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 7:08 pm by Bob Lewis.

PRAYER: Led by Jim Keen

PLEDGE OF ALLEGIANCE: Led by Peter Hoogendyk

ROLL CALL

Commission members present: Peter Hoogendyk; Dan Michalak; Bob Lewis; Linda Krauser; Jim Keen; Kipp Parker

Staff present: Christina Stanton; CDS Director; Vince Harris (Baseline); Tracey Aaron; CDS Administration; Jessie Stonberg (Baseline)

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

A. No items

CITIZEN COMMENTS ON GENERAL ITEMS – None

CONSENT CALENDAR

A. No items

APPROVAL OF MEETING MINUTES:
A. 8/7/2018:  Approved as written

Bob Lewis discusses with Christina Stanton the progress on meeting minutes, he asked where we are in the process of completing the outstanding meeting minutes that need review and to be approved. Christina Stanton replied that there are 6 to 7 sets of minutes that should be ready in the near future. Bob Lewis asks when the meeting minutes will be all caught up. Tracey Aaron replied to Bob Lewis that without a specific upcoming hearing date already set at this time, she believes that the “end of October” would be reasonable to see the meeting minutes brought current as she doesn’t see any issues that would dictate otherwise. Bob Lewis directed a comment to Christina Stanton asking her if he “could hold her to that” and she agreed. He responded affirmatively to staff in agreement to the end of October being an amenable goal, and expressed his thanks.

BEGIN PUBLIC HEARING

CHRISTINA STANTON (CDS DIRECTOR) – PRESENTATION OF STAFF REPORT

Overview of DOUBLE BEAM HAY Application SU-18-0008:

- Special Use application for an agriculture feed parcel
- The proposed location for this project is on 35 acres at 8680 High Country Trail in Elizabeth
- BOCC meeting will be on September 12, 2018
- All property owners within 1320 feet of boundaries were notified, sign posted, and notification in the paper
- Zoned A as with other properties in the area
- Referrals: Colorado Parks & Wildlife – no objections
  - IREA – no objections
  - Elbert County Health and Human Services – understands there is to be no addition of restroom facilities for customers or staff. Porta-Potties are not to be used as a solution to compensate for needed facilities should it arise in the future
  - Colorado Division of Water Resources state the permitted use of well is for domestic and livestock. Well cannot be used for commercial. If needed, they will need to get a new well permit
- All other agencies did not respond
- Traffic Analysis: Semi-truck deliveries and customers not terribly high overall
- Hay is delivered on site by tractor-trailer and purchased by customers via private truck or trailer. Occasionally Beam’s may deliver
- Customer visits more frequent on weekends
- Consistent with Elbert County Zoning Regulations Part II Section 17
• Consistent with Master Plan
• Impacts:
  o Health & Safety – no concerns
  o Compatible with surroundings
  o Minimal impact on water and sewer
  o Minimal impact on natural environment
  o Road system – Semi trucks should be restricted from 8am – 8pm
  o Adequately landscaped to provide buffers
• CDS recommends approval subject to the following conditions:
  o Deliveries conducted by semi-trucks limited between the hours of 8am – 8pm. Must be added to SUR
  o Redline edits will be made to the SUR exhibit as noted
  o Applicant must remove Public Hearing sign within 7 days of BOCC hearing
  o Special Use shall not become effective until all fees are paid, conditions of approval are met, and the SUR Site Plan Exhibit is recorded
  o Recordation of all appropriate documentation to occur within 180 days of BOCC approval

PRESENTATION CONCLUDED

Vince Harris (Baseline): Explains in further detail the Redline edits made by Julie, the Baseline planner whom is not present: 60 foot Right of Way, not a county road, need correct signature block, not a site plan but a Special Use Review.

BEGIN PUBLIC COMMENT – PERSONS WHO SPOKE:

Joe Freeman, Mike Williams, David Heide, Todd Prather, Julia Pfannenstiel, Jennifer Prather, Joshua Mandic, Valerie Zampino, Scott Hall, Robbie Sneed, Jim Burke

GENERAL CONCERNS:

Supportive: Many of the public comments were in favor of the Beam’s and their endeavor.
  • They support small, local businesses as long as it doesn’t go on their property
  • Had no traffic concerns
  • Beams were professional and good neighbors

Public concerns:
  • Constant traffic
  • Extreme dust due to vehicles speeding through the neighborhood
  • Wear and tear of the road
• Open 7 days per week. One spoke of 7 trucks in and 7 out one Sunday morning
• large semi-trucks delivering supplies and this being a residential neighborhood
• Pushed off the road while riding horse
• Packages stolen
• 1 lane bridge is it capable of carrying 80,000 pound loads?
• Lack of respect for community
• 5 semi loads in 36 hours
• Needs to move to a commercial location
• Life has changed since Beam place moved in, including quality of life
• Would like a compromise
• Affects everyone who lives there; agriculture, residential community; this is a shipping business

PUBLIC COMMENT CLOSED

APPLICANT MELISSA BEAM RESPONSE: No comment

PLANNING COMMISSION DISCUSSION & QUESTIONS:

  o Kipp Parker: Must ensure all property owners get proper notification.

  o Bob Lewis: Asks Christina to clarify county regulations on notification. Who gets a notice and why?

  o Christina Stanton: The County requires notification to those within 1,320 feet / ¼ mile from subject property. Notices are placed in paper as well as a sign on the property.

  o Peter Hoogendyk: Drove through the area and expressed concerns about the damage to the road.

  o Linda Krausert: Are roads private or county?

  o Vince: County does not maintain the roads.

  o Dan Michalak: If they are private roads, there may be a need for an HOA to maintain them. Asks applicant for clarification.

  o Melissa Beam: The portion of road by her property is an easement.

  o Dan Michalak: Is the county bridge citizens are talking about, designed to withstand the weight of 50, 60-80,000 pounds? And is it adequate for safety reason?
Vince Harris: If the county owns and maintains the bridge, then there would be some concern. Will look into this further.

Dan Michalak: What is the dividing line between a Special Use Review and a rezone to commercial property?

Vince Harris: It’s a special permit for a given property to have that “use” only on that property. Otherwise if rezoned, it would allow for any commercial use on that property, i.e. Tire store.

Dan Michalak: Has concerns over the private road and people’s health and safety. It’s a civil matter for these people. The county can’t force repairs for the safety of these people. Seek the business to make necessary improvements to the road for safety of nearby neighbors.

Jim Keen: Division of Water letter?

Vince Harris: The letter states the operation they are proposing meets the requirements of the existing water.

Bob Lewis: Recaps the division of the neighbors and the issues as well as the bridge.

Melissa Beam: There is no road agreement among neighbors. Agrees to keep road conditions acceptable for their portion.

Dan Michalak: Happy to hear they are willing to take responsibility and reiterates the county has no control over the roads. Expressed how supportive many of the neighbors are. Wants to make sure this does not cause any problems or safety issues.

PC further discussed the bridge and Public Works.

Linda Krausert: Addressing Beam regarding communication and road safety; asks her to ensure the truck drivers and clients slow down and drive safely through neighborhood.

Kipp Parker: Where the bridge is? Who maintains the roads now?

Melissa Beam: CR 158 is county maintained. Easements are not county maintained.

Kipp Parker: The weight restricted bridge is not our purview. Also expressed that the issue of hauling hay, grain, or livestock is not our issue tonight.
o Melissa Beam: Knowing this is a concern, proactively will ask trucks do not go over that bridge. Will ask them to come from a different road, perhaps CR 158.

o Bob Lewis: The concern is whether this SUR fits the neighborhood and the Master Plan.

END PC QUESTIONS AND QUESTIONS

ROLL CALL VOTE:

SU-18-0008 – Motion by Jim Keen to recommend for approval with conditions 1 – 5 per Staff Report; second by Linda Krausert. The motion carried 5–1 with one commissioner absent.

DISCUSSION:

Dan Michalak: Would like to offer an additional condition of approval for safety reasons; Public Works needs to check out the conditions of the one lane bridge on CR 162 to ensure weight capacity and safety.

Kipp Parker: Opposes Dan’s suggestion because this is a county thoroughfare, therefore a county issue and should have no bearing on the SUR.

Peter Hoogendyk: Agrees with Kipp. Spoke of all working through the issues and will all be living there and need to get along. Can’t satisfy everyone but need to get together to discuss this in a civil way.

Vince Harris: Reiterated he will discuss with Rory (Public Works) regarding a weight limit on the bridge.

CLOSED: SU-18-0008

BREAK: 8:25 – 8:31

OPEN CASE: RZ-18-0052

Bob Lewis: Requests Jessie Stonberg to step to the podium. Vince Harris introduces her as a new employee.

JESSIE STONBERG (BASELINE) – PRESENTATION OF STAFF REPORT

Jessie begins with a brief introduction as an Associate Planner with Baseline; started approximately 2 – 3 months ago.

Overview of MARY SLADE REZONE, Application RZ-18-0052
• Background of XX and NZ designations
• Lawsuit initiated in 2004 which initiated the need for zoning map creation
• First zoning maps made in 2006
• XX properties were sublot size created after 1983 when they did not know what those parcels were; illegally subdivided. There was no time to research the parcel therefore they were designated XX
• NZ created on those less than 35 acres
• No definition or description of what those designations are in regulations

Vince Harris: Brief history of XX and NZ:
• 2004 lawsuit regarded “questionable zoning practices”
• The county never had a zoning map prior to 2006
• Had only list of Resolutions which basically said what a property was zoned or rezoned to. Not a map
• The county was not keeping track of zoning properly
• After lawsuit the maps were drawn by hand in 2006
• They had 2 years to complete the map
• They were in such a hurry, the parcels which they didn’t have time to research were labeled XX or RZ once the map was adopted
• They never got back to those parcels to zone properly
• 2010 colored version zoning map; again no one researched the XX and NZ parcels
• Map never been updated since 2010
• Baseline working on creating a new, updated zoning map
• County is going to initiate all rezoning applications on properties to update the XX and NZ
• Approximately 90-100 properties
• Would like to do the rezones in a block vs. individually
• The process includes notification in paper for 3 consecutive weeks; no sign need be posted on property. Process is similar to the EDZ process

Jessie Stonberg: Continued with her presentation
• Rezone 5 acre parcel from XX to RA-1
• Owner is Mary Slade represented by Elbert County
• BOCC directed CDS staff to begin the rezone process via application
• Notification was in the newspaper for 3 consecutive weeks
• Property located along Hwy 86
• Primarily surrounded by Agriculture zoning but are some RA-1
• Referrals sent; no significant comments or rejections received
• Given the size of the parcel and current land use, per zoning regulations it is classified as RA-1
• Proposal is in conformance with the Elbert County Master Plan
• Meets all criteria for approval in the Elbert County Regulations
• Proposal is compatible with allowable uses in the area
• Proposal has no health, safety, and welfare issues or concerns for surrounding area
• Staff recommends for approval

CONDITIONS OF APPROVAL:
• The rezoning shall not become effective until conditions of approval are met
• All recordation of documentation shall occur within 180 off BOCC approval

END PRESENTATION

PLANNING COMMISSION DISCUSSION & QUESTIONS:
  o Dan Michalak: Discusses the inaccuracy of property lines drawn on map.
  o Jessie Stonberg: Explains there are a number of easements on property line which makes it look like encroachment.
  o Vince Harris: 2016 approved the legal description of property. This is what is being rezoned; not moving property lines. Regarding water / well, this land is already developed, we are just attaching zoning to it.

ROLL CALL VOTES:

RZ-18-0052 – Motion to recommend for approval with two conditions made by Kipp Parker, a second by Dan Michalak. The motion carried 6-0 with one commissioner absent.

Vince Harris: Goal is to complete all rezones of XX and NZ parcels in approximately 3 waves geographically to make this process quicker. Will include a map of properties and legal descriptions. This is not unusual.

MEETING ADJOURNED AT 8:55 PM