

TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
March 22, 2016

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, March 22, 2016 at the Bennett Town Hall, 355 4th Street, Bennett, Colorado. Mayor Charles Bayley called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Charles Bayley

Trustees Present: Carl Gerber
Darvin Harrell
Grider Lee
Royce Pindell
Rich Pulliam - *Absent*
Larry Vittum

Staff Present: Daymon Johnson, *Public Works Director*
Trish Stiles, *Town Administrator*
Melinda Culley, *Town Attorney*
Melissa Kendrick, *Town Planner*
Lynette F. White, *Town Clerk*

Public Present: Becky Hogan, Pat Siegman, Linda Burry, Steven Vetter, John Kuiee, Robert Quinn, Neal Mancuso, Carne Bernstein, Greg Christiansen, Randy Snuttjer, Keisha Hirsch

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Charles Bayley.

3. APPROVAL OF AGENDA

TRUSTEE PINDELL MOVED, TRUSTEE VITTUM SECONDED to **Remove Consent Agenda, A. Approval of Minutes, 1. March 8, 2016, 2. February 23, 2016.** The agenda was approved as amended. The Mayor declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE VITTUM MOVED, TRUSTEE LEE SECONDED to approve the consent agenda as amended. Voting was as follows;

YES: Bayley, Gerber, Harrell, Lee, Pindell, Vittum
NO: None
ABSENT: Pulliam

The Mayor declared the motion carried by unanimous vote.

B. Resolution

1. Approval of Resolution No. 619-16 – A Resolution Approving an Intergovernmental Agreement with the County of Adams for the Provision of Animal Control Services for the Town of Bennett
2. Approval of Resolution No. 622-16 – A Resolution Approving an Intergovernmental Agreement with the County of Adams for the Provision of Animal Shelter/Adoption Center Services for the Town of Bennett

C. Proclamation

1. National Day of Service

5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments presented by the community in attendance.

6. REGULAR BUSINESS

A. Public Hearing

1. Case No. 16.01CUP – Corridor Collision Conditional Use Permit Review

Mayor Charles Bayley reopened the public hearing on the call up and review of the conditional use permit by Corridor Collision. Mayor Bayley stated an amendment to the conditional use permit has been proposed. The public hearing was opened at 7:05 p.m.

Lynette White, Town Clerk, stated that in accordance with State statute, notice of the public hearing was properly posted and published in the Eastern Colorado News.

Melissa Kendrick, Town Planner, Kendrick Consulting, stated the purpose of this application is to consider a proposed amendment to the existing Corridor Collision Conditional Use Permit to allow the outdoor storage of vehicles being repaired and to allow an expansion of the business onto Lot 10, Block 2 of the Lambert Addition.

The following staff report was presented to the Board of Trustees;

Location

Lots 10 and 11, Block 2 of the Lambert Addition, located at 830 Shari's Court, Bennett, Colorado. Each lot is 0.37 acres in size.

Background

A Conditional Use Permit (CUP) was approved on August 25, 2009 for Richard "Greg" Christensen, d/b/a Corridor Collision, to operate an automotive collision and repair facility in the I-1 zone district, at 830 Shari's Court, legally described as Lot 11, Block 2, Lambert Addition (See attached Resolution No. 407). The property was zoned I-1 in 2009 and was remapped by the Town as I – Industrial in 2015. No changes to the zone district were made at that time. Rather, this was simply a consolidation of the I and I-1 zoning districts.

The original application stated that a self-contained paint booth was planned to be installed in an existing building identified as 8,000 s.f. in size. Most of the vehicles would be stored within the principal building, but the applicant also planned to use the existing accessory structure for the storage of vehicles as needed (See the attached original Site Plan for details).

The CUP approved in 2009 included six conditions of approval, including a condition that "Vehicles needing repair shall be stored within a structure screened from public view."

With the proposed amendment request, Mr. Christensen is not changing his business plan so the original approved business plan is submitted with this application along with the requested amendment which is set forth in a memo from Mr. Christensen dated March 8, 2016. His proposed amendment requests the following changes to the CUP approved in 2009:

- 1. Expansion of the CUP onto Lot 10.** The current request asks that both Lots 10 and 11 of the Lambert Addition be included in the CUP. Since the original approval, the Covered Storage Area was fully enclosed. The new Enclosed Building is now operating a business that manufactures knives. This use is considered a permitted use in the Industrial zone district as Secondary Manufacturing, Assembly, Finishing or Fabrication. In his amendment request, Mr. Christensen states that future use of the east building will include collision repair, detail area and storage of Corridor Collision rental and loaner vehicles and additional office space/parts department.

2. **Outdoor parking/storage of vehicles needing repair.** Mr. Christensen is also asking that the CUP allow for outdoor parking of vehicles being brought to Corridor Collision for repairs. He states that this is due to the enclosure of the covered parking area that was utilized until recently.

