ELBERT COUNTY
Meeting Minutes
PLANNING COMMISSION HEARING
BOCC HEARING ROOM
215 COMANCHE ST
KIOWA CO 80117
MARCH 19, 2019

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 7:03 pm.

PRAYER: Led by Jim Keen

PLEDGE OF ALLEGIANCE: All

ROLL CALL

Commission members present: Peter Hoogendyk, Danny Willcox, Anthony Hartsook, Jim Keen, Justin Klassen, Linda Krausert and Dan Michalak.

Staff present: Christina Stanton, CDS Director; Troy Hangen, CDS Planner; Vince Harris, Baseline; and Julie Esterl, Baseline.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)
● No items

CONSENT AGENDA:
● No items

CITIZEN COMMENTS ON GENERAL ITEMS
● None

END PUBLIC COMMENTS
APPROVAL OF MEETING MINUTES:
  A. March 5, 2019 – Approved as written

PUBLIC HEARING BEGINS

Danny Willcox reviews the Public Hearing process:

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. Planning Commission can either approve, approve with conditions, or deny. All testimony must be competent, on topic and not repetitious.

JULIE ESTERL (Baseline): ONCE UPON A TIME - SPECIAL USE REVIEW – SU-18-0041

Julie Esterl briefly introduces herself to the Planning Commissioners.

Overview of ONCE UPON A TIME - Application SU-18-0041:
  ● A request to approve a Special Use by Review to establish a special event venue
  ● Located on a 74.42 acre parcel
  ● Applicants are Lark Fogel and Janine Gerovski
  ● Pre-application meeting was on July 10, 2018
  ● Formal application submittal Oct. 2, 2018
  ● BOCC: April 10, 2019
  ● Public Notice of Hearing
    ▪ Mail property owners within 1,320 feet
    ▪ Sign: posted on Wedemeyer Rd.
    ▪ Newspaper: Elbert County News on Feb. 28, 2019
  ● Property located at 31242 Wedemeyer Rd.
  ● Approximately 3.5 miles southeast of Kiowa
  ● Barn is preconstructed but has not been approved for this use yet
  ● Zoned A-Agriculture
  ● Surrounding area zoned A-Agriculture
  ● Will remain zoned A-Agriculture
  ● Referrals went out to regular Elbert County agencies:
    ▪ Assessor
    ▪ Building Dept.
    ▪ Dept. of Health and Human Services
    ▪ Public Works and Engineering
    ▪ Sheriff
    ▪ Treasurer
    ▪ Office of Emergency Management
    ▪ Surveyor
  ● Other referral agencies including:
    ▪ Colorado Division of Water Resources
    ▪ Colorado Parks and Wildlife
    ▪ Kiowa Schools
- Kiowa Fire Protection District
- Kiowa Conservation District
- IREA

- Received comments from the following agencies:
  - **Colorado Division of Water Resources (summary)**
    1. The proposed event center use is not consistent with the approved domestic well permit no. 176395. To use the existing well to supply the proposed event center it would have to be re-permitted to allow the proposed commercial use
      - It was done by applicant
  - **Elbert County Building Department**
    1. No objections to the proposal, however the applicant should be aware that the structure will be required to meet Assembly and ADA requirements
      - Applicant is aware of and will be part of their building and occupancy permit
  - **Elbert County Public Works & Engineering**
    1. The applicant will need to provide a Traffic Letter from a qualified traffic engineering consultant
      - It was done and submitted
      - No additional requirements would be needed
      - Did not receive any comment back from Public Works indicating any problems
  - **Elbert County Department of Health and Human Services (summary)**
    1. Requested an onsite waste treatment systems (OWTS) needs to be designed and permitted to support the event center
  - **Kiowa Fire Protection District (summary)**
    1. The address must be placed on the business
    2. Adequate access lighting
    3. Annual fire inspections will be required
  - **Kiowa Conservation District**
    1. No objections
  - **Intermountain Rural Electric Association**
    1. The Association has existing overhead electric facilities on the subject property. The Association will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the Association’s current extension policies
  - **Baseline Surveyor**
    1. Required a few minor modifications
    2. Will be reviewing prior to BOCC

- **Staff Considerations:**
  - Complies with the goals and polices of the Elbert County Master Plan and Regulations
  - Compatible with surrounding land uses
    - Special Use can be in harmony and compatible with the surrounding area. The subject site is located approximately 0.6 miles north of Highway 86, therefore customer traffic will not impact a large quantity of residential uses. In addition, the large size of the property provides a buffer from much of the surrounding neighborhood
Impact of public services
  - The applicant has provided for adequate access and on-site water and sanitary facilities

Low impact on the environment
Minimal impact on traffic
Adequate landscaping, buffering, and screening
  - The event barn is set back from the roadway
  - Outdoor activities are located on the deck behind the barn
  - Many existing evergreen trees which provides landscaping and screening

No significant concerns related to the impact on health, safety, or welfare

STAFF FINDINGS AND RECOMMENDATIONS:
1. It is in general conformance with the Elbert County Comprehensive Plan
2. Meets criteria for approval in the Elbert County Zoning Regulations
3. Elbert County Subdivision Regulations are not applicable to the rezoning
4. Is compatible with existing and allowed land uses in the surrounding area
5. Will not result in significant impact to health, safety, and welfare of the residents and landowners of the surrounding area

Staff recommends the Planning Commission recommend Approval of SU-18-0041 to the BOCC, subject to the following conditions:

1. Revision of the SUR Exhibit as indicated on the Staff Report
2. Compliance with the Kiowa Fire Protection District requirements are met
3. The Special Use shall not become effective until all fees are paid, conditions of approval are met, and the SUR Exhibit is recorded
4. The applicant will be required to remove the Public Hearing sign(s) within 14 (14) days of a decision by the Board of County Commissioners
5. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval

PRESENTATION CONCLUDED

LARK FOGEL, APPLICANT - DISCUSSION
- No comments to add to presentation
- Available for any questions or concerns

NO PUBLIC COMMENT
PLANNING COMMISSION DISCUSSION

Jim Keen: Asks of maximum accommodations

Lark Fogel: 150 anticipate per event

Linda Krausert: Asks for clarification regarding Peak Beverage and serving alcohol

Lark Fogel: They don’t sell or serve alcohol, nor do they have a license to do such
  - Will tell potential clients that if they wish to have alcohol at event, they must provide their own certified, licensed server to subcontract
  - Once Upon a Time provides the venue only

Linda Krausert questions if it comes through the county

Christina Stanton replies there is a requirement for special events license to serve alcohol. What is required of the state is required of the county as well

Linda Krausert ensures clients will be made aware of such restrictions

Lark Fogel confirms their policy is no alcohol will be sold at the event

Dan Michalak: Asks where they are in the process of addressing the ADA requirements

Lark Fogel states they are in compliance
  - Bathroom walls have been moved
  - Sinks lowered
  - Added a ramp and closed a gap on the deck
  - Created two parking spots and concrete path
  - Added ramps for entry
  - Corrected door openings to swing the appropriate way for wheel chair access

Dan Michalak asks if all Kiowa Fire requirements been met

Lark Fogel states an inspection has been done and they are approved for one year
  - Installed fire extinguishers
  - Two exit signs
  - Knox box
  - Occupancy sign

Danny Willcox and Lark Fogel discuss the inspection and the need for Chris Kelly to come out to ensure all measure requirements are met

Peter Hoogendyk finds a discrepancy on page 58 regarding the septic and rows. Also comments on natural grass parking and the mud which may be anticipated on rainy days

Lark Fogel understands and plans to budget for such in the future

Danny Willcox questions the 118 trips per day mentioned on the traffic letter

Lark Fogel feels it was wildly over estimated and they only anticipate 2 wedding per month
Julie Esterl states the study was made comparable to a church

Christina Stanton states it may be 118 trips per event

Justin Klassen addresses the staff regarding capturing a “condition” for well and septic re-permitting

Julie Esterl states those were already addressed and met, therefore there is no need for it to be stated in the “conditions”

Danny Willcox and Christina Stanton discuss reviewing the SURs annually. The goal is to review every other year and to create a good tracking system

Dan Michalak comments this is something they like to see in a rural setting per Comprehensive Plan, and it looks like a “clean deal” which has his approval

END PLANNING COMMISSION DISCUSSION

Dan Michalak makes a motion to recommend approval of SU-18-0041, Once Upon a Time SUR, subject to the Conditions 1-5 as stated. Linda Krausert seconds.

Motion open for discussion: None

All in favor. Approved 7-0 with 2 absent

Dan Michalak makes a motion to adjourn. All in favor.

MEETING ADJOURNED AT 7:32 PM