

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES
PLANNING COMMISSION

215 Comanche Street, Public Hearing Room – 2nd Floor, Kiowa, CO 80117

DATE: **October 1, 2024** TIME: **7:00 PM**

1. **CALL TO ORDER:** 7:05 PM - Chair Willcox
2. **PRAYER:** 7:05 PM - Chair Willcox
3. **PLEDGE OF ALLEGIANCE:** 7:06 PM - Led by Chair Willcox
4. **ROLL CALL:** 7:06 PM – Recording Secretary
Commissioners Present: Chair Danny Willcox, Van Sands, Eric Carlson, Mike Buck, Dede Schott-Grace, Robert Poletiek, John Gresham, *Jon Waller – 1st meeting, not voting.*
Commissioners Absent: Vice Chair Kevin Kirkwood.
Meeting Staff: Marc Dettenrieder, Director of Community and Economic Development; Kelsey Lanham, Land Use Planner; Wendy Doyle, PC Recording Secretary; Carrie Seubert, Planning Technician.
Elbert County Staff Consultant - Remote: Sandra Hoffman AICP, Senior Associate, Logan Simpson Design.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:07 PM - Chair Willcox
6. **STAFF REPORT:** 7:07 PM - Marc Dettenrieder. Introduction of Planning Commissioner Jon Waller; update on recent actions of the Board of County Commissioners.
7. **CONSENT AGENDA ITEMS:** 7:09 PM None – Marc Dettenrieder
8. **CITIZEN COMMENTS** - Unrelated to public hearings: 7:09 PM None – Chair Willcox
9. **APPROVAL OF MEETING MINUTES:** 7:10 PM

Commissioner Schott-Grace made the motion: Approve the **August 20, 2024**, Planning Commission meeting minutes as presented. Commissioner Carlson seconded the motion. **Motion Passed 7 – 0.** *Jon Waller – 1st meeting, not voting.*

Commissioner Poletiek made the motion: Approve the **August 22, 2024**, Planning Commission meeting minutes as presented. Commissioner Schott-Grace seconded the motion. **Motion Passed 7 – 0.** *Jon Waller – 1st meeting, not voting.*
10. **PUBLIC HEARING PROCESS:** 7:13 PM - Chair Willcox
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.

PUBLIC HEARINGS:

1. Space X - Special Use by Review (SUR-2023-28773)
2. Hillside Estates Rezone (RZ-2024-5010)
3. Elora Final Plat (FP-2024-2003) - formerly known as Sterling Crossing

PUBLIC HEARING #1, SPACE X - SPECIAL USE BY REVIEW (SUR-2023-28773) 7:15 PM

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting a Special Use by Review for the installation of an additional 32 antennae and extension of the existing satellite compound at 29235 N. Elbert Road, Elbert, CO 80106. Existing compound received approval in 2021.

Planning Department finds the proposed Special Use by Review (SUR) Permit Application (SUR-2023-28773) compliant with all applicable regulations, and recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners with three (3) 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 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; and*
3. *Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.*

Applicant Presentation: Applicant Representative, Lena Strauss, Dewberry Engineering Inc., c/o Space Explorations Technology Inc., 600 Parsippany Road, Suite 301, Parsippany, NJ 07054 – presented the proposed application for property owner Carnahan Ranches, 28773 N. Elbert Road, Elbert, CO 80106.

Public Testimony Opened: None – Chair Willcox

Public Testimony Closed: Chair Willcox

Applicant Rebuttal: None – Chair Willcox

Board Only Discussion Opened: Chair Willcox

Brief discussion pertaining to height/shape/number of antennae held between Staff and Planning Commissioners.

Board Only Discussion Closed: Chair Willcox

Call for Motion – Chair Willcox

Commissioner Poletiek made the motion: RECOMMEND APPROVAL for Space X – Special Use by Review (SUR-2023-28773) to the Board of County Commissioners with the three (3) Conditions of Approval outlined in the Staff Presentation.

*Commissioner Buck seconded the motion. **Motion Passed 7 – 0.** Jon Waller – 1st meeting, not voting.*

PUBLIC HEARING #1, SPACE X – SPECIAL USE BY REVIEW (SUR-2023-28773) CLOSED 7:24 PM

PUBLIC HEARING #2, HILLSIDE ESTATES REZONE (RZ-2024-5010) 7:26 PM

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting a rezone of 41.62-acres from Agriculture (A) to Residential-1 (R-1) at 5010 Hunt Circle, Elizabeth, CO 80107.

