Education.

**Ms. Seago:** The subject of that hearing would be the proposed location or the Site Development Plan. (i.e. If there are traffic concerns related to the Site Development Plan, those can be raised at the public hearing.) School's security, depending on what you mean by that, I don't think would be a part of that. So it would be typical Site Development Plan issues such as traffic, drainage those types of things.

**Mr. Dossey:** The issue of security is more of an operational concern. You will not get that type of information at this stage of planning the development

of the site. Your ability to dive deep into the operational aspects of the school is very limited.

**Mr. Gioia:** Is it reasonable for us to place a concern on security regarding the single point of access for fire and police if necessary, is that within our purview to put it there?

**Mr. Dossey:** Certainly you can. I will tell you that a single access is not the worst thing. A lot of it will depend upon what the traffic report states.

**Ms. Blea-Nunez:** Is it within our purview to discuss bike paths?

**Mr. Dossey:** Are you referring to bike paths on or off site?

**Ms. Blea-Nunez:** To get there.

**Mr. Dossey:** Those would be most likely in the county right-of-way. You can certainly ask, how will bicycle traffic access the site? Ultimately, it has to fit in with the existing transportation network, which includes pedestrians, bicycles, and vehicles. That's an adequate question to ask, particularly in this area there's not a lot of those existing infrastructure improvements for bicycles. Should you request a hearing, I think that is a very appropriate with this site. Site design has a lot to do with timing of traffic.

**Mr. Egbert:** They're talking about 486 students through eighth grade and thirty-six (36) parking stalls. I think they need to have a little coaching.

**Mr. Risley:** Along that point, I don't know if it falls under the purview of the Land Development Code ("LDC") review process that this body or the county in general would be involved with, but to that point, at total build out they're talking about seven hundred fifty (750) students, including high school, which would include on-site parking for high school students. 3.4 acres of land for a school of this magnitude is almost unheard of. There are state requirements or guidelines that tend to indicate how much acreage is required for different sizes of schools both in terms of age groups as well as student count, and for a seven hundred fifty (750) student school (with high school included) in my experience you're talking about a 20-25 acre site at a minimum. So, to try to put this on a 3-4 acre site, again, I don't know if that is within our purview relative to LDC, it would certainly be a concern that should be voiced in front of the school board.

**Mr. Dossey:** Not only is it not within your purview now, because that's not what they're proposing now in terms of full build out, those are the challenges. It should be noted for the record, when we issue an access permit, it does not guarantee an access forever. We can always go back

close that access or mandate that access function differently. The Planning Commission has raised really good questions with regards to Access Permit and that they should draft a memo outlining their concerns.

**Mr. Egbert:** Would someone like to make a motion that they do hold a public hearing.

**Ms. Lucia-Treese:** Move to request public hearing before the Board Of Education for this applicant.

**Mr. Creely:** Seconded motion.

### **DISCUSSION:**

**Mr. Risley:** Will staff or someone have any direction for how the Planning Commission can be made aware of when the Public Hearing will occur or should we just monitor the District's communications?

**Mr. Dossey:** I'm going to defer to Ms. Seago. I believe she read into the record that the School District is responsible for notifying the Planning Commission when that hearing is scheduled.

**Mr. Risley:** Then it's just not a public notification, but they have to notify the Planning Commission as well. If they send that notification to staff as your representatives, we will distribute that to all of you to allow an opportunity to attend that hearing.

**Ms. Seago:** We have never requested a hearing or attended a hearing to my knowledge. Does Mr. Dossey know what that would look like? In other words are you requesting staff to prepare a presentation on your behalf to present at the hearing and then you all may attend as you see fit. If a quorum of you are going to attend the hearing then we will probably need to notice that as well as on our end, so that we are complying with our open meetings laws. I hate to do this on the record. However, we need to have discussion as to what this is going to look like.

**Mr. Dossey:** I recommend the Planning Commission direct staff to create a memo outlining Planning Commission's concerns heard today and request authority for the Planning Commission Chair to sign that memo on behalf of the Planning Commission representing all of your collective issues or concerns. Then we can forward that to the school board. I would concur with Ms. Seago, if we're going to have a quorum of you at that school board hearing that we need to notify that as well from our perspective. Does anybody have opinions as to how to capture all those concerns and issues into the memo today?

**Ms. Lucia-Treese:** Is it appropriate to make a motion?

**Mr. Dossey:** I would request that you, in your motion, if you're going to request a hearing, also state your motion includes authorizing the chair to sign a memo that includes the concerns and comments that we've heard as part of this hearing.

