

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES
PLANNING COMMISSION

Agriculture Building, 95 Ute Avenue, Kiowa, CO 80117

DATE: September 3, 2024 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:07 PM - Chair Willcox
2. **PRAYER:** 7:07 PM - Chair Willcox
3. **PLEDGE OF ALLEGIANCE:** 7:08 PM - Led by Chair Willcox
4. **ROLL CALL:** 7:08 PM – Recording Secretary
Commissioners Present: Chair Danny Willcox, Vice Chair Kevin Kirkwood, Van Sands, Mike Buck, John Gresham, Dede Schott-Grace, Robert Poletiek.
Commissioners Absent: Eric Carlson, 1 Vacant Seat.
Meeting Staff: Jennifer Jones, Planning Manager; Wendy Doyle, PC Recording Secretary.
Elbert County Staff Consultant: Jennifer Gardner, Logan Simpson Design, Senior Contract Planner for Elbert County.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:09 PM - Chair Willcox
6. **STAFF REPORT:** 7:09 PM None – Jennifer Jones
7. **CONSENT AGENDA ITEMS:** 7:09 PM None – Jennifer Jones
8. **CITIZEN COMMENTS:** (unrelated to public hearings) 7:10 PM None – Chair Willcox
9. **APPROVAL OF MEETING MINUTES:** 7:10 PM None – Chair Willcox
10. **PUBLIC HEARING PROCESS:** 7:10 PM - Chair Willcox presented:
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 Chair's statement concluded with the order of business for public hearings.

11. **PUBLIC HEARING:** 7:12 PM

Moorstead Planned Unit Development (PUD) Rezoning (Case No. PD-2022-00039)

STAFF PRESENTATION: 7:19 PM

Jennifer Gardner, Logan Simpson Design. Location: unincorporated Elbert County North of County Road 174 between County Roads 21 and 29. Authorized Representative PCS Group, Inc. (on behalf of property owner Lakeport CF, LLC and applicant Atwell, LLC) is requesting to rezone subject property, comprised of 1,100.3 acres, from Agriculture (A) to Planned Unit

Development (PUD). Proposal for approximately 1,193 residential dwelling units and 950,000 square feet of retail commercial or commercial mixed-use space along with 452.3 acres of amenities, parks, and open space (amounting to 43.3% of gross project acreage). Formerly a mining facility remediated, the site is currently vacant. Surrounding properties: North-Agriculture (A), land use Agricultural; East-PUD and Agriculture Residential (AR), land use single-family residential; South-PUD and Agriculture (A), land uses golf course/club, single-family residential, agricultural; West-Agriculture (A), land use agricultural. Formal Application submitted March 30, 2023; noticing completed in accordance with Zoning regulations; referral comments addressed with exception Colorado Division of Water Resources final comments dependent upon final agreement with the Spring Valley Metropolitan District No. 1 for commitment of their portion of the 300-year water supply. Referral agencies and PUD Development Plan slides presented.

Documents meet the General Requirements listed in Zoning regulation Article VII.D and E. for Planned Unit Developments and the Guide/Standards reflect the goals of the Elbert County Comprehensive Plan. The six (6) PUD Review criteria in Article VII.F that must be considered by the Planning Commission have been met.

Planning Department recommends the Planning Commission find:

The proposed rezoning is in general conformance with the goals of the Elbert County Comprehensive Plan;
The proposed rezoning meets all the criteria for approval in the Elbert County Zoning regulations;
The proposed rezoning meets the requirements of the Elbert County regulations for a PUD;
The proposed rezoning is compatible with surrounding land uses;
The project will not adversely impact public services;
The proposed rezoning will not adversely impact the environment;
The proposed rezoning would not create unreasonable traffic congestion or burden the existing road system without improvement; and
The proposed rezoning will not result in significant impact to the health, safety and welfare of the residents, and landowners in the surrounding area.

Planning Department finds the proposed PUD Rezoning compliant with all applicable regulations, and recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners for the Moorstead Planned Unit Development (PUD) Rezoning (Case No. PD-2022-00039) for the development of 1,100.3 acres as PUD located North of County Road 174 and County Road 29, subject to the following three (3) Conditions of Approval:

Conditions of Approval:

1. The applicant will be required to remove the Public Hearing sign(s) within seven (7) days of a decision by the Board of County Commissioners;
2. Developer must demonstrate that the Board of County Commissioners has approved the service plan for a proposed metropolitan district authorized to provide water and sanitation within the plat boundary area no later than one year from the date of Resolution approving the Preliminary Plat, or provide the County with a proposed Financing Plan demonstrating capacity to construct the water infrastructure and serve the community shown on the plat no later than 18-months after the Preliminary Plat is approved; and
3. Development Guide Agreement (DGA) is completed and acceptable to the County Attorney in final form.

