

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES

PLANNING COMMISSION

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

DATE: May 21, 2024 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:05 PM - Chair Willcox
2. **PRAYER:** 7:06 PM – Commissioner Buck
3. **PLEDGE OF ALLEGIANCE:** 7:06 PM – Led by Chair Willcox
4. **ROLL CALL:** 7:06 PM
Commissioners Present: Chair Danny Willcox, Vice Chair Kevin Kirkwood, Van Sands, Mike Buck, Dede Schott-Grace, Robert Poletiek.
Commissioners Absent: Eric Carlson, John Gresham.
Commissioner Vacancy: One Seat.
Staff Present: Marc Dettenrieder, Director of Community and Economic Development; Wendy Doyle, PC Recording Secretary.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:07 PM - Chair Willcox
6. **STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS' ACTION(S) PERTAINING TO MATTERS OF THIS BOARD:** 7:07 PM
Marc Dettenrieder presented.
Public Comments Process. Topic discussed during the 5/7/24 Planning Commission meeting relating to public knowledge about the deadline to submit comments to staff for inclusion in agenda packets for public hearings scheduled for Planning Commission and Board of County Commissioners meetings. In response to the discussion, staff added process language to several documents: **1. & 2. PROJECT PIPELINE REPORT and DEVELOPMENT MAP.** The report and map allow the public to view basic/general information on current development projects that are in the queue with the County. The pathway to the documents: Elbert County's website (www.elbertcounty-co.gov), Government tab, Departments listing, select Community and Development Services, select Project Pipeline Report and Development Map from the list on the left. **3.** The templated mailer notification document sent to residents living within a quarter mile radius of a given project for community meetings and public hearings.
The added process language: ***"Please note, all public comments, in written form, need to be submitted one week prior to Public Hearing dates in order to be included in the packet provided to the Planning Commissioners and Board of County Commissioners for review." Please submit written comments to CDS@elbertcounty-co.gov.***
Board of County Commissioners. Elora (fka Sterling Crossing) Preliminary Plat was APPROVED at the 5/18/24 meeting.
Water Master Plan Project. The project is in the Draft Policy Recommendation Phase. A public engagement event is scheduled on May 29, 2024, at Elbert County Fairgrounds, Agriculture Building, 95 Ute Avenue, Kiowa, CO 80117. ***RSVP <https://shorturl.at/opru5> for focus group discussions to be held 5:30pm – 7:00pm and 7:30pm – 9:00pm.*** Review and comment online <https://shorturl.at/rtvyQ>; questionnaire to share levels of support for each draft policy recommendation <https://shorturl.at/jzl56>. The main page of Elbert County's website, www.elbertcounty-co.gov, provides notice of the event, public involvement information and links.
7. **CONSENT AGENDA ITEMS:** 7:12 PM None – Marc Dettenrieder

8. CITIZEN COMMENTS - Unrelated to public hearing: 7:13 PM None – Chair Willcox

9. APPROVAL OF MEETING MINUTES: 7:13 PM

Approval of April 16, 2024, Planning Commission Meeting Minutes.

MOTION: 7:13 PM

Commissioner Van Sands made the motion: Approve the April 16, 2024, Planning Commission meeting minutes as presented.

Commissioner Dede Schott-Grace seconded the motion. **Motion Passed 5 – 0.**

10. PUBLIC HEARING PROCESS: 7:14 PM - Chair Willcox:

The routinely recited statement references the Planning Commission as a *quasi-judicial commission* that judges an application based upon regulations and ordinances. Chair Willcox will revise the statement to reference the commission as a *citizen advisory board* for the purpose of clarifying the role of the commission in public hearings which may include member opinions, views, recommendations, and references to the application. Clarity will emphasize to the applicant that regardless of the vote of the Planning Commission, the application will proceed to a Board of County Commissioners public hearing for review and final vote. Planning Commission votes may cause discontent to the point of threats of legal action. The public needs to understand that in public hearings, the commission can only: 1. Vote to *recommend* approval; 2. Vote to *recommend* denial; 3. *Recommend* approval with conditions. The *recommendation* is provided to the Board of County Commissioners for consideration in their review and final vote of the application. The community is welcome to submit written comments up to one (1) week prior to a scheduled public hearing (cds@elbertcounty-co.gov)* and personally make a statement during the Public Testimony portion of the public hearing.

All public testimony must be competent, on topic and not repetitious. The Chair's statement concluded with the order of business for public hearings.

*It is appropriate for information to be submitted after a Planning Commission meeting. 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.

