

EL PASO  **COUNTY**
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, November 18, 2021
El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado 80910

REGULAR HEARING
9:00 a.m.

**PRESENT AND VOTING: BRIAN RISLEY, BECKY FULLER, JOAN LUCIA-TREESE,
JAY CARLSON, BRANDY MERRIAM, AND SARAH BRITTAIN JACK**

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

PRESENT AND NOT VOTING: NONE

ABSENT: TOM BAILEY AND TIM TROWBRIDGE

**STAFF PRESENT: NINA RUIZ, ELIZABETH NIJKAMP (VIA REMOTE ACCESS),
LUPE PACKMAN, GILBERT LAFORCE, CARLOS HERNANDEZ (VIA REMOTE
ACCESS), JOHN GREEN, RYAN HOWSER, CHARLENE DURHAM, KYLIE BAGLEY,
ELENA KREBS, AND EL PASO COUNTY ATTORNEYS LORI SEAGO AND MARY
RITCHIE (VIA REMOTE ACCESS)**

**OTHERS SPEAKING AT THE HEARING: CHARLES COTHERN, RAY O'SULLIVAN,
AMANDA HALL, DEREK HOLSCHER, STEVE CONTORNO, AND CLINT BARDEN**

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, December 2, 2021 at 9:00 a.m.**

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

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- b) **Ms. Ruiz** provided 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

2. CONSENT ITEMS

A. Approval of the Minutes – November 2, 2021

The minutes were unanimously approved as presented. (9-0)

B. SF-21-011

GREEN

**VACATION AND REPLAT
MCGEHEE SUBDIVISION**

A request by Dale and Stephanie McGehee for approval of a vacation and replat of one platted lot to create two single-family residential lots. The 10.5-acre property is zoned RR-5 (Residential Rural) and is located approximately one-quarter (1/4) of a mile north of the Hodgen Road and Thompson Road intersection, approximately one (1) mile west of Black Forest Road and is within Section 19, Township 11, Range 65 West of the 6th P.M. (Parcel No.51190-04-002) (Commissioner District No. 1)

PC ACTION: CARLSON MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, SF-21-011, FOR A VACATION AND REPLAT FOR MCGEHEE SUBDIVISION, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-063, WITH 11 CONDITIONS AND TWO (2) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Note for the record Ms. Fuller requested that item P-21-006 be pulled for a regular hearing and Mr. Carlson requested that item P-21-005 be pulled for a regular hearing as well. The two items were heard after the remaining Consent items were voted on, prior to resuming the regular agenda.

C. P-21-006

GREEN

**MAP AMENDMENT
WATERVIEW NORTH RM-30**

A request by CPR Entitlements, LLC, for approval of a map amendment (rezoning) of a 10.34-acre portion of a 46.31-acre parcel from A-5 (Agricultural District) to RM-30 (Multi-Dwelling). The parcel is located approximately one-eighth (1/8) of a mile northwest of the Bradley Road and South Powers Boulevard

intersection and is within Section 9, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55000-00-439) (Commissioner District No. 4)

Ms. Fuller - Our concern is having apartment buildings in such close proximity of the airport when this isn't currently zoned for that.

Mr. Carlson – Did we approve the sketch plan?

Mr. Green – Yes, all of these map amendments were previously identified in the June approval of a sketch plan amendment that was amending the 2018 latest version of the approved sketch plan. At that time the sketch plan amendment was altering previously approved commercial and industrial area to accommodate more multifamily residential to the north of Bradley Road.

Mr. Carlson – I would like to see what input the airport had on these.

Mr. Green gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a map amendment (rezoning), **Mr. Green** then introduced the applicant, **Mr. Charles Cothorn**, with CPR Entitlements LLC, to give their presentation. **Mr. Cothorn's** presentation is on permanent file.

Mr. Carlson – You mentioned that the development will be affordable housing. Define that for us.

Mr. Cothorn – I'm not building the final product, but basically their business plan is focused on veterans and incubating businesses. Because of that program they include grants from the Federal Government to help make these affordable products. I can't give you the numbers. **Mr. Carlson** – That's my trouble with these things. In the language of wanting us to approve it, the words "affordable housing" is used but nobody can define affordable house or guarantee that is what it is going to be. My other problem is when we look at the dimension on the east side of the project, it is 1400 square feet. The end of the runway is not that far from there. The planes will be coming right over this property, I'm flabbergasted at this, I am wondering who's going to want to live here with an airplane coming over 200 feet above your roof all day.

