Note: These meeting minutes are only a summary of the meeting. Duplication of the audio recording is available, for a fee, by contacting Community & Development Services.

The Planning Commission Meeting was called to order at 7:00 p.m. by Chairman, Dan Rosales.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commission members present: Dan Rosales, Ron Turner, Brian Harris, Paula Wilderman, Jim Keen, Dan Michalak, Bob Lewis, Justin Klassen, and Kipp Parker.

Staff present: Kyle Fenner, Director CDS; Tracey Aaron, Technical Coordinator CDS; Wade Gately, County Atty.; Bart Greer, County Atty.; Vince Harris, Baseline; Ethan Watel, Project Manager Baseline; Vince Hooper, Assistant for Independence Project Baseline; and Todd Rand, Engineer, Baseline.

A. Chairman Dan Rosales addressed the citizens in attendance; he spoke to the process of the Planning Commission and what the Commissioners do and commit to do as a part of being on the PC. Chair Rosales stated that the Planning Commissioners “are Citizens first and Planning Commissioners second.” He also asked that each Commissioner take the time to introduce themselves to the citizens give a brief biography about themselves.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

A. Kyle Fenner speaks that there are not any pertinent items to report at this time; she reiterates that there are many important items on the agenda for tonight’s meeting and emphasized the importance of staying on task with what is before the Planning Commission.
CONSENT CALENDAR

A. The meeting minutes from 5/16/17 (DB Speed and Fulmer Rezone) were tabled previously due to a portion that was missing; it was decided to vote on the meeting minutes at this time as all Planning Commissioners had received the content that was missing and been able to review them. The motion was made by Commissioner Bob Lewis and a second by Kipp Parker; all Commissioners voted in favor of Approval, the vote was 9 – 0.

B. Chairman Dan Rosales made a statement with regard to respectful conduct within the meeting for all parties in attendance.

COMMUNITY INPUT:

A. No Items

Chairman Dan Rosales made a statement with regard to the statements that would be made by the public at this hearing; he reiterated that repetitive comments were not necessary, and asked that the comments were kept within the boundaries of the items on the Agenda for this hearing. He also stated that this hearing has nothing to do with the zoning of the Independence Subdivision; the zoning has been discussed and approved, it is not an issue, and will not be given attention at this hearing.

PUBLIC HEARINGS / WORKSHOPS

INDEPENDENCE SUBDIVISION PROJECT

A. PP-17-0006 – INDEPENDENCE PRELIMINARY PLAT

B. FP-16-0005 – INDEPENDENCE FINAL PLAT

C. SR-17-0020 THRU 0025 – INDEPENDENCE SPECIAL DISTRICTS

STAFF PRESENTATION

A. Vince Harris, Baseline, gave a slide presentation of the process that has been ongoing with this project. He gave an overview of what has been happening with this project; zoning that has been completed, what else has been completed on this project, and where the project is (the subdivision process) at this point.

B. Ethan Watel, Baseline, stepped up to give his presentation regarding the Independence Project. He stated the locations and details and proceeded with an overview of what is happening with this project to include the Preliminary Plat and Final Plat. After his presentation, staff recommended approval of the Preliminary Plat and Final Plat dependent upon the satisfaction of certain conditions (14) attached to the final approval of this Preliminary Plat. The list of conditions is available for review through the CDS Department during regular
business hours; they are also posted on the Elbert County website with the Independence documents.

C. Vince Hooper began his presentation of the Independence Special Districts (6). His presentation included details regarding the Water and Sanitation District, the Metropolitan Overlay District, and the four Special Districts. He continued to discuss what the Districts would be responsible for; items such as roads, infrastructure, maintenance, care and maintenance of parks and recreation, water and the use of gray water as well. Vince Hooper continued to describe which districts would be responsible for what services and what they would be responsible for financing and maintaining. Further information is available on this topic through records in the CDS Department during regular business hours.

D. Vince Harris again addressed the Planning Commission; he asked for the following persons (TJ Steck and Melissa Hoelting w/ Elizabeth C-1) to come up in order to address the Planning Commission. He briefed the Planning Commission as to the motions that would be entertained with regard to the Independence Development Project.

E. TJ Steck, Elizabeth Fire Department spoke to the Planning Commission about the Independence project. He wanted to relate some factual information to the PC, as well as speak to what types of things are to be seen in the future of the services that the Fire Departments will be able to provide as the county grows and changes. He went on to give some statistics regarding the area of service Elizabeth FD takes care of, as well as response times and areas of concern. In summary, the Elizabeth Fire Department looks favorably towards the Independence development for many reasons. There is complete record of these reasons by listening to an audio recording of this meeting, available through the CDS Department, for a small fee.

F. Melissa H., Elizabeth C-1 School District Representative spoke to the benefit she and others involved with Elizabeth School District felt that Independence would be a positive for the Elizabeth School District in the long run. She spoke about the challenges that a higher enrollment would bring to the C-1 District, but again, she reiterated that the Elizabeth C-1 School District feels that the Independence would be beneficial to the District over time.

G. Vince Harris addressed the PC that at this point, the staff presentation was complete; he referred the applicant as the next presenter.

END STAFF PRESENTATION

BEGIN APPLICANT PRESENTATION

A. Tim Craft, the representative for Craft Companies and the presenter of the application. He speaks to the PC, giving an overview of the proposed plan for the Independence Development. He explained that this would be an approximate ten year plan; give or take, his team has extensive years of experience, and they would be proud to live in any of their previous developments. As an overview; he stated that they are hoping and intending to create a development that is amazing and something that the state has never seen. He spoke of sustainability and inclusiveness. For a complete record of the types of homes, the details of the development, any other questions regarding Mr. Craft’s presentation. He
proceeded to go over the presentation outlining the entire development as per planning up until this time. He speaks about planning and open space, water and water conservation, future development, many other topics contained within his presentation. You may contact the CDS Department during regular business hours to request a copy of the recording(s) of all PC meetings regarding the Independence Development.

END APPLICANT PRESENTATION

BRIEF RECESS

BEGIN PUBLIC TESTIMONY

There is a complete list of speakers available through the Elbert County CDS Department; the following is a summary of the topics that were spoken of during public comment.

- Thoughtfully planned community; 80% water recycling; net positive to the county. Important for Elbert County. Water usage, where the wells will be drilled. (Denver and Arapahoe.) Open space, 500 years water supply.
- Tough job for PC, long term implications for the county, thanks to the PC. Strong emotional feelings and talking about inevitable growth for the county. You can’t build a commercial business on a septic tank.
- Long-time resident; asked for supporters of Independence to stand, approximately half the room stood. Recognize that change is inevitable. Independence has a right to capitalize on their investment.
- Independence has done their homework; development would be a great benefit to the county; looking forward to affordable homes they are promising to offer, hoping for better teachers to be able to afford to move to Elbert County and live in Independence.
- Speaks to jobs that will be offered, both temporary and permanent through the Independence Development. She has many reasons to support Independence.
- Spoke on behalf of Elizabeth Chamber of Commerce and the Board; the Board offers full support of the Independence Development, and respectfully urges the Planning Commission to recommend approval to the BOCC.
- Understands emotional side of this application; how will it affect his day to day. How will it affect everyone? He feels the water plan, the ideas behind the project, many other things about the proposal will make the county proud twenty years from now.
- Spoke to the page count of the application that the PC had to review; she felt that due to the amount of pages alone, it would’ve been difficult for the PC to read and understand the entire packet in the length of time they had to review it.
- Inevitable growth; wants it to be responsible, references Comprehensive Plan and water studies.
- References to the “dark, quiet, no traffic.” Worries regarding destruction and displacement of wildlife.
- Mistrust of data; lives close to proposed development. Mistrusts application and data.
Concerns about zoning; is it legal? Concerns that “houses don’t bring services.”
More concerns over the light this development will generate; worries over wildlife.
Traffic burdens, road concerns. Concerns over loss of wildlife and the ability to hunt the wildlife on occasion.
Concerns over loss of space to ride horses; excessive traffic increases.
Worries that once sprawl starts, it will be difficult to stop.
Don’t believe that the majority of people living in this development will shop in Elbert County, but will go west to Parker.
Disbelief that the homes will be affordable for teachers, firefighters, police officers, etc.
Feelings that there will be a high traffic impact. Also spoke to the property rights of the people surrounding the proposed area of Independence.
Concerns regarding the road widening that will be necessary; feelings that property will be taken away from surrounding homeowners in order to accommodate the road changes that will need to take place.
Concerns over the market report, traffic studies, median income studies, inconsistencies throughout the documents from the applicant. Wants assurance that the applicant has been thorough in bringing accurate data to the table. “Application is riddled with flaws.”
Mention that future phases of the development can be “flexed,” depending upon the housing market at the time.
Talks about compliance with rules, regulations, and state statutes. Due diligence needs to be done; procedures and policies need to be followed. She speaks that these are the types of things she does for a living. She has concerns as to whether or not all of this was done for this application.
References to the Elbert County Seal and its components. Wonders if the seal has really been looked at lately.
Unfulfilled promises; job is to sell.
Escrow accounts needed for compliance.
Elbert County not ready for a high density subdivision.
Questions about an HOA, who will be in control of the development. Wants to be sure that we are doing the right thing for Elbert County.
Tenuous water supplies; traffic, road conditions; what happens when the snow flies?
Zoning was brought up; Commissioner Rosales reiterated that the zoning of the proposed development’s land was not in question at this hearing. It would not be discussed here; it’s not within the scope of the Planning Commissions job. Please verify that the zoning is approved.
References to taxes and how they will be assessed. Questions about the surrounding area and residential development taxes.
Worries about how much traffic there is currently; how much more traffic will this type of development bring? How will the roads be maintained?
Fears about water; where it will come from, how long will it last? How much will be used? Worries that they will sell water outside of the county.
• Talk that the County will “be left holding the bag,” concerns as to who will be paying for the road maintenance; how it will all work. If the market doesn’t stay steady or improve, is Elbert County going to lose money?
• Costs of residential developments and the costs to take care of them/provide services. Tax rates and returns on different types of properties.
• There was also talk that this development would be “breaking the law, according to state statute, vested property rights for this developer expired in 2012.” Reference to the applicant to “stop twisting the law.”
• Issues with regard to public safety, roads, traffic, maintenance, growth, high density subdivisions, and the change of the rural setting in Elbert County.
• Questions regarding the sewer system were brought up; it was asked if Elbert County was going to “monitor” the development and the way it is run? What happens when/if the developer leaves?
• More questions about water supply; mention of how Douglas County is using a great deal of water, speaks to the Arapahoe Basin dropping many feet per year. There are gross acres of water and net acres of water.
• Another mention of the zoning and vested property rights still being valid and in effect.
• Quotes of State Statutes; mentions that staff, in their presentation, states that the proposed development “appears” to be in compliance with state statutes; she felt it should be a bolder statement guaranteeing that the development and project meets state statutes.
• There was mention of acceleration and deceleration lanes on the existing roads; there are questions as to why land is not already allocated for expansion of some of the existing roads that are proposed to be enlarged later?
• Other questions and comments included taxation questions, how assessments are made; data person made a statement about “garbage in, garbage out.” Incomplete data means incomplete results.
• Citizens voiced that they believe more money will be spent on shopping, entertainment, etc., by people going west to Parker, not staying in Elbert County; they feel that Independence will not bring sales tax income into the county. Most people who buy homes in this development will work outside of the county; they will do most of their shopping and meet other needs outside of the county.
• There was a statement made by an attorney representing Blue Green Investments; the owner of the property in question. Appreciate safeguards; property owners have a legal right to rely on the existing zoning of the property, no question as to the proposed use with regard to the Independence project.
• Traffic concerns; “poor excuse for a road,” deterioration, no county maintenance to speak of, no road base. How is the county going to maintain the roads to accommodate such an increase in traffic flow?
• Mention that developments “should pay their own way.”
• Comments regarding the concept of rural living.
• Comments stating that there is belief the Independence development will not bring revenue to Elbert County as it is being proposed; most people will work in Douglas County or elsewhere, most revenue will be spent outside of the county as most people will spend a lot of time commuting and will shop “on the way home.”
Many conversations regarding the Developers being “held accountable;” concerns over the Special Districts and what they are, what they cost, what they’ll be responsible for taking care of.

