

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, May 7, 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, KEVIN CURRY, JOAN LUCIA TREESE,
GRACE BLEA-NUNEZ, TOM BAILEY, SHARON FRIEDMAN**

PRESENT AND NOT VOTING: NONE

ABSENT: ALLAN CREELY, JANE DILLON, BRIAN RISLEY, AND PETER AURICH

**STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, KARI PARSONS, NINA
RUIZ, GABE SEVIGNY, LEN KENDALL, JEFF RICE, BECK GRIMM, DANIEL
TORRES, AND EL PASO COUNTY ATTORNEYS LORI SEAGO AND COLE
EMMONS**

Report Items

Planning and Community Development Department – Mr. Dossey

- A.** The next scheduled Planning Commission meeting is for **Tuesday, May 21, 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.** **Mr. Gebhart** gave an overview of the upcoming meetings with the Houseal-Lavigne Associates regarding the El Paso County Master Plan.

1. Consent Items

A. Approval of the Minutes – April 16, 2019

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

2. CONSENT ITEMS

B. VA-18-006

KENDALL

**VARIANCE OF USE
USS MANITOU WATER CO46103-A (VAHSHOLTZ)**

A request by Virtual Site Walk, LLC, (applicant), representing the property owner George R. Vahsholtz, for approval of a variance of use for an existing sixty (60) foot monopole Commercial Mobile Radio Service (CMRS) Facility. The property is zoned R-T (Residential Topographic) and is located on the southwest side of US Highway 24 West approximately one-half (1/2) mile northwest of the intersection of US Highway 24 West and Long Ranch Road. (Parcel No. 83264-00-018) (Commissioner District No. 3)

PC ACTION: LUCIA-TREESE MADE A MOTION/BAILEY SECONDED TO APPROVE CONSENT ITEM #2B FOR VA-18-006 FOR A VARIANCE OF USE FOR USS MANITOU WATER CO46103A TOWER UTILIZING RESOLUTION PAGE 51, MORE PARTICULARLY DESCRIBED ON PAGE 19-029 WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (6-0)

C. MS-19-001

PARSONS

**MINOR SUBDIVISION
TIMBER RIDGE WEST**

A request by Jacob Decoto for approval of a final plat to create three (3) single-family residential lots. The 36 acre property is zoned PUD (Planned Unit Development) and is located north of the anticipated Briargate-Stapleton Parkway corridor and west of Vollmer Road. (Parcel Nos. 52000-00-393) (Commissioner District No. 2)

PC ACTION: FRIEDMAN MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2C FOR MS-19-001 FOR A MINOR SUBDIVISION FOR TIMBER RIDGE WEST UTILIZING RESOLUTION PAGE 19-030, MORE PARTICULARLY DESCRIBED ON PAGE 19-030 WITH ELEVEN (11) 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. (6-0)

D. SF-19-003

PARSONS

**FINAL PLAT
LORSON RANCH EAST FILING NO. 3**

A request by Lorson, LLC Nominee, For Murray Fountain, LLC, for approval of a final plat to create 81 single-family residential lots. The 19.49 acre property is zoned PUD (Planned Unit Development) and is located north of Fontaine Boulevard, west of the anticipated extension of Lorson Boulevard, and east of Old Glory Road. (Parcel No. 55000-00-411) (Commissioner District No. 4)

PC ACTION: CURRY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2D FOR SF-19-003 FOR A FINAL PLAT FOR LORSON RANCH EAST FILING NO. 3 UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-031 WITH THIRTEEN (13) 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. (6-0)

REGULAR ITEMS

3. AL-18-025

KENDALL

**SPECIAL USE
PETRICK RESIDENCE EXTENDED FAMILY**

A request by Dan Sievers, on behalf of the property owners Randall and Gwendena Petrick, for approval of a special use for a 2,682 square foot guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located approximately 0.15 miles south of the intersection of Pleier Drive and Silverton Road. (Parcel No. 62040-01-016) (Commissioner District No. 1)

Mr. Kendall asked Ms. Seago to go over the review criteria for a special use and then gave his presentation to the Planning Commission.

