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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, April 1, 2021
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, TIM TROWBRIDGE, BECKY FULLER, SARAH BRITTAIN JACK, JAY CARLSON, JOAN LUCIA-TREESE, AND ERIC MORAES

PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ

PRESENT AND NOT VOTING: NONE

ABSENT: THOMAS GREER

STAFF PRESENT: MARK GEBHART, NINA RUIZ, RYAN HOWSER, ELENA KREBS, TRACEY GARCIA (VIA REMOTE ACCESS), ELIZABETH NIJKAMP (VIA REMOTE ACCESS), AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS SPEAKING AT THE HEARING: RYAN WATSON AND DARREN WEIS

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, April 15, 2021 at 1:00 p.m.**
- 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.

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- c) **Mr. Gebhart** gave an update on the Master Plan process and timeline. Options were discussed for the format of the May Special Planning Commission hearings related to the Master Plan

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

CONSENT ITEMS

- 2. A. **Approval of the Minutes – March 18, 2021**
The minutes were unanimously approved as presented. (9-0)

B. SF-20-030

HOWSER

**FINAL PLAT
GLEN AT WIDEFIELD FILING NO. 9B**

A request by Glen Investment Group No. VIII, LLC, for approval of a final plat to create two (2) single-family residential lots. The 15,000 square foot property is zoned RS-6000 (Residential Suburban) and CAD-O (Commercial Airport Overlay) and is located on the east side of Bigtooth Maple Drive, approximately three-quarters (3/4) of a mile north of the Mesa Ridge Parkway and Marksheffel Road intersection and is within Section 22, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55223-08-020) (Commissioner District No. 4)

Mr. Trowbridge: I noticed that it wasn't approved before because it was potentially unstable, and I didn't see anything from the applicant besides saying it was fixed. Nothing talks about the shallow ground water in the area. I would like to hear from engineering what was done to the site to stabilize it.

Ms. Nijkamp: The applicant has resubmitted a revised geotechnical report which states everything has been mitigated, and there is no current ground water problems in those two lots. Additional borings were done and found no ground water was received. **Mr. Risley** - So there was additional boring done but no mitigation. **Ms. Nijkamp** - Correct the additional boring showed there was no issue any longer.

Ryan Watson: To address the shallow ground water, per CGS recommendation, we instituted a year-long ground water monitoring program in which we measured the amount of ground water on the sites so we can capture all ebbs and flows; so with that we learned there were no ground water issues. Also, we did a regional soil testing when the overall grading was done, and any unstable soil we encountered was mitigated. A geo grid was set below this tract to help stabilize soil.

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, SF-20-030, FOR A FINAL PLAT FOR GLEN AT WIDFIELD FILING NO. 9B UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-017, WITH TEN (10) CONDITIONS AND ONE (1) NOTATION, WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (9-0).

C. PUD-18-002

RUIZ

**MAP AMENDMENT (REZONE)
DANCING WOLF**

A request by David McElhoues, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) to amend the minimum lot size requirement within the PUD to 2.5 acres and to amend the permitted uses within the commercial area included in the PUD area. The 25.15-acre property is located at the northeast corner of the Highway 83 and Hodgen Road intersection and within Section 22, Township 11 South, and Range 66 West of the 6th P.M. (Parcel Nos. 61220-03-020, 61220-03-035, 61220-04-002, 61220-04-001, and 61220-03-036) (Commissioner District No. 1)

LUCIA-TREESE MOVED/BAILEY SECONDED TO APPROVE CONTINUING ITEM 2D, PUD-18-002 FOR DANCING WOLF MAP AMENDMENT (REZONE) UNTIL SUCH TIME THAT THE COUNTY ESTABLISHES WATER SUFFICIENCY. MOTION PASSED UNANIMOUSLY (9-0).

D. VR-18-002

RUIZ

**VACATION AND REPLAT
DANCING WOLF**

A request by David McElhoues, Alyce McElhoes, Robert Tello, Joshua Fuson, and Ruth Anne Fuson for approval of a vacation of five (5) platted lots and right-of-way and replat to create seven (7) single-family residential lots. The five (5) lots, totaling 25.15 acres, are zoned PUD (Planned Unit Development) and are located at the northeast corner of the Highway 83 and Hodgen Road intersection and are within Section 22, Township 11 South, and Range 66 West of the 6th P.M. (Parcel Nos. 61220-03-020,

31220-03-035, 6122-04-002, 6122-04-001, and 6122-03-036)
(Commissioner District No. 1)

PC ACTION: LUCIA-TREESE MOVED/BAILEY SECONDED TO APPROVE CONTINUING ITEM 2D, PUD-18-002 FOR DANCING WOLF VACATION AND REPLAT UNTIL SUCH TIME THAT THE COUNTY ESTABLISHES WATER SUFFICIENCY. MOTION PASSED UNANIMOUSLY (9-0).

