



## **AGENDA**

Planning and Zoning Commission Regular Meeting  
September 25, 2012 – 7:00 p.m.  
Evans Community Complex – 1100 37<sup>th</sup> Street

Planning and Zoning packets are prepared several days prior to the meetings. This information is reviewed and studied by the Commission, eliminating lengthy discussions to gain basic understanding. Timely action and/or short discussion on agenda items do not reflect lack of thought or analysis. An informational packet is available for public inspection on the website at [www.cityofevans.org](http://www.cityofevans.org).

1) CALL TO ORDER

2) ROLL CALL:

Chairman: Randall Bisel  
Vice-Chairman: Mark Brothe  
Commissioners: Robert S. Phillips, III  
Jerry Numoto

3) APPROVAL OF MINUTES

- a. Minutes of June 26, 2012
- b. Minute of June 27, 2012

4) APPROVAL OF THE AGENDA

5) AGENDA ITEMS:

Staff updates  
Conference information

6) AUDIENCE PARTICIPATION:

(This portion of the Agenda is provided to allow members of the audience to provide comments to the Planning Commission on items that were not considered on the current Agenda.)

7) GENERAL DISCUSSION

8) ADJOURNMENT



City of  
**Evans, Colorado**

**MINUTES**

**EVANS PLANNING COMMISSION**

Regular Meeting

June 26, 2012 – 7:00 p.m.

**NOTICE**

The Evans Planning and Zoning Commission meeting of June 26, 2012, was cancelled due to lack of a quorum.

Commissioner Phillips and Commissioner Numoto were absent.

The next meeting is scheduled for June 27, 2012, at 7:00 p.m.



City of  
**Evans, Colorado**

**MINUTES**  
**EVANS PLANNING COMMISSION**  
Regular Meeting  
June 27, 2012 – 7:00 p.m.

**CALL TO ORDER**

Chairperson Bisel called the meeting to order at 7:00 p.m.

**ROLL CALL:**

Present: Chairperson Bisel, Vice Chairperson Brothe, Commissioner Phillips, Commissioner Numoto  
Absent: None

**APPROVAL OF MINUTES**

Commissioner Phillips moved, seconded by Vice Chairperson Brothe, to approve the May 22, 2012 minutes as presented. Motion passed with all voting in favor thereof.

**APPROVAL OF AGENDA**

Vice Chairperson Brothe moved to approve the Agenda requesting an amendment to the description of Item A. Motion was seconded by Commissioner Phillips. Amended Agenda approved unanimously.

**AGENDA ITEMS**

Public Hearing – Use by Special Review – Repair Shop in C-1 Zone –  
3610 35th Avenue #3 – The Dent Company

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BACKGROUND INFORMATION		
<b>Location:</b>		3610 35 <sup>th</sup> Avenue, #3
<b>Applicants:</b>		David Brooks, Owner
<b>Existing Land Use:</b>		C-1 Low Intensity Commercial
<b>Proposed Land Use:</b>		Same
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Mobile Home Park
	<b>South</b>	Commercial, bank, interior remodel store
	<b>East</b>	Residential Mobile Home Park
	<b>West</b>	Commercial, vacant
<b>Existing Zoning:</b>		C-1
<b>Proposed Zoning:</b>		Same
<b>Surrounding Zoning:</b>	<b>North</b>	Weld County, Residential Mobile Home Park
	<b>South</b>	C-3
	<b>East</b>	Weld County, Residential Mobile Home Park
	<b>West</b>	C-1
<b>Future Land Use Designation:</b>		Commercial

**PROJECT DESCRIPTION:** The City has received an application from David Brooks, land owner, for a Use by Special Review for the location of a repair shop (the Dent Company) in a Low Intensity Commercial zone. The applicant's letter and statements of support have been included in your packet.

The reason this is a Use by Special Review is that according to our land use code for a Low Intensity Commercial zone (C-1);

19.26.010 Intent. It is the intent of the City of Evans, when establishing the C-1 zone district, to provide for appropriately located groups of retail stores and service establishments serving the daily needs of a local neighborhood having such character, scale, appearance and operation as to be compatible with the character of the surrounding residential areas. (Ord. 005-00: Ord. 954-95)

19.26.020 Permitted use groups. Permitted use groups in the C-1 district shall be as follows:

- Recreational facilities, indoor;
- Recreational facilities, outdoor extensive;
- Day care center;
- Retail uses, intensive;
- Personal service establishments;
- Office and financial uses;
- School;
- Mortuary or funeral home;
- Community facilities;
- Parking lot, off-street;
- Public service facilities;
- Theater;
- Accessory use.

(Ord. 232-03: Ord. 031-00: Ord. 005-00)

19.26.030 Special uses. Uses permitted pursuant to the terms and conditions of a special use permit as required by Chapter 19.44 are as follows:

- Mini storage units;
- Repair shops;
- Recreational facilities, intensive;
- Hospital;
- Staff supervised residential facilities;
- Long-term care facilities;
- Multifamily residential;
- Congregate residence;
- Kennel;
- Retail uses, extensive;
- Vocational school;
- Security residence.

(Ord. 348-  
05: Ord.  
005-00)

A Repair Shop is defined in our code in Section 19.04 as

**19.04.810. Repair shops.** Any building, premises, and/or land in which or upon which buildings used for the repair or servicing of major appliances, vehicles and equipment, such as plumbing shops, electrical shops, sheet metal shops, and automobile garages and similar uses. (Ord. 499-10: Ord. 005-00)

As a result of our business license process, City staff found that a Use by Special Review would be required to allow The Dent Company to conduct business at this location.

**RECOMMENDATION:** Recommend approval to the City Council with conditions.

**ANALYSIS:**

**1. Background:**

The Dent Company has permission from the Home Owners Association to use this space for their use. A letter from the HOA is attached to the packet for review. They are requesting