Mr. Curry – Why are we hearing this again? **Mr. Kendall** – The size of the house has been increased in floor area size due to a closer look at the definition in the Land Development Code. We took the square footage from the Assessor's Office and

added the basement area to get to the 2,682 square feet. Because this is different information from the last time you heard it, we thought it best to bring back to you for your review.

Mr. Lain Chappelle and Mr. Dan Sievers gave their presentation/update to the Planning Commission.

IN FAVOR: NONE

IN OPPOSITION:

Mr. Greg Wolff – Now that it is 2,600+ square footage, I'm concerned about two residences located on the same lot. I reviewed 1100 special use files in ten years and only five cases that allowed homes over 2,000 square feet. Of those five projects, all the properties were ten acres and over. This is not in compliance with the RR-5 zoning per the Land Development Code. There are adverse impacts to surrounding properties. There is a special story to all of these projects, but it is your responsibility to adhere to the provisions provided.

Mr. Egbert – When you were here the first time, you indicated we had the wrong square footage, I believe I chastised you and I apologize for that. This is one of the issues that I can view differently with my heart and with my head. Private property ownership rights are very important to me. My heart was happy on April 2nd when Mr. Dossey identified the square footage as ~1,600 sf and convinced my head to vote for approval. At 2,682 sf, my head tells me I need to vote in opposition.

Mr. Michael Castine – I like the concept of single-family homes and having my own space. I'd like to see the intent of property rights preserved.

Mr. Ben Kelly – The letter of intent has errors on the size of the new house dimensions. There are more opposition expressed than indicated in the staff report. There are inconsistencies in the report. The Land Development Code does not allow a new dwelling caring for the family member in need. No major issues were indicated in the staff report. However, there are many, many points of view that should be answered and addressed in the staff report. Eight adjoining property owners were not notified. There are only six names on the mailing labels. I'm not opposed to caring for family members in need. Everyone should take care of their own, but it needs to be done correctly. The interpretation of the Code is subjective. The square footage is not firm of the new house. You are voting for a new house on five acres and will look like two residences on the property.

Mr. Curry – For clarification, you made a lot of points on Administrative Approval. That is a separate process that the PCD Director can and may approve under certain circumstances.

Mr. Sievers had an opportunity for rebuttal. We acknowledge that this is a 2600 square foot home based on the Assessor's information. The presence of this house is 1,008 square foot on three floors. Regarding the site plan, the proposed home has not been designed yet so we don't have exact square footage. **Mr. Chappell** – The neighbors were given wrong information initially and that's what they gave their opposition letter to. We are trying to have a primary house and a guest house. We have a signed affidavit from the home owners.

Ms. Friedman – We get these requests from time to time and I always ask the elderly involved if you consider an attached garage or a place with no stairs instead of a new residence. **Mr. Sievers** – In the existing structure it is built at grade and she can enter without going up stairs. The master bedroom and kitchen and living room are all located on the main floor. The upstairs has two guest bedrooms. The structure is there and it works for her. **Mr. Chappelle** – Also, it would have been inconvenient for her during construction. She will not be impacted at all during the transition.

Mr. Kendall had a chance to clarify the staff report.

Mr. Bailey – So, the applicant could have applied for a variance of use that allowed them to have two residences on the property limited by time and purpose of the use.

Mr. Kendall – Yes, that is correct. They may use it until the need is no longer necessary. Once it is not used as a familial need, then it could be a temporary use guest house. We do not limit the size of a principal unit. A residential site plan will be required to show setbacks, building height, etc.

Mr. Bailey – We understand that given time constraints, efforts are made to get us all the information regarding adjacent property owner responses. We've received a lot of information just this morning for this and other projects that we do in fact get, but the staff cannot be held responsible for last minute submittals.

DISCUSSION:

Ms. Friedman – A couple of people presented the history of second dwellings on RR-5. Do you agree with the information that was presented? **Mr. Kendall** – I accept the fact that if they were approved by the Board of County Commissioners, and I keep in mind that if these projects were on ten acres, then ideally that property could have been subdivided and even more structures placed on each 5-acre lot than just the two that were approved. Every project is unique. They are requesting the special use for extended family housing. **Mr. Dossey** – One of the things that I want to caution the Planning Commission on is that there is no such thing as precedent. No two properties are the same. Clearly **Mr. Wolff** did his research. You cannot base your decision on any of those projects before today. You have to make your decision on the review criteria before you today.

