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**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, September 21, 2023  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, JEFFREY MARKEWICH, ERIC MORAES, BRYCE SCHUETTELPELZ, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** JIM BYERS.

**PC MEMBERS ABSENT:** BRANDY MERRIAM, KARA OFFNER, AND WAYNE SMITH.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, CARLOS HERNANDEZ MARTINEZ, JEFF RICE, JOE LETKE, RYAN HOWSER, DANIEL TORRES, LEKISHIA BELLAMY, KARI PARSONS, MIRANDA BENSON, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** DAVID ELLIS AND KAYLIE DREW.

#### **1. REPORT ITEMS**

**Mr. Kilgore** advised that the next PC Hearing is Oct. 5, 2023. The applicant for item number 3D of the current agenda has requested a continuance to a date certain of Oct. 19, 2023.

#### **2. Call for public comment for items not on the hearing agenda.**

**Mr. David Ellis** commended the Planning Commission (PC) for their objective application of the zoning and land-use standards regarding the Colorado Pumpkin Patch (CPP). He recapped that the Special Use request to increase the allowed number of cars on the residential lot was recommended for denial by the PC. He stated the decision recognized the right of the current residents to peaceably enjoy their properties. He further stated the decision signaled that the provisions within the LDC, established through previous public comment and debate, should not be arbitrarily swept aside to

allow one business to make money at the detriment of its neighbors. He further reiterated that only one week after the PC's recommendation, the BOCC unanimously went in the opposite direction and approved the Special Use request. He stated the residents feel betrayed by the BOCC, who he stated cast aside the LDC restrictions, in favor of a special interest, possibly their own self-interest. He stated the agritainment concept is relatively new; adopted in 2017. He believes it was written specifically to enable the CPP to relocate from its proximity to Matthew Dunston's Preserve at Walden housing development into the existing residential neighborhood of Canterbury. Before the LDC amendment, agritainment would only have been allowed within agricultural or commercial zoning districts. He mentioned that Mr. Dunston donated a 23-acre site for the Monument Academy High School and has donated thousands of dollars to current Commissioners' campaign funds. He believes that whatever Mr. Dunston wants from the Commissioners, he gets. He thinks the concept of agritainment, as it is written in the LDC, has "gone off the rails". He stated the CPP is far from the examples of corn mazes or farm tours and has morphed into an outdoor amusement park.

### **3. CONSENT ITEMS**

#### **A. Adoption of Minutes of meeting held September 7th, 2023.**

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).**

#### **B. SF2224**

**BAGLEY**

##### **FINAL PLAT THE GLEN AT WIDFIELD FILING NO. 12**

A request by Glen Investment Group No. VIII, LLC for approval of a Final Plat to create seventy-nine (79) single-family residential lots and three (3) tracts. The 27.23-acre property is zoned RS-6000 (Residential Suburban) and is subject to the CAD-O (Commercial Airport Overlay) district. The property is located on the west side of South Marksheffel Road, approximately one-half of a mile south of Fontaine Boulevard. (Parcel No. 5522000010) (Commissioner District No. 4).

#### **NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: FULLER MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3B, FILE NUMBER SF2224, FOR A FINAL PLAT, THE GLEN AT WIDFIELD FILING NO. 12, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVENTEEN (17) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

#### **C. SF2232**

**HOWSER**

##### **FINAL PLAT SOLACE APARTMENTS FILING NO. 2**

A request by CS Powers & Galley, LLC for approval of a 7.685-acre Final Plat illustrating one (1) multi-family residential lot to support development of 108 multi-family dwelling units. The property is zoned RM-12 (Residential, Multi-Dwelling) and is subject to the CAD-O (Commercial Airport Overlay) District. The property is located at the northeast corner of the intersection of North Powers Boulevard and Galley Road. (Parcel No. 5407205047) (Commissioner District No. 4).

#### **NO PUBLIC COMMENT**

## **DISCUSSION**

**Mr. Trowbridge** asked for clarification regarding the recommended water finding.

**Ms. Seago** clarified that the County Attorney's Office has provided a recommended finding of conditional sufficiency because before Cherokee Metro District's "Commitment to Serve" can be complete, they require that a copy of the Final Plat approval be provided to them within 12 months from the date of their commitment letter. While the PC may make a motion to approve, the applicant has the burden of providing the Metro District with a copy of the Final Plat approval, if granted, which will fulfill the condition.

**PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER SF2232, FOR A FINAL PLAT, SOLACE APARTMENTS FILING NO. 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED CONDITIONAL FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

**D. P234**

**HOWSER**

### **MAP AMENDMENT (REZONE) FAIRYTALE ACRES**

A request by Jacob and Sherry Kershman for approval of a Map Amendment (Rezoning) of 14.63 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 13055 Herring Road and on the east side of Herring Road, approximately one-half of a mile north of Shoup Road. (Parcel No. 5209000030) (Commissioner District No. 1).

