

# EL PASO

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# COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

## Planning Commission (PC) Meeting

Tuesday, October 2, 2018

El Paso County Planning and Community Development Department

2880 International Circle, Hearing Room

Colorado Springs, Colorado 80910

**PRESENT AND VOTING: JIM EGBERT, BRIAN RISLEY, ALLAN CREELY, PETER AURICH, JOAN LUCIA-TREESE, LAWRENCE WOOD, TOM BAILEY, AND GRACE BLEA-NUNEZ**

**PRESENT AND NOT VOTING: NONE**

**ABSENT: KEVIN CURRY, JANE DILLON, AND SHARON FRIEDMAN**

**STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, NINA RUIZ, LEN KENDALL, BECK GRIMM, GILBERT LAFORCE, AND EL PASO COUNTY ATTORNEY LORI SEAGO**

**OTHERS PRESENT WHO SPOKE AT HEARING: JUDY VON AHELFELDT, DUSTIN HAMILTON, SHELTON FINK, JOHN MAYNARD, BEV GILTNER**

**Ms. Judy Von Ahelfedt** – Public Notification of hearing projects is a problem. Signs are not holding up in order to give the public adequate notification. I reported this to the Board of County Commissioners in September, and I have requested that the department have a policy to put this on their website.

**Mr. Craig Dossey** – The website does have all the projects listed by date with staff reports and file numbers. The progress can be tracked on EDARP.

### 1. Report Items

**Planning and Community Development Department – Mr. 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.

**A.** The next scheduled Planning Commission meeting is on October 16, 2018.

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- B. The Water Master Plan Open House will be in the Regional Building Atrium on **October 25, 2018 from 6:00 – 8:00 p.m.**
- C. With regard to the Land Use Master Plan we have selected the consultants and that will go to the Board of County Commissioners soon for their approval. It will be a two to three year process.
- D. The department received the 2018 Achievement Award Winner for the EDARP program through NACo (National Association of Counties). More improvement are happening and the program is getting more diverse.

**2. Consent Items**

- A. **Approval of the Minutes – September 18, 2018**  
The minutes were approved as presented. (8-0)

- B. **SF-16-017**

**RUIZ**

**FINAL PLAT  
SPRINGS AT WATERVIEW**

A request by ROS Equity Holdings-Independence, LLC, for approval of a final plat to create 85 single-family residential lots. The 15.68 acre property is zoned RS-5000 (Residential Suburban) and is located north of Bradley Road and east of Grinnell Boulevard. (Parcel No. 55072-06-036)

**PC ACTION: MR. CREELY MOVED/MS. LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM NO. 2B, SF-16-017 FOR A FINAL PLAT FOR SPRINGS AT WATERVIEW UTILIZING RESOLUTION PAGE 19 WITH THIRTEEN (13) CONDITIONS AND ONE (1) NOTATION (MORE PARTICULARY DESCRIBED ON PAGE 18-050) WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDAILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).**

**Regular Items**

- 3. **VA-18-002**

**KENDALL**

**VARIANCE OF USE  
SUNFLOWER LANDSCAPES**

A request by Sunflower Landscapes for approval of a variance of use to operate a contractor's equipment yard. The 5.57-acre property is zoned RR-5 (Residential Rural) and is located on Nevada Lane approximately one-half (1/2) mile east of the intersection of Black Forest Road and Woodmen Road. (Parcel No. 53080-00-082)

**Mr. Kendall** gave a brief overview and asked **Ms. Seago** to go over the review criteria for a variance of use.

**Mr. Kendall** then introduced the applicants' representatives, **Mr. Dustin Hamilton and Mr. Shelton Fink, Sunflower Landcare**, to give their presentation to the Planning Commission.

**Mr. Hamilton** and **Mr. Fink** gave their presentations to the Planning Commission and answered questions.

**Mr. Risley** – This is before us today because of zoning complaint due to rubbish, can you address that? **Mr. Hamilton** – Our site was definitely a mess. We have cleaned it up dramatically, and I don't believe that is an issue any longer. Piles of pallets and pavers have been removed and will no longer accumulate on the property.

