

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES
PLANNING COMMISSION

BOCC Public Hearing Room, 215 Comanche Street, Kiowa, CO 80117

DATE: October 15, 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, Vice Chair Kevin Kirkwood, Van Sands, John Gresham, Jon Waller, *Dede Schott-Grace - 7:15 PM arrival.*
Commissioners Absent: Eric Carlson, Mike Buck, Robert Poletiek.
Meeting Staff: Jennifer Jones, Planning Manager; Danny Klibaner, Land Use Planner; Kelsey Lanham, Land Use Planner; Wendy Doyle, PC Recording Secretary; Carrie Seubert, Planning Technician.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:07 PM - Chair Willcox
6. **STAFF REPORT:** 7:07 PM - Jennifer Jones reported recent actions of the Board of County Commissioners.
7. **CONSENT AGENDA ITEMS:** 7:07 PM None – Jennifer Jones.
8. **CITIZEN COMMENTS** - Unrelated to public hearings: 7:08 PM None – Chair Willcox
9. **APPROVAL OF MEETING MINUTES:** 7:08 PM

Commissioner Sands made the motion: Approve the **September 3, 2024**, Planning Commission meeting minutes as presented.
Commissioner Waller seconded the motion. **Motion Passed 5 – 0.** *Commissioner Schott-Grace not in attendance for vote.*

Commissioner Kirkwood made the motion: Approve the **September 17, 2024**, Planning Commission meeting minutes as presented. Commissioner Sands seconded the motion. **Motion Passed 5 – 0.** *Commissioner Schott-Grace not in attendance for vote.*

10. **PUBLIC HEARING PROCESS:** 7:10 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. Heartland Pines Wedding and Events (SUR-2024-1802)
2. Tailwind Crossing Rezone (RZ-2023-6236)
3. Industrial Tower West – Simla (SUR-2024-28526)
4. Triple Acres Rezone (RZ-2023-33442)
5. Regulations Update

PUBLIC HEARING #1, HEARTLAND PINES WEDDING AND EVENTS (SUR-2024-1802) 7:17 PM

Staff Presentation: Danny Klibaner, Land Use Planner - presented the proposed application requesting a Special Use by Review (SUR) for a 2.86-acre area of a 35-acre property zoned Agriculture (A) to allow for indoor and outdoor weddings and events with a maximum of 150 guests. The proposal includes an additional building approximately 64' x 65' and a new commercial driveway/entrance to access the parking area on the property located at 18020 County Road 1 (Delbert Road), Elbert, CO 80106.

Planning Department finds the proposed Special Use by Review (SUR) Permit Application (SUR-2024-1802) compliant with all applicable regulations, and recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners 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 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.*
4. *The letter of acknowledgement for the road use is recorded with the Special Use by Review Exhibit.*

Applicant Presentation: Eric and Victoria Markowski, Applicants and Property Owners – presented their proposed application.

Public Testimony Opened: Chair Willcox

Testimony in opposition - Tom Gustin, 18501 County Road 1, Larkspur, CO 80118; Richard Wilson, 14001 S. Delbert Rd., Elbert, CO 80106 (Douglas County); Jan Mark, 5500 S. Russellville Rd., Franktown, CO 80116. Topics included non-compatibility/compatibility study; dangerous roads; traffic; weekend event disturbances (noise/liability/privacy/trespassing); generational ranches/hay/cattle businesses; public safety/services. Testimony in favor - None.

Public Testimony Closed: Chair Willcox

Applicant Rebuttal: Eric and Victoria Markowski responded to public testimony comments presented.

Board Only Discussion Opened: Chair Willcox

Brief discussions were held between Staff, Planning Commissioners, Applicants. Topics included frequency of events; disturbances mitigation; existing need for venues; additional building specifics; Fire Codes; Security; consideration of neighbors; road maintenance.