### **NO PUBLIC COMMENT OR DISCUSSION**

**THE APPLICANT REQUESTED THAT THE PROJECT BE POSTPONED TO THE PC HEARING ON 10/19/2023.**

**PC ACTION: TROWBRIDGE MOVED / MORAES SECONDED TO POSTPONE AGENDA ITEM 3D, FILE NUMBER P234, FOR A MAP AMENDMENT (REZONE), FAIRYTALE ACRES, THAT THE ITEM BE RESCHEDULED TO A DATE CERTAIN OF OCTOBER 19, 2023. THE MOTION WAS APPROVED (9-0).**

**E. SP231**

**BELLAMY**

### **PRELIMINARY PLAN HAY CREEK PRELIMINARY PLAN**

A request by Matrix Design Group Inc. for approval of a 213.41-acre Preliminary Plan illustrating twenty (20) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 2855 Hay Creek Road, 1.26 miles from Baptist Road. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, and 7133000001) (Commissioner District No. 3).

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER CITIZEN REQUEST.**

**PRELIMINARY PLAN  
WATERVIEW EAST COMMERCIAL**

A request by Waterview Commercial Investors, LLC for approval of a 22.10-acre Preliminary Plan illustrating nine (9) commercial lots. The property is zoned CS (Commercial Service) and is located directly southeast of the intersection of Bradley Road and Powers Boulevard. (Parcel No. 5509200002) (Commissioner District No. 4).

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION:** SCHUETTPELZ MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3F, FILE NUMBER SP229, FOR A PRELIMINARY PLAN, WATERVIEW EAST COMMERCIAL, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, FIVE (5) NOTATIONS, TWO (2) WAIVERS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

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**4. CALLED-UP CONSENT ITEMS**

**PRELIMINARY PLAN  
HAY CREEK PRELIMINARY PLAN**

A request by Matrix Design Group Inc. for approval of a 213.41-acre Preliminary Plan illustrating twenty (20) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 2855 Hay Creek Road, 1.26 miles from Baptist Road. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, and 7133000001) (Commissioner District No. 3).

**STAFF & APPLICANT PRESENTATIONS**

**Mr. Markewich** asked about the areas that are highlighted within the applicant's Letter of Intent.

**Ms. Bellamy** stated she would need to look at the packet to see what he was referring to.

**Mr. Bailey** added that PCD staff does not typically mark up the applicant's documents, so the applicant would have made those marks and can address why it was done.

**Mr. Whitney** asked for clarification regarding the 5<sup>th</sup> recommended condition of approval; "The developer shall ensure that all easements and notes requested by the USAFA are addressed at the final plat stage." Does that mean it is not timely to do that now?

**Ms. Bellamy** replied that it is already addressed on the Preliminary Plan, but she wanted to ensure the easements and notations were not left out of the Final Plat.

**Mr. Jason Alwine**, with Matrix Design Group, responded to Mr. Markewich's previous question. When a revised Letter of Intent was submitted, they highlighted the changes so PCD staff did not need to search through the entire document looking for edits. The highlighting was not meant to serve as emphasis, it just wasn't turned off before final submission.

**Mr. Markewich** asked if a Letter of Intent would be resubmitted without the highlighting.

**Mr. Alwine** responded that they would submit a clean version to be sent to the BOCC. The applicant's presentation then began.

**Mr. Carlson** asked about an outline present on a map image within the slideshow.

**Mr. Alwine** explained that it was part of the offset of the property boundary for the map making program, but it has no bearing on the proposal. Presentation continued.

**Mr. Whitney** asked if the applicant is agreeable to PCD staff's 5<sup>th</sup> recommended condition.

**Mr. Alwine** confirmed and added that the note is already on the Preliminary Plan, will be carried forward onto the Final Plat, and will be included on any other necessary disclosures.

## **PUBLIC COMMENTS & DISCUSSION**

**Mr. Bailey** noted that some members of the public that requested the item be heard as a Regular Item have left. He verified there is one remaining member of the public who wishes to speak.

**Ms. Kaylie Drew** stated she didn't get a letter notice of the public hearing but saw the posted hearing notice (poster) on the property. She noted that Ms. Bellamy's name was not on the poster, so she couldn't reach out directly to her. She came to the hearing for information because she didn't have time to read all the project information. She mentioned that there will be an impact to wildlife because elk migrate through the area. She wonders if adding 20 additional wells will impact people in the area. She would like to know if there will be additional phases. She would like to know how the increase in residents that turn off the road into this neighborhood will impact traffic for those that live further down the road. It is a two-lane road with no shoulder and she wonders how it will hold up. She mentioned wildfire risk and would like to know how the additional homes and traffic will impact her ability to get to safety. She requests that the item be postponed so people in the area can have additional time to research the information.

**Mr. Alwine** stated they corresponded with both CPW and US Fish & Wildlife regarding restrictions. There are other nearby large-lot developments in the area. While the developer is constructing a road into the neighborhood, individual residents will need to decide the location of their improvements. Fencing and tree-removal will follow state and federal guidelines. The finding of sufficiency regarding water is being deferred to Final Plat, so the applicant will need to address that topic at future public hearings. He clarified there will only be one phase of development, but the sale of lots and the construction of homes may happen at different times. Regarding the effect the proposal may have on traffic, the appropriate documentation was submitted to the County with no issues identified. The County asked for improvements to be made to the intersection. He explained that the number of anticipated trips is spread out over a 24-hour period, and besides peak morning and evening work commute times, should be negligible. He noted that the subject area already consists of 6 lots, so this proposal only adds 14 residences.

**Mr. Markewich** asked if Hay Creek Road was paved. (It is.) He then mentioned that the road was described as a narrow road with no shoulder. He asked if it would be safe to assume that a car could pass any heavy equipment traveling on and off the site.

**Mr. Alwine** replied that it should be possible. The proposal is a small subdivision with a small construction schedule. There may be a time where traffic must pause when there is an oversized load, for example, but it shouldn't be common because of the small scale of the proposal.

**Mr. Markewich** asked what would happen if damage were done to the road due to equipment.

**Mr. Alwine** stated the Department of Public Works would contact them if repairs needed to be done. The next step includes construction drawings, and no concerns have been mentioned so far.

**Mr. Moraes** asked Ms. Herington for a description of public notice requirements.

**Ms. Herington** answered that the application was submitted in 2022 when notifications were only sent to immediately adjacent properties. PCD's Public noticing procedures have since been updated, and PCD now notifies all property owners within 500 feet. The poster size has also increased. Going forward, both the initial notification at an application's submission *and* the notice of public hearing will be sent to property owners within 500 feet.

**Mr. Moraes** asked Ms. Seago for a brief overview of how water sufficiency is determined.

**Ms. Seago** explained that because the applicant is not requesting a finding of sufficiency with their Preliminary Plan, it will be evaluated at the Final Plat stage. They will need to provide sufficient documentation, which will be reviewed by the County Attorney's Office, to show that there is sufficient water to support the subdivision. The County Attorney's Office will then make a recommendation to the PC and BOCC of their finding.

**Mr. Moraes** asked what would happen if water sufficiency were not found. Would the applicant have to find another solution?

**Ms. Seago** confirmed and further explained that if the BOCC determines a finding of sufficiency has not been found, they could not approval the Final Plat.

**Mr. Trowbridge** noted that all project documents are available to the public on EDARP.

**PC ACTION: TROWBRIDGE MOVED / BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3E, FILE NUMBER SP231, FOR A PRELIMINARY PLAN, HAY CREEK PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, THREE (3) NOTATIONS, AND TWO (2) WAIVERS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

## **5. REGULAR ITEMS**

### **A. PUDSP222**

**PARSONS**

#### **PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN COPPER CHASE AT STERLING RANCH PUD PRELIMINARY PLAN**

A request by Challenger Communities, LLC for approval of a combined Planned Unit Development and Preliminary Plan to create one hundred and thirty-eight (138) single-family residential lots in a single phase of development. The 19.65-acre property is zoned RS-5000 (Residential Suburban) and is located east of Vollmer Road and north of the recent Marksheffel Road extension. The PUD/Preliminary Plan is within the approved Sterling Ranch Sketch Plan. If the request for a PUD/Preliminary Plan is approved, the applicant will be required to obtain Final Plat approval prior to the issuance of any building permits on the property. (Parcel No. 5232410003) (Commissioner District Nos. 1 and 2).

### **STAFF & APPLICANT PRESENTATIONS**

**Ms. Parsons** asked Ms. Herington to explain how PCD is going to address Master Plan placetype map errors such as the one occurring in the subject area.

**Ms. Herington** explained that the Master Plan implemented guidelines to recommend an evaluation after 2-3 years. Due to staff changes, the 2-year mark has passed. PCD will be reporting back to the Planning Commission sometime in the Spring of 2024 regarding a review of the Master Plan's implementation. If there are errors, changes, or updates that need to be made, PCD will work with the Planning Commission to complete those. The presentation continued.

**Mr. Moraes** asked how many more Sterling Ranch projects remained.

**Ms. Parsons** used a slideshow image of the Sketch Plan to explain the status of various Sterling Ranch projects.

**Mr. Trowbridge** asked for an explanation of the ECM deviations that were requested.

**Ms. Andrea Barlow**, with N.E.S., described the "broken back curve" that connects with Bynum Drive due to the short distance between the two curved roads. She also described the deviation request from mid-block crossings due to the continuous road exceeding 600 feet. She referenced the slideshow image to show where crosswalks will be provided. She discussed the overall pedestrian circulation within the community.

**Ms. Parsons** noted that ECM deviations are not granted by the BOCC or the PCD Director but are under the authority of the County Engineer.

#### **NO PUBLIC COMMENTS**

#### **NO FURTHER DISCUSSION**

**PC ACTION: CARLSON MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5A, FILE NUMBER PUDSP222, FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, COPPER CHASE AT STERLING RANCH PUD PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).**

#### **6. NON-ACTION ITEMS - NONE**

**MEETING ADJOURNED** at 10:42 A.M.

**Minutes Prepared By:** Miranda Benson

