

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting  
Tuesday, April 16, 2019  
El Paso County Planning and Community Development Department  
2880 International Circle, Hearing Room  
Colorado Springs, Colorado 80910

## REGULAR HEARING

9:00 a.m.

**PRESENT AND VOTING: JIM EGBERT, BRIAN RISLEY, JANE DILLON, KEVIN CURRY, JOAN LUCIA TREESE, GRACE BLEA-NUNEZ, TOM BAILEY, SHARON FRIEDMAN, AND PETER AURICH**

**PRESENT AND NOT VOTING: CURRY AND AURICH ARE NOT VOTING MEMBERS FOR THE FOREST LAKES PUDSP-18-001 PROJECT ITEM.**

**ABSENT: ALLAN CREELY**

**STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, NINA RUIZ, JEFF RICE, GILBERT LAFORCE, BECK GRIMM, MARK GEBHART, AND EL PASO COUNTY ATTORNEY LORI SEAGO**

**OTHERS PRESENT WHO SPOKE AT HEARING: ANDREA BARLOW, JEREMY MCKAY, MARY REDETZKE, BILL FITZPATRICK, MARK MCMILLEN, CONNIE CONNOLLY, AMIE LENNON, DAN IREY, JOHN GARDNER, DAN MAYNARD, GARY MILLS, AND JOHN MCGINN**

## Report Items

**Mr. Egbert** made a statement to the Planning Commission and public regarding Planning Commissioner member attendance and the lack of a quorum at the last hearing. His statement is on permanent file.

## **Planning and Community Development Department – Mr. Dossey**

- A.** The next scheduled Planning Commission meeting is for **Tuesday, May 7, 2019.**
- B.** **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.
- C.** County Master Plan – The consultants will be here again May 13-17, 2019. Three meetings will be held for the public during that time. The press release will go out this Thursday announcing the public survey that will encourage all El Paso County residents to complete.
- D.** Passageways program is being evaluated and other options may be considered to route agenda packets and reports. More information to come.
- E.** **Mr. Dossey** attended the annual APA Conference in San Francisco this past week.

### **1. Consent Items**

- A. Approval of the Minutes – April 2, 2019**  
The minutes were approved as presented. (8-0)

### **Regular Item (continued from April 2, 2019 hearing)**

**PUDSP-18-001**

**PARSONS**

#### **PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOREST LAKES PHASE II**

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433)

**Ms. Parsons** read the item into the record and stated that staff received a letter from Ms. Doty and Ms. Carreno, the opposition's attorney, late in the day yesterday. . Those have been uploaded to passageways for your review. The correspondence is also available in the file in EDARP. No changes have been made to staff's presentation or staff report.

**IN FAVOR: NONE**

## **IN OPPOSITION:**

**Mr. Jeremy McKay** – Environment and Animal Defense – His report is on permanent file. In summary, he spoke in opposition for reasons of animal habitats, endangered species, and unsuitable development areas.

**Ms. Friedman** -- What documents were you unable to receive? **Mr. McCay** – CORA requests of all documentation and emails made through this project. **Ms. Seago** – I've been attempting to more information on the CORA request. I am not familiar with it. The request was made in March and referred to EDARP for the majority of the information requested. The IT department has pulled in emails from the previous planner in addition to current staff. It is being reviewed within the County Attorney's office and should be released in the next day or two.

**Ms. Mary Redetzke**– Her report is on permanent file. In summary, she opposes the development because of wildfire potential, renewable water sources, and increased density from 131 to 180.

**Mr. Mark McMillen** – showed a PowerPoint presentation. His concerns were as follows: increased density, fire danger is extreme, inconsistency with existing development in the area, and wildlife and ecological impacts from extreme grading and dense development, and inadequate emergency access. Development needs to be done responsibility and safely.

**Ms. Amie Lennon** – showed pictures from her phone. She is an adjacent property owner. She showed topographical pictures to show the terrain. She has concerns with development occurring in the “bowl ” , an area that she was told would not see more development.

**Ms. Connie Connolly** – She has lived on the north side of this area for 25 years. She has concerns about extreme fire hazard and emergency exits for a “pop-sickle” layout.

**Mr. Dan Irely** – His concerns were outlined in his opposition letter including fire hazard, endangered species, higher density, etc.

**Mr. John Gardner** – submitted a letter yesterday of his opposition regarding a California study that was published in 2007 on development adjacent to forest land. Many residents don't want any part of Phase II.

**Mr. Bill Fitzpatrick** – Expressed concerns regarding development, fire danger, emergency access, and a Native American wall in the open space area that deserves further study.

