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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, October 15, 2020
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, SARAH BRITAIN JACK, TIM TROWBRIDGE, JOAN LUCIA-TREESE, AND JAY CARLSON. BECKY FULLER ARRIVED AT 1:25 P.M.

PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ

PRESENT AND NOT VOTING: NONE

ABSENT: THOMAS GREER, AND ERIC MORAES

STAFF PRESENT: MARK GEBHART, NINA RUIZ, KARI PARSONS, GILBERT LAFORCE, LINDSAY DARDEN, AND EL PASO COUNTY ATTORNEY LORI SEAGO (VIA REMOTE ACCESS)

OTHERS SPEAKING AT THE HEARING: UNIDENTIFIED MALE, JOSE SOTO, DELROY AND JANET JOHNSON, GREGORY SHANER, ED HERLIK, JOHN MILLS

Report Items

1. A. Report Items -- Planning and Community Development Department – Ms. Ruiz -- The following information was discussed:

- a) The next scheduled Planning Commission meeting is for **Thursday, November 5, 2020 at 1:00 p.m.** There will also be an informal work session for the Planning Commission members at **11:30 a.m.**

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- b) **Ms. Ruiz** 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 update on the Master Plan process and timeline. The first three chapters have been received. Staff is reviewing those currently. **Mr. Bailey** – This process is ongoing and there is a lot of information available on the County’s webpage. We encourage the public to go there and look into the efforts and provide comment.

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

2. Consent Items

A. Approval of the Minutes – October 1, 2020

The minutes were unanimously approved as presented. (7-0)

B. P-18-005

DARDEN

**MAP AMENDMENT (REZONE)
PAINT BRUSH HILLS 14**

A request by Aeroplaza Fountain, LLC, and Heidi, LLC, for approval of a map amendment (rezoning) of 55.898 acres from RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban). The property is located approximately 1.06 miles west of the Meridian Road and Londonderry Drive intersection at the northwest corner of Keating Drive and Devoncove Drive and is within Section 26, Township 12 South, Range 65 West of the 6th P.M. (Parcel No. 52261-01-009) (Commissioner District No. 2)

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM 2B, P-18-005, FOR A MAP AMENDMENT (REZONE) FOR PAINT BRUSH HILLS 14 UTILIZING RESOLUTION PAGE NO. 27, CITING 20-043, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

C. WSEO-20-001

PARSONS

**FRONT RANGE-MIDWAY SOLAR ENERGY PROJECT
WIND AND/OR SOLAR ENERGY GENERATION PLAN AMENDMENT
OVERLAY DISTRICT MAP AMENDMENT (REZONE)**

A request by Front Range-Midway Solar Project, LLC, and Savion, LLC for approval of an amendment to overlay zoning for the Front Range Midway Solar Energy Project pursuant to Section 4.3.5, Wind and/or Solar Energy Generation Plan Overlay District (WSE-O), of the El Paso County Land Development Code. The approximately 939-acre overlay rezoning area includes multiple existing zoning designations, including the WSE-O (Wind and/or Solar Energy Generation Plan Overlay), RR-5 (Residential Rural), and RR-2.5 (Residential Rural) zoning districts and is generally located north of Rancho Colorado Boulevard, south of Boca Raton Heights, east of Fort Carson Army Base, and west of Interstate 25. The applicant is proposing to amend (via a map amendment/rezoning) the existing overlay area to allow for an approximately 100.2 MW solar energy generation facility. The WSE-O rezoning amendment proposes a reduction in the size of the overall WSE-O boundary, and includes an array site, associated equipment, meteorological monitoring devices, electrical collection devices, energy battery storage, six (6) lay down areas, a substation, and the electrical transmission corridor. The parcels are included within the South Central Comprehensive Plan (1988) area. (Parcel Nos. 57200-00-003, 57200-00-010, 57210-01-019, 57170-07-004, 57170-07-005, 57170-07-006, 57170-07-052, 57170-07-019, 57170-07-047 and 51220-01-002) (Commissioner District 4)

An unidentified male attendee (name inaudible on recording) spoke on his concerns that the project would decrease property values. He purchased his home after the previously approved WSEO was approved and has concerns that property values will be negatively impacted if it is constructed.

PC ACTION: LUCIA-TREESE MOVED/BAILEY SECONDED TO APPROVE CONSENT ITEM 2C, P-18-005, FOR WIND AND/OR SOLAR ENERGY GENERATION PLAN AMENDMENT OVERLAY DISTRICT MAP AMENDMENT (REZONE) FOR FRONT RANGE-MIDWAY SOLAR ENERGY PROJECT UTILIZING RESOLUTION PAGE NO. 27, CITING 20-044, WITH SIXTEEN (16) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

Ms. Fuller entered the meeting at 1:25 p.m. She is a voting member for the remaining items on the agenda.

