

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES

PLANNING COMMISSION

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

DATE: July 2, 2024 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:07 PM – Vice Chair Kirkwood
2. **PRAYER:** 7:07 PM – Commissioner Buck
3. **PLEDGE OF ALLEGIANCE:** 7:08 PM – Led by Vice Chair Kirkwood
4. **ROLL CALL:** 7:09 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; Kelsey Lanham, Land Use Planner; Wendy Doyle, PC Recording Secretary.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:09 PM – Vice Chair Kirkwood
6. **STAFF REPORT:** 7:10 PM - Marc Dettenrieder
Board of County Commissioners, June 26, 32024 meeting: Approved Ridgewood Estates Rezone and Jerrold Rezone.
7. **CONSENT AGENDA ITEMS:** 7:10 PM None – Marc Dettenrieder
8. **CITIZEN COMMENTS** - Unrelated to public hearing: 7:10 PM None – Vice Chair Kirkwood
9. **APPROVAL OF MEETING MINUTES:** 7:11 PM None - Vice Chair Kirkwood
10. **PUBLIC HEARING PROCESS:** 7:11 PM - Vice Chair Kirkwood
Appointed by the Board of County Commissioners (BOCC), the Planning Commission is a quasi-judicial volunteer board that essentially takes the application at hand, 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. The recommendation is forwarded to the BOCC holding the authority to approve the application. All testimony must be competent, on topic and not repetitious. The Vice Chair's statement concluded with the order of business for public hearings.
11. **PUBLIC HEARING:** 7:12 PM

Brewer Rezone (Case No. RZ-2023-6305)

STAFF PRESENTATION: 7:12 PM

Kelsey Lanham, Land Use Planner. Applicant/Owner David "Clark" Brewer. Request for approval of a Rezone to rezone 35-acres from Agriculture (A) to Agriculture Residential (AR) at parcel No. 63050-01-003. Subject property has historically been vacant with no existing structures and is part of the Vista Ridge Subdivision. Location: borders Arapahoe County on the North

and is located along County Road 195, being 10.5 miles from the Douglas County border. Surrounding properties: West, South, and East are in Elbert County, zoned Agriculture (A) with residence(s) on the property; North is within Arapahoe County. Pre-Application meeting October 27, 2021; Formal Application Submittal December 14, 2023. Noticing (including Arapahoe County properties) was completed in accordance with Elbert County Zoning Regulations; no objections are outstanding from referral agencies contacted during the referral process comprised of two (2) formal review and referral periods. Aerial/zoning/rezone exhibit maps and referral responses slides were presented and reviewed. Article III.C.4 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:

- Conforms to and is consistent with the goals and policies of the Elbert County Comprehensive Plan;
- Compatible with surrounding land uses;
- Will not adversely impact the provision of public services;
- Will not adversely impact the environment;
- Will not create unreasonable traffic congestion or burden the existing road system without improvements; and
- Will not be detrimental to the health, safety, or welfare of the present or future inhabitants of Elbert County.

Planning Department staff recommends the Planning Commission RECOMMEND APPROVAL of Brewer Rezone (Case No. RZ-2023-6305) to rezone 35 acres from Agriculture (A) to Agriculture Residential (AR) at Parcel No. 63050-01-003 with 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 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 appropriate documentation to occur within 180 days of Board of County Commissioners' approval.*

STAFF PRESENTATION CLOSED: 7:18 PM

APPLICANT PRESENTATION: 7:18 PM

David "Clark" Brewer shared the project is a family dream that began a couple of years ago and is excited to see it progress.

APPLICANT PRESENTATION CLOSED: 7:18 PM

PUBLIC TESTIMONY: 7:19 PM

Grady Carter, 44515 Antelope Drive., Bennett, CO 80102 and Dustin Wells, 44505 Antelope Drive, Bennett, CO 80102.

Topics included: rezone request property lots are in Vista Ridge Subdivision but were excluded in the subdivision covenants; property sellers and nephew own the property; inquiry – will property owner have access to the road funded by rest of community or build own driveway to County Road 194, impacting roadway and traffic flow; water table impact; would open area to additional rezoning and 10 – 15 acre lots; no lots in 6 mile radius under 35 acres; does not conform with neighborhood;

PUBLIC COMMENT CLOSED: 7:22 PM

APPLICANT REBUTTAL: 7:23 PM

David "Clark" Brewer stated no driveways will come off of the asphalt road of County Road 194; will pull driveway permits from the dirt road; participate and contribute to the separate private road maintenance agreement and annual assessments; in conformance with Elbert County's 300 year water plan; end users can apply for well permits unlike the other homes in the neighborhood having residential exempt wells; tried to follow Elbert County's Development, Transportation and Economic Development Zone Master Plans; and are going to respect a "dark sky" request to protect light pollution.

APPLICANT REBUTTAL CLOSED: 7:25 PM

BOARD ONLY DISCUSSION: 7:25 PM

Vice Chair Kirkwood Comment: Only the Rezone request is before the Planning Commission. Topics unrelated to the Rezone request (i.e., water/accesses) will be addressed at the time of Preliminary Plat.

Discussions between County Staff, Planning Commissioners and Applicant included:

Ownership of additional lots – applicant has 1/10th ownership in one of the lots next to Rezone request property, retained under the name of Vista Ridge. Rezone clarification – Rezone request only for one 35-acre parcel.

Discussions unrelated to Rezone request: *Water* – replacement plan approved, plot provisioning. *Property Access* – Parcels B and C.

BOARD ONLY DISCUSSION CLOSED: 7:30 PM

MOTION: 7:30 PM

Commissioner Dede Schott-Grace made the motion: RECOMMEND APPROVAL of Brewer Rezone (Case No. 2023-6305) to rezone 35 acres from Agriculture (A) to Agriculture Residential (AR) at Parcel No. 63050-01-003 to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Robert Poletiek seconded the motion.

Roll Call Vote and Comment(s):

Commissioner Mike Buck – NAY. “6 miles is too far. That is not compatible with surrounding land uses, I’m sorry, and owning another interest in a property right next door; some time in the future you could be in here changing the whole makeup of that community with another rezone request and then it would be compatible if we approve this one.”

Commissioner John Gresham – AYE. “I saw nothing to stop the Rezone to AR from Agriculture.”

Commissioner Robert Poletiek – AYE. “I don’t see any issue with the Rezone in itself.

Commissioner Van Sands – AYE. “My biggest question was the water and I think that’s well taken care of through the replacement.”

Commissioner Dede Schott-Grace – AYE. “I will vote just for the Rezone for this particular 35 acres with a lot of hesitation.”

Commissioner Kevin Kirkwood – NAY. “I believe that there’s many challenges to be faced in terms of the land use, the conformity to the plan and to the neighborhood. The challenges to the covenant will be something that comes back and we will talk about. Again, same challenge with the plat that we talked about, and I think you still have a problem with water.”

Motion Passed 4 - 2.

PUBLIC HEARING CLOSED: 7:36 PM

12. ADJOURNMENT: 7:37 PM

MOTION: 7:37 PM

Commissioner Mike Buck made the motion: Move to adjourn the July 2, 2024 meeting of the Planning Commission.

Commissioner Dede Schott-Grace seconded the motion.

Motion Passed 6 - 0.