**Mr. Gary Mills** – He shared concerns of fire danger, diminishing views, and scenic areas disappearing.

The applicant had a chance for rebuttal. **Ms. Andrea Barlow, NES, Inc.**, addressed the Planning Commission. Their project is accordance with the review criteria and development standards. Multiple public neighborhood meetings were held, which are not required by the Code. For the record, she wanted to state that intentionally late submission of opposition material is unprofessional and not procedural.

**Mr. Dan Maynard, Core Consultants** spoke on critical habitat assessment and environmental findings. He explained the 404 permit process to be complete at the time of final plat.

**Ms. Blea-Nunez** -- The endangered species act that we heard concerns on, you're saying that those things will be studied and reviewed by the Federal agency at a later date. If it is determined that the layout impacts them, a new design would happen, and come before us again? **Mr. Maynard** – that's correct. We don't anticipate any changes, but should Fish and Wildlife recommend changes, then the developer would make those changes.

**Mr. John McGinn, JDS Consultants** – The District will be responsible for the utilities, water and sewer, and roads. The water supply is based on ground water and renewable surface water. Wastewater treatment adheres to the Clean Water Act.

**Ms. Seago** went over the review criteria for a Planned Unit Development and a Preliminary Plan.

**Ms. Friedman** – Have any modifications or deviations been requested? **Ms. Parsons** – The PUD is approved first, so you would be approving those modifications with the PUD, and then the preliminary plan is approved as allowed under the Code, which essentially notes those approved PUD modifications. The applicant is requesting the modifications with the PUD verses, a development application propose in straight zoning RR 2.5 (Residential Rural) the waivers are requested with the preliminary plan.

#### **DISCUSSION:**

**Mr. Bailey** – I appreciate the emotion and the concerns of the neighbors, but I also appreciate the rights of the applicant and the property owner. It's important to highlight that review criteria and the owner's rights to request this project. Ultimately, it's our job to figure out if it is consistent with the Code. That's our challenge. Views are not rights. Certainly anyone who has lived here for any time, they understand fire and water. This community as a whole has changed. Things that used to be vacant are no longer vacant. People will continue to

come here. I appreciate the comments on both sides, and it gave us a lot to consider.

**Ms. Friedman** – This relates to the original PUD, the approval PUD was not in conformance with the character of the neighborhood and criteria. Is that to be considered?

**Ms. Seago** -- It is my recommendation that it not be a factor in your decision today. I would recommend that you look at this application as a standalone application. You need to look at the existing development as well as the surrounding neighborhood, but also what has been approved and not yet built. Look at it all in totality.

**Ms. Parsons**- To clarify, the Board did find the 2002 PUD to be in conformance with the approval criteria. **Mr. Egbert**—That is set in stone and not on the table.

**Ms. Blea-Nunez** – There were CORA and freedom of information requests that were not handled. **Mr. Egbert** – They came in late, that's not anyone's fault. There's a process that has to be met.

**Ms. Lucia-Treese** – Is it not correct that all the information is on EDARP and has been available to the public? **Ms. Seago** – The emails are not on EDARP and that is what they are requesting. I have not seen the request personally. **Mr. Bailey** – I would think that the email correspondence has been reflected even if the actual emails are not on EDARP. **Ms. Parsons** – The CORA request was sent to the PIO office, then to the IT department. Not directly to the Planning and Community Development staff. We don't have access to previous staff emails or Planning Commissioners emails. .

**Ms. Friedman** – This application has shown that maybe some of our rules and regulations may not be keeping up with the changes. We've heard cases about Black Forest and other areas, and we see that those plans may be out of date; but then I see the flip side of that and see the fires that have happened in the area. Evacuation plans and emergency accesses were not things we looked at when the small area plans were written. Our own wildfire requirements may need to be updated. I will be voting against this. The applicants answer did not satisfy me in terms of the need for additional units.

**Ms. Dillon** – I have many of the same concerns. I think throughout parts of our County, that we are allowing building that will put people in danger. However, our current criteria, they have met that. I can't vote against it if that criteria is being met.

**Mr. Risley** – I believe that this application does meet the approval criteria, and perhaps there are other ways to develop that land. Our job is to look at the

approval criteria. I do sympathize with the concerns. I would like to remind everyone that our job is to make a recommendation to the BOCC and they will make the final decision.

**Ms. Lucia-Treese** – I concur that the review criteria has been met. There is another attempt at the BoCC. I will be voting in favor of this.

**Ms. Blea-Nunez** – I think it will overburden roads & fire protection and there is something to learn from past fires. I will be voting against this project.

**Ms. Egbert** – I'm concerned about fires and building between forest and urban areas. The valid question is should we do that. If you don't want it built, then buy it and make it a no build. This is not public land, its private land. The private property owner has the right to develop. I will vote in favor.

**PC ACTION: BAILEY MADE A MOTION/RISLEY SECONDED TO APPROVE REGULAR ITEM NO. 5, PUDSP-18-001 FOR A PLANNED UNIT DEVELOPMENT AND PRELIMINARY PLAN UTILIZING RESOLUTION PAGES 29 AND 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-024 WITH SEVEN (7) CONDITIONS, FOUR (4) NOTATIONS, AND FOUR (4) MODIFICATIONS, AND THAT THIS ITEM BE FORWARD TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (5-2)**

## 2. CONSENT ITEMS (CONTINUED)

**B. SF-18-038**

**PARSONS**

### **FINAL PLAT**

### **HANNAH RIDGE AT FEATHERGRASS FILING NO. 5**

A request by Feathergrass Investments, LLC, for approval of a final plat to create 53 single-family residential lots. The 12.92 acre property is zoned PUD (Planned Unit Development) and is located at the southwest corner of the Gil Johnson Point and Akers Drive intersection. (Parcel Nos. 53324-03-002 and 53324-03-003) (Commissioner District No. 2)

**PC ACTION: RISLEY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2B FOR SF-18-038 FOR A FINAL PLAT FOR HANNAH RIDGE FILING NO. 5 UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-025 WITH FOURTEEN (14) CONDITIONS AND ONE (1) NOTATION WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (8-0)**

C. SF-18-039

PARSONS

**FINAL PLAT  
HANNAH RIDGE AT FEATHERGRASS FILING NO. 6**

A request by Feathergrass Investments, LLC, for approval of a final plat to create 33 single-family residential lots. The 7.35 acre property is zoned PUD (Planned Unit Development) and is located at the southwest corner of the Gil Johnson Point and Akers Drive intersection. (Parcel Nos. 53324-03-003) (Commissioner District No. 2)

**PC ACTION: RISLEY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2C FOR SF-18-039 FOR A FINAL PLAT FOR HANNAH RIDGE FILING NO. 6 UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-026 WITH TWENTY-SIX (26) CONDITIONS AND ONE (1) NOTATION WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (8-0)**

D. SF-18-040

PARSONS

**FINAL PLAT  
HANNAH RIDGE AT FEATHERGRASS FILING NO. 7**

A request by Feathergrass Investments, LLC, for approval of a final plat to create 81 single-family residential lots. The 21.66 acre property is zoned PUD (Planned Unit Development) and is located one-quarter (1/4) of a mile west of the Gil Johnson Point and Akers Drive intersection, north of Winslow Park Drive. (Parcel Nos. 53324-03-006) (Commissioner District No. 2)

**PC ACTION: AURICH MADE A MOTION/DILLON SECONDED TO APPROVE CONSENT ITEM #2D FOR SF-18-040 FOR A FINAL PLAT FOR HANNAH RIDGE FILING NO. 7 UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-027 WITH FOURTEEN (14) CONDITIONS AND ONE (1) NOTATION WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (8-0)**

**VACATION AND REPLAT  
FLYING HORSE NORTH LOT 35**

A request by PRI #2, LLC, for approval of a vacation and replat to replat Lot 35 of the Flying Horse North Filing 1 Subdivision into two (2) single-family residential lots. The 7.34 acre property is zoned PUD (Planned Unit Development) and is located approximately 1.5 miles west of Black Forest Road and south of Old Stagecoach Road. (Parcel No. 61360-04-004) (Commissioner District No. 1)

**PC ACTION: AURICH MADE A MOTION/BAILEY SECONDED TO APPROVE CONSENT ITEM #2E FOR SF-18-042 FOR A VACATION AND REPLAT FOR FLYING HORSE NORTH LOT 35 UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-028 WITH NINE (9) CONDITIONS AND TWO (2) NOTATIONS WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (8-0)**

MR. AURICH LEFT THE MEETING AFTER THE CONSENT ITEMS WERE HEARD. HE IS NOT A VOTING MEMBER FOR THE FOREST LAKES PHASE II PROJECT. A QUORUM IS STILL IN PLACE.

MR. CURRY ENTERED THE MEETING TO HEAR THE COUNTY MASTER PLAN UPDATE. NO PLANNING COMMISSION ACTION TO BE TAKEN.

**REGULAR ITEMS (CONTINUED)**

**4. COUNTY MASTER PLAN UPDATE – NO ACTION ITEM**

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.