

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES

PLANNING COMMISSION

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

DATE: June 4, 2024 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:02 PM – Vice Chair Kirkwood
2. **PRAYER:** 7:02 PM – Commissioner Buck
3. **PLEDGE OF ALLEGIANCE:** 7:02 PM – Led by Vice Chair Kirkwood
4. **ROLL CALL:** 7:03 PM
Commissioners Present: Vice Chair Kevin Kirkwood, Van Sands, Mike Buck, Dede Schott-Grace, Robert Poletiek, John Gresham.
Commissioners Absent: Chair Danny Willcox, Eric Carlson
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:** 7:03 PM – Vice Chair Kirkwood
6. **STAFF REPORT:** 7:04 PM - Marc Dettenrieder
Planning Commission Meeting Materials. Planning Department staff to begin posting meeting materials on Elbert County's website one (1) week prior to a scheduled meeting to provide commissioners ample time to review public hearing documents. On occasion, based upon individual case circumstances, an additional day or two may be required for posting.
7. **CONSENT AGENDA ITEMS:** 7:05 PM None – Marc Dettenrieder
8. **CITIZEN COMMENTS** - Unrelated to public hearing: 7:05 PM None – Vice Chair Kirkwood
9. **APPROVAL OF MEETING MINUTES:** 7:06 PM
Approval of May 7, 2024, Planning Commission Meeting Minutes.
MOTION: 7:06 PM
Commissioner Mike Buck made the motion: Approve the May 7, 2024, Planning Commission meeting minutes as presented.
Commissioner Dede Schott-Grace seconded the motion. **Motion Passed 6 – 0.**
10. **PUBLIC HEARING PROCESS:** 7:17 PM – 7:18 PM - Vice Chair Kirkwood
NOTE: Presented following Agenda Item No. 11, PUBLIC HEARING, STAFF PRESENTATION held 7:06 PM – 7:17 PM.
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.
NOTE: Meeting resumed Agenda Item No. 11, PUBLIC HEARING, APPLICANT PRESENTATION at 7:18 PM.

11. PUBLIC HEARING: 7:06 PM

Ridgewood Estates Rezone (Case No. RZ-2023-1574)

STAFF PRESENTATION: 7:06 PM

Marc Dettenrieder, Director of Community and Economic Development. Applicants/Owners Jim Marshall - MF Investment Partners LLC and Kirby Ross – BK2 LLC. Applicant Representatives John Prestwich and Brandon McNellis - PCS Group, Inc., a land planning/landscape architectural firm. Request for Ridgewood Estates development to rezone 425-acres from Agriculture (A) to Residential-One (R-1) in Northwestern unincorporated Elbert County, Colorado, located just South of State Highway 86 and West of Legacy Ridge Street. Location: Sections 14 and 15, Township 8 South, Range 65 West of the 6th P.M. Currently undeveloped property will have 186 lots 1 to 3+ acres; approximately 127-acres of open space/pedestrian corridors; building will begin with 1-acre lots abutting Highway 86 with primary entrance along Legacy Ridge Street; followed by build-out expanding South with larger lots; preliminary plat process will occur at a later date. Surrounding properties: North-Agricultural (A), Residential Planned Unit Development (PUD); South/East-Residential Planned Unit Development (PUD); West-Agricultural (A). Community Meeting held November 8, 2023; Concept Brief held November 13, 2023 - a meeting with the Board of County Commissioners during which a concept plan of the development layout was presented; Formal Application Submittal January 4, 2024. Noticing was completed in accordance with Elbert County Zoning and Subdivision Regulations; applicant has acknowledged and/or resolved all comments and objections raised during the referral process comprised of two (2) formal review and referral periods. Project location/zoning/aerial/exhibit maps, rezoning exhibit, and referral slides were presented and reviewed. Article III.C. of the Elbert County Zoning Regulations lists review criteria (a) - (f) for Planned Unit Development requests. The Planning Commission is to consider these criteria in its review of this application. The six (6) review criteria, with staff comment, were addressed.

Planning Department staff recommends the Planning Commission find the proposed rezoning:

- In general conformance with the Elbert County Comprehensive Plan.
- Meets all the criteria for approval in the Elbert County Zoning Regulations.
- Compatible with existing and allowable land uses in the surrounding area.
- Will not result in significant impact to the health, safety and welfare of the residents, and landowners in the surrounding area.

Planning Department staff recommends the Planning Commission RECOMMEND APPROVAL of the *Ridgewood Estates Rezone (Case No. RZ-2023-1574)* to the Board of County Commissioners, 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 Rezone exhibit shall not become effective until all fees are paid, conditions of approval are met, and the Rezone Exhibit is recorded; and.*
3. *Recordation of all applicable documentation to occur within 180 days of Board of County Commissioners' approval.*

STAFF PRESENTATION CLOSED: 7:17 PM

VICE CHAIR KIRKWOOD ACTION: 7:17 PM – 7:18 PM *Redirected to Agenda Item No. 10, PUBLIC HEARING PROCESS.*

APPLICANT PRESENTATION: 7:18 PM

John Prestwich introduced the project team; stated the request is for a rezone from Agricultural (A) to Residential-One (R-1) utilizing Elbert County standard code criteria; all lots a minimum of 1-acre; no intention of asking for variances or PUD; and presented development highlights including design/drainage/trails.

