

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
April 6, 2021 AT 3:00 P.M.**

MEMBERS PRESENT

Byron Alsup (Chairman)
Mark Masar
Larry Brown
Michael Pullen
Larry Baker
John Hamrick

STAFF PRESENT

Sean Garrett, Planning Director
Theresa Villagrana, Office Manager

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**

March 2, 2021 Planning Commission Meeting

5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

A. **SRU 20-004 All Purpose Landscaping** Requesting approval of a Special Review Use, Department File #SRU 20-004 for a Contractors Yard for a landscaping business. The property is located on the Northside of Highway 115 between Ash & Willow Streets.

Representative: Justin Sandefur

B. **MS 21-002 Self** Requesting approval for a minor subdivision, Department File #MS 21-002 Self, which will create a total of 3 lots. The subject property is currently in process of a Zone Change request to rezone the property from AL to AS. The general location is off of State Highway 115 and Telck Road between Brookside and Florence.

Representative: Matt Koch

7. **ADJOURNMENT**
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1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 3:00 p.m.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Alsup asked if there were any changes, additions or corrections to the April 6, 2020 Fremont County Planning Commission Agenda.

MOTION

Mr. Mark Masar motioned to accept the April 6, 2021 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Gardner Fey seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

4. UNFINISHED BUSINESS

5. NEW BUSINESS

A. SRU 20-004 All Purpose Landscaping

Chairman Alsup called Mr. Justin Sandefur to present.

Mr. Sandefur stated that the proposed use is to have a contractor yard for his business.

Chairman Alsup advised Mr. Sandefur they would be asking questions and then called on Director Sean Garrett to give his staff report.

Director Garrett stated that there are some items of concern from general discussions. One is traffic, the applicant has provided CDOT access permit that is approved for 32 and that is not necessarily trips. CDOT access was revised to 22 to 32 at peak hour volumes. The difference is the number of trips both ways, the peak hour is the number of trips that can occur between those hours for that particular highway. CDOT does control the road and access however, there is a narrow driveway that slopes down.

The Department does not believe that this operation does not fit into the neighborhood. The storage of materials is the other noted concern. The Department does not believe the approval criteria will be met. That the site will be served by streets and roads to sufficient capacity to carry the traffic generated by the proposed use. The proposed use will not result in undue traffic congestion or hazards. The Department concludes that the proposal will result in traffic congestion and possible traffic hazards due to the location and access. The location is not compatible and harmonious with

the surrounding neighborhood. The area consists of lots ranging from 1 acre to 5 acres, with more residential and agricultural purposes. The traffic increase and other noise will not be compatible or harmonious and with the A2 encouraged preservation highly limited productive agricultural lands is in the district for the Master Plan, this parcel would be supportive of agricultural. The other is concentrate commercial development in existing commercial uses to save on infrastructure cost and gain the benefit of centrally located business uses. In that area, there are no existing commercial uses except the winery that is in Brookside limits and Fremont Paving and Redi Mix is quite a way down the road.

Chairman Alsup asked for photos.

Director Garrett pulled up the photos and described each one.

Chairman Alsup asked for questions or comments.

Mr. Fey asked Director Garrett for clarification on the 32 vehicles per day to 32 vehicles to 32 per hour.

Director Garrett explained that AADT which is the annual average day traffic, the permit was for 20 per day. Then it was increased to 32 peak hours. Peak hour ranges for each particular area.

Mr. Fey asked Mr. Sandefur if there would be retail customers of if it would be limited to his vehicles.

Mr. Sandefur responded that it only be company vehicles, no retail. And clarified on the peak hour that in speaking with CDOT, the concern with peak hours was during school hours. The 32 fell within the time range they come in that's why they got the approval. Coming in and making a left turn was considered the most risk, traffic wise.

Mr. Hamrick asked Mr. Sandefur to explain more about the operation on a daily basis, including deliveries and dispatch of employees.

Mr. Sandefur advised Deliveries are on Tuesdays and Thursdays primarily and fuel is delivered throughout the week. Business consists of lawn care, weed control, landscape construction. Employees return when finished servicing clients.

