

Joint Meeting of the Planning Commission and Board of County Commissioners

May 2, 2007

Custer County Courthouse

Westcliffe, Colorado

Present:

Planning Commission: Lynn Attebery; Pat Bailey; Vic Barnes; John Campbell; Rod Coker; Keith Hood

Associate Members (PC): Sarah Senderhauf; Christy Veltrie

Commissioners: Carole Custer; Dick Downey; Kit Shy (Shy was tardy and came in after the Bond/Johns hearing)

Staff: Jackie Hobby; Christy Kesselring; John Naylor (County Attorney)

Absent:

Planning Commission: Sherry Rorick

The meeting was called to order at 1:00 P.M. by LYNN ATTEBERY, Planning Commission Chair.

SARAH SENDERHAUF was seated on the Planning Commission in Sherry Rorick's absence

Attebery called for an approval of the March 2007, minutes. VIC BARNES MOVED to accept the minutes, JOHN CAMPBELL SECONDED. The motion passed unanimously by voice vote.

ZONING OFFICE REPORT

-The attorney has some changes to the proposed Subdivision Regulations. After the changes are made, the Board of County Commissioners will review the changes.

-Complaints are on the rise in the office. Staff is investigating and trying to bring individuals into compliance.

-The office has had a rash of setback questions, so staff believes the Board of Zoning Adjustment will be busy this summer with setback variances.

-Staff prepared the Building Code Survey to be mailed.

ATTEBERY announced the first agenda item for Trotter/Rye Fire has been postponed and the office believes it will be canceled.

KATHARINE Z BOND AND ROBERT C JOHNS/VACATE AND REPLAT

Legal Description: ANTELOPE VALLEY #5-A, LOTS 177, 178 & 179

Schedule Number: 100-39-900/100-32-500

ATTEBERY read the applicant's statement, "*The owner of Lot 177 (Johns) and Lots 178 & 179 (Bond) would like to split Lot 178 in half resulting in Johns owning the South half and Bond retaining ownership of the north half. Lot 178 is vacant and would be very difficult at best to build on. This split would give each owner a nice buffer and insure that Lot 178 is never built on.*"

There were 11 letters sent and three responses received by the office from Joy Hatten (for); Cal Groenewoud (for) and Evelyn Harris (for).

MICK KASTENDIECK represented the application (Kastendieck has written permission to represent both parties). KASTENDIECK explained that Lot 178 is extremely difficult to build on. The two parties would like to split Lot 178 and add a portion to John's lot and the remainder to Bond's lot.

VIC BARNES asked the office about naming the new lots 177A and 179A. The office concurred.

BARNES MOVED to recommend the Board of County Commissioner to approve the vacate and replat because it takes three lots and reduces it to two lots. This proposal is compatible with the Master Plan. CAMPBELL SECONDED. The motion passed unanimously by roll call vote. ROD COKER voted yes for the reasons stated. KEITH HOOD voted yes as long as it was agreeable to both parties. SENDERHAUF voted yes for the same reasons. PAT BAILEY voted yes for the same reasons. ATTEBERY voted yes for the same reasons and added the Board of County Commissioners should make something like this proposal an administrative procedure.

CAROLE CUSTER MOVED to accept the recommendation from the Planning Commission, DOWNEY SECONDED. (SHY was absent). The motion passed unanimously by voice vote.

ROBERT MCILWRAITH was not available to give his presentation for the Special Use Permit Modification.

EARL D. AND GAYLE P. CROUCH/SPECIAL USE PERMIT

Legal Description: PT OF LOT 7 LYING W OF CR 328 & S OF HWY 96 6-22-70

Schedule number: 101-70-253

ATTEBERY read the applicant's statement, *"This is a full time residence with 3 Custer County Employees. No traffic. Not a retail business. This is only a processing center and computer base. No signs. No customers at this location. Well hidden from highway."*

EARL CROUCH represented the application. CROUCH explained that this structure was originally developed as a residence for his son and family, but due to health reasons his son never moved into the house. CROUCH said his daughter, husband and family would be living in the house later this year. CROUCH explained his carpet business is using this structure as a processing center. There are no public sales at this site. The processing center employees three Custer County residents.

CROUCH stated his company sells carpet in 27 states and sold approximately 20 million yards of carpet. CROUCH said he is the middle man and sells carpet to end users. He never advertises and is the 3rd largest carpet seller in the United States.

CROUCH told the boards that he developed this property to be hidden from the highway by putting in a berm to hide the parked cars and the structure. He does not want a commercial connotation attached to this property. CROUCH further explained that as a resident of Custer County, he supports several local causes.