APPLICANT PRESENTATION CLOSED: 7:24 PM

PUBLIC TESTIMONY: 7:24 PM

Otto Burden, 41435 Country Rose Circle, Parker, CO and Thomas Carter, 34422 Cherokee Trail, Elizabeth, CO.

Topics included **Traffic Study** - lacks inclusion of safety features (striping, lane and shoulder widths, existing pavement condition, roadside materials and drop-offs) and consideration of traffic generated by existing neighborhoods and Highway (Hwy) 86; **Drainage Study** - request for clarity relating to drainage/retention-detention ponds/treatment and handling of waste water discharge; **Traffic Trip Distribution Study** - 1,754 vehicle trips on an average weekday, 306 occurring during peak hour traffic (7am to 9am and 4pm to 6pm) – interest in when remaining 1,448 vehicle trips occur; **reconstruction of Hwy 3** required to meet County standards; **Hwy 86 traffic signal** with service level B not in the traffic improvement recommendations; **request consideration** of signals, turn lanes, and intersection improvements not included in traffic engineer recommendations; **arterial road Hwy 86** becoming a collector road with high volume of semi-trucks - no Engine Brake/Noise Ordinance sign; **managing water districts** as the number of service districts increases in Elbert County.

PUBLIC COMMENT CLOSED: 7:31 PM

APPLICANT REBUTTAL: 7:31 PM

John Prestwich stated initial reports comprised for the concept plan and rezone request are high level, meeting County rezone specific criteria. Development plans may be altered; resulting in revisions to reports including traffic and drainage.

Jim Marshall reiterated reports submitted for the rezone request are at the preliminary level. Receiving approval of the rezone request would advance the proposed project into the preliminary plat process. The process requires complete documents and reports including a preliminary plat, sketch plan, final reports, and study recommendations. The vision and design of the proposed community will be similar to Wild Pointe's housing product, look, feel, and price points.

APPLICANT REBUTTAL CLOSED: 7:34 PM

BOARD ONLY DISCUSSION: 7:34 PM

VICE CHAIR KIRKWOOD COMMENTS: Topics unrelated to the Rezone request (I.e., water/traffic/traffic service levels) will be addressed at the time of Preliminary Plat. Only the Rezone request public hearing is before the Planning Commission.

Discussions between County Staff, Planning Commissioners and Applicant Team (pertaining to the Rezone request) included:

Arial Map – recommend applicant present a slide identifying the proposed development along with existing developments in the vicinity. **Recognition of concessions** – 623 lots reduced to 186 lots, approximately 127-acres of open space, and working with neighbors to create buffers. **Concept Plan** – shared with neighbors and the community through the Community Meeting, Concept Brief, Planning Commission Public Hearing for Rezone request (presently in session), and personal meetings.

Discussions between Jim Marshall and the Planning Commissioners (not pertaining to the Rezone request) included:

Traffic – Jim Marshall touched upon his experience with CDOT; involvement with the access control plan (and amendment) from County Road 3 into the town of Elizabeth, CO; existing and foreseeable traffic operations improvements.

Water and Sewer – Ridgewood Estates to work with Wild Pointe per Water Master Water Plan suggestion for new developers to work with existing developments. **Water** - Deep aquifer well water (Arapahoe and Denver); discussions with Wild Pointe on possibility of some cross-connection between the two systems for redundancy for both communities. Although the lower Dawson is not intended to be utilized, it has not been excluded as a water source for the proposed development. Jim Marshall stated the lower Dawson exclusion may be a possibility and will speak with the hydrologist on the subject. Future consideration: Should the new Master Water Plan pass, the use of lower aquifers will be required. **Traffic Service Levels** – Jim Marshall commented that he relies on a traffic engineer before adding, generally speaking, when Level F is ineffective, traffic signals gain consideration. Highway 86 is a part of the Colorado Department of Transportation (CDOT) and any matters pertaining to the highway are addressed solely by CDOT.

BOARD ONLY DISCUSSION CLOSED: 7:48 PM

MOTION: 7:48 PM

Commissioner Dede Schott-Grace made the motion: RECOMMEND APPROVAL of Ridgewood Estates Rezone (Case No. 2023-1574) to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Robert Poletiek seconded the motion. **Motion Passed 6 – 0.**

PUBLIC HEARING CLOSED: 7:48 PM

12. ADJOURNMENT: 7:48 PM

MOTION: 7:48 PM

Commissioner Mike Buck made the motion: Move to adjourn the June 4, 2024, meeting of the Planning Commission.

Commissioner Van Sands seconded the motion. **Motion Passed 6 - 0.**

