

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

MEMBERS PRESENT

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

STAFF PRESENT

Matt Koch, Planning Director
Brenda Jackson, County Attorney
Samantha Kozacek, Planning Assistant

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

a. November 4, 2015 Planning Commission Meeting

5. UNFINISHED BUSINESS

NONE

6. NEW BUSINESS

a. Request approval of the Tallahassee Fire District Service Plan.

b. REQUEST: CDP 15-002 Waterhole #1

CDP 15-002 Waterhole #1 (Professional Office and Liquor Store) requesting approval of a Commercial Development Plan (CDP), to allow a Professional Office and Liquor Store, existing building w/ existing professional office and to relocate existing Liquor Store to this location.

REPRESENTATIVE: Michael Abbott

7. ADJOURNMENT

1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 3:03 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 1, 2015 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Larry Baker moved to accept the December 1, 2015 Fremont County Planning Commission Meeting agenda as presented.

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 NOVEMBER 4, 2015 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the November 4, 2015 Fremont County Planning Commission Meeting Agenda.

Mr. Michael Pullen stated that on page 11, the seventh paragraph down of the November 4th minutes that it should the sentence “It’s something the County would do it” should be stricken from the minutes.

MOTION

Mr. Michael Pullen moved to accept the November 4, 2015 Fremont County Planning Commission Meeting Minutes with the correction.

SECOND

Mr. Gardener Fey seconded the motion.

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

5. UNFINISHED BUSINESS

6. NEW BUSINESS

REQUEST APPROVAL OF THE TALLAHASSEE FIRE DISTRICT SERVICE PLAN.

Mr. Gordon Grosslight stated that the Fire Department has been in service now for about 15 (fifteen) years. The department has been donation based. We are trying to move to the next step which is sustainable based funding. In order to do this we need to become a Special District. Getting this done will give the department some legal authorities that it doesn’t currently have and also give access to governmental based programs. This would help with retention and recruitment. Our goal is to have full sustainability in all aspects.

Chairman Alsup inquired to Mr. Matt Koch if he has more maps of this area because the maps provided were hard to see.

Mr. Koch stated he did not.

Attorney Brenda Jackson stated that this doesn’t really involve the Planning Department. It is a Planning Commission and Board of County Commissioners jurisdiction. The Planning Department isn’t responsible for the review. What you received is what was submitted to the County, which is typical for a Special District.

Chairman Alsup inquired to Mr. Grosslight if he would describe the boundaries of the area of protection.

Mr. Grosslight stated Northern boundary is the County line, then take County Road 11 to the County Line break, everything south of there to Highway 50. The eastern line comes down along the County line break, and dog legs in. We encompass a lot of BLM Land and where the towers are. Then it comes over and intersects Highway 9 and about half a mile up it parallels that line running South across Highway 50; continuing South down to County Road 3. Then it cuts across heading towards Deer Mountain right where you enter the canyon that is the cutoff point there. The line continues to run the South side of Highway 50 heading West to mile maker 56 ½ to pinnacle rock. Turns North to Wall Mountain, then about a mile and a half west again to the County Line. We cover just past Stirrup Ranch we go that far out on County Road 2. We cover County Road 11 all the way up the County line. County Roads 8 and 9 all the way to the County line. We also cover County Road 3, 3A which then turns into Fremont 28. Our department covers about 325 square miles.

Chairman Alsup inquired as to they don't go all the way up to Texas Creek.

Mr. Grosslight stated no they stop at County Road Marker 56 ½. Previously the boundaries did include Texas Creek.

Chairman Alsup inquired to Mr. Koch if he had anything about this.

Mr. Koch stated he did not, that what is in the packets for Planning Commission is what the Planning Department received. What Planning Commission is doing is moving to approve the establishment of the district.

Attorney Jackson states that the statute requires that if there is a Planning Commission they have an opportunity to review. There is a very tight timeline so that's why it was put on this agenda. From the date of submittal which was November 12th there is 30 (thirty) days for the Planning Commission to make recommendations to the Board of County Commissioners (BOCC) on the service plan. Your role in the statute is to just make recommendations that may be helpful to the BOCC when they review it to make their approval. BOCC then does their review of the service plan by public hearing.

