

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, February 4, 2020
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, BECKY FULLER, ALLAN CREELY, GRACE BLEA-NUNEZ, AND SARAH BRITAIN JACK

PRESENT AND NOT VOTING: THOMAS GREER AND ERIC MORAES

ABSENT: TOM BAILEY, JANE DILLON, TIM TROWBRIDGE, AND JOAN LUCIA-TREESE

STAFF PRESENT: MARK GEBHART, GABE SEVIGNY, LINDSAY DARDEN, DANIEL TORRES, AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS SPEAKING AT THE HEARING: ALLISON FOGG, PJ ANDERSON, GEORGE ROWLEY

Report Items

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

- a) The next scheduled Planning Commission meeting is for **Tuesday, February 18, 2020.**
- b) **Mr. Gebhart** 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) The joint PC/BoCC meeting will be on February 18, 2020 at 3:00 p.m.

- d) A PC and PCD staff luncheon is scheduled for February 18, 2020 at 12:00 p.m.

B. Public Input on Items Not Listed on the Agenda - NONE

2. Consent Items

A. Approval of the Minutes – January 7, 2020

The minutes were approved as presented. (5-0)

REGULAR ITEMS

3. ID-19-005

SEVIGNY

**SPECIAL DISTRICT SERVICE PLAN
FALCON FIELD METROPOLITAN DISTRICT**

A request by Falcon Field, LLC, for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Falcon Field Metropolitan District. The two parcels proposed for inclusion into the District total 57.67 acres and are located southeast of the Highway 24 and East Woodmen Road intersection and are within Section 7, Township 13 South, Range 64 West of the 6th P.M. The proposed service plan includes the following: a maximum debt authorization of \$20 million, a debt service mill levy of 30 mills, an operations and maintenance mill levy of 5 mills, and 1 special purpose mill, for total maximum combined mill levy of 36 mills. The statutory purposes of the District include the provision of the following: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement; and 7) design, construction, and maintenance of public water and sanitation systems. The properties within the boundaries of the proposed District are included within the Falcon/Peyton Small Area Master Plan (2006). (Parcel Nos. 43070-00-001 and 43072-00-015) (Commissioner District No. 2)

Mr. Sevigny asked Ms. Seago to go over the review criteria for a special district service plan.

Mr. Sevigny gave a brief overview of the project and then asked the applicants' representative, **Ms. Allison Fogg**, to give their presentation.

Mr. Creely – It seems to me that we often get these applications for special districts just before the election. I understand you need it to get to election, but did it fail to

get to an election in 2019. **Ms. Fogg** – We did submit in 2019, but we had revisions that required it to be pushed back until now.

Ms. Fuller – It seems that there are very few planning emergencies. I've never seen one where its contingent on land being rezoned. **Ms. Fogg** – El Paso County does have in their special district policies, that they want rezoning done simultaneously, but it does allow contingencies for specific requests that the service plan can be approved prior to the land use plan. It's not contingent.

Mr. PJ Anderson – I have formed 20 special districts in my career. In the old days, it was sketch plan, then rezoning, then final plat. Here, we don't want this district if the zoning isn't approved. There will be no debt issued if the rezoning doesn't occur. So, there is no risk. CDOT and the intersection on Woodmen Road held up the application to where we didn't meet the November election. The zoning is consistent with the County Master Plan, and we are not aware of any opposition. We are happy to have a condition that the plan doesn't go forward until such time that the rezoning occurs.

Mr. Greer – The funding agreement states that it allows for shortfalls, does the developer have adequate reserve to cover any shortfalls during development? **Mr. Anderson** – It is a requirement that we have that reserve subsidized and set aside for any shortfalls.

Ms. Nunez – Could someone address the last review criteria? Why couldn't Woodmen Hills add a mill levy to cover this? **Mr. Anderson** – The County Commissioners turned down Woodmen Hills to be able to take on more mill levies. However, it needs to be a separate entity; it wouldn't be fair for the current Woodmen Hills owners to take on more tax for a new development. Full development will occur in five years. We are staying around 30 mill levies; the maximum allowed is 50.

Ms. Brittain Jack – In terms of Special Districts, they don't have to go just on May elections, is that correct? **Ms. Fogg** – they can go to election either in November or May.

Mr. Creely – It seems like \$13 million is low to develop this area. **Mr. Anderson** – It's difficult to determine the final amount until we get to the next steps, but our operating costs will be low. The road and drainage are the most expensive, and we feel sure we have most of that figured out.

Mr. Moraes – How is the television relay and transmission pertinent to the service plan with regards to an eminent domain provision? **Ms. Fogg** – We used the County's model. We did not change that provision. The applicant does not plan to use eminent domain, but it is a power that the District has.

Mr. George Rowley – The television relay power is a little bit of a mystery to what that could ever be used for. It could consider fiber optic lines possibly, but everyone is protected with this provision in the service plan.

Mr. Moraes – Since we've seen issues with Woodmen Hills, has there been an ECM or Code change to address the drainage and maintenance? **Mr. Sevigny** – Early Assistance meetings deal with applicants' issues and there were drainage concerns discussed. ECM changes were recorded in 2018, so any submittal would have to go by today's ECM and Code changes. Water quality, soils and geology, etc. are things that will need to be met at today's standards.