Ms. Friedman – I’m torn because this is such a gray area. If the original house was 10,000 you could have another 10,000 square foot house. Because this footprint is small, then then the Code says you have to have a small additional home. The Code says what it says and say footprint, but it says square footage. Is it compelling enough reason for people to not follow the Code?

Ms. Seago – I wanted to correct one statement. The maximum is 1500 square feet regardless of the size of the primary.

Mr. Egbert – 1500 square feet is the Code, the Code is part of the Planning Commission’s Master Plan and approved by the Board of County Commissioners and is what we should use to make our decision.

Mr. Curry – If it met the conditions of Administrative Relief, we wouldn’t be here. From a practical perspective, nothing has changed, except the square footage. When I look at it from a practical place, I voted for it last time, and I would have a hard time voting against it today.

Ms. Lucia-Treese – This is a special use limited to time and need. A variance could have been brought forth; it was not. The intent of special use is what we are looking at. I see no difference from the previous hearing. I will be voting for this application.

PC ACTION: LUCIA-TREESE MADE A MOTION/CURRYSECONDED TO APPROVE REGULAR ITEM #3 FOR AL-18-025 FOR A SPECIAL USE FOR PETRICK RESIDENCE EXTENDED FAMILY UTILIZING RESOLUTION PAGE 39, MORE PARTICULARLY DESCRIBED ON PAGE 19-022 WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (4-2) MR. EGBERT AND MS. FRIEDMAN WERE THE NAY VOTES.

The Chair made the decision to hear Regular Item #5, AL-18-013, Reimers Rural Home Occupation before the Regular Item #4, U-19-002, Monument Academy. A quorum is in place.

Mr. Egbert
4. U-19-002

RUIZ

**APPROVAL OF LOCATION
MONUMENT ACADEMY**

A request by 83 Walker, LLC, and Monument Academy Charter School for approval of location to allow for a new middle school and high school. The property is zoned RR-5 (Residential Rural) and is located at the southeast corner of the Highway 83

and Walker Road intersection. (Parcel No. 61000-00-245) (Commissioner District No. 1)

Ms. Ruiz asked **Ms. Seago** to go over the review criteria for an approval of location.

Ms. Blea-Nunez is not in attendance for this item. A quorum is still in place.

Mr. Bailey – Just for clarification, we are only approving the location today and that a site development plan would have to be submitted that addresses parking, lighting, etc. **Ms. Seago** – That is correct. **Ms. Ruiz** – Schools do not have to get a building permit through PPRBD but may instead obtain a permit from the State. A site development plan may not happen if the school goes through the state and not through Regional Building. In this instance, we would still have an opportunity to address transportation prior to the issuance of a driveway permit. Similarly, if the school falls under the County MS4 permit, the county would complete a construction drawing review to ensure compliance with our MS4 permit. **Mr. Dossey** – This is the only thing that will go to hearing. The site development plan would be handled administratively. **Ms. Seago** – The plans adjacent to this property are not included in this request. **Ms. Friedman** – Unless we request a hearing, this is the only time that the public will be able to address this? **Ms. Seago** – At the County level, yes. **Ms. Friedman** – A rezone application would come to us though? **Ms. Seago** – Yes, that is correct.

Mr. Curry – I wish to clarify that a school can be on this property. If this were to be approved, it would not authorize commercial development. Transportation is done at site development plan stage? **Ms. Seago** – All of that is correct.

Ms. Seago – In terms of traffic as an example, it is not my intention to foreclose concerns regarding traffic concerns. My intent is to draw a distinction between volume and more specific improvement items that are not before you today. We are looking at a macro level. How does it impact the area and apply to the master plan?

Mr. Dave Jones gave his presentation to the Planning Commission.

Mr. Egbert – What is the distance between Walker and Hodgen? **Mr. Jones** – 2 miles. **Mr. Egbert** – So, people could realistically walk between the two points? **Mr. Jones** – Yes

Mr. Curry – Is the school viable in the event that all the other associated agencies don't happen, like the YMCA? **Mr. Jones** – Yes. **Mr. Curry** – What are the alternatives if this is not approved? **Mr. Jones** – They would have to find another site. Keep in mind that there are not a lot of water and wastewater providers in that area.

