

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, June 18, 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: TOM BAILEY, KEVIN CURRY, JOAN LUCIA TREESE, ALLAN CREELY, JANE DILLON, GRACE BLEA-NUNEZ, AND TIM TROWBRIDGE

PRESENT AND NOT VOTING: SARAH BRITTAIN JACK AND BECKY FULLER

ABSENT: BRIAN RISLEY, SHARON FRIEDMAN, AND PETER AURICH

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, KARI PARSONS, LEN KENDALL, ELIZABETH NIJKAMP, BECK GRIMM, JENNIFER IRVINE, JOHN CHAVEZ, AND EL PASO COUNTY ATTORNEY COLE EMMONS

OTHERS SPEAKING AT THE HEARING: RODNEY NORVELL

Report Items

1. Report Items -- Planning and Community Development Department – Mr. Dossey

- A.** The next scheduled Planning Commission meeting is for **Tuesday, July 2, 2019**. There are seven (7) on the agenda for that hearing.
- 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. There will be a Board of County Commissioners' work session on June 27, 2019 to discuss rural home occupations and extended family housing.

D. Public Input on Items Not Listed on the Agenda -- None

2. Consent Items

A. Approval of the Minutes – June 4, 2019
The minutes were approved as presented. (7-0)

B. VR-18-018 **PARSONS**
VACATION REPLAT
GLENEAGLE GOLF COURSE RESIDENTIAL INFILL DEVELOPMENT
FILING NO. 2

A request by G & S Development, Inc., for approval of a vacation and replat to create twelve (12) single-family residential lots. The 7.62 acre property, known as Tract G of the Gleneagle Golf Course Residential Infill Development Filing No. 1 subdivision, is zoned RS-6000 (Residential Suburban) and is located at north of Gleneagle Drive and east of Struthers Road. (Parcel No. 62062-01-120) (Commissioner District No. 1)

PC ACTION: CREELY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2B FOR VR-18-018 FOR A VACATION AND REPLAT OF GLENEAGLE GOLF COURSE RESIDENTIAL INFILL DEVELOPMENT FILING NO. 2 UTILIZING RESOLUTION PAGE 49, MORE PARTICULARLY DESCRIBED ON PAGE 19-038 WITH FIFTEEN (15) CONDITIONS AND ONE (1) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (7-0)

REGULAR ITEMS

3. VA-18-004 **KENDALL**

VARIANCE OF USE
12843 PEYTON HWY

A request by Rodney Norvell for approval of a variance of use for three (3) dwelling units on a single parcel. The property is zoned RR-5 (Residential Rural) and is located two-thirds (2/3) of a mile south of the US Highway 24 East and North Peyton Highway intersection. (Parcel No. 32080-01-002) (Commissioner District No. 2)

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

Mr. Norvell, applicant, gave his presentation to the Planning Commission.

Mr. Curry – One of the criteria we look at is if the variance will cause an undue hardship for the residents who live there. Have you had the same residents for the last 30 years? **Mr. Norvell** – No.

Mr. Curry – When the occupants leave the property, then there is no longer a hardship on that particular property? **Mr. Norvell** – That is correct.

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

Ms. Blea-Nunez – I'm wondering on the impact of the Master Plan. Is there a condition that if things change in the Master Plan, the variance can be looked at again? Did you put a year limit so that the Master Plan would change? **Mr. Kendall** – No, I believe that if this was approved, it would be legally non-conforming.

Mr. Dossey – The Master Plan is not a regulatory document. It is like the current small area plans that guide in making land use decisions. So, if it does change, it doesn't have the effect of changing the variance. That would only come through a change to the Land Development Code. As you'll note in the staff report, a finding of consistency with the Master Plan is not a requirement for a variance.

Ms. Blea-Nunez – Am I to understand that two homes have passed the septic inspection, but the third has not, is that correct? And, would a site development plan be processed? What are the other buildings on the property? **Mr. Kendall** – EPC Health Department stated they would have to apply for that septic permit. A residential site plan would be completed after the variance is addressed. One of the buildings is a hog barn.

Mr. Trowbridge – Why were limits placed on the previous variance? **Mr. Kendall** – Initially there were dates put on the variances and our code enforcement staff would check on them at expiration date and see if the use was still in place.

Mr. Trowbridge – Was Regional Building involved?

Ms. Fuller – The homes were placed in 1991, after replating in 1983. **Mr. Kendall** – The owner was aware of the restrictions and placed them any way.

Mr. Gebhart – For clarification, if it was zoned in 1983, Regional Building would have been involved.

Ms. Lucia-Treese – The three mobile homes that are there now have been there since 1991, is that correct? **Mr. Kendall** – Yes, that is correct.

IN FAVOR: NONE

IN OPPOSITION: NONE

Mr. Norvell had a chance to address the Commission. The other two buildings are storage for a boat and tools and a gym area. All the mobile homes are rentals.

Mr. Trowbridge – What is the age of the units? **Mr. Norvell** – late 70s and early 80s. I maintain the units myself. The life span is approximately 60 years.

Mr. Bailey – I'm wondering if the maintenance of the structures is appropriate discussion. **Mr. Emmons** – You may consider it with regard to safety of the structures. A variance is where someone is asking for the ability to conduct a use that is not allowed in a zoning district. There is no requirement for the Master Plan. This is really asking for permission and you are looking at compatible with the surrounding area. The critical criteria are what are the peculiar difficulties or an undue hardship that you need to focus on.

Ms. Blea-Nunez – Have you had complaints from your neighbors about the rental situation? **Mr. Norvell** – No, there has not been any complaints.

DISCUSSION:

Mr. Curry – It's been going on for a very long time. I think the variance could be approved by adding a condition by stating that the variance could expire at such time that when the occupants no longer live there and also add a condition that the applicant shall submit a residential site plan within 90 days of approval.