Call Up Provisions

Town staff became involved in March of 2015 when complaints were filed with the Town regarding several zoning issues on the property.

At that time, the Community Development Department identified violations of both the CUP and the Bennett Municipal Code, including: 1) customer cars and parts are being stored outside the building; 2) a modular unit, storage container, and portable building were added to the site without permission or a permit; 3) a fence was installed without a permit; 4) parking of personal trucks and race trailer on Shari's Court sometimes blocking the fire department; and 5) an additional business was added to the site without a business license.

Staff has worked with the owner over the past year to correct the violations. An important step in this process is to amend the CUP to address non-compliance issues related to the CUP. Other violations are being addressed at a staff level through the appropriate process and are not part of the hearing on the CUP. Regarding the CUP, Bennett Municipal Code Section 16-2-330 states:

In the event of noncompliance by the applicant with an approved conditional use or the conditions imposed by the Board of Trustees, the Board of Trustees may call the conditional use up for further review. Upon such review and after notice given to the applicant, the Board of Trustees may revoke the previously approved conditional use or amend the previous approval. The Board of Trustees may refer a called-up conditional use to the Planning Commission for its review and recommendation, which review shall be after notice is given to the applicant.

For the above-stated reasons, Town staff recommended that the Board of Trustees call up the Conditional Use Permit for Corridor Collision for further review. The Board called up the CUP on October 27, 2015 and referred the application to the Planning Commission for a public hearing on January 25, 2016 and the Board for a hearing on January 26, 2016. At that time, the application was continued to March 21, 2016 for the Planning Commission hearing and the Board of Trustees on March 22, 2016.

Conditional Use Permit Amendment

Since that time, the owner has been working with staff, the building official and the Fire Marshal to correct the stated violations and the applicant has submitted a request for an amended CUP. Staff has evaluated the original conditions of approval based upon current business operations and provides the following analysis:

Resolution No. 407 Conditions of Approval:

1. All repairs shall be conducted within an enclosed structure.
All repairs are conducted in an enclosed structure.
2. Vehicles needing repair shall be stored within a structure screened from public view.
Once the Covered Parking building was enclosed and not used for the storage of vehicles, the applicant was no longer meeting this condition of approval. The property abuts SH79 on the southern boundary and currently has a chain link fence that does not provide a solid visual screen from the roadway. The site is challenged by the elevation of the roadway being approximately at the same height as the top of fence. In order to screen the property from view from the public traveling along SH79, the fence would need to be relocated to the top of the retaining wall with slats installed in order to create a visually solid screen.

Engineering staff evaluated the retaining wall and the associated drainage ditch along SH79 and determined that the fence could be relocated to the top of the retaining wall with modifications to the wall. There are obvious costs to the property owner to accomplish this relocation. Staff evaluated the fencing improvements along this section of SH79 and noted that all of the properties east of Corridor Collision have fencing similar in height and material to Corridor Collision. All of these properties are similar in being next to the ditch and below the grade of SH79. While this area is a primary access to the Town from the east, the Town's practice has not been to require improved fencing and screening along SH79.

Town staff is recommending that this condition be revised to allow outdoor storage of vehicles needing repair. Because the area is visible from SH 79, Town staff is recommending a condition that vehicles shall be parked in orderly rows. Staff's reasoning for suggesting this change is that screening has not been required for other businesses in the area, and the Bennett Municipal Code allows short-term outdoor parking of vehicles needing maintenance service.

3. The paint booth shall be operated in accordance with manufacturer's specifications and maintained so that air emission odors do not negatively impact adjacent properties or the community and the booth shall comply with all required state air pollution notices and/or permits.
Caleb Connor, Bennett Fire Protection District Marshal, verified that the paint booth has been inspected and is in compliance with applicable state air pollution standards.
4. All areas for parking shall be surfaced with a dust-free surface such as washed road base.
All parking surfaces are paved with asphalt or concrete.
5. The conditional use approval herein is granted to this applicant only.
The property owner of the two lots is listed as Viking Investment Group LLC that includes Richard Greg Christensen and Jonathan Benson.
6. Applicant is to submit proposed building plans to the Bennett Fire Protection District #7 for their review.
The owners have submitted building plans to the Bennett Fire Protection District and Caleb Connor has inspected the Enclosed Building.

Recommendations

Staff finds that the proposed amended Conditional Use Permit is in compliance with the provisions of Section 16-2-330, Conditional Use the Bennett Municipal Code. Specifically, the application complies with the Bennett Comprehensive Plan and the Industrial zoning as described in this report. Based upon the attached resolution and staff findings, staff is recommending the case favorably to the Board subject to the following conditions of approval.

