

EL PASO



COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission (PC) Meeting
Tuesday, December 6, 2016
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

PRESENT AND VOTING: TIM TROWBRIDGE, JIM EGBERT, JERRY HANNIGAN, ALLAN CREELY, SABRINA RAINEY, KEVIN CURRY, TONY GIOIA, AND BRIAN RISLEY.

ABSENT: BOB NULL, BOB CORDOVA, AND ANDREW WIMBERLY

STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, ELIZABETH NIJKAMP, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT: WILLIAM GUMAN; TERRY GALLOWAY; JAMES NELSON; CHRIS MEYER; KEVIN DEARDORFF ; JUDY VAN AHLEFELDT; NICHOLAS LOVEZZO; LORI SOLGADO; KELLY CHRISTENSEN; JENNIFER IRVINE, EI PASO COUNTY ENGINEER; AND VICTORIA CHAVEZ, EL PASO COUNTY PRINCIPAL TRANSPORTATION PLANNER; ELAINE KLECKNER, EL PASO COUNTY PARKS

1. Report Items

- A. Planning and Community Development Department – Kari Parsons** 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. Mr. Craig Dossey** gave an update on why the Board of County Commissioners denied the Happy Buddha Wellness Center request. He also reported that the December 20, 2016 meeting will offer Passageways training as well as a luncheon.

2. Consent Items

- A. Approval of the Minutes – October 18, 2016 and November 1, 2016**
The minutes were approved unanimously. (8-0)

- B. P-16-006**

PARSONS

**MAP AMENDMENT (REZONE)
MEADOWBROOK CROSSING**

A request by Meadowbrook Crossing, LLC, for approval of a map amendment (rezoning) of 32.27 acres from I-2 (Limited Industrial) and CR (Commercial Regional) to RS-5000 (Residential Suburban). The property is located north of

2880 INTERNATIONAL CIRCLE, SUITE 110
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COLORADO SPRINGS, CO 80910-3127
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Highway 24, east of Peterson Road, and adjacent to Meadowbrook Parkway.
(Parcel No.54080-00-055)

Mr. Curry -- Will there be similar concerns like past rezone requests? Will there be an issue with adjacent commercial properties and setbacks? Answer from **Ms. Parsons** – The previous rezone request was for residential adjacent to industrial. This request is for residential adjacent to commercial. The setbacks for commercial are significantly less than residential. Additionally, a condition of their rezone requires the developer to incorporate the 15 foot buffer within his property.

PC ACTION: GIOIA MOVED/CREELY SECONDED TO APPROVE CONSENT ITEM NO. 2B, P-16-006 APPROVAL OF A MAP AMENDMENT (REZONE) FOR MEADOWBROOK CROSSING (UTILIZING RESOLUTION PAGE 27 MORE PARTICULARLY DESCRIBED ON PAGE 16-058) WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS (BOCC) FOR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).

Regular Items
3. SKP-16-001

PARSONS

**SKETCH PLAN AMENDMENT
GLENEAGLE**

A request by Westbrook Capital Holdings, LLC, for approval of a sketch plan amendment for 132.69 acres zoned RR-5 (Residential Rural). The property is located north of Northgate Road, south of Wuthering Heights Drive, along both sides of Gleneagle Drive. (Parcel Nos. 62062-01-096, 61313-02-039, 62061-02-079, 62061-04-033, 62062-05-008).

A request for the items to considered together was granted.

Mr. Hannigan made a disclosure statement that he has not been involved in the sketch plan amendment in his association with Tri-Lakes Land Use Committee and will be a voting member on this request.

Ms. Kari Parsons introduced the applicant **Mr. William Guman** for his presentation and answered questions from the Planning Commission.

(Answers from Mr. Guman)

Mr. Trowbridge – In terms of access to open space to both new and proposed development, they are not cutting off any access points? Answer – No, those access points will not be cut off. In fact, we’ve planned for additional access easements to the planned open space areas.

Mr. Trowbridge – I didn’t see GCA [Gleneagle Civic Association] as a party to the agreement? Answer – I will defer to Ms. Fredman with regard to the development agreement.

Mr. Hannigan – Is the open space area owned and maintained privately but available to the community and the general public? Answer – yes that’s correct. It’s addressed in the development agreement.

Ms. Parsons gave her presentation to the Planning Commission and answered questions from the panel. Her PowerPoint presentation is on permanent file.