CAMPBELL asked what was being done on the site. CROUCH said it was a computer processing center where they bring information in and distribute it. There is no solicitation.

BAILEY asked if someone was living at the house. CROUCH said there are people staying at the house most of the time and his daughter's family will be living there full-time in August.

BARNES asked if it was the place with the cement driveway and if there would be any increase in traffic. CROUCH stated there would not be any other vehicles besides the employees and UPS. CROUCH said he put the concrete in because he snow blows the driveway and rocks were damaging his machine.

CROUCH said he has two full-time employees and one part-time employee.

DOWNEY asked if the processing center would be moved. CROUCH said eventually the processing center would have to be moved because it is projected to have a 20% growth each year. The growth is generated by the carpet manufacturers. DOWNEY suggested the Special Use Permit be tied to the business and not to the land. CROUCH said he would prefer this.

BARNES asked if there would be any other employees due to the growth of the business. CROUCH said they are

not anticipating any more employees.

ATTEBERY reminded CROUCH that the public hearing is on JUNE 5, 2007 and the Site Tour would be MAY 31, 2007.

GABRIELE W. LOUDERMILK/SPECIAL USE PERMIT

Legal Description: SILVER CLIFF HEIGHTS, SUB 4, LOT 33A
Schedule number: 100-17-801

ATTEBERY read the applicant's statement, "*Assisting horseowners with basic horsemanship skills and other equine related issues. See attached flyer.*"

GABRIELE LOUDERMILK was present to represent the application. LOUDERMILK explained that she would like to educate people about horses by hosting small clinics with clinicians. These clinics would include equine dentistry, trail riding, massage, and other horse related topics. LOUDERMILK stated she has 35 acres on Rocky Ridge Road in Silver Cliff Heights. Her proposal will have little traffic and no impact on the land. LOUDERMILK said she spoke with her neighbors and the two who responded had no problems with her proposal. LOUDERMILK stated she had made plans for fire hazards. She will have a dumpster for garbage and pottapotties for sanitation.

SENDERHAUF asked how often the clinics would be. LOUDERMILK said she planned 3-4 clinics a year and if there was going to be a large clinic, she would lease the Saddle Club facilities.

HOOD asked if there would be any spectators. LOUDERMILK said spectators would be welcome, but they would not be a large part of the clinic.

CAMPBELL asked if there was parking. LOUDERMILK said she had adequate parking areas.

LOUDERMILK said she has spoken to the water commissioner Jerry Livengood and the use of the well will not be an over use of the permit.

CUSTER asked what the hours would be. LOUDERMILK replied the clinics would generally be two days from 9:00 A.M. until 4:00 or 5:00 P.M.

LOUDERMILK said she had liability insurance. She has corrals set-up for individuals who bring their horses. She will supply the hay if they do not have any. There will not be any overnight guests.

ATTEBERY reminded LOUDERMILK that the public hearing is on JUNE 5, 2007 and the Site Tour would be MAY 31, 2007.

ROBERT B. MCILWRAITH/SPECIAL USE PERMIT MODIFICATION

Legal Description: TR CONT 3.10 AC BEING LOT 14 & PART OF LOTS 11 26 27 28 29 & 75 & PT OF 1ST AVE 2ND AVE EUCLID AVE & THE ALLEY LYING S OF LOT 28 ALL VACATED IN BK 217 PG 162 & THAT PT OF LOT 11 LYING N OF S LINE OF CO RD 328 AND PT OF LOTS 12 & 13 & PT OF VACATED E2 OF 2ND AVE ADJOINING LOT 11 CONT .24 AC ROSITA

Schedule number: 101-43-000

ATTEBERY read the applicant's statement, "*The Letter Drop has been open for over 8 years. It has seen restaurants come & go in the period of time. We all understand that retail business's in this are extremely*

seasonal. My room addition will be used when needed. I feel that limiting my seating on the original Special Use permit was wrong and I am asking you to remove any seating limitations for the future. The Letter Drop has always lived up to it's responsibilities and will continue to do so in the future. I am also asking that you waive the fees pertaining to this modification. Also, see attached letter."

ROB MCILWRAITH was present to represent the proposal. MCILWRAITH told the Boards he owns The Letterdrop Inn and wants the seating limitation of 24 seats to be removed. MCILWRAITH also asked the fee to be waived and the administrative review be on a complaint basis only.

CAMPBELL explained he remembered the seating limitation being imposed because many of the local individuals were concerned about the parking on the County Road. The seating limitation was restricted at the time on a kind of a trial basis.