**Mr. Gioa:** There's already a motion on the floor, an amendment may be the way to go.

**Mr. Egbert:** Is there a motion to amend the motion?

**Ms. Lucia-Tresse:** I can amend my motion.

**Mr. Dossey:** That motion would be to direct staff to prepare a memo for the Chair to sign and authorizing the Chair to sign such memo.

**PC ACTION: MS. LUCIA-TREESE MOVED/MR. CREELY SECONDED TO AMENDED MOTION TO REQUEST PUBLIC HEARING BEFORE BOARD OF EDUCATION FOR REGULAR ITEM NO. 4, U-18-001 FOR AN APPROVAL OF LOCATION FOR LIBERTY TREE ACADEMY UTILIZING RESOLUTION PAGE 9 (MORE PARTICULARLY DESCRIBED ON PAGE 18-032) AND DIRECT STAFF TO CREATE MEMO OUTLINING PLANNING COMMISSION'S CONCERNS AND AUTHORIZE CHAIR TO SIGN MEMO. THE MOTION WAS APPROVED (7-0).**

**B. U-17-004**

**SEVIGNY**

**APPROVAL OF LOCATION  
CHEROKEE METROPOLITAN DISTRICT**

A request by Cherokee Metropolitan District for an approval of location to allow for the permanent use of a mobile office. The 4.92-acre property is zoned RR-2.5 (Residential Rural) and is located on the south side of Swan Road and west of Vollmer Road. (Parcel No. 52090-01-006)

**Mr. Gabe Sevigny** gave a brief overview of the project and revised Cherokee Metropolitan District ("CMD") Mobile Offices Site Development Plan. This item has been continued twice at the request of the applicant.

**Ms. Seago** confirmed that the Review Criteria did not need to be presented again. **Mr. Sevigny** then introduced **Mr. Jonathan Moore**, of Forsgren Associates, Inc. for owner, CMD, to give his presentation and answer any questions from the Planning Commission.

**Mr. Moore** gave a brief overview of the project and update of CMD's meetings (March 23, 2018 & April 9, 2018) with neighbors, which included slides depicting the site as it currently exists as well as proposed profile, size, and aesthetics of the office building, security, and area landscaping/screening and stated that he felt that CMD was trying very hard to be a good neighbor. CMD has taken into consideration its neighbor's concerns expressed during several neighborhood meetings and incorporated them into its design concept for the proposed project. **Mr. Smith** felt the neighborhood meetings went well.

**Mr. Sevigny** gave a brief overview of the previous Site Development Plan and the revised Site Development Plan. The applicant was informed that the new revised Site Development Plan would have to be uploaded to e-DARP and go through department's review process. Nothing has changed with the exception of additional bathrooms, which the Health department would have to review due to required leach fields. That would be the only outstanding comments from the Planning and Community Development department.

#### **QUESTIONS/COMMENTS: NONE**

#### **IN FAVOR: NONE**

#### **IN OPPOSITION:**

**Mr. Mark Cain**, representing two (2) residential families which are immediate neighbors to the proposed project, stated that CMD requested approval of a tank and pump-station on the site three (3) years prior and promised there'd be no additional requests for buildings, staff or equipment onto the proposed site if approved. **Mr. Cain** presented handouts depicting the current site and applicant's Sundance Ranch site, and stated that the current proposed use would change the character of the property ensuing residents to lose the "quiet" factor of the area, devaluation of their property, and the incursion of additional traffic. The neighbors are afraid that if this proposed use is allowed, there's no stopping how much more CMD will request of the neighborhood residents in the future. **Mr. Cain** stated that CMD owned a four hundred fifty (450) acre parcel just seven (7) minutes away from the proposed site. Why can't they put the building on there on site? Are we going to back here again in the future going through this process for additional requests like we are now?

**Mr. Kerry Abernathy**, residential neighbor south of the proposed site, stated that the applicant is trying very hard to be a good neighbor by holding several good meetings with neighbors to address their concerns about the proposed project. **Mr. Abernathy** expressed that his biggest opposition is that the proposed building is a trailer and we are opposed of any type of

trailer in the area and he'd like CMD to continue being a good neighbor by taking into consideration the neighborhood building aesthetics and matching them with permanent foundation (similar to the original house on the property prior to the Black Forest fire as depicted in handouts presented to Planning Commission) should the proposed project be approved. **Mr. Abernathy** stated that love the idea of the possibility of them placing the proposed office building on the Sundance Ranch site seven (&) minutes away.

