

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

MEMBERS PRESENT

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

STAFF PRESENT

Matt Koch, Planning Director
Tanya Fleming, Planning Assistant

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

July 3, 2018 Planning Commission Meeting

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. REQUEST: ZC 18-001 – Marilyn & 9th Zone Change Request

Request approval of a **Zone Change, Department file #ZC 18-001 Marilyn & 9th** by Vaquero Penrose Partners, LP, for the property which is located at the northwest corner of the intersection of Marilyn Drive and 9th Street in Penrose. The property is currently a portion of the Dollar General lot and is under review for a Lot Line Adjustment combining the portion being rezoned to an existing lot being owned by Russel & Alice Sanders, at 509 9th Street.

Representative: Kyle Barret

8. ADJOURNMENT

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 September 4, 2018 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Michael Pullen moved to accept the September 4, 2018 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Mark Masar seconded the motion.

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

4. APPROVAL OF THE JULY 3, 2018 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the July 3, 2018 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Mark Masar moved to approve the July 3, 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. (7 of 7)

6. REQUEST: ZC 18-001 MARILYN & 9th ZONE CHANGE REQUEST

Chairman Alsup called Mr. Griffin Bryant to speak as the representative for the applicant.

Mr. Bryant stated that he is employed by Vaquero Ventures, the company that developed the Dollar General. He stated that Vaquero has an additional 2 acres, or just over that, they are looking to donate to the Sanders and they are looking to rezone the property from business, which was the zoning needed for the Dollar General and zone it back to Ag for the Sanders. There is an easement that the Sanders have to that back portion of the property and they have some buildings back there already so they are looking to work with the Sanders to make that transition. Mr. Bryant stated that Vaquero doesn't need the land and the Sanders expressed an interest in it so they are more than happy to give it to them.

Mr. Matt Koch stated this is straight forward. The Dollar General was built on the entire property and are going through a lot line adjustment now as well to add this to the Sanders property. The area that was mentioned with the easement is owned by them. It is a 20-foot-wide stem and there is also an easement for the structures on it. This rezone and lot line adjustment would actually take care of several issues that are on the property now. Mr. Koch stated that in speaking with Mr. Kyle Barrett from Vaquero who submitted this they are working through the ratification and consent forms with the mortgage companies. One concern is that they may have to deal with one of the other neighbors on this, however it would still be rezoning the same property. In the end they would be redoing the same parcel but it may have to be a different

parcel that they may be working with. Mr. Koch stated that the only contingency item on this is completing and recording of the Lot Line Adjustment which will be recorded consecutively with the rezoning. That will take care of all of the legalities and it will all fall in line then.

Chairman Alsup asked if this will go to a BOZA meeting as well.

Mr. Koch responded no it will go to BOCC after this.

Mr. Dennis Weid asked if there was a minimum lot size for Ag Rural and if this piece was less than that and there is a solution to that.

Mr. Koch replied that everything is non-conforming there. Even the lot they are dealing with on the south side is non-conforming. This will actually decrease the non conformance since it makes that lot bigger. So, it will bring it closer to conforming, which makes it an allowable trade within the regulations.

Mr. Fey asked if Vaquero Ventures is being altruistic and just giving the land away?

Mr. Bryant stated that the reality is that Dollar General doesn't want it. It would be more upkeep for them and it would just bring more issues with the easement. Whereas if they just get rid of this part of the property it would solve a lot of issues with all of that. He stated that they do this on their sites a lot when they have to purchase additional acreage that is not needed in the long run.

Chairman Alsup asked what is the current size?

Mr. Koch responded that the area being rezoned is 2.08 acres.

Mr. Fey asked if being rezoned to Ag Rural prevent it from being developed later by the owners of the property.

Mr. Koch responded no, but since it is being combined with the other lot it is only allowed one residence on the lot. And since there is already a residence on that property they really can't do much with it. They could possibly apply for an ADU or something but that it would still follow all the guidelines of Ag Rural.

Mr. Weid stated that he was confused on the statement of dealing with another property owner. That there may be another split of the property or something similar.

Mr. Koch stated that they are having an issue with the ratification and consent from the mortgage company of one of the neighboring land owners. So, what they may have to do is to work with another land owner. The finished product will all be zoned the same.

Mr. Pullen asked if they do anything else with the property in the future would they have to come in and come in to compliance with all the regulations at that time.

Mr. Koch stated that it would depend on what they are doing with the property. As long as they are following the requirements of the zone district than they wouldn't come back before the board.

Mr. Fey asked if they chose these land owners because of the location of the easement or were they the only ones that wanted the property.

Mr. Bryant stated it was because of the easement.

Chairman Alsup opened up to a motion.

MOTION

Mr. Weid moved to approve Zone Change 18-001 Marilyn and 9th subject to the contingency of recording the Lot Line Adjustment.

SECOND

Mr. Ore seconded the motion.

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

ADJOURNMENT

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



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION



DATE