

The meeting of the Meeker Planning Commission was called to order by Commissioner Joy Thayer, Monday, March 23, 2009, at Town Hall at 5:35 p.m.

Members Present: Chairman Gary Hindman  
Joy Thayer  
Martha Griffin  
Terry Goedert

Members Absent: Keith Rholl

Others Present: Anna Smith, Town Planner  
Sharon Day, Town Administrator  
Attorney Jerry Viscardi  
Becky Niemi, Administrative Assistant

Citizens present: Susie Goettel Meeker School District  
Mr. Gianinetti Gianinetti Investment Corporation

#### **APPROVAL OF AGENDA**

Commissioner Thayer asked if there were any changes to the agenda with none noted.

A motion to approve the agenda as presented was made by Commissioner Griffin, seconded by Commissioner Goedert. All ayes, motion carried.

Chairman Hindman arrived at 5:36 p.m.

#### **APPROVAL OF THE MINUTES**

Chairman Hindman inquired if there were any changes, corrections or additions to the February 9, 2009 Planning Commission minutes, with none noted

A motion to approve the minutes of February 9, 2009 as presented was made by Commissioner Goedert, seconded by Commissioner Thayer. All ayes, motion carried.

#### **PUBLIC PARTICIPATION**

None

#### **PUBLIC HEARING**

**Variance request at 237 13<sup>th</sup> Street (E1/2 of Lot 8 and Lot 9, Block 100, Plat of Meeker). Applicant Gianinetti Investment Corporation is requesting a 41 1/2 – foot variance from the required 100-foot setback from the centerline of 13<sup>th</sup> Street and a 10-foot variance from the property line adjacent to the alley from the required 25-foot setback in the Mobile Home Park zoning district in order to place a 24' x 42' manufactured structure on the property.** Chairman Hindman opened the Public Hearing at 5:39 p.m.

Town Planner Anna Smith provided the following report: The subject property, incorporated within the River View Mobile Home Park, is located on the northwest corner of Market Street and 13<sup>th</sup> Street and is zoned MHP, Mobile Home Park Development and Operation District (18.1.119, M.M.C.).

The applicant is requesting a 41½-foot variance from the required 100-foot setback from the centerline of 13<sup>th</sup> Street and a 10-foot variance from the required 25-foot setback from the property line adjacent to the alley to install a 24øx 42ø manufactured structure on the property.

The River View Mobile Home Park was established prior to the 1985 adoption of Title 16, Meeker Mobile Home Park Development and Operation, therefore, it does not meet criteria established in Title 16 and is considered a permitted non-conforming use. The subject property, located adjacent to 13<sup>th</sup> Street within the River View Mobile Home Park, had been previously occupied by a non-conforming residential structure which was destroyed by fire in June 2008. The applicant is seeking to maintain the residential use by installing a 2000 model doublewide (24øx42ø) manufactured home within the 77øx74ø lot space. Per 16.1.102, M.M.C., any repairs, alterations, replacements or improvements in and to an existing mobile home park shall be permitted as long as such repairs, alterations, replacements and improvements comply with the provisions of the Title. The lot space area does meet the minimum 5,000 square foot requirement for a doublewide structure, as established in 16.1.106(1)(B)(II).

Per 16.1.106(1)(C) M.M.C., no structures, including mobile homes, shall be erected, constructed, or located closer to mobile home park property lines than: 1) 130 feet from the ROW centerline or 75 feet from the property line, whichever is greater, when adjacent to arterial streets or State Highway ROW (Market Street/Hwy 13, a 80-ft ROW), 2) 100 feet from the ROW centerline or 25 feet from the property line, whichever is greater, when adjacent to a collector street (13<sup>th</sup> Street, a 65-ft ROW), and 3) 25 feet from all other property lines or when adjacent to other street or road ROW and easements. Also, 16.1.106(D) M.M.C. states that no mobile home, accessory structure, or any other structure can be closer than 20 feet to any similar mobile home or structure on an adjoining mobile home space. The applicant is proposing to locate the manufactured structure within the designated space in a manner that will comply with the 130-ft setback from Market Street (Highway 13), as well as comply with the 20-ft separation distance between structures. However, in order to comply with the 20-foot separation distance, as well as to preserve a spruce tree located within the designated space, the applicant is seeking to encroach 41½ feet within the required 100-foot setback from the centerline of 13<sup>th</sup> Street and 10 feet into the required 25-foot setback from the property line adjacent to the alley for the placement of the structure.

