

COMMUNITY & DEVELOPMENT SERVICES

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PLANNING COMMISSION REGULAR MEETING – Tuesday, August 5, 2025, 7:00 PM

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

- 1. CALL TO ORDER:** 7:00 PM – Chair Kirkwood called the meeting to order.
- 2. INVOCATION/PLEDGE OF ALLEGIANCE:** Chair Kirkwood provided the Invocation and led the Pledge of Allegiance.
- 3. ROLL CALL/ATTENDANCE:** Wendy Doyle called the roll.
Commissioners Present: Chair Kevin Kirkwood, Dede Schott-Grace, Kyle DeNardo, Diana Edstrom, Nicole Hunt, Dan McCallin, and John Gresham.
Commissioner Absent: Vice Chair Robert Poletiek.
Vacant Seat: District 3.
Meeting Staff: Jennifer Jones, Community & Development Services Director; Kelsey Lanham, Land Use Planner; and Wendy Doyle, PC Recording Secretary.
Other Staff: Mars Garcia, Information Technology.
- 4. STAFF REPORT:** Jennifer Jones reported informational updates and recent actions of the Board of County Commissioners.
- 5. CITIZEN COMMENTS:** Chair Kirkwood. None, unrelated to public hearings.
- 6. APPROVAL OF MEETING MINUTES:** Chair Kirkwood

Commissioner Hunt moved to approve the June 3, 2025, and June 4, 2025, meeting minutes as presented.
Commissioner Dan McCallin seconded the motion. **Motion Passed 7 – 0.**

Commissioner Hunt moved to approve the June 17, 2025, meeting minutes as presented.
Commissioner Dan McCallin seconded the motion. **Motion Passed 7 – 0.**

Commissioner Hunt moved to approve the July 1, 2025, meeting minutes and July 1, 2025, work study session meeting minutes as presented.
Commissioner Dan McCallin seconded the motion. **Motion Passed 7 – 0.**
- 7. PUBLIC HEARING PROCESS:** Chair Kirkwood discussed the role of the Planning Commission and the public hearing process.

PUBLIC HEARING #1: 7:20 PM Chair Kirkwood

ROSELL REZONE (RZ-2023-2498)

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting approval to rezone 35.2 acres from Agriculture (A) to Agriculture Residential (AR) at 24981 Cave Spring Trail, Elbert, CO 80106. Points noted included applicants reside in the one residence currently on the property; property is located within the Palmer Divide

Ranches on East Cherry Creek subdivision; purpose of the rezone request is to facilitate family members' ability to live closer to the applicants; existing AR zoned properties are directly across from the subject property; and development standards for an AR zoned property allow for 1-acre minimum lot sizes with 100 ft. front setback and a 50 ft. side and rear setback.

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.*

Applicant Comment: Paul Rosell expressed his hope to subdivide the property into two lots to allow his son and family to build a home in the development.

Public Testimony Opened/Closed: Chair Kirkwood

Testimony in favor: Scott Paul English-Elbert, CO. Additional topics included HOA and subdivision map.

Testimony in opposition: None.

Applicant Rebuttal: Chair Kirkwood. No rebuttal presented.

Commission Discussion: Chair Kirkwood

Brief discussions held between Planning Commissioners, Staff, and Applicant included staff reference to spot zoning; land use compatibility; future CDS land use informational map; and mapping updates – i.e., HOA, County, etc.

Call for Motion: Chair Kirkwood

Commissioner DeNardo moved the Planning Commission makes a recommendation of approval to the Board of County Commissioners for case RZ-2023-2498 (Rosell Rezone), subject to the conditions of approval recommended in the staff report.

Commissioner Hunt seconded the motion.

Call for Roll Call Vote: Chair Kirkwood

AYES: Dede Schott-Grace, John Gresham, Nicole Hunt, Kyle DeNardo, Dan McCallin, and Kevin Kirkwood.

NAY: Diana Edstrom – voting no and the reason I'm doing that is in my review of the application I found that I do not have all of the documents required per the zoning regulations and, therefore, cannot make a decision to vote yes on this.