Ms. Dillon – In our current state of needing affordable housing in our County, you cause a hardship to do away with those options.

Ms. Blea-Nunez – We have expected growth in the County and a shortage of affordable housing. The housing outweighs the character of the area. We need low cost housing in the County.

Ms. Lucia-Treese – I'm in agreement with **Ms. Nunez** and **Ms. Dillon**. I too share their concerns of lack of affordable housing in the County. As long as the homes are being maintained, I don't have a problem.

Mr. Creely – This has been going on for 30 years. To try to change this is not a good idea. The residential site plan is needed however.

Mr. Trowbridge – We need affordable housing in good shape. I have visited a mobile home in bad shape, so I just want to encourage good maintenance and conditions for the renters.

Mr. Curry – Even if one believes affordable housing crisis exists, I don't believe ignoring housing requirements is the way to go.

Mr. Bailey – I am sympathetic and agree that we need to clean this up. The only challenge has been administrative. The County saw the need to bring it back, there was no neighbor complaints. I am inclined to let it continue. It's prudent to get the site plan and get a baseline to make sure we know what use is in place.

Ms. Fuller – If this was a new request, we just generally approve this? It sounds like they just got stuck in this issue. Do we need to address the removal of the homes when they wear out?

Mr. Emmons – The variance does not address removal of the homes. Whoever removes those will most likely have environment issues in that removal. The owner should be responsible for making sure that when these do wear out that the appropriate steps are made to remove them. If this came to you as a new application, you would be doing the same thing today. Look at the case made to you, look at compatibility of the area, understanding that it is not allowed in the zoning district, and listening to the applicant justify the need and if they have met the review criteria.

Mr. Trowbridge – In the summary, it states that it allows indefinitely. Is that a good idea or should we place a time limit. **Mr. Bailey** – My observations would be that when these wear out the owner will place something that is permitted in the zoning district. **Mr. Emmons** – While it may not be current practice, you do have the ability to add a time limitation as a condition.

Ms. Brittain Jack – I know there was some legislation regarding putting people out of their homes, do we have to consider that? **Mr. Emmons** – I would argue that that is not within the purview of your decision making. That is a private matter between the landlord and tenant.

PC ACTION: LUCIA-TREESE MADE A MOTION/DILLON SECONDED TO APPROVE REGULAR ITEM #3 FOR VA-18-004 FOR A VARIANCE OF USE FOR 12843 PEYTON HWY UTILIZING RESOLUTION PAGE 51, MORE PARTICULARLY DESCRIBED ON PAGE 19-039 WITH THREE (3) CONDITIONS, WITH AN ADDED CONDITION THAT THE APPLICANT MUST SUBMIT A RESIDENTIAL SITE PLAN WITHIN 90 DAYS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF

COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-1) MR. CURRY WAS THE NAY VOTE.

4. ENGINEERING CRITERIA MANUAL (ECM) UPDATE REGARDING MAS4 PERMIT COMPLIANCE

Ms. Jennifer Irvine, El Paso County Engineer, and Mr. John Chavez, County Stormwater Manager gave their presentation to the Planning Commission.

Mr. Creely – Are there any similarities with the City of Colorado Springs? **Ms. Irvine** – In relationship to our stormwater permit, the County is different than the City. The County has a Phase 2 Permit; the City has a Phase 1 Permit. We also have a different criteria manual. The County has rural development that the City doesn't really share. The character is much different in the County. The City is home rule and the County is under statutory guidance.

Phase 2 covers populations between 100,000 to 500,000 residents.

Ms. Blea-Nunez – Are all other Phase 2 agencies doing this and what does that look like for them? **Mr. Chavez** – there are other Phase 2 agencies doing this similar work. The County is more progressed than others. They are looking for our criteria to mimic or copy what we have done.

Mr. Creely – Talk to me about the number of inspectors needed and how you came about that number. **Mr. Chavez** – We completed a needs analysis looking at 80-85 active projects and compliance issues. Those projects will require inspections about every two weeks. We hired five inspectors and as of July 1 the inspections will be done through DPW and not through PCD. The inspection time depends on the size of the site and compliance.

Ms. Blea-Nunez – Can you define the urbanized areas of the County? **Mr. Chavez** – It's defined generally as Cimmaron Hills, Templeton Gap enclave, Security/Widefield area, and Falcon and Monument.

Mr. Trowbridge – What impact does this have on your staff? **Mr. Gebhart** – Doesn't really affect our staff. Our engineers will use these documents going forward. **Ms. Irvine** – One of the other components that we've coordinated with **Mr. Dossey** is in relationship to the stormwater quality and we will be hiring additional engineers who will specifically work with those stormwater inspectors and the PCD staff. EDARP will allow a seamless process for information exchange.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Curry – I want to commend you on an excellent presentation. I look at the applications brought before us and look at the unintended consequences not often seen.

Ms. Blea-Nunez – Where will we likely in the future see this again? **Mr. Gebhart** – You won't know that you are seeing it, but it's being used as a resource of review for our staff. **Mr. Irvine** – Beyond the stormwater, we look at the ECM to evaluate additional changes that may be needed. We will be working on ADA items and small cell and right of way items. It's a work in progress that we plan to bring back to you for consideration.

PC ACTION: CURRY MADE A MOTION/BLEA-NUNEZ SECONDED TO APPROVE REGULAR ITEM #4 FOR THE ENGINEERING CRITERIA MANUAL (ECM) REVISIONS REGARDING THE MS4 PERMIT COMPLIANCE AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (7-0)

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

Information regarding the survey and/or community meetings can be located at <https://elpaso-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 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 July 2, 2019 hearing.