

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165
cds@elbertcounty-co.gov



AGENDA

PLANNING COMMISSION MEETING

Agriculture Building at Fairgrounds

95 Ute Avenue, Kiowa

DATE: May 4, 2021 - - TIME: 7:00 PM

1. CALL TO ORDER

The meeting was called to order at 7:08 p.m.

2. PRAYER: Peter Hoogendyk

3. PLEDGE OF ALLEGIANCE: All

4. ROLL CALL

Planning Commissioners: Danny Willcox, Roger Burton, Jason Vermillion (on Zoom), Van Sands, Peter Hoogendyk, Daniel Michalak Jr (joined on Zoom at 7:13 p.m.).

5. REMINDER TO TURN OFF CELL PHONES

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

None. Last BOCC meeting had a variance on before them as the Board of Adjustments 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.

9. APPROVAL OF MEETING MINUTES

None. Staff plans to have the April 20th and tonight's minutes on the next agenda.

10. 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.

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.

11. PUBLIC HEARINGS

- A. Miller Ranch Filing 2 (FP-20-0052)--A Final Plat of approximately 108.55 acres creating thirty-one (31) lots

Greg stated that Staff and the County Attorney had a productive meeting last week with the applicant to discuss the service plan--updating that as well as public improvements and updating the project. CJ Kirst, Tahoe Consulting, 5730 East Otero Avenue, Ste. 200, Centennial--Stated he is representing the property owners as the applicant. Reiterated that they met with Staff and the County Attorney last week. Stated that this item was previously continued due to last minute information that they had received the day of the originally scheduled Planning Commission indicating that the application was not complete. Was under the impression that the items that were incomplete included an update to the service plan since that was originally prepared and approved with Filing 1 years ago. And the possibility of an update, or the creation of a Development Guide Agreement. Those were the two topics that were primarily discussed last week. As a result of the meeting, they agreed that the service plan would be updated with some more current figures. There were a couple items that had not been included previously in the engineer's estimate within the Subdivision Improvement Agreement. One of them has to do with an off-site intersection, and the other had to do with the Community Center. Stated that they are working on getting figures for the off-site intersection and a scope of what that Community Center will include. Their service plan is in the process of being updated as well. Plan is to make a submittal to the County a week from this Friday, which would be May 14th, for those items. Stated that they learned in the meeting with the County Attorney last week that he wants to have the Service Plan Amendment approved before we can take the Filing 2 and 3 plats forward again. Stated that they expect the timing and process of the Service Plan Amendment will likely last through the better portion of the summer. Stated that they can set dates for the Filing 2 and 3 plats as soon as the Service Plan Amendment is approved by the Board of County Commissioners. With all that said, we are going to get the Service Plan Amendment approved and then establish new dates for the Filing 2 and 3 plats. Stated they would repost and republish and hope to come back before the Planning Commission by late summer. Reiterated that the Service Plan Amendment would be before the Planning Commission prior to Filings 2 and 3.

Danny--So essentially you are asking for a continuance to an unknown date, correct?

CJ Kirst--I don't know that it qualifies as a continuance. Stated that they are keeping the applications active. We'll continue to keep the County up to speed as to where we are so that they understand that. We don't have a date right now because it is dependent upon the Service Plan Amendment being approved.

Danny--Asked Christina to review where we are at. Stated that the Planning Commission doesn't really have a role at this point because the application has not been presented to them. So, if that application had been presented, then we have a timeline by policy that we have to comply with, and I think it is three (3) months.

Christina--Correct. There is a 90-day time limit, or the three (3) months, from whenever the application is presented to the Planning Commission that an item can be continued. However, this application has not ever been formally presented. Stated that the situation that they are in is kind of a catch-22. They aren't asking to be continued but are stating that they plan to re-notice once they get their ducks in a row and get their service plan where it needs to be.

Danny--So they will go back and re-notice everything. And the first step we'll see is the Service Plan come before us.

Christina--Correct.

Danny--So really, we don't need to vote on this then. It hasn't really even come to us. At this point they are working with the County, and when they come forward..alright.

Allison, CR 164--Stated her question is what the rule for is posting signage. Stated she saw the original sign in March, but then nothing again for today's meeting. Concerned that it won't be posted again for the next meeting.

Danny--Stated it will have to be posted prior to the meeting and all timelines will have to be met.

Allison--Asked if it was supposed to have been posted for today.

Danny--Stated that this was a continuance from the initial posting. This meeting was continued from, and I do not remember the date.

Allision--March 16th.

Danny--Yeah, a couple meetings ago. Continuing an item doesn't require a reposting. You just follow it through the process. It was continued to this date.

Allision--But the next one will have something.

Danny--The next one will require a full posting. And you will see a new sign, and anybody adjacent, I believe mailings have to go out also.

Allison--Asked whether it has to be posted on both entrances where people would be coming in and out.

Greg--Stated that they are only required one sign, but it is a courtesy to post two.

Allison--Since there was only one on 154, you're saying that it is okay that they don't put one on 29?

Greg--Yes. CJ the request would be to post two signs, if you would please.

CJ Kirst--We'll post however many signs the County prepares.

Danny--Stated that it is over and sounds like it will be a while. They're going to end up working with the County on the Service Plan. Stated that the Service Plan is the funding process for everything that has to be developed--off-site improvements, road, everything else. Stated it will be noticed, the signs will go up, and this meeting will occur. But the first meeting will be discussing the Service Plan. Not the plats just the service plan.

Unknown Gentleman--Asked questions about an easement.

Danny--Directed him to discuss with CDS.

Erica Brown, Vice President of the Brittanie Ridge Subdivision--Asked who noticed were sent to. Asked if there was a requirement for a certain distance.

Danny--Directed her to contact Community & Development Services.

Erica--Asked if there were a mailing list they could get on for future meetings.

Danny--Directed her to contact CDS.

Greg--Stated the notice requirement is 1,320' from the property boundary.

Bart McTaggart--Asked whether mailings were required to go out by certified mail.

Greg--Stated they are no longer required to go out by certified mail.

Unknown Gentleman--Asked how do you know they are sent out.

Greg--Answered that applicant has to provide an affidavit.

B. Miller Ranch Filing 3 (FP-20-0053)--A Final Plat of approximately 662.26 acres creating 129 lots

12. ANNOUNCEMENTS

None.

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

Motion: To adjourn.

Van made a motion to adjourn. Peter seconded the motion.

Yes - All

No - None

Motion passed 6-0.