

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES
PLANNING COMMISSION

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

DATE: May 6, 2025 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:00 PM – Vice Chair Poletiek

2. **PRAYER:** 7:01 PM – Vice Chair Poletiek

3. **PLEDGE OF ALLEGIANCE:** 7:02 PM - Led by Vice Chair Poletiek

4. **ROLL CALL:** 7:02 PM – Wendy Doyle

Commissioners Present: Vice Chair Robert Poletiek, Van Sands, Dede Schott-Grace, Kyle DeNardo, Nicole Hunt, Diana Edstrom, and Dan McCallin.

Commissioners Absent: Chair Kevin Kirkwood and John Gresham.

Meeting Staff: Jennifer Jones, Planning Manager; Danny Klibaner, Land Use Planner; Kelsey Lanham, Land Use Planner; Wendy Doyle, PC Recording Secretary; and Bart Greer, County Legal Counsel.

5. **STAFF REPORT:** 7:03 PM – Jennifer Jones and Bart Greer

J. Jones reported the recent actions of the Board of County Commissioners.

B. Greer, at the request of the Board of County Commissioners, reported on the matters of potential regulatory updates; regulation updates processes and requirements; and professional assistance considerations.

Brief discussions held between commissioners and staff included timeline of updates processes; Elbert County Zoning Regulations Article III Section M; public engagement; regulations updates frequency; work study sessions; benefits of a professional firm experienced in comprehensive regulations updates; past consultant use (cost/scope of work/results); in-house utilization of A1; and format for recommended updates to the Board of County Commissioners for approval/disapproval.

Commissioner Hunt:

- Request for the location of the processes Legal Counsel reported and to receive the information for review.

Commissioner Poletiek:

- Request for timeline based upon the hiring of consultants; and
 - Request for timeline for draft language associated with the simpler amendments the commission made a recommendation on compared to the more complicated ones to require consultation from outside resources.
- Legal Counsel*-will look into requests.

6. **CITIZEN COMMENTS** Unrelated to public hearings: 7:18 PM – Vice Chair Poletiek

Opposition to Xcel Power Pathways. Elbert County Environmental Alliance (ECEA) board member Don Gray-16000 Hwy 86, Kiowa, CO 80117. ECEA will continue to educate the public and encourage individuals to come forward to speak and/or write e-mails to Community and Development Services (CDS).

7. **APPROVAL OF MEETING MINUTES:** 7:21 PM – Vice Chair Poletiek

Commissioner Hunt moved to approve April 1, 2025, meeting minutes as presented.

Commissioner Schott-Grace seconded the motion.

Motion Passed 6 – 0. Commissioner Edstrom abstained.

Commissioner Hunt moved to approve April 15, 2025, meeting minutes as presented.
Commissioner Schott-Grace seconded the motion.

Motion Passed 6 – 0. Commissioner Edstrom abstained.

Commissioner Hunt moved to approve April 16, 2025, meeting minutes as presented.
Commissioner Schott-Grace seconded the motion.

Motion Passed 6 – 0. Commissioner Edstrom abstained.

Commissioner Hunt moved to approve April 22, 2025, meeting minutes as presented.
Commissioner Schott-Grace seconded the motion.

Motion Passed 6 – 0. Commissioner Edstrom abstained.

8. PUBLIC HEARING PROCESS: 7:23 PM – Vice Chair Poletiek

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 HEARING #1: 7:24 PM

STONEWALL BED & BREAKFAST AND EVENTS SPECIAL USE BY REVIEW (SUR-2024-7211)

Staff Presentation: Danny Klibaner, Land Use Planner - presented the proposed application requesting approval for a Special Use by Review (SUR) for a 1.5-acre property zoned Residential-1 for a bed and breakfast (B&B) that also hosts weddings and events at 7211 County Road 98, Elbert, CO 80106. The SUR includes a leased parking area for events and weddings located on the neighboring property.

