

Meeting of the Planning Commission

June 6, 2017

Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Vic Barnes, Patrick Lynch, Keith Hood, Pat Bailey, Bill Donley and Dale Mullen

Absent: Chris Nordyke

Associate Members: Mike Shields, Steve Henning, Skip Northcross and Mike Carter.

Absent: Lance Ingram

Staff: Jackie Hobby and Chuck Ippolito

The meeting was called to order at 1:30 P.M. by VIC BARNES, Custer County Planning Commission Chairman.

Pledge

BARNES: We need to approve the minutes from our March 7, 2017 meeting. Has everyone had a chance to look at them, and are there any comments?

Hearing none

BAILEY: I make a motion to approve the minutes.

HOOD: I will second the motion.

BARNES: All in favor; opposed same sign. They will be approved as presented.

JACKIE will give us the zoning report.

HOBBY: In the month of May we had eight septic inspections, ten special conferences, eight compliance inspections, 3 violation reviews and five septic contractor's tests. Permits issued during this month: seven septic permits compared to six last year and thirty-two zoning permits compared to twenty-three last year. Permits issued year to date for 2017 are thirty-three septic's compared to twenty-nine last year at this time and one hundred and three zoning permits this year compared to sixty nine last year.

BARNES: Thank you JACKIE.

We have two agenda items today and the first one will be a Hearing for a Special Use Permit. COLE MC COLLUM will make the presentation for ED LYONS. Is that correct?

LYONS: Yes

BARNES: The second agenda item is for GLEN CHOATE. This is a presentation only and the hearing will be July 11, 2017.

BARNES: Explained the process. COLE MC COLLUM would you please come up to the podium. Do you have anything that you would like to add to your application?

MCCOLLUM: No, not at this time.

BARNES: Does the Planning Commission have any questions?

PLANNING COMMISSION members discussed the water, septic system, fencing, Insurance, shipping containers, porta potty and signs with LYONS and MC COLLUM.

BARNES: We have a sheet prepared for the Planning Commission to look at with conditions. Do we have a motion?

BAILEY: Based on the conditions that will follow, I vote to approve the Special Use Permit for ED LYONS.

DONLEY: Seconded the motion.

BARNES: Ok, now we will have some discussion; handed out the draft copy of conditions.

After much discussion about the conditions, seventeen conditions were approved.

BARNES: All in favor? Six (6) in favor, One (1) against. We have a motion by BAILEY and a second by DONLEY with seventeen conditions. We will carry the recommendation to the Board of County Commissioners. You will be notified of the date.

REASONS:

SHIELDS: YES, the seventeen (17) conditions that were placed on the business covered everything.

LYNCH: YES, they presented the application satisfactorily and answered all the questions.

HOOD: YES, I recommend approval of the permit. They conditions everything that we could think of to protect the County.

DONLEY: YES, because of the seventeen (17) conditions on the permit.

BAILEY: YES, I voted to approve the SUP and agree with what was previously said and I drive by every day and see it and they have kept it up like the said they were going to do. They have done a nice job.

BARNES: YES, I voted to recommend this to the County Commissioners. The seventeen (17) conditions are adequate to protect the County. The applicant representative did a good job answering the questions. This is consistent with the Master Plan to keep commercial activities close to the population centers.

MULLEN: NO, I voted in opposition to not recommend the approval as drafted. I believe it is a mistake to award an SUP to a land owner. The second item.

I also believe that there should be a privacy fence surrounding the business.

HOBBY: You will receive a notice with the date and time of the meeting with the County Commissioners.

BARNES: The second item on the agenda is a Special Use Permit. This is for BUBBLE BEE STORAGE.

BARNES: Explains the Special Use Permit process. I will read the applicants statement:

"The purpose of this Special Use permit is to be able to use my 10 acres as a storage facility using shipping containers.

The project will be done in 3 phases of 30 containers for a total of 90 storage units.

The property will have 24/7/365 access and will be fenced through the 3 phases

Thank You

Glenn Choate"

HOBBY: Read the letters out loud. Now, we have six people against the SUP.

From:
Date:
To:
Attach:
Subject:

Jackie,

By writing this letter I will now have participated , at one time or another, in all three aspects of the special use permit process. First I have represented and helped applicants make their case in this process. Secondly, I have acted in a position of Commissioner to approve or deny permits. Now I find myself participating in the process to give input as a neighbor in the public hearing portion of this process.

Maria and I would respectfully request that the commissions consider our concerns in their deliberations on this application. Our concerns are as follows:

TRAFFIC (see attached sketch)

-Since mineral road is the nearest paved access to the applicant's parcel the traffic would inevitably increase on this residential road and affect our quiet neighborhood.

-The expense of maintaining and patrolling this road would increase the burden on the Town of Westcliffe.

LAND USE

-Lake Deweese road has already been established as a commercial corridor by the uses approved by the town Of Westcliffe and Custer County. One of these uses is an established storage facility.

-We are knowledgeable of the fact that the 3 mile rule has not been adopted by either Westcliffe or the County and that neither party is obligated by regulation to formally notify the other about changes in land use policies in proximity to their common boundaries. However, as a resident of Westcliffe living within 400 feet of the Choate parcel , we would be interested in hearing from Westcliffe about the concerns we have brought forth in this communication.

- County Zoning Regulations only require that adjoining owners be notified. We are fully aware of this fact and because of it we monitor the agendas of the commissions regularly. However, many of our neighbors, some of whom reside outside of Custer County, will not be aware of this application. We do not speak for them, however we would like to have you explore a fair way to more formally seek their input.

CONCEPT CONCERNS

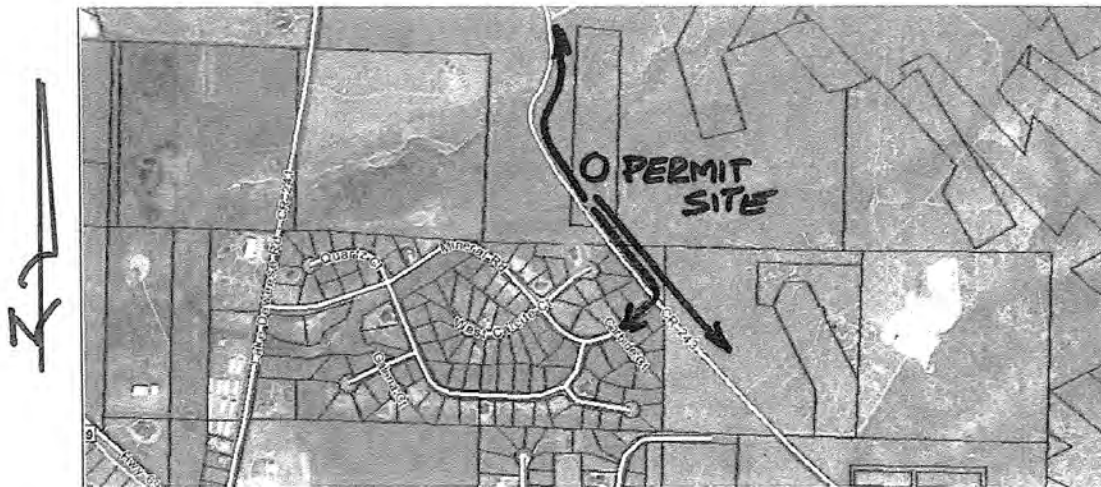
-The Choate proposal is to place shipping containers on the parcel and rent or otherwise market them for storage. As we have discovered throughout the County these containers come in many colors and conditions and usually have painted labels and sometimes graffiti on them. If they have painted lettering are they considered a sign and require an additional permit or size variance? Will they be required to be painted to match each other and blend in?

-If there ends up being 90 or even 30 of these units placed on this parcel the access drives and footprints of the containers will change the natural runoff characteristics and affect the surrounding drainage. Will a drainage plan/engineering be part of this approval process?

-If consistent painting is required this could be fairly expensive, will bonding be required to insure that this requirement is met in a timely manner?

We appreciate the fact that the special use permit process allows for public input and we also appreciate the opportunity to encourage the commissioners to take into account our concerns in their deliberations.

Respectfully submitted by,
Kit and Maria Shy



PERMIT SITE TO PAVED ROAD

- Hwy 96 By #243 = 1.1 MILES
- LAKE DEWEESE ROAD BY #243 NORTH = 0.8 MILES
- TO MINERAL ROAD (PAVED) BY #243 = 0.2 MILES

A COMMERCIAL USE OF THE CHOATE PARCEL WILL INEVITABLY INCREASE TRAFFIC ON MINERAL ROAD THROUGH A RESIDENTIAL AREA.

