

Planning Commission Meeting  
January 18<sup>th</sup>, 2011

I. CALL TO ORDER

Chairman Dwight Freeman called the meeting to order at 1:30pm; other members present were Pam Bricker, Craig Franke, Gary Seger, Vern McCallister and Rose Vanderpool, Secretary.

Members absent:

Others Present: Alvin Mullet, Kim Hayden, Chris Hayden, Allen Graber, Absalom Yoder, Mike Gibson and Gary Martin.

II. Acceptance of Agenda: Craig Franke moves to accept the agenda as submitted; Vern McCallister seconds; motion carried unanimously.

III. Accept Minutes: None

III. NEW BUSINESS:

First Item: A Conditional Use Application submitted by Allen and Irene Graber (continuance from May 18<sup>th</sup>, 2010) The original application request was to allow twelve greenhouses for a wholesale operation on a parcel located in the in the W½ of section 13; Township 37N; Range 8E containing 18.990 acres m/l. Due to the neighboring property owners concern of increased traffic on the 30' easement they share, Mr. Graber asked for a continuance so that he could research a different access route to his greenhouses. Mr. Graber resubmitted his application the end of December and modified the application to six greenhouses. Mr. Graber was not able to acquire a different access route and justified the current access as adequate.

Chairman Freeman read letters submitted to the Board in opposition of the request. (Christopher and Kimberly Hayden; Tim Kernan-(tenant) of Mr. & Mrs. Hayden and a letter from the Butts Family Partnership). Mr. Graber explained that initially he thought that it would take two semi-truck loads a week to transport his vegetables to area markets, since then, he has determined that a cargo container or a straight truck would be adequate to haul the produce. Mr. Graber projects that the six greenhouses (30x200) square feet each would produce approximately 27,000 lbs of tomatoes and does plan on other fruits and vegetables. The applicant stated that currently during season, there are 70 acres (200 ton) of alfalfa hauled off this property. Mr. Graber stated that they want to keep their business at home, to be home with their families and work together (family business) Mr. Graber will not utilize electricity; fans will be operated on a low voltage system which, will be quieter. Mrs. Hayden expressed that they are not opposed to the business; they are opposed to the increase traffic this will cause that will run right in front of our rental.

Mr. Craig Franke asked about the Sysco truck park near the rental. (What is the difference?) Tim Kernan the tenant of the Hayden's drives for Sysco, Mr. Kernan days of work are Monday, Wednesday and Fridays. The truck is parked the off-days. Mr. Graber stated that he is going to start out small; with one greenhouse and as needed he will build up to six. He intends to keep it wholesale, no on site retail, because that would put him in a more structurally sound construction

per building department for the public safety. Mr. Craig Franke also stated that there is A Right to Farm Policy and Mr. Graber has the right to farm his land. The easement does sub but Mr. Graber stated that he would take care of that. Chairman Freeman entertains a motion; Mr. Craig Franke moves to recommend approval of the application as submitted; 6-greenhouses 30x200 sq. feet each for wholesale only, no retail sales on site; Mr. Vernon McCallister seconds motion; motion carried unanimously.

Second item: A Conditional Use Application for a Retail Variety Store submitted by Alvin & Miriam Mullett 9726 S CR 3 for property located SW<sup>1</sup>/<sub>4</sub> Section 22; Township 37N; Range 3E. Chairman Freeman open the floor for discussion; Mr. Alvin Mullett explained that the A&M Window Business has been moved and would like to start a small retail (variety) store business in the same accessory structure he built his windows. Per the Building Department (Randy Kern) if the building is remodeled it will have to meet the building codes. Traffic would be about 20 vehicles per day and open for the public. Mr. Mullett stated that he would place a stand- alone septic system for bathrooms and will utilize alternative lighting. (i.e. gas/propane lighting.) The Planning Commission voice concern that per the Rio Grande County Development Code a variety –retail store is not permitted in a agricultural ranching zone. Mr. Craig Franke stated that during his review of the location he noted that there is not a neighbor in sight, not much traffic so the impact is minimum to the area, but, if we approve this under a conditional use we might as well throw our commercial zoning out the window and it does not meet the criteria of a Home Occupation. Randy Kern stated that if you approve this, and, as the Amish Community grows you will see more applications for commercial/home based business under conditional use and possibly other areas of the county. It was stated that this seems to be the business of the Board of Adjustment to determine whether or not the application is subject to a variance of the Rio Grande County Development Code. If the choice were to approve a rezone from agricultural ranching to commercial it would be spot zoning. It is the objective of Rio Grande County to preserve agricultural areas. Chairman Freeman entertains a motion; Mr. Craig Franke recognizes the merit of the application but recommends to the county Commissioners to deny the application because it does not meet the current criteria of the RGC Development Code; possible alternative is to go before the Board of Adjustment. Pam Bricker seconds motion; motion carried unanimously.

IV. Sketch Review: Gary Martin of Antelope Butte LLC was present to discuss River Island Ranch Development. Mr. Martin (Antelope Butte LLC) purchased 35 acres (12 lots) from Rio Grande Ranch LLC. Mr. Martin's would like to be approved to allow him to buy water from another source, strictly as back up, in the event the water system is not completed. Mr. Martin stated that they would prefer to not place individual wells, but because the remaining undeveloped land is tied up in litigation, and the central water system is not completed and we do not know when it will be completed, but stated that the system could be completed either by the Bank, Pueblo Bank and Trust or Tom Smith or TeZak whom have an interest in this development. Antelope Butte is prepared to complete the loop for approximately \$30,000.00 from phase two to these lots so that when the system is completed, it will be ready to tap into the system. There will be a disclosure on lots sold that if and when the central water system is complete the owners will be required to abandon the wells and tap into the system. The open space to the Club House and some open space along the river corridor have been secured along

with access roads of River Island Ranch. It was purchased and released by Tom Smith and are now owned by the property owner association. These lots were engineered by Russell Surveying and are outside the 100-year floodplain. Antelope Butte intends to follow the same plan as originally submitted by River Island Ranch the only difference is the water.

The Planning Commission discussed the process in moving forward with a preliminary plan. Mr. Gary Martin will proceed with a preliminary plan and come back before the Board for approval.

V. Old Business:

VI. Adjournment: Meeting adjourned at 4:15pm.

Next meeting: February 15th, 2011

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Secretary

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Chairman