

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3185 FAX: 303-621-3165
cds@elbertcounty-co.gov



AGENDA

PLANNING COMMISSION MEETING

BOCC Hearing Room

215 Comanche St. Kiowa

DATE: February 16, 2021 -- TIME: 7:00 PM

1. CALL TO ORDER

The meeting was called to order at 7:25 p.m.

2. PRAYER: Peter Hoogendyk

3. PLEDGE OF ALLEGIANCE: All

4. ROLL CALL

Planning Commissioner Danny Willcox, Planning Commissioner Daniel Michalak Jr, Planning Commissioner Van Sands, Planning Commissioner Jeffrey Franken, Planning Commissioner Peter Hoogendyk, Planning Commissioner Jason Vermillion

5. REMINDER TO TURN OFF CELL PHONES

6. STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S) PERTAINING TO MATTERS OF THIS BOARD

Christina Stanton stated that the Board of County Commissioners (BOCC) approved a new impact fee schedule to become effective March 12, 2021. Additionally, Mrs. Stanton stated that the only land use item that was on the last BOCC meeting was the Spring Valley Ranch DGA #3 and it was approved.

7. CONSENT AGENDA ITEMS ARE RESERVED FOR ITEMS that are deemed to be non-controversial. This allows the Planning Commission to spend more of its meeting time for issues in which there is a need for a more significant discussion. If anyone desires to address the Commissioners regarding an item from this day's consent agenda, please ask that the item be removed from the consent agenda for further discussion.

None.

8. CITIZEN COMMENTS

None.

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9. APPROVAL OF MEETING MINUTES

A. January 19 and 20, 2021

Motion: Approval of January 19 and 20, 2021 Minutes

Peter Hoogendyk made by a motion to Approve the Minutes as presented. Van Sands seconded the motion.

Yes - All

No - None

Motioned passed 6-0.

10. ELECTION OF OFFICERS

Motion: To nominate Danny Willcox as the Planning Commission Chair.

Peter Hoogendyk made a motion to nominate Danny Willcox as the Planning Commission Chair. Van Sands seconded the motion.

Yes - All

No - None

Motion passed 6-0.

Danny asked for nominations for a Co-Chair.

Danny followed up his request by nominating Dan Michalak for Co-Chair, mentioning that Dan has previously served in this role as Co-Chair.

Perter seconded the nomination of Dan Michalak as Co-Chair.

Peter moves to close nominations for Co-Chair. Danny seconded this motion to close nominations for Co-Chair.

Danny indicates that nominations for co-chair have been closed and there has been a motion and second to elect Dan Michalak as Co-Chair.

Danny asks for a vote to elect Dan Michalak as Co-Chair.

Yes- All

No- None

Danny thanks Dan for his contributions to the Planning Commission.

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11. PUBLIC HEARING PROCESS Chairperson Statement: This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the adopted regulation standards/criteria and the competent, substantial and material evidence received during this hearing.

Danny indicates that the Planning Commission can recommend that the Board of County Commissioners approve, deny, or approve with conditions

All testimony must be competent, on topic and not repetitious.

Chairperson - The order of business for Public Hearings will be as follows:

1. Open Public Hearing
2. Staff Presentation
3. Applicant Presentation (if any)
4. Public Testimony
5. Public Comment Closed
6. Applicant Rebuttal
7. Board Only Discussion
8. Board Motion and Roll Call Vote
9. Close Public Hearing

Note: Once the Public Hearing has been closed, no further testimony will be taken.

12. PUBLIC HEARINGS

A. Messer Event Center (SU-19-0099)--A request for a Special Use by Review to allow for an existing event center located on approximately 20 acres at 33955 County Road 37, Kiowa

Danny opened the public hearing for Messer Event Center (SU-19-0099).

Greg Laudenslager presented an overview of the application, history, referral comments, staff evaluation, staff recommendation and conditions of approval.

The applicant's representative, Tom Maroney, briefly discussed the history of the project. Stated that Rory Hale, Director of Public Works, requested another traffic study. Stated that Kimley-Horn performed the new traffic study. Stated they were waiting for acceptance from CDOT. Discussed the well permit and stated that the big change in this project was from private to public. Stated that the sign has been removed. Stated they will do whatever they need to do for Fire and Building Code. Stated it is 4-H, roping, County events. Stated that the biggest deal is CDOT approval.

