

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
SEPTEMBER 1, 2015**

**MEMBERS PRESENT**

Larry Brown (Chairman Pro tem)  
Michael Pullen  
Gardner Fey  
Dennis Wied

**STAFF PRESENT**

Matt Koch, Planning Director  
Brenda Jackson, County Attorney  
Donna Monroe, Planning Assistant

**MEMBERS ABSENT**

Byron Alsup  
Larry Baker  
Tina Heffner

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

- a. August 4, 2015 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

NONE

**6. NEW BUSINESS**

**REQUEST: SRU 15-002 ACORD TRUCK TERMINAL**

Request approval of a **Special Review Use (SRU) Permit, Department file #SRU 15-002 Acord Truck Terminal**, by Acord Land Company, LLC, to allow a maximum of 20 trucks to be parked overnight and weekends, and a maintenance shop and office to be located on site. The property is located in the Airport Industrial Park on Skyland Drive. The SRU permit property contains 3.85 acres and is zoned Industrial Park.

**REPRESENTATIVE:** *Angela Bellantoni, Environmental Alternatives.*

**REQUEST: AMENDMENT TO THE FREMONT COUNTY ZONING RESOLUTION.**

**6. ADJOURNMENT**

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**1. CALL TO ORDER**

Chairman Larry Brown called the meeting to order at 3:03 pm.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Chairman Brown asked if there were any changes, additions or corrections to the September 1, 2015 Fremont County Planning Commission Meeting Agenda.

**MOTION**

Mr. Michael Pullen moved to accept the September 1, 2015 Fremont County Planning Commission Meeting agenda as presented.

**SECOND**

Mr. Dennis Wied seconded the motion.

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

**4. APPROVAL OF THE AUGUST 4, 2015 PLANNING COMMISSION MEETING MINUTES**

Chairman Brown asked if there were any changes, additions or corrections to the August 4, 2015 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Gardner Fey moved to accept the August 4, 2015 Fremont County Planning Commission Meeting Minutes as written.

**SECOND**

Mr. Wied seconded the motion.

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

**5. UNFINISHED BUSINESS**

The Planning Commission had no unfinished business.

**6. NEW BUSINESS**

**REQUEST: SRU 15-002 ACORD TRUCK TERMINAL**

Request approval of a **Special Review Use (SRU) Permit, Department file #SRU 15-002 Acord Truck Terminal**, by Acord Land Company, LLC, to allow a maximum of 20 trucks to be parked overnight and weekends, and a maintenance shop and office to be located on site. The property is located in the Airport Industrial Park on Skyland Drive. The SRU permit property contains 3.85 acres and is zoned Industrial Park.

Dr. Angela Bellantoni introduced the Regional Manager for Acorn Land Company, LLC, Matt Hobby. She explained that Acorn is a bulk fuel transport company, wholesaler. Acord is highered by propane gas wholesalers to transport from a tank farm to retail outlets where the retailers sale it to the residents.

Dr. Bellantoni explained that the tanker are empty while they are stored on the proposed site. The truck drivers come to the site and get their trailer, go to the tank farm and then deliver it to the retailers. Once the trailer is empty the driver may go back to the tank farm and refill and go deliver more. When the Dispatcher tells the driver that there isn't any more deliveries for them to make then they come back to the Truck Terminal with an empty trailer and park it. The driver may drive their truck cab home or they may leave it at the site.

Acord began their business in 1979 in Chandler, Oklahoma. From the home site they dispatch one hundred forty (140) trucks. Of those one hundred forty trucks (140), approximately sixty (60) percent belong to employees and the other forty (40) percent are contractors. At the Oklahoma location there is a total of one hundred fifteen (115) employees between the office, the shop, part-time employees, and drivers. What they are proposing is a

satellite office out at the airport for the western United States. This particular site, their goal is to have twenty (20) trucks.

The property is actually two (2) lots which is really a gravel parking lot. The truckers have the option to park their trucks at the site. Because it is a rural business and a lot of the truckers live in rural communities so they take their trucks home with them.

The office will be the dispatch center with regular 8:00 a.m. to 5:00 p.m. hours. To begin with there will be two (2) employees there and as business expands, as many as two (2) more employees will be added. Sometime in the future the maintenance shop will be built. Drivers can park their personal vehicles along the north fence.

The three (3) things that are happening on this site are the business office, the maintenance shop (in the future), and the parking lot for the trucks. The thing to remember is that the tanker trailers are empty.