Ms. Fuller – It appears that a big chunk of this money is solving Woodmen Hills issue. Do they not have an HOA to address some of the problems? **Mr. Anderson** – I wouldn't be surprised if this District consults with Woodmen Hills to help with detention ponds. We understood what issues we would be dealing with and we are willing to take those on.

Ms. Fuller – What would happen if this didn't go until the November election? **Mr. Anderson** – It would put us behind; we still need to do a market survey. There is a lot to accomplish still. But we will not issue debt until such time that all the processes are completed with the County.

Mr. Sevigny gave his presentation to the Planning Commission.

Mr. Risley – Is it appropriate to change the Condition #10 to say that the District will not be formed until the land issues are met? Currently it reads they will not issue debt until land issues are resolved.

Ms. Seago – It is my recommendation that the language in Condition 10 be added to the service plan for enforcement purposes. The County has more authority to enforce violations of the service plan itself. Once the plan leaves our hands then they go to the Court to seek an order for election and a declaration that they are organized. For the County to intervene in that process because they violated a condition of approval would be very difficult. I understand that the applicant is okay with the addition and adding it to the service plan. New condition should read "Prior to the hearing before the Board of County Commissioners, the District shall add the following language to the service plan: The District shall not be authorized to issue debt until and unless approval of a rezoning, preliminary plan, and final plat have been obtained and unless such approvals are consistent with the assumed land uses and densities identified within the service plan and are consistent with the associated financial plan."

IN FAVOR: NONE

IN OPPOSITION: NONE

APPLICANT REBUTTAL: Ms. Fogg -- Reference CRS 32.1-105 – We would proceed with the Court hearing and hold it until the land use issues are resolved.

Ms. Seago -- NEW CONDITION – Following the election, applicant shall take no further steps to create the district, including seeking a court order declaring the organization of the district, until the pending rezone of the property has been approved by the BoCC.

DISCUSSION:

Ms. Nunez – I think that keeping those commercial areas close to residents helps those property owners in not having to drive to another area to access those amenities.

Mr. Creely – This is always very difficult to get through service plans. I appreciate **Mr. Anderson** giving us more information.

Mr. Risley – These are difficult matters for lay people to sort through, so I appreciate the clarity from the applicant and the staff. I also thank the applicant for cooperating with another metro district in order to execute this service plan.

PC ACTION: MS. BRITAIN JACK MOTIONED/MS. BLEA-NUNEZ SECONDED TO APPROVE REGULAR ITEM 3, ID-19-005, FOR A SPECIAL DISTRICT SERVICE PLAN FOR FALCON FIELD METROPOLITAN DISTRICT UTILIZING RESOLUTION PAGE NO. 37, CITING 20-004, WITH ELEVEN (12) CONDITIONS (WITH THE NEWLY ADDED ABOVE CONDITION) AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).

4. MS-19-008

DARDEN

**MINOR SUBDIVISION
WOLFF RUN ESTATES**

A request by M.V.E, Inc., for approval of a minor subdivision to create two (2) single-family residential lots. The 9.68 acre property is zoned RR-5 (Residential Rural) and is located approximately 364 feet east of the Old North Gate and Stapleton Road intersection. Pursuant to the provisions of the Land Development Code (2019), Section 5.5.1, on October 3, 2019, the Planning and Community Development Director approved a request for administrative relief to allow a lot size of 4.62 acres

where 5 acres is the minimum lot size within the RR-5 (Residential Rural) zoning district. (Parcel No. 62040-00-051) (Commissioner District No. 1)

Ms. Darden asked Ms. Seago to go over the review criteria for a minor subdivision.

Ms. Darden gave a brief overview of the project and then asked the applicants' representative, **Mr. Dave Gorman**, representing **Greg and Tonya Wolff**, to give their presentation.

Mr. Risley – With regard to the access easement, who would be responsible for any maintenance improvements? **Mr. Gorman** – There will be a driveway access and maintenance agreement recorded at the time of the final plat recording. The expenses are shared between lot 1 and 2 property owners.

Mr. Moraes – You created this easement to not create a flag lot? **Mr. Gorman** – yes, that's correct. Lot 2 would have to have a stem piece, so we created the easement.

Ms. Seago – I see that the applicant has provided an access agreement according to EDARP, and it is adequate.

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

IN FAVOR: NONE

IN OPPOSITION: NONE

APPLICANT REBUTTAL: Mr. Gorman stated that the applicant is agreeable to the stated conditions, notation, and waiver.

DISCUSSION: NONE

PC ACTION: MR. CREELY MOTIONED/MS. FULLER SECONDED TO APPROVE REGULAR ITEM 4, MS-19-008, FOR A MINOR SUBDIVISION FOR WOLFF RUN ESTATES UTILIZING RESOLUTION PAGE NO. 19, CITING 20-005, WITH TWELVE (12) CONDITIONS AND ONE (1) NOTATION AND ONE (1) WAIVER WITH A FINDING OF WATER SUFFICIENCY FOR QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).

5. **El Paso County Master Plan – Informational Update – No Action Needed -- Mr. Gebhart**

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 February 18, 2020 hearing.