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Danny opened public comment.

Julie Atkins, 4702 County Road 106, Elizabeth--Stated that open ride nights on Tuesdays and Thursdays have 15-20 young people working their horses. Stated it is...

Jeff--Asked if CDOT says they don't need accel/decel lanes. Stated he believed this project would become more active.

Tom--Stated both the County and CDOT are monitoring what is going on. Stated if they exceed the counts in the latest study they will have to install accel/decel lanes, if warranted. Stated if CDOT tells them to stop at any point in the future they will have to stop.

Todd Collin, Attorney for the Messers--Stated his office is in Elizabeth. Stated turn lanes are required for the safety of Elbert County residents. Stated that they are also a liability. Stated if lanes are necessary they will be installed.

Jason--Asked if they charge for the use of the arena.

Tom--Stated that folks do pay a fee, like \$15. Stated it is not a club, used to be a club. Stated that when it was first built there was no SUR required for private clubs. Stated that the fee is nominal.

Todd--Stated they broke the fees down and looked at closely. They basically cover the cost of electricity. Not really a money maker.

Danny--Discussed arena website.

Todd--Stated he discussed providing arena for high school students and partnering with Elizabeth Parks & Rec.

Van--Stated it is good that they are willing to put it in later if traffic becomes an issue. Would like to see it in writing.

Todd--Stated it is a personal project. Stated that an original bid to install turn lanes was about \$1 million. Wants it to grow. Doesn't want traffic liability.

Tom--Stated it could be hammered out with BOCC.

Van--Stated he thought they need to add it to their recommendation and the BOCC can hammer it out.

Todd--Referenced Kimley-Horn traffic study. Stated he has been in discussions with Sheriff.

Dan--Stated he assumed the applicant had commercial insurance.

Todd--Confirmed that it is correct. Referenced equine statute. Stated he could assure there was sufficient insurance, but he would follow-up if requested.

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Dan--Discussed possible condition of approval related to potential traffic increase.

Todd--Stated it can't be negotiated, it is a regulation.

Dan--Inquired about the numbers and whether they were fixed.

Todd--Verified they are fixed and stated it is all in the traffic study and it is very detailed. Discussed the various standards from the study. Stated he would be happy to put something in writing. Explained that they would have to exceed more than 30 times in a year.

Dan and Todd discussed further. Todd stated he would have something submitted by the end of the day tomorrow. Dan stated he thinks it is good for Elbert County.

Greg drafted a condition of approval. Tom and Todd stated they are good with the condition.

Jeff--Asked about accel/decel and whether the number of accidents that occur had anything to do with the requirements.

Todd--Stated that it is a factor for traffic lights. Stated it wasn't considered for this project because they don't even meet the minimum for accel/decel lanes.

Danny--Stated that this is an assembly type use and it may require more to be done to the building.

Todd--Stated that if the County requires it they will address it. Discussed large event that grew larger than they anticipated and how that first put them on the County's radar. Will spend money if they have to in order to bring it up to Code. Stated they won't exceed occupancy.

Tom--Stated he will work with Faith in the Building Department.

Todd--Stated they won't do anything in violation of County Codes. They will do it or shut it down.

Peter--Asked if it should be a condition.

Danny--Stated it is in here.

Motion: To recommend approval of Messer Event Center (SU-19-0099) to the Board of County Commissioners.

Dan made a motion to recommend approval of Messer Event Center (SU-19-0099) to the Board of County Commissioners. Peter seconded the motion.

Yes - All

No – None

Motion passed 6-0.

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B. Rock Bottom Propane (SU-20-0068)--A request for a Special Use by Review to allow for a bulk propane storage facility (78,000 gallon maximum) located on approximately 0.95 acres of a larger 60.15 acre property located at 13618 County Road 166, Kiowa

Danny opened the public hearing for Rock Bottom Propane (SU-20-068).

Greg Laudenslager presented an overview of the application, history, referral comments, staff evaluation, staff recommendation and conditions of approval.

The applicant's representative, Tom Maroney, stated he had nothing to add the project is straight forward.

Danny opened the item for public comment.

Tim Unknown, 8200 Cherrywood Loop, Kiowa--Asked how they are able to open and start their business without completing the process. Asked about fire.

Tom--Stated Kiowa Fire had no objections. Stated they are in the middle of nowhere. Asked if a tank would blow-up.

Tim--Stated it has happened before.

Peter--Stated this property already has one large tank. Is this to allow this tank or for more?

Greg--Stated that there was a former precedent to allow them to move forward. Stated the existing tank was 18,000 gallons and there are two more tanks proposed.

Dan--Asked about address markers. Asked if it was a County standard.

Tom--Stated it was a fire requirement.

Dan--Asked about whether there are requirements to have the address clearly marked.

Greg--Stated it could be in the Building Department, but was not a requirement in Zoning.

Dan--Stated he thought it needed to be added as a condition of approval.

Danny--Stated that is in the conditions.

Van--Stated that the home owner doesn't install it, the Fire District does.

Tom--Stated they could install. No big deal.

Dan--Asked about when dealing with hazardous materials, whether the County has any standards for review. Is that part of the referral process?

Greg--Stated that the State was not a referral agency.

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Danny--Stated it was in the Uniform Fire Code that was updated in 2016.

Dan--Asked if we follow any uniform codes/guidelines for hazardous materials.

Tom--Stated that was a great question, but we can only do what we can do.

Dan--Stated propane can be dangerous if mishandled.

Greg--Reiterated that it was reviewed by the Fire District under the Uniform Fire Code.

Dan--Asked if we applied the standards.

Greg--Stated it was referred to Chief Lamansky.

Dan and Greg discussed adding a condition that the Kiowa Fire Districts recommendations be followed.

Motion: To recommend approval of Rock Bottom Propane (SU-20-0068) subject to the eight conditions.

Peter made a motion to recommend approval of Rock Bottom Propane (SU-20-0068) subject to the eight conditions. Dan seconded the motion.

Yes - All

No - None

Motion passed 6-0.

*****Recessed at 9:10 p.m. due to technical difficulties. Resumed at 9:18 p.m.*****

C. SAC Wireless (SU-20-0076)--A request for a Special Use by Review to permit a 76' wireless telecommunications tower on property located at 38555 CR 29, Elizabeth

Greg Laudenslager presented an overview of the application, history, referral comments, staff evaluation, staff recommendation and conditions of approval.

Peter--Asked Greg to show the letter of determination.

Greg--Asked Joseph Levie, the applicant, if he had it readily available to share his screen. Then, Greg discussed that lighting was not required.

Joseph--Clarified that this was a Comnet project, he works for SAC Wireless. Discussed Firstnet and how it help first responders.

Peter--Asked if ECCA was sent a referral.

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Greg--Stated that they were.

Van--Stated he was concerned since it wasn't lighted and light aircraft often fly low.

Jeremy Boone, with SAC Wireless--Stated it is a low tower. FAA doesn't require lighting unless 200' or more. Stated there is an existing tower that is about 20' shorter and is not lighted.

Dan--Asked where it is sited on property. Does it meet distance requirement from property line?

Greg--Stated he measured it, it is actually 3/4 mile from the nearest residence.

Dan--Stated he did not have the information necessary to determine if the tower is located a proper distance from the site's property lines.

Peter--Stated the standard is 1 1/2 times the height of the tower from other structures and the property line.

Greg--Thanked him.

Peter--Stated the public notice sign was on the left side in the weeds. Stated it should have been on the right side.

Motion: To recommend approval of SAC Wireless (SU-20-0076) with the three conditions listed.

Dan made a motion to recommend approval of SAC Wireless (SU-20-0076) with the three conditions listed. Peter seconded the motion.

Yes - All

No - None

Motion passed 6-0.

13. WORK SESSION

A. Review Planning Commission Bylaws

Christina Stanton, AICP, Community & Development Director reviewed the proposed changes and updates to the Planning Commission Bylaws.

Motion: To approve the recommended edit to the Planning Commission Bylaws.

Peter made a motion to approve the recommended edit to the Planning Commission Bylaws. Jeff and Dan seconded the motion.

Yes - All

No - None

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Motion passed 6-0.

14. ANNOUNCEMENTS

15. ADJOURNMENT (NO LATER THAN 11:00 PM PER RESOLUTION 00-01)

Motion: To adjourn the meeting.

Dan made a motion to adjourn the meeting. Danny seconded the motion.

Yes - All

No - None

Motion passed 6-0.

The meeting was adjourned at 10:00 p.m.

Approved 4-6-2021