Regular Items

**WAIVER
D. JOHNSON SUBDIVISION WAIVER**

A request by Delroy and Janet Johnson for approval of a waiver of Sections 8.4.3(B)(2)(e) and 8.4.4(E)(2-3) of the applicable the subdivision regulations in the El Paso County Land Development Code in advance of submitting an application for subdivision to create a four (4) lot minor subdivision. If approved, the waivers being requested would allow for the construction of private roads that would not meet County standards for public roadways as well as allow for a reduction of the 30-foot minimum lot frontage requirement, which would otherwise be required for each of the four (4) proposed lots. The 28.62 acre parcel is located along Highway 83, approximately 0.62 miles north of the Highway 83 and Old North Gate Road intersection and is within Section 34, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-157) (Commissioner District No. 1)

Ms. Lindsay Darden gave a brief description of the project and asked **Ms. Lori Seago** to go over the review criteria for a waiver, after which time she gave her full presentation.

Ms. Darden introduced the applicant, **Mr. Delroy Johnson and Mrs. Janet Johnson**, to give their presentation.

Mr. Carlson – The agenda said that there are two conditions, so it should be one?
Ms. Darden – Yes, just one condition. (error on summary sheet)

Mr. Trowbridge – Are there agreements in place that consider what kind of easements would have to be considered in the future? **Ms. Darden** – That would occur at subdivision phase of the project and not with the waiver. **Mr. Risley** – Typically when a shared access easement is proposed the County will request that the maintenance agreement be included or recorded concurrently. **Ms. Darden** – That is correct.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Risley – I commend the applicant for going through the subdivision process and following the proper order of development. It can be a difficult process, but I’m happy to see the applicant took these steps.

**PC ACTION: TROWBRIDGE MOVED/CARLSON SECONDED TO APPROVE
REGULAR ITEM 3, WV-20-001, FOR A WAIVER FOR D. JOHNSON**

SUBDIVISION WAIVER UTILIZING RESOLUTION PAGE NO. 43, CITING 20-045, WITH ONE (1) CONDITIONS AND ONE (1) NOTATION AND THREE (3) WAIVERS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).

4. P-19-001

RUIZ

**MAP AMENDMENT (REZONE)
GRANDWOOD RANCH**

NOTE: the map amendment (P-19-001) and preliminary plan (SP-19-005) were heard together, but the action was separate.

A request by Sylvan Vista, Inc., for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 146.84 acre property is located on the north side of Higby Road, at the southernmost terminus of Furrow Road, approximately 1.5 miles northwest of the Baptist Road and Roller Coaster Road intersection and is within Section 19, Township 11, and Range 66 West of the 6th P.M. (Parcel No.61190-00-003) (Commissioner District No.1)

Ms. Nina Ruiz gave a brief description of the project and asked **Ms. Seago** to go over the review criteria for a map amendment (rezone) as well as a preliminary plan.

Ms. Ruiz introduced the applicant's representative, **Mr. Gregory Shaner**, to give their presentation.

Ms. Ruiz gave her full combined presentation to the Planning Commission and **Mr. Gilbert LaForce** gave his engineering findings report.

Mr. Risley – With regard to the modified cross section, is that intended to be a bike lane or just a shoulder? **Mr. LaForce** – There isn't a sidewalk, but could the shoulder may be considered multi-modal. I would imagine it could be a walking or bicycle path. Those details have not been fully considered at this phase of development.

IN FAVOR: NONE

IN OPPOSITION:

Mr. Jon Mills – (provided presentation) – **Mr. Mills** has concerns about the 2.5 acres that are adjacent to 5 acre lots. Based on LDC, it requires compatibility. We don't believe it's compatible. There is not enough transition between lots. NEPCO has also asked the developer for a compromise to the lot sizes. The lots are meant to be in harmony and character. We feel that the character of lots is changing due to the smaller lot sizes. Their letter of intent stated they would not negatively impact view corridors and will not generate additional traffic or noise and will not increase drainage

impacts. We believe all these things will be impacted with the new development. **Ms. Fuller** – You indicated you are combining lots that would be equivalent to 4 lots. Where are you in the process? **Mr. Mills** – We are trying to get our lots accepted into Woodmoor Water and we should know by the end of the month. We don't intend to develop that area. There is a steep embankment that doesn't allow development. We are combining for tax purposes as well.

Ms. Brittain Jack – You have this rezone before the BoCC? **Mr. Mills** – no, we are not rezoning, we are combining the lots through the Assessor's Office and not Planning and Community Development.

Mr. Trowbridge – To be clear, you are not abandoning lot lines, you are combining those administratively for tax purposes. **Mr. Mills** – That's correct.