Motion Passed 6 – 1.

PUBLIC HEARING #1, ROSELL REZONE (RZ-2023-2498) CLOSED: 7:39 PM Chair Kirkwood

PUBLIC HEARING #2: 7:40 PM Chair Kirkwood

INDEPENDENCE FILING 5 FINAL PLAT (FP-2024-7515)

Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting approval of a Final Plat for Independence Filing 5 to create an additional 164 lots within the Independence Subdivision. The total acreage of this filing currently located within the Independence Planned Unit Development (PUD) is 377.7-acres. This filing is an extension of the ongoing Independence Development. Filing 5 will create 163 additional lots, with 19.6-acres of Open Space. The PUD will remain under the allowable number of total units, 1,400, even with those proposed in Filing 5. In Filing 5 Final Plat, there are three lots proposed to be under 6,999 sq. ft., with the remaining 160 lots being over 7,000 sq. ft. in size. All proposed lots will be serviced by the Independence Sanitation & Water District.

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.*

Applicant Presentation: Jim Yates, CB Independence Holding Company, LLC-Applciant/Owner - introduced the project team;. Mark Kieffer, Planning/Landscape Architecture (Norris Design)-Applicant Representative – provided Filing 5 background and overview information and addressed topics including low impact development; phased development; land use timeline; commercial/economic development; water conservation; public improvements; community outreach; and a summary of the overall Independence project. Carolynne White, Land Use Legal Counsel (Brownstein) – reviewed Conditions of Approval

(PUD)/Final Plat Approval Criteria; Subdivision Improvements Agreement; and Layers of Oversight (i.e., Metro District). Jeff Killingsworth, Civil Engineer (CORE) – available to address questions.

Public Testimony Opened/Closed: Chair Kirkwood. No testimony presented.

Commission Discussion: Chair Kirkwood

Brief discussions held between Planning Commissioners, Staff, and Applicant team included number of Independence homes existing, homes in Filing 5, and homes in overall Independence buildout; roads and drainage; Subdivision Improvement Agreement; Development Agreement; referral comments and responses; home buyer tracking/programs; development walkability (sidewalks) and trail access; traffic study; traffic analysis projections; emergency services access/response time; water reclamation; timeframe of development; area home sales; builder interest; community outreach, frequency, and attendance; and Metro District board membership.

Call for Motion: Chair Kirkwood

Commissioner DeNardo moved the Planning Commission makes a recommendation of approval to the Board of County Commissioners for case FP-2024-7515 (Independence Filing 5 Final Plat), subject to the conditions as recommended in the staff report.

Commissioner McCallin seconded the motion.

Call for Roll Call Vote: Chair Kirkwood

AYES: Dede Schott-Grace, John Gresham, Kyle DeNardo, and Dan McCallin.

NAYS: Nicole Hunt – I believe that the land use application fails to meet the criteria set out in ECSR Article II.C.D. and E; Diana Edstrom – In my review of this application, I found that we did not have all of the required documents per the zoning regulations; and Kevin Kirkwood – I’m aligned with the fact that it doesn’t follow the process associated with the ECSR as outlined by Nicole. I think that fills the gap and I hate to say it, but I look out there and I see this growth and it does not fit the community; it’s literally sitting out there, and it looks like a; I’ll just leave it at that, it’s a very noticeable community. A nice way to say it.

Motion Passed 4 – 3.

PUBLIC HEARING #2, INDEPENDENCE FILING 5 FINAL PLAT (FP-2024-7515) CLOSED: 9:06 PM Chair Kirkwood

Meeting Recess: 9:06 PM thru 9:15 PM Chair Kirkwood

PUBLIC HEARINGS #3 AND #4: 9:15 PM Chair Kirkwood

CHEVELLE REZONE (RZ-2025-0001) AND CHEVELLE PRELIMINARY PLAT (PP-2025-0001)

Chair Comment: Public Hearing #3 and Public Hearing #4 presentations contain duplicate information and will be presented jointly; however, review criteria and voting will be conducted separately.