11. PUBLIC HEARING: 7:20 PM

Innovative HVAC Special Use by Review (Case No. SUR-2024-2183)

STAFF PRESENTATION: 7:20 PM

Marc Dettenrieder, Director of Community and Economic Development. Sheri and Tomas Paiz, Applicants (Property Owners since May 3, 2024). Location: 2183 Thomas Court, Parker, CO (Elbert County) 80138; Thunder Hill Subdivision; property access Thomas Court; NW of Elizabeth, CO; North of County Rd. 166; 3.521-acres; utilize property for home and a business. Requesting Special Use by Review for Innovative Mechanical Solutions – an HVAC business that will not serve the general public or generate retail traffic. Surrounding properties all single-family residential: North/South/West-Residential Agriculture-Two (RA-2); East-Residential Agriculture-One (RA-1). Pre-application meeting waived 2/28/24 by CED Director, a result of extensive conversations between applicants and staff prior to Community meeting February 26, 2024 and formal application submittal March 28, 2024. Existing outbuildings to be utilized for sheet metal fabrication equipment and storage of business materials; metal shop building to be retrofitted for required electrical supply; enclose two carports for secure storage; utilize portable restroom service. A construction trailer 12' x 56' proposed for computer/technology/business office space. No additional parking required; request small sign identifying delivery location; minimal deliveries from FedEx/UPS; business hours 7am – 5pm Monday thru Friday; traffic not to increase to unreasonable levels; max onsite employees 6, including three residents; field staff only occasionally onsite. Noticing completed in accordance with Elbert County Zoning Regulations; no objections outstanding from contacted referral agencies. Location, zoning maps, SUR exhibit, and referral slides presented and reviewed. Article III.E. of the Elbert County Zoning Regulations lists review criteria (a) - (h) for Special Use by Review requests. The Planning Commission is to consider these criteria in its review of this application. The eight (8) review criteria, with staff comment, were addressed.

Planning Department recommends the Planning Commission find the special use request:

- In general conformance with the Elbert County Comprehensive Plan.
- Generally compatible with existing and allowable land uses in the surrounding area.
- Will not have an undue burden on available infrastructure.
- Will not unduly increase traffic congestion or burden the existing road system.
- Will not cause significant forms of pollution.
- Will meet all sanitation requirements.

- Will be buffered.
- Will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.
- Will conform to supplemental standards applicable for the proposed uses.

Planning Department recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners for Innovative HVAC Special Use by Review/Home Occupation (Case No. SUR-2024-2183), subject to the following conditions:

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 Special Use by Review shall not become effective until all fees are paid, conditions of approval are met, and the Special Use by Review Exhibit is recorded.*
3. *Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.*
4. *If any soil is disturbed it needs to be reseeded with appropriate native seed. Dust and erosion need to be controlled. Noxious weeds must be controlled.*
5. *If, in the future, restrooms are to be installed, Elbert County Public Health will need to be contacted for an Onsite Wastewater Treatment System (OWTS) application and permitting.*

STAFF PRESENTATION CLOSED: 7:31 PM

APPLICANT PRESENTATION: 7:31 PM

Tomas and Sheri Paiz provided insight into their 90% family-operated business including support of remote working, 90% of work is performed at construction sites, and their small business is comprised of six (6) field employees.

APPLICANT PRESENTATION CLOSED: 7:34 PM

PUBLIC TESTIMONY: 7:34 PM

Valerie St. James, residing in the Thomas Court cul-de-sac for 30 years at 2274 Thomas Court, Parker, CO 80138, spoke in support of the requested Special Use by Review.

PUBLIC COMMENT CLOSED: 7:35 PM

APPLICANT REBUTTAL: 7:35 PM – None per Chair Willcox

BOARD ONLY DISCUSSION: 7:35 PM

Brief discussions between County Staff, Planning Commissioners and Applicants included:

Night lighting – no outside business related lights will be on, per applicants; Delivery location signage – sign will adhere to County determined size restrictions (no signage for business), per applicants; Fabrication shop noise - plasma machine is quiet, noise level will be minimal, per applicants; Property ownership clarification – pre-application began with former property owner's name; however, applicants closed on the property May 3, 2024, per applicants; SUR process – knowledgeable of legal requirements, wanted to properly operate home business, per applicants.

BOARD ONLY DISCUSSION CLOSED: 7:43 PM

MOTION: 7:43 PM

Commissioner Van Sands made the motion: Recommend approval of Innovative HVAC Special Use by Review (Case No. 2024-2183) to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Dede Schott-Grace seconded the motion. **Motion Passed 5 – 0.**

PUBLIC HEARING CLOSED: 7:43 PM

12. ADJOURNMENT: 7:43 PM

MOTION: 7:43 PM

Commissioner Mike Buck made the motion: Move to adjourn the May 21, 2024, meeting of the Planning Commission.

Commissioner Kevin Kirkwood seconded the motion. **Motion Passed 5 - 0.**

Minutes approved by Planning Commission 7/18/24 - Wendy Doyle, Recording Secretary

