

RESOLUTION NO. __

Series of 2026

RESOLUTION GRANTING A SPECIAL REVIEW USE PERMIT
IN DEPARTMENT OF PLANNING AND ZONING FILE # SRU 26-001
FOR THE LEGACY METAL FABRICATION AND SALES FACILITY

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter “Board”):

THAT WHEREAS, 325 Shoop, LLC, a Wyoming limited liability company, (hereafter “Applicant”) has made application for issuance of a Special Review Use pursuant to 8.04 of the Zoning Resolution of Fremont County for a Permit to allow for a Sheet Metal Manufacturing and Sales Facility. This permit is for the property legally described as, M&B PARCEL A, VERNON PROPERTY BOUNDARY LINE ADJUSTMENT, County of Fremont, State of Colorado, a.k.a 130 County Road 67, Penrose, Colorado 81240. The application has been designated as file #SRU 26-001 Legacy Metal Fabrication Facility to be located on certain real property that the Applicant owns; and is located in the Business (B) Zone District; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **April 7, 2026**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter “Department”), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on May 12, 2026 at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use permit to the Applicant as follows:
 - a. The procedural requirements of Section 8.04 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding area.
 - c. The proposed use will not have detrimental effects on property values.
 - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. The site is of sufficient size to accommodate the proposed use together with all yards, outdoor areas, parking, and such other provisions required by this resolution.
 - f. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use permit shall be issued for the life of use starting from the date of approval of this project.
3. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination,

revocation, rescission or suspension of the use permit.

4. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
5. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments, and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
6. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder.
7. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
8. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer. A transfer of ownership with the County must be applied for and approved by the Board of County Commissioners.
9. The County shall retain the right to modify any condition of the permit if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant, at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
10. Only the named party on the permit shall be allowed to operate this Special Review Use. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this

Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.

11. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Planning Director or Board in accordance with Section 8.07 of the Fremont County Zoning Resolution.
12. The applicant will coordinate with Fremont County Weed Management if needed to implement the Integrated Weed Management Plan.
13. Operation of Special Review Use Permit:
 - A. The building will cover sixty-one-thousand three-hundred and sixteen (61,316) square feet, for a proposed lot coverage of three and eight tenths (3.8) percent. The building will be a metal building, containing offices, conference room, and metal fabrication and storage space.
 - B. Days and hours of operation shall be 5 days a week, Monday-Friday 6:30 a.m. to 4:30 p.m. daylight savings time hours, and 7:00 a.m. to 4:00 p.m. standard time.
 - C. There will be up to twenty-five (25) employees employed.
 - D. The facility will receive three (3) deliveries per week from tractor-trailers, semi-trucks. The facility will send out two (2) of their own delivery trucks each morning and return each evening.
 - E. The facility expects ten (10) to twenty (20) customers per day.
 - F. Delivery truck loading and unloading will occur on the north side of the fabrication shop area.

14. Conditions of Special Review Use Permit

- A. Roll forming machines, forklift operation, and loading operations will all take place within the building and will not create significant noise or vibration outside the building footprint.
- B. Dusk to dawn floodlights for security purposes will be installed outside of the building. Special care will be taken by the applicant to ensure that floodlights do not illuminate areas off the property.
- C. Twenty-five (25) standard parking spaces shall be installed north of the building for employees. Two (2) accessible (ADA) parking spaces shall be installed on the south side of the building at the entrance, and ten (10) additional standard parking spaces shall be installed on the south side of the building for customers. There will be a twenty foot (20') by two-hundred and ninety-eight foot (298') reserved overflow parking area east of the building.
- D. All access shall come off County Road 67; driveway access will be hard surfaced and match existing grade to protect county hard surface.

- E. Annual road impact fee of four-hundred seventy-eight dollars and twenty-four cents (\$478.24) shall be paid to the Fremont County Department of Transportation, this will be reviewed annually to update costs with market prices.
- F. Permitted area must maintain code compliance.

15. Waivers Approved

- A. Parking: Fremont County Zoning Resolution section 5.05 require two-hundred and five (205) standard spaces and eleven (11) accessible (ADA) parking spaces. The applicants proposed employee and customer parking spaces are adequate and an overflow parking area shall be installed.
- B. Screening: Fremont County Zoning Resolution section 5.04 requires screening between commercial or industrial uses and agricultural or residential zoning or use. This Business is seven-hundred and ninety-six feet (796') from the East property line and approximately four-hundred and thirty-one feet (431') from the North property line. Screening would have little to no effect to screen the business at these distances

Commissioner Grantham moved the adoption of the foregoing Resolution, seconded by Commissioner McFall and approved by roll call vote as follows:

Commissioner Grantham:	Aye / Nay / Abstain / Absent
Commissioner McFall:	Aye / Nay / Abstain / Absent
Commissioner Bell:	Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: _____

 CHAIR, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: _____

FREMONT COUNTY CLERK TO THE BOARD