

The meeting of the Meeker Planning Commission was called to order by Chairman Gary Hindman Monday, June 8, 2009, at Town Hall at 5:30 p.m.

Members Present: Chairman Gary Hindman
Terry Goedert
Martha Griffin
Keith Rholl

Members Absent:

Others Present: Anna Smith, Town Planner
Sharon Day, Town Administrator

Citizens present: Pat Hooker RBC Administrator
Bill Jordan Kent Borchard MUMC representative
Wade Bradfield John Arrington
Bill Ertmer Rebecca Jensen Applicant
Kelly Conrado Jackie Brennan
Katie Conrado

APPROVAL OF AGENDA

Chairman Gary Hindman 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.

APPROVAL OF THE MINUTES

Chairman Hindman inquired if there were any changes, corrections or additions to the May 12, 2009 Planning Commission minutes, with none noted

A motion to approve the minutes of May 12, 2009 as presented was made by Commissioner Rholl, seconded by Chairman Hindman. All ayes, motion carried.

PUBLIC PARTICIPATION

None

PUBLIC HEARING

a) Variance Request – The Meeker United Methodist Church, 809 Park Avenue (Lots 10, 11, 12 & E ½ of Lot B, Block 48 Town of Meeker), is requesting a variance to have less than the required number of parking spaces for the new church, and a variance to access on-site parking spaces from an alley.

Chairman opened the Public Hearing at 5:34 p.m. Town Administrator Sharon Day left the room due to a conflict of interest.

Town Planner Anna Smith provided the following report: On April 23, 2007, the Meeker United Methodist Church obtained a variance approval for a reduction of the required number of parking spaces (72 spaces) to provide 25 spaces. The variance also included granting access to the parking lot from the alley. However, the variance expired on April 23, 2008. In December 2008, the Church's representative, Mr. Kent Borchard, submitted a letter requesting an extension of the previously approved variance and, on January 12, 2009, the Planning Commission granted approval of the variance extension. That variance

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extension has also since expired without the commencement of any onsite construction activities; therefore, the Church has submitted a new variance application on a modified site plan design. The Church is still requesting the following: a variance to allow primary access from the alley and a variance from the required number of parking spaces.

Per the requirements of Figure 1 in 18.2.108 of the Meeker Municipal Code, the Church is required to provide 72 off-street parking spaces, however, the submitted modified site plan indicates that 27 off-street parking spaces are provided, resulting in a deficiency of 45 off-street parking spaces. As stated above, the previous variance granted in 2007 allowed for 25 off-street parking spaces therefore the current modified site plan provides 2 additional parking spaces than what was previously approved. It should be noted that the location of the previously approved new sanctuary location had overlapped with that of the existing sanctuary location, therefore, the old sanctuary had to be removed prior to construction commencing. However, the current site plan depicts the new sanctuary located to the west of the existing sanctuary structure. The applicant has stated that they would like to utilize the old sanctuary during the course of the construction of the new sanctuary until such time the old sanctuary is removed from the subject property in order to complete the site work, i.e. access to parking lot and new parking spaces.

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.

Recommendation: Because of the nature of this request, Staff agreed to deem public comment as one of the most important factors in making a recommendation. Since no comments have been received, staff recommends approval of this variance request with several findings issues to take into consideration. Additionally, if the variance request were to be approved, staff recommends it be contingent upon the following:

1. Upon completion of the construction of the new sanctuary no Certificate of Occupancy will be issued for the new structure until such time as the old sanctuary has been removed from the subject property and all site plan improvements have been provided for onsite as depicted on the Variance Application Details site plan and as shown on the construction drawings approved and recommended by SAFEbuillt and the Town Engineer during the construction plan review process.

This condition shall also be noted on the Town Building permit at time of issuance.

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. However, the proposed variance does create a situation that impairs the intent of the applicable ordinance beyond what currently exists. The parking space and access situations are currently nonconforming; if the Meeker United Methodist Church chooses to construct a new sanctuary as proposed, the nonconformance issues are exacerbated.

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 applicant states that the size of the lots are too small to provide adequate space for a remodel or new building and to meet parking requirements. Also, moving to another location is economically unfeasible and could possible leave vacant buildings contributing to neighborhood blight.

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 is not a normal situation throughout the zone; however, the situation was created by the applicant.

That the hardship, pursuant to paragraph B of this section, cannot practically be corrected by means other than a variance; If the Meeker United Methodist Church proceeds with construction as proposed, a variance is necessary.

Commissioner Hindman inquired if there were any comments or questions. Bill Ertmer ó Catholic Church deacon, inquired as to how many parking spaces were currently provided. John Arrington stated about one dozen in an area on the east side. Commissioner Rholl inquired if construction was moving forward, with Kent Borchard, Meeker United Methodist Church representative, stating they had secured a construction loan and will begin construction this summer. Mr. Borchard stated groundbreaking will take place on July 12, 2009, and the building permit application should be ready for submittal in about a week.

Chairman Hindman closed the Public Hearing at 5:42 p.m.

A motion was made by Commissioner Griffin to recommend approval of the Meeker United Methodist Church's variance request to 1) allow primary access from the alley and 2) provide only 27 of the required 72 parking spaces contingent upon the following:

1. Upon completion of the construction of the new sanctuary no Certificate of Occupancy will be issued for the new structure until such time as the old sanctuary has been removed from the subject property and all site plan improvements have been provided for onsite as depicted on the Variance Application Details site plan and as shown on the construction drawings approved and recommended by SAFEbuillt and the Town Engineer during the construction plan review process, seconded by Commissioner Goedert. All ayes, motion carried.

Planner Smith informed the applicant of the 10-day appeal process. Administrator Sharon Day returned to the meeting.

b) Special Review Use Request – Rio Blanco County is requesting a Special Review Use permit for County administrative offices in the old library location at 200 Main Street (The Fairfield Center, Lots 1 – 6 and Lot A, Block 15 Town of Meeker) with the business days of Monday through Friday. Chairman Hindman opened the Public Hearing at 5:45 p.m.

Planner Anna Smith provided the following report: The subject property is located at 200 Main Street (Lots 1-6 and Lot A, Block 15, Town of Meeker). Rio Blanco County is requesting a Special Review Use for County administrative offices in the old library location at the Fairfield Center (200 Main Street) with the business days of Monday through Friday. Located within the Transitional Central Business (TCB) zoning district, the Fairfield Center has been utilized and continues to be utilized as a community center, library, class rooms, public meetings location, special events, senior meals, etc. for many years dating back to at least the late 1970s, with the exception of the library. With the relocation of the library to 490 Main Street, Rio Blanco County is now seeking to remodel the old library area in the Fairfield Center for County administrative offices for the RBC Commissioners, Administrator, Attorney, Human Resources, Planning and Development, Building and Zoning, Environmental Health, GIS, and Veterans Affairs. Per 18.1.122 of the Meeker Municipal Code, òoffice for the conduct of a business or a professionö is considered a special review use within the TCB district. Located on site are three parking areas: one to the east of the Fairfield Center and two to the south of the Center, for a total of 44 striped parking spaces, including 7 handicap accessible spaces (in addition, there are two other parking lots

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located elsewhere on the property, primarily serving the Fairfield senior apartments, located on the south-easterly portion of the property). Town staff has determined that, based on the higher parking criteria for a library use in the previous Town parking code compared with the current parking requirements for office use, there is sufficient parking to accommodate the requested Special Review Use for County administration offices.

The other uses of the Fairfield Center and the property, in general, bear consideration when considering the parking needs of the entire facility. One continuing use of the Fairfield Center is that it serves as the venue for the Mature Meekerites (M&M) meals for the senior citizens, currently held Monday, Tuesday, Wednesday, and Friday from approximately 11:00 a.m. to 2:00 p.m. The parking located adjacent to the south and west of the Fairfield Center appears to be the primary area for vehicle parking and the drop off and pick up of those attending the M&M meals. Also, this parking lot is the only one that has a van accessible handicap ramp/door providing access to the Fairfield Center. This parking lot and the doorway provide the most direct and convenient access to the Fairfield Center, compared to the other parking lots surrounding the Fairfield Center. Furthermore, it appears this parking lot and the overflow parking lot (abutting Market Street) may, also, provide parking for the residents of the Fairfield senior apartments.

Therefore, Town staff believes that the existing parking area and spaces south of the building should be reserved for the use by seniors and the general public. Parking for the County employees and any associated County vehicles should be restricted to the overflow parking area Market Street or to the eastern most parking spaces in the east parking lot. Staff would also suggest that 6 of the parking spaces within the overflow parking area, as well, as those parking spaces in the east parking area adjacent to the apartments, be reserved via signage for the senior apartment residents. The applicant has stated it will look into re-stripping the east parking lot in order to create additional parking spaces, if feasible.

Additionally, in order to avoid negatively affecting either of the handicap spaces in the south parking area, Town staff also recommends the proposed door on the south wall be relocated either on the west building wall or further east on the south building wall. The applicant has stated it is agreeable to this suggestion.

The application with supporting material was received within the required time period. The fee has been paid and the request has been advertised as mandated by the Meeker Zoning Ordinance. All of the surrounding neighbors have been notified of the Public Hearing and a letter was just received from Joe and Kelly Conrado. Planner Smith read into the minutes, a letter, dated June 8, 2009 from Joe and Kelly Conrado. See attached.

Recommendation: Staff recommends approval of Rio Blanco County's request for a Special Review Use permit for County administrative offices in the old library location at the Fairfield Center (200 Main Street) with the business days of Monday through Friday, contingent upon the following:

1. Parking spaces are reserved via signage as follows: the south parking lot is reserved for use by seniors, Fairfield senior apartment residents, and the general public; six (6) parking spaces in the overflow parking lot are reserved for use by Fairfield senior apartment residents; and parking spaces in the east parking lot immediately adjacent to the Fairfield Apartments are reserved for Fairfield senior apartment residents. Parking for County employees and county vehicles are therefore restricted to the remaining spaces in the overflow parking lot adjacent to Market Street or to the remaining spaces in the east parking lot.

Chairman Hindman inquired if there were any questions, concerns or comments. Pat Hooker ó RBC Administrator stated Planner Smith's report was complete and the County would be agreeable to the signage and restricted parking requirements. Katie Conrado ó Main Street, inquired as to how many

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employees would be using the Fairfield building. Mr. Hooker stated they were creating space for 18 employees. Ms. Conrado inquired if they had any idea how many visitors would visit the facility with Mr. Hooker stating it depended on what the business was for. He stated it also depended on the Commissioners meetings and items on the agenda and stated the current parking at the facility was adequate for visitors.

Commissioner Rholl stated he felt there were valid concerns regarding the parking, and the senior meals, and was very important for them to utilize the area. He stated he agreed with the Conrado's that there should be some enforcement in protecting their parking, the senior citizen parking and for those who lived around the Fairfield. Mr. Hooker stated the parking lot to the south had two handicapped parking spaces and the County was agreeable in leaving those for senior citizens to park, as well as for use by the Meeker Streaker. Ms. Conrado inquired as to how many spaces were available for County employees. Mr. Hooker stated the parking lot on Market Street had 14 spaces, and stated Planner Smith had recommended the County reserve six of those spaces for the residents of the senior apartments, which left the County 8 spaces. He stated the east parking lot had 8-10 spaces (currently) and part of it could be striped to increase parking, so between the two lots there would be plenty of parking spaces. Ms. Conrado inquired if they had considered diagonal parking? Mr. Hooker stated he would refer the question to the Town Administrator Day stated she didn't know, but could check into the option.

Chairman Hindman inquired if the move to the Fairfield was a temporary or permanent move. Mr. Hooker stated it was temporary. He stated the long range plan would be to move into the current courthouse if/when a new justice center was built. Chairman Hindman inquired if there were stipulations regarding the Fairfield Center i.e. how it is to be used, and if a government entity fit into what the Fairfield Trust was designed for, or would there be a conflict? Mr. Hooker stated it was his understanding as long as the Fairfield Center was used for public/community purposes and not for private enterprise; the County would not be violating the trust. He stated there was no specific language in the trust document stating it could not be used for office space. Commissioner Griffin inquired if the renovations would take away from where receptions/parties were held. Mr. Hooker replied no, only the area previously occupied by the library would be affected. Ms. Conrado inquired if all offices in the current County facility would be moved to the Fairfield, thus vacating that building. Mr. Hooker stated yes.

Commissioner Goedert stated in regards to the parking challenges in front of the Conrado's property/driveways, it was something that could be addressed through law enforcement and should be looked into.

Chairman Hindman closed the Public Hearing at 6:05 p.m.

A motion was made by Commissioner Goedert that the Planning Commission recommend to the Board of Trustees to grant approval of Rio Blanco County's request for a Special Review Use permit for County administrative offices in the old library location at the Fairfield Center (200 Main Street) with the business days of Monday through Friday, contingent upon the following:

1. Parking spaces are reserved via signage as follows: the south parking lot is reserved for use by seniors and the general public; six (6) parking spaces in the overflow parking lot are reserved for use by occupants of the Fairfield Apartments; and parking spaces in the east parking lot immediately adjacent to the Fairfield Apartments are reserved for apartment occupants. Parking for County employees and county vehicles are therefore restricted to the remaining spaces in the overflow parking lot adjacent to Market Street or to the remaining spaces in the east parking lot, seconded by Commissioner Griffin. All ayes, motion carried.

c) Special Review Use Request – Rebecca Jensen is requesting a Special Review Use permit to run a Home Daycare Facility at 830 Water Street (North 150 feet of Lot 1, Block 52 Town of Meeker). The proposed hours of operation are Monday through Friday, 7:30 a.m. to 5:30 p.m., with a maximum of 8 children.

Chairman Hindman opened the Public Hearing at 6:07 p.m.

Planner Anna Smith provided the following report: The subject property is located at 830 Water Street, North 150 feet of Lot 1, Block 52 Town of Meeker. The applicant is requesting a Special Review Use permit for a home occupation of a daycare facility with the operating hours of Monday through Friday, 7:30 a.m. to 5:30 p.m., for a maximum of 8 children. The property is located in the MR Mixed Residential zoning district and is owned by Jessie Duffy but rented by Rebecca Jensen. Included in the Special Review Use application is documentation from Ms. Duffy granting permission for the home occupation of a daycare facility at the subject property. Ms. Jensen has applied for a child care license from the State of Colorado but has not received it yet.

The Meeker Municipal Code identifies daycare facility as a Special Review Use within the MR zoning district. The daycare facility at this residence is also considered a home occupation, which also requires a Special Review Use permit. In accordance with 18.1.129(A)(VII) of the M.M.C., which states "The home occupation shall provide additional off-street parking adequate to accommodate all needs created by the home occupation, and the applicant has identified the 24-ft x 40-ft graveled area in front of the garage on 8th Street as the off-street parking area, as well as the drop-off and pick-up point. Also, per M.M.C. 18.1.129(A)(I), a home occupation use shall be conducted entirely within a dwelling or accessory building and carried on by the inhabitants living on the property and no others." The applicant has included a diagram outlining the areas inside her home designated for the daycare facility and does not intend to hire an employee. Additionally, M.M.C. 18.1.129(A)(IV) states: "There shall be no advertising display or other indication of the home occupation on the premises other than a name sign, which shall be a maximum of one square foot in area." The applicant has stated she would like to erect a business sign for the home occupation and is aware that a permit will not be required since signs less than 2 square feet for residences do not require a permit. The adjacent land uses are single family residences to the west and east, a mobile home park to the south and The Pines, a senior living facility, to the north. The submitted application includes signatures from some of the adjacent neighbors stating no objections to the proposed home occupation of a daycare facility.

The application with supporting material was received within the required time period and all appropriate fees have been paid. The request has been advertised as mandated by the Meeker Zoning Ordinance and all adjacent property owners have been notified of the Public Hearing. No comments have been received to date.

Recommendation: Staff recommends approval of the applicant's request for a home occupation of operating a daycare facility at 830 Water Street, North 150 feet of Lot 1, Block 52 Town of Meeker, Monday through Friday, between the hours of 7:30 a.m. to 5:30 p.m. for a maximum of 8 children, contingent upon the following conditions:

1. The Applicant provides the Town a copy of her Colorado child care license prior to the Special Review Use permit becoming effective.
2. The Special Review Use permit is granted specifically to Ms. Rebecca Jensen and will be in effect for the period of time Ms. Jensen occupies 830 Water Street and has a valid Colorado child care license. The Special Review Use permit will be revoked by the Town upon Ms. Jensen a) closing the home

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day care occupancy, b) not maintaining a valid Colorado child care license, and/or c) vacating the premises.

Chairman Hindman inquired if there were any comments, concerns or questions. Commissioner Griffin inquired of the applicant how she came to the determination of eight children. Ms. Jensen stated eight children was the maximum allowed by the State for one person operating a home daycare.

A motion was made by Commissioner Griffin that the Planning Commission recommends to the Board of Trustees to grant approval of Rebecca Jensen's request for a home occupation of operating a daycare facility at 830 Water Street, North 150 feet of Lot 1, Block 52 Town of Meeker, Monday through Friday, between the hours of 7:30 a.m. to 5:30 p.m. for a maximum of 8 children, contingent upon the following conditions:

1. The Applicant provides the Town a copy of her Colorado child care license prior to the Special Review Use permit becoming effective.
2. The Special Review Use permit is granted specifically to Ms. Rebecca Jensen and will be in effect for the period of time Ms. Jensen occupies 830 Water Street and has a valid Colorado child care license. The Special Review Use permit will be revoked by the Town upon Ms. Jensen a) closing the home daycare occupancy, b) not maintaining a valid Colorado child care license, and/or c) vacating the premises.

Seconded by Chairman Hindman, all ayes, motion carried.

ELECTION OF OFFICER: PLANNING COMMISSION SECRETARY

Planner Smith stated a new Planning Commission Secretary was needed, due to the vacancy of Joy Thayer. Administrator Day stated the responsibility entailed the signing of minutes. Commissioner Goedert stated he would like to be the secretary.

A motion was made by Commissioner Rholl to appoint Commissioner Terry Goedert as the new Planning Commission Secretary, seconded by Commissioner Griffin. All ayes, motion carried.

OTHER PLANNING COMMISSION MATTERS

Commissioner Goedert inquired if there had been any interest in the vacant Planning Commission seat, with Administrator Day stating she thought there had been one. She stated Jason Taylor had expressed interest, but has a residency issue at this time.

ADJOURNMENT

Commissioner Griffin made a motion to adjourn, seconded by Commissioner Rholl. All ayes, motion carried.

Planning Commission Meeting adjourned 6:17 p.m.

Gary Hindman, Chairman

Terry Goedert, Secretary