

COMMUNITY & DEVELOPMENT SERVICES

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**Meeting Minutes
PLANNING COMMISSION MEETING
BOCC Hearing Room
215 Comanche St. Kiowa,
CO 80117
DATE: 7:00PM -June 7, 2022**

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, Duane Owens and Kevin Kirkwood
Absent: Jon Surbeck & Van Sands
Also present: Greg Thompson, CDS Director, Matthew Karney – Land Use Planner, Teresa Kissell - CDS

5. REMINDER TO TURN OFF CELL PHONES

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

A. No staff report

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.

A. none

8. CITIZEN COMMENTS

A. None

9. APPROVAL OF MEETING MINUTES

- A. A motion was made by Roger Burton to approve the April 19, 2022, PC Meeting Minutes as presented. Duane Owens 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. 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. CORE Elizabeth Substation Rebuild (case: RZ-22-0010)

A request to rezone approximately 1.7-acres from Agriculture (A) to Industrial (I) to support the rebuild of the adjacent, 2.5-acre CORE Elizabeth Substation located at 37475 County Rd 13, Elizabeth

Presentation given by Matt Karney, with staff recommendation of approval.

Comment by applicant representative.

The Public Hearing was opened, there was no public comment, public comment was closed.

Commission discussion:

Roger Burton wanted Core to add the asphalt apron to the driveway.

Roger Burton made a motion to recommend approval of CORE Elizabeth Substation Rebuild (RZ-21-0080) with the conditions outlined in the staff report. Kevin Kirkwood seconded the motion.

Motion passed 6-0.

B. Jimenez-Torres Rezone (case: RZ-21-0074)

A request to rezone 35-acres from Agriculture (A) to Agriculture Residential (AR) on a property located on County Rd 162, Agate, CO, approximately 2.6-miles west of County Rd 153.

Presentation given by Matt Karney, with staff recommendation of approval.

Applicant, Jorge Jimenez-Torres addressed the commission and responded to questions.

The Public Hearing was opened, there was no public comment, public comment was closed.

Commission Discussion:

- Roger Burton questioned the water resources letter dated October 27, 2021 and wanted to know if there was a more current letter. Matt stated there was and showed the commissioners a copy of it and indicated that it would be submitted for the Board of County Commissioners agenda.

Danny Willcox made a motion to recommend approval of Jimenez-Torres Rezone (RZ-21-0074) with the conditions outlined in the staff report. Duane Owens seconded the motion. Motion passed 6-0.

C. Liscott Custom Home Rezoning from Residential Agriculture-One (RA-1) to Commercial (C)

(case: RZ-21-0082) Subject property is at 40900 Wind Spirit Lane

Presentation by Greg Thompson with staff recommendation of denial.

Applicant, Rob Cowley, addressed the board and stated that he purchased the land under the impression it was commercial and also brought up the covenants that are recorded and address the intention of Lot 1 to be a commercial use at some point.

Public comment was opened.

Public comment: There were several neighbors who spoke about concerns for what use will be placed there, including issues with traffic, light pollution and the overall look of the properties and do not want equipment to be stored outside. They also wanted the commission to limit the uses on those lots.

Public Comment was closed.

Commission discussion:

- Danny Willcox asked Greg Thompson to explain what it takes to change the use of this lot if it is approved. Greg responded that a site development plan still needed to happen after a rezone was approved. This would then be a site development process with an administrative review.
- Roger Burton – asked staff if this should have been an SUR and asked the applicant what the plan was for the south portion of the lot. Mr. Thompson noted that a specialized use review would allow the uses proposed.
- Duane Owens – asked about the site plan, that shows parking and storage areas, and wanted to know if it could be moved. The applicant stated he is not sure which site plan he is referring to, as many iterations of the site plans have been submitted. Mr. Thompson advised the commission only the Rezone is being discussed by the Planning Commission.

- Danny Willcox suggested the covenant's override county regulations, at times, in reference to the potential number of animals on a given property and wondered the covenants could apply in this case and allow this property to be rezoned.

Danny Wilcox made a motion to recommend approval of Liscott Homes Rezone (RZ-21-0082) to the Board of County Commissioners. Mike Buck seconded the motion.

Motion passed 5-1. Roger Burton was opposed.

D. Tenderfoot 2 Pipelines (case: SU-22-0027)

Connects the Crystal Ruby well pad located in Section 22, Township 6 South, Range 65 West to the recently constructed Vulcan Well pad located in Section 10, Township 6 South, Range 64 West

Prior to staff presentation Peter Hoogendyk, Planning Commission Chairman, recused himself due to a conflict of interest in this case.

Presentation by Greg Thompson with staff recommendation of approval.

Applicant, Max Blair, addressed the commission and made a slide presentation.

Public Hearing was opened.

Public comment: There were several neighbors who spoke in favor and support of this project. No negative comments were presented

Public hearing was closed.

Commission Discussion:

- Duane Owens asked about when the pipes come up for maintenance, and how the environment is protected during the maintenance.
- Mike Buck asked how aerial surveys work for leakage and how often they were done. Applicant stated that inspections are done quarterly but have leak detection systems in place.
- Roger Burton asked about the pipe going under CR 17-21 and what happens if it is abandoned. Applicant stated that there is an easement contract with each landowner that addresses those circumstances.

Roger Burton made a motion to recommend approval of Tenderfoot 2 Pipeline (case: SU-22-0027) with the conditions outlined in the staff report. Mike Buck seconded the motion.

Motion Passed 5-0 (Peter Hoogendyk – recused)

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

Adjourned 9:15pm