Ms. Ruiz gave her full presentation to the Planning Commission.

Mr. Daniel Torres gave his engineering report/findings to the Planning Commission. His report is part of the **Ms. Ruiz's** presentation.

Mr. Bailey – I see one of the recommended conditions says the applicant will seek approval and go through the site development plan process. If they change their mind and not go through Regional Building, does this lock them into that condition?

Ms. Ruiz – We cannot force a school to go through our process, but I'm certain that it's a sign of good faith to want to build a safe site.

Ms. Friedman – Does the YMCA thing affect the size of the building proposed for the school? **Ms. Ruiz** – In my opinion that space would be used any way for the school such as gym space, offices, etc.

Mr. Curry – Theoretically, can the site location be approved and the access to Highway 83 not be approved? **Ms. Ruiz** – Yes.

Mr. Curry – With respect to Walker Road, I thought the MTCP had Walker Road as a future 4-lane road. **Mr. Torres** – A minor arterial is planned according to the 2040 MTCP, which is 4-lane.

Mr. Dossey – The design of the intersection does not depend on just the school. You are not looking at a design, we don't have a design. We are still in the review process of the impacts of the intersection. The 2040 MTCP calls for a 4-lane minor arterial. If they come in for a rezone, we will be looking at Master Plan consistency.

Mr. Curry -- If the ECM says access on or off of a 4-lane arterial road requires adequate access then do we need to look at it with regard to our approval criteria?

Mr. Dossey – The nature of an approval of location doesn't allow us all the details.

IN FAVOR:

Mr. Terry Tyson – I'm a home owner in the Walden Preserve. We moved here about 10 years ago just a mile from the school site. I'm a fifth generation rancher from Texas. I love the open space and not being crowded. However, I appreciate individual property rights of others, and I understand this land was planned for a school for a long time. This will impact so many students and future leaders. We need to think about that for not just us as individual adjacent property owners but the blessing that has been in plan for over 25 years.

Mr. Dwayne Cook – I'm a director on the School Board for Monument Academy. I'm a public educator, life-long learner with 30+ years in the field. I strongly support this, not only for my own children but also for the community that asked me to be a

fiduciary of all of the community's children. I know what it truly means to deal with a high school that is overwhelmed by the number of students. D-38 has tried two times for a bond and been unsuccessful. They need space. This will open up space and give availability to the middle and elementary students coming up. The land has been slated for a school for 20+ years. I know the importance of when you buy a home and what goes around your home that add value or not to your home. This will be a charter school. Parents will bring children to school.

Mr. Terry Stokka – We have worked with these applicants a number of times over the years. D-38 has wanted this site for some time. It does conform with the Black Forest Plan and recommend approval.

Mr. Steve Paulson – We have known for 17 years since we bought the site that it was slated for a school. Traffic, quality of life, and progress are the major concerns of any development. It is a smaller footprint for a school. We are in favor.

Mr. Adam Dill – We are five houses from the school site. We've been there for eight years. The land and trees captivated us, but we valued our school district. We love to walk all the Walden trails. We look forward to that growing more. We have been attending the D-38 school board meetings. We knew that this was coming up and are huge supporters of this project. Monument Academy will be one of the crown jewels in D-38.

Mr. John Harris – I'm so happy for all the positive testimony that we've heard. My family will be impacted as well. My daughter really wants to attend this school and to be able to ride her bike to get there. A school like this brings community together. I know that a lot of people are upset, but I hope that this hearing will bring clarity and we can raise up amazing leaders in this community.

Mr. Jeff Schwab – I approach things in a way that I want to find out things for myself. I've attended HOA meetings and school board meetings. I just want to hear what everyone is saying. My take is that there has been a lot of hard work and due diligence done and they've done their best to answer the questions thoroughly. It appears that everything has been covered and if it hasn't been answered, it's in the plans. I've lived in the community since 1973. Progress is going to happen, you can't stop it. This is a plan that should come together.

