

Planning Commission Minutes

December 15, 2020

Member Present and seated as Board: Chairman Leonard Brown, Mike Mitchell, Charles Stillings, Rodney Reed, and Cary Aloia. Dixie Diltz – Secretary and Randy Kern – Advisory. Jessica Lovelace and Russell Pratt as alternates via zoom

Members Absent with notification: Jerry Gallegos

Others Present: Megan Cleghorn

Chairman Leonard Brown called the meeting to order at 1:45pm.

Rodney Reed makes motion to accept the agenda as presented, Cary Aloia seconds and the motion passes unanimously.

Charles Stillings makes a motion to accept the October 20, 2020 meeting minutes as presented, Cary Aloia seconds and the motion passes unanimously.

Charles Stillings makes a motion to accept the November 17, 2020 minutes as amended, Mike Mitchell seconds and the motion passes unanimously.

Chairman Brown opens the public hearing to hear an application for an expansion to the greenhouse business, filed by Megan Cleghorn. Megan explains that she wishes to add 3 more greenhouses at this time (phase 2), but that she plans to expand in the future which is detailed on her application as phase 3. Chairman Brown directs the board's attention to the response from CDOT that had just come into the office this morning. Secretary Diltz explains that with the first conditional use application last summer, there was the stipulation that Megan would follow through on the access permit with CDOT. When this expansion application was sent to CDOT for review, CDOT responded that the first access permit had never been completed. Megan had thought she had more time to complete the CDOT access and has been in contact with Jo at CDOT and is working to get this all rectified now. Megan has an estimate and is on the schedule to have the access paved as soon as they can start paving and before they open The Flower Shop in May. Charles Stillings questions how the access worked last season? Megan responded that it had worked well last season.

Secretary Diltz presents the application for the record: The application was received on Oct 8th and accepted as complete. Megan also applied for and received approval for a boundary line revision which added 50' more to the north side of this parcel. The parcel is now just over 3 acres and is zoned Rural Residential.

In June of 2019 Megan applied for and was granted a conditional use permit to operate a greenhouse business consisting of 6 greenhouses for a total of approximately 14,000 sq. ft. and had only one stipulation which required the applicant to obtain access approval from CDOT. "The Flower Shop" was open for business in early spring of 2020 although the driveway access was not completed. Megan stated she thought she had an extension on the driveway permit.

Notice was mailed to 6 surrounding properties within 1500 feet on Nov. 18th and notice of public hearing was published in the Monte Vista Journal on November 25th. No comments have been received from the public or neighboring properties in regards to the application.

Request for comment was sent to Division of Water Resources, CDOT, Fish & Wildlife, USDA, RGC Attorney, Water Conservation Dist. NRCS and RGC Sheriff. Response was received from Division of Water Resources stating that there was not adequate water purchased to supply an increase of greenhouses. Speaking with Mr. Boyle this morning (Dec 15th) Staff was told that Ms. Cleghorn has spoken with him and they have determined the best way to proceed, Ms. Cleghorn submitted application to the Division yesterday and once the fees are paid a permit would be issued to cover the water requirements. Comment was also received from Colorado Department of Transportation stating that the access permit had not been completed for the first conditional use last summer. Megan states she has been in contact with CDOT and is working toward completing the permit process. I reached out to Jo at CDOT this morning but have not been able to make contact.

The Land Use Department gave several options at the end of the staff report without giving a recommendation. One option would be Approval, with or without conditions, the other option is denial of the application stating reason for denial. Any petition for rezone would be handled within the departments and staff and MAY delay the applicant in starting the project. If approval is recommended, staff would suggest that the Division of Water Resources permit is complete and staff receives a copy of said permit prior to issuance of any building permits. The same type of consideration should be applied to the CDOT access permit as the County has been finding that applicants are not following through on these permits when we allow them to proceed prior to completion of the externally required permits.

Megan presented receipts from the Division of Water and explains that the Division of Water is going to monitor the amount of water used not just the number of greenhouses.

Cary Aloia questions if a recommendation for approval and a recommendation for zoning change would delay the applicant or if just a recommendation for denial with a zoning change would delay her? Secretary Diltz explains that the board should just look at the application for conditional use that is in front of them and make a decision on that application, and then if they wanted to discuss a zone change they should do that independent of this application.

Mike Mitchell questions what the board had done in the past, like where the old Catlin's was just up the road from this one. No one is aware of how that one was done in the past. Mike Mitchell questions if all agricultural warehouses are zoned commercial? Secretary Diltz states that most agricultural warehouses are zone "agricultural". Charles Stillings question whether a greenhouse would fit into agricultural. Secretary Diltz explains that if the board were JUST looking at a greenhouse it may be able to be considered ag, but this is a retail business selling a product to the public with traffic coming in and out. Cary Aloia suggests that it seems more like a commercial business and if the board were leaning toward approval, she feels that they should look into making the recommendation to do a zoning change. If a zoning change were recommended then the house on the property becomes non-conforming.

Chairman Brown calls for a motion.

Mike Mitchell makes a motion to recommend approval with encouragement to look further into a zone change.

Discussion about the pros and cons of rezoning are had as well as discussion around any conditions that should be attached to any recommendations.

Mike Mitchell restates his recommended motion for approval of the conditional use with the stipulation that the well permit is completed and turned into the land use office prior to opening of the new portion of the greenhouses and that the CDOT access is completed prior to Dec 30, 2021.

Rodney Reed seconds the motion and the motion passes unanimously.

Charles Stillings states that the discussion of the zoning issue should be added to the January agenda and asks Megan if they have any future plans of obtaining the entire corner? Megan states that she feels that what they have planned out is big enough and they don't really have any desire at this time to get any bigger.

Election of Chairperson and election of Vice-Chairman is table to the January meeting.

Meeting adjourned at 2:35pm.