

Planning Commission Minutes
3/12/2013

Call to Order: 7:00 pm

Role Call: Present – Laura Azevedo/Jeney, Mike Keeler, Tom Moore, Roxy Goss, Rea Orthner, Jim Wailes, Mark Cooney, Bob Haxel, Scott Geels

Also present, Tony Petersen, Jan Petersen, Jerry Baker, Enrique & Barbara Gerhardus

Agenda Review: No changes

Review of Minutes: The 1/8/2012 minutes were approved with no changes

Old Business: Mid County Liquor Sketch Plan Review

Tony Petersen presented staff's report Dated March 6, 2013 in response to a PUD rezoning application submitted by the owners of Mid County Liquors. Staff identified potential impacts and suggested conditions to mitigate potential impacts. Discussion ensued concerning Staff's suggested conditions and Planning Commission additions and subtractions with the following consensus reached.

1. Eliminate boundary line between existing 2 lots. *(Code requirement)*
2. Prohibit outdoor business and outdoor storage. *(less land use conflict)*
3. Restrict drive-through business to 1; Prohibit electronic and amplified drive-through communications. *(less land use conflict)*
4. Monitor traffic counts at full occupancy for CDOT compliance. *(traffic impact mitigation)*
5. Prohibit additional buildings or expansion to existing building beyond that which is approved by this PUD except through PUD amendment. *(less land use conflict)*
6. Reconfigure parking lot to a single row of no fewer than 8 spaces aligned as near parallel to existing contours as possible. Parking spaces shall be perpendicular to existing contours and uphill of access lane. *(less visual impact)*
7. Comply with all Gilpin County zoning codes not specifically addressed in the final PUD. *(Code requirement)*
8. Maximum occupancy would be limited to 4 businesses.
9. All C3 uses would be permitted except Accommodation
10. Food service would be permitted over staff's suggestion that it be denied due to potential adverse air emissions.
11. Operating hours for all businesses including drive-up window would be restricted to 8am – 10pm
12. Live music would be prohibited
13. Existing non-historic building could be removed but if preserved or improved, could not be permitted for commercial use.



New Business: Angelina's Burritos Mobile Business/Zoning Code Revision

The applicant's have applied for a Special Use permit to operate a permanent food service business from a mobile trailer. Petersen explained that a Special Use permit is not available for a use that is specifically prohibited by our zoning code as is the case here. Therefore, in order to accommodate the applicant's proposed use, it would be necessary to change our zoning code. Petersen suggested the zoning code issue be addressed first, and if the Planning Commission was open to such a change, the zoning change and Special Use permit review, if necessary, could progress simultaneously. Much discussion ensued as to the relative pro's and con's of permitting businesses operating from mobile trailers. An informal, non-binding poll resulted in a vote of 5-4 against amending the existing zoning code to permit permanent businesses operating from mobile trailers.

The Planning commission instructed staff to survey other jurisdiction's regulations addressing mobile businesses.

Public Comment: One commenter spoke favorably of the applicants specific request and another commenter spoke in general terms against the Special Use permitting process.

Adjourn: Meeting adjourned at 9:10 pm

Signed

Date

4/9/13