IN OPPOSITION:

Mr. Steve Gutman – We are 10 year residents of Walden. We don't have a view of the property, but we believe all the roads that we use will be impacted by the school traffic. I am a board certified architect and planner. This project has been known to you as a PUD leveraging a school's use by right to get the 83 access to make commercial use work. We are very concerned about the safety. We have no desire

to deny a school, we just don't want it in this location. Traffic impacts, wildfire and emergency access, and safety are all our major concerns.

Mr. Mike Merrill – I am 30 year Colorado resident and educator. I would like to highly recommend this charter school. However, my concern is for the location. I'd like to hear from D-38. What is their high priority sites? We need to have a plan for the school when 1,000 students have to exit the school quickly in an emergency.

Ms. Nancy Saunders – I have lived in this community for 45 years. This particular lot of land was always intended to be a school but as a middle school not as a high school. It was planned for a 500 student middle school. Now adding a YMCA just adds more traffic and safety issues. I am in favor of a school, not a 1,000 student middle/high school. My background is a trauma nurse and I know what can happen on that corner of highway.

Ms. Heidi D'Ambra – The Lewis Palmer sits on 44 acres and Palmer Ridge sits on 40 acres, both are maxed out. The minimum acreage is 30 acres but the County updated the LDC and increased it to 45 acres. There are national standards CEFPI states 30 base acres plus 1 acre per 100 students. So, it should be 40 acres where this is 19 acres. That plan in a rural residential district does not meet the criteria. They should acquire the 45 acres first. There is a significant deficiency in the space allotted.

Mr. Martin Levy – I'm undecided if I am for or against, but I'm leaning towards against for reasons of traffic safety. This is in the center of D-38 geographically, but we need to consider where the population is located as well as the elevation. The weather is a little worse and the roads as well. This may not be the most ideal site.

Ms. Liz Hansen – I live in the Shamrock Hills subdivision, north of Walden. I agree with the concerns regarding traffic. A one-lane roundabout makes no sense to the residents. This is a very dangerous area. I would encourage a much safer location. I'm not against schools, just this location. We are all on private wells in my subdivision. The developer stated they will pull from our aquifers. That is concerning.

Mr. Andy Krzizke – We chose Walden because we like the area and the community. We know that there will be further development, but none of us expected a high school on the edge of our community with all that traffic. The population center is nowhere near Walden. What are the alternate plans? It feels rushed to me and to other residents. We feel that it will degrade our community. We have over 700 people that have signed a petition against this. The location does not seem ideal.

Mr. Allan Zendle – My wife and I have moved back to Colorado after 23 years away. Traffic is my key concern. There is a high school in Highland Ranch right now on

lockdown for a shooting. Imagine the proposed school, what would it look like if Monument School had to be locked down. Would traffic just be stopped on 83 and Baptist Road and Walker Road? This should give an indication of our concern. When it rains in Colorado Springs, it snows on the Palmer Divide. There are young inexperienced drivers and a lot of these roads are shaded and lead to icy conditions. The use of 83 has increased already because of construction of the I-25 gap. The water availability and sustained pressure is also a concern. We chose our house because it was a rural setting. If we wanted to live in Colorado Springs, we would have. Now, we are looking at noise pollution from sporting events and our night sky will disappear. I agree that there has been a lack of community involvement. The State has not even done a traffic study to see what improvements are needed, and yet we are here today to hear your decision. Please consider the impact of our community and the safety of the children involved.

Ms. Heidi Sutherland – I represent a rural family living in Black Forest. We enjoy the quiet nights as well. Have you ever been in a car pool lane? Twice a day, you drive there and wait. You can't leave, you are stuck in traffic. I'm wondering if the carpool lane will be run on 83 or 105. I would encourage you to make an educated decision about traffic. How many cars, trucks, semis are anticipated? I-25 traffic is using these routes now. I hope you can sleep at night with the decision you make today.

Ms. Dawn Leoni – I have been a realtor in the area for many years. I understand growth and being a part of that. I am directly across from the proposed sports field. I was upset to see the master plan at last week's meeting. I will lose my Pikes Peak view. I see semi trucks hauling hay. The traffic is already piling up without a school there. Adding inexperienced young drivers to this area will just make it worse.

Ms. Susan Force -- We have young drivers on Highway 83 and we are already concerned about the safety of our families.