1. All repairs shall be conducted within an enclosed structure.
2. Outdoor storage of vehicles needing repair is allowed. Vehicles shall be parked in orderly rows.
3. The paint booth shall be operated in accordance with manufacturer's specifications and maintained so that air emission odors do not negatively impact adjacent properties or the community and the booth shall comply with all required state air pollution notices and/or permits.
4. All areas for parking shall be surfaced with a dust-free surface such as washed road base.
5. The conditional use approval herein is granted to this applicant only.
6. Applicant is to submit proposed building plans to the Bennett Fire Protection District #7 for their review.

Carrie Bernstein, Attorney for Corridor Collision and Viking Investments, reviewed the application presented to the Board and requested an amendment to the Conditions of Approval to include the outdoor storage of business loaner vehicles.

Greg Christiansen, Owner, Corridor Collision, addressed questions regarding the time of repair and outdoor storage of vehicles.

There were no public comments presented.

Mayor Charles Bayley closed the public hearing at 7:45 p.m.

Resolution No. 623-16 – A Resolution Approving an Amended Conditional Use Permit for the Operation of an Automotive Collision and Repair Facility in the Industrial (I) Zoning District

TRUSTEE VITTUM MOVED, TRUSTEE HARRELL SECONDED that the Board of Trustees of the Town of Bennett adopt Resolution No. 623-16, a resolution approving an amended conditional use permit for the operation of an automotive collision and repair facility in the industrial (i) zoning district, subject to the conditions of approval attached thereto as Exhibit A and the following additional conditions of approval; Revise Condition No. 2 to read: Outdoor storage of vehicles needing repair and the business's loaner vehicles is allowed. Vehicles shall be parked in orderly rows. Voting was as follows;

YES: Bayley, Gerber, Harrell, Lee, Pindell, Vittum
NO: None
ABSENT: Pulliam

The Mayor declared the motion carried by unanimous vote.

B. Action/Discussion Items

1. Town of Bennett 2016 Sponsorship Requests

TRUSTEE PINDELL MOVED, TRUSTEE GERBER SECONDED to approve the Town of Bennett Sponsorship Requests received from the Bennett Park and Recreation District, High Five Plains Foundation, and Veterans of Foreign Wars, Tri Valley VFW Post 8449. **Bennett Park and Recreation District - \$17, 500; High Five Plains Foundation - \$3,000; Veterans of Foreign Wars – VFW Tri-Valley Post 8449 - \$6,000.** Voting was as follows;

YES: Harrell, Lee, Pindell, Vittum, Bayley, Gerber
NO: None
ABSENT: Pulliam

The Mayor declared the motion carried by unanimous vote.

2. Town Administrator Performance Review Adoption

TRUSTEE PINDELL MOVED, TRUSTEE VITTUM SECONDED to accept and approve the Annual Performance Appraisal for Town Administrator Trish Stiles. Voting was as follows;

YES: Lee, Pindell, Vittum, Bayley, Gerber, Harrell
NO: None
ABSENT: Pulliam

The Mayor declared the motion carried by unanimous vote.

7. **TOWN STAFF REPORTS**

Town Administrator

Trish Stiles, Town Administrator provided the following update;

- Muegge House – No impact on Elevated Storage Tank
- Wastewater update
- Site Plan received from Domino's Pizza
- Out of the office – March 28 – April 1, and Tuesday, April 26, 2016

Public Works Director

Daymon Johnson, Public Works Director, reviewed the following;

- Shared Services Building update – IREA Electrical Service
- Water main break repair update
- Public Works – Purchase of Dump Truck
 - TRUSTEE PINDELL MOVED, TRUSTEE VITTUM SECONDED to waive the Town of Bennett Purchasing Policy to allow Daymon Johnson, Public Works Director, to purchase a dump truck for the Town of Bennett in a price not to exceed \$18,500. Voting was as follows;
 - YES: Pindell, Vittum, Bayley, Gerber, Harrell, Lee
 - NO: None
 - ABSENT: Pulliam

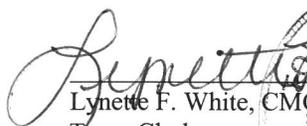
The Mayor declared the motion carried by unanimous vote.

8. **TRUSTEE COMMENTS AND COMMITTEE REPORTS**

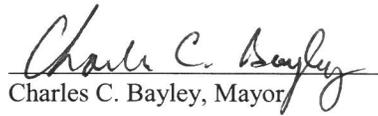
There were no comments or committee reports provided by the Board of Trustees

9. **ADJOURNMENT**

TRUSTEE BAYLEY MOVED, TRUSTEE VITTUM SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 9:05 p.m.


Lynette F. White, CMC
Town Clerk




Charles C. Bayley, Mayor