Board Only Discussion Closed: Chair Willcox

Call for Motion: Chair Willcox

Commissioner Sands: *I move that the Planning Commission make a **RECOMMENDATION OF APPROVAL** to the Board of County Commissioners for Heartland Pines Weddings and Events, Case SUR-2024-1802, subject to the four (4) Conditions of Approval outlined in the Staff Presentation.*

Commissioner Kirkwood *seconded the motion. **Motion Passed 6 – 0.***

PUBLIC HEARING #1, HEARTLAND PINES WEDDING AND EVENTS (SUR-2024-1802) CLOSED 8:15 PM

PUBLIC HEARING #2, TAILWIND CROSSING REZONE (RZ-2023-6236) 8:16 PM

Staff Presentation: Danny Klibaner, Land Use Planner - presented the proposed application requesting a rezone from Agriculture (A) to Residential Agriculture (RA) of approximately 176-acres. Although there is no preliminary or final plat application, the applicant expressed the intention to subdivide the property into a maximum of 14 residential lots and open space. The property is located at 6236 County Road 132, Elizabeth, CO 80107, within unincorporated Elbert County, generally 1.5 miles South of CO Hwy-86 and 1.5 miles East of County Road 17/21.

Planning Department finds the proposed Rezone compliant with all applicable Elbert County regulations and its Comprehensive Plan, and recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners for Tailwind Crossing Rezone, Case Number RZ-2023-6236, to allow for the Rezone from Agriculture (A) to Residential Agriculture (RA), subject to the following 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 Exhibits are recorded; and*
3. *Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.*

Applicant Presentation: Applicant Representative, Grace Erickson, Providence Consulting, LLC - presented the proposed application for Applicant and Property Owner Steve McAnnally, IPS Development, Inc. Ms. Erickson stated rezone zoning selection based upon community feedback, and Subdivision Preliminary Plat/Final Plat applications will be forthcoming.

Public Testimony Opened: Testimony in opposition – Norm Bass, 33250 County Road 25, Elizabeth, CO 80107; Kristi O’Neal, 5900 McCart Ranch Circle, Elizabeth, CO 80107; Derek Murray, 6188 Arrowhead Trail, Elizabeth, CO 80107; David Gordone, 6156 Arrowhead Trail, Elizabeth, CO 80107; Greg Gustafson, 6233 Arrowhead Trail, CO 80107; Isabel and Ryan Merritt, 5905 McCart Ranch Road, Elizabeth, CO 80107; John Kearns, 6414 Arrowhead Trail, Elizabeth, CO 80107. Topics included Proposed Housing; Traffic/Traffic Study; Open Space Use; Environmental Factors; Tax Increases; Water; Infrastructure; Noise; Land Reconstruction; Lighting; Compatibility; County Revenue; Roads; Schools/Fire/Law Enforcement; Rezoning Review Criteria - intent of use; One of many rezonings on County roads. Testimony in favor – None.

Public Testimony Closed: Chair Willcox

Public Hearing Break: 9:01 PM. Public Hearing Resumed: 9:16

Applicant Rebuttal: Ms. Erickson responded to public testimony comments. James Tilton, Legal Counsel, addressed groundwater, water rights, property aquifers.

Chair Comments: Chair Wilcox provided a brief explanation relevant to public testimony Tax Increases concern and announced public testimony topics not relevant to the proposed rezoning should be raised during the Applicant’s Preliminary Plat public hearing.

Board Only Discussion Opened: Chair Willcox
Planning Commissioners - no questions for Staff or Applicant Team.

Board Only Discussion Closed: Chair Willcox

Call for Motion – Chair Willcox

Commissioner Sands: *I move that the Planning Commission make a **RECOMMENDATION OF APPROVAL** to the Board of County Commissioners for the Tailwind Crossing Rezone, Case RZ-2023-6236, rezoning from Agriculture (A) to Residential Agriculture (RA), subject to the three (3) Conditions of Approval outlined in the Staff Presentation.*

Commissioner Waller seconded the motion. **Motion Passed 6 – 0.**

PUBLIC HEARING #2, TAILWIND CROSSING REZONE (RZ-2023-6236) CLOSED 9:28 PM

PUBLIC HEARING #3, INDUSTRIAL TOWER WEST – SIMLA (SUR-2024-28526) 9:30 PM

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting approval for a Special Use by Review (SUR) Permit for the installation of a 330' wireless telecommunications guyed tower to replace the existing 320' H-Tower. Subject property is zoned Industrial (I), 6.995-acres, located at 28526 County Road 10, Simla, CO 80835.

Planning Department finds the proposed Special Use by Review (SUR) Permit Application compliant with all applicable regulations; therefore, recommends the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners of Application SUR-2024-28526, Industrial Tower West – Simla, subject to the following nine (9) 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 SUR Exhibit is recorded;
3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.
4. Industrial Tower West will grant Elbert County Communications Authority (ECCA) space on the ground for their (ECCA) cabinet, at no cost;
5. ECCA will provide and pay for their own power;
6. A structural analysis/engineering report will be required and done by Industrial Tower West, at a cost to ECCA;
7. ECCA can do their own construction on the tower, as long as the contractor is insured and certified;
8. Space on the tower will be negotiated between Industrial Tower West and ECCA; and
9. Reserve two (2) 12' high locations on the tower for potential use of emergency communications antennas in the future. Heights on the tower would be negotiated at time of need.

Applicant Presentation: Applicant Kyle DeNardo/Presenter Theresa Sweigart, Industrial Tower West, LLC – Ms. Sweigart presented the proposed application. Property Owner - Mountain Tower, LLC.

Public Testimony Opened: None – Chair Willcox

Public Testimony Closed: Chair Willcox

Applicant Rebuttal: None – Chair Willcox

Board Only Discussion Opened: Chair Willcox

Comparison of existing tower and proposed tower presented by Applicant Presenter.

Board Only Discussion Closed: Chair Willcox

Call for Motion – Chair Willcox

*Commissioner Schott-Grace: I move that the Planning Commission make a **RECOMMENDATION OF APPROVAL** to the Board of County Commissioners for Special Use by Review Application SUR-2024-28526, Industrial Tower West – Simla, subject to the nine (9) Conditions of Approval outlined in the Staff Presentation.*

*Commissioner Kirkwood seconded the motion. **Motion Passed 6 – 0.***

PUBLIC HEARING #3, INDUSTRIAL TOWER WEST – SIMLA (SUR-2024-28526) CLOSED 9:40 PM

PUBLIC HEARING #4, TRIPLE ACRES REZONE (RZ-2023-33442) 9:41 PM

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting to rezone 39.312-acres from Agriculture (A) to Agriculture Residential (AR) at 33442 County Road 25, Elizabeth, CO 80107.

Planning Department finds the proposed Rezone Application compliant with all applicable Elbert County regulations; therefore, recommends the Planning Commission RECOMMEND APPROVAL of RZ-2023-33442, Triple Acres Rezone, to the Board of County Commissioners, subject to the following 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 approval 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 and Property Owner Lanny Adleman - presented his intention to sell his existing residence on the property and build a new residence on one of the lots.

Public Testimony Opened: Testimony in opposition – Norm Bass, 33250 County Road 25, Elizabeth, CO 80107. Topics of concern included Traffic; Drainage; Drifting/Fencing/Vegetation along access road and between properties.

Testimony in favor – None.

Public Testimony Closed: Chair Willcox

Applicant Rebuttal: None – Chair Willcox

Board Only Discussion Opened: Chair Willcox

Planning Commissioners - no questions for Staff or Applicant.

Board Only Discussion Closed: Chair Willcox

Call for Motion – Chair Willcox

Commissioner Schott-Grace: *I move that the Planning Commission make a **RECOMMENDATION OF APPROVAL** to the Board of County Commissioners of RZ-2023-33442, Triple Acres Rezone, from Agriculture (A) to Agricultural Residential (AR), subject to the three (3) Conditions of Approval outlined in the Staff Presentation.*

Commissioner Sands seconded the motion. **Motion Passed 6 – 0.**

PUBLIC HEARING #4, TRIPLE ACRES REZONE (RZ-2023-33442) CLOSED 9:50 PM

PUBLIC HEARING #5, REGULATIONS UPDATES 9:50 PM

Staff Presentation: Kelsey Lanham, Land Use Planner – presented for discussion ten (10) Items Considered for Update:

I. Pre-Application Meeting Waiver Language; **II.** Re-formatting Noticing Templates for Newspaper Publications; **III.** Adding Language, etc., on Radius Report Requirements; **IV.** Adjusting Language for Co-Locate Permits; **V.** Adjusting Language in Article II.5.d; **VI.** Continuance Language; **VII.** Signature Blocks on Mylar Requirements; **VIII.** Minor SUR Process – Review Criteria and Process Steps; **IX.** Additional Information on Radius Report Requirements; **X.** Sign Posting Notarized Affidavit Language.

The Commissioners reviewed, discussed, and reached unanimous agreement on each recommended regulations update.

11. ADJOURNMENT: 10:40 PM

Commissioner Kirkwood: I move to adjourn the October 15, 2024, Planning Commission meeting.

Commissioner Schott-Grace seconded the motion. **Motion Passed 6 – 0.**