Mr. Grosslight stated that up until four years ago Tallahassee did not have a legal facility in terms of owning the property and the building. A few years ago we had a donation to build the main station on County Road 9 with our funding for participation in federal fires. Earlier this year we merged with North West Fremont EMS so we acquired that facility so now we have two official department owned facilities that can't go away. Looking at long term growth we want to have facilities that will meet the needs of the future. We also want a third established facility which would be off of County Road 11 in the Kings Meadow area. We are trying to acquire a piece of land in that area that way it will complete us having three primary facilities in that service area. Establishing all of these areas and baselines is very important.

Chairman Alsup inquired did any of the board have questions.

Mr. Michael Pullen stated if Mr. Grosslight was coming before the Planning Commission then before the Board of County Commissioners it's kind of like a blanket approval. But if they

wanted to build more fire stations they would have to come back through the Planning Department for approval?

Attorney Jackson stated that was correct. The Board of County Commissioners can approve or deny or make recommendations for changes. Then the next step is it would need to go to District Court and file a petition for creation of a Special District. Then the step after that is it to go to an election of those in the purposed boundary area of the Special District. After all of those things are voted for yes then it would be formed as a Special District. But yes any future land uses will have to go through the normal process.

Mr. Baker inquired to Mr. Grosslight if the date had been set for the election on the Special District.

Mr. Grosslight stated that they are trying to get on to this year's election.

Attorney Jackson stated that the election would take place in May.

Mr. Grosslight stated that there are two elections that have to occur. One of the elections is to form the district. The other would election be for the taxation part of the sustainable financial aspect. We are currently a donation based department. Twenty-eight percent of what we received financially is from land owners in the area.

Chairman Alsup stated he was surprised that they currently weren't asking for a Mill Levy.

Mr. Grosslight stated that they will be asking for that down the line but right now getting the Special District approved is just the first step.

Chairman Alsup stated that in their Service Plan it is written that the applicant is not asking for it.

Mr. Grosslight stated that we aren't asking for that right now. We are doing this because of the funding. We have to pay for the election and all of the processing that goes along with it.

Chairman Alsup stated that he would assume than the applicants would need to revise their Service Plan.

Attorney Jackson stated that if they were to ask for the Mill Levy at this time they would have to wait till November to be able to go to election under the Taber Act.

Chairman Alsup stated he knows how difficult this all can be because he went through the process of helping establish WFFPD.

Chairman Alsup inquired if there are any questions that the Planning Commission has for Mr. Grosslight. With no questions from Planning Commission Chairman Alsup opens the floor to public comments.

Ms. Carol Garrett stated that she is one of the residents that lives by the Fire Station. She has lived in that area now for ten years. She was at the last meeting that happened before the volunteer Fire Station was formed. Her main question and concern if the presence of the Fire Department would be raising their taxes. She stated that Mr. Grosslight gave her a resounding *no*. In view of this, myself as many other residents in that area have to haul our own water, the soil is too poor to grow hay. Now it's a question of do we want to pay more money to live there, and I would answer no. I do not feel it is fair to have taxes levied against us, it just isn't fair. This is an important aspect. If I had known it was going to come down to raising our taxes I would of voted no and voted against them. I have no doubt in my mind that if there was a fire at on my property it would be my fire to deal with. I don't have faith in this organization that they would do anything for me. For me personally where I live looking at that station has been nothing but an eye sore. I don't want to pay the taxes, it is already hard enough living up there. As it is people are moving out and leaving because it is so difficult to live up there.

Chairman Alsup stated he understands Ms. Garrett's concerns, but what has been brought before the Board today is not purposing taxes.

Ms. Garrett stated that Mr. Grosslight was talking about funding, so raising taxes would be the next step, and I don't want to provide it.

Ms. Louise Roarby stated that she is a resident in the same area as Ms. Garrett. When this whole process started with this Fire Department people didn't want it there and they did not like it. In addition to that there wasn't any talk about the economic impact on property values in that area. I just wanted to come here today and reiterate what Ms. Garrett said and say nobody up there wants this Fire Department to be there. Nobody wants to support it, and nobody wants the tax for it. As residents we don't have any faith in this Fire Department and it is a very unpopular situation. I feel that in the future for land use what the residents feel needs to be included in the market analysis. That area is very tough to live in. I come from a long distinguished career in the military with emergency services. While I was in the military I set up a NATO emergency response team as a petty officer. I do understand the complex issue of emergency response. I don't feel this is the best answer for it.

Mr. Baker inquired to Ms. Roarby as to if their taxes have been raised since this department has been there.

Ms. Roarby stated no we haven't. What I am talking about is the economic impact. I am also a licensed broker. Market analysis for properties; one of the main issues is when you go to sell your property people do not want to live by a Fire Department.