There were several comments about the concern over water; whether or not the Developers would be able to “sell” the water outside of Elbert County, how much water they were going to use for Independence; how it will affect other people in the county.

Some spoke of five acre parcels being a “better fit” for the county; these five acre home sites are “independent” themselves, they have their own wells and septic.

Concerns over the county possibly being left “holding the bag” if something happens and the developer can’t afford to do what they are promising to do, or can’t afford it.

Many people commented about the road conditions near and around the proposed Independence site; they are afraid that the roads are not in good shape now, they are hard to navigate in the winter, and there are concerns that it will get much worse with the amount of proposed homes to be built in the Independence Development.

The price of the homes to be built was addressed as well; many feel that although Independence proposed to build “affordable” homes, it may not end up that way.

END PUBLIC COMMENT

BEGIN APPLICANT RESPONSE

A. Tim Craft spoke to the reliability of the professionals hired by both the Craft Companies and Elbert County; he stated he felt they wouldn’t risk their reputation, their names, their licenses, and more by not being extremely thorough in their review of the proposed project and everything involved with it. His response to the question of what “flex density” meant was that it didn’t mean they could build more homes; the amount would NEVER exceed 920 homes. Mr. Craft proceeded to clarify by stating that the only thing that would be allowed to be increased would be the amount of open space; flex density simply means that the density areas could be changed, not the amount of homes built. The following items are topics that Mr. Craft addressed in addition to the above items listed.

Traffic slides – Three studies conducted 2006-07 and 2 by Craft Companies. They did a school year study and summer time. Found less than 1% increase in total impact. Positive feedback – schools and Fire.

Home prices – Market studies by 3rd party (John Burns Group); entry price $340K; Independence would be some of the most affordable new homes south of I-70 for new homes.

Water – this has been a topic that has been spoken against; Craft Companies has tried to meet with people over 20 times, 100% rejected that offer. A lot of inaccuracies from the public; they’ve received 12 phone calls; met with 8, and 7 are supportive now. There is an OPEN DOOR policy with Craft Companies; they want to meet with the people.
Chairman Dan Rosales suggested continuing the hearing to a date certain of July 11; not sure of the availability of building, Justin Klassen recommends July 18th, Dan Rosales out of the country on that date; Bob Lewis mentions the 18th, the building is booked on that date. Questions as to whether the 11th would work for all, Ron Turner made a motion to continue this hearing to a date certain of July 11, 2017, 7 pm, in the Ag Building on the EC Fairgrounds. There was a second made by Kipp Parker, all in favor, 9-0.

At 11 pm this Meeting Continued to July 11, 2017, 7pm, Ag Building on the EC Fairgrounds.