IN FAVOR:

Ms. Terry Galloway, resident. I am in favor of the sketch plan. The rezone makes a great deal of sense. My concern is you are rezoning an area of 56 acres, but we don't exactly know the subdivision boundaries and how the lot layout will look. Are things like drainage and access issues still being discussed and can those things change? Answer from **Mr. Trowbridge** – the individual lots are still fluid, but the zoned area will be set. There will be opportunity for more public input at the preliminary plan and final plat stages.

Mr. Kevin Deardorff, GCA Board of Directors and resident – For the past two years the GCA Board has been working on this project with the developer and the residents. During the entire course of that time, Mr. Guman has been very open to information, plans, etc. to all our residents. An amendment to the covenants was sent out to our members and a majority (2/3 vote) in approval of this development has been received to date.

(Answers from Mr. Deardorff)

Mr. Egbert – The GCA can afford to take care of open space maintenance, is that correct? Answer – yes, I believe we can. We have a yearly budget of \$30,000 and other means of donation/support.

Mr. Hannigan – Can you address the question of usage of this open space? Obviously, GCA will use this space, but what are you envisioning to be public use? Answer – We have no plans to bar access to the residents or general public.

Mr. Gioia – You stated that you have received 2/3 majority vote for the HOA amendments. What is the current membership? Answer -- We have 646 property owners in the GCA HOA.

AGAINST:

Mr. Chris Meyer – I live adjacent to the golf course. I am concerned about loss of open space, depreciated home values, migratory birds leaving the area, overall increased traffic, and years of construction traffic.

Mr. James Nelson – I am kind of in favor and kind of opposed. I have lived here since 2009 and I enjoy living there, but I realized about four years ago that the golf course was closed and something was sure to happen. This is probably the best plan we can get, but my concern is the traffic issues that will occur along Gleneagle Drive and Mission Hills Way. I think the notification process could be better as well. I found out about this through an email from another resident.

Mr. Guman had an opportunity for rebuttal. The concerns from Mr. Meyer have been addressed by leaving a great deal of open space and not fully developing the area. The RS-6000 zoning yield study would allow for approximately 250 additional homes. We understand that this would not have been received well by the residents. Mr. Galloway asked if the boundaries would change. The lot placement may change slightly. There is 32.91 acres is what is set aside for the rezone with only 56 lots. 10,000 s/f lots are the minimum that are permitted in this development. The proposed lots will be approximately 17,000 s/f, which is

much greater than the minimum requirement. The wetland designation has been identified. An environmental engineer was hired and those designated areas will remain off limits in order to preserve those wetland areas. The traffic issues were addressed in our traffic study, completed by LSC. The construction impact will hopefully be much less than anticipated. With regard to notification, we had two neighborhood meetings. As far as formal notification, we are required to notify to the immediate adjacent property owners. We sent out over 230 certified letters while the office of Planning and Community Development sent out 284. Unfortunately, Mr. Nelson's property was not immediately adjacent. I encourage the Planning Commission to consider all that we have presented and ask for your approval recommendation so that we can move forward.

Mr. Hannigan -- The area of the infill development is off slightly in the development agreement. Is it 32.91? Answer – Yes, that number will be corrected.

DISCUSSION:

Mr. Creely – I'd like to commend Mr. Guman and Ms. Parsons for their presentations. I've looked at policy analysis. I'm encouraged that this is an infill development. I looked at all the policy considerations. This is an aesthetically pleasing development. The review criteria seem to be met. The objectives seem to be met. In my opinion, this is a good thing. I wish we saw more projects of this nature.

Mr. Gioia – I want to echo Mr. Creely's comments. I also want to commend the developer on making this such a pleasing development. There are always going to be things that become issues, but I believe they've done great work in completing the infill area. I will be in support of this project.

Mr. Risley – I also support those comments from my colleagues. I'm reassured that there will be future opportunities for further public input. One issue that we haven't heard that we will is the issue of water, which I know we will hear during the preliminary plan and final plat stages. In my opinion, this may actually have less of an impact on water than what we typically would see with golf course water usage. This is a very good project and makes good use of the area. I will be voting in favor of the request.

Mr. Curry – I am going to take an opposite view. There was a 2010 development agreement that stated the things that will happen if the golf course did not stay in operation. I don't have confidence in the protection of the development agreement. I cannot in good conscience support this request because of the lack of protection. The 2010 agreement did not and I don't anticipate this one will either. We will probably see another rezone application in the future. I will be voting against this and others that don't comply with the 2010 agreement.

