

Elbert County panel gives initial OK to development

Planning commission's vote is unanimous; proposal will go before commissioners

BY JODI HORNER
SPECIAL TO COLORADO COMMUNITY MEDIA

After three Elbert County Planning Commission meetings and months of study, the planning commission has approved the applications for the Independence development through a process of eight motions, during a July 18 meeting that was a continuance of the initial hearing on June 27, which was continued on July 11.

Final decisions on the applications for Independence will not be made until the first week of September, when the Elbert County commissioners take up the proposal.

All eight motions were unanimously approved by the planning commission with a 7-0 vote. Two planning commissioners had excused absences and were not present for the votes.

The application for the 920-home community, which consists entirely of single-family-homes on various lot sizes ranging up to nearly an acre, was made by the Colorado-based Craft Companies.

Homes in the 1,000-acre community in northwestern Elbert County would be constructed in as many as 12 phases over a seven- to 15-year period, with



The members of the Elbert County Planning Commission listen to information regarding the Independence community's applications at the July 11 planning commission meeting at the fairgrounds.

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the speed of construction driven by market conditions.

"We are very excited to have a unanimous vote on this project," said Tim Craft, a community developer for Craft Communities.

"Obviously, the unanimous vote not only shows that we're in compliance with Elbert County regulations, but that the planning commission agrees that we're setting a new standard for housing communities in the area," Craft said.

The homes would be located eight miles from downtown Elizabeth and less than a mile from the border with Douglas County, with the first phase to be built at Hilltop Road/County Road 158 and County Road 5.

Home prices would range from the low \$300,000s up to the \$900,000s.

"Actual pricing for the homes would be determined by subsequent home builders," Craft said.

The planning commission had the duty of reviewing and evaluating eight applications—two for the plats and six for special districts that would provide municipal services for Independence—then determining if all planning, zoning and subdivision regulations had been complied with. On that basis, they made their recommendation to the board of county commissioners.

Residents express concerns

Independence has drawn controversy with some area residents due to concerns over the availability of water for neighboring homes as well as population density in what has historically been a rural area.

DATES TO KNOW

• Aug. 9 at 9 a.m. — Board of County Commissioners meeting — Old County Courthouse: Request will be made for continuance of the hearing for the applications for the preliminary and final plats for Independence.

• Sept. 5 from 6 to 10:30 p.m. — BOCC hearing for Independence — Kiowa Fairgrounds: County commissioners will be presented with the eight applications for Independence.

• Sept. 6 and 7 from 6 to 10:30 p.m. — Possible BOCC hearing dates — Kiowa Fairgrounds: Contingency dates set aside in case the first hearing require more time.

"One of my main concerns is the water," said Elizabeth resident Jill Duvall. "While Independence agreed not to sell water out of the county, there is a water district (United Water and Sanitation District, created in 2003 inside Elbert County) that has a statewide service area."

Duvall, the former chair of the Elbert County Democratic Party, has a question about the arrangement: "The concern is: could this be an indirect method for Independence to sell water outside the county?"

Zoning is another concern for Duvall.

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"There are two very different legal opinions concerning whether the PUD (planned unit development) zoning, granted in 2009, has expired," she said, referring to zoning that some opponents thought could block the development if it was still in effect. "The planning commission was unwilling to address citizens about any zoning issues."

A district of its own

According to Elbert County Director of Community and Development Services Kyle Fenner, one reason the process has been so arduous has been because the county regulations must jibe with those of the newly

formed districts for Independence.

There are six districts applying for county approval.

The districts would be responsible for "the management of the development and maintenance and offering of services," Fenner said. "It's a big application with a lot of emotion."

Fenner explained that conceptually, Independence is like Highlands Ranch, in that it uses the same kind of business model and would operate as a metro district.

Next steps

The next step in the process of determining Independence's future happens at the Aug. 9 BOCC meeting, where a motion for a continuance of the two hearings for the preliminary and final plat will be made, which would effectively postpone the hearings until Sept. 5.

"We are asking for a continuance on Aug. 9 so they (all the applications pertaining to Independence) can be heard at the same time," Fenner said.

"It doesn't make sense to have them a month apart because they're totally intertwined," she said.

Following the planning commission's July 18 approval of the applications, county commissioners received numerous emails asking why they had voted yes on the project, despite the fact that no such vote has occurred, said Commissioner Grant Thayer.

"It's important to know pursuant to Colorado revised statutes states that the BOCC cannot issue any opinions with respect to an application until they hear an application," Thayer said. He noted that the commissioners have not yet seen the ap-

plications, much less voted on them.

"The BOCC holds a separate hearing to review the recommendation and all of the submissions by the applicant, then they make a decision," he said.

That process will begin Sept. 5 at 6 p.m. at the Kiowa Fairgrounds as the commissioners are presented with the applications for the first time.

Craft continues to show positivity about the development.

We are still very proud of the application that we've turned in to the county," Craft said.

"We believe in the uniqueness of the community and have been doing this in partnership with local government and meeting with hundreds of local residents," said Craft, "and we've been very careful to meet the requirements Elbert County's established laws."

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