The request has been advertised in the paper as mandated in the Meeker zoning ordinance. A sign has been posted on the site and letters have been sent to adjacent property owners. At this time, the Town has received no comments from the public.

Staff recommends approval of the request for a 41½-foot variance from the required 100-foot setback from the centerline of 13<sup>th</sup> Street and a 10-foot variance from the required 25-foot setback from the property line adjacent to the alley to install a 24øx 42ø manufactured structure on the property, contingent upon the Town issuing a Mobile Home Siting Permit for the structure. The recommendation is based on the Code as described below:

#### **SECTION 18.1.146 FINDINGS**

**That the variance granted is without substantial detriment to the public good and does not impair the intent or purpose of the Code and Comprehensive Plan, including the specific regulation in question;**

The request is without substantial detriment to the public good. The proposed variance does not create a situation that impairs the intent of the applicable ordinance beyond what currently exists. The previous non-conforming residential structure destroyed by fire had been located 5ø from the property line adjacent to 13<sup>th</sup> Street and 5ø from the property line adjacent to the alley. The replacement structure is proposed to be located 26ø from the property line adjacent to 13<sup>th</sup> Street and 15ø from the property line adjacent to the alley. In other residential zoning districts the typical setback distance when abutting an alley is 5 feet.

The area north of the alley is also included in the River View Mobile Home Park and is occupied with other manufactured structures.

**That there exists on the subject property exceptional topography, shape, or other extraordinary and exceptional situation, or a condition, such that strict application of the zone district requirement would result in peculiar and exceptional practical difficulties to or exceptional undue hardship upon the owner of the subject property;**

The topography of the property is relatively flat and does not play a role in determining the location of the proposed manufactured structure. However, located on the south side of the designated space is a large spruce tree the applicant is trying to save. In order to place the structure just beyond the drip line of the tree, the applicant is proposing to encroach 10 feet into the 25-foot setback from the property line adjacent to the alley. Also based on the pre-existing conditions of the River View Mobile Home Park, the applicant also needs a 41½-foot variance from the required 100-foot setback from the centerline of 13<sup>th</sup> Street to allow the placement of the structure on the site and maintain the 20-foot separation distance between structures.

**That the exceptional situation or condition, pursuant to paragraph B of this Section above was not induced by any action of the applicant and is not a general condition throughout the zone district;**

This situation was not induced by the applicant. As stated before, the River View Mobile Home Park is considered a permitted non-conforming use, due to its pre-existence prior to the adoption of Title 16. The location of the proposed manufactured structure on the subject property will bring the site into better conformity with Title 16 requirements than when the previous residential structure occupied the site.

**That the hardship, pursuant to paragraph B of this section, cannot practically be corrected by means other than a variance;**

There are no practical means other than a variance to address the requested encroachment.

Chairman Hindman asked the applicant if he had anything to add to Planner Smith's report. Mr. Gianinetti stated no. Chairman Hindman inquired if the Commission members had any questions or comments. Commissioner Goedert stated he had visited the site and felt it would be an improvement. Chairman Hindman closed the Public Hearing at 5:47 p.m.

Commissioner Goedert made a motion to approve the request for a 41 ½ foot variance from the required 100-foot setback from the centerline of 13<sup>th</sup> Street and a 10-foot variance from the required 25-foot setback from the property line adjacent to the alley to install a 24x42 manufactured structure on the property, contingent upon the Town issuing a Mobile Home Siting Permit for the structure, seconded by Commissioner Thayer. Ayes- Commissioner Thayer, Goedert, and Hindman. Nay ó Commissioner Griffin. Motion carried

Planner Smith relayed to the applicant that there was a 10-day appeal process and if he came in to obtain the Home Siting Permit before that time, it would be at his own risk. She stated that if someone did appeal the approved variance, it would stop the entire process until the matter was resolved. Mr. Gianinetti stated he understood and thanked the Planning Commission for their time.

**Review and comment on the Site Development Plan for the New Elementary School and determine the need to request a public hearing before the School Board in accordance with C.R.S. 22-32-124.**

Planner Smith provided the following staff report: In accordance with Colorado Revised Statutes 22-32-124(1), a copy of which is attached, the Meeker School Board's representative, The Neenan Company, has submitted a site development plan for the proposed elementary school for review and comment by the Planning Commission. Attached are comments from Chris Hale, Mountain Cross Engineering,

## Regular Planning Commission Meeting . March 23, 2009

representing the Town, based on his review of the submitted materials. Some of his comments may be relevant in assisting the Commission's determination on whether or not to request a public hearing before the School Board District. Also, based on the submitted plans and the design for the proposed school, the following are some pertinent issues Town Staff would like to mention:

1. Access Road ó The alignment of the proposed access road traverses both Eastern Rio Blanco Metropolitan Recreation and Park District (ERBM)- and Rio Blanco County (RBC)-owned lands. The access road will extend from Sulphur Creek Road east through these properties and over the Sulphur Creek flow-way into the school property. However, the submitted plans do not depict the alignment of the access road west of the ERBM driveway entrance to the intersection of Sulphur Creek Road. Additionally, the Town recommends the School Board obtain and provide appropriate documentation authorizing the lawful access to and from the proposed school across ERBM and RBC lands.

2. Sulphur Creek Floodplain/Water Quality ó Any portion of the proposed access road located within the floodplain, as well as the crossing located over the Sulphur Creek flow-way on County-owned lands, are subject to review and floodplain permitting by the Town and the Town Engineer. Additionally, stormwater runoff, along with water quality, from proposed impervious onsite areas into Sulphur Creek, via overflow structures, may also be subject to review by the Town.

For proposed floodplain impacts, in accordance with M.M.C. Title 20, Meeker Floodplain Ordinance, and Ordinance No 13, Series 1991, a Floodplain Development Permit application is required to be completed and submitted with supporting documentation to the Town.

3. Parking Lot and Turning Radius ó Currently, Town Code does not have specific turning radius requirements, however, Staff would like to encourage the School Board, and their representatives, to incorporate the following suggestions into the design of the new school for better long-term functionality and practicality: The parking areas be designed to accommodate the turning radius for emergency response vehicles, as well as for long wheel-base vehicles, including service/supply trucks and trucks pulling horse-trailers. In this area, a large number of vehicles are trucks, which could create congestion in a parking lot if the layout of the parking area does not provide sufficient space for wide turns and wide travel lanes. In addition, for the times the elementary school will hold special events and functions, the parking lot design should have parking spaces long enough to accommodate long wheel-based vehicles, including out-of-town buses, and/or designate grass parking areas for such vehicles.

4. Snow Storage ó Staff would also suggest the School Board incorporate in the design of the new school more than one area for snow storage. The location of the one area designated by the detention pond for snow storage may not be practical or sufficient for the entire parking lot during winter. The impracticality of it would be further compounded if it's a winter with heavy snowfall. M.M.C.18.2.112(F) does specify that designated space for snow storage should equal a minimum of 8% of the total gross area for parking, loading and access ways, however, Town Code does not specify any number or the location for designated areas for snow storage.

5. Building Height Restriction ó The entire Town of Meeker has a building height restriction of 35 feet. As defined in 18.1.103 M.M.C., "building height means the maximum distance possible measured vertically from undisturbed natural ground level to the roof ridge or any other part of a building." Staff has been informed that the proposed building will be located in a cut of the natural elevation onsite. Therefore, the measurement of the building height should be taken from the side of the building adjacent to the natural elevation. Based on discussions with a representative from The Neenan Company, it appears that the buildings meet the height restriction.

## Regular Planning Commission Meeting . March 23, 2009

Based on the above mentioned items, or any other matters presented, the Planning Commission may request a public hearing before the School Board to present the identified issues. Planner Smith noted that Items 3 and 4 were suggestion issues only to the School Board since the code had no specific requirements for those issues.

Commissioner Griffin inquired about building square footage and if it was only one building. Planner Smith stated that was correct, but didn't know the square footage. Commissioner Griffin inquired as to how many parking spaces were required, and if there was an ordinance. Planner Smith stated based on the meeting with representatives from the Neenan Company, it appeared there was sufficient parking and met the criteria based on square footage. Commissioner Griffin inquired if so, was there enough room to comply with Item 3, for turning purposes. Planner Smith stated if they saw a need to incorporate it. Administrator Day stated it was just a suggestion, in case there were large/long trucks or buses and not a Code requirement.

Commissioner Griffin stated she didn't see the road from the high school and inquired as to its type. Susie Goettel, representative for the school explained the road would be "bus only" during the school year. She also addressed the parking space issue stating when the Neenan Company originally presented the parking lot layout, the school's first comment was it needed to be re-designed. She stated the school had Neenan use oversize vehicle standards for each parking space, not regular size vehicle standards. She also stated the school decided to have fewer spaces (that were larger) in order to prevent accidents.

Commissioner Griffin stated she had seen a strip of land, not in Town limits, inquiring if all of the school would be in Town limits. Planner Smith stated yes and inquired if she was referring to the county-owned lands adjacent to the school. Commissioner Griffin inquired if the playground would have basketball hoops. Ms. Goettel stated yes, there was a court planned to the northwest corner. Commissioner Griffin inquired if the area would be for after hours play like the Elementary School? Ms. Goettel stated it had been discussed to light the area but didn't think a decision had been made yet.

Chairman Hindman inquired if Planner Smith would cover any of the comments from Chris Hale. Planner Smith stated she could read them into the record. Day stated it would be quicker to just refer to an item, with Attorney Viscardi stating this was not a public hearing. Chairman Hindman inquired if Attorney Viscardi was implying that the Planning Commission recommend a public hearing. Attorney Viscardi stated no, he meant tonight's meeting was not a public hearing and rather than read the comments, they could be made a part of the minutes and if there were things the Planning Commission wanted to address, they could.

Chairman Hindman stated that given the Town's information provided by Planner Smith, and the existing information mentioned, the Planning Commission needed to determine the need for a public hearing. He stated he was in favor of having one based on the information presented and as it is a public building, there may be concerns the Planning Commission isn't aware of and the public should be able to provide input. Attorney Viscardi stated the decision is the Planning Commission's but the focus of the statute is very specific and limited to site plan issues. Attorney Viscardi stated the review is not an ordinary review, reiterating that the statute is very restrictive and limited to the Site Plan. He stated that it is mandated by state law, that the school district supply a site development plan to the Planning Commission for review, which is limited to the site plan, and is not a public forum as the Planning Commission normally views a public forum. He said that there had been a recent meeting with various representatives, and the probability of another meeting with the Town Board to discuss the road issue. Additional discussion focused on the Sulphur Creek floodplain permit application to be submitted to the Town, and water quality work (stormwater) mandated by the Federal government, stormwater runoff areas, issues in Mr. Hale's letter being addressed and working out details with various Staff members. He stated that the

## Regular Planning Commission Meeting . March 23, 2009

State Department of Labor and Employment, Division of Safety will be reviewing and inspecting this project instead of the town in accordance with State Law.

Attorney Viscardi inquired as to what issues the Planning Commission needed to discuss in regards to the site development plan, with Commissioner Griffin stating "soils." Attorney Viscardi stated soils would be an issue for the State, the school had an obligation to take it to the State geologist. He reminded the Planning Commission that the Town didn't have the authority to do the inspections that the Town ordinarily does, due to the State doing them (as noted above). Commissioner Goedert inquired about the issues Mr. Hale had addressed and if there were tools in place, i.e. the trespass issue. Attorney Viscardi stated it was an issue between adjoining property owners. Commissioner Griffin inquired if the road (Ute Road) was a County Road. Attorney Viscardi stated he was unsure. Discussion focused on past history of the road, which entity currently maintains the road, who the property owners are and how the issue can be resolved.

Commissioner Griffin inquired if the Planning Commission needed to conduct a public hearing with Attorney Viscardi stating another option would be to write a letter re-phrasing the information presented and attach Mr. Hale's notes. He stated letting the public come in who may have not had an opportunity to address other issues is not what the statutes allow. Planner Smith stated it wasn't the Planning Commission/Town holding a public hearing, it would be the Planning Commission requesting the school to hold one, with Attorney Viscardi outlining the school's public hearing process. Chairman Hindman inquired from Staff's view, if requesting a public hearing would lead to an exchange of information that would be beneficial for all. Day stated at this point, it would not be beneficial as it seemed that things the Town could address were being addressed, stating the Town had some strong recommendations, but that's all they were. Chairman Hindman inquired if the Planning Commission deemed a public hearing was not necessary at this time, would it be possible in the future. Attorney Viscardi stated this was the only opportunity for the Planning Commission to request a public hearing.

Commissioner Griffin inquired if the Town was to draft comments, would it be in letter form, with the concerns from Mr. Hale, to the School Board and forgo a public hearing. Attorney Viscardi inquired if her question was for a motion with Commissioner Griffin stating yes. Attorney Viscardi stated it would say the Planning Commission was directing Staff to prepare a letter with their recommendations and include the items in Mr. Hale's letter and the items addressed in Planner Smith's report.

A motion was made by Chairman Hindman that the Planning Commission not request a public hearing, but based on the items mentioned in Staff's presentation and in Mr. Hale's letter, those items are the identified issues that the Planning Commission would like to see passed along through Staff via a letter to the School Board, seconded by Commissioner Thayer. All ayes, motion carried.

### **OTHER PLANNING COMMISSION MATTERS**

**RBC Platting Jurisdiction: REDI Services Conditional Use Permit 09-1 – Review and provide comments to RBC Community Development Department regarding REDI's request to amend Conditional Use Permit to allow 3 above ground storage tanks, an office building and a septic system.**

Planner Smith provided a brief summary of She stated REDI Services has an existing Conditional Use Permit granted back in 2004, for Lots 1,2,3 of the Thornsburch Industrial Park located off of County Road 15. Planner Smith stated they have the following and existing uses and structures on-site: office trailer, shop and storage buildings, a trash compactor building, a transfer station, storage of dumpsters and port-a-johns, as well as RV spaces. She stated the submitted Conditional Use Permit would only affect Lot 1. and they were requesting to have 3 above ground storage tanks, (1 -10,000 gallon methanol tank, 1-10,000 gallon diesel and 1-6,000 30 percent methanol/water mix). She also stated they were seeking a

Regular Planning Commission Meeting . March 23, 2009

40x60 modular office building with a septic tank and drain field. Planner Smith stated the existing uses on Lots 2 and 3 were not affected.

Chairman Hindman inquired about the County taking action. Planner Smith stated the County was seeking comments from the Town as it is within the three-mile platting jurisdiction. Chairman Hindman inquired if they check the safety precautions and toxicity of the chemicals. Planner Smith stated that was in the County's jurisdiction. Discussion focused on the Planning Commission commenting on the request, the truck roll over by Rifle, contamination it caused and the impact. Planner Smith stated the storage tanks would be interior of the lot as shown on the site plan. She stated the existing gravel road forms a large loop around the shop/storage building, as well as the trash compactor. She also stated the three above ground storage tanks would be going to the east of the trash compactor shed. Day stated the plan did state that a copy of the Draft Spill Prevention Control and Countermeasure (SPCC) Plan was attached, but both Day and Planner Smith stated the Town had not received a copy of the plan. Discussion focused on the SPCC Plan and other preventive measures. Chairman Hindman asked if the State or another agency did a periodic inspection or was the permit good forever or was there a time limit. Day stated she was unsure. Chairman Hindman stated it would be a concern to pass along, what long-term checks and balances were in place regarding a lightening strike, leaks, spills, or accidents, either natural or man-made. Commissioner Griffin inquired if the public would be using the area to pick up methanol, with discussion focusing on methanol uses.

Commissioner Thayer inquired if the local fire department/ambulance service would be responsible to assist and if they were trained for an emergency. Planner Smith stated she was unsure. Discussion focused on if the local fire department/ambulance service having the proper training and if they were able to handle such an emergency/explosion. Ms. Goettel inquired as to what happened if one tank exploded, would it create a chain reaction. Chairman Hindman stated that would be another concern to address. Additional discussion focused on the hospital being equipped to handle those types of burns, who would be responsible for training the fire department and hospital staff, would there be a fee, and if REDI Services had onsite equipment for an immediate response to an emergency situation. Planner Smith reiterated the list of concerns the Planning Commission had in regards to the request, stating she would put the list of concerns in a letter to the County, which was due 3/25/2009.

**ADJOURNMENT**

Commissioner Thayer made a motion to adjourn, seconded by Commissioner Hindman. All ayes, motion carried.

Planning Commission Meeting adjourned 6:48 p.m.

---

Gary Hindman, Chairman

---

Joy Thayer, Secretary