**Mr. Risley** – Have you implemented a policy to keep that from happening in the future? **Mr. Hamilton** – There's not a written policy, but we have one of our workers tasked with beginning of day and end of day cleanup of the property.

**Mr. Risley** – Is there a fence or barrier? **Mr. Hamilton** – There's a chain link fence but not a wall or barrier. We'd be willing to do that but we aren't the land owners.

**Mr. Risley** – You indicated that there is no retail traffic; do you ever intend to have retail traffic? **Mr. Hamilton** – No we do not; we have an office in a different location.

**Mr. Kendall** gave his full presentation to the Planning Commission and answered questions. He clarified that after the variance of use, the applicants will be required to meet the fencing requirements for the site development plan process.

**Mr. Creely** – Is opaque fencing in place in the surrounding similar businesses? **Mr. Kendall** – There may be other yards that do not have the fencing in place, but we are complaint based. However, if they have had projects go through the County, those businesses would have to meet the current Land Development Code.

**Mr. Risley** – Given the other uses in the area and the approval criteria and lack of other property that would be more suited, I personally don't have an issue with this project. I hope that the site development plan will address the visual impacts and fencing concerns.

**Ms. Lucia-Treese** – Normally variance of use kind of bug me as far as being in violation. However, I do believe this to be compatible to the other operations in the area. I believe it would be a hardship for you move. I will be voting in favor.

**Mr. Aurich** left the meeting. A quorum is still in place.

**IN FAVOR: NONE**

**IN OPPOSITION: NONE**

**DISCUSSION:**

**Mr. Bailey** -- I agree with the comments before, but I'm curious to know how hard it would be in the future to find or locate for us those properties that are compatible with the intended use. Perhaps, with the growth, maybe other zones could be looked at to accommodate Contractor's equipment yards.

**Mr. Dossey** – This area of the County has been a transitional area for many reasons. (Example, from City to County, from residential to commercial.) The problem with this area there is limited availability of central services such as water and wastewater. The Master Plan revision intends to address some of the concerns.

**PC ACTION: MS. LUCIA-TREESE MOVED/MS. BLEA-NUNEZ SECONDED TO APPROVE REGULAR ITEM NO. 3, VA-18-002 FOR VARIANCE OF USE FOR SUNFLOWER LANDSCAPES UTILIZING RESOLUTION PAGE 51 WITH THREE (3) CONDITIONS AND FOUR (4) NOTATIONS (MORE PARTICULARY DESCRIBED ON PAGE 18-051), AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).**

**4. SP-18-002**

**PARSONS**

**PRELIMINARY PLAN  
RETREAT AT TIMBERRIDGE**

A request by Arroya Investments, LLC, Jacob Decoto, and Robert Scott General Contractors for approval of a preliminary plan to create 205 single-family residential lots. The 234.05 acre property is zoned PUD (Planned Unit Development) and is located north of the future extension of Briargate Boulevard/Stapleton Parkway, and is bisected by Vollmer Road. The applicants have also requested pre-development site grading. (Parcel Nos. 52270-00-001, 52270-00-003, 52270-00-004, 52000-00-398, 52220-00-023, 52000-00-393, 52280-00-019, and 52000-00-397)

**Ms. Blea-Nunez** recused herself from hearing Regular Item #4 due to a business relationship with the applicants' representative. She left the meeting. A quorum is still in place.

**Mr. Aurich** returned to the meeting. A quorum is still in place.

**Ms. Parsons** gave a brief overview and asked **Ms. Seago** to go over the review criteria for a preliminary plan as well as gave the background of the project. .

**Ms. Parsons** then introduced the applicants' representative, **Mr. John Maynard, NES**, to present their report to the Planning Commission.

