

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES

PLANNING COMMISSION

BOCC Hearing Room, 215 Comanche St., Kiowa, CO 80117

DATE: May 7, 2024 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:03 PM - Chair Willcox
2. **PRAYER:** 7:03 PM – Commissioner Buck
3. **PLEDGE OF ALLEGIANCE:** 7:04 PM – Led by Chair Willcox
4. **ROLL CALL:** 7:04 PM
Commissioners Present: Chair Danny Willcox, Vice Chair Kevin Kirkwood, Van Sands, Mike Buck, Dede Schott-Grace, John Gresham.
Commissioners Absent: Eric Carlson, Robert Poletiek.
Commissioner Vacancy: One Seat.
Staff Present: Marc Dettenrieder, Director of Community and Economic Development; Catherine Armstrong, Land Use Planner; Wendy Doyle, PC Recording Secretary.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:05 PM - Chair Willcox
6. **STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS' ACTION(S) PERTAINING TO MATTERS OF THIS BOARD:** 7:05 PM
Marc Dettenrieder presented. 4/24/24 meeting, Kelly Air Park PUD Sterling Crossing (Elora) PUD Amendment - Approved.
7. **CONSENT AGENDA ITEMS:** 7:05 PM None – Marc Dettenrieder
8. **CITIZEN COMMENTS** - Unrelated to public hearing: 7:06 PM None – Chair Willcox
9. **APPROVAL OF MEETING MINUTES:** 7:06 None – Chair Willcox
10. **PUBLIC HEARING PROCESS:** 7:06 PM - Chair Willcox presented:
The Planning Commission is a volunteer board appointed by the Board of County Commissioners (BOCC), a quasi-judicial commission that essentially takes the application at hand and references the regulations and ordinances in place and compares them with the application. Following the public hearing, the commission may vote three ways: 1. Vote to recommend approval; 2. Vote to recommend denial; 3. Recommend approval with conditions. Recommendations are forwarded to the BOCC holding the authority to approve the application. All testimony must be competent, on topic and not repetitious. The Chair's statement concluded with the order of business for public hearings.
11. **PUBLIC HEARING:** 7:07 PM

Jerrold Rezone (Case No. RZ-23-9401)

STAFF PRESENTATION: 7:08 PM

Catherine Armstrong, Land Use Planner. Levi Jerrold, Applicant; Jeremy and Kim Correll, Property Owners. Rezone 13.85-acres from Agricultural (A) to Agricultural Residential (AR) for the construction of a new residence. The 13.85-acre parcel is being split

off from the original 54.46-acre property. The remaining 40.61-acre property will remain zoned Agricultural (A). Location: 9400 County Road 74-82, Peyton, CO 80831, part of Section 13, Township 10 South, Range 63 West, 6th P.M., County of Elbert, State of Colorado. The property is on the Elbert County-El Paso County border, approximately 9.7 miles from the community of Peyton (El Paso County) and 8.1 miles from the community of Elbert (Elbert County). Surrounding properties: North-Residential Agricultural (RA) and Residential Agricultural-One (RA-1); South-El Paso County, Colorado; East-Residential Agricultural (RA); West-Agricultural (A). Community meeting held Oct. 11, 2022; formal application submitted Aug. 8, 2023; noticing was completed in accordance with Elbert County Zoning Regulations; applicant has acknowledged and/or resolved all comments and objections raised during the referral process comprised of two (2) formal referral periods. Location, zoning, aerial maps, and referral responses slides were reviewed. Article III.C.4 of the Elbert County Zoning Regulations lists review criteria (a) - (f) for all rezone requests. The six (6) review criteria, with staff comment, were addressed. *Note: The Minor Plat (Case No. MP-23-9401) to subdivide 13.85-acres is not a part of the rezoning application and will be reviewed via Administrative Decision on May 29, 2024, pending the rezone application decision by Elbert County Planning Commission and the Board of County Commissioners.*

Planning Department Findings:

- The proposed rezoning is in general conformance with the Elbert County Comprehensive Plan.
- The proposed rezoning meets all the criteria for approval in the Elbert County Zoning Regulations.
- The proposed rezoning meets all the criteria for minor plats and residential development in the Elbert County Subdivision Regulations.
- The proposed rezoning will not result in significant impact to the health, safety, and welfare of the residents and landowners in the surrounding area.

The Planning Department recommends the Planning Commission recommend APPROVAL of the Jerrold Rezone (Case NO. RZ-23-9401) to the Board of County Commissioners subject to the following conditions of approval:

Conditions of Approval:

1. ***The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners;***
2. ***The Rezone shall not become effective until all fees are paid, conditions of approval are met, and the Rezone is recorded; and***
3. ***Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners approval.***

STAFF PRESENTATION CLOSED: 7:20 PM

CHAIRMAN COMMENTS: 7:20 PM

- Information hand-delivered to the Planning Commission (not submitted to staff prior to the agenda packet inclusion deadline) pertaining to a public hearing will not be reviewed by the commission during an in-session meeting. It is appropriate for information to be submitted after a Planning Commission meeting; thus, staff will ensure the information is included in the agenda packet for the Board of County Commissioners meeting specific to the material's scheduled public hearing or Director, Community & Economic Development in the event of an Administrative Decision.
- The Minor Plat (Case No. MP-23-9401 to subdivide 13.85-acres) referenced in the Jerrold Rezone public hearing information is not a part of the rezoning application. Subdivision topics of concern will be addressed at time of plat; only the matter of rezone is before the commission at this time.

APPLICANT PRESENTATION: 7:23 PM

Levi Jerrold (referring indirectly to his requested rezone) stated a formal letter confirming adequate water supply has been received from the Colorado Division of Water Resources, following a referral process delay.

APPLICANT PRESENTATION CLOSED: 7:24 PM

PUBLIC TESTIMONY: 7:24 PM

Karrin Hopper, 9500 CR 74/82, El Paso County, referenced the document she handed to the commission prior to the commencement of the meeting identifying criteria requirements set forth in the Elbert County Zoning Regulations Article 3.C.4. she believes have not been met; stated application does not support her private property rights; indicated easement violations.

PUBLIC COMMENT CLOSED: 7:29 PM

APPLICANT REBUTTAL: 7:29 PM

Levi Jerrold briefly commented on easement matters not relevant to the in-session Rezone public hearing.

APPLICANT REBUTTAL CLOSED: 7:30 PM

BOARD ONLY DISCUSSION: 7:31 PM

Brief discussions ensued) between Planning Commissioners, Staff and Applicant including:

- *Staff agenda packet* - references to the Jerrold Rezone Planning Commission May 6th public hearing date to be corrected to May 7th.
- *Notification* process/county and applicant roles/assessor's radius list.
- *Policy* for public submission of information and comments for commission review: M. Dettenrieder stated there is no formal process to inform the public. Community & Economic Development (CED), a County office serving the public, is available to address questions and provide guidance through the process for information and comments to become public record and included in public hearing packets. The public is welcome to speak at public hearings during open Public Testimony as well as engage CED staff via telephone (303) 621-3136 and e-mails to cds@elbertcounty-co.gov. *Commissioner Sands* proposed a required letter letting the public know comments may be submitted within a specific time period. *Commissioner Buck* recommended a work session to establish an informational process for the public in an effort to eliminate untimely delivery of information directly to the Planning Commission.

BOARD ONLY DISCUSSION CLOSED: 7:42 PM

MOTION: 7:42 PM

Commissioner Van Sands made the motion: Recommend approval of Jerrold Rezone (Case No. RZ-23-9401) to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Dede Schott-Grace seconded the motion.

ROLL CALL VOTE - Commissioners:

Dede Schott-Grace – Aye
John Gresham – Aye
Mike Buck – Aye
Danny Willcox – Aye
Van Sands – Aye
Kevin Kirkwood – Aye

Motion Passed 6 – 0.

PUBLIC HEARING CLOSED: 7:43 PM

12. ADJOURNMENT: 7:43 PM

MOTION: 7:43 PM

Commissioner Dede Schott-Grace made the motion: Move to adjourn the May 7, 2024, meeting of the Planning Commission.

Commissioner Kevin Kirkwood seconded the motion.

Motion Passed 6 - 0.

Minutes approved by Planning Commission 06/04/2024
Wendy Doyle, Recording Secretary

