

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
DECEMBER 4, 2012**

MEMBERS PRESENT

Dean Sandoval, Chairman
Daryl Robinson, Vice Chairman
Byron Alsup, Secretary
Larry Baker

STAFF PRESENT

Bill Giordano, Planning Director
Brenda Jackson, County Attorney
Vicki Alley, Planning Assistant

MEMBERS ABSENT

Mike Krauth, Jr.
Joe Lamanna

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

- a. November 7, 2012 Planning Commission Meeting

5. UNFINISHED BUSINESS

NONE

6. NEW BUSINESS

a. REQUEST: CUP 12-002 DORSEY ORCHARD PARK MINI-STORAGE FACILITY

Request approval of a **Conditional Use Permit (CUP), Department file #CUP 12-002 DORSEY ORCHARD PARK MINI-STORAGE FACILITY**, by **Wesley E. Dorsey**, to allow the continued use of the existing mini-storage facility. The first structure of the facility was constructed when the property was zoned Agricultural & Other Uses which allowed business uses and thereby considered a nonconforming use. The facility was allowed to expand by the issuance of CUP 92-13 (*found in the Land Records of Fremont County at Reception #598970*) which will expire on January 29, 2013. The storage facility houses 2 structures which contain 58 storage units and are located at 1271 Lawrence Street on the west side of Lawrence Street approximately 2,400 feet north of High Street, in the North Cañon Area. The CUP property contains 0.99 acres and is located in the Agricultural Estates Zone District. It should be noted that a Mini-Storage Facility is not an allowed or Special Review Use in the zone district; however, the Fremont County Zoning Resolution Section 8.14.6.3 states: *“Any conditional use permit lawfully in existence at the time of adoption of this Resolution shall be eligible for renewal or extension in accordance with the renewal or extension provisions of the current zoning resolution. Such eligibility shall exist regardless of whether the conditional use is authorized in the zone district established by this Resolution.”*

REPRESENTATIVE: *Matt Koch, Cornerstone Land Surveying*

7. **ADJOURNMENT**

8. **MASTER PLAN WORKSHOP**

Continue with review of the Master Plan.

1. **CALL TO ORDER**

Chairman Dean Sandoval called the meeting to order at 4:15 pm.

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

3. **APPROVAL OF AGENDA**

Chairman Sandoval asked if there were any changes, additions or corrections to the December 4, 2012 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Byron Alsup moved to accept the December 4, 2012 Fremont County Planning Commission Meeting agenda as written.

SECOND

Mr. Larry Baker seconded the motion.

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

4. **APPROVAL OF THE NOVEMBER 7, 2012 PLANNING COMMISSION MEETING MINUTES**

Chairman Sandoval asked if there were any changes, additions or corrections to the November 7, 2012 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Alsup moved to accept the November 7, 2012 Fremont County Planning Commission Meeting Minutes as written.

SECOND

Mr. Baker seconded the motion.

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

5. **UNFINISHED BUSINESS**

NONE

6. **NEW BUSINESS**

a. **REQUEST: CUP 12-002 DORSEY ORCHARD PARK MINI-STORAGE FACILITY**

Mr. Matt Koch, Cornerstone Land Surveying, was present to request approval of a Conditional Use Permit (CUP), Department file #CUP 12-002 Dorsey Orchard Park Mini-Storage Facility, by Wesley E. Dorsey, to allow the continued use of the existing mini-storage facility. The first structure of the facility was constructed when the property was zoned Agricultural & Other Uses which allowed business uses and thereby considered a nonconforming use. The facility was allowed to expand by the issuance of CUP 92-13 (*found in the Land Records of Fremont County at Reception #598970*) which will expire on

January 29, 2013. The storage facility houses two structures which contain fifty-eight (58) storage units and are located at 1271 Lawrence Street on the west side of Lawrence Street approximately 2,400 feet north of High Street, in the North Cañon Area. The CUP property contains 0.99 acres and is located in the Agricultural Estates Zone District. It should be noted that a Mini-Storage Facility is not an allowed or Special Review Use in the zone district, however the Fremont County Zoning Resolution Section 8.14.6.3 states: “Any conditional use permit lawfully in existence at the time of adoption of this Resolution shall be eligible for renewal or extension in accordance with the renewal or extension provisions of the current zoning resolution. Such eligibility shall exist regardless of whether the conditional use is authorized in the zone district established by this Resolution.”

Mr. Koch stated that the first storage building was built in 1985, and the second one was built in 1992, when the first CUP was applied for and granted. The term of the permit was twenty years, so now the owner is requesting reissue of the permit. There have been no changes to the operation. There haven't been any complaints or concerns. Mr. Don Moore, County Engineer, recommended in his review to re-grade and re-gravel the parking lot so that the drainage will flow away from the buildings. That work will be done next week.

