

ELBERT COUNTY

COMMUNITY & DEVELOPMENT SERVICES

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AGENDA

PLANNING COMMISSION MEETING

BOCC Hearing Room

215 Comanche St. Kiowa

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

1. CALL TO ORDER

The meeting was called to order at 7:06PM

2. PRAYER

3. PLEDGE OF ALLEGIANCE All

4. ROLL CALL

Planning Commissioners in attendance: Mike Buck, Danny Willcox, Roger Burton, Peter Hoogendyk, Van Sands

5. REMINDER TO TURN OFF CELL PHONES

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

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.

8. CITIZEN COMMENTS

None

9. APPROVAL OF MEETING MINUTES

- A. Motion: to approve meeting minutes from: October 5, 2021, October 19, 2021, and September 21, 2021. Peter Hoogendyk made a motion to approve Minutes as presented. Motion was seconded.
Motion Passed: 5-0

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. Schmidt Rezone (RZ-21-0036) A request for a rezone of 40 acres from Agriculture (A) to Agriculture Residential (AR) on property identified as Parcel 9331300051 located 2.15 miles due east of Elbert.

This case was not heard since the notice to surrounding property owners was inadequate. It will be re-noticed and heard at a future date.

- B. Independence Filing 2 & 3 Final Plat (FP-21-0045 & FP-21-0046)-A request to approve final plats to subdivide acreage identified as Tract T-1 (Filing 1) for Filings 2 & 3 of the Independence PUD – Filing 2 being 136 lots and Filing 3 being 232 lots - on property at the intersection of County Road 5 & Hilltop Road.

Following a presentation concerning the proposal from Greg Thompson, Planning Manager, the applicants were represented by Brian Connolly, of Otten Johnson Robinson Neff + Ragonetti PC, Suite 1600, 950 17th Street Denver, CO 80202. He reviewed the plans and noted they would work with staff on a couple of conditions of approval.

The Public Hearing was opened, and no members of the public came forward to provide comments.

The Planning Commission asked questions of the applicant's representative concerning the following:

- a. Will water be able to be sold outside the site? The representative indicated it will not be but was part of the initial decree.
- b. What is recreational vehicle lots? The response indicated they have taller garage bays.
- c. Concern about Sheriff fees... The SIA indicates the fees stay with the Sheriff.

Following discussion, Commissioner Hoodgendyk moved to recommend approval of the Final Plat request with the conditions as noted and Commissioner Sands seconded the motion.
Motion Passed 5-0.

- C. Potter Rezone (RZ-20-0012) A request to rezone 40.37-acres from Agriculture (A) to Agriculture Residential (AR) on a property located at 109 Bozeman Trail, Elizabeth.

Matt Karney, Land Use Planner, presented the staff report to the Commission. The applicants were present but elected not to address the Commission.

During the public hearing portion of the meeting, neighborhood concerns include who maintains the private road since 2 residents currently use the driveway and loss of the existing view. The applicant expressed a willingness to meet with the neighbor to discuss the view.

Following discussion, Commissioner Hoodgendyk moved to recommend approval of the proposed rezone and minor development and Commissioner Burton seconded the motion.
Motion passed 5-0.

- D. Mountain Tower (RZ-21-0065) - A rezone of approximately 11-acres from Agriculture (A) to Planned Unit Development (PUD) on a property located on the full Section 7 of Township 8 South, Range 57 West.

Matt Karney, Land Use Planner, presented the staff report to the Commission. The applicant's representative, Kyle DeNardo, presented their proposal.

During the public hearing, neighborhood concerns consisted of property value concerns and additional towers potentially going on the property.

Following discussion, Commissioner Hoodgendyk moved to recommend approval of the proposed rezone with 4 conditions and Commissioner Sands seconded the motion. Motion passed 5-0.

- E. Miller Ranch Service Plan Amendments (SR-21-0044)-
A Request to Approve Amendments to:
1. Miller Ranch Metropolitan District Service Plan
2. Miller Ranch Water & Sanitation District Service Plan

Greg Thompson, Planning Manager, presented the staff report.

Dianne Miller, Miller and Associates Law Offices, LLC, 1641 California Street, Suite 300 Denver, CO 80202, representative for the applicant, presented their proposed service plan changes. Neighborhood expressed concerns, which include who pays for the funding and will those fees be applied to properties outside of the proposed development and a concern about the water source and supply impacts to existing nearby users.

The Planning Commission asked questions about developer advances and noted drilling a well is likely to cost more than they have budgeted. Following a question about funding, the applicant indicated the district funds will pay a portion of the overall development costs. Other costs will be borne by the developer from other funding sources.

Following discussion, Commissioner Sands moved to recommend approval, Commissioner Hoodgendyk seconded the motion. Motion was passed 5-0.

12. ANNOUNCEMENTS

None

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

Meeting was adjourned.