

The meeting of the Meeker Planning Commission was called to order by Vice Chair Terry Goedert, Monday, April 12, 2010, at Town Hall at 5:32 p.m.

Members Present:	Keith Rholl Martha Griffin Jerry Belland arrived later Terry Goedert
Members Absent	Chairman Gary Hindman
Others Present:	Anna Smith, Town Planner Sharon Day, Town Administrator
Citizens present:	Jason Steiner, Applicant

### **APPROVAL OF AGENDA**

Vice Chair Goedert asked if there were any changes to the revised agenda with none noted.

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

For the record, Jerry Belland arrived at 5:33 after the agenda was approved.

### **APPROVAL OF THE MINUTES**

Vice Chair Goedert inquired if there were any changes, corrections or additions to the March 8, 2010 Planning Commission minutes with none noted

A motion to approve the minutes of March 8, 2010 as presented was made by Commissioner Griffin seconded by Vice Chair Goedert. All ayes, motion carried.

### **PUBLIC PARTICIPATION**

None

### **PUBLIC HEARING**

***Variance Request: Applicant Jason Steiner, 101 Market Street (Stage Stop Meat Market and Deli) – Lots 4,5, & 6, Block 56 Town of Meeker, is requesting a 1 ½ foot variance from the required 7 ½ foot corner lot setback on School Street to construct an 18’x24’ addition.*** Vice Chair Goedert opened the Public Hearing at 5:35 p.m. Roll Call was taken with all members present except Chairman Gary Hindman. Town Planner Anna Smith gave the following report: The subject property of 101 Market Street (Lots 4, 5 and 6, Block 56, Town of Meeker) has an existing structure and business (Stage Stop Meat Market and Deli) and is zoned Highway Commercial (HC).

The applicant is requesting a 1½-foot variance from the required 7½-foot corner lot setback on School Street to construct an 18x24 addition.

Per 18.1.123(E) of the Meeker Municipal Code, the property is subject to the following required HC setbacks: front yard of 15 feet; side yard of 5 feet; rear yard on alley of 5 feet; and, corner lot of one half the distance required for the front yard setback, therefore 7½ feet. The proposed addition will comply with all setbacks except the 7½-foot corner lot setback on School Street. However, since the eastern property line of Lot 6 adjacent to School Street runs at an angle, only the southeastern 6+/- feet of the proposed addition encroaches increasingly into the setback, with the maximum encroachment at 1½ feet. An additional 20 feet separates the paved edge of School Street from the property line, measured in line with the southeastern most point of the addition. Please note: The site plan incorrectly depicts a 5-foot

setback as the corner lot setback from the property lines adjacent to School and 1<sup>st</sup> streets. As stated above, the corner lot setback is 7½ feet.

The existing commercial uses at the subject property are eating/drinking retail with storage and meat processing. The applicant is proposing to utilize the 18~~0~~24~~0~~ addition as a sit down food service area, therefore, based on the combined square footage of each use, a total of 20 off-street parking spaces are required. As shown on the attached site plan, 25 parking spaces, including 1 ADA space, can be accommodated onsite. Sight triangles or snow storage will not be affected by the proposed addition. Per M.M.C 18.2.112(F) of the parking code, a minimum of 8% of the total gross parking area, which is 9,600 sq. ft., shall be designated for snow storage. The applicant states he will continue to store snow in the southern most area of the parking lot, an area that is 17~~0~~107~~0~~ (1,819 sq. ft.). Also, as a result of the additional occupancy load, the applicant will remodel a portion of the existing structure to create a second bathroom. This will comply with the minimum plumbing facilities requirements in the 2003 International Building Code.

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:** Staff recommends approval of Jason Steiner's request for a 1½-foot variance from the required 7½-foot corner lot setback on School Street to construct an 18~~0~~24~~0~~ addition at 101 Market Street (Lots 4, 5 & 6, Block 56, Town of Meeker). 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.

**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;**

Lot 6 is not the typical 50~~0~~150~~0~~ platted lot based on the original Town limit boundaries in 1888. As a result, Lot 6 is wedge-shaped 6' wider in width at the north (42 feet) and narrower in width at the south (7 feet). Therefore, constructing a square or rectangular shaped structure on Lot 6 will increasingly become closer in proximity to the east property line the further south the structure extends.

**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;**

All platted lots west and adjacent to the School Street right-of-way alignment are wedge-shaped in varying degrees, so it is likely that this issue may arise again. These lots were all platted with such shapes in 1888; therefore, the exceptional shape of Lot 6 was not induced by any action of the applicant.

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

In order to accommodate the proposed 18~~0~~24~~0~~ addition, there are no practical means other than a variance to address this request.

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Vice Chair Goedert asked the applicant if he had any questions or comments with none noted. Vice Chair Goedert inquired of the Planning Commission members if they had any questions or comments with Commissioner Belland stating he was comfortable with Mr. Steiner's request. Vice Chair Goedert closed the Public Hearing at 5:43 p.m.

Commissioner Griffin made a motion to approve Jason Steiner's request for a 1½-foot variance from the required 7½-foot corner lot setback on School Street to construct an 18x24 addition at 101 Market Street (Lots 4, 5 & 6, Block 56, Town of Meeker), seconded by Commissioner Rholl. All ayes, motion carried.

Planner Smith relayed to Mr. Steiner there was a ten-day appeal period and if he commenced any work, including obtaining a building permit during this time, it would be at his own risk. She added if an appeal was made, all construction activities would need to cease until the appeal was addressed. Planner Smith stated a letter would be provided to the applicant specifying the end of the appeal period.