BARNES asked about the parking situation. MCILWRAITH replied that he is working on making the parking bigger and he is working on additional parking across the road.

SHY asked if there were any complaints and staff replied there have not been any complaints. SHY asked the staff if the septic was adequate and staff replied the septic was adequate for 152 people.

BARNES asked if the proposal ran with the land or the owner. Staff replied that in this case it runs with the land.

MCILWRAITH explained that he does not want a number to be put on his seating. The boards discussed the maximum seating set by the septic system and the fire inspector's report. MCILWRAITH said he would like the parking issue to be triggered by a Zoning Permit for an addition to the structure. MCILWRAITH said he has enough property to increase the parking as needed.

MCILWRAITH asked for any future endeavor to be approved and the boards informed him they could not just approve everything.

ATTEBERY reminded MCILWRAITH that the public hearing is on JUNE 5, 2007 and the Site Tour would be MAY 31, 2007.

SPECIAL EVENT PERMIT PUBLIC HEARING

ATTEBERY briefly explained the purpose of the Special Events Permit regulation.

CUSTER asked the definition of the "over-intensive use of the land." She has concerns with what that is going to mean to people in five years. CUSTER said we need to say what we mean in the document. HOOD answered, he thought the over-intensive use of the land could be determined from the required plot plan. NAYLOR added that not everything can be defined and the decision that is made needs to be backed up with findings.

DOROTHY NEPA, Custer County resident, asked about the definition of a Special Event Permit and if Nonprofit were going to be exempted. NEPA also asked if a farm auction was going to be exempted.

SHY asked how the board derived the number of 150 people and congratulated the board on the inspection process. SHY said the auctioneers will have to be educated on this new process.

The boards and audience discussed auctions and the need for them to get a Special Event Permit or not. The consensus was a permit would be required because this is more of a health and safety issue due to the large volumes of people it would attract.

The boards and audience discussed insurance and the need or not need for non-profits to be exempt. The consensus is that every entity needs to be insured.

The board explained to the audience that this regulation is for a special event that is a temporary use for a specific purpose that is public or commercial in nature. A wedding that is by invitation only does not require a Special Event Permit. An event that invites the public will require a Special Event Permit.

The boards explained that this issue could come for public hearing before the Planning Commission and Board of County Commissioners if more than 150 people were to attend or at the discretion of the Planning and Zoning Office Staff.

ATTEBERY MOVED to give the Special Event Permit dated 04/12/07 to the Board of County Commissioners for approval or disapproval, CAMPBELL SECONDED. The motion passed unanimously by roll call vote.

ATTEBERY voted yes and thought the product was acceptable even though not all definitions were perfect. ATTEBERY further explained that all the documents in the Zoning Office will continually be worked on. HOOD voted yes with the reservation the Board of County Commissioners define when this is applied and explain this to the public. BAILEY voted yes and agreed with HOOD because there is a little confusion between the Planning Commission and the Board of County Commissioners and the events it is going to impact need to be clarified. CAMPBELL voted yes and he thinks this is a good document. SENDERHAUF voted yes and also believes this is a good document. BARNES voted yes for the same reasons. COKER voted yes and did not give any reason.

SHY MOVED to approve the Special Event as discussed with the understanding there will be a review by staff and staff will provide statistics on the numbers of events this affects. Every effort will be made to get this document to the public via the website, posting at libraries, etc. This document would be accepted in this form and tested form the 1st year. It will be effective July 1, 2007. DOWNEY SECONDED and added to the motion that it would be effective today.

During discussion, CUSTER said she has a problem passing this regulation without the public input on the impacts on events in the County. The board discussed tabling the proposed regulation for a month to get public input. The board discussed auctions, getting this document out to the public, the ranching community, the public's input, and public notices.

SHY AMENDED the motion that the Special Event Permit will go into enforce on May 15, 2007, and it will be reviewed at the September Meeting. DOWNEY agreed with the amendment and thanked the Planning Commission for their work on the Special Event Permit. The motion passed by the majority by a roll call vote with DOWNEY and SHY voting for and CUSTER opposed.

Staff note: A copy of what was approved is attached at the end of these minutes for future reference.

ATTEBERY reminded the boards that the next Site Tour will be on May 31, 2007 and the meeting would be on June 5th. The meeting will be in the Courtroom.

ATTEBERY Requested to adjourn the meeting. BAILEY MOVED to adjourn the meeting, BARNES SECONDED. The motion passed unanimously by voice vote. The meeting adjourned at 3.12 P.M.

Submitted by,

Christy Kesselring
Secretary