STAFF PRESENTATION CLOSED: 7:24 PM

APPLICANT PRESENTATION: 7:25 PM

Donna Barantine, Atwell, LLC-Civil Engineer. Lakeport CF LLC-Owner. Topics presented: Elbert County's Comprehensive Plan goals; John Prestwich (PCS Group, Inc.) Moorstead PUD Plan, Open Space/Trails/Parks, Concept Plan, Architectural and Landscape Character, PUD Review Criteria; Kirstin Ferrin (LSC Transportation Consultants) Traffic Infrastructure, Traffic Impact Analysis, Anticipated Roadway Improvements;
Representing Spring Valley Metropolitan District (SVMD): Jim Marshall – Spring Valley and Moorstead developer in discussions with the State of Colorado with respect to combining water and sewer services for economic benefits, water rights not yet acquired – pending Moorstead project approval; Gina Burke (Jehn Water Consultants, Inc.) Denver Basin Aquifers, SVMD Decreed Water Supply, ACWWA Option to Purchase – to serve Moorstead (all nontributary), SVR Current and Future Demands.

APPLICANT PRESENTATION CLOSED: 7:48 PM

PUBLIC TESTIMONY: 7:49 PM

Lisa Hewez, 34221 Forest Park Drive, Elizabeth, CO; Jeff Michalek, 43537 Evening Star Ct., Elizabeth, CO; Eric Govednik, 43145 Saddlehorn Dr., Elizabeth, CO. Topics: Traffic and water studies/concerns; voice-of-the-public representation; Board of County Commissioners' meeting times; rezone impacts to surrounding landowners; metropolitan districts; project funding/bankruptcy; environmental impact study; federally protected animals; water; schools; public services; county roads 174 from 29; start times of Elbert County commissioner meetings.

PUBLIC TESTIMONY CLOSED: 7:59 PM

APPLICANT REBUTTAL: 8:00 PM

Project team and Spring Valley Metropolitan District representatives responded to Public Testimony comments. Developer requirements in Elbert County's application and referral processes – including water/traffic studies; Elizabeth School District's school plans; Metropolitan District information such as subdivision funded by developers/metropolitan district bonds/metropolitan district taxpayers-live in the metropolitan district; public boards with public elections every two years, homeowners within the metropolitan district are invited to participate; governed by the board and State Legislature; Moorstead consultants cannot speak to the financial arrangements of the project; environmental studies and wildlife – Colorado Division of Wildlife expressed no concerns; additional studies to be performed by environmental specialists.

APPLICANT REBUTTAL CLOSED: 8:19 PM

BOARD ONLY DISCUSSION: 8:19 PM

Chair Comments: Concerns pertaining to any commission meeting times should be presented to the Board of County Commissioners; Moorstead's financial plan and additional studies (soil and hydrology reports, geotechnical, etc.) will be part of the Service Plan stage. Topics included remediated property now in a two-year monitoring for re-vegetation; project community meeting dates; referral agency responses; housing needs assessment.

PUBLIC HEARING RECESS: 8:29 PM

PUBLIC HEARING RECESS CLOSED: 8:39 PM

BOARD ONLY DISCUSSION CONTINUED: 8:39 PM

Staff: (1) Four rounds of referral reviews – Building Department reviewed first three and submitted three "No Objection" letters; thus, did not receive forth review request; Sheriff's Office did not respond to the referral reviews or staff voluntary follow-up e-mail. Zoning Regulations, Page 38, Article II. General Requirements and Procedures – Referral Procedures, Item D. *A referral agency's failure to respond during the referral period implies that the agency has no objections to the proposal*; (2) Zoning Regulations do not state a required window for community meetings prior to public hearing. Topics included subdivision growth and effects on surrounding properties; property formerly a mining facility for sand/gravel/materials used for concrete products; parks; water agreement/use/reuse; roads.

BOARD ONLY DISCUSSION CLOSED: 9:03 PM

MOTION FOR CONTINUANCE: 9:04 PM

Commissioner Mike Buck made the motion: Motion for continuance. Commissioner Kevin Kirkwood seconded the motion. Commissioners – Voted AYE: Mike Buck, Kevin Kirkwood, Dede Schott-Grace.

Commissioners – Voted NAY: Van Sands, John Grisham, Robert Poletiek, Danny Willcox.

Motion Defeated 4 - 3.

MOTION: 9:06 PM

Commissioner Van Sands made the motion: *RECOMMEND APPROVAL for Moorstead PUD Rezoning (Case No. PD-2022-00039) to the Board of County Commissioners* with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Robert Poletiek seconded the motion.

Commissioners – Voted AYE: Van Sands, John Grisham, Robert Poletiek, Danny Willcox.

Commissioners – Voted NAY: Mike Buck, Kevin Kirkwood, Dede Schott-Grace.

Motion Passed 4 - 3.

12. ADJOURNMENT: 9:07 PM

MOTION: 9:07 PM

Commissioner Kevin Kirkwood made the motion: Move to adjourn the September 3, 2024, Planning Commission meeting.

Commissioner Mike Buck seconded the motion. **Motion Passed: 7 – 0.**