Regular Items

3. CS-20-004

HOWSER

**MAP AMENDMENT (REZONE)
HCD RECONSIDERATION**

A request by HCD Properties LLC, for reconsideration of an approval of a map amendment (rezoning) of 7.13 acres from C-2 (Commercial) to CS (Commercial Service). The request for reconsideration includes an amendment to Condition No. 3 to allow for an additional 30-day extension for submission of a minor subdivision beyond the current 60-day requirement. The property is subject to the CAD-O (Commercial Airport Overlay) district. The property is located on the south side of Platte Avenue approximately one-third (1/3) of a mile east of the Platte Avenue and South Powers Boulevard interchange and is within Section 18, Township 14 South, Range 65 W of the 6th P.M. (Parcel No. 54180-00-069) (Commissioner District No. 4)

Mr. Howser gave an abbreviated presentation by consensus approval of the Planning Commission and asked **Ms. Seago** to go over the review criteria for a map amendment. He then introduced the applicants' representative, **Darren Weis** to give their presentation.

Ms. Fuller – The burden is on the applicant to show that they've met the approval criteria. This was approved once, in December 2019 and we're back again due to noncompliance. **Mr. Bailey** – I agree with Ms. Fuller, but this may be the first of a few of these things due to 2020. My understanding of staffs' suggestion of taking this as an abbreviated hearing, is that it's predicated on an understanding that this has been previously approved. The only thing we're looking to do is simply grant the extension as nothing has changed since the Board of County Commissioners' action in December 2019. **Ms. Lucia-Treese** – I concur with **Mr. Bailey**, on pages 6 and 7 it explains what is going on and with what the staff has previously presented, I move we have enough documentation to go forward. **Ms. Ruiz** - I just wanted to state that staff does agree with **Mr. Bailey** and **Ms. Lucia-Treese**, nothing has changed other than they are requesting an extended timeline in order to meet that condition of approval. Staff did feel since previously the Planning

Commission and Board of County Commissioners did make a determination that all criteria was met that it was unnecessary which is why we requested the abbreviated hearing. **Mr. Risley** - It appeared in the staff report that there was a revised notice of violation sent in March 2020, but the applicants' letter states there aren't any code enforcement actions against the property.

Mr. Howser gave a brief overview of the property's history to the Planning Commission.

Mr. Risley – I'm not clear whether or not the violation has been cured. **Ms. Ruiz**- The violation is ongoing. Referencing the recommended conditions, it recommends approval of a site plan being required so it wouldn't be until after this rezoning if it is reconsidered that they submit a subsequent subdivision request that is approved and then a site development plan. It wouldn't be until after the site development plan is approved that the violation would be dismissed. **Mr. Weis**- The initial violation was what they were using the property for. They had various tenants renting various portions of the property, but they have since moved. The client has another business, a vehicle repossession, which they are in the process of moving to a new site. **Mr. Moraes** – Initially they had 60 days for the process, and it didn't happen because of Covid per the applicant. Now they're coming back to get the rezoning done, to change from an obsolete zoning. So, what would happen if it didn't get done. Do they stay as a C2? **Ms. Ruiz** – If the request gets approved and they do not meet the established timeline then we would be back where we are today, they will need to submit another request for reconsideration. **Lori Seago** - Code enforcement could result in litigation against the property owner. **Ms. Fuller** – What is the violation that is in place right now? **Ms. Ruiz**- It is for vehicle storage and vehicle repair. **Ms. Fuller** – Would that be allowed under the new zoning? **Ms. Ruiz** - Yes, with a site development plan.

Mr. Howser presented a PowerPoint slide that shows current uses in the site and the proposed uses.

Ms. Brittain Jack – Did I hear that this zoning doesn't exist? What happens to the zoning if we don't approve this? **Ms. Seago** - The property is currently zoned C2 which is an obsolete zoning district, that is what the property reverted to when the previously approved CS zone change became void with noncompliance with that deadline that was included in the conditions of approval. If this is not approved today it will remain C2 and if it is approved, it will revert to that if the conditions are not complied with. **Mr. Trowbridge** – I noticed in the analysis that the Colorado Springs Airport Advisory Commission sent over a referral requesting a navigation easement as a condition. Weren't we told that it's the responsibility of the airport authority to obtain an easement and not the county? I noticed there is no condition of a navigation easement in here. **Ms. Ruiz**- We do not require an navigation easement, but the applicant may choose to enter into a navigation easement. **Mr. Weis** - There is an navigation easement recorded for property **Mr. Trowbridge** - Is

the phrase “in good faith” legal? **Ms. Seago**- It’s not a legal term but it is a common term to indicate the applicant is taking the necessary steps at the appropriate time to move the project along and not delaying things. **Mr. Trowbridge** - It doesn’t open staff to potential legal action does it? **Ms. Seago**- No, if the Board of County Commissioners approves the zoning request, then the applicant will have a deadline within condition five (5) and they don’t have a right to an extension. I don’t believe there would be a cause of action. **Ms. Fuller**- is there vehicle repair going on? **Mr. Howser** – No the applicant no longer wishes to pursue the vehicle repair use on the property.

IN FAVOR: NONE

IN OPPOSITION: NONE

PC ACTION: LUCIA-TREESE MOVED/BRITAIN JACK SECONDED FOR APPROVAL REGULAR ITEM NUMBER 3, CS-20-004 FOR A MAP AMENDMENT FOR HCD RECONSIDERATION UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-020 WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (9-0).

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

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.)

The minutes were approved as presented at the April 15, 2021 hearing.