Ms. Stefanie Morris – My husband brought the petition around. The sign that has been there for a year is very misleading. We have 700 people in our community that have signed the petition. We are not against Monument Academy, we are against this location. We know our community and they know each of us. Now to be inviting all these outsiders in is endangering our children.

Ms. Kristin Zick – I own two properties at the bottom of the hill from the proposed site. We feel there was a lack of communication with regard to the neighborhood meeting. We have a school in the neighborhood already, we don't oppose schools. We strongly agree the conversation about the acreage being proposed for the school. This is a very small site. Will there be a second hearing for our concerns to be held regarding the site development plan and the YMCA? The access road at Walker Road is elevated and cars slide down in bad weather.

Ms. Terry Merrill – There's been a lot of conversation about 83 and Walker Road. We moved in Walden in 1993. It's definitely bad during inclement weather. We are concerned about the traffic and safety.

Mr. Jess Neal – We are 28 year residents of the area. There is a charter academy on 105 because that's where the population is. Why does it have to cross 83? It's a death trap. All the high density housing is going in along that corridor. That's where the school needs to be. Walker Road is not maintained nearly as much as 105. A roundabout there is the worst thing to consider on a hill. There is a lot of land around the current YMCA that they could expand. I want to have my sanctuary near my house, not all the commercial activity. Please consider not putting the school in this location.

Mr. Ben Rosen – I fully agree with all the concerns. Is it common practice for a school site to allow for a commercial use such as the YMCA?

Certain individuals were attempting to reapproach the podium.

Mr. Emmons – It is a one-time speaking opportunity. The Planning Commission will make a decision to approve or deny today. The chair has elected to not limit testimony, and everyone has had ample opportunity to speak.

Mr. Chuck Staley – We have seen continual growth in the area and there have been so many accidents. The winter is very dangerous. If there is ever a fire in the area again, Walker Road will not be able to handle it. You must disapprove this location.

Ms. Elizabeth Simms -- I am pro students and pro creating leaders. I've given my life to education. I'm pro community and pro progress. Progress keeps us moving. However, I am against a school on this corner. What other locations have been considered that would keep those precious lives safer?

Ms. Jane Brown – I am a new home owner in Walden Preserve. I live down the street from Kilmer Elementary. The community population is mostly around the other high schools not in our neighborhood. It is poor planning to put the school in this location.

Mr. Duncan Bremer had a chance for rebuttal for the applicant. This site has been designated as a school site for 25+ years. There was a comment regarding lack of community input. They have had multiple opportunities for that input since 2005. The PUD for Walden includes the school site as well. There were hundreds of attendees at those hearings and was extensively put forward that it was a school site likely to be a middle and/or high school. It has a history of a likely school location. What is before you today is an approval of location. It's not your job to say whether

this is the best choice for a school. You have to determine if this is an acceptable location for a school. The Black Forest Plan shows the consistency for a school in this location as well. They will have to go through another process to get the YMCA. Noise and light pollution will always be a concern at any location. These things will be site specific issues addressed at the site development plan. Young, inexperienced drivers will be at any school location not just at this site. The acreage of the lot is sufficient to their needs according to D-38. Charter schools have more flexibility when it comes to public schools. They will close schools more readily during inclement weather than public schools. The Master Plan and Small Area Plan is your guide to make your decision.

Ms. Friedman – This is the second charter school request that I've been a part of. It seems there may be a pattern that developers would have involved even more public involvement than what it appears may have happened. The earlier that you can get out the details about this project, the better it would have served you.

Mr. Bailey – 2 questions: Water at that proposed site, and the distinction of sports stadium and sports fields. **Mr. Bremer** – The schools share a sports stadium where the big events occur. This would be a recreational area not designed for large competition sporting events. With regard to water, it is the only area where there is sufficient water and wastewater availability that can have a capacity to handle the load of 1,000 students. There's a large reliable reserve of deep, quality water.

Mr. Jeff Rice addressed the traffic on Walker Road. If the road was a 4-lane road, there could be a 2-lane roundabout. But, nothing has been designed yet, and CDOT will weigh in on the design.