Mr. Sandefur advised they work from approximately 7:00 to 3:30. Employees arrive between 6:30 and 7:00, and approximately 20 crew trucks are sent out. Deliveries are on Tuesdays and Thursdays primarily and fuel is delivered throughout the week. Business consists of lawn care, weed control, landscape construction. Employees return when finished servicing clients.

Mr. Hamrick asked if stockpiles of materials were kept there or if the business is just a service industry.

Mr. Sandefur confirmed it is just a service.

Mr. Fey asked how long they had been set up there.

Mr. Sandefur replied, 13 years. He further explained that he started up his business at 19 years old and was unaware of the issues until it was brought to his attention. He started working on the permit process when approached by the Planning and Zoning Department.

Mr. Pullen inquired about the storage, in reference to the photos.

Mr. Sandefur explained they have ice melt for winter, some rock left over from jobs, fill dirt they are using on the property. Organic material such as sticks and leaves that are burned periodically, as permitted.

Mr. Pullen asked about fuel for vehicles being stored on site.

Mr. Sandefur confirmed they store fuel in a gravity fed, stand up tank on a cement pad with containment around it. Also, pesticides are stored in 2.5gallon containers, within Fire Department regulations.

Mr. Pullen asked if it was considered hazardous material.

Mr. Hamrick clarified that it is considered regulated material, not hazardous.

Mr. Sandefur advise they have proper signage for it, per the Colorado Department of Agriculture.

Mr. Fey asked if they have the proper license for the chemicals.

Mr. Sandefur replied that he holds the Qualified Supervisor license, one of his techs holds a Qualified Operator license and then trains employees as needed.

Mr. Hamrick asked Director Garrett if there had been reported accidents/issues with traffic in the 13 years they have been doing business at that location.

Director Garrett replied there had not been reports of concern regarding traffic. Code Enforcement received a complaint, went to inspect the property and that is what started the required Special Review Use application process. Complaints were regarding the material being stored, the smoke from burning of materials and the junk and debris. However, no reports of traffic issues to CDOT to his knowledge.

Mr. Hamrick stated the traffic is a concern however, the county is being asked to approve what is there, not a change. Another concern is that it is not compatible or harmonious to the neighborhood, realizing there is a zoning issue. Asking if the zone AR does allow for contractor yards with an SRU.

Director Garrett confirmed.

Mr. Hamrick looked at the property in Google Earth, did not physically see the property. He used the length of 1 block in all directions, it appeared there was a lot of storage on surrounding properties. He asked if this a zoning concern or because there is a complaint.

Director Garrett confirmed it is a zoning concern. He clarified that if the commission feels it meets all the approval criteria for and SRU and the Board is in agreeance, it could be issued.

Mr. Masar inquired if Mr. Sandefur was applying for the life of the use.

Director Garrett responded that SRU's are typically issued for life of use.

Mr. Sandefur confirmed that is his intention.

Mr. Fey aske who is the ultimate authority on the driveway.

Director Garrett responded that is a CDOT controlled road.

Mr. Fey asked if there had ben any accidents in the 13 years of operation.

Mr. Sandefur responded that there had not been any related to their business.

Chairman Alsup stated that when he was leaving the property the sign blocked his vision to the east.

Mr. Sandefur stated he has no problems moving or taking down the sign if it seems unsafe.

Mr. Pullen asked if notices were sent to adjacent property owners.

Director Garrett advised that notices are sent at a minimum of 14 days prior to the Board meeting and the property has to be posted withing those 14 days. It is also is published in the newspaper.

Chairman Alsup stated he has a few concerns, traffic congested area, the driveway and doesn't feel like it is harmonious with the neighborhood. He reminded the commission they have the criteria for SRU's in their packets. It must meet all requirements.

Mr. Maser asked Mr. Sandefur about future growth and about the 50x100 building.

Mr. Sandefur clarified that the buildings are for storage, to clean up the property, not necessarily for growth.

Mr. Maser stated he has a problem with the life of the use and asked if they could assign a review of 5 years.

Director Garrett advise they could approve with a life span as a condition.

Mr. Brown commented that he does not feel criteria and would be inclined to vote no.

Chairman Alsup asked for any other comments or questions.

Mr. Sandefur stated he would be willing to put up privacy screening or trees to improve the area. Stating that he would like to stay in the area, keeping business in Fremont County.

Chairman Alsup inquired if the house on the property was the office.

Mr. Sandefur replied that it is occupied and would be considered a Watchman's Quarters under the SRU.

Mr. Hamrick stated he believes the criteria are met. Location is compatible, looking at the surrounding area. Proposed use will not have detrimental impact on property values, will not impair public health and safety, overburdening of utilities or adverse environmental affluences. The site will be served by streets and roads, with the issues of the driveway and signage being addressed. The site is sufficient size and complies with all conditions.

Director Garrett noted that the place where materials are burned is in a flood plain. They will have to get a flood plain damage prevention permit.

Mr. Sandefur advise there is room to move the burn to another location, outside of the flood plain.

Chairman Alsup asked if Mr. Sandefur has considered moving the business.

Mr. Sandefur responded by stating if he has to move, it will be outside of Fremont County.

Chairman Alsup stated that he was open to a motion.

MOTION

Mr. Fey motioned to approve SRU 20-004 All Purpose Landscaping with conditions. The burn must be moved above the flood plain, the sign placement and t fencing improved.

Chairman Alsup stated that he was open to a motion.

SECOND

Mr. Hamrick seconded the motion.

AMENDED MOTION

Mr. Maser asked to amend the motion to address the life of the use.

SECOND

Chairman Alsup seconded the amended motion.

Chairman Alsup called for a roll call vote and the amended motion did not pass (4 of 3).

Chairman Alsup called for a roll call vote and the original motion passed (5 to 2).

B. MS 21-002 Self

Chairman Alsup called Matt Koch to present.

Mr. Koch stated that the request is for a three-lot subdivision, on Telck Road between Florence and Canon City. Subdivision is for his client's children to each get a lot. There is approval to use the well on site for service for the two new houses as well as agricultural purposes for all three lots. There is an existing well servicing the existing house.

Access for the existing house is off of Telck Road and the access for the two new lots will be through an easement existing for access to the mini storage and two other houses on the easterly side. They will tie into that without new highway cuts.

They will be on septic, there are no irrigation rights to this except from the well.

Chairman Alsup called on Director Garrett for comments.

Director Garrett stated that the Department has review the application and found it to be a true and complete representation of the request as stated herein. The Department finds that all minimal requirements for the Fremont County Subdivision regulations will be satisfied by this application.

There are five contingency items:

- 1.) Access permit for lot one.
- 2.) Closure sheets.
- 3.) Approval of zone change. Until the approval of the zone change, the lot cannot be subdivided.
- 4.) Easements for the waterline.
- 5.) The drainage study and plan will be required at the time of development of lots two or three.

Chairman Alsup opened for comments or questions.

Mr. Brown asked where the access for the entrance of the two new lots will be.

Mr. Koch responded that it is off Highway 115, at the southeast corner. On an existing easement for and adjacent subdivision, this property, a house in the back and the mini storage units.

Mr. Fey asked if the easement has been surveyed and recorded.

Mr. Koch replied yes, it's part of the plats next to this property.

Mr. Maser asked how lot three would be accessed if the pond has to be crossed.

Mr. Koch replied that if they have to cross the pond, they could put a culvert in. The pond is not very wide in that area. There is room to the north, approximately 30 or 40 feet.

Mr. Fey asked if there was an unregistered house well and not the irrigation well.

Mr. Koch replied that there is a hand dug well right in front of the house.

Mr. Hamrick asked Director Garrett if the five contingency items are still valid items.

Director Garrett confirmed they are.

Chairman Alsup asked if there were any questions or comments and stated he was open to a motion.

MOTION

Mr. Masar motioned to approve MS 21-002 Self, with all contingency items and with the waiver requests as stated.

SECOND

Mr. Fey seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously (7 of 7)

6. **ADJOURNMENT**

Chairman Alsup adjourned the meeting at 3:50 p.m.

<u>Byron Alsup</u>	<u>6-1-21</u>
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION	DATE