

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
JANUARY 6, 2015**

MEMBERS PRESENT

Byron Alsup, Chairman
Larry Baker, Vice Chairman
Larry Brown
Michael Pullen
Tina Heffner
Gardner Fey
Dennis Wied

STAFF PRESENT

Bill Giordano, Planning Director
Brenda Jackson, County Attorney
Samantha Kozacek, Planning Assistant

MEMBERS ABSENT

None

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

- a. December 2, 2014 Planning Commission Meeting

5. UNFINISHED BUSINESS

NONE

6. NEW BUSINESS

a. REQUEST: CDP 14-002 THE OUTPOST AT TEXAS CREEK COMMERCIAL DEVELOPMENT PLAN—(Retail Stores, Mini Storage Facility, Personal Services (Barber Shop, Clinic), Feed store, Restaurant, Bar/Lounge, Automobile Sales, Carwash and a Watchman's Quarters)

Request approval of a **Commercial Development Plan, Department file #CDP 14-002 The Outpost at Texas Creek Retail Stores (9,600 sq. ft.), Mini-Storage Facility (49 storage units), Personal Services (Barber Shop, Clinic), Feed Store, Restaurant, Bar/Lounge, Automobile Sales, Carwash and a Watchman's Quarters and any other allowed uses and all allowed Business uses**, by Phillip & Teresa Poindexter, for their property which is located on the *Southside of U.S. Highway 50, 0.17 miles east of Fremont County road #37, aka McCoy Gulch Road in the Texas Creek Area*. The property contains a 264 sq. ft. office, 2 sheds and a 924 sq. ft. watchman's quarters. An 800 sq. ft. carwash, 49 mini storage units, a 9,600 sq. ft. retail sales office area, a 7,260 sq. ft. covered storage area and an 912 sq. ft. addition to the watchman's quarters are all proposed. The property is zoned Business and contains 6.67 acres.

Note: A Commercial Development Plan is required as the change of use from previous uses to the proposed uses resulted in a substantial change of use and a substantial expansion.

REPRESENTATIVE: Phillip Poindexter

7. **ELECTION OF OFFICERS**

8. **ADJOURNMENT**

9. **MASTER PLAN WORKSHOP**

Continue with review of the Master Plan *(if time allows)*

CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 4:03 pm.

1. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

2. **APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the January 6, 2015 Fremont County Planning Commission Meeting Agenda. Mr. Bill Giordano asked if the Planning Commission would like to add the election of officers to the agenda as the Department had not formally placed it the agenda and it is normally done at the first meeting in January.

MOTION

Mr. Larry Baker moved to accept the January 6, 2015 Fremont County Planning Commission Meeting agenda as presented, along with the election of officers.

SECOND

Mr. Larry Brown seconded the motion.

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

3. **APPROVAL OF THE DECEMBER 2, 2014 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the December 2, 2014 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Dennis Weid moved to accept the December 2, 2014 Fremont County Planning Commission Meeting Minutes as presented.

SECOND

Mrs. Tina Heffner seconded the motion.

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

5. **UNFINISHED BUSINESS**

The Planning Commission had no unfinished business.

6. **NEW BUSINESS**

- a. **REQUEST: CDP 14-002 THE OUTPOST AT TEXAS CREEK COMMERCIAL DEVELOPMENT PLAN—(Retail Stores, Mini Storage Facility, Personal Services**

(Barber Shop, Clinic), Feed store, Restaurant, Bar/Lounge, Automobile Sales, Carwash and a Watchman's Quarters)

Mr. Philip Poindexter stated that they are purposing a Commercial Development Plan in phases starting with his existing auto dealership. Then we would rent space to anyone that wanted to open a business such as a barber shop or other retail stores that may be needed in the area. We would then phase in some RV storage spaces for commercial and large RVs. This would be for people from out of state or people with large RVs that wanted them stored inside a building instead of having them outside out in the weather. Also we are purposing to use some of the land for a carwash and for used auto sales. If things gain traction we would like to add additional RV storage as well.

Mr. Gardener Fey asked that if the watchman's quarters was for a security guard.

Mr. Poindexter responded that the watchman's quarters was his current home.

Mr. Baker asked how many phases are there in this plan, and what their thinking for the future was.

Mr. Poindexter responded that the first phase was the auto dealership, the 2nd phase is the rent some of the retail sales and personal service space and the carwash would be the 3rd phase if we saw the need for it.

Mr. Baker asked if he presently has a new or used car dealership on the property.

Mr. Poindexter answered that the cars were used cars.

Mr. Baker asked how many cars that they would have on the property at any one time.

Mr. Poindexter said anywhere from five to seven.

Mr. Dennis Weid asked if there were any existing structures on the property.

Mr. Poindexter responded that the house and the little barn currently exist on the property.

Mr. Weid asked if the barn would remain.

Mr. Poindexter stated that they have plans to keep it, however they will move it to a different location on the property,

Mr. Pullen asked if the proposed building which is to be moved, whether is on a footer.

Mr. Poindexter said that the building isn't on any kind of foundation.

Mrs. Heffner referred to the application under services on page 2 that there was no water and sewer service on the property, she then asked if that was correct.

Mr. Poindexter stated that they currently have a sewage disposal system and a well but, they will have to get a separate septic system and that they would have to convert the well to a

commercial well. He went on to say that he contacted the Division of Water Resources and it would cost them \$4000 to convert the well to a commercial well.

Mr. Fey asked what would happen to all of the hazardous waste from the car wash.

Mr. Poindexter stated that it is all contained in a trap under the carwash and has to be pumped out. He also stated that none of the water gets into the sewage disposal system.

Mr. Fey asked how much water would the carwash use.

Mr. Poindexter stated that the newer carwashes, the water gets recycled.

Mr. Weid asked where this property was in relation to Texas Creek.

Mr. Poindexter stated that the property was right across the street from Tezak's rock shop.

Mr. Weid then stated that he didn't see anywhere in the packet that any of the surrounding people had any objections to this plan. Then he asked if they had talked to any of the owners.

Mr. Poindexter stated that he had talked to Mike Tezak and the lady across the street, whose property is also commercial and neither had an objection to the proposal.

Mr. Fey asked if he had any partners in this venture or if he had any interested tenants.

Mr. Poindexter replied that they are doing it all themselves. They own the property outright. He also stated that he wanted to do all the financing in house.

Mr. Giordano showed the video of the property and noted that in the application the applicant has requested that all uses that are allowed in the Business be allowed as part of this application. In the Departments review it is recommended that the uses be limited to the specific uses noted. If the uses are not limited it would defeat the purpose of submitting a Commercial Development Plan.

He also noted that the application the applicant is requesting 9,600 Sq. Ft. of retail space, however in the State Highway Department letter the request is for 9,200 square feet. In discussion with Mr. Poindexter he will change the drawings to reflect 9,200 square feet.

Mr. Giordano noted that all lighting has to be pointing downward as per lighting regulations.

Mr. Brown asked if the buildings along with the parking would need lighting.

Mr. Poindexter then stated that the main building (the 240 square foot building) would have the majority of the lighting and the RV storage would also have downward facing security lighting around it as well.

Mr. Alsup stated that as a person living in the West end they are concerned with lighting because they do not like having a lot of light pollution.

Mrs. Heffner asked if it is normal to have a residence in the Business Zone District.

Mr. Giordano stated that it is currently allowed only within the business structure, however in this case since the residence currently exists as a separate building, which has been used as a residence along with other business uses it is considered non-conforming and is allowed.

Mrs. Heffner asked if the property owner could ever subdivide and sell off just the residential part of the property.

Mr. Giordano replied that no they could not do that in that zone district as they don't have enough acreage to create another parcel, as each parcel would be required to be a minimum of 4.5 acres.

Mr. Baker asked that if this plan would have to be completed within three years if an extension was not granted or the project was not phased.

Mr. Giordano stated that was correct.

Mr. Baker asked how many years do they think it will take for completion of the project.

Mr. Poindexter said it would take them about 2 years.

Mr. Baker asked if they were looking to lease the building where the restaurant/bar is to be located.

Mr. Poindexter indicated that he would lease it.

Mrs. Heffner stated that she was surprised that CDOT didn't require any additional improvements. She stated that there are not any acceleration or deceleration lanes.

Mr. Poindexter stated that they have met with CDOT's Valarie Sword multiple times and asked her to increase their traffic count to the max. He then stated that there were three traffic lanes in front of the property. He went on to say that they had added two stop signs and paved the approaches onto the highway.

Mrs. Heffner asked if they had added another entrance into the property.