**Ms. Joan Vairin**, residential neighbor across the street from the proposed site, stated CMD has presented an illusion in the 2013 Planning Commission meeting that the sight would be quiet should the current use of the property be approved. I attended the Aforementioned March 2018 meeting, and again, CMD made an implied promise again that they'd do something different than just place a double-wide trailer at the proposed site and that they wanted to work with everyone. **Ms. Vairin** stated she asked CMD why they couldn't place the proposed office building at their site located seven (7) minutes away.

#### **DISCUSSION:**

**Mr. Egbert:** I understand that CMD purchased a ranch for the water rights. Would that happen to be the ranch they're talking about?

**Mr. Moore:** No. The four hundred fifty acres they're talking about is water rights. CMD does not own that land. Their general manager is here if I'm speaking out of turn. They just own a little piece of land to put their equipment on.

**Mr. Jonathon Smith**, Water and Waste Water Manager for the District: CMD owns the water rights and only eleven (11) acres of the four hundred fifty (450) acre parcel known as Sundance Ranch Tank/Pump Station. The Sundance Ranch site is not a conducive location for the proposed project due to the lack of communications infrastructure in the area. The current proposed site already has an infrastructure for water, sewage, utilities and communications. With regards to additional traffic, current CMD plans indicate only two (2) operations staff members accessing the proposed site.

**Mr. Gioia:** How do you respond to oppositions comments regarding prior promises made that no additional modifications for buildings, etcetera will be requested for the proposed site?

**Mr. Dossey:** Correction, the Planning Commission denied the original request for the tank and shed at this location. The denial decision was appealed and overturned by CMD not the Board of County Commissioners.

**Mr. Gioa:** What authority do we have today?

**Mr. Dossey:** I would say the same as the prior decision.

**Ms. Friedman:** Is the lack communications the only reason the Sundance Ranch site not being considered for the office building?

**Mr. Smith:** Yes, the proposed Swan Road site's infrastructure is already complete.

**Ms. Seago:** I'd like to clarify who can vote for this item and confirm we have a quorum. **Mr. Wood, Ms. Lucia-Treese, Mr. Egbert and Ms. Friedman** are allowed to vote for this item, as they were present at the meeting when the item was originally presented. **Mr. Risley** was not present at the meeting, but has indicated that he listened to the audio of the meeting and familiarized himself with the backup material. He will be permitted to vote on this item. **Mr. Creely and Mr. Gioia** were not present at that meeting and therefore can only vote if they've viewed and/or listened to said meeting. **Mr. Creely, Mr. Gioia** have you had a chance to watch or listen to the meeting?

**Mr. Creely:** No I have not.

**Mr. Gioia:** I've read the staff reports for the meeting, but no, I haven't listened to the recorded meeting.

**Ms. Seago:** **Mr. Creely and Mr. Gioia** are not allowed to vote on this item.

**Mr. Gioa:** While I can't vote on this item, I appreciate that the applicant has been making efforts to address its neighbors' concerns.

**Ms. Lucia-Treese:** I want to thank CMD for pulling this item from the calendar to meet with its neighbors first to try and resolve the noted issues for this project. I don't think two (2) staff operators would put a strain on the traffic. CMD's budget is a big consideration due to regulations that metropolitan districts have to adhere to.

**PC ACTION: MS. LUCIA-TREESE MOVED/MR. WOOD SECONDED TO APPROVE REGULAR ITEM NO. 4, U-17-004 FOR AN APPROVAL OF LOCATION FOR CHEROKEE METROPOLITAN DISTRICT WITH TEN (10) CONDITIONS AND ONE (1) NOTATION UTILIZING RESOLUTION PAGE 9 (MORE PARTICULARY DESCRIBED ON PAGE 18-018). MR. EGBERT ENCOURAGED CMD'S CONTINUATION TO TALK TO ITS NEIGHBORS. CMD IS A VERY IMPORTANT VALUABLE**

**INFRASTRUCTURE TO EL PASO COUNTY. THE MOTION WAS APPROVED (5-0). MR. DOSSEY STATED THE ACTION IS RECORDED AS A FINAL DECISION. THIS ITEM WILL NOT BE FORWARDED TO BOARD OF COUNTY COMMISSIONERS (“BOCC”) FOR APPROVAL.**

**Mr. Dossey:** I’d like to take a moment to invite you to take the survey for the Water Master Plan available on Planning and Community’s web page. Thank you **Mr. Gioia** for your time and service these past six (6) years.

**Ms. Lucia –Treese:** I’d like to extend an invitation to all to attend the Pikes Peak Region Peace Officers’ Memorial dedication at Memorial Park today at 1:00 PM.

**Mr. Egbert:** We are adjourned.

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 approved as presented at the June 5, 2018 meeting.