Mr. Baker inquired to Ms. Roarby that she doesn't feel there is anything to gain by having a fire station across the street. I feel it would give people a sense of comfort that there is a Fire Department so close.

Ms. Roarby stated there is no protection. She doesn't have any faith that they will respond if there is an incident. Also insurance doesn't recognize them. My insurance does not recognize them as a fire department and I'm sure that my neighbors have the same issue. So there is not any benefit for them to be there. It has been nothing but an eye sore to us. I had family come to

visit they made comments about how unsightly it all was. This is my position as well as our neighbors that this is not fair and we will not support it.

Chairman Alsup asked Mr. Grosslight if he had anything to add to what was just said.

Mr. Grosslight stated that as of April of this year we did become recognized by the insurance organizations. Not only that but the residents within five road miles of the Main Station and five road miles of the King's Meadow Station received a PPC (Property Protection Class) rating of nine. The worst is ten, they asked for all unincorporated areas. If anybody has had a problem getting insurance they have called us and we rectified that situation. In reference to the tanks we had stored outside, those tanks are being used to further improve our PPC rating by establishing that each main station will have thirty thousand gallons of water in the ground. In addition to the three water tenders we are building.

Mr. Baker inquired to Mr. Grosslight as to the rating has come down one notch.

Mr. Grosslight stated that the initial rating for all the departments is a ten. We are a ten we are recognized. Anybody who lives within five road miles of either station their rating was improved to a nine.

Mr. Pullen inquired we aren't really deciding anything here today this is just a step to establish future groundwork that they have to conduct in order to become a recognizable Fire Department. So then does this go before the voters?

Attorney Jackson stated that eventually yes it will.

Mr. Pullen inquired that when it goes before the voters they have the option to approve or disapprove it.

Attorney Jackson stated that was correct.

Mr. Pullen stated then it really doesn't start here.

Attorney Jackson stated that this was actually step one. It certainly doesn't end here. There is an opportunity for everybody in the community to cast a vote "Yay" or "Nay".

Chairman Alsup stated that this is a long process. It took us a year and a half to get it done when I helped do this on the West end of the County.

Chairman Alsup inquired to Mr. Grosslight it seems like an awfully large chunk of land you are carving out and I know in the past this department was primarily a wild fire team. What you are purposing now is more of a full service Fire Department. Do you have the adequate equipment and facilities to undergo this endeavor?

Mr. Grosslight stated we have quite a bit of equipment. In the Main Station we have a Class A Pavement Queen Pumper, a sixteen hundred gallon tender, we have brush trucks on that holds three hundred gallons the other holds five hundred gallons. In the King Meadow Station a Type

3 Structure Urban Interface truck, and a Type 6 and a Type 4 which holds eight hundred gallons. At the County Road 2 Station we have a Heavy Type 6. All of these primary installations have medical equipment on their trucks for first responders to provide first aide. There are subsidiary stations that let us house some of our equipment too. In Autumn Creek we have a Type 4 which holds eight hundred and fifty gallons with a pumper stored there. We have a Type 6 stored at Cabin Creek. We also have a Type 6 stored at Tbar. We currently have twenty-four active members. We have complete ability to do extrication and the equipment to do that on County Roads 11 & 9. We have complete turn out gear. We have been working on a program to get everybody structure qualified. There is a lot of misinformation for structural qualification for Firefighter Type 1 and Firefighter Type 2. For Firefighter Type 1 is a testing procedure with a set of standards. We are training to do that but to do that you have to have a certain level of hazmat experience and capability which we don't ever need to do. The state has a voluntary program which we are complying with to bring our Firefighters up to a minimum level of training. We are also trying to comply with the fitness requirements. We have a breathing compressor so we can work on interior structure as well as exterior rescue. All of these things are in place and are being done by volunteers. The last few incidences that happened we have really good response times, with people responding within 3-4 minutes and out of the station in 12 (twelve) minutes. We have a process in place where we are trying to designate two people to always be on call every hour of the day. Our goal is to be able to have the on call people and be out of station within fifteen minutes. It doesn't happen all of the time but that is the direction we are moving in.

Chairman Alsup inquired to Mr. Grosslight to what the response time from Station 1 is to something on Highway 50 on the far western end.

Mr. Grosslight stated that was about fifteen miles.

Mr. Dennis Wied stated the people in the District will ultimately be the ones who decide if this moves forward or not but I do not have a problem with this.

MOTION

Mr. Baker makes motion to approve The Tallahassee Fire Service Plan.