Based upon review of the approval criteria found in Elbert County Zoning Regulations Article III.E.5 and the findings in the Staff Report, staff recommend approval with conditions of the Stonewall B&B and Events SUR.

Applicant Comment: Randy Davis, Applicant/Property Owner – expressed appreciation to D. Klibaner.

Board Discussion: Vice Chair Poletiek

Brief discussions held between Planning Commissioners, Staff, and Applicant included inquiries, responses, and requests. Topics included existing county B&B's; proposed B&B occupancy; wedding venue classification options/limitations/impacts; frequency of events; SUR regulations language; water source/use; wastewater management; parking and parking lease; residence basement for owner use only; alcohol license; and SUR compliance options.

Commissioner Hunt:

- Request for staff to present approximate frequency of events as opposed to specific numbers in a SUR where frequency is unlimited.

Commissioner Edstrom:

- Inquiry related to the existing, remodeled cottage being in compliance with zoning regulations and permits. *Applicant*-cottage will only serve as a B&B; not an Accessory Dwelling Unit (ADU) to be rented out.

Public Testimony Opened: Vice Chair Poletiek

Testimony in opposition: Jane Wille-949- County Road 102, Elbert, CO 80106. Topics included SUR bed & breakfast and event center requirements/compliance; septic; property zoning; and soil report.

Testimony in favor: None

Public Testimony Closed

Applicant Rebuttal/Staff Comments: Vice Chair Poletiek

Staff-current land use table does not allow a bed & breakfast in a commercial zoning district; allowed with an SUR in agriculture and residential zoning districts. *Applicant*-shared soil testing, soil report, and septic information. *Staff*-a liquor license is not a subject of consideration in a SUR; would be a secondary step after the SUR approval; and would be handled outside of the Planning Department.

Call for Motion: Vice Chair Poletiek

Commissioner DeNardo moved the Planning Commission makes a recommendation of approval to the Board of County Commissioners for Stonewall Bed & Breakfast and Events, case SUR-2024-7211, subject to the conditions of approval recommended in the staff report.

Commissioner Schott-Grace seconded the motion.

Call for Roll Call Vote: Vice Chair Poletiek

Diana Edstrom – NAY. Zoning Regulations (Accessory Dwelling Unit availability) Article V.D., basically 1, and everything else under that. I’m concerned that that building did not follow the proper procedure to be put up in the first place; and without building permits; and the fact that it would be used for the public; it’s a concern for me; but I’m sure somebody else will look at that. Thank you.

Dan McCallin – AYE.

Kyle DeNardo – AYE.

Nicole Hunt – AYE. Comments that would be something that the commissioners would hear as they consider this: I, personally, would have liked to see a few additional conditions: (1) if the parking lease were to ever end that there would be a requirement that they notify the county; (2) that if a water line is connected that they would contact the county cause that would of course eliminate the requirement to notify of water refills on the property; and thirdly (3) that there be a condition of approval for if there is a change in how sanitation is handled and a septic system is put in that they would also be required to notify the county because that would affect the condition regarding receipts for porta-potties. Thank you.

Dede Schott-Grace – AYE. I’m in agreement with Nicole. Thank you.

Van Sands – AYE.

Robert Poletiek – AYE.

Motion Passed 6 – 1.

PUBLIC HEARING #1 STONEWALL BED & BREAKFAST AND EVENTS (SUR-2024-7211) CLOSED: 8:35 PM

PUBLIC HEARING RECESS: 8:35 PM – 8:45 PM Vice Chair Poletiek

PUBLIC HEARING #2: 8:46 PM

GOODMAN REZONE (RZ-2023-00026)

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting approval to rezone 40.032 acres from Agriculture (A) to Residential Agriculture (RA) at Parcel No. 64254-00-002. The presentation included fulfillment of inquiries and requests presented by the Planning Commission during the public hearing held April 1, 2025.

Public Hearing Background: Originally scheduled for March 4, 2025, Planning Commission hearing; however, county closure caused the item to be rescheduled. The rescheduled hearing date was set for April 1, 2025. The Planning Commission voted to continue the item to May 6, 2025, Planning Commission agenda.