**Mr. Risley** -- Is Tract A included in your density calculations? **Mr. Maynard** – Yes.

**Ms. Lucia-Treese** – Regarding the Metro District, you state you'll have an IGA to provide water and wastewater, what services will the Metro District be providing? **Mr. Maynard** – They will provide the landscaping maintenance. Sterling Ranch is the Manager of the other services.

**Mr. Risley** – Will the larger lots be on municipal services? **Mr. Maynard** – The lots shown in tan (2.5 acres or larger) would for the most part be served by well and septic.

**Mr. Egbert** – A lot of these streets connect to something else. What has been done as far as projected traffic counts and that enough right of way has been preserved? **Mr. Maynard** – Most of the roads are local streets. The traffic report that was prepared for the Retreat at TimberRidge included projections for adjacent land use. It's anticipated that local traffic from those subdivisions would use these local streets. Sterling Ranch also has access to Arroya Road, which is a collector road. Most of the traffic in Sterling Ranch is anticipated to go south to higher classification roads, and we believe the planned roads are adequate.

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

**Mr. Jeff Rice** gave the engineering report and findings to the Planning Commission.

**Mr. Risley** – Given that there are so few lots north of Arroya, what caused the requirement for paving? **Mr. Rice** – It's more of a maintenance cost issue and so that we have consistency in the roads and those connections.

**IN FAVOR: NONE**

**IN OPPOSITION:**

**Ms. Bev Giltner** – Provided a letter of opposition. Her letter is on permanent record.

**Mr. Maynard** had an opportunity for rebuttal.

**Mr. Risley** – Could you articulate what your design rationale is in the transportation network? **Mr. Maynard** – Traffic calming is what we planned for where there aren't long streets that are primarily residential streets, but there are

still necessary connections to carry the traffic anticipated to be caused from this subdivision. There are unknowns to traffic to the east, and this is fairly low density and very few residents using two access points. In the higher density areas, there are no frontage facing lots and traffic is anticipated to go to southern access points.

**Mr. Risley** – I'm debating traffic calming and cut through traffic and if it provides safe ingress and egress.

**Ms. Seago** – I'd like to clarify a couple of points for the record. With respect to the pending litigation, I do want to clarify that the applicant is aware that the preliminary plan and any final plat that is brought forward is done at their risk and could be undone should the litigation not go their way; but they elected to proceed nonetheless. Staff is therefore supporting them in that endeavor. In addition, because the planning department is a fee-for-service based program, it's the applicants' fees and no taxpayer dollars are funding the review of this project.

**DISCUSSION:**

**Mr. Creely** – I can understand that the action we take may influence the pending case. I will support the motion I made in favor.

**Ms. Lucia-Treese** – I have many, many reservations about the PUD. Litigation that is outstanding is an issue. When I think of Black Forest and the rural nature of that area, there is part of that preserved, but when we get to the urban part, I don't see the compatibility. I have concerns with the roads, and I don't believe it's within the character of the Black Forest Plan. I will be voting against this application.

**Ms. Seago** – Correction, this is for a preliminary plan, not a PUD.

**Mr. Risley** – The PUD addressed densities and roads, and I believe they are meeting the requirements such as safety and transportation. We as a commission can't respond or react to those other issues until we see the Final Plat. It's the land owners right to move forward. Given where we are in this process, they have put something in front of us that meets the necessary criteria.

**PC ACTION: MR. CREELY MOVED/MR. RISLEY SECONDED TO APPROVE REGULAR ITEM NO. 4, SP-18-002 FOR A PRELIMINARY PLAN FOR RETREAT AT TIMBERRIDGE UTILIZING RESOLUTION PAGE 25 WITH ELEVEN(11) CONDITIONS AND TWO (2) NOTATIONS (MORE PARTICULARY DESCRIBED ON PAGE 18-052), AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (5-2). MS. LUCIA-TREESE AND MR. WOOD VOTED NAY.**

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.

The minutes were approved as presented at the October 16, 2018 hearing.