

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
April 7, 2026, AT 3:00 P.M.**

MEMBERS PRESENT

Travis Payne
John Hamrick
Rudl Mergelman
John Carper

STAFF PRESENT

Dan Victoria, Planning Director
Mike Fowler, Planning Coordinator
Joanne Kohl, Office Manager

1. CALL TO ORDER

Chairman Hamrick Called the meeting to order at 3:00 pm.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF THE APRIL 7, 2026, PLANNING COMMISSION AGENDA

Chairman Hamrick asked if there were any changes, additions or corrections to the April 7, 2026, Fremont County Planning Commission Agenda.

MOTION

Mr. Carper motioned to accept the April 7, 2026, Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Payne second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (4 of 4)

4. APPROVAL OF THE JANUARY 6, 2026, PLANNING COMMISSION MEETING MINUTES

Chairman Hamrick asked if there were any changes, additions or corrections to the January 6, 2026, Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Mergelman motioned for approval of the January 6, 2026, minutes.

SECOND

Mr. Carper second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (4 of 4)

5. UNFINISHED BUSINESS:

NONE

Chairman Hamrick asks the applicant to speak about their item on the agenda.

Mr. Rob Brown from Fremont Economic Development Corporation states that they are here to talk about their project, Legacy Metal. The project is located near HWY 67 and HWY 50. There have been several projects over the years, in 2018 the project resurrected itself and was deemed a great place for a commercial business park standing to bring people in from outside the community. During the pandemic, the project stalled out. Now, this is a very solid project that has been very successful in the community and that has been producing jobs and products and generating wealth from outside the community and bringing it in and creating the ultimate primary jobs. He introduces Jerry Martin to talk about the details of the project.

Mr. Martin states that Legacy Metal is a Colorado based company, established in 2020, they specialize in metal roofing, siding and trim products as well as metal building packages. They are a small but growing business. The new 61,000 sqft. Building, on their 37-acre site, is designed to support the next stage of their growth.

Chairman Hamrick ask for staff report.

6. NEW BUSINESS:

A. SRU 26-001 Legacy Metal Fabrication Facility

The subject project proposes to improve the currently vacant land with a 61,316 SF building that will contain offices, a conference room, a break room, and a metal fabrication shop and material storage area.

Representative: Jerry Martin

Director Victoria presents the staff report. The subject project proposes to improve the currently vacant land with a 61,316 SF building that will contain offices, a conference room, a break room, and a metal fabrication shop and material storage area.

The proposed facility will be a fabrication and sales facility for metal panels, siding, roofs, and similar products. The facility will be open Monday through Friday from 7am – 4pm in the winter, and 6:30 am – 4:30 pm for the rest of the year, with the change in operating hours occurring at daylight savings time changes.

The facility is expected to have 25 employees and 10 – 20 customers per day. On average, the facility will receive three deliveries per week from 18-wheelers. Additionally, the facility will send out two of its own delivery trucks each morning, that return each evening.

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.

LOCATION

130 County Road 67, Penrose, Colorado 81240

BACKGROUND / ASSOCIATED CASES

The lot is 1,619,650 square feet (37.18 acres), zoned Business (B), and is currently vacant land (0% lot coverage).

The proposed use is being submitted for a Special Review Use and does not propose to rezone the property. The proposed building will cover 61,316 square feet, for a proposed lot coverage of 3.8%. The proposed building will be a metal building, containing offices, conference room, and metal fabrication / storage space.

Estimated Traffic Count: 146 trips per day (factors employees leaving and returning for lunch)

Number of Access Points: 1

Floodplain: N/A

Water: Cistern – Bulk water delivery from Hanson Construction & Excavation

Sanitation: Engineered OWTS

Electric: Black Hill Energy

Refuse: Twin Enviro

Natural gas/Propane: Propane

Lighting:

Dusk to dawn floodlights for security purposes are proposed outside the building. Special care will be taken by the owner to ensure that floodlights do not illuminate areas off the property, especially along the south side, into Highway 50 right of way.

Parking and loading areas are not proposed to be lit by parking lot lighting, as business hours correlate with daylight hours. However, security floodlights are proposed for off hours, and would provide adequate lighting to the parking and loading areas if needed.

Parking:

Since the vast majority of the proposed building will be fabrication equipment and metal storage, a variance from this section is requested. It is proposed to provide one parking space for the maximum number of employees at any given time (25) plus 10 standard customer spaces. It is also proposed to include 2 ADA spaces (both van accessible) per section 5.05 (d) (ii).

Customer and delivery truck loading / off-loading will occur on the north side of the fabrication shop area.

FIRE PROTECTION DISTRICT: Florence Fire Protection

ACCESS: County Road 67

PUBLIC COMMENTS/CONCERNS: None Received

AGENCY COMMENTS

Staff requested comments from various review agencies. Staff has incorporated comments received to date either in their entirety or in part into this staff report.

FCDOT:

- Driveway access will need to be hard surfaced and match existing grade to protect county hard surface shouldering.
- Annual road impact fee of \$478.24 to be reviewed annually to update cost with market prices.
- Roads built within the planned location will not be maintained by the County.

FREMONT COUNTY ENGINEER:

- The submission is generally compliant with the core hydraulic requirements.
- There are issues that need to be addressed before full approval can be recommended.
 - Missing Operation & Maintenance Plan. (This was later received and forwarded to the County Engineer on 3/19/2026).
 - Drainage Map and Data Requirement Blurry (This was later received and forwarded to the County Engineer on 3/19/2026).

FREMONT COUNTY BUILDING AND ENVIRONMENTAL HEALTH DEPARTMENT:

- The OWTS design appears to be large enough to accommodate this facility.
- The department reserves the right to review the OWTS system in a more realistic environment once the plans for this project are submitted.

FIRE PROTECTION PLAN:

- Approved the cistern size based on the proposed reception and office area.

REQUESTED WAIVERS:**1. Parking**

- Per Section 5.05 of the Fremont County Zoning Code, the proposed use of the site most nearly aligns with the industrial use category (fabricating). Per this section, the minimum number of spaces required is the greater of 1 per 300 sq. ft. of floor area up to 100,000 sq. ft. or 1 per employee on maximum shift. This would require the use to have 205 parking spaces (61,316 sq ft / 300 sf).

2. Screening

- The applicant would like to request a variance from FCZR section 5.04, which requires screening along the north and east property line. The justification for this variance is that the property to the north is currently vacant range land. Additionally, the applicant owns all parcels to Eightmile Creek (east). Granting this variance will allow the applicant more flexibility in further subdividing their property, without the risk of removing newly constructed fence or mature trees in the near future

RECOMMENDATION

Having found the application is in compliance with the requirements of the Fremont County Zoning Resolution, staff recommends **APPROVAL** of the Special Review Use Permit application with the following contingencies/Conditions:

WAIVERS:

1. Parking-

Staff supports this waiver. Regulations require 205 standard spaces and 11 ADA for this square footage. The Applicant's proposed employee/customer parking spaces seem adequate and an overflow parking area is detailed on the site plan. The overflow parking area is 20' x 298' (33 spaces).

2. Screening-

Staff supports this waiver. FCZR section 5.04 requires screening between commercial or industrial uses and agricultural or residential zoning or use. This Business is 796' from the East property line and approximately 431' from the North property line. Screening would have little to no effect to screen the business at these distances.

CONTINGENCIES:

1. Compliance with Fremont County Engineer recommendations. Staff are still waiting for a comment from the Fremont County Engineer.
2. Letter of approval from the FAA Case ID 2026-ANM-1189-OE. Staff have received a letter of approval from FAA case 2026 ANM1189OE. The FAA status was determined there is no hazard with this building going in this place.

CONDITIONS:

1. Hard surface driveway access to match existing grade of County Road 67.
2. Annual road impact fee to be collected by Fremont County Transportation of \$478.24.

Chairman Hamrick asks the Board if they have any comments or questions for the applicant.

Mr. Payne states that he fully supports this project.

Chairman Hamrick states that he was looking at the hazardous materials storage, and it is proposed that there be a 55-gallon drum of oil in a containment, is that hydraulic oil for some of the equipment. The trucks will be running off propane, and the propane tanks will be there on site.

Mr. Martin states that is correct.

Chairman Hamrick also asks, if they include the Stormwater drainage plan in the submittal, does that put the enforcement on Planning and Zoning Department? And should the final plan include that approval or not.

Director Victoria states that he is waiting for the revised comments from the Fremont County Engineer and that is certainly something he can discuss with him.

Chairman Hamrick states he is open for a motion.

MOTION

Mr. Carper Motioned to Approve **SRU 26-001 Legacy Metal Fabrication Facility**

with staff recommendations as presented.

SECOND

Mr. Payne second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (4 of 4)

7. ADJOURNMENT

Chairman Hamrick adjourned the meeting at 3:25 p.m.

John S Hamrick
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

7-7-24
DATE