

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting  
Tuesday, July 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: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA TREESE, ALLAN CREELY, BECKY FULLER, AND TIM TROWBRIDGE**

**PRESENT AND NOT VOTING: NONE**

**ABSENT: JANE DILLON, GRACE BLEA-NUNEZ, PETER AURICH, AND SARAH BRITTAIN JACK**

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

**OTHERS SPEAKING AT THE HEARING: JUDY VON AHLEFELDT, JEFF DREYER, ANDREA BARLOW, KEVIN CURRY, TERRY STOKKA, MICHAEL ANDERSON, STELLA BUCK, STEVE BENKUFSKI, GREG MARTIN, STEPHEN ZAKALUK, LOREN MORELAND, DOUG STIMPLE**

**Report Items**

- 1. A. Report Items -- Planning and Community Development Department – Mr. Dossey**
  - a) The next scheduled Planning Commission meeting is for Tuesday, August 6, 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 as well as a Planning and Community Development progress report of permits and projects in process.
- c) **Mr. Risley – Mr. Trowbridge** expressed interest in being on the Master Plan Advisory Committee; however, he is already on two Boards/Commissions for the County. The decision was to defer until next month. **Mr. Dossey** requested that **Mr. Bailey** be designated as the primary on the Committee. **Ms. Lucia-Treese** made the motion to appoint **Mr. Bailey**/seconded by **Ms. Fuller** as the primary member of the Master Plan Advisory Committee. **Mr. Bailey** accepted the nomination as primary. A unanimous consent was made.

**B. Public Input on Items Not Listed on the Agenda**

**Ms. Judy Von Ahlefeldt** gave an overview of her Prairie Necklace proposal. Her report is on permanent file.

**2. Consent Items**

**A. Approval of the Minutes – July 2, 2019**

The minutes were approved as presented. (6-0)

**B. VR-18-014**

**SEVIGNY**

**VACATION AND REPLAT  
HUNSINGER SUBDIVISION FINAL PLAT AMENDMENT**

A request by Hunsinger Development Corporation for approval of a vacation and replat of three (3) residential lots to create two (2) additional lots, for a total of 5 residential lots. The 15.17 acre property is zoned RR-2.5 (Residential Rural) and is located approximately 0.4 miles east of the Voyager Parkway and Old Ranch Road intersection. (Parcel Nos. 62280-04-010, 62280-04-011, and 62280-04-012) (Commissioner District No. 1)

**Ms. Lucia Treese** – I read in the staff report that no injury will be caused and sufficiency is there for water quality, quantity, and dependability. However, on page 8, it says that there may or not be sufficiency. **Ms. Seago** – Water rights for purposes of sufficiency are based on paper water rights. It presumes the water under a piece of property and if it can be used without causing injury to other property owners. The plat note will state you have a right to use X amount of water but it does not guarantee that there is X amount of water in the aquifer. **Mr. Dossey** – That is pretty standard language. There is no guarantee of physical water. That language is on every review we do. **Mr. Trowbridge** – Since we don't often see conditions, I

assume that the requirements and conditions have been agreed upon by the applicant. **Ms. Seago** – The water review was just provided; much of these are rephrasings of water decree documents, so the applicant should be knowledgeable about what their decree states. **Mr. Sevigny** – The applicant has not had an opportunity to review it but it is based off the Water Resources Report that the state provides. **Mr. Creely** – Is it the rights to 300-year supply or actual water? **Mr. Dossey** – When we went through the Water Master Plan, that was one of the main difficulties of identifying paper rights vs. actual physical water. **Ms. Seago** – The State Engineer's Office has numbers that they use for the estimated amount of water in a particular aquifer and approximate how much is under a piece of land and determine what can be used. It is a legal water right but not a guarantee that you can draw that amount over 300 years.