Based upon review of the approval criteria found in Elbert County Zoning Regulations Article III.C.4 and the findings in the Staff Report, staff recommend approval with conditions of the Goodman Rezone.

Applicant Comment: Grant Thayer, on behalf of Katharine “Kathy” Goodman, Applicant/Property Owner – confirmed requests and inquiries presented by the Planning Commission during the public hearing held April 1, 2025, were completed with county staff assistance. Topics included water; compatibility with surrounding properties; and property road (Winners Circle) condition.

Public Testimony Opened: Vice Chair Poletiek

Testimony in favor: Glenn and Donca Edwards-43422 Saddlehorn Drive, Elizabeth, CO 80107. Topics included intention to purchase/build a home on a Winner's Circle lot; and water.

Testimony in opposition: None

Public Testimony Closed

Applicant Rebuttal: None – Vice Chair Poletiek

Board Discussion: Vice Chair Poletiek

Brief discussions included expressions of appreciation to staff and applicant on agenda packet content; notice sign posting timeline/updates; and community public hearing awareness.

Call for Motion: Vice Chair Poletiek

Commissioner DeNardo moved the Planning Commission makes a recommendation of approval to the Board of County Commissioners for Goodman Rezone, case RZ-2023-00026, subject to the conditions of approval recommended in the staff report.

Commissioner Schott-Grace seconded the motion.

Motion Passed 7 – 0.

PUBLIC HEARING #2 GOODMAN REZONE (RZ-2023-00026) CLOSED: 9:08 PM

PUBLIC HEARING #3: 9:10 PM

PINE RIDGE METROPOLITAN DISTRICT SERVICE PLAN

Staff Presentation: *Jennifer Jones, Planning Manager* – introduced the proposed application requesting approval for the creation of a new Metropolitan District and associated Service Plan. Elbert County utilizes staff consultants for land use review projects. Anderson Analytics, LLC, performs financial reviews and Butler Snow, LLP, performs legal reviews. A Metropolitan District is a quasi-municipal corporation that provides a financing mechanism for specific uses permitted by Colorado Statutes for development projects on the front end that is paid back via taxes over time from eventual lot/property owners which are located within the Metropolitan District. The site would have one Metropolitan District should the service plan be approved.

Bart Greer, County Legal Counsel, stated the proposed Metropolitan District formation was reviewed for compliance with State Statutory requirements; Elbert County Zoning Regulations Service Plan Criteria; and county staff is comfortable that requirements have been met. The expert financial review found the planned infrastructure and what it will be funding is capable of being supported by the plan. Details of the Service Plan for Proposed Pine Ridge Metropolitan District will be reviewed in the Applicant Presentation.

In consideration of the criteria set forth in the Elbert County Zoning Regulations, the Community and Development Services Department recommends approval of the requested addition of a new Metropolitan District and Service Plan.

Applicant Presentation: *Suzanne Meintzer* (McGeady Becher Cortese Williams P.C. – Special District Law) on behalf of Applicant Representative Jim Marshall (on behalf of Property Owner MF Investment Partners, LLC) - reviewed metropolitan district general, historical, Special District Act of 1981 updates, and benefits. A Service Plan document defines the parameters and limitations of the special district's authority; needs to strike a balance between enough flexibility for unforeseen circumstances and too much unrestricted authority; and define what the special district can do and what it cannot do. The Service Plan allows the District to install, construct and finance public improvements like water, sewer, streets, and parks; proposed District is subject to annual reports, local government budget, audit and open meetings laws; is anticipated to be the water and sanitation provider; and will not perform covenant enforcement services. Financial data reviewed included maximum debt mill levy; interest rate (capped); total debt limit; and securance of a certification from an independent municipal advisor/external financial advisor for any privately-placed debt.

Jim Marshall – stated the unit lot count is 186; however, lot sizes range 1.0 – 3.0 acres as opposed to 1.0 – 1.5 acres as reported in S. Meintzer's presentation Topics addressed included all county open space requirements met; funding of costs by

developer, builder, and metropolitan district; personal development experience; recent bond issuances (refunds/existing/new); funding and access valuation processes; and interest rate information.

Public Testimony Opened/Closed: None – Vice Chair Poletiek

Applicant Rebuttal: None – Vice Chair Poletiek

Board Discussion: Vice Chair Poletiek

Brief discussions held between Planning Commissioners, Staff, and Applicant included inquiries, responses, and requests. Topics included builders; building timeline; interest rates and related risks; mill levy cap (protects homeowners); generation of fixed revenue; market study by third-party consultant; bond process and investors; default circumstances and impacts; community engagement/homeowner board participation; water/wells/joint water plan; Commissioner Hunt

- Inquiry about why the metropolitan district is processed prior to the plat. *Staff*-process order is zoning, metropolitan district, then any type of platting which is typically in multiple filings;
- Request for clarification on project funders' investments, costs, reimbursements, and debt. *Applicant* – explained the funders' roles and restrictions related to reimbursement and debt – debt could pay organizational costs, but operational costs cannot be repaid with debt as it would be taxable;
- Would love to see a commitment in the Service Plan about getting homeowners onto the board as soon as possible as a commitment to transparency of the organization; and
- Referenced Elbert County's housing assessment, the number of homes currently in the pipeline, and the county not experiencing a housing crisis right now. Inquiry to staff as to why we are creating a metropolitan district and another community when housing exceeds, almost 3 times, what is called for in the housing assessment. *Applicant*-noted current housing projects, timeline of development of homes and project completion; homebuyer needs/preferences/choices; and need for proposed community. *Staff*-a number of projects have zoned for maximum number of residential homes; only a small percentage of those have actually been platted so they are not buildable, not even lots right now, simply zoned, the land use is there. There is no guarantee that those will come through the process and be platted in the next year, 5 years, 10 years. Clarification: "homes in the pipeline" is not 100% accurate, they still have to go through the platting process, even be eligible to pull a building permit.
- Inquiry if applicant is aware of a builder or developer who is building large scale as he is without a metropolitan district. *Applicant*-no, but you can buy a 5-acre lot, and there are other choices out there in the county.

Commissioner Edstrom

- Inquiry about the agenda packet referencing that the mill levy could be raised. *Applicant*-provided clarification.
- Inquiry on the status of the preliminary plat. *Staff*-application received recently; status will be updated on the next development projects report.
- Inquiries on the property zoning and development plan. *Staff*-zoned R-1. *Applicant*-development plan will be developed concurrently with the plat process.

Commissioner Schott-Grace

- Supports keeping homeowner costs down and appreciates applicant does not do covenants.

Call for Motion: Vice Chair Poletiek

Commissioner Sands moved the Planning Commission makes a recommendation of approval to the Board of County Commissioners for Pine Ridge Metropolitan District Service Plan.

Commissioner Dan McCallin seconded the motion.

Call for Roll Call Vote: Vice Chair Poletiek

Diana Edstrom – AYE.

Dan McCallin – AYE.

Kyle DeNardo – AYE.

Nicole Hunt – NAY. I am concerned that in Section 32.1.203.E that this service plan as proposed might not be in the best interests of the area in which it's supposed to serve, particularly, the residents, I'd really like to see commitment from the developers about including homeowners actively including homeowners very soon in the process so that their interests are protected as soon as possible

Dede Schott-Grace – AYE.

Van Sands – AYE.
Robert Poletiek – AYE.
Motion Passed 6 – 1.

PUBLIC HEARING #3 PINE RIDGE METROPOLITAN DISTRICT SERVICE PLAN CLOSED: 10:21 PM

- 9. ADJOURNMENT:** 10:22 PM
Commissioner McCallin moved to adjourn.
Commissioner Sands seconded the motion.
Motion Passed 7 – 0.