### **OTHER PLANNING COMMISSION MATTERS**

#### ***RBC Platting Jurisdiction – Liberty Industrial Park Subdivision Final Plat***

Vice Chair Goedert inquired if the County was just asking for comments, with Planner Smith replying yes. She explained anything occurring within the three mile planning jurisdiction went through the Town. Planner Smith stated the Planning Commission would see the project come through as a sketch plan, again at preliminary plat and for final plat. She stated she had included the Town memo to the County regarding the preliminary plat; noting there were no covenants and some of the previous comments in the memo were no longer applicable. She stated they provided no determination of where infrastructure would be or how it would be provided. Administrator Day inquired if anything had changed between the preliminary and the final plat with Planner Smith stating the only difference was the County was not asking for the same development requirements as previously in the preliminary stage. She stated Mr. Ridgeway was not a developer, he was creating lots to sell and an individual who purchased a lot would be the developer and would have to make their own application to the County for how the individual lot would be developed. Commissioner Belland asked the Commissioners if they had read the plat notes, with the PC members replying they hadn't. Commissioner Belland referred the PC members to the plat notes, stating nothing was being provided; there would be no irrigation, no potable water, all the lots would have septic systems; lot land buyers were on notice that the property was not currently served with utilities and there can not be any livable structures of any type placed on the lots. Commissioner Griffin stated that was one of the Planning Commission's concerns at a previous meeting and had made it known. Commissioner Belland read "Rio Blanco County assumes no maintenance of access roads or any of the easements." Planner Smith added; "maintenance of the access road will be shared." Commissioner Griffin stated the plat notes hadn't been signed, asking if it was the final plat with Day stating it hadn't been approved yet. Planner Smith added it was still going through the County's review process. Commissioner Belland stated this was what was being proposed (with all the plat notes) and asked if the County wanted the Planning Commission's opinion on if the Town should let the plat be approved with all the notes? Administrator Day stated they could make recommendations to the County Board. Planner Smith read all the plat notes to the Planning Commission members.

Commissioner Griffin stated if there would be no buildings on the lots why they would use the language in #15, which states "Parcel A was non-buildable." Commissioner Belland explained; when someone buys a lot and wants to build a structure (i.e. garage) they would have to provide the utilities, no one else would provide them. He added the individual would have to ask for it to be amended; providing that they provided utilities and then they could build on it. Administrator Day stated that was correct. Discussion focused on what the parcel/property could be used for. Planner Smith inquired of the Planning Commission if they had any additional comments or any thing they wanted to reiterate (i.e. the Town doesn't guarantee water services)? Commissioner Belland asked if the Town was saying they never

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would offer water to the area, with Day stating no, it just states it isn't a guaranteed source because they don't know what the Town's water needs would be in the future and bulk water is secondary to the Town's needs, adding it was a disclaimer. Commissioner Belland inquired if the Town put in a water line out to the area, the bulk water situation wouldn't apply? Day stated correct, the area would have to be annexed to the Town. Discussion focused on the lots not being able to connect to public water or septic systems due to the unavailability, how the information was conveyed to the County previously, and the language the County used in the documents. An inquiry was made pertaining to covenants that would stipulate criteria for general appearance and aesthetics. Planner Smith relayed Commissioner Belland had mentioned those at the July 2009 meeting, stating he had said "you will not know what structures will look like without the ability of having covenants." Planner Smith stated now that the lots have been defined as not having any buildings, but for storage only, she didn't know if covenants for aesthetics would be applicable. Vice Chair Goedert stated he didn't know if it was the Planning Commission's place to recommend covenants and once they start doing so, it starts dragging the cost out and is unnecessary. Discussion focused on if the Town enforced covenants and it not being the Town's jurisdiction but a homeowner's association that enforced covenants. Vice Chair Goedert inquired if the Planning Commission was resubmitting the recommendations, with Planner Smith stating no. Day added they could if they wanted to. Discussion focused on the process if the Planning Commission resubmitted their recommendations.

Planner Smith inquired of the Planning Commission, based on what was submitted, did they have any concerns or comments they would like sent back to the County for consideration? Commissioner Belland stated what the PC does with it in terms of a development will influence whatever they think or do in the future. He went on to say at this time, residential subdivisions require the infrastructure to be in place prior to selling any lots. Day stated that requirement was within the Town limits and not necessarily Rio Blanco County. Commissioner Belland stated he believed the County's was similar; everything had to be in place prior to selling of lots. He stated he sees both sides and provided Valentines subdivision as an example. Discussion focused on why the regulations were changed, bonding of subdivisions, stricter regulations on bonds, and how bonds work. Commissioner Belland stated he sees the plat notes on the industrial park clearly educating anyone who goes in and purchases a lot. He added it doesn't come with any amenities and if agreed upon, what was wrong with that? He stated if he was going to buy a lot in the subdivision and he had read the plat notes, he would be comfortable with what was provided. Planner Smith clarified the Planning Commission had no additional comments to add, either for or against? The Planning Commission concurred.

**Letter from HP Geotech/Site Plan:** Planner Smith stated the PC members had a letter and a site plan from HP Geotech regarding the cemetery. She stated they would see the item again and would be on a future agenda/meeting. Day stated the Town needed to go back and revise the Special Review and to ensure it was recorded properly.

### ADJOURNMENT

Commissioner Belland made a motion to adjourn the Planning Commission meeting, seconded by Commissioner Griffin. All ayes, motion carried.

Planning Commission Meeting adjourned at 6:20 p.m.

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Terry Goedert, Vice Chair

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Martha Griffin, Secretary