Mr. Cothorn – I know that on the south side they are building houses and selling them quickly. People want to live close to town, this area is the number one zip code in the country. I do know that Veteran Villas liked this site, and they liked the proximity to the airport and AFB and the city.

Ms. Lucia-Treese – I have a question for legal. Is it an appropriate question for us to ask who wants to live by an airport? I understand where **Mr. Carlson** is coming from. When I was stationed in Hawaii it was by an airport, it is called affordable housing for a reason. In my opinion that area is a great area for all that wants to be

developed here, especially Veteran Village. I think questioning who wants to live by an airport is not really germane to this.

Mr. Risley – Was there a specific question for our legal counsel?

Ms. Lucia-Treese – I'm just wondering if questioning who wants to live by an airport is something we should be considering?

Mr. Risley- In other words is there something in our approval criteria that speaks to that? I do believe that **Mr. Carlson** has a right to express a question whether it is germane or not. **Ms. Seago** do you want to offer any guidance?

Ms. Seago – So if we take the question literally, who wants to live by an airport, the criteria does not require the applicant to provide a list or define a class of people who want to live by an airport. If it is taken as a rhetorical device to express is multifamily housing appropriate this close to the airport, then absolutely that is within the balance of your inquiry.

Ms. Brittain Jack – My understanding is that the airport has a buffer zone correct? That you can't build anything other than business, correct?

Ms. Ruiz – The county has adopted additional layers and that is within chapter 4 of our LDC. It is called the CADO, the airport overlay. That includes the APZ 1, APZ 2. Within the APZ 1 and 2, there are limited uses. That is what **Mr. Cothorn** was talking about, where they clearly have a line indicated on their map, so they stay outside of that APC. The ADNL is for noise and you could approve residential to be allowed within that noise corridor. Typically, when that happens the applicant has to provide construction methods to mitigate sound. This is not within the ADNL is not a specific setback, no build or buffer, but there are limited uses in certain areas.

Ms. Fuller- I want to understand how the APZ zones were determined. To me this is a public policy question. I don't want my name on something that is putting someone in harm's way.

Ms. Ruiz – (Showed the Overall Rezone Map overhead. This is part of the public permanent record). APZ stands for accident potential zone. That is where the airport has identified that there could be higher case of accidents because that is where the airplanes are taking off and landing, so if something is going to go wrong most likely it will be there. Within the APZ 1 and 2 there are limited land uses. You cannot have residential within the APZ 1 and 2. There is no restriction outside of that for residential. The ADNL has to do with noise. That is a 65-decibel noise level. The airport conducted studies and asked us to adopt these additional layers. They determined that based upon the flight patterns there could be an increase to noise. The RM-12 and RM-30 properties that we are dealing with are not within those area. **Ms. Fuller** – Who determined the APZ zone? **Ms. Ruiz**- The airport. **Ms. Fuller**- Who at the airport, was it an engineer? **Ms. Ruiz**- I can't answer which

individual did. It was put in place many years ago and it consisted of many public hearings.

Mr. Carlson – If the line says APZ 1 is that also APZ 2 and the ADNL?

Mr. Cothorn indicated where the runway is located at within the different APZ zones on the “Approved Sketch Plan” on the overhead.

Ms. Ruiz – Ms. Seago can correct me if I am wrong, but I don’t believe we have the ability to further restrict land use if they were identified to be in those sub zones, because the sub zones are established.

Ms. Nunez – The APZ lines were done a long time ago, but yet the airport is expanding as you know, so is that something they look at again and update?

Ms. Ruiz – If they wanted to update those lines, they would need to go through the Board of County Commissioners for us to adopt different sub zones. If they wanted to restrict land use further, they would have to go through a process to have us update our land development code. If they wanted us to change the GIS that would have to go through the Board of County Commissioners as well. The layers depicted are based on their runways and the planes anticipated. I understand that there may be a request for the runways to change, but there is no requirement for them to update the layers any time at all.

Ms. Seago – With respect to our zoning actions I do believe you have the authority should you choose to be more restrictive than what those overlays provide. For example, if you feel a particular location is not appropriate for multifamily housing, even if it is outside the lines provided by the airport, you do have the discretion to do that. You would be harder press to be less restrictive.

Ms. Brittain Jack – So when the developer had to go through and get their approval for their different things, they had to go to the airport, correct? **Ruiz**- Correct. The airport has indicated they have no objection or concern with what is being proposed today.

Mr. Carlson- Didn’t I see in the staff report that the airport just didn’t respond?

Mr. Green- Right, for the most part they didn’t respond but they did comment in June on the sketch plan. So, they had the opportunity on both applications.

Mr. Green gave his full presentation to the Planning Commission. His report is on the permanent file. **Mr. LaForce** presented his drainage and transportation findings on behalf of **PCD Engineering**. His presentation is part of the permanent file.

Ms. Merriam – On the retaining ponds when you're doing multifamily living if the pond fails, is that a developer issue? **Mr. Laforce** – The detention pond gets sized specifically based off the type uses. We do have a pond maintenance agreement with the developer or HOA to maintain these private ponds, but the county does enter in a pond agreement that says if they aren't maintaining these ponds, then the county will go in and fix it and the developer will have to pay for it. **Ms. Merriam**- That is on a slope, right? So that would flow south? **Mr. Laforce** - The ponds will get place don the lowest spot. If there is a pond embankment, we will send that off to the state. The will double check that there is no potential hazard to downstream properties that if that embankment does fail there is no loss of life or anything like that. They will also provide additional mitigation if it is a high hazard classification. For this one it is likely that it will drain towards the road and continue on.

Ms. Nunez – Didn't the Master Plan put that area as an employment placetype? But this is increasing residential and taking from employment?

Mr. Green- You are correct, the Master Plan does identify this area as an employment center. In looking at the broader context of the neighborhood this area of the county is currently lacking in those commercial and employment services and with the amount of residential that is proposed in the area that is where that recommendation would have come from. In our review the multifamily is deemed to support those type of uses so that individuals can live close to where they work.

Ms. Blea- Nunez- Are we leaving enough space for that commercial industrial space to grow there, or are we covering it with housing?

Mr. Green – So the properties to the west of the subject parcel would be zoned for industrial and commercial uses. There are existing commercial services directly south of this property.

Ms. Brittain Jack – Did any of the neighbors have any negative comments?

Mr. Green - We did not.

IN FAVOR: NONE

IN OPPOSITION: NONE

REBUTTAL:

Ray O'Sullivan – We worked on this project for almost two and a half years processing the sketch plan amendment though with the goal to do a mixed-use project here compliant with the surrounding areas and I appreciate everything the staff has done. We went in front of the airport commission and ask that you approve our zoning consistent with the sketch plan.

DISCUSSION:

Ms. Fuller – So that is 300 apartments on that, so close to that line. I don't feel good about this, I don't agree with that.

Mr. Risley – I think this is one of those situations that is counterintuitive. You would prefer to have the densest development further away from the riskiest areas however the densest development is also close to the commercial and often times we want to see the denser development adjacent to commercial and then feather it out as you go out towards less intense uses.

Note for the record – Mr. Carlson recused himself from voting on this project due to a business relationship with Mr. O'Sullivan.

PC ACTION: BRITTAIN JACK MOVED/ LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, P-21-006, FOR A MAP AMENDMENT (REZONING) FOR WATERVIEW NORTH RM-30, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-064, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-1). MS. FULLER WAS THE ONLY NAY VOTE.

D. P-21-005

GREEN

**MAP AMENDMENT (REZONING)
WATERVIEW NORTH RM-12**

A request by CPR Entitlements, LLC, and PHI Real Estate Service, LLC, for approval of a map amendment (rezoning) of a 34.57-acre portion of two parcels from A-5 (Agricultural) to RM-12 (Multi-family). The two (2) parcels, totaling 68.41 acres, are located approximately one-quarter (1/4) of a mile northwest of the Bradley Road and South Powers Boulevard intersection and are within Section 9, Township 15 South, Range 65 West of the 6th P.M. (Parcel Nos. 55000-00-438 and 55000-00-439) (Commissioner District No. 4)

Mr. Green gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a map amendment (rezoning), **Mr. Green** then introduced the applicant's representative **Mr. Charles Cothorn**, to give a brief presentation.

Mr. Fuller- What is the zoning to the south?

Mr. Green- That would be RS-5000.

Mr. Cothorn – I would like to reiterate what staff said, we are feathering the project, that was part of the discussion with the staff as we came up with the plan. That is what we are trying to accomplish with recommendations from staff.