SECOND

Mr. Wied seconded the motion.

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

CDP 15-002 WATERHOLE #1 (Professional Office and Liquor Store) requesting approval of a Commercial Development Plan (CDP), to allow a Professional Office and Liquor Store, existing building w/ existing professional office and to relocate existing Liquor Store to this location.

Mr. Michael Abbott stated he was the president of McGill's Wine and Spirits Incorporated, DBA Waterhole #1. I am currently at 1503 Elm Avenue, and I am requesting moving my store from 1503 Elm Avenue to 1532 Elm Avenue. I am purposing to purchase the property and move my store to that location. The reason I want to move there is because it is within

reasonable distance from where I am now so I don't lose my customers and they would know where I am at.

Chairman Alsup inquired to Mr. Abbott if he would tell the Board more about his plan.

Mr. Abbott stated the existing building was built in 1945. There is an office to the North it is a barber shop currently. It was doing to be a business office originally but we have decided to keep the barber shop there. The liquor store is on the south side closer to Highway 115. The ingress and egress has been approved by CDOT (Colorado Department of Transportation). They do want me to install some sort of traffic flow device. CDOT suggested delineator posts. I am purposing speed bumps to help direct traffic. A speed bump is more forgiving on a vehicle than a delineator post would be. On the exit side of the parking lot (egress) CDOT also wants me to install a stop sign. I am also purposing to install a drive through by the main entrance.

Mr. Koch shows short clip of applicant's property. All submittal requirements were completed unless they were noted in the contingencies. The three contingency items for this application are; copies of signed and approved CDOT access and egress permits they have been approved but they have not been signed off with yet, but they will approve with conditions. One of those conditions being adding a four foot strip of pavement along the shoulder of the road along with adding delineator posts or speed bumps. The second contingency is a detailed utility plan or proof of utility notification. The third contingency item is being in conformance or completion of any requirements as stated in the letter from the Fremont County Engineer in his letter dated October 27, 2015. We received a revised letter on November 25, 2015, it was mainly the same requirements as in the first letter. The issues were regarding the CDOT access regarding the speedbump and there could not be any backing on to the highway. There were questions regarding the application because it said there were professional offices going in but then in other areas of the application it stated the barber shop was going to stay. I believe Mr. Abbott stated that the barber shop was going to stay there for the time being. If it is not waved by the Planning Commission as to paving the site a drainage plan will be required. The waiver requests all buffering and landscaping requirements, the applicant's justification for this is it is an existing business and they are just remodeling the interior. The next waiver request is for the hard surfacing except for the individual space for the handicapped parking. The justification for this is the drive through window is available so people would not have to dismount for their service. There is already lighting on the building so the applicant is not requesting a waiver for that. The applicant has requested a waiver of the landscaping of the parking area, the justification for the waiver request is that parking blocks / chaulks will be installed to prevent vehicles from getting to close to building and separating the entrance and exit.

Chairman Alsup inquired to Mr. Koch whether there has been a new letter from the City of Cañon City besides the water comment.

Mr. Koch stated that was the only letter at the time. The Department has recently received a letter talking about the drive through. It was just a comment letter that really didn't make any recommendations. They attached a copy of their regulations regarding drive throughs.

Mr. Fey inquired to Mr. Abbott to what were the hours of operation.

Mr. Abbott stated their hours of operation are Monday through Thursday from 10 A.M. to 9 P.M., Friday and Saturday is 10 A.M. to 10 P.M., and Sundays hours are 11 A.M. to 5 P.M. The business has been in its current location since for forty years. It's going from Business Zone District to another Business Zone District.

Mr. Fey inquired to Mr. Abbott as to where would the delivery trucks come in.

Mr. Abbott stated that the trucks would come in the same entrance as everyone else. The trucks would be able to park along the retaining wall on the north edge of the parking lot.

Mr. Fey inquired if the truck would unload and then come through the barber shop.

Mr. Abbott stated that they both have their own entrances. The deliveryman will either bring it through the front door or through the back door.

Chairman Alsup inquired to Mr. Abbott if he was correct in hearing he wanted to move the front entrance door.

Mr. Abbott stated that was correct he wanted to move it about twenty feet.

Chairman Alsup stated that he assumes the drive through would be a one way and be from North to South.

Mr. Abbott stated that was correct. But what they are purposing is the traffic to move from the West to the East.