Mr. Egbert – My wife and I lived in a golf course residential area in Arizona. The drawback is that you don't get to utilize it much unless you are a golfer. From what I hear today, this is the best way to replace that area with usable space. From what I've heard, the GCA will support and maintain it, and I will be voting for it.

PC ACTION: HANNIGAN MOVED/GIOIA SECONDED TO APPROVE REGULAR ITEM NO. 3, SKP-16-001 APPROVAL OF ASKETCH PLAN AMENDMENT FOR GLENEAGLE GOLFCLUB (UTILIZING RESOLUTION PAGE 35 MORE PARTICULARLY DESCRIBED ON PAGE 16-059) WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS

ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS (BOCC) FOR CONSIDERATION. THE MOTION WAS APPROVED (7-1). MR. CURRY VOTED NAY.

4. P-16-004

PARSONS

**MAP AMENDMENT (REZONE)
GLENEAGLE GOLFCLUB**

A request by Westbrook Capital Holdings, LLC, for approval of a map amendment (rezoning) of 32.91 acres from RR-5 (Residential Rural) to RS-6000 (Residential Suburban). The property is located north of Northgate Road, south of Wuthering Heights Drive, and along both sides of Gleneagle Drive. (Parcel Nos. 62062-01-096, 62061-04-033 and 62062-05-008)

PC ACTION: HANNIGAN MOVED/GIOIA SECONDED TO APPROVE REGULAR ITEM NO. 4, P-16-004 APPROVAL OF A MAP AMENDMENT (REZONE) FOR GLENEAGLE GOLFCLUB (UTILIZING RESOLUTION PAGE 27 MORE PARTICULARY DESCRIBED ON PAGE 16-060) WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS (BOCC) FOR CONSIDERATION. THE MOTION WAS APPROVED (7-1). MR. CURRY VOTED NAY.

5. MP-16-001

CHAVEZ

**AMENDMENT TO THE COUNTY MASTER PLAN
UPDATE TO THE EL PASO COUNTY MAJOR TRANSPORTATION
CORRIDORS PLAN**

A request by the El Paso County Department of Public Works to amend the El Paso County Master Plan by adoption of the update to the El Paso County Major Transportation Corridors Plan. The 2016 Major Transportation Corridors Plan will replace in its entirety the 2011 Major Transportation Corridors Plan (MP-11-001), which replaced the 2004 Major Transportation Corridors Plan. The planning area includes all of unincorporated El Paso County.

Ms. Jennifer Irvine gave thanks to the many individuals who helped to orchestrate and develop the MTCP Plan proposal. She then introduced **Ms. Victoria Chavez** for her presentation to the Planning Commission and answered questions from the Planning Commission.

Mr. Risley left the meeting at 11:45 a.m. There is still a quorum.

IN FAVOR: (with some opposition)

Ms. Judy Van Ahlefeldt – Ms. Chavez did a remarkable job. However, the public process was weak. The 2004 MTCP was held up because traffic models were inaccurate and we continue to use those models. I believe we need another option for 2-lane road sections. There needs to be a turn lane (refuge lane) in the center to accommodate turning traffic. Subdivision roads in Black Forest are being used as collector roads. The 2011 Plan had Milam Road removed. If you approve this today, there needs to be something in the record that the road structure is unstable in Black Forest and needs further consideration.

Mr. Kelly Christensen – representing 33 residents in Black Forest area. We do not object to properly planned development. We were not notified but we did submit our comments to Ms.

Chavez. Unfortunately, none of those comments were incorporated into her study. Direct access to Highway 83 is requested. We commissioned an independent review of LSC's Traffic Impact Analysis and CDOT's response. High Forest Ranch has private roadways, and we completely understand the impact to roads because now we are dealing with dilapidated roads. Highway 83 between Shoup and Hodgen Roads are identified as "uncongested." Our information indicates it's almost to full capacity, so there is confusion as to how and why they categorized those roads as such. There is no money budgeted to upgrade Highway 83 to a 4-lane road as assumed by LSC's Traffic Impact Analysis. Wescott Fire Department boundary does not include Flying Horse North. Black Forest Fire Department boundary includes the majority of the area. High Forest Ranch residents built with the knowledge and understanding that El Paso County had no plans/needs to establish a road between its community and Shamrock Ranch. Option 1 – Remove proposed access to Highway 83; Option 2 – Connect Highway 83 and Holmes Road between Cathedral Pines and new development; Option 3 – insert new road halfway between High Forest Ranch and Wismer Ranch as well as extend Milam Road.

