

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, June 3, 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, JOAN LUCIA-TREESE,
SARAH BRITAIN JACK**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA- NUNEZ AND
ERIC MORAES**

PRESENT AND NOT VOTING: NONE

**ABSENT: BECKY FULLER, TIM TROWBRIDGE, JAY CARLSON, AND THOMAS
GREER**

**STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART (VIA REMOTE ACCESS),
NINA RUIZ, KARI PARSONS, GILBERT LAFORCE, DANIEL TORRES, ELENA
KREBS, TRACEY GARCIA, JEFF RICE (VIA REMOTE ACCESS) AND EL PASO
COUNTY ATTORNEY LORI SEAGO**

**OTHERS SPEAKING AT THE HEARING: DEBORAH EILAND, SEAN SPENCER,
GARY MEISMAN, KYLE KATSOS, MONICA PHELAN AND SHANNON KATSOS**

Report Items

- 1. A. Report Items -- Planning and Community Development Department –
Mr. Dossey -- The following information was discussed:**
 - a) The next scheduled Planning Commission meeting is for
Thursday, June 17, 2021 at 1:00 p.m.

- 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.

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

CONSENT ITEMS

- 2. A. **Approval of the Minutes – May 20, 2021**
The minutes were unanimously approved as presented. (6-0)

- B. **SF-21-012** **PARSONS**

**FINAL PLAT
UPLAND FLATS AT WATERMARK**

A request by Feathergrass Investments, LLC, for approval of a vacation and replat of Tract DD Hannah Ridge at Feathergrass Filing No. 1 to create one (1) multi-family residential lot. The 15.39-acre property is zoned RM-30 (Residential Multi-Dwelling) and CAD-O (Commercial Airport Overlay), and is located at the northwest corner of the Marksheffel Road and Constitution Avenue intersection and is within Section 32, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53324-04-001) (Commissioner District No. 2)

PC ACTION: LUCIA-TREESE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, SF-21-012, FOR A FINAL PLAT FOR UPLAND FLATS AT WATERMARK, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-031, WITH THIRTEEN (13) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (6-0).

Regular Items

- 3. **AL-18-024** **GREEN**

**SPECIAL USE PERMIT
MEISMAN HOME & TRUCK BUSINESS**

A request by Gone Trucking, LLC, for approval of a special use to allow a contractor's equipment yard as a rural home occupation. The 40.2-acre parcel is zoned RR-5 (Residential Rural) is located immediately north of the El Paso County and Pueblo County line, approximately one-half (1/2) mile southeast of the Boca Raton Heights and Indian Village Heights intersection, and is within Section 35, Township 17 South, Range 65 West of the 6th P.M. (Parcel No. 57350-00-001) (Commissioner District No. 4)

Mr. Green gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for a special use permit. He then introduced the applicants' representative, Ms. Deborah Eiland, to give their presentation.

Mr. Green gave his full presentation to the Planning Commission. He then introduced **Daniel Torres with PCD engineering** to go over transportation issues from the staff's point of view. Their report is on the permanent file.

Mr. Moraes – Referring to the plot diagram with the parking spaces, I was counting five parking spots and one handicapped spot, does that meet the code in terms of parking spots, when he says he's going to have six employees? Five regular and one ADA, does that meet whatever the code requires? **Mr. Green** – That is correct. There will be additional review for parking and landscaping as well to ensure there will be an adequate amount of spaces.

IN FAVOR: NONE

IN OPPOSITION:

SEAN SPENCER – This is not a new request; we have been dealing with this for a few years now. The people of via casitas moved into the area because its zoned RR-5. Part of our covenant and bylaws is that there are no businesses operated in this area. Would take our neighborhood from a serene family environment that it is to an industrial environment. In addition, truck traffic will compound a already bad situation we have. I have spoken to multiple homeowners and they are really concerned about having a business operate in our community.

REBUTTAL:

Ms. Eiland – Mr. Meisman is very willing to talk to the neighbors in the subdivision and try to work out that agreement concerning the roads. He's going to live there too. He also wants to make this his home; he will have the same concerns they have.

Mr. Risley – Mr. Spencer indicated the bylaws of the HOA prohibit business activity if I understand correctly. Is that Mr. Meisman's understanding as well? Is that your understanding? **Ms. Eiland** - We have not reviewed the bylaws. Mr. Meisman's property is not within the subdivision, he is not governed by them. **Mr. Risley** – but he's intending to use the roads that are accessed his property that are maintained by the HOA, is that correct? **Ms. Eiland** – That is correct. They are not private roads; they're technically platted as public roads and that is the only access to Mr. Meisman's property. It is difficult that they are not county maintained of course. **Mr. Risley** – Obviously HOA or covenant agreements are private agreements between landowners and the HOA, so the county doesn't weigh in on those matters since they are private topics. Just to be clear this property would not be governed by that particular HOA as you just stated. **Ms. Eiland** – Yes, Mr. Chairman you are correct and what I can only say at this juncture with respect to

that is that Mr. Meisman is committed to taking care of those roads. He is committed to fixing and maintaining and if he needs to do it then he will. I can say that to you because he has relayed that to me.

Gary Meisman – I don't know who makes the ruling of who takes care of the roads but if something were to happen with the roads because of my trucks I will go and fix it. I will do the best of my ability with the equipment I have to maintain the roads. I don't have construction equipment; I have dump trucks. I will help anybody, its whatever I must do. That's my responsibility and I promise I will take care of that.

DISCUSSION: NONE

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, AL-18-024, FOR A SPECIAL USE PERMIT FOR MEISMAN HOME & TRUCK BUSINESS, UTILIZING RESOLUTION PAGE NO. 39, CITING, 21-030, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (6-0).

Mr. Bailey – I appreciate the neighbors' concerns and I just wanted to reiterate that, given the criteria on which we must judge the application, there was no reason to disapprove this request. What I have heard from both parties is that they are willing to work together. In an effort to be a good neighbor, Mr. Meisman has offered to provide money and equipment for roads that are not his by rule to maintain and seems to be acting in good faith.

4. **VA-20-002**

GREEN

**VARIANCE OF USE
THE SHIRE AT OLD RANCH**

A request by Monica Phelan and Old Ranch Road Properties, LLC, for approval of a variance of use to allow an agriculturally related commercial business, further described in the letter of intent, to be known as The Shire at Old Ranch. The four (4) parcels included in the request total 20-acres and are zoned RR-5 (Rural Residential) and are located at the northeast corner of the intersection of Old Ranch Road and Holmes Road and is within Section 23, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos. 62230-00-058, 62230-00-059, 62230-00-060, and 62230-00-061) (Commissioner District No. 1)

Mr. Green gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for variance of use. He then introduced the applicants, Shannon Katsos, Kyle Katsos and Monica Phelan to give their presentation.

Ms. Seago – Referring to the slide addressing the approval criteria, states she is concerned with this slide that they (the applicants) are stating that there will be no hardship. She then asked the applicant to clarify. It is a criteria to approve a variance of use that applying the code as is would result in practical difficulties or undue hardship on the property owners. The planning commission must find that in order to approve the request.

Mr. Risley – As I understand it these approval criteria may be considered. Am I understanding that those are things that may be considered and not imperative?

Ms. Seago – That is correct Mr. Chair, however I will tell you that the case law strongly suggests that in order to approve a variance something like this needs to be found.

Mr. Bailey – My understanding from reading the staff package is that the staff's recommendation was that, since we don't have a zoning district that would allow for all these uses together in an area, this can be seen as creating the undue hardship that would allow us to approve this.

Ms. Seago – I did see that recommendation in the staff report however the burden of meeting the criteria is on the applicant, not the staff and I am coming from a perspective of providing a sufficient record to protect your decision and the Board's ultimate decision from legal challenges. If we have the applicant saying there are no difficulties or hardship that creates a problem.

Kyle Katsos - The site is comprised of four five-acre parcels zoned RR-5. When we came up with this idea years ago, we looked at a multiplicity of different options. We looked at allowed uses, special uses and discovered that there was nothing that fit this or even close on one existing site. We request a variance to allow all these unique operations to coexist on a single site.

Ms. Seago – So just for clarity of the record, based on what you just said would it be fair to say that the slide in front of us contains an error and that there would in fact be a practical difficulty or undue hardship if this request were not approved?

Mr. Katsos – Absolutely

Mr. Green gave his full presentation to the Planning Commission. He then introduced **Gilbert Laforce with PCD engineering** to go over transportation issues from the staff's point of view. Their report is on the permanent file.

Mr. Moraes – Has the possibility or requirement to add a pedestrian path along Old Ranch Road been looked at or discussed if this development goes through? I noted that the Pine Creek High School and Challenger Middle School are both well within District 20's non-bussing radius. My concern is that as this area

develops in the future, however it does, it may have more students walking to school and a path or possible sidewalk may get these pedestrians off Old Ranch Road, and maybe even Howells Road, especially as this development adds the traffic the developer projects it to produce. It may be a smart part of the plan as we now have a chance when development is going on to try to connect this area to the suburban and urban developments to the west and to the south. **Mr. Laforce** – A more detailed design will occur once they submit the site plan application. These roads are currently rural roads, but there may be an opportunity to add a path in the future and we will look at that when we get the site plan. **Mr. Moraes** – I would encourage that as when I look at the new Master Plan, this area is in the large-lot placetype and there are places in the large-lot placetype description that talks about walking paths and other designated routes to provide access and extensions of connectivity when development occurs. So maybe not sidewalks but there is a priority strategy in the Master Plan to provide this kind of transportation development. I say this not to burden the developers as I think this, from what I have seen, is great for the County and great for the neighborhood. But as an interest of safety for the children as they travel to and from school, I encourage the county planners and engineers to look at possibilities to get pedestrians off the street, especially since the new Master Plan explicitly lays it out.

IN FAVOR: NONE
IN OPPOSITION: NONE
DISCUSSION: NONE

PC ACTION: BAILEY MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 4, VA-20-002 FOR VARIANCE OF USE FOR THE SHIRE AT OLD RANCH, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-032, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (6-0).

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.)

Minutes were approved as presented at the June 17, 2021 hearing.