Planning Department finds the proposed Rezone compliant with all applicable regulations, and recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners of RZ-2024-5010, to allow for the Rezone of 41.62-acres from Agriculture (A) to Residential-1 (R-1) with three (3) 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 Exhibit is recorded; and*
3. *Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.*

Applicant Presentation: Applicant Representative, Donna Barrentine, Atwell Group - presented the proposed application for property owner B & G Capital, LLC, 525 Lefferts Avenue, No. 5B, Brooklyn, NY 11225.

Public Testimony Opened: None – Chair Willcox

Public Testimony Closed: Chair Willcox

Applicant Rebuttal: None – Chair Willcox

Board Only Discussion Opened: Chair Willcox

No questions presented to staff or the applicant team.

Board Only Discussion Closed: Chair Willcox

Call for Motion – Chair Willcox

Commissioner Sands made the motion: RECOMMEND APPROVAL of RZ-2024-5010, to allow for the Rezone of 41.62-acres from Agriculture (A) to Residential-1 (R-1) to the Board of County Commissioners with the three (3) Conditions of Approval outlined in the Staff Presentation.

*Commissioner Poletiek seconded the motion. **Motion Passed 7 – 0.** Jon Waller – 1st meeting, not voting.*

PUBLIC HEARING #2, HILLSIDE ESTATES REZONE (RZ-2024-5110) CLOSED 7:43 PM

Staff Comment: Technical Difficulties – M. Dettenrieder 7:43 PM – 7:52 PM

PUBLIC HEARING #3, ELORA FINAL PLAT (FP-2024-2003) 7:52 PM

Staff Presentation: Sandra Hoffman, Logan Simpson Design, Senior Associate - Contract Plan Reviewer for Elbert County Community and Economic Development - presented the proposed application requesting approval of a Final Plat to subdivide 196.8-acres with a minimum Conservation Community 50% open space area; 308 single-family, detached lots; and a 4.162-acre commercial lot with Planned Unit Development Zoning. Property is located within unincorporated Elbert County and generally located East of Delbert Road (CR-1) and South of East County Line Road (CR-194).

Planning Department recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners of Elora (formerly known as Sterling Crossing) Final Plat located on the Southeast corner of Delbert Road and East County Line Road (FP-2024-2003) with four (4) 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 Final Plat shall not become effective until all fees are paid, conditions of approval are met;*
3. *The Elora Developer (or owner) shall provide documentation to Elbert County Finance Department Management and the Community and Economic Development Department that the Douglas County School District has accepted a land dedication or fee-in-lieu payment prior to Elbert County issuing the first building permit. The document must be signed by the Douglas County School District acknowledging this condition has been met to their satisfaction. No building permits will be released until documentation is provided. NOTE: "Building" is vertical construction for an occupiable structure.*
4. *No building or driveway permit shall be allowed on a slope of twenty percent (20%) or greater or areas currently subject to flooding prior to grading, without the applicant submitting a special engineering feasibility study to the Building Department, with a building permit application. The study shall show the feasibility of the site to be engineered, to allow for construction on the site impacted by the excessive slope, and what methods are to be utilized.*

Applicant Presentation: Mark Kieffer, Norris Design, 1101 Bannock Street, Denver, CO 80204 - presented the proposed application for Applicant/Owner Dan Sheldon, Miller United Real Estate, LLC, 6900 E. Belleview Avenue, Suite 300, Greenwood Village, CO 80110, and Property Owner Platt River Performance Center, LLP, 2955 S. Tejon Street, Englewood, CO 80110.

Public Testimony Opened: None – Chair Willcox

Public Testimony Closed: Chair Willcox

Applicant Rebuttal: None – Chair Willcox

Board Only Discussion Opened: Chair Willcox

Brief discussions held between Staff, Planning Commissioners, Applicant Representative Team, Applicant/Owner. Topics included no plans for annexation into Aurora; water - rights dedicated to City of Aurora/City of Aurora use/user service/tap fees/lift station; development commercial property.

Board Only Discussion Closed: Chair Willcox

Call for Motion – Chair Willcox

Commissioner Poletiek made the motion: *RECOMMEND APPROVAL to the Board of County Commissioners for the Elora (formerly known as Sterling Crossing) Final Plat (FP-2024-2003) for the 196.8-acre site at the Southeast corner of Delbert Road (CR-1) and East County Line Road (CR-194) with the four (4) Conditions of Approval outlined in the Staff Presentation.*
Commissioner Sands seconded the motion. **Motion Passed 7 – 0.** Jon Waller – 1st meeting, not voting.

PUBLIC HEARING #3, ELORA FINAL PLAT (FP-2024-2003) CLOSED 8:30 PM

11. ADJOURNMENT: 8:32 PM

Commissioner Buck made the motion: Move to adjourn the October 1, 2024, meeting of the Planning Commission.
Commissioner Carlson seconded the motion. **Motion Passed 7 – 0.** Jon Waller – 1st meeting, not voting.