This is not a CDOT construction job where all the trucks line up in a row and they all pull out in a line where they all go out at the same time and they all come back at the same time. This is a dispatch scenario, so as demand happens, the dispatcher can call the driver at home or out on route. They can go directly to Denver and fill their tanks. Monday morning, what you will not see is eight (8) trucks leave at 8:00 a.m. That isn't how this works. The trucks are dispatched as needed, as the demand in the market requires. Based on the industry, there may be one truck leave daily. With the sixty/forty (60/40) trucks, with half of them using site that will be about four (4) trucks being on-site. It is not an in-and-out type of business.

The maintenance shop is just for light repair; windshield wipers, tire repair, and changing out batteries. Acord is contracted with mechanics in Pueblo and Dirk's just to the south of them to do the big mechanical repair on the trucks.

Dr. Bellantoni stated that regarding the Planning & Zoning recommended conditions and contingencies (only speaking on the ones she has comments on):

#### Condition

K – Regarding the Weed Control Officer and from viewing the photos of the Chandler site, they are very neat. So as soon as the site is developed they will have Ms. Rapetti on site so they can control the weeds.

#### Contingency

- 1 – Regarding CDOT and the access has pretty much been resolved and the exhibits are in the packets.
- 2 – The Colorado Division of Water Resources, was corrected to reflect two hundred fifty (250) days that the office will be open and six (6) employees maximum.
- 3 – Regarding Environmental Health, she hasn't heard anything from Mr. Sid Darden. (Mr. Matt Koch told her that the office had just received the percolation test and that she would be receiving it.)
- 4 – Everything has been brought up to the County Engineer's standards.
- 5 – There aren't any problem meeting the requirements of the drainage facilities to the specifications of the engineer's design.
- 6 – The Quit-Claim deed is in the process of being written up.

7 – She met with the Fire Chief of the Florence Fire Protection District who requested a fire hydrant which will be installed.

8 – The percolation test was provided to the Mr. Koch this morning.

The applicant is requesting waivers for the buffering and landscaping of the parking area (around the outside). Also a waiver request was made for the surfacing of the entire property. The two (2) ADA parking spaces will be hard surfaced but they would really like to keep the rest of the area in gravel for the trucks.

Dr. Bellantoni did state that there is a lighting plan with five (5) exterior lighting. There will also be security fencing with an alarmed gate.

Mr. Matt Koch stated the Dr. Bellantoni covered the application for the most part. He stated that the conditions are the usual, standard conditions with just a few that he will mention:

H. The days of operation will be seven (7) days a week.

I. The hours of operation will be: Office hours Monday thru Friday 8 a.m. to 5 p.m., Haul trucks will run seven (7) days a week, leaving as early as 4 a.m. and returning after deliver. So actually the Haul trucks will be leaving and coming any time during the day.

O. Mr. Koch stated that there are two (2) lots so there is a condition being put on there that if any reason one or the other of the lots is transferred to another owner the SRU will be revoked. We want the SRU to remain for both lots.

Contingencies:

1. Mr. Koch stated that the County is working with CDOT and are doing a traffic study out at the airport area at this time; there are counters out there. CDOT is doing an assessment because there isn't an original access permit for the Airport Industrial Park. There isn't any documentation of the access in/out for State Highway 50 or State Highway 67. This study will create a baseline for the traffic count for the entire subdivision that is current. Dr. Bellantoni will use the findings from this study and get her site updated with El Paso County (the District office for this area).
2. The Department hasn't heard anything back from the Colorado Division of Water Resources at this time.

Waiver Requests:

3. The applicant did submit a Lighting plan so they really aren't requesting a waiver of this.

Mr. Koch stated that there needs to be some discussion regarding dust suppression on the parking lot area. Also if there are any leaks from any of the trailers that are sitting on site; is there any containment that needs to be taken care of. Also if there is going to be any signage that will be posted on the exterior of the property with emergency contact information.

Dr. Bellantoni stated that there will be a sign on the fence with Acord Trucking and emergency call numbers.

Dr. Bellantoni also explained that it depends on what is used for the parking area. If gravel, pretty good sized gravel, is used then it is pretty clean and will limit the dust. If road base is

used then it has dirt mixed in and that creates dust. Mr. Acorn will be using gravel on the parking areas.

Mr. Hobby explained that the propane trailers are all pressurized which means they are under pressure all the time. If there is a leak, it will be a noticeable leak when the driver parks the trailer so it can be taken care of immediately. The trailer would have to be taken somewhere to get it depressurized and repaired.

Mr. Wied inquired about the waiver request for the landscaping of the parking lot.

Dr. Bellantoni stated that Mr. Acord is going to make the property pretty. She referred to the pictures of the Acord trucking business in Chandler, Oklahoma and how nice that facility is kept. What she understood is that the buffering would require creating a hedge to where the fence isn't visible. That is not what Mr. Acord has in mind; the fence will be visible.

Mr. Pullen inquired about the area lighting.

Mr. Hobby stated that the lighting will be bigger flood lights facing down. They are aware of the height restrictions because of the proximity to the airport. The lights are LED lights that will be used on the buildings.

Mr. Pullen inquired if they had gotten airport approval regarding the lighting.

Dr. Bellantoni stated that she has not sent anything to the airport at this time. The applicant has signed the Avigation Easement.

Mr. Pullen stated that he just wants to make sure that the Applicant is aware of the height restrictions.

Dr. Bellantoni stated that while Mr. Acord was here, he drove around and looked at what other businesses were doing regarding the height and type of lighting. True Value has the most lighting out there and that is the kind of lighting he will use.

Mr. Hobby stated that Mr. Acord is a certified pilot so he is very aware of all of the regulations.

Mr. Pullen stated that in Dr. Bellantoni's presentation she mentioned the Fire Department review with Chief McKenna. Mr. Pullen asked if she could reiterate what the discussion was about.

Dr. Bellantoni stated that it was primarily about the maintenance shop.

Mr. Pullen inquired if Chief McKenna had any concerns or questions that haven't been covered during this meeting.

Dr. Bellantoni stated that they discussed a fire hydrant since the closest one is seven hundred and fifty (750) feet away and the maximum distance is supposed to be five hundred (500). And then when he saw that there will be a maintenance shop he said that he really wanted it close so there would be good water pressure.

Mr. Wied stated that the lighting that was shown was all along the north fencing. He is speculating that a fair amount of the activity that take place is when it's dark He inquired if their proposed lighting plan is adequate to provide lighting for the drivers in the parking area.

Mr. Hobby stated that the guys back into dark spots all of the time. There will be other lighting out there, more lights from people pulling in to pick up drivers. He feels that its sufficient for what is needed during the dark hours.

Dr. Bellantoni stated that when she check the specifications of the LED lights that Mr. Acord wants, it would make to the area that will be illuminated very large. The southwest side is the only area that won't have as much light.

Mr. Wied inquired if on a non-hard surface are the parking spaces delineated or do they just sort of park next to each other?

Mr. Hobby stated that they will tell the drivers that they have to park a certain distance in from the fence and then they can allow a comfortable distance from the next driver when they are backing in.

Mr. Pullen inquired if the Department is okay with the notes received from Mr. Don Moore on his second review of the drainage plan.

Mr. Koch stated that they are.

### **MOTION**

Mr. Wied moved to recommend approval of SRU 15-002 Acord Truck Terminal subject to the following:

### **RECOMMENDED CONDITIONS**

A. Special Review Use Permit shall be issued for life of the use.

B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and/or request said documentation, then a **penalty fee shall be charged** to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.

- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days of operation will be 7 days a week.
- I. Hours of operation will be: Office hours Monday thru Friday 8 a.m. to 5 p.m., Haul trucks will run 7 days a week, leaving as early as 4 a.m., and returning after delivery.
- J. The County will retain the right to require mitigation measures for noise, if in the future it becomes an issue.
- K. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and further the applicant shall implement and maintain the plan, if required.
- L. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.

- M. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- N. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (complete reapplication).
- O. The SRU is issued binding both lots to the approval of the SRU. If for any reason one of the lots is transferred to another owner the SRU will be revoked.

***The Planning Commission recommended adding Condition P as follows:***

- P. If dust resulting from the parking lot becomes an issue, as determined by the Planning and Zoning office, then dust suppressant will be required.

**RECOMMENDED CONTINGENCIES:**

The Planning Commission recommended approval of the request contingent upon, at a minimum, the following items 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 from the Colorado Department of Transportation concerning any requirements to update the Industrial Park's CDOT access permit or any additional requirements.
2. Documentation as to compliance with any requirements from the Colorado Division of Water Resources, response not received from updated letter.
3. Documentation as to compliance with any requirements of the Fremont County Environmental Health Office.
4. Documentation as to compliance with any requirements of the Fremont County Reviewing Engineer as per letter dated July 27, 2015.
5. Documentation from the design engineer to evidence that construction of the drainage facilities, if required, were completed and built to the specifications of the engineer's design.
6. 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 use permit. Fremont County will not accept maintenance of these facilities.
7. Documentation as to compliance with any requirements of the Florence Fire Protection District.