Chairman Alsup stated that he was really concerned about the sharp curve and area this business is located. When people are driving around that curve it is a blind curve right up until the last moment, then they would have to go across the traffic to get to the drive-through. I was out on the site today and that spot looks like a serious concern to me. How do you purpose to mitigate that?

Mr. Abbott stated that the traffic is already going to my current business which is about 600 (six hundred) feet up the road. I agree that the corner right there is a bad location, but CDOT didn't close it two years ago when they adjusted the intersection.

Chairman Alsup stated well it wasn't a drive through at that point.

Mr. Abbott stated that he is willing to forgo the drive through if it would help with the decision about this application. I agree that the parking lot is small.

Mr. Wied stated I am questioning the paving of the parking area. Mr. Koch had stated that if the parking area is paved it would require a drainage plan. From what I remember there has been a variety of businesses in that location over the

Mr. Abbott stated there are two different interpretations about the paving. The one being adding a 4 (four) foot strip of pavement along the highway. The second being paving just the entrance ramp and the exit ramp. I need to clarify with CDOT as to which one they want.

Mr. Wied stated that he believes that the standard Zoning Regulations recommend paving the entire parking area unless it is waived.

Mr. Koch stated that was correct.

Mr. Wied stated that for as long as the building has been there with all of the various businesses there it has always been an unpaved parking lot. Has the County observed any issues with that being an unpaved parking area?

Mr. Koch stated that it has never been an issue before in the past. Code Enforcement did not find anything of record about those types of issues, there weren't any Sheriffs complaints.

Mr. Baker inquired about how many parking spaces were on the property.

Mr. Abbott stated that there will be three in the front one being an ADA parking space, and there are also a couple along the side that will be available as long as we aren't getting a delivery. The longest delivery we receive is maybe an hour. At my current location I have three cars at a time in the parking area. There is also parking on the North side along the retaining wall.

Mr. Baker inquired to Mr. Koch as to if the County has established parking rules.

Mr. Koch stated that County does have requirements as to size and number of parking spaces. This application and its allotted spaces meets those requirements. The Fremont County Department of Transportation has also reviewed this application and has given their approval too.

Mr. Pullen inquired to see if there had been a traffic study done by a traffic engineer.

Mr. Abbott stated that he had not.

Mr. Pullen inquired to how they got the number they did on the ingress and egress numbers.

Mr. Abbott stated that CDOT came up with that number.

Mr. Pullen inquired that if CDOT gave Mr. Abbott that information.

Mr. Abbott stated yes.

Mr. Pullen inquired if Mr. Abbott had it in writing.

Mr. Abbott stated that the information should be in the packets.

Mr. Koch stated that CDOT does a count. We thought it was high, on a given holiday and such it could reach those numbers. CDOT uses a traffic handbook to establish these numbers. This does not justify these counts but this is probably where they go those numbers from.

Mr. Pullen stated having ingress coming out of a curve going into there. And traffic heading south along that curve has to cross traffic head on to get into your parking area. The people who would be going into your business would not be making a 90 degree turn they would be turning head onto traffic. I see this as a problem.

Mr. Abbott stated that it wouldn't be any more of a conflict then turning on to Elm. It is basically the same angle.

Mr. Pullen stated he was not talking about Elm, he has a different opinion on that. What I am talking about is the situation that is in front of us. I see this as a potential conflict. But what you stated Mr. Abbott was that CDOT approved this, is that correct?

Mr. Abbott stated yes.

Mr. Koch stated that CDOT is the governing body on this, since it is a CDOT maintained right of way.

Mr. Baker inquired to Mr. Koch if CDOT had approved the drive through too.

Mr. Koch stated yes.

Mr. Larry Brown inquired both the entrance and exit?

Mr. Koch stated I believe it was submitted as two different access permits.

Mr. Abbott stated that they want me to add a stop sign that way people don't drive right out on to the highway. I plan to install the stop sign whether or not I get to have the drive through or not.

Mr. Pullen stated he didn't have a problem with the exit his problem is with the entrance.

Mr. Abbott stated it would be comparable to a car turning on to Elm.

Mr. Pullen stated I'm not saying that the road condition is good there anyway.

Mr. Abbott stated his contention is that if it is such a problem then why CDOT hasn't closed that intersection yet.

Chairman Alsup stated that the difference to him was that to turn in to this business it is a very small parking lot. At least on Elm there is some leeway. People would have to get off the highway rather fast to make it into the parking lot and then having to come to a very sudden stop. That's what the difference is to me about turning into this parking lot and turning on to Elm. What is the largest truck that comes in for deliveries?

Mr. Abbott stated that the largest truck was about thirty feet long, I don't typically get semi traffic trailers. I have one company that does that but they don't typically bring that.

Mr. Fey stated he is very concerned for public safety because of where this application is located, there is a blind curve.

Mr. Abbott stated since they moved the intersection down you can now see east quite a ways now, at least several hundred yards.

Mr. Wied stated he has pulled out of the fitness center parking lot numerous times over the years. He doesn't feel it's a bad thing because people are aware of the traffic situation. There has been a business there for a long time.

Mr. Baker stated the entrance and exit is a problem. But if CDOT is saying it's ok I have to accept that.

Mr. Brown inquired to Mr. Abbott that when he gets customers at his current store how many cars he has in the parking lot.

Mr. Abbott stated that being really busy for him is having three to four cars. Very seldom do I ever have more than that. Right now there are three spaces in the parking lot so I feel that should be fine.

Mr. Brown stated that according to your application your parking spaces consist of one ADA parking space, one standard and one compact parking space. I have been by there quite a few times and I have seen where they have four or five cars just for that location. Now if you started adding three or four to me that doesn't seem like there are enough parking places.

Chairman Alsup stated he would be opening the floor up to public comment.

Ms. Joyce Langross introduced herself. She stated she lived on 1536 Elm Avenue. We live just to the east of the employee parking lot. We have a big 5th wheel cover and that's where they will be parking. We have lived here since 1992. We have seen a lot of the traffic issues. My main issue is the parking and the safety. That intersection is a pretty bad intersection already. CDOT did some work on this already a couple years ago and added some big boulders and rocks to slow people down. This only helped for about two weeks. Some people don't even stop at the stop sign. You can't always see coming around that corner. We aren't opposed to the sale of this property. We just don't think this is the best fit for this location. Where Mr. Abbotts current business is has a big parking center at the shopett he is located at. Where this business is located currently is a better fit then choosing to relocate to this other property.

Chairman Alsup inquired if there were any other questions or comments from the Commissioners.

Mr. Brown stated he himself is very concerned with the parking area as is with the drive through.

Mr. Abbott stated he is willing to waive the drive through.

Chairman Alsup and Mr. Brown stated they would be more comfortable with that.

Mr. Pullen stated the question about paving has come up. What was decided there?

Chairman Alsup stated that would be decided in the motion.

Mr. Wied inquired to Mr. Koch the southeast piece of the property is vacant?

Mr. Koch stated that was correct but the septic system was in that area.

Mr. Wied inquired as to he thought he saw something as to being able to connect to local sewer.

Mr. Abbott stated it is available currently but they do not need it with the septic that is currently being used. Because the current system is functioning and not failing so he is not required to connect. If the septic system does fail down the road he will be required to connect to local sewer.

Mr. Wied stated he knows that is an expensive proposition but down the line it may help to do that and help alleviate the parking problems.

MOTION

Mr. Wied makes motion to approve CDP 15-002 Waterhole #1 subject to the following:

Recommended Contingencies:

If approval of this application is considered by the Board the Department would suggest that the approval be made 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. Copies of signed and approved CDOT access and egress permits.**
- 2. A detailed utility plan or proof of utility notification.**
- 3. Conformance or completion of any requirements as stated in the letter from the Fremont County Engineer in his letters dated October 27, 2015, and November 25, 2015.**

All notifications were made, the property was posted with two signs and the advertisement was made in the Canon City Daily Record.

Additional Notifications:

In addition to the regulatory required neighborhood notifications the following shall also be notified in accordance with regulations:

1. Fremont County Sheriff's Department
2. Fremont County Historical Society

3. Colorado Department of Transportation
4. City of Canon City
5. DeWeese Dye Ditch Co.

The Planning Commission recommended approval of the waiver for buffering and landscaping.

Waiver Requests:

Applicant is requesting a waiver of the following:

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 this is an existing business, remodeling the interior.

The Planning Commission does not recommend the hard surfacing waiver. Planning Commission recommends the entire parking area be hard surfaced.

1. **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 justification for the waiver is that a drive thru window is available not requiring them to dismount for service.

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

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.

The applicant has requested a waiver of the landscaping of the parking area. The justification for the waiver request is that parking blocks / chaulks will be installed to prevent vehicles from getting to close to building and separating the entrance and exit.

Planning Commission recommends omitting the drive-through on this application.

SECOND

Mr. Fey seconded the motion.

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

ADJOURNMENT

Chairman Alsup adjourned the meeting at 4:06 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE