

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
December 1, 2020 AT 3:00 P.M.**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Brenda Jackson, County Attorney  
Marshall Butler, Planning Coordinator  
Alicia Stone, Office Manager

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

November 3, 2020 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

**A. Request: VPR 20-001 Aetna St & Phenix St**

Requesting approval of a Vacation of Public Right of Way Department File # VPR 20-001 Aetna & Phenix Street. Application is to vacate two platted roadways between Field Ave & Red Canyon Road. Neither right-of-way is currently installed or utilized.

Representative: Matt Koch

**7. ADJOURNMENT**

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**1. CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 3:02 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 December 1, 2020 Fremont County Planning Commission Agenda.

**MOTION**

Mr. Gardner Fey motioned to accept the December 1, 2020 Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Larry Brown seconded the motion.

Chairman Alsop called for a roll call vote, and the motion passed unanimously. (6 of 6)

**4. APPROVAL OF THE NOVEMBER 3, 2020 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsop asked if there were any changes, additions or corrections to the November 3, 2020 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Mark Masar motioned for approval of the November 3, 2020 minutes.

**SECOND**

Mr. John Hamrick seconded the motion.

Chairman Alsop called for a roll call vote and the motion passed. (5 of 6, Mr. Gardner Fey abstained as he wasn't present for the November 3, 2020 meeting.)

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

**A. Request: VPR 20-001 Aetna St & Phenix St**

Chairman Alsop called Planning Coordinator Marshall Butler to give a staff review.

Mr. Butler stated that this request meets all of the requirements for vacation of public right-of-way and that all of the notifications had been done. He noted that the department did receive comments from the City of Cañon City that the removal of the right-of-way would limit the possibility of future subdivision of the property. Mr. Butler stated that the department's line of thinking is that if they decide to develop later, they will need to provide access through a different roadway or reopen this one back up if it makes sense, and they will need go through a platting procedure to do so. He stated that he doesn't see any issue with limited access. Mr. Butler stated that the department recommends approval of the request with the contingency of submittal and approval of a lot line adjustment to absorb the land from the vacated road way into the adjoining properties.

Mr. Gardner Fey asked if that is done so by a new survey.

Mr. Butler stated that it is a survey and plat that shows where the adjustments are made.

Chairman Alsup called Matt Koch to present.

Mr. Matt Koch gave a brief overview of the project stating that these roadways are part of the old Park Center Subdivision. He noted that when the subdivision was done there were a lot of streets platted that they didn't consider the topography of the area and they didn't follow the actual lines. Mr. Koch stated that in this case the property owners are the same on both sides for the majority of the property, there are two separate property owners on the North side, and they are in approval of the vacation. The streets are not improved, there has never been a trail or anything down any of the roads, no visible sign of them at all.

Chairman Alsup stated in regards to the City of Cañon City comments of restricting future subdivisions, he knows from the county standpoint that the properties would need to be rezoned as they are non-conforming, but inquired about this being in the urban growth area if it would change the options if it was annexed to the city.

Mr. Butler stated that he didn't see where it would, as any future development there would need to provide proof of access, water, and sanitation and the lots would also need to be conforming to the zone district. He stated that if they wanted to subdivide in the future, they may want to do a zone change, but they may also want to stick with the less density. Mr. Butler noted that regardless, they would need to provide access or it couldn't be approved, and the same would go for the City of Cañon City.

Chairman Alsup clarified that it would be the same issues for the city as well.

Mr. Butler agreed. Mr. Butler also noted that if this request is familiar to any of the commissioners, that's because this issue came up in the Board of Zoning Adjustment meeting a couple years ago. He noted that at the time they were going through the Board of Zoning Adjustment, they realized that their house sits within five feet of the right-of-way line on the North side of Phenix Street. Mr. Butler noted that at that time he suggested to the McComb's that they may want to vacate that right-of-way in case someone would try to open up that roadway. He stated that he believes it's to their benefit to do the vacation and protect their property value.

Chairman Alsup stated that he didn't see a problem with it after driving around out there, he just wanted to think about the future and possible development.

Mr. Koch noted that the properties to the South are all accessed off of Hereford, so Phenix Street doesn't do them any justice anyhow.

Mr. Mark Masar inquired about the property owner to the North side of Phenix, if they were notified and agreed to the road vacation.

Mr. Koch stated that the property owner submitted a letter in agreeance as part of the application.

Mr. Michael Pullen asked if there are any underlying patent easements in these rights-of-ways.

Mr. Koch stated there weren't any that he came across, but that doesn't mean that there aren't any there. He did note that there aren't any utilities out there, which lends itself to a positive as well. Mr. Koch stated that there aren't any sewer or water lines in the empty roadways.

Chairman Alsup stated that he was open to a motion.

**MOTION**

Mr. Fey motioned to approve VPR 20-001 Aetna St & Phenix St with the contingency item as stated.

**SECOND**

Mr. Masar seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously (6 of 6)

7. **ADJOURNMENT**

Chairman Alsup adjourned the meeting at 3:13 p.m.

Bara Alsup 1-5-21  
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION DATE