Mr. Trowbridge – what communication have you had with the developer? **Mr. Mills** – I've written two letters, and I've spoken with the developers. I have asked for a compromise, but they state they will go ahead with their plans.

Mr. Ed Herlik – I've submitted a letter. The newest homes are about 25 years old. The oldest ones about 40 years old. Those of us who live there have relied on the zoning that was in place and to not be developed. The development would change the character of our existing community. I would ask the developer to live with the zoning that the rest of us have had to.

Mr. Shaner had an opportunity for rebuttal. Everyone can understand the concerns that were raised. The Town of Monument has a current PUD along the whole southern border that will be significant for development. This land is creating the transition to the planned PUD. Looking at the perimeter lots, the terrain is really diverse. You get some really unique looking lots because of the terrain. On a peripheral, there are 23 lots and only four of those lots are five acres or more. We are transitional with the 2.5 acre lots

Mr. Trowbridge – Can you talk about drainage and fire mitigation? **Mr. Shaner** – There are detention ponds off the property and there are drainage corridors that we've identified. With regard to fire mitigation, I can't speak on that but a member of our team can if needed.

Ms. Brittain Jack – You stated in your presentation that you had concerns about the transition. What are your concerns? **Ms. Ruiz** – There isn't really a density transition for the RR-5 parcels. I have discussed with the applicant that alternative to providing larger lots, they could look at an additional setback beyond the required 25 foot in order to provide a buffer.

Mr. Carlson – Setbacks against the five-acre lots, if the developer did agree to go with larger lots there, then there is no different setback, correct? **Ms. Ruiz** – That's correct, there would just be fewer lots in this location. If they are set back further, it may assist in how the adjacent property owners perceive their surroundings as more rural.

Mr. Carlson – So the setback is 25 feet, and it would be the same for 2.5 or 5 acre? **Ms. Ruiz** – That is correct, it would be 25 feet regardless.

Mr. Bailey – I want to offer a different perspective. I was initially very concerned about the compatibility, but what I see is the RR-5 zoning is an island on a much denser more dense zoning surrounding it. I appreciate seeing the much larger map. It's given me a different perspective.

Ms. Fuller – Is the developer in discussion about the transition or will they just wait to see what the Commissioners say? **Ms. Ruiz** – They looked at their plans and wanted to see if they felt as though there was a significant impact. They determined in their opinion there is not and chose not to amend or to provide a setback. They also discussed with staff that the proposed lots are fairly deep and most people would want to be closer and not have such a long driveway so they did not feel as though a setback would have any impact.

Mr. Shaner – The reality if we have a 25 or 50 foot setback doesn't really impact what we are proposing. The terrain and drainage tracts determine where the houses will be built. They will want to be closer to the roadway.

Ms. Fuller – Is his (neighbor to the north) property higher or lower? **Mr. Shaner** – His property is higher.

DISCUSSION:

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM 4, P-19-001, FOR A MAP AMENDMENT (REZONE) FOR GRANDWOOD RANCH UTILIZING RESOLUTION PAGE NO. 27, CITING 20-046, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).

5. SP-19-005

RUIZ

**PRELIMINARY PLAN
GRANDWOOD RANCH**

NOTE: the map amendment (P-19-001) and preliminary plan (SP-19-005) were heard together, but the action was separate.

A request by Sylvan Vista, Inc., for approval of a preliminary plan to create 48 single-family residential lots as well as for the Board of County Commissioners to authorize pre-development site grading. The 146.84 acre property is zoned RR-5 (Residential Rural). A concurrent request has been submitted for approval of a map amendment (rezone) to change the zoning of the property to RR-2.5 (Residential Rural). The property is located on the north side of Higby Road, at the southernmost terminus of Furrow Road, approximately 1.5 miles northwest of the Baptist Road and Roller Coaster Road intersection and is within Section 19, Township 11, and Range 66 West of the 6th P.M. (Parcel No.61190-00-003) (Commissioner District No.1)

Mr. Bailey – In the future, for someone that has concerns about this development, I believe that the process provides safeguards moving forward with regard to roads, water, drainage, etc. The process is very effective, especially when the developer recognizes issues.

PC ACTION: BRITAIN JACK MOVED/TROWBRIDGE SECONDED TO APPROVE REGULAR ITEM 5, SP-29-005, FOR A MAP AMENDMENT (REZONE) FOR GRANDWOOD RANCH UTILIZING RESOLUTION PAGE NO. 25, CITING 20-047, WITH SEVEN (7) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).

- 6. El Paso County Master Plan – Information Update – No Action Needed – Mr. Gebhart** gave an update of the Master Plan during report items. No further information was provided.

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 November 5, 2020 hearing.