Mr. Giordano showed a video of the area and summarized the Recommended Conditions, Contingencies, Waiver Requests, and Additional Notifications. He noted that under the current Zoning Resolution, this use is no longer allowed in the Agricultural Estates Zone District. However, Section 8.14.6.3 of the Zoning Resolution states “Any conditional use permit lawfully in existence at the time of adoption of this Resolution shall be eligible for renewal or extension in accordance with the renewal or extension provisions of the current zoning resolution. Such eligibility shall exist regardless of whether the conditional use is authorized in the zone district established by this Resolution.” The applicant is applying for a term of life of the use, estimated duration of fifty plus years. Mr. Giordano also noted that the days and hours of operation shall not be limited. He mentioned that in addition to the re-grading of the property, Mr. Moore also recommended that the two driveway culverts on the east side of the property be cleaned. The applicant is requesting a buffering and landscaping waiver because the facility has been in existence for more than twenty years with no complaints. The parking area is along the storage units. There would be no way to landscape the parking area. There is lighting on the buildings. There is not a lot of room, so the whole area is lit up. The surfacing is gravel now and they are asking that it remain gravel because it would be better for drainage, and I agree with that. This is an unusual situation because this is an existing use instead of a new use. If there are fewer than thirty vehicle trips per day, the Traffic Impact Analysis (TIA) form requires a signature by an engineer. The applicant is requesting a waiver of the engineer signature so they don't have to go to that expense. Mr. Moore reviewed the information provided, and he agreed with the figures. The Planning Commission needs to decide whether to require an engineer's signature on the TIA form or not.

Mr. Alsup asked about the comment in Mr. Moore's review regarding confusion between fifty-eight (58) units and ninety-three (93) units.

Mr. Koch answered there was an error in the original application. Fifty-eight (58) units is the correct number.

Mr. Alsup asked about the comment in Mr. Moore's review regarding errors in the drainage report. Have those been addressed?

Mr. Koch answered yes, he and Mr. Moore went over the drainage report.

Chairman Sandoval asked Mr. Koch if there will be any problems complying with the two contingencies derived from Mr. Moore's review.

Mr. Koch answered no; that work is all set up to be done.

Mr. Alsup asked why the Conditional Use Permit was not given a term of Life of the Use when it was originally issued.

Ms. Brenda Jackson answered that option didn't exist in the regulations at that time.

MOTION

Mr. Alsup made a motion to approve CUP 12-002 Dorsey Orchard Park Mini-Storage Facility, subject to the following:

RECOMMENDED CONDITIONS:

- A. The term of the Conditional Use Permit shall be for life of the use (*estimated as 50 plus years*). ***The applicant's justification for life of the use is that the existing use is a good fit to the area and there have been no complaints.***
- 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 Conditional 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 special review 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 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 Conditional Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. The applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan, if required.
- J. 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.
- K. Notwithstanding the term for which this permit will be issued, the permit shall be subject to additional review by the Board of County Commissioners at its discretion and during any such review the Board may consider, if warranted in the judgment of the Board, imposition of the requirement of fencing and / or screening of the site. (Condition from CUP 92-13).
- L. Only the named party on the permit shall be allowed to operate this Conditional 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 Conditional Use Permit must agree to abide by all terms and conditions of this Permit and shall be required to be named on this Permit as additional parties who are bound by the terms and conditions of this Conditional Review Use Permit.
- M. A Conditional 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*).

RECOMMENDED CONTINGENCIES:

The Planning Commission recommended that approval be contingent upon the following contingencies 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 the following requirements of the Fremont County Reviewing Engineer as per his letter dated November 14, 2012:
 - a. The property should be re-graded to match the surface flow directional arrows on the drainage plan diagram.
 - b. The two driveway culverts, on the east side of the property, should be cleaned.

The Planning Commission recommended the following:

ADDITIONAL NOTIFICATION REQUIREMENTS:

In addition to the required notifications, 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. Fremont County Sheriffs Office
2. Fremont / Custer Historical Society

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

1. **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** (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 storage facility has been in existence for twenty years with no complaints.

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 off-street parking area with the following justification: Gravel helps with drainage through absorption and water quality, and it is not impervious.

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: Lighting is on the building and poles which shines downward creating no glare.

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: Landscaping for parking areas would make access difficult.

5. **Traffic Impact Analysis:** The Traffic Impact Analysis shall be signed by a Licensed Professional Engineer if the daily total vehicle trips are less than thirty trips per day.

The applicant has requested a waiver of this requirement. As per the County Reviewing Engineer, the total vehicle trips will be less than thirty trips per day.

SECOND

Mr. Robinson seconded the motion.

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

7. ADJOURNMENT

Chairman Sandoval adjourned the meeting at 4:25 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE