

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES
PLANNING COMMISSION

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

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

1. **CALL TO ORDER:** 7:03 PM - Chair Willcox
2. **PRAYER:** 7:04 PM - Chair Willcox
3. **PLEDGE OF ALLEGIANCE:** 7:05 PM - Led by Chair Willcox
4. **ROLL CALL:** 7:05 PM – Wendy Doyle
Commissioners Present: Chair Danny Willcox, Vice Chair Kevin Kirkwood, Van Sands, Dede Schott-Grace, Robert Poletiek, John Gresham, and Jon Waller.
Vacant Seats: Two.
Meeting Staff: Jennifer Jones, Planning Manager; Kelsey Lanham, Land Use Planner; Wendy Doyle, PC Recording Secretary; and Carrie Seubert, Planning Technician.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:05 PM - Chair Willcox
6. **STAFF REPORT:** 7:06 PM - Jennifer Jones reported recent actions of the Board of County Commissioners.
7. **CONSENT AGENDA ITEMS:** 7:06 PM None – Jennifer Jones.
8. **CITIZEN COMMENTS** - Unrelated to public hearings: 7:06 PM None – Chair Willcox
9. **APPROVAL OF MEETING MINUTES:** 7:07 PM

Commissioner Kirkwood moved to approve the October 15, 2024, Planning Commission meeting minutes as presented.

Commissioner Poletiek seconded the motion.

Motion Passed 7 – 0.

10. **PUBLIC HEARING PROCESS:** 7:08 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 one of 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. Ingalls Rezone (RZ-2024-2599)
2. Christmas in the Stix (SUR-2024-2522)

PUBLIC HEARING #1, INGALLS REZONE (RZ-2024-2599) 7:09 PM

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting a rezone from Agriculture (A) to Agriculture Residential (AR) for 40.216-acres at 25995 County Road 5, Elbert, CO 80106. The subject property historically has been used for agricultural purposes with an existing barn that is to remain.

Application meets criteria set forth in the Elbert County Zoning Regulations; thus, it is the recommendation of the Planning Department that the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners of Rezone Application, Case RZ-2024-2599, subject to the four (4) Conditions of Approval presented in the staff report and staff presentation.

Applicant Comment: The applicant, Camille Courtney (Courtney & Associates), on behalf of property owners Curtis and Sonja Ingalls agreed with the Conditions of Approval.

Public Testimony: None – Chair Willcox

Applicant Rebuttal: None – Chair Willcox

Board Discussion: Chair Willcox

Brief discussions held between Planning Commissioners, Staff, and Applicant. Topics included confirmation of Elbert Fire District; noticing compliance; and adjacent property zonings.

Call for Motion: Chair Willcox

Commissioner Poletiek moved the Planning Commission make a RECOMMENDATION OF APPROVAL to the Board of County Commissioners of Rezone Application, Case RZ-2024-2599, subject to the four (4) Conditions of Approval presented in the staff report and staff presentation.

Commissioner Waller seconded the motion.

Motion Passed 7 – 0.

PUBLIC HEARING #1, INGALLS REZONE (RZ-2024-2599) CLOSED 7:25 PM

PUBLIC HEARING #2, CHRISTMAS IN THE STIX SPECIAL USE BY REVIEW (SUR-2024-2522) 7:26 PM

Staff Presentation: Jennifer Jones, Planning Manager - presented the proposed application requesting a Special Use by Review (SUR) for an amusement/entertainment venue on 40-acres zoned Agriculture (A) at 25220 Hwy 86, Ramah, CO 80832. The applicants are requesting to operate a 1.25 mile drive-through Christmas light path with Christmas themed displays and music approximately 30 days per year (late November thru early January). Additional on-site activities include a Santa's Village (holiday crafts/games/snacks) and temporary structures subject to applicable regulations. The first event will take place in the year 2025. The subject site is currently vacant with surrounding properties zoned Agriculture (A).

Application meets criteria set forth in the Elbert County Zoning Regulations; thus, it is the recommendation of the Planning Department that the Planning Commission RECOMMEND APPROVAL to the Board of County Commissioners of Special Use by Review Application, Case SUR-2024-2522, subject to the three (3) Conditions of Approval presented in the staff report and staff presentation.

Applicant Comments: Applicants/Owners Dawnelle Tilden, David McGlaun, and Vicki Tilden. D. Tilden – shared motivations, visions, and intentions for the proposed holiday season venue.

Public Testimony Opened: Chair Willcox

Testimony in opposition – Sean Snelling, 27151 County Road 105/Hwy 86, Ramah, CO 80832 ; Tim Tinnes, 27435 County Road 105, Ramah, CO 80832; and Brandi Snelling, 27151 County Road 105/Hwy86, Ramah, CO 80832.

Topics of concern included compatibility, rural environment, noise, and traffic.

Testimony in favor – Jared Russo, 10703 County Road 110, Ramah, CO 80832; Tom Staller, Comanche Creek, Kiowa, CO 80117; and Josh Newton, 25770 County Road 21, Elbert, CO 80106.

Topics in support included horseback riding; local holiday light viewing; family outing w/activities; transmitted music.

Public Testimony Closed: Chair Willcox

Applicant Rebuttal: Dawnelle Tilden and David McGlaun - responded to public testimony comments presented. Clarification was provided concerning the much broader plans for the vacant property disclosed at the community meeting (July 31, 2024) and the Special Use by Review application submitted for only one seasonal event, a drive-through Christmas light path.

Board Discussion: Chair Willcox

Brief discussions held between Planning Commissioners, Staff, and Applicants. J. Jones referenced general notes slide from the applicants' SUR Exhibit detailing limits of use and regulations of operation before highlighted steps and requirements in the SUR application process. Discussion topics included light screening; traffic-CDOT involvement, recommendations, requirements; ticketing options; site lines of surrounding homes; subject site terrain; noise radius/zoning ordinance; adjacent property owned by applicants; property emergency access; air quality-traffic/drive-through path/emergency access; Economic Development Zone; compatibility - business in rural community; radius report and noticing; alternating horse/car evenings; staging area off Hwy 86; parking on property; noise; Hwy 86 speed limit 65; signage; wildlife impacts; agriculture compatibility efforts; SUR businesses County previously approved; J. Jones described the process established for citizens to make complaints against approved Special Use by Review businesses and actions available to be taken by staff and the Planning Commission.

Call for Motion: Chair Willcox

Commissioner Sands moved the Planning Commission make a RECOMMENDATION OF APPROVAL to the Board of County Commissioners of Special Use by Review Application, SUR-2024-2522, subject to the three (3) Conditions of Approval presented in the staff report and staff presentation.

Commissioner Waller seconded the motion.

Roll Call Vote.

Motion Passed 5 – 2. Commissioners Kirkwood and Schott-Grace in opposition.

PUBLIC HEARING #2, CHRISTMAS IN THE STIX SPECIAL USE BY REVIEW (SUR-2024-2522) CLOSED 8:45 PM

11. ADJOURNMENT: 8:47 PM

Commissioner Kirkwood moved to adjourn the December 3, 2024, Planning Commission meeting.

Commissioner Schott-Grace seconded the motion.

Motion Passed 7 – 0.