

COMMUNITY & DEVELOPMENT SERVICES

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Meeting Minutes
PLANNING COMMISSION MEETING
BOCC Hearing Room
215 Comanche St. Kiowa
DATE: April 19, 2022 - - TIME: 7:00 PM

1. CALL TO ORDER:

The meeting was called to order at 7:00pm.

2. PRAYER

Given by Chair, Peter Hoogendyk

3. PLEDGE OF ALLEGIANCE: All

4. ROLL CALL:

Planning Commissioners: Mike Buck, Vice Chair-Danny Willcox, Roger Burton, Chairman - Peter Hoogendyk, Van Sands and Duane Owens

Absent: Jon Surbeck & Kevin Kirkwood

Also present: Sam Albrecht County Manager, Matthew Karney – Land Use Planner, Teresa Kissell - CDS

5. REMINDER TO TURN OFF CELL PHONES

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

A. Pipeline

Sam reported on the new pipeline in the PC packet.

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. A motion was made by Van Sands to approve the April 5, 2022, PC Meeting Minutes as presented. Roger Burton seconded the motion. **Motion passed 6-0**

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. Commission Only Discussion
8. Commission 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. **Toscano Rezone (case: RZ-21-0080)**

A request to rezone approximately 20.9-acres from Agriculture (A) to Agriculture Residential (AR) on a property located at 22903 County Rd 15-21, Elbert.

Presentation by Matthew Karney

Steven Toscano addressed the commission and responded to questions.

There was no public comment.

Commission Discussion:

- Roger Burton – asked about the final drainage letter.
- Duane Owens – was concerned about the “bend” in the road by the entrance and it being a safety hazard.
- Peter Hoogendyk – Questioned if the mineral rights owner was noticed. Discussion was had around notification of mineral owners and whether that was a requirement for a rezone. Was decided that it should be an advisory note to be brought before the BOCC.

Danny Wilcox made a motion to recommend approval of Toscano Rezone, RZ-21-0080) with the conditions outlined in the staff report and upon clearing up the mineral rights question. Van Sands seconded the motion.

Motion passed 6-0.

B. Cornerstone Rezone (case: RZ-21-0060) RZ-21-0085

A request to rezone approximately 47-acres from Agriculture (A) to Agriculture Residential (AR) on a property located at 32471 N Elbert Rd, Kiowa

Presentation by Matthew Karney

CJ Kirst, applicant representative, addressed the commission and responded to questions. The commission asked several issues regarding the propane tanks and setbacks and if it fell under the fire code. Van Sands asked if the existing well had been re-permitted and about water reuse.

During public comment one individual addressed the commission. He owns and operates a propane gas company and was concerned for the ignition points on the property and if they were far enough away. Wanted them to review Lot #3 and possibly revise where buildings could be put. Wanted his concerns on the record.

Commission Discussion: No further discussion

Danny Wilcox made a motion to recommend approval of Cornerstone Rezone RZ-21-0060, (RZ-21-0085) with the conditions outlined in the staff report. Duane Owens seconded the motion.

Motion passed 6-0.

C. Rockhaven Rezone & Final Plat (case: PD-21-0069 & FP-21-0071)

A request to rezone a 79.32--acre parcel from Agriculture (A) to Agriculture Residential (AR) and a final plat splitting the parcel into seven (7) total lots: six (6) of 10-acres and one (1) 19-acre lot at 741 County Rd 146, Elizabeth.

Presentation by Matthew Karney

Applicant, Chad Roach, addressed the commission.

Several neighbors address the commission with concerns over the ADU construction that is currently in progress and how that could happen without this being approved yet. There were concerns with using the old (historical) driveway and the actual width of the private road that was not to the 60' standard but was only 58'.

Applicant readdressed commission to clarify concerns brought up. The current construction is of an ADU that is approved as the property stands today. When the rezone and final plat are approved the ADU will become a new primary residence and the difference in Impact fees will be paid. The historical driveway north of the subject property has been vacated and if it has been accessed it was not by him but maybe by the utility companies.

Commission discussion:

- Danny Willcox – There was discussion around the road and a variance for the road length and if it was going to be a private road or a county maintained. If the variance doesn't go through for a private road, then it will be a county-maintained road and it is built to county specs either way.
- Peter Hoogendyk asked about a water letter and if the current well will be capped if this is

approved. The applicant stated yes.

- Duane asked Matt to explain the fire flow requirements for the Elizabeth Fire Protection District. The district offers multiple options to satisfy fire flow requirements and the applicant indicated his preference to pay the required \$1,040 per lot cash-in-lieu fee to the district.

Danny Wilcox made a motion to recommend approval of Rockhaven Rezone & Final Plat, (PD-21-0069 & FP-21-0071) with the conditions outlined in the staff report. Mike Buck seconded the motion.

Motion passed 6-0.

D. Delbert Hill, Filing 2 Final Plat (Case: FP-21-0090)

A Final Plat splitting Lot 4 (86-acres) of the Delbert Hill Minor Residential Subdivision at the intersection of County Rd 1 & County Rd 178, Parker, Co. into 14 lots.

Presentation by Matthew Karney

CJ Kirst, applicant representative addressed the commission and responded to questions. Some of the questions from the commission were about the existing road and if it would remain. An observation was made from the commission that they needed to pave the apron on to County Road 178 and that the private roads will be built to county specs.

No public comment

Commission Discussion:

- Duane Owens questioned the fire comment on the pre-application. Matt found the comment and read it to the commission. The Rattlesnake Fire Chief did not express concerns with the application but stated that connecting Wrangle Ct to County Rd 1 would not be desired.

Duane Owens made a motion to recommend approval of Delbert Hills, filing 2 final Plat (Case: FP-21-0090) with the conditions outlined in the staff report. Mike Buck seconded the motion.

Motion passed 6-0.

E. Potestio Brothers Rezone (case: RZ-21-0073)

Rezone from Agriculture (A) to Industrial (I) to accommodate the existing Potestio Brothers business as a use by right at 3890 County Rd 174, Parker.

Presentation by Matthew Karney

Applicant addressed the commission and thanked them and stated staff had presented everything sufficiently.

One neighbor was present and expressed concerns for the light pollution and wanted them to address that. Also had concerns about the driver's speed on the road.

Applicant readdressed the commission and said they would work on the lighting. And they are willing to do some screening.

Commission discussion:

- Duane Owens wanted to know about the café mentioned on the drawings
- Mike Buck – asked Matt if the use fit the surrounding area. Matt responded that it had been in business for the past 4 years and this was a compliance issue.
- Roger Burton questioned staff about the reasoning behind rezoning to industrial vs just doing an SUR.
- Danny Willcox stated that if they did the Rezone, they would need to do a site development plan and that would be where they could address things like the lighting

Danny Willcox made a motion to recommend approval of Potestio Brothers Rezone (Case: RZ-21-0073) with the conditions outlined in the staff report. Van Sands seconded the motion.

Motion passed 6-0.

12. WORK SESSION

none

13. ANNOUNCEMENTS

Sam Albrecht – County Manager

- Announced that Jon Surbeck would be taking a leave of absence until July
- Stated that there were no items on the agenda for the May 3rd meeting, but they would like to schedule the joint work session with the BOCC on that evening.

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

Meeting adjourned at 10:05pm