**PC ACTION: LUCIA-TREESE MADE A MOTION/CREELYSECONDED TO APPROVE CONSENT ITEM #2B FOR VR-18-014 FOR A VACATION AND REPLAT FOR HUNSINGER SUBDIVISION FINAL PLAT AMENDMENT UTILIZING RESOLUTION PAGE 49, MORE PARTICULARLY DESCRIBED ON PAGE 19-048 WITH TWELVE (12) CONDITIONS, ONE (1) NOTATION, AND ONE (1) WAIVER WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY AND DEPENDABILITY AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-0)**

## REGULAR ITEMS

3. VA-19-003

KENDALL

### VARIANCE OF USE 17725 HWY 83 SECOND DWELLING

A request by the Herbertson Family Living Trust for approval of a variance of use for a second dwelling. The 47.5 acre property is zoned RR-5 (Residential Rural) and is located on the east side of US Highway 83 approximately one-third (1/3) of a mile south of the US Highway 83 and Walden Way intersection. (Parcel No. 61000-00-369) (Commissioner District No. 1)

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

**Mr. Jeff Dreyer** representing the owners gave his presentation to the Planning Commission.

**Mr. Trowbridge** – The prior variance is expired and you are asking for a new variance? **Mr. Dreyer** – I asked for the old variance to be removed. **Mr. Kendall** – The variance is needed to have two homes on the property.

**Ms. Fuller** – The current zoning would allow one home. Have you thought about dividing the property and having one home on each property? **Mr. Kendall** – The subdivision process is very similar but would create two parcels. It's a much stricter review and includes water sufficiency. **Mr. Bailey** – In all reality and from understanding, they could actually subdivide the property into nine parcels, so this is a much more restrictive condition on the property than by right than they could actually and legally do. **Mr. Kendall** – That is correct, they could go through the subdivision process and have nine 5-acre properties. **Mr. Dossey** – An important point in this a rezone that creates new zoning where the variance adds an approved use and doesn't change the zoning. The subdivision process is very costly and requires water, geology reports, etc. **Mr. Risley** – Had both the residences been occupied continuously, then we wouldn't even see this variance. **Ms. Lucia-Treese** – When did the variance of use expire? **Mr. Kendall** – The variance is abandoned because it has been vacant for more than one year.

**Mr. Kendall** gave his full presentation to the Planning Commission.

**Mr. Risley** – Are the two separate structures metered separately or on a common meter? **Mr. Dreyer** – They are separate.

**Mr. Trowbridge** – Why was the 35-year condition put on the variance? **Mr. Kendall** – I believe it had something to do with age of the structure.

**Mr. Creely** – Could you address the strict application or economic impact as an undue hardship? **Mr. Dryer** – Currently we are not renting, it's been vacant since 2016. We have zero income and it costs \$21,000 a year to maintain the property. We use the main house for missionaries on a limited basis.

**Mr. Risley** – Do you reside on the property? **Mr. Dreyer** – My daughter resides on the property; we live six miles away.

**Ms. Fuller** – Have you looked into how many lots this could be developed into based on the odd size? **Mr. Kendall** – I have not.

**IN FAVOR: NONE**

**IN OPPOSITION: NONE**

**DISCUSSION:**

**Mr. Creely** – There are times when I see a use for a variance and I don't like it, but to me it's existed for a long time and he's doing the least amount on the land that he actually could do. It seems to be harmonious to the general area. This is an easy yes vote for me.

**Ms. Lucia-Treese** – The fact that there are two dwellings on 47 acres seems appropriate. There would be a definite economic loss if not approved. This to me is an easy vote yes as well.

**PC ACTION: BAILEY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM #3 FOR A VARIANCE OF USE FOR 17725 HIGHWAY 83 FOR A SECOND DWELLING UTILIZING RESOLUTION PAGE 51, MORE PARTICULARLY DESCRIBED ON PAGE 19-049 WITH ONE (1) CONDITION AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-0)**

**4. SKP-18-006**

**PARSONS**

**SKETCH PLAN  
THE RANCH**

A request by PRI No. 4, LLC, for approval of a sketch plan. The 610 acre property is zoned RR-2.5 (Residential Rural) and is located north of Woodmen Road, west of Meridian Road, at the end of Stapleton Road, east of Raygor Road. (Parcel Nos. 52000-00-321, 52000-00-323, and 52000-00-324) (Commissioner District No. 2)

**Ms. Parsons** asked **Ms. Seago** to go over the review criteria for a sketch plan and an overview of the procedures involved in a sketch plan. **Ms. Parsons** then gave a general overview of the project.

**Mr. Trowbridge** – Conformance is a general concept with regard to the small area plans. **Ms. Seago** – It's nearly impossible to find that a proposal conforms to all aspects of development. You are to weigh those provisions and determine if there is general conformance with those plans overall.

**Ms. Andrea Barlow, NES, Inc.** gave her presentation to the Planning Commission on behalf of the applicant.

**Mr. Risley** – Regarding the northwest border, the 100' buffer that you spoke on, does that include the Stapleton right of way? **Ms. Barlow** – It would be in addition, so it adds another 60'.

**Mr. Trowbridge** – I want to talk a bit about geology and that the land is generally flat. Do you know the elevation change? **Ms. Barlow** – It's very little. The low points will include our detention/drainage areas. **Mr. Moreland** – It's 2-3% change in elevation.

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

**Mr. Jeff Rice** gave his engineering report and findings to the Planning Commission with regard to floodplain, transportation, and drainage. His report is part of **Ms. Parsons** full PowerPoint presentation.

#### **IN FAVOR:**

#### **IN OPPOSITION:**

**Mr. Curry** – I resigned from the Planning Commission in order to speak in opposition of this project. I am speaking for 62 home owners. The development does not appear to meet many of the criteria for approval under LDC7.2.1(D)(1)(c) for sketch plans. General conformance with the Master Plan regarding Policy 6.3.2 – Rely on small area planning process to define the sub-area specific boundaries for urban density development. It is a requirement not a recommendation that the density and transitions be met. The project lacks compatibility with regard to rural development. They propose a concert venue that is completely incompatible. The water supply report provides sufficient information to identify probably compliance with the water supply standards and identifies any need for additional water supplies. Water report shows possible compliance not probable compliance. Services are or will be available to meet the needs of the subdivision including roads, police and fire protection... Almost 5000 vehicle trips/day on Woodmen Hills. Upgrades to the Woodmen Hills current rural cross section will likely be needed. These will likely include additional pavement width, etc. Fire emergency access and protection are not in the letter of intent. The soil suitability for the subdivision requirement is not met. It does not meet your review criteria and should be denied. Or add a condition that lots should be 2.5 acres.

**Mr. Bob Hawkins** – The property is included in two small area plans. The water is my concern. I am a well owner on five acres. I don't care what water rights say. Water availability is questionable at best. July 7 article in Gazette has an article that you should read regarding water. We want to live in a rural area. Don't give in to big pocket developers; there is other land to consider.

**Mr. John Griggs** – I live on south side of Tercel. The developers will take the topsoil off the property and the land underneath will blow to our properties. We had a wet spring 5 years or so ago. The drainage comes right through our properties. Rooftops will change the runoff even more.

**Mr. Steve Benkufski** – I live in the Meadows. The traffic on Falcon Meadows Blvd will be very severe. It's our only way in and out. There are already backups with school busses, general traffic. Policy 6.1.3 urban density increasing will not be in conformance.

**Ms. Stella Buck** – We are opposed to this project because taxes will increase. We have the lack of police patrol, and traffic will be increased greatly.

**Mr. Terry Stokka** – stated he was representing both the Black Forest Land Use Group and the Friends of the Black Forest Preservation group include 2100 people. It violates multiple policies. Changing zoning from RR-2.5 to urban is more than a tenfold increase in density. Such a drastic change makes a mockery of zoning regulations. Why have zoning if it can be changed so drastically? PUD designed to give flexibility within existing zoning but not to drastically change density. BF Plan says any urban density must be compatible with existing uses. The Ranch would be surrounded by lots 5 acres or larger and would not be compatible. The proposal ignores expectations and rights of surrounding residents. Zoning is a protection in the form of a regulation for individual property owners. Residents purchased property with understanding of surrounding RR-5 zoning. Residents wanted more space, less congestion, greater quiet, and more land. Banning Lewis Ranch is zoned for urban development. The Ranch proposes 2100 homes. We urge you to oppose this sketch plan.

**Mr. Risley** – You focused quite a bit on zoning, but I don't believe this is a zoning matter. **Ms. Parsons** – The sketch plan does not change the underlying zoning. If the sketch plan is approved, the applicants will be required to submit rezone applications such as to a PUD or straight zoning. That has not yet been determined.

**Mr. Michael Anderson** – I am the pastor of the church close to the property. As a congregation, we are very close to being able to support the sketch plan. The original site plan showed Stapleton Drive would extend beyond our property line. It no longer borders our property. They also believe we owe a portion of that road. We were asked for temporary easement across our property. We have not received anything more. Without that in place, we would ask that you disapprove this request.

**Mr. Stephen Zakaluk** –The east boundary is adjacent to Meadows Filing No. 3 as platted. It is covenant controlled by the Elkhorn Estates HOA). There is currently no connection between Tercel and Woodmen Hills. It doesn't exist. There are 24 five acre lots on Falcon Meadow. There are pedestrians, horse riders, bicyclists, and it's marginally maintained. If you approve this sketch plan,

you are allowing greater density and they will come back for further zoning to allow 2200 homes.

**Ms. Von Ahelfeldt** – There have been many prior site plans. In 2005 they were requesting 194 units; in 2009 it went to 1250 units. The Sand Creek Drainage study was also done at this time. The current plan says it could be between 1099 to 2144 units. I recommend a cap be put on the total number of units allowed. This site is not suitable for urban tracts. Shallow water table, high alluvial table, storm runoff, etc. make it unsuitable. A PUD should be required for a subdivision of this size and complexity. Stapleton Road should be required to connect to either Vollmer Road or Woodmen Road. Proliferation of Metro Districts supporting inappropriate urbanization in RR-5 zone is a concern. This proposal has too many dwelling units. PCD staff say that Stapleton has been addressed. It has not. Special District financial Policy encourages the careful preparation and review of special district service plans in order to ensure that development and financial assumptions are reasonable, all plausible alternatives have been considered, services and boundaries are well-defined and contingencies have been anticipated. Water resources are not compatible. Sub Area 10 of the BF plan encourages large lot clusters, open space and long views be preserved.

**Mr. Greg Martin** – I'd like to reiterate Mr. Curry's comments; they represent most of our concerns. Traffic safety is a major concern. We don't have enough roads to handle the development already. With the only access being on the corner of Stapleton, it will cause a huge problem. There are a lot of driveways where people back onto that road. The drainage issue will be even worse. It runs very differently just in the last 10 years.

**Ms. Barlow** had an opportunity for rebuttal. Urban development will occur in small clusters as a requirement. All surrounding developments cannot be considered clustered. Water supply, there is ample water availability. The water is not from the same aquifers and there is a contingency of piping water from other areas. The Water Resources Report gives all the details. A reliever route road will be developed to handle a lot of the southern traffic. The requirements for improvements will be phased with development. This is long range planning. The connection to Briargate is a priority. With regard to a fire station, we will provide a station. Geology – the report identifies some constraints. There are mitigation measures that address the drainage. It's nothing than prohibits the development. The BF representative stated that this proposal does not comply when the plan does allow buffers and urban density. Water quality and spectrum detention will be planned and reviewed by County staff. We are not asking for zoning at this point.

**Mr. Risley** – There was a comment made regarding multiple fire protection districts. Ms. Barlow – This property is entirely within the Falcon district and the chief supports the district and its facilities.

**Mr. Moreland** --- A temporary construction easement that was mentioned from the Church leader, that was handled by the overreaching church and it covers the property.

**Mr. Doug Stimple** – We didn't sell the ground to the church, the Case family did. We have attempted to mitigate any issues. We are happy to continue those dialogues and we have confidence a solution will work out. We have a good plan, and we know it has its difficulties. Major transportation corridors need to be put in place. We looked at what the appropriate buffers and transitions should be. We have a variety of lot sizes that will be available. Compatibility in my view is that you aren't degrading property, but you offer value in the home sites that may be better than what is surrounding the property. The plan is supported by both the small area plans that have some jurisdiction over this property. We can't move forward with the project until water sufficiency is established. Parks, roads, drainage are all factors that have to be worked out as the process continues.

#### **DISCUSSION:**

**Ms. Lucia-Treese** – It would seem to me that some of the arguments are premature. A sketch plan is a conceptual plan, a vision. When it gets to preliminary plan stage that is when we address those concerns. I think we have to keep in mind what we are looking at today and that is just a sketch plan.

**Mr. Creely** – I think that the sketch plan is to get a generalized view of the world. It is the first step in process and it will want to continue along that path unless something gets in its way to stop it. The definition of compatibility is subjective. I have no idea what it means here. Traffic, drainage and water are all concerns. I like the idea of transition, I don't know if this is sufficient.

**Mr. Trowbridge** – I'd like to extend my appreciation to the audience for their patience and for their comments. Also, thank you to **Ms. Barlow** and her presentation. I think they've done a good job in responding to the public. I don't see the compatibility though. There are some nearby urban zoned properties, but this particular property had been previously RR-5, rezoned to RR-2.5. I would be more comfortable with those lot sizes. I am not convinced that the roads have been completely addressed with regard to flow and traffic. Fire protection and drainage have its challenges. The small area plans are getting dated. They don't recognize current situations. I don't think I can support this today as it stands.

**Mr. Bailey** – I understand some of the concerns with regard to transportation and water, but I think those things will be worked out as they go through the process. I would suggest that we've allowed ourselves to be too focused into one square and I look at compatibility with a broader perspective. The vision we've seen today includes considerable effort to try to be as compatible as possible with the surrounding area. The plans that we are referring to such as 32 year old BF plan, that was good a long time ago, but I am a critic of it because it's out of date. This application conforms to the plan as it has or should have evolved. The Falcon/Peyton plan recognizes the potential growth probably better. The MTCP understood that this kind of development was coming and they've planned for that 4-lane road to handle the traffic. The County understands that it's the way of the future. The Master Plan process will codify that projected development. I am prepared to support it as is and that we will be able to solve some of those issues as we go.

**Ms. Fuller** – My understanding is that we are looking at the general concept. **Mr. Dossey** – We look at feasibility of land uses, services that are available, etc. When we get to zoning, we look at the specific details. The next phase will give more details on fire protection, roads, drainage, and central services. It sets the threshold for what the worst case scenario could be and then goes from there.

**Mr. Risley** – These kinds of developments are not easy. Adjacent land owners have concerns. Those concerns will be dealt with as the process continues. This is not a zoning action. Feasibility and compatibility are terms that we've thrown around today. I don't see an issue with feasibility. As far as compatibility, the applicant has done a good job of showing general compatibility in the macro scale. On a micro level, the applicant also did a good job to coordinate the density and aesthetics and created buffers and transitions that will accommodate some of those concerns. What was good for an area 30 years ago may not be what is valid today as far as the small area plans.

**PC ACTION: LUCIA-TREESE MADE A MOTION/BAILEY SECONDED TO APPROVE REGULAR ITEM #4 FOR SKP-18-006 FOR A SKETCH PLAN FOR THE RANCH UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-050 WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (4-2) MR. TROWBRIDGE AND MR. CREELY WERE THE NAY VOTES.**

##### **5. El Paso County Master Plan – Informational Update – No Action Needed**

Information regarding the survey and/or community meetings can be located at <https://el Paso-hlplanning.hub.arcgis.com/>

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.