AGAINST:

Mr. Nicholas Lavezzo – I own one of the properties that is only 15' away from the proposed road. Why is Stagecoach the best access when something in the middle of that undeveloped area makes more sense? East/west access is inevitably necessary, but my opinion would be that it makes more sense for all development to have access be more centered.

Ms. Lori Salgado – I'd like to question whether this is the right time to make the decisions with regard to this area. Development may or may not happen. Perhaps we could wait for a connection to Stagecoach Road.

Ms. Chavez had an opportunity for rebuttal. We did hear comments from all these residents. This is a high level plan. We provide a general alignment when development comes through. It does not look at individual lots. We recognize there are areas of uncertainty. We try to update this plan every five years, but it's our best projections. This plan looks at Average Daily Impact while CDOT looks at peak impacts.

DISCUSSION:

Mr. Curry – There's a saying that says "All models are wrong, some are useful." I find this one useful. The one question I have is what would be the impact if that area were removed. Answer – We would not have the authority for a Right of Way to build a road if it's not in the plan.

Ms. Rainey – You have a ROW on the map now, what if the Board doesn't allow it in the future, can it be moved? Answer – yes, we look at it from a high level, not at ground level. If we need to move it slightly, we are able to do that.

Mr. Egbert -- I feel confident with your presentation that adjustments and/or allowances can be made if needed.

Ms. Jennifer Irvine – There are opportunities to make adjustments through development applications.

PC ACTION: EGBERT MOVED/HANNIGAN SECONDED TO APPROVE REGULAR ITEM NO. 5, MP-16-001 APPROVAL OF AN AMENDMENT TO THE COUNTY MASTER PLAN, UPDATE TO THE EL PASO COUNTY MAJOR TRANSPORTATION CORRIDORS PLAN UTILIZING RESOLUTION PAGE 03 MORE PARTICULARLY DESCRIBED ON PAGE 16-057) WITH TWO (2) CONDITIONS AND FOUR (4) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS (BOCC) FOR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

Mr. Gioia left the meeting at 1:15 p.m. There is still a quorum.

6. ECM-16-001

IRVINE/DOSSEY

**EL PASO COUNTY ENGINEERING CRITERIA MANUAL
REVISION TO SIDEWALK CONSTRUCTION STANDARDS**

The El Paso County Public Works Department, in coordination with the El Paso County Planning and Community Development Department, request approval of amendments to the El Paso County Engineering Criteria Manual (ECM) pertaining to sidewalk construction. The primary purpose of the amendments is to revise the thickness design standards for certain sidewalks in association with new developments located within the RS-5000 (Residential Suburban), RS-6000 (Residential Suburban), and PUD (Planned Unit Development) zoning districts. The request also includes the ability to administratively approve other associated amendments necessary to carry out the intent the proposed amendments. (ECM-16-001)

Mr. Craig Dossey gave the presentation to the Planning Commission and answered questions.

Mr. Curry – I'm wondering why trails are not addressed? Answer from Mr. Dossey – This only applies to sidewalks in developments so that we are not passing along damaged product to the Public Works Department. This burden is on the developer and not the builders.

Ms. Jennifer Irvine noted that this has been a good example of working together with the HBA on what has been an issue for many years.

IN FAVOR: None

AGAINST: None

PC ACTION: EGBERT MOVED/RAINEY SECONDED TO APPROVE REGULAR ITEM NO. 6, ECM-16-001 APPROVAL OF AN AMENDMENT TO THE EL PASO COUNTY ENGINEERING CRITERIA MANUAL, REVISION TO SIDEWALK CONSTRUCTION STANDARDS UTILIZING RESOLUTION NUMBER 16-061 AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS (BOCC) FOR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (6-0).

**AMENDMENT TO COUNTY PARKS MASTER PLAN
ESTABLISHMENT OF AN HISTORIC SITE CLASSIFICATION**

The El Paso County Community Services Department requests approval of an addition to the El Paso County Parks Master Plan (2013), an element of the El Paso County Master Plan, to add an historic site classification. The Parks Master Plan currently includes classifications for different types of park assets, such as regional parks, regional recreation areas, community parks, neighborhood parks, pocket parks, regional open space, and primary and secondary regional trails, but there is no classification for historic or culturally significant properties. If approved, it is anticipated the Rainbow Falls Recreation Area will be considered for an historic site classification.

Ms. Elaine Kleckner gave her presentation to the Planning Commission and answered questions.

IN FAVOR: None

AGAINST: None

DISCUSSION:

Mr. Curry – Does it make sense or is it appropriate for the Planning Commission to be a review body in the process of deeming a property a historical site since it has a lot to do with and could impact land use?

Ms. Seago – I don't know that there's a specific legal answer of yes you can do it or no you can't. It's certainly possible to make the Planning Commission a review agency. From a policy standpoint, I think it makes sense when we are speaking in terms of the land use application that you've seen. For example, if you have a hearing on a subdivision or rezone application, where one of these potential features exist, and the Parks Department identifies it as such; the assume that during the review process, the Parks Department is going to make recommendations regarding setting aside a certain amount of open space or other area in conveyance of that asset to the County. In which case, you will see that as part of the development review. If we are talking about something that is already owned by the County, and subject to the Board of County Commissioners, policy-wise I don't know that it's necessary for the Planning Commission to take a look at that because its already owned by the County. If it's something that the County hopes to acquire, on its own outside of the development process, again I don't know that it affects land use in and of itself; so I think you will see those that are relevant to land use in the normal review process. I don't know that it is necessary to insert that into the Master Plan because I think you will otherwise see it if it relates to a development type action.

(Answers from Ms. Kleckner)

Mr. Curry -- One of the things that I'm constantly concerned about is that there's a tendency to react to something that is emotional. I would be far more comfortable to consider a time delay,

maybe one or two years, to where a historical classification couldn't happen for that period of time. It may keep from having a lot of interest and then a few years down the road people wonder why they did something hastily. Answer – There are projects that are time sensitive for protection, such as Rainbow Falls. Funds are more available once the classification has been made as well. Vandalism is a concern where areas become more dilapidated without that classification.

Mr. Curry responded that properly phrased language might provide for a time delay while still allowing for time-sensitive action such as Rainbow Falls. He said he would propose an addition to the relevant section of the plan that reads, *Action to apply historic site designation shall not be undertaken for a period of one year after such a nomination is made, except by unanimous Park Advisory Board endorsement and unanimous Board of County Commissioners formal action.*

Ms. Rainey – Something to be designated historical, what if that was on a private property? Are we overreaching now to be involved in private property? Answer – It would only apply to County property.

Mr. Hannigan – If something comes to the County as a land use issue, would it be a situation that during the acquisition of the property, the need for that historical classification be brought to the County? Answer – An individual master plan would be created for the acquired property and an assessment of the property be made at that time. If the County wants to treat it as open space or a park or a historical site, it would happen during that assessment. Cultural and historical values are weighed as part of that process.

Mr. Hannigan – Obviously there is an ability to control or limit access. At what level do we have some assurance that the County can't stop access from some of those sites, such as Rainbow Falls? Answer – I think that the public process is there to ensure the public access and rights are protected.

Mr. Trowbridge – In the packet you have provided us with the current classifications. So this would create a 4th site classification? Answer – That is correct.

Mr. Trowbridge – Currently Rainbow Falls comes under a Park classification. Answer – yes.

Mr. Trowbridge – Is vandalism not already illegal? Answer – It is, but I think it gives us more power to enforce those acts. It gives a recharacterization of what that site is. Park policies are more open and the historic classification gives more teeth to enforce.

Mr. Trowbridge – It sounds like it's a cultural change in enforcement in whether authorities have been choosing to write tickets or not. I don't see where the new classification will help this. There is nothing statutory that dictates anything different. Answer – It gives an opportunity for more respect for cultural and historical celebration.

Mr. Trowbridge – Does a historical site classification open more doors for grant monies? Answer – Yes that is a possibility.

Mr. Hannigan – I understand your comments and they are well taken. By the same token, in one sense I wonder how we got this far without this type of classification. I think it is worthwhile,

and I think Elaine has concentrated on the fact that hopefully it raises awareness to the community to be more respectful to those sites.

Mr. Egbert – Rainbow Falls is an important part of our community here in El Paso County. Hopefully it does make people consider the assets we have and act more appropriately.

THIS ITEM WILL COME TO THE PLANNING COMMISSION ON DECEMBER 20, 2016 FOR THE SECOND FORMAL HEARING.

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.

Minutes were approved at the 12/20/2016 meeting.