Mr. Poindexter stated that there are already three entrances to the property. One of the entrances is for the watchman's quarters and two were for the commercial uses. He stated that all three entrances have been approved.

Mr. Alsup stated that there are three lanes in that area, and that most of the time people are using them to speed up and not to slow down. He also stated that he hopes the Poindexter's know if CDOT wanted them to add another lane that it would be very expensive.

Mr. Poindexter said it was his understanding that if the traffic increases after approval has been granted by CDOT they would pay for any improvements.

Mr. Alsup stated that he was also surprised that CDOT didn't ask for improvements due to the fact that traffic in that area is known for speeding up.

Mr. Weid noted that in the application that they had stated they wanted the option of being allowed to include in their application all the allowed business uses however the Department recommended that the uses be limited to those listed in the Department review. Would there be anything else you would like to add to your list?

Mr. Poindexter indicated that he could not think of anything else that they would want to add to their list.

Mr. Alsup asked what type of signage they will use. He is concerned about how big the sign would be, and he wanted to make sure that it wasn't going to obstruct the view of the natural scenery.

Mr. Poindexter stated that they currently have two signs, but they want to take them down and just have one sign. They want that sign to possibly be just a large marquee that matches the scenery (the western look).

Mr. Alsup stated they have talked about fire protection and it is in the application. What is that looking like?

Mr. Poindexter stated that they have already been included into the Deer Mountain Fire Protection District and that they are just waiting for it to be recorded.

Mr. Alsup asked how many gallons per minute does the well produce because of how much water will be required for the carwash and the restaurant. They also needed to consider how much water would be available for fire protection.

Mr. Poindexter responded he did not know off the top of his head but he does have that information. There is a spring feeding the well which comes out of McCoy Gulch. The carwash will recycle the water. The restaurant would consume the most water.

Mr. Alsup stated that they should make sure there is adequate water before he proceeded too far.

Mr. Poindexter stated that the Division of Water Resources said that an approval letter for Commercial Use would cost him \$4,000. He then stated that he wanted to get this approved before spending more money.

Mr. Alsup stated he thinks that this is a very ambitious project for a very sparsely populated area. He then asked if he did any fiscal analysis so see if there was a need for this.

Mr. Poindexter stated there was an RV storage place in Salida but it wasn't as big and couldn't accommodate the larger size RVs like theirs could. He thinks there is a need for it because he has seen a lot of RVs parked along the I25 corridor and he doesn't think that they have many options on where to park them. The retail side of it could accommodate RVs if need be, but if the retail route picked up they would go with the retail instead of the RVs.

Mrs. Heffner asked Mr. Giordano if the notices to property owners have been sent concerning this application.

Mr. Giordano stated that the notices haven't gone out yet, they go out before the Board of County Commissioners meeting.

Mr. Fey then asked what was in the South West corner of the property, and if the area was unusable.

Mr. Poindexter stated that it's a pond. They reconfigured the pond by building berms so as to restrict silt from going into that pond.

Mr. Fey asked if there was an airstrip behind the property.

Mr. Poindexter stated that there was an airstrip but it has been abandoned for years.

MOTION

All down

Mr. Baker moved to approve CDP 14-002 The Outpost at Texas Creek Commercial Development Plan subject to the following:

1. Limit approval to only the following uses: Retail Stores (9,600 sq. ft.), Mini-Storage facility (49 storage units), Personal Services (Barber Shop, Clinic, or similar), Feed Store, Restaurant, Bar/Lounge, Automobile sales, Carwash and a Watchman's quarters.

The Planning Commission recommended that the Retail Space be changed from 9,600 sq. ft. to 9,200 sq. ft.

2. Copy of an approved access permit from the Colorado Department of Transportation. The proposed expansion as noted in the letter from CDOT dated December 16, 2014 was for 9,200 sq. ft. retail space, the addition of an 800 sq. ft. carwash and 8,100 sq. ft. of mini storage area. A CDOT condition of approval is that if safety or operation problems are observed, the developers will be required to design and construct necessary highway improvements. Upon expansion to the uses approved by this permit documentation from the CDOT may be required.
3. If a Weed Control Plan is required by the Fremont County Weed Management, it will be required to be maintained or updated on an annual basis.
4. Acceptance of the submitted lighting plan.
5. As per the Fremont County Zoning Resolution (FCZR) 8.15.4: A Commercial Development Plan shall be in effect for three (3) years from the date of approval by the Board, unless an extension has been granted by formal action.
6. As per the FCZR 8.15.5: At the time of application the applicant may propose phasing of the development with a defined time frame for phasing. FCZR 8.15.5.1: No phasing shall be approved that exceeds a total time frame of six (6) years for completion of the development.

7. As per the FCZR 8.15.6: Completion of all the items proposed by the application and required by the approval shall be accomplished within three (3) years of the date of approval by the Board, unless an extension has been granted by formal action of the Board.

RECOMMENDED CONTINGENCIES:

The Planning Commission recommended approval of the request contingent upon, at a minimum, the following item being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

1. Documentation as to compliance with any requirements of the Colorado Division of Water Resources.
2. Documentation from the Colorado Registered Engineer who designed the drainage improvements, if any, that the required improvements were constructed to the approved design standards.
3. Property owner shall execute a Quit-Claim deed with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. Such deed shall be recorded at the time of recording of the development plan. Fremont County will not accept maintenance of these facilities.
4. Documentation as to compliance with any requirements of the Colorado Division of Water Resources.
5. Documentation as to compliance with any requirements of the Fremont County Environmental Health Office.

The Planning Commission recommended approval of the waiver for buffering and landscaping, hard surfacing and landscaping of the parking area and accepted the lighting plan.

Waiver Requests:

Applicant is requesting a waiver of the following:

1. **5.2.6 BUFFERING & LANDSCAPING REQUIREMENTS:** The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, unless waived by the Board. Where, in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

Deciduous shrubs	4' height
Spreading evergreens	30" spread
Tall evergreens	3' height
Screen planting (<i>evergreen</i>)	4' height

Trees	2 and ½" caliper
Ground cover	2 and ½" pot

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

The applicant has requested a waiver of the buffering and landscaping of the adjacent properties. The justification for the waiver is that the property is surrounded by natural buffering.

2. 5.3.2 **Surfacing:** Surfacing for all business, commercial, or industrial off-street parking areas shall be graded and surfaced so as to control dust and provide proper drainage. The driveway and parking spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicles from extending over any lot lines.

The applicant has requested a waiver of the hard surfacing of the parking area. The applicant's proposal is to use broken asphalt. The justification for the waiver is that the applicant would like to keep the business as rural and natural looking as possible and that hard surfacing will increase the stormwater runoff.

Hard surfacing of the individual with disabilities parking spaces along with a walkway from the parking spaces to the entrance is required.

The Planning Commission accepted the Lighting as presented.

3. 5.3.3 **Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.

The applicant has provided a lighting plan for the entire project as noted on the drawing. The Board shall determine if the plan is acceptable.

4. 5.3.4 **Landscaping:** All parking areas used for business, commercial or industrial parking spaces may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

Additional Notifications:

1. Bob Hartzman, City of Canon City Water Department (*water source protection*)
2. Fremont County Sheriff's Department
3. Fremont County Historical Society
4. Colorado Parks & Wildlife
5. Arkansas Headwaters Recreation Area

SECOND

Mr. Gardner Fey seconded the motion.

Chairman Alsup asked if there was any further discussion. With no further discussion, Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

10. 7. ELECTION OF FREMONT COUNTY PLANNING COMMISSION OFFICERS

Mr. Pullen said that he wanted to make the motion to keep the officers as they are.

Mr. Baker seconds the motion.

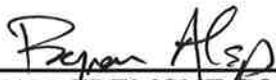
Hearing no nominations, Chairman Alsup called for a roll call vote:

Mr. Baker	Nay	Aye	<input type="checkbox"/> Abstain
Mr. Alsup	Nay	Aye	<input type="checkbox"/> Abstain
Mr. Wied	Nay	<input type="checkbox"/> Aye	Abstain
Mr. Heffner	Nay	<input type="checkbox"/> Aye	Abstain
Mr. Pullen	Nay	<input type="checkbox"/> Aye	Abstain
Mr. Brown	Nay	Aye	<input type="checkbox"/> Abstain
Mr. Fey	Nay	<input type="checkbox"/> Aye	Abstain

Chairman Alsup announced that the motion passed with four Aye votes and three Abstention.

8. ADJOURNMENT

Chairman Alsup adjourned the meeting at 4:59 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

3 MAY 2015
DATE