**IN FAVOR: NONE
IN OPPOSITION: NONE
DISCUSSION: NONE**

Note for the record - Mr. Carlson recused himself from voting on this project due to a business relationship with the applicant.

PC ACTION: BRITTAIN JACK MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2D, P-21-005, FOR A MAP AMENDMENT (REZONING) FOR WATERVIEW NORTH RM-12, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-065, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

E. I-21-001

GREEN

**MAP AMENDMENT (REZONING)
WATERVIEW NORTH INDUSTRIAL**

A request by CPR Entitlements, LLC, for approval of a map amendment (rezoning) of a 26.05-acre portion of two parcels from A-5 (Agricultural District) to I-2 (Light Industrial). The two parcels, totaling 82 acres, are located at the northwest corner of the Bradley Road and South Powers Boulevard intersection and are within Sections 8 and 9, Township 15 South, Range 65 West of the 6th P.M. (Parcel Nos. 55000-00-436 and 55000-00-439) (Commissioner District No. 4)

PC ACTION: FULLER MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2E, I-21-001, FOR A MAP AMENDMENT (REZONING) FOR WATERVIEW NORTH INDUSTRIAL, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-066, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

F. CS-21-001

GREEN

**MAP AMENDMENT (REZONING)
WATERVIEW NORTH COMMERCIAL SERVICE REZONE**

A request by CPR Entitlements, LLC, for approval of a map amendment (rezoning) of a 22.07-acre portion of two parcels from A-5 (Agricultural District) to CS (Commercial Service). The two (2) parcels, totaling 82 acres, are located at the northwest corner of the Bradley Road and South Powers Boulevard intersection and are within Sections 8 and 9, Township 15 South, Range 65 West

of the 6th P.M. (Parcel Nos. 55000-00-436 and 55000-00-439) (Commissioner District No. 4)

PC ACTION: LUCIA-TREESE MOVED/CARLSON SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2F, CS-21-001, FOR A MAP AMENDMENT (REZONING) FOR WATERVIEW NORTH COMMERCIAL SERVICE, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-067, WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Regular Items

3. U-21-002

HOWSER

APPROVAL OF LOCATION MOUNTAIN VIEW FIBER PROJECT

A request by Mountain View Electric Association (MVEA) for an approval of location to allow for the construction of infrastructure related to a new fiber optic service for residents of El Paso County within the entirety of the MVEA service area. The project is comprised of installation of underground fiber optic lines to be contained within easements and public rights-of-way as well as the construction of structures to house equipment and maintenance materials. (Commissioner District Nos. 1-4) (Identification of the applicable parcels is on file with the El Paso County Planning and Community Development Department)

Mr. Howser gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for an Approval of Location which is a final action, meaning the item will not be forwarded to the Board of County Commissioners. **Mr. Howser** then introduced the applicant, **Amanda Hall** on behalf of Mountain View Electric Association. **Ms. Hall's** presentation is part of the public record.

Ms. Brittain Jack – I know that the state passed legislation that local communities could not provide fiber to residents and I know the City of Colorado Springs opted out of that in 2017. Do you have to opt out of that legislation?

Ms. Hall – I'm not familiar with that legislation, but I do know that electric cooperatives across the country are being seen as the solution to provide broadband service to the rural America because our infrastructure already exists. We've taken a plan with Conexon to not stand up our own fiber subsidiary, which is the traditional approach but to lease our excess capacity.

Ms. Seago- I don't believe that MVEA would be required to take any steps to opt out of that prohibition in the statute, but I can tell you that El Paso County did. It was approved by the voters.

Mr. Howser gave his full presentation to the Planning Commission. His report is on the permanent file.

Mr. Carlson – Is the underground fiber pulled through existing conduit or are you going to need to dig again?

Mr. Contorno - It is pulled through the conduit.

Mr. Carlson - Do we need to alter the application to include the twenty buildings that might come up? So, the applicant doesn't have to come back each time.

Ms. Seago – I think the issues is that the applicant isn't certain yet where they will go. So, it is hard to approve a location when I don't know what the location is. If you are comfortable saying they can go anywhere they want in their service area, I suppose you could do that. **Mr. Carlson** – The executive summary says one building. I just want to make sure this is the final deal, and they can do what they need to do.

Ms. Hall – The fiber huts will be located right adjacent to our substations on our property, right outside the fence line. IN situations where we have substations relatively close to each other because of density we might not need a fiber hut. While we might have 23 substations located in El Paso County, we might only end up needing 19 fiber huts.

Ms. Fuller- Can we just approve it saying they can build up to 22 if it is adjacent to one of their substations?

Ms. Seago – My concern is the notice. The public has been noticed for one and not the others.

Mr. Risley – The agenda item doesn't indicate a number or location. I would agree with my fellow commissioners that if we can create a scenario here where you can build what you need to build without having to come back for any further approval, I think that would be wise of us.

Ms. Seago – I will note that the staff report that is online and available to the public indicates one small structure, though the agenda is not limiting to just one.

Ms. Ruiz – The notice that was posted doesn't include a limit on structures. In the applicants' letter of intent which reflects many structures will be proposed as part of this project. Staff's preference would be not to come back 22 times for an approval of location.

Mr. Risley – I would agree with that, but I will defer to the attorney.

Ms. Seago – Unfortunately my recommendation would be coming back for the balance of the huts.

Mr. Carlson – Can we approve the one structure, and they can come back with just a brief notice that alerts the public they can build up to 22 so they don't have to go through the whole development plan again?

Ms. Seago – I defer to planning, but I do think we need to come back once in some fashion.

Ms. Lucia-Treese – Is this be something that can be approved by Mr. Dossey?

Ms. Seago – It is not, statutorily it has to be the Planning Commission.

Ms. Ruiz – We can put this on the December 2nd Planning Commission agenda, knowing that the applicant isn't going to be able to tell us where the structures will be located. Instead, we can say that the additional huts will be up to 25 (estimated) and located within "x" amount of the lines.

Mr. Risley – I would suggest the key will be that these huts will be constructed on Mountain View property, so that there is no question about that.

Ms. Merriam – How does this broadband plan affect existing providers?

Ms. Hall- There are a few existing ISPs located in our service territory. It was very important to our board that we do not discriminate and choose pockets of our territory to serve at the speeds and price points we will be offering and not to others, healthy competition is not a bad thing. We want to make sure that every member of MVEA has access to the service that others do.

Ms. Merriam- Are you saying that you are competitive in prices and services to the existing providers that are already in that space?

Ms. Hall- Yes, if our speeds are not lower or less expensive, we are a direct competition to existing ISP's that happen to provide service in our area.

Ms. Merriam – The notice you posted didn't seem like it was in the Falcon Herald, is that correct?

Mr. Howser- The applicants' notice was included in all of the service members utility bills that the application was being submitted to the county. The county's notice was in the newspaper.

Ms. Shaffer - Every one of our members have been notified by mail and followed up by land agents.

Ms. Merriam- Do you guys move the dirt and put it back as found? **Ms. Shaffer** - Yes. **Ms. Merriam** – Is Conexon a publicly traded company? **Ms. Shaffer** – It is a privately owned company based out of Kansas City.

Ms. Fuller- I think this is awesome. Having the ability to have broadband in our rural areas is a game changer.

IN FAVOR: NONE
IN OPPOSITION: NONE

DISCUSSION:

Mr. Risley – The need for this infrastructure is critical and I personally express my gratitude. Thank you for what you are doing for rural parts of the county.

Ms. Lucia-Treese – I am a MVEA customer and when I heard about this, I got very excited. I am thrilled that you have taken on this project.

PC ACTION: LUCIA-TREESE MOVED/FULLER SECONDED TO MOVE REGULAR ITEM 3, U-21-002 APPROVAL OF LOCATION FOR MOUNTAIN VIEW FIBER PROJECT, DATE CERTAIN TO THE DECEMBER 2, 2021 PLANNING COMMISSION HEARING. MOTION PASSED UNANIMOUSLY (9-0).

Note for the record, a quick recess was called at 10:50 A.M., the hearing reconvened at 11:00 A.M., quorum is still in place.

4. U-21-001

HOWSER

APPROVAL OF LOCATION
COLORADO SPRINGS UTILITIES NE GRAVEL STAGING AREA PROJECT

A request by Colorado Springs Utilities for an approval of location to allow for a gravel staging area to provide materials to support Colorado Springs Utilities infrastructure projects. The property is zoned RR-5 (Rural Residential) and is located approximately 900 feet west of the North Carefree Circle and Marksheffel Road intersection and is within Section 29, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53294-00-005) (Commissioner District No. 2)

Mr. Howser gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for an Approval of Location, **Mr. Howser** then introduced the applicant's representative, **Derek Holscherr**. **Mr. Holscherr's** presentation is part of the permanent record.

Mr. Carlson – Does that elevation change take place on your property or the adjacent property?

Mr. Holscherr – The grade starts sloping down to the west of that property line. We will be grading the site from west to east as well to that four foot. **Mr. Carlson** – So you're going to lower the elevation of the dirt? **Mr. Holscherr** – Correct.

Ms. Brittain Jack – Why would the City of Colorado Springs not annex this piece of land? Is the propane plant in the City? **Mr. Holscherr** – The propane plant is in the county as well.

Mr. Howser – This particular property is not contiguous to the City boundary, but the City of Colorado Springs was sent a request for comment and they didn't have any comments at this time.

Ms. Merriam – Since you will have different materials and there are huge winds and you're so close to residential, how will you mitigate that materials flying around?

Mr. Holscherr – The piles within the staging yard will never be higher than the fence. The slats will hopefully provide some shelter from the wind. They were considered in the wind load calculations for the fence, so it is believed at this time that the slats will withstand any significant wind events. Also, with the type of materials planned to be there, we are not anticipating any leaving the site.

Ms. Fuller – Is this a permanent use you are planning to have?

Mr. Holscherr – For the foreseeable future, yes.

Mr. Carlson – The application says approval of location, is there a reason we're not rezoning this to allow them what they want to do? Does the City get a break?

Mr. Holscherr – My understanding is that the use is allowed in that zone district, so there's no need for a rezone.

Mr. Howser – If we were to entertain a rezone, we would need to rezone to an industrial district, which might not be appropriate for the area, however we have determined it to be appropriate for the location process as a public use.

Mr. Carlson – Can private parties do that?

Mr. Howser – They would need to meet the criteria in the code to be considered a public utility or a public use in order to qualify for the application.

Ms. Fuller – Is this another one of those that even if we don't approve it, they can still do it.

Ms. Seago – Yes.

Mr. Risley- So if we deny this today, it will go back to the utilities board who would bless it.

Ms. Brittain Jack – I don't understand why the city doesn't annex it and why we are approving it if it doesn't matter if we do or not.

Ms. Seago- There has to be contiguity for them to annex it and as Mr. Howser stated, there is no contiguity, and it's the City's choice whether they want to annex it or not, we can't force that issue. If the pc were to deny this and it goes back to the utility board. The Planning Commission can send a rep to the board and make your concerns known, and they can certainly take that into their consideration.

Mr. Howser gave a brief presentation to the Planning Commission. His presentation is part of the permanent record.

Ms. Fuller – Have other locations been explored?

Mr. Barden – We did explore about ten other sites and based off cost and land use this is the best option we found. We looked at using other locations within the City, but at the end of the day this site provided the best access in and out.

Ms. Fuller – what other places did you look?

Mr. Barden– We looked at an area by a substation by Woodmen and union, other areas off of Tuft, their basic use was for storm water. We then looked at purchasing the property to the south of Briargate by an existing substation and that landowner denied us because of the structure he is currently erecting. **Ms. Fuller**- So pretty much limited to only Colorado Springs property. **Mr. Barden** – Correct.

Mr. Howser – I would like to remind the Commission that the main criteria of approval is the master plan consistency with this type of application.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Ms. Fuller - I am not in favor of this. I think this is a lousy thing to do to neighbors. This reminds me of the concrete batch plant where the problem was that they couldn't find a location that was convenient enough for them. I think this is an obnoxious use. I think it will significantly affect Covington Homes' ability to sell those homes at a market rate. I think this is conflict waiting to happen. I am a Colorado Springs Utilities customer; I would hope that my board would choose to be a good neighbor.

Ms. Merriam - The wind is a big deal, and I don't think the slotted fence will be efficient.

Mr. Howser- I do just want to make one point of clarity that might be worth mentioning they do have a provision that includes wetting the area to prevent dust from flying around.

PC ACTION: CARLSON MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4, U-21-001, FOR AN APPROVAL OF LOCATION FOR COLORADO SPRINGS UTILITIES NE GRAVEL STAGING AREA PROJECT, UTILIZING RESOLUTION PAGE NO. 11, CITING, 21-068, WITH FOUR (4) CONDITIONS, AND ONE (1) NOTATION (7-2). MS. FULLER AND MS. MERRIAM WERE THE NAY VOTES.

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 December 2, 2021 hearing.