From:
Sent: June 04, 2017 7:08 PM
To:
Cc:
Subject: Storage Containers

Dear Elizabeth and Jackie,

I understand that someone has applied for a Special Use Permit on a mining claim located to the east of the Shadow Ridge subdivision. I realize that the town is, technically, not an adjoining landowner. That being said, I have a concern regarding the traffic impact to the Shadow Ridge subdivision that is located within the town limits. Shadow Ridge has paved roads that go straight through to where these storage containers would be located. Shadow Ridge is a neighborhood and was not designed for through traffic. The impact has the potential to have a great negative impact to residents of the subdivision.

I would like to know what the applicant and the county plans to do to eliminate the use of subdivision roads to access the storage containers. Could you please let me know where I can find information on this application and how to find out when meetings will be scheduled?

Thank you,
Christy Patterson
Mayor
Town of Westcliffe

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-The Choate proposal is to place shipping containers on the parcel and rent or otherwise market them for storage. As we have discovered throughout the County these containers come in many colors and conditions and usually have painted labels and sometimes graffiti on them. If they have painted lettering are they considered a sign and require an additional permit or size variance? Will they be required to be painted to match each other and blend in?

-If there ends up being 90 or even 30 of these units placed on this parcel the access drives and footprints of the containers will change the natural runoff characteristics and affect the surrounding drainage. Will a drainage plan/engineering be part of this approval process?

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Respectfully submitted by,
Kit and Maria Shy

AS NEARBY OWNERS /RESIDENTS WE HAVE THE SAME CONCERNS AS EXPRESSED ABOVE.

Randall Toss
NAME

15 Kryptonite Ct. Westcliffe Ct
ADDRESS

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Kit and Maria Shy

AS NEARBY OWNERS /RESIDENTS WE HAVE THE SAME CONCERNS AS EXPRESSED ABOVE.

MARK A. SLAWSKI

[Signature]
NAME

[Signature] Veronica J Slawski

P.O. Box 68 (MAILING)

60 W. CALTECT, WESTCLIFFE, CO 81
ADDRESS

MULLEN: Was MS. PATTERSON'S letter an individual letter? Or was she writing on behalf of the town?

HOBBY: I believe she was writing on behalf of the town.

CHOATE: She signed it as the Mayor.

BARNES: I have a question about that also.

MULLEN: That cannot happen unless the Trustees agree.

BARNES: Another thing that I would like to bring up. We were notified by our legal counsel that in a hearing, people that do not live in the county cannot testify. MRS. PATTERSON'S mentions about the subdivision in the town, KIT is also talking about it. I will contact our legal counsel.

IPPOLITO: Began a slide show, that was provided by the applicant.

CHOATE: (slide #1) This is a picture of how I would like it setup. We will be using a tan color and will only be painting the ends, the two on either end will only have to be painted on one side. The fencing will only run between the units. It does not run all the way around, creating a problem with the animals getting trapped inside of it. (slide #2) The view to the west is nothing in that view. (slide #3) That is KIT SHY'S house right there. I measured it at 450 feet. His house is quite away and I am uphill from him. For him to see the units he would have to look up. Looking straight out the window, they would not see it. (slide #4) Next is the Assessors map showing my property. This gives you an idea of what is built up around my area and you can see the lots in Shadow Ridge. (slide #5) This shows how the road crosses over the property for my access. County Road 243 runs from Highway 69 by the Cowboy Church and so if you are coming with your truck on Highway 69, that is how you would access the property. If you are coming in on Highway 96 from the east that's Emery Street in Silver Cliff and so that is how you would access the property. I will have a website. Most of my business will be done through there. I will plead on there not to use Mineral Lane in Shadow Ridge and use County Road 243. I can't stop people from doing it. This picture shows the setup of the lot. The lot is 300 feet wide and I have to be 50 feet on each side for the setback. The first two phases are on the left. I am not asking for any sign permits. I just want the sign that is allowed. This is an idea of the fencing it is semi-private. I will have solar lighting on each unit with motion sensors. There will not be any graffiti showing on the property. There is not an engineered watershed on that property and there are no culverts on the County Road 243. I would not have any outside storage.

BARNES: Does the Planning Commission have any questions?

MULLEN: What is the height of the fence?

CHOATE: Eight feet, same height as the container.

HOOD: Do you know which entity is in charge of the maintenance of 243 and Mineral Drive?

CHOATE: 243 is the County and Mineral Drive is the Town of Westcliffe.

BARNES: So, if Mineral goes through, they could put a fence on it?

CHOATE: Yes, they have a cattle guard on it right now and they could put a gate on it if they did not want people driving through it. They could put signs up that this is private property, no access.

MULLEN: The fence would only connect between the storage units, on each end of the North and South?

CHOATE: Yes

MULLEN: At the site tour, you were asked if you would put up a privacy fence on the south west and you indicated no.

CHOATE: I am not planning on a privacy fence.

MULLEN: If you are approved when would you start the business?

CHOATE: Two or three weeks from the approval.

CARTER: I was contacted by the mayor of Westcliffe because I am the contact person and responsible for the roads in Shadow Ridge. The Town of Westcliffe is opposed to this application because of the traffic. We are looking at closing the access to that. And my impression of County Attorney CLINT SMITH speaking to us at the beginning of the year is that people that do not live in Custer County can't testify. Even though we live in town we are still County residents and pay taxes and vote in the County elections.

BARNES: I understand that. I want to get clarification.

CARTER: We don't have any way to control the traffic and if this application goes through we will seriously think about blocking that access.

HOBBY: I have a question. If that subdivision was approved in the Town of Westcliffe does it have something in the town subdivision regulations that it must have ingress and egress for emergency vehicle?

DONLEY: If you block that access it might not sit well with the fire department.

HENNING: If that's a subdivision, that's a dedicated public road. You can't shut off a dedicated road. The taxpayer is taking care of them with their taxpayer dollar. You can't use taxpayer dollars for maintenance on private roads.

BARNES: I know it's not uncommon for subdivisions to have locked gates.

HENNING: Yes, but those are not dedicated roads with taxpayer dollars to maintain them.

CARTER: That subdivision was built as a private subdivision and they were private roads. The town took over the roads.

HENNING: The subdivision was probably annexed into the town and the roads are public.

CHOATE: My customers would have the right to drive on those city roads?

HENNING: That is why we have the complaints about the traffic. It will impact those roads. They cannot stop them from going up and down the roads if the maintenance is taxpayer funded. The neighborhood has a legitimate concern about the roads.

BARNES: Does the audience have any questions?

SHY: As far as the road goes, that was dedicated as a public road. It has utilities and it is a safety issue. Connecting the two county roads was a smart thing to do in the planning of the Subdivision. People could access it from the Silver Cliff side and also for fire personnel. Shadow Ridge has one hundred and twelve lots (112). The ones along Lake Deweese road are platted as commercial lots with the exception of the residence that is already built. The County has approved some commercial use along Lake Deweese road. As far as people not driving through the Subdivision, maybe not the first time. As soon as they discover the

paved road, they are going to drive the paved road. It is a concern of ours. There are not that many kids and dogs that play on the roads. They will drive from one commercial area through a subdivision to another commercial area. It was annexed into the town prior to development. I don't believe it is practical to block off the road. In my letter, I mentioned that they need to be painted. They have advertising on them and sometimes they have graffiti. The fact it is all on one level and fenced is good. Will there be a perimeter fence all the way around?

CHOATE: It will only be fenced between the two rows.

SHY: The deer will set off all your motion detectors.

CHOATE: No, the motion lights will be inside the closed-in fence. There will be two rows and at both ends there will be fencing in between them.

SHY: I don't believe that the drainage has been addressed. The drainage that I am talking about is removing the ground from absorption. When you put that much roof on the property, it will not be able to absorb on the ground.

CHOATE: Its less than one half an acre, and the units will be off the ground about four inches. The water will run off in between the units and will go underneath them.

BARNES: Does the Planning Commission have any comments?

DONLEY: You have a standard mining claim and you are planning on ninety units. Are they twenty or forty-foot units?

CHOATE: There will be a variety of the two. I will have a least five in a row of the same size.

BARNES: Does the Planning Commission have any questions?

Hearing none

BARNES: Thank you, MR. CHOATE. We will have the hearing for your SUP on July 11, 2017. I have one agenda item.

The Commissioners have requested the Planning Commission look at the Building Code for Custer County. We will have a public meeting to gauge what the community wants regarding a Building Code. We will need to have two weeks' notice in the paper and we will have an evening meeting.

HOBBY: How does June 26,2017 at 7:00 P.M. and ends at 9:00 P.M.

DONLEY: I make a motion to adjourn.

HOOD: Seconded the motion

Meeting adjourned 3:38 P.M.