8. Perc test shall be required unless deferred by the Board.

**WAIVER REQUESTS:**

Applicant is requesting a waiver of the following:

1. **Buffering & Landscaping Requirements:**

In conjunction with the issuance of a building permit or approval of a zone change to a Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial Park, Airport, or Industrial Zone Districts, and if the property is adjacent to any Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence or High Density Residence Zone District, 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** (of County Commissioners). 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 is requesting a waiver of the buffering and landscaping with the following justification: the area adjacent to the site is undeveloped.***

2. **Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. 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 to prevent parking vehicles from extending over any lot lines.

***The applicant is requesting a waiver of the hard surfacing of the parking area, driveway and entrance areas with the following justification: the gravel surface is better suited for the site and it creates less impact on storm water drainage.***

**Note: It is required that the parking space for individuals with disabilities be hard surfaced along with a pedestrian walkway from the space to the door entrance as per the International Building Code.**

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 requested a waiver of lighting with the following justification: the uses will only occur during daylight hours.*

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

*The applicant has requested a waiver of the landscaping of the parking area with the following justification: the proposed paved parking area is small.*

#### **ADDITIONAL NOTIFICATION CONSIDERATIONS**

In addition to the regulatory required notifications (*property owners within 500 feet of the CDP boundary*), the following shall also be notified, by certified mail, return receipt requested, in accordance with regulations, at least fourteen (14) days prior to the public hearing by the Board of County Commissioners:

1. Colorado Parks & Wildlife
2. Fremont County Historical Society
3. Fremont County Sheriff's Office
4. Colorado Department of Transportation
5. City of Cañon City Water Department (water source protection)
6. Fremont County Airport Advisory Board

#### **SECOND**

Mr. Gardner Fey seconded the motion.

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

#### **PROPOSED 8<sup>TH</sup> AMENDMENT TO THE FREMONT COUNTY ZONING RESOLUTION**

- 1) Adding rafting to the allowed uses in the Business Zone District
- 2) Changing the Cabin, Recreational to a building footprint not to exceed 550 sq. ft.
- 3) Placing the AP-O Airport Overlay Zone District under its own zone section

Mr. Koch state that the first time is adding rafting as an allowed use under the Business Zone District.

Next is changing the Cabin, Recreational to a building footprint not to exceed five hundred fifty (550) square feet. This was requested by a citizen. Right now the regulations state that a recreational cabin could not exceed five hundred fifty (550) square feet. The concern was that they weren't being allowed to build a structure big enough to meet their needs. So, if you remove the requirement of five hundred fifty (550) square feet and made it a building

envelope, which allows them to build a two (2) story cabin which could be around one thousand (1,000) to one thousand two hundred (1,200) square feet.

Lastly is the Airport Overlay Zone District. Right now it is found under the Airport Zone District. This has been being overlooked since it's not a standout zone district. We would like to move that to its own zone designation so it can be found more readily and enforced.

Chairman Brown inquired if there is any advantage or disadvantages to building at five fifty versus at eight hundred.

Mr. Koch stated that it is going to be up to the individual as to how they develop the property. He stated that the individual who requested this has a specific use in mind, so he was happy with this idea.

Mr. Wied stated that he talked with the individual briefly about this but there was any mention of building two story cabins. Mr. Wied got the impression that the individual was more interested in a larger single story structure, eight hundred fifty (850) sq. ft. The gentleman's last comments were that he would be happy with a six hundred (600) sq. ft. footprint. He thinks the gentleman was thinking more of a single story cabin.

Mr. Koch stated that he spoke with the gentleman and discussed this in-house. He was totally happy with our situation. He was happy with the five hundred fifty (550) sq. ft. building envelope.

Mr. Fey stated that he thought the individual was looking for a loft area.

Mr. Koch stated that the problem with building a five hundred fifty (550) sq. ft. building and put a loft in it, then the staircase takes up a lot of square footage. So allowing the envelop takes care of the staircase and give you a second floor which will allow additional bedrooms and more livable space.

Mr. Fey inquired how big the building envelope is.

Mr. Koch stated that it is five hundred fifty (550) sq. ft.

Mr. Fey inquired if that they will be able to go two (2) stories.

Mr. Wied state that now it will be a footprint as opposed to a square footage.

### **MOTION**

Mr. Wied moved to approve the proposed 8<sup>th</sup> Amendment to the zoning resolution incorporating the following:

- 1) Adding raftering to the allowed uses in the Business Zone District
- 2) Changing the Cabin, Recreational to a building footprint not to exceed 550 sq. ft.
- 3) Placing the AP-O Airport Overlay Zone District under its own zone section

### **SECOND**

Mr. Fey seconded the motion.

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

**ADJOURNMENT**

Chairman Brown adjourned the meeting at 3:50 p.m.

Larry Brown 10/6/2015  
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION DATE