Chevelle Rezone, Staff Presentation: Kelsey Lanham, Land Use Planner - presented the proposed application requesting approval to rezone 306-acres from Agriculture (A) to Agriculture Residential (AR) at Parcel No. 62313-00-025 for the purpose of future development. The property, historically vacant with no structures, has a concurrent Preliminary Plat application in process; however, without approval of the Rezone application, the Preliminary Plat cannot be approved. Agriculture Residential zoning allows for 10-acre minimum lot sizes. Applicant-Michael Bennett and Kasey Giliotti; Property Owner-Comanche Creek Holding Company, LLC.

Chevelle Preliminary Plat, Staff Presentation: Kelsey Lanham, Land Use Planner – presented the proposed application requesting approval of a Preliminary Plat to subdivide 306-acres to create 24 10-acre lots with 62+ acres of open space at Parcel No. 62313-00-025. The property, historically vacant, with no structures, has a concurrent Rezone application in the process. If the Rezone application is approved through the Board of County Commissioners, then this property will be zoned Agriculture Residential (AR), which will allow for the proposed 10-acre lot sizes. Applicant-Michael Bennett and Kasey Giliotti; Property Owner-Comanche Creek Holding Company, LLC.

Chevelle Rezone: 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*.

Chevelle Preliminary Plat: Based upon review of the approval criteria found in Elbert County Subdivision Regulations Article II.C and the findings in the Staff Report, *staff provided considerations for decision and potential conditions of approval*.

Applicant Comments: Michael Bennett – provided background on property selection and considerations including water source/supply/plan; traffic study – includes future development of the 24 lots; 10-acre lot size for rural feel; open space and access; and green belt opportunities.

Public Testimony Opened/Closed: Chair Kirkwood. No testimony presented.

Commission Discussion: Chair Kirkwood

Brief discussions held between Planning Commissioners, Staff, and Applicant included green belt for equestrian use included in 20% open space; intended HOA; local builders and contractors; 10-acre lot size favorable; no metro district; tentative cash-in-lieu versus road changes; emergency evacuation route/egress; open space requirements and definitions; wildlife considerations; and acreage inquiries.

Call for Motion – Chevelle Rezone: Chair Kirkwood

Commissioner DeNardo moved the Planning Commission makes a recommendation of approval to the Board of County Commissioners for case RZ-2025-0001 (Chevelle Rezone), subject to the conditions as recommended in the staff report. Commissioner Schott-Grace seconded the motion.

Call for Roll Call Vote: Chair Kirkwood

AYES: Dan McCallin, Kyle DeNardo, Nicole Hunt, John Gresham, Dede Schott-Grace, and Kevin Kirkwood.

NAY: Diana Edstrom – In my review of this application, I found that it did not have all of the required documents per the zoning regulations to allow to make a good, informed decision.

Motion Passed 6 – 1.

Call for Motion – Chevelle Preliminary Plat: Chair Kirkwood

Commissioner DeNardo moved the Planning Commission makes a recommendation of approval to the Board of County Commissioners for case PP-2025-0001 (Chevelle Preliminary Plat), subject to the conditions as recommended in the staff report.

Commissioner Schott-Grace seconded the motion.

Call for Roll Call Vote: Chair Kirkwood

AYES: Dan McCallin, Kyle DeNardo, Nicole Hunt, John Gresham, Dede Schott-Grace, and Kevin Kirkwood.

NAY: Diana Edstrom – My review of the application found that it did not have all the required documentation per the zoning regulations.

Motion Passed 6 – 1.

PUBLIC HEARING #3, CHEVELLE REZONE (RZ-2025-0001) and PUBLIC HEARING #4, CHEVELLE PRELIMINARY PLAT (PP-2025-0001) CLOSED: 9:52 PM Chair Kirkwood

- 8. ADJOURNMENT:** 9:52 PM Chair Kirkwood
Commissioner Schott-Grace moved to adjourn.
Commissioner DeNardo seconded the motion.
Motion Passed 7 – 0.