DISCUSSION:

Mr. Curry – Testimony has rarely been as civil as it has been today, especially when folks are passionate. If the developer applies for additional zoning beyond the school, we will deal with that later. We are looking at whether this is a suitable location for a school and we have two criteria - was the process followed and is the location consistent with the Master Plan. In my view the process has been followed but I personally don't think it meets the Master Plan because the proposed location is immediately adjacent to two major transportation corridors. Regardless of how this vote turns out, I believe there is sufficient evidence to require the school board to have a public hearing.

Ms. Friedman – We previously had a hearing on another school, and we got the feeling that the safety issues for the students were that of the school board and not for this Planning Commission. I too am concerned for their safety. You should take those concerns to the school board.

Ms. Lucia-Treese – Those of us who are members of the Commission are also citizens. We are bounded by the rules and regulations by the County have been approved by the BoCC over time and our task today is really a very narrow one and that is is the land applicable for building a school. There are many other questions but we are tasked with is this an acceptable location. We have to do things as we've been instructed with regard to the Master Plan. The Black Forest committee can be very hard with changes coming in to the Forest. The other issues such as CDOT, etc are not for today. In light of the evidence, the process has been followed and the Master Plan is met.

PC ACTION: LUCIA-TREESE MADE A MOTION/BAILEY SECONDED TO APPROVE REGULAR ITEM #4 FOR U-19-002 FOR AN APPROVAL OF LOCATION FOR MONUMENT ACADEMY UTILIZING RESOLUTION PAGE 9, MORE PARTICULARLY DESCRIBED ON PAGE 19-032 WITH THIRTEEN (13) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION WAS APPROVED. (3-2) MR. CURRY AND MS. FRIEDMAN WERE THE NAY VOTES.

Mr. Emmons – These requests come up very rarely. The statute clearly gives the Planning Commission the ability to advise the school district that it wants to have a hearing. In so doing, the Chair has indicated, the question is what are you going to talk about? It's for you to tell the school what your concerns are. That doesn't mean that such a public hearing that there might be an opportunity for the public to address the school board. Today was the opportunity for the public to have a say.

The hearing is to provide a method where the Planning Commission can inform and advise other governmental agencies the effects upon the County and its residents. The residents of the County are entitled to an opportunity to be heard by the Planning Commission. The school must proceed in the face of the County's decision. You have made an approval of the location. The public's opportunity was today. If you wish to have a hearing with the school district, what do you want to talk about? Please understand the objective.

During the discussion after the vote, the Planning Commission highly recommended that D-38 staff/administration continue talks with the community and address all the concerns that were expressed during the hearing.

5. AL-18-013

SEVIGNY

**SPECIAL USE
REIMERS RURAL HOME OCCUPATION**

A request by Randy and Elizabeth Reimers for approval of a special use for a rural home occupation. The property is zoned RR-5 (Residential Rural) and is located at the northeast corner of the Herring Road and Swan Road intersection. (Parcel No. 52054-00-021) (Commissioner District No. 1)

Mr. Gabe Sevigny asked **Ms. Seago** to go over the review criteria for a special use.

Mr. and Mrs. Reimers gave their presentation and answered questions from the Planning Commission.

Mr. Curry – If I understand correctly, the rural home occupation is limited to no more than 2 employees. Your letter of intent says you want to have up to 4 employees in the future. **Ms. Reimers** – I was thinking that in the future that we may want to have up to that amount, but we currently just have my husband. **Mr. Dossey** – Its disingenuous to expect what the scale could be for a business, but we try to anticipate the growth as best as possible. We want to allow the potential for growth and not be hard and fast on a particular number. The number applies to employees on the property at one time, not out in the field.

Mr. Egbert – Your business activity occurs at the work site and not at your property, so the number of employees is not as applicable. **Mr. Curry** read the direct Code stating no more than 2 employees who are not family members. **Mr. Sevigny** – It is a maximum of 2 but on the property not including off-site employees.

Mr. Curry – Most of the neighbors have concerns about pollution such as noise, light, etc. **Ms. Reimers** – There isn't much, and once the shop gets built, the loading and unloading will all occur within the building. We don't have huge semi trucks; we have basic trucks and trailers going in and out.

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

Ms. Friedman – You read, part of the approval for rural residential is that they serve the ranching or rural clientele. They aren't considered a contractor's equipment yard, but yet they appear to be. **Mr. Sevigny** – As staff, we look at whether it's an allowable use. Contractor equipment yards should be there to primarily serve their rural community. The applicant's letter of intent expressed it is to primarily serve rural areas with their business. There are a lot of agricultural uses within the rural residential.

IN FAVOR:

Mr. Dave Sathre – I'm speaking in favor. I've known them for many years and they are the kind of people that will help plow you out, help you out in any way.

Mr. Ben Dumakowski– I've lived in Black Forest since 1978. I am in support of this application. They are very generous people and important to our community. He's been doing what he has for a long time, this is just to formally put it in place. They did accumulate a few extra things when his father passed, but they've done a great job of concealing their personal property from road sight.

Mr. Terry Stokka – I submitted a negative letter. I had an opportunity to meet with the applicants over lunch, and I now believe I only received half the story. Generally we are opposed to berms; however, I believe the berms on this site have been done well. I now do not oppose this application. I ask that they continue to be good neighbors as they go forward. Press on with the building, put your stuff in the building, and I encourage you to continue to improve what you're doing. I think this is something in the gray area, but it's legitimate.

Ms. Friedman – Why do you feel it is legitimate given you would normally say that you should preserve natural conditions? **Mr. Stokka** – Our home for home based business is that we don't want much activity on the property. The impact is very low with this business.

Ms. Amber Sathre– I could tell you a million things that the Reimers have done to help me. I was widowed three years ago, and they are there to help everyone. They are doing what they've done for years. This all started from pettiness and not from anything they were doing wrong. This is all small scale stuff, no oversized equipment. Safety is not an issue. The impact is smaller than the opposition is making it out to be. They are trying to support small scale livelihood.

IN OPPOSITION:

Ms. Debra Oppenheimer – I go past this property every day. The photos show piles of debris and wood. The gates are usually open, but they've closed them for the hearing. Property values will be decreased.

Ms. Blea-Nunez – If they want to build a storage unit to put all this material in, don't you think that would be an improvement? **Ms. Oppenheimer** – I doubt they would keep it all contained. They had a complaint and they are just trying to get out of the complaint, and they've cleaned it up for the hearing.

Mr. Egbert – a complaint is not a negative thing. EPC manages the County on a complaint basis. We do not have code enforcement officers out looking for violations. The County waits for the complaints to come in.

Ms. Lucia-Treese – Some of the items on the property were because of the fire and the applicants father passing. **Ms. Oppenheimer** – These piles have been there for five years.

Ms. Mary Fortner – My main concern is that since I bought my property in 2014, the house and property look the same. When I build a two-story home, I will see even more. I don't know them personally. I would love to have a conversation with them. Black Forest community is very strong. We look out for each other. There is a

conflict with trying to keep your own property up to a standard and then others don't have the same requirement.

Concerned Citizen (name not audible on recording) – I don't know the Reimers. I've lived there for 32 years. There has been a lot of junk over there. I appreciate the berm, but I still see it from my second story. There is a school bus stop within 500 feet of their driveway. I hear the noise, I hear the trucks. If you grant this special use, what about the property next to me or the other one? Where does it stop? We need to preserve Black Forest and the intentions.

Mr. Egbert – The issue of establishing precedent, we do not do that. Each project is looked at individually.

Ms. Carmen Sather – I am speaking in favor... I drive by their house every day. Since the gate has been built, it's usually closed. The property next to the Reimers has not been cleaned up six years after the fire.

Mr. and Mrs. Reimers had an opportunity for rebuttal. The company and the property are ever changing. We do have stuff outside right now, but with the new shop a lot of that will be concealed from sight. We will take into consideration sight lines from second story dwellings in the future.

DISCUSSION: NONE

PC ACTION: LUCIA-TREESE MADE A MOTION/BAILEY SECONDED TO APPROVE REGULAR ITEM #5 FOR AL-18-013 FOR A SPECIAL USE FOR REIMERS RURAL HOME OCCUPATION UTILIZING RESOLUTION PAGE 39, MORE PARTICULARLY DESCRIBED ON PAGE 19-033 WITH FIVE (5) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (6-0)

6. COUNTY MASTER PLAN UPDATE – NO ACTION ITEM

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 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.