

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES  
PLANNING COMMISSION

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

DATE: June 17, 2025 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:04 PM – Chair Kirkwood
2. **PRAYER:** 7:04 PM – Chair Kirkwood
3. **PLEDGE OF ALLEGIANCE:** 7:05 PM - Led by Chair Kirkwood
4. **ROLL CALL:** 7:05 PM – Wendy Doyle  
Commissioners Present: Chair Kevin Kirkwood, Vice Chair Robert Poletiek, Van Sands, Dede Schott-Grace, Kyle DeNardo, Diana Edstrom, Nicole Hunt, and Dan McCallin.  
Commissioners Absent: John Gresham.  
Meeting Staff: Jennifer Jones, Community & Development Services Director; Danny Klibaner, Land Use Planner; Kelsey Lanham, Land Use Planner; and Wendy Doyle, PC Recording Secretary.
5. **STAFF REPORT:** 7:06 PM – Jennifer Jones  
Recent actions of the Board of County Commissioners reported.
6. **CITIZEN COMMENTS** - Unrelated to public hearings: 7:07 PM – None. Chair Kirkwood
7. **APPROVAL OF MEETING MINUTES:** 7:07 PM – Chair Kirkwood  
Discussions pertaining to the draft minutes and publicly posted meeting minutes.  
Commissioner Edstrom moved to approve the May 20, 2025, meeting minutes as presented.  
Commissioner Schott-Grace seconded the motion.  
**Motion Passed 8 – 0.**
8. **PUBLIC HEARING PROCESS:** 7:10 PM – Chair Kirkwood  
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:** 7:11 PM

**TRISHUL REZONE (RZ-2024-3550)**

**Staff Presentation:** Danny Klibaner, Land Use Planner - presented the proposed application requesting approval to rezone 35-acres from Agriculture (A) to Residential Agriculture (RA) at 35501 Cheyenne Trail, Elizabeth, CO 80107. A requirement in the rezoning exhibit is to show potential lot lines reflected in the minor plat; however, only the requested approval to rezone is before the commission.

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 provided considerations for decision and potential conditions of approval* of Trishul Rezone (RZ-2024-3550).

**Applicant Presentation:** Applicant Matt Prowant, Prowant and Company, on behalf of property owners Sai Krishna Kalyan Boga, Vivekanand Arunachalam, and Shilpa Boga – referenced a rezone slide depicting preliminary lot lines for three intended lots.

**Public Testimony Opened:** Chair Kirkwood

Testimony in opposition: Kyle Schultz-35227 Cherokee Trail, Elizabeth, CO 80107/referenced objection letter in agenda packet; Sarah Burgett-35590 County Road 3, Elizabeth, CO 80107. Topics included traffic traveling through Pawnee Hills Subdivision to access the subject property; must cross a bridle path to access the subject property; surrounding 35-acre lots; property value; quality of life; rural environment; road impacts; and water crisis.

Testimony in favor: None.

**Public Testimony Closed:** Chair Kirkwood

**Applicant Rebuttal:** Matt Prowant stated his understanding that the bridle path crosses the road, not property owned by the subdivision; received Division of Water approval; and shared anticipated water uses for the three lots.

**Commission Discussion:** Chair Kirkwood

Brief discussions held between Planning Commissioners, Staff, and Applicant included impacts to subdivision roads, traffic, equestrian lifestyle/mindset; pre-purchase knowledge, legalities, and County awareness of the bridle path; Zoning Amendment 4; utility easements not yet on property; notification recipients; traffic study; road construction/maintenance/name/access clarifications; and water sufficiency and augmentation plan;

Commissioner Schott-Grace:

- Request – for ownership of bridle path to be confirmed. *Staff*-clarified the bridle path is not on a right-of-way and does not cross the road; recommended crossing signage be discussed with Road and Bridge. The Commissioner (referring to crossing signage) stated approval has to have those kinds of conditions.
- Inquiry – if there are access options. *Applicant*-use by right for one lot, asking for two additional lots; going through a neighbor's property is the access option.

Commissioner Edstrom:

- Comments – (related to findings in review criteria) residential development goal is actually the vision statement in the comprehensive plan; residential development covering costs is a policy, as part of the comprehensive plan;
- Requests – applicant's address be corrected on the land development form from Cheyenne Trail to applicant's Indiana address; documentation including deeds, statement of taxes due, and assessor's records all show the applicant does not have the address presented; third party disclosure form, a notarized document, does not have the names of the property owners (property owner disclosure) or the applicant's name as the third party authorized by the owners. *Applicant*-confirmed he is authorized by property owners; document was notarized in Indiana and didn't write names in. The Commissioner stated the proof of access letter, required rezone exhibit information, and other documents are incomplete.
- Request – for drainage waivers from Public Works to be in writing.
- Inquiry – is there anything in writing from the applicant that referral comments were addressed. *Staff*-revisions addressed and resubmitted material provided.
- Inquiry – agenda packet does not contain the sign posting affidavit. *Staff*-not included due to required consecutive days of posting; will be provided in the BOCC agenda packet.

Commissioner McCallin:

- Inquiry – for clarification on access impacts to the bridle path. *Staff*-no impacts to the bridle path based on the rezoning.

Commissioner Sands:

- Inquiry – for confirmation the property has rights to all five aquifers. *Applicant*-yes (his understanding) and confirmed meets Elbert County's 300-year requirement.
- Inquiry – for confirmation the road will be County maintained. *Staff*-the road is County maintained; Road and Bridge did not have any objections; and access would be the owners' responsibility.

Commissioner Hunt:

- Recommendation - zoning regulations be revised pertaining to posting requirements.
- Inquiry – for clarification that within a month of purchasing the property in 2023, the owners living in Indiana started the process to rezone and to subdivide. *Applicant*-correct.
- Comments – related to building community; subdividing for family versus profit; and unfortunate criteria for a rezone does not require buyers live on the property.
- Inquiry – on outreach efforts with neighbors and the Pawnee Hills HOA. *Applicant*-Community meeting was the only touch with the neighborhood; provided background on the property owners, their interests in and intentions for the property including wanting to be good neighbors.
- Inquiry – for confirmation that the buyers are planning to move here. *Applicant*-yes, they will build on and occupy two of the three lots. The third lot will be sold.
- Inquiry – for clarification the HOA in Pawnee Hills does not have any responsibility in paying for any aspect of road maintenance at all; no collection of fees to the County, etc. *Staff*-the road is County maintained including plowing and grading.
- Comments – *for the record*: to recommend that there be development of renewable water resources for subdivisions; not currently required by County zoning regulations; and to be responsible citizens and to protect our water, it is something this County needs to consider.

Commissioner Kirkwood:

- Inquiry – for the number of referral agencies that did not comment. *Staff*-8 to 10 did not respond.
- Inquiry – (referencing water rights) if the applicant would be open to considering going to the next level down. *Applicant*-will accept what they need to accept to get the approval.
- Inquiry – if there were was a community covenant in place to maintain 35-acre lots in the original subdivision. *Applicant*-understands no covenants were put in place onto those 35's; spoke with the original owner's family. *Staff*-not aware of any covenants for the 35-acre parcels.

Additional Questions/Comments/Discussions:

- Commissioner McCallin – clarification the primary purpose of the rezoning is for the two owners to build two houses on the site as opposed to being a commercial transaction. *Applicant*-correct.
- Commissioner Hunt – clarification if a condition of approval that road inspection is required before driveway permits are issued is related to the plat or rezone. *Staff*-it is standard and related to the plat.
- Commissioner Kirkwood – PC doesn't see the minor plat; thinks it should be a stipulation to include it as one of the elements.
- Discussion for consideration of a recommended condition of approval to make it official and binding Road & Bridge inspects the road before issuing driveway permits.

Recommended conditions of approval considerations:

- Corrections to application documentation identified as incomplete;
- Horse and pedestrian crossing sign for the bridle path;
- Move to below the Lower Dawson to the Arapahoe as a condition for well permitting with augmentation; and
- Road & Bridge approval process for approving the extension and then doing driveway permits after that.

Additional Comments:

- Commissioner Edstrom – based on things missing/weren't filled in/weren't done considers packet incomplete.
- Commissioner DeNardo – inquiry on rezone exhibit revisions after recommendation of approval. *Staff*-corrections discussed during board discussion can be corrected.

**Call for Motion:** Chair Kirkwood

Commissioner Kyle DeNardo moved the Planning Commission make a RECOMMENDATION OF APPROVAL to the Board of County Commissioners for Trishul Rezone (RZ-2024-3550), subject to the conditions of approval recommended in the Staff Report along with the additional conditions:

- Bridle signage being inputted at the bridle easement crossing;
- Road & Bridge stipulation for inspections prior to permit issuance;

- Well shall bypass the Lower Dawson and enter into the Arapahoe; and
- Elements of the packet submitted before us be completed prior to the BOCC hearing; emphasis on the consent of authorization for applicant to represent them.

Commissioner Robert Poletiek seconded the motion.

**Call for Roll Call Vote:** Chair Kirkwood

Diana Edstrom – NAY. I believe the packet was based on the things that I said per Zoning Regulation II.C.11, the packet is incomplete, and it is the function of the Planning Commission to make sure that we are following the zoning regulations that we have whether we like them or not, and there's too many issues here that did not follow the regulations.

Dan McCallin – AYE. I want to stipulate the concerns that Diana just brought up and make sure that all of the concerns that she brought forth regarding the lack of documentation or the lack of information are detailed and completed before it goes to the BOCC.

Kyle DeNardo – AYE.

Nicole Hunt – AYE.

Dede Schott-Grace – AYE.

Van Sands – AYE.

Robert Poletiek – AYE.

Kevin Kirkwood – AYE.

**Motion Passed 7 – 1**

**Meeting recess:** 8:29 PM to 8:39 PM – Chair Kirkwood

**PUBLIC HEARING #1, TRISHUL REZONE (RZ-2024-3550) CLOSED** 8:39 PM

**PUBLIC HEARING #2** 8:40 PM

**THE PATCH SPECIAL USE BY REVIEW (SUR-2024-7360)**

**Staff Presentation:** Kelsey Lanham, Land Use Planner - presented the proposed application requesting approval for a SUR for a year-round agritourism/general amusement facility business that hosts various events including, but not limited to, Easter festivities, summer camp, summer nights, movie nights, weddings, farmers markets, fall festival, and Christmas drive-through light path. The Patch has operated as a pumpkin patch in Elbert County since 2017. In previous years, a Temporary Use Permit (limits operations to 60 calendar days per year) was obtained in order to operate their pumpkin patch during the month of October. In 2024, The Patch relocated to 7360/7400 State Highway 86; 109.177-acres zoned Agriculture. The applicants were issued Temporary Use Permits (TUP) numerous times since the SUR application was initiated in 2022.

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 provided considerations for decision and potential conditions of approval* of The Patch Special Use by Review (SUR-2024-7360).

**Applicant Presentation:** Applicant Dustin Smith stated all of the structures on the property were visited by Rick Young (former Zoning Compliance Officer) and are all in compliance; has worked with the Building Department and agencies involved in the temporary use process for years; clarified CDOT did not require a traffic study but did require a traffic letter from a traffic engineer; CDOT oversaw the project of moving the entrance further to the west; and shared project concepts and goals.

**Public Testimony Opened:** Chair Kirkwood

Testimony in opposition: Sandra Clayton, 7158 State Highway 86, Elizabeth, CO 80107-adjoining property owner. Topics included told mainly pumpkin and corn patches two months out of the year; not an agricultural business; private driveway use; private property accessed; concern for personal animals/liability/unsecured fence; road location; gunshots; lights; events until 11 pm; and decrease in property value.

Testimony in favor: None.

**Public Testimony Closed:** Chair Kirkwood

**Applicant Rebuttal:** Mr. Smith addressed concerns expressed during public testimony. Responses included traffic event signage verbiage changed to divert traffic from neighbor's driveway; works with Colorado Highway Patrol on access and signage; shooting of guns was not during open hours; lights are directed down, solar motion-activated lights dim and are directed down; always the plan to do more than the pumpkin farm/fall festival – SUR process started in 2022; have measured noise levels with decibel meters during events; and speakers are movable and have volume controls should neighbors complain about noise.

**Commission Discussion:** Chair Kirkwood

Brief discussions held between Planning Commissioners, Staff, and Applicant include Temporary Use Permit (TUP) process and requirements; The Patch past TUPs; The Patch TUP obtained while SUR in process; SUR requirements for community meetings; property well water will not be used by public; water for handwashing stations and drinking is contracted out and delivered.

**Commissioner Hunt:**

- Request – for confirmation that it is the position of County staff to not make a recommendation for approval or denial. *Staff-Correct.*
- Inquiry – on the applicants' residential address. *Applicant-Farm manager resides on project property; property owners live on the former location of The Patch in Elbert County.*
- Inquiry – why pursuing a SUR rather than rezoning to Commercial. *Applicant-SUR was at the request of the fire and health departments as it provides more flexibility than Commercial. I.e., Commercial requires fire flow/access and bathrooms.*
- Comments – identifying the scale and scope of the operation (increase in traffic flow/public attendance/year-round business activity) activities are in line with commercial type of activity rather than specific use by special review. *Applicant-all electric done at commercial grading, not agriculture or residential levels. (Referring to the SUR) by advisement of the former Community and Economic Development Department Director, the plan submitted is what might happen over the next 5 to 10 years.*
- Inquiry – for a total number of vehicles coming onto the property for year-round events. *Applicant-depends on the number of events. Commissioner commented the SUR application is for approval of all events presented in the SUR application; believes 24,263 vehicles will be using the County road (State Highway 86) to access the business every year if the applicant pursues everything asking approval for; and recommends applicant update vehicle information prior to the BOCC public hearing. Applicant-would be years before got to 24,000 vehicles in a year; CDOT approved what is being done today based on current infrastructure; and CDOT is asking for a traffic study again in three years to keep an eye on traffic, road construction considerations, etc.*
- Inquiry – why applicant hasn't talked to the community since the community meeting held in July, 2022. *Applicant-was not asked to; had done notifications on the temporary use permits and did the new notification on the summer nights; did notifications as requested. The Commissioner would have liked more community engagement.*
- Inquiry – why applicant was open for Easter without a TUP while the SUR was in process. *Applicant-did the Fire Department and Health Department permits, no time to do a County TUP; sure County would have preferred a TUP; confirmed does have a TUP for summer nights activities. Staff-Easter event TUP not applied for; it was relayed (in e-mail form) that they cannot operate without one; one should have been obtained.*
- Inquiry – about statement in application regarding gravel road and gravel parking improvements once attendance grows to 40,000 annual visitors. *Applicant-put forward a reasonable plan; open to suggestions.*
- Inquiries – on Kiowa conservation district concerns including drainage/erosion/root systems and Office of Emergency Management (OEM) comments/concerns including turn lanes and intersection management. *Applicant-reviewed efforts, status, and provided clarifications.*
- Recommendation - SUR should require traffic study.

**Commissioner Sands:**

- Inquiry – if location is in an Economic Development Zone (EDZ). *Applicant-yes.*

**Commissioner McCallin:**

- Comments – concerned about ambiguity of multiple uses; timeframe of scope to expand over time not defined; traffic; and the term “not limited to” *Staff-provided explanation and referenced Considerations for Decision presented in the staff report. Applicant-described differences and similarities of various events and explained traffic mitigation efforts, plans, and levels.*
- Inquiry – as to what else can be done to address concerns expressed by adjoining property owner. *Applicant-restated traffic signage verbiage changed; new sizable entrance created; neighbors taken into account in the site plan; and*

open to suggestions. The Commissioner would like the applicant to be more proactive in mitigating impacts to the neighbor including public driving on property, lighting (especially Christmas lighting), and parking.

Commissioner Poletiek:

- Request – for consideration of a condition of approval for appropriate field fencing to help mitigate public accessing neighboring properties; fencing currently 4-strand barbed wire in need of repair. Parking lot attendants not effective. *Applicant*-has rolls of field fence and can throw some up.
- Request – for a plan to better understand the proximity of the parking to the neighbor's pasture area and barn where there is the likelihood of something that would attract a child to want to go across there.
- Inquiry – as to what can be done about laying down the dust turned up by vehicles driving in the dry area. *Applicant*-can spray water; have 35- and 100-gallon tanks can put in a truck and spray – would be well water.
- Inquiry – if there is a normal time of operation usually associated with temporary permits for fair events up to 11pm or later. Staff-would think 10pm or 11pm, not aware of another TUP with comparable hours.

Commissioner Edstrom:

- Comment – read the definition of SUR from the zoning regulations and doesn't think zoning is addressed. *Staff*-from a regulatory standpoint, Land Use Table category (Entertainment and Recreation) General Amusement land use is SUR and noted there are additional considerations for the PC. The Commissioner stated it is unfortunate that there are no standards that would say *if you are this type of facility, here are regulations around it* which leaves it up to the discretion of whomever is thinking about that; up to the PC to come up with those rules and make those decisions.
- Inquiry – for the documentation/notes from the pre-application meeting three years ago. *Staff*-had notes from the community meeting so can almost assure that there are pre-application notes from the meeting.
- Inquiry – if it is known what the applicant was proposing three years ago when the community meeting and pre-application meeting took place. *Staff*-(not in attendance at the community meeting in 2022) reached out to the applicant to assure that everything was addressed at that time. *Applicant*-would have been doing multi-events throughout the year; does not know that every activity on that list would have been there because some of those activities didn't exist three years ago.
- Comments – exhibit diagram does not show dimensions; no legend to know what is built and what is not; no sizes/dimensions/distances; how close to the fence; needs specifics to make a decision and they are not there. To approve something, not knowing what is going to be done when, how that is going to affect the community; how that is going to affect anything else that may be around there is too vague. The Commissioner briefly reviewed normal/required exhibit information. *Staff*-SUR exhibit (direct snippet from the exhibit) does have the legend listing existing buildings in bold and dimensions are provided for the existing structures and the proposed structures; if referring to something else that needs dimension, can set a condition of approval to revise the exhibit.
- Comments – (related to review criteria) included not in harmony with agricultural neighborhood; traffic/lighting/noise/parking will change the area and it cannot be changed back – doesn't see that being addressed; no written plans; big overall business plan; traffic safety concerns, should have a traffic study (not required); and drainage plan. *Staff*-CDOT permit, and the traffic letter were not included in the packet; however, can be provided.
- Inquiry – for the number of acres a part of the SUR. *Applicant*-including parking only mapped an estimated 40-acres. *Staff*-the exhibit, the PC would be approving or not, identifies where the use is allowed; staff spent weeks if not months working with the applicant specifically on the CDOT and OEM issues and a variety of letters were provided; staff was careful to confirm with both the OEM and CDOT before hearings were scheduled that they were requesting no other changes/revisions/improvements; CDS staff defers to experts in terms of traffic; and for clarification, contradictions in the packet are a matter of sequencing and the most recent.

Commissioner DeNardo:

- Comments – blanket SUR (entitling basically a theme park) is detrimental to the applicant; phases would have been better; opposite of what applicant was provided in the beginning.
- Inquiry – for the main form of communications with staff during main events including emergencies. *Applicant*-rent radios for larger events; lately have been renting commercial radios that operate on a different band apart from the community; occasionally use normal midland radios; have an in-house sound system; work with OEM and Skyview Weather to put together announcement plans for weather alerts to communicate with staff and guests through public PA system; and cell phones for emergency calls.
- Inquiry – for projected number of people on the property on the busiest day. *Applicant*-at former location busiest day was between 2,500 and 3,000 people. The Commissioner is concerned about overloading capacity on cell phones; difficult to get a 911 emergency call working off of one cell tower.

- Inquiry – if applicant has worked with carriers to potentially bring on a temporary communications forum. *Applicant*- it has never been brought up; noted secondary access point for OEM and agency support.

Commissioner Schott-Grace:

- Comment – concerned about traffic; similar use of property in Broomfield required another lane to be built. *Applicant*-entrance cannot exceed 24 feet per CDOT; could expand wider beyond the entrance (two lanes) to prevent traffic buildup on State Highway 86.
- Comments – sounds great, thought through; not sure having an Elitch type thing off of 86 is a smart thing to do; would be different if done in stages; working with State Patrol, not County people; and first aid concerns. *Applicant*-working with County people with Sheriff's Posse, and multiple emergency medical technicians (EMTs) on-site for all events.

Applicant Comments:

Dustin and Katherine Smith – provided background on working with the County including Community and Economic Development Director's request to put in every possible opportunity that they could ever imagine; wanted to baby step; County wouldn't allow; wasn't their goal to have a big proposal. Discussion held between Board and Applicant.

Commissioner Kirkwood:

- Comments – apologized for past staff direction; zoning issue - clearly commercial, not agriculture; brief reference to zoning taxes; surrounding properties agricultural; needs to be thought through better and more efficiently.
- Inquiry – for end date of final vision. *Applicant*– probably ten years.

Additional Questions/Comments/Discussions:

- Commissioner Poletiek – inquiry related to EDZ, SUR, and Agriculture zoning. *Staff*-based on EDZ language, it is full optional – can use EDZ, underlining zoning, or can use both.
- Commissioner McCallin – inquiry with regard to statement made by applicant related to County pushing beyond limits on scope/plan. *Staff*-cannot speak to past conversations not a part of; talked with applicants about the challenge of the specificity; there was a limitation with the TUP process the applicant had been using; if had met with applicants three years ago probably would not have given the same direction, understanding the specificity that is typically requested by the PC and the BOCC.
- Commissioner McCallin – comments that clarification explained some of the ambiguity of event roll out timelines and about a SUR that in itself is very ambiguous in terms of “not limited to” types of things.
- Chair Kirkwood – reviewed options for motions.
- Commissioner DeNardo – inquiry if conditions can be placed on specific things that can be done within this SUR. *Staff*-absolutely; PC can make recommendations for certain uses, certain events, or certain number of days.
- Discussion - surrounding recommendations for conditions of approval.
- Commissioner Hunt – commented there is still criteria that has to be agreed it has been met in order to agree the recommendation of approval with conditions.
- Discussion - surrounding criteria having been met or not met. Topics included harmony and compatibility; documentation and exhibit issues.
- Commissioner Kirkwood – inquiry to applicant for event plans this year. *Applicant*-Easter, summer nights, pumpkin patch, and maybe Christmas lights
- Discussion – surrounding encroachment of neighbor privacy. Topics included fencing, parking, and lights.
- Commissioner Hunt – comments 17,613 vehicles is a traffic congestion/burden on existing road system problem; too many open questions.
- Commissioner Edstrom – comments included has too many questions; and even with conditions, don't have a good, completed application or documentation of what would be asking for.

**Call for Motion:** Chair Kirkwood

Commissioner Kyle DeNardo moved the Planning Commission make a RECOMMENDATION OF APPROVAL to the Board of County Commissioners for The Patch Special Use by Review (SUR-2024-7360), subject to the conditions of approval recommended in the staff report along with the additional conditions:

- SUR is limited to only events Easter, summer nights, the pumpkin patch, and Christmas lights.
- Traffic study must be completed in full and provided to the County; and
- Field fence is to be provided to mitigate the livelihood of neighboring livestock.

Commissioner Robert Poletiek seconded the motion.

**Call for Roll Call Vote:** Chair Kirkwood

Diana Edstrom – NAY. I think your idea is great, I really do; but I just cannot vote yes on this based upon what we have in front of us and too many open questions and zoning regulations that I don't think are being satisfied; I have to say I'm sorry but, based on my job as a planning commissioner I just can't vote yes.

Dan McCallin – (Asked questions regarding motion conditions; brief discussion) NAY. Based upon that last comment and based upon the rest of the ambiguity, I have to reluctantly vote NO. I applaud the spirit of what you're doing, and this is a very difficult thing for me to make this type of vote.

Kyle DeNardo – AYE.

Nicole Hunt – NAY. I believe the application fails to meet the criteria set out in Article III. E. 5 (a), (c), (d), (f), and (g).

Dede Schott-Grace – AYE. I do understand everybody else's concerns about some of the other stuff, but I really think they have tried, and I don't think it's right that we, as in the County, gave them bad advice.

Van Sands – AYE.

Robert Poletiek – AYE.

Kevin Kirkwood – AYE. With the conditions, I'll vote AYE.

**Motion Passed 5 – 3**

**PUBLIC HEARING #2, THE PATCH SPECIAL USE BY REVIEW (SUR-2024-7360) CLOSED 10:46 PM**

**PUBLIC HEARING #3 10:46 PM**

**UPDATES TO ELBERT COUNTY ZONING AND SUBDIVISION REGULATIONS**

**Chairman Comment:**

The Planning Commission had intended to review and vote on the requested redline changes to the regulations discussed at a work study session held on April 22, 2025; however, only 14 minutes remain before the Resolution 00-01 11pm adjournment deadline.

**Staff Recommendation:** Jennifer Jones, Community & Development Services Director – recommended the hearing be opened and proceed to the public testimony portion to allow meeting attendees the opportunity to comment on the redlines.

**PUBLIC HEARING #3 OPENED 10:48 PM**

**Public Testimony Opened:** Chair Kirkwood

Brenda Peterson, 47875 County Road 29, Elizabeth, CO 80107. Inquiries pertaining to her property qualifying for EDZ; spoke with Danny Klibaner (Land Use Planner) recently and learned EDZ may be negated/ended; has business ideas; would like EDZ information and direction; and requested clarification on referenced redlines.

**Chairman Comments:** questions can be addressed when have the conversation; will defer to the next meeting or another time certain; EDZ and redlines are the same thing; not trying to shut down business opportunities; looking for ways to do it smarter and include the community instead of excluding the community.

**Public Testimony Closed:** Chair Kirkwood

**9. ADJOURNMENT: 10:51 PM**

Commissioner Dede Schott-Grace moved to adjourn.

Commissioner Dan McCallin seconded the motion.

**Motion Passed 8 – 0.**