

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
December 4, 2018 AT 3:00 P.M.**

MEMBERS PRESENT

Byron Alsup (Chairman)
Dennis Weid
Larry Brown
Keith Ore
Gardener Fey
Michael Pullen

STAFF PRESENT

Sean Garrett, Planning Director
Sam Kozacek, Planning Assistant

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

September 4, 2018 Planning Commission Meeting

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. Request: ZC 18-003 Agricultural Rural Zone District to Industrial Zone District

Requesting approval of a Zone Change, Department file # ZC 18-003 10th Street Zone Change. The site is located at the intersections of 10th Street & A Street, in Penrose, North of U.S. Highway 50 and west of Colorado State Highway 115. The site and parcels were originally zoned Agricultural Rural, however the Land-use was more aligned with commercial/industrial. The applicant wishes to continue the current use.

Representative: Angela Bellantoni

8. Request: MS 18-002 Western Oasis LLC

Requesting approval of a Minor Subdivision, Department file # MS 18-002 Western Oasis Minor Subdivision. The site is located near the intersection of S. 9th Street and Poplar Ave, in Cañon City, North of Colorado State Highway 115, and East of County Road 143. The parcel is currently Zoned Agricultural Living and consists of 32.58 Acres. The subdivision will consist of two lots, lot one comprising 11.27 Acres and Lot 2 comprising of 21.31 acres.

Representative: Angela Bellantoni

9. ADJOURNMENT

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 4, 2018 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Gardener Fey moved to accept the December 4, 2018 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Larry Brown seconded the motion.

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

4. APPROVAL OF THE SEPTEMBER 4, 2018 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the September 4, 2018 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Wied moved to approve the September 4, 2018 Fremont County Planning Commission Meeting Minutes.

SECOND

Mr. Fey seconded the motion.

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

5. Request: ZC 18-003 Agricultural Rural Zone District to Industrial Zone District

Dr. Angela Bellantoni stated that the property is in Penrose. The subject property starts as 101 10th Street and heads West to 45 10th Street. The property that they want to rezone encompasses 3 separate parcels. Mr. Richard Guy purchased this property in 2017. Mr. Conke purchased his parcels in 1995. Mr. Guy recognized the property zoning did not match with how the property had been developed as a manufacturing site. Mr. Guy chose to go through the application process to complete a Zone Change so that all the parcels in that area of 10th Street match up with how they were developed to be used. Mr. Guy is more in tune with how the property is going to be used and all the fine details about it.

Mr. Richard Guy stated said when the property was bought it was a Commercial Listing. I didn't do a very good job and checking on that. I did later on and found out it was Ag. Rural. I called Mr. Koch (the Planning and Zoning Former Director) and he explained to me that the only way to correct the issue was to go through a Zone Change. I contacted Joe the man who owns the property West of me, a portion of his property is Zoned Industrial. We figured out that the easiest thing to do would be to rezone two (2) of his properties to the Industrial Zone District and then rezone my property to it as well. The buildings on my property were built eight (8) years ago. These buildings historically have had some sort of business in them since there construction.

Chairman Alsup stated that it would now be time for the Staff Report.

Director Sean Garrett stated that allocation was made in full. The rezoning is for three (3) properties. The zoning of the properties currently is Agricultural Rural and the applicant wants to have it changed to Industrial. The Zone Change would bring the property into compliance. There aren't many Contingency Items on this application. Correction to the site plan need to be completed, it says five (5) acres and it needs to read 4.82 acres, and to remove the exhibit from the top of the site plan. The Fire Protection form is a Contingency Item. However, Ms. Bellantoni has made several attempts to get comment from the Penrose Fire Department and I have as well and no response has ever happened. The Contingency Item from the County Engineer has been addresses as well. If there are future issues with development or drainage issues it would be addressed at that time.

Mr. Guy stated there wasn't any intention of changing or developing anything other than what is already there on site. The only reason that Mr. Conke's property is included in the Zone Change is because it was the closest Industrial Zone to my property. So rezoning the property in between to all be Industrial made more sense since they would all be adjoining.

Mr. Michael Pullen inquired that if this Zone Change changed his neighbors property.

Mr. Guy stated that was correct. His property to the west is zoned Industrial so rezoning the other two parcels in between would make it adjoining to his property that way I could make my property Industrial as well.

Dr. Bellantoni stated that Mr. Conke understands what is going on with it all and his signature is on the application as well.

Chairman Alsup stated that this sort of thing was slightly unusual but it does make sense and the neighbor did agree to this.

Director Garrett does a presentation of pictures of the property and Dr. Bellantoni gives directions of the layouts and locations.

Mr. Wied inquired what the two buildings shown in the pictures were used for.

Mr. Guy stated that in the past the one was used for construction maybe and then it was sold. Then it became a business that did flooding and fire repairs to homes. The man who owned it at

that time later passed away and his estate didn't pay the promissory note to the bank and that is when he was able to buy it from the Bank.

Mr. Wied stated that there were a lot of places like that around here lately.

Mr. Guy said there were. These buildings were very well constructed. They are only eight years old.

Mr. Wied inquired that the large building that is used for storage is that Mr. Guys or Mr. Conke's?

Mr. Guy stated that those were Mr. Conke's.

Chairman Alsup stated that there isn't anything showing that any building permits were ever pulled for these buildings.

Mr. Guy stated that they were constructed as pole barns so there isn't a building permit that needed to be pulled.

Chairman Alsup stated Don Moore had mentioned in his comment letter that he couldn't find any records of a building permit being pulled for the buildings.

Mr. Guy that he has pole barns on his property here in Fremont County and you don't have to pull a permit for them if they are just pole barns.

Chairman Alsup stated that he didn't realize that's what the buildings were constructed as.

Mr. Wied inquired that if there was ever going to be a marijuana business in these buildings.

Mr. Guy stated no. When these buildings were built, I am certain that was the intended use by the original owner. Then he ended up operating his business out of those buildings. I do not intend to run any sort of marijuana business or hemp businesses out of those buildings.

Mr. Wied stated that regardless of what is in effect this is strictly a Zone Change for stated reasons of not being zoned correctly.

Mr. Guy stated that it would be nice to have more industry in this County. It is right off of Highway 115 so it is a good spot. The tenant we had in there did mobile repair on motor homes. Their business did end.

Mr. Ore inquired to did they know what sort of business they would like to run on this property.

Mr. Guy stated that they ran adds in Craigslist. One was a manufacturing facility in Pueblo West. They employ 8 people. He was the one who brought it to my attention that the property wasn't zone currently. He said if I got the zoning corrected that he would be interested in moving his business here. He makes some sort of metal part. He doesn't need a lot of space for this. He does require a 3 phase. There is nothing like that there presently.

Mr. Fey inquired that if the Rezoning of this property does it create any issues because of the lack of building permits pulled.

Director Garrett stated that no, that there have been CO's issued and everything is fine to move forward.

Chairman Alsup to Director Garrett inquired that if a pole barn is being built that it doesn't need to have any permits pulled.

Director Garrett stated that if the property that is constructing the pole barn has an agricultural declaration and is being used for agricultural purposes that it does not need to pull a permit.

Chairman Alsup stated that the Commission was open to a motion, but there has to be the Zone Change reasoning verbiage attached to it.

MOTION

Mr. Wied moved to approve Zone Change 18-003 10th Street Industrial subject to the contingency mentioned in report and citing that the Property was Zoned in Error and the Nature of the Area Has Changed.

SECOND

Mr. Fey seconded the motion.

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

6. Request: MS 18-002 Western Oasis LLC

Chairman Alsup called Dr. Bellantoni to the podium to discuss application MS 18-002 Western Oasis, LLC.

Dr. Bellantoni stated Shape Cooper was the applicant and Owner of Dirt Guys, LLC. The property was purchased spring 2018. This is one parcel and wants to make it into two (gives directions on map about property). Parcel one is 11.62 acres. If you go up Oak Creek Grade there is a gate to the property and that is where Mr. Cooper plans to take access to the property. The interesting thing about this parcel is that this by the big hill by the fair grounds. There are other things he plans to do with the property that I will cover in the January 2019 Planning Commission meeting. Lot 1 is the utility lines to the fair grounds. Lot 2 encompasses the hill. Access for lot two is by South 9th Street, near Poplar. There is an access easement agreement with the Rodeo grounds.

Mr. Wied inquired that parcel one will be mini storage and parcel two will be RV Living.

Dr. Bellantoni stated that it would be called an extended stay. Utilities have been contacted. Atmos was not solicited because the plan is not being used. The purposed uses are all electrical because of what Mr. Cooper wants to do. Phone is being handled by Spectrum

because they take care of phone, internet and T.V. There is a water commitment with Adam Lancaster and one with Brian Rupp for Fremont Sanitation.

Mr. Fey inquired why CF&I was against this proposal.

Director Garrett stated that they are against any sort of development altogether not just this one.

Dr. Bellantoni stated that when she called the lady laughed at her and told her it was because they were just against all development and then was sent to their legal department. I have done my research with this. The one coal mine they had closed in 1913 and the other one closed in 1952 so there hasn't been any coal produced from them in a long time.

Mr. Fey inquired if there were any mines under this property.

Dr. Bellantoni stated yes and the pictures were in the packet, and it was substantially below the surface.

Chairman Alsup inquired if there had been any subsidence issues on the property.

Dr. Bellantoni stated there weren't. I did make effort to contact their attorney whom I called and never got a call back. If you remember that the kilns in Pueblo West went to natural gas about twenty to thirty years ago that's when a bunch of the coal mines shut down and quit producing coal because there wasn't a need for it anymore.

Chairman Alsup stated that since there wasn't real justification that it was a null point.

Mr. Pullen inquired is there a plan to sign an agreement with the Rodeo Ground and how long would that be for?

Dr. Bellantoni stated that it would be in perpetuity of the use.

Mr. Pullen stated that the reason he asked was because like many things around here some things in the future end and it would be his only access to the property.

Dr. Bellantoni stated that it would be life of use with the agreement. The Rodeo Association is agreeable to that and they like the use. Once the lots are developed it is life of use. Easements are recorded and have to be honored.

Mr. Pullen stated he understood and just wanted it to be on the record because it is a very important point to have access to the property.

Mr. Fey inquired that if the cement pad in the picture was were the substation was and the transformers.

Dr. Bellantoni stated that it was.

Mr. Fey inquired are there any issues with setbacks or electromagnetic interference.

Dr. Bellantoni there is an easement that has to be abided by. Mr. Cooper has installed utilities and he understands that setbacks have to be honored and maintained. This property is a challenge but he has a vision and drive to get it done.

Director Garrett stated the application was made in full and complete. All requirements have been satisfied. There are a few Contingency Items that will need to be completed. An Issuance of a County Department of Transportation Permit will need to be completed, an executed deed of easement for access off of 9th Street, an Executed Ratification and Consent Form which is completed. There is a correction that needs to be made with the plat which is to include the following statement: Please refer to the Department of Natural Resources, Colorado Geological Survey Mining and Surface Features, Cañon City Coal Field, Plate 2 of 20, 1985 for underground mining activity in the area. There is a concern for access from CDOT that Highway 115 has the roundabout and how people will be able to take access.

Chairman Alsup stated that roundabout is an issue for bigger vehicles.

Director Garrett stated that water haulers can make it through that area without issue.

Dr. Bellantoni stated there is also a recycling place by the City building that has bigger trucks going through that roundabout and they make it through without issue.

Mr. Fey inquired about there being five additional fire hydrants.

Director Garrett stated that at this current time Cañon City Fire Department can service this property but any future developments would require something different.

Dr. Bellantoni stated that she had been in contact with 3 of the Head people at the Fire Department and they filled it out to the best of their abilities.

MOTION

7. Mr. Wied moved to approve Minor Subdivision MS 18-002 Western Oasis, LLC subject to the contingency items mentioned in report.

SECOND

Mr. Fey seconded the motion.

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

ADJOURNMENT

Chairman Alsup adjourned the meeting at 3:48 p.m.

Chairman Alsup reopened the meeting at 3:48.

Chairman Alsup inquired if there would be a meeting at the beginning of January, and if so, would that interfere with Florence.

Mr. Ore stated that it may be an issue with his meetings he has in Florence but would let the Commission know if he could make it or not.

Chairman Alsup adjourned the meeting at 3:51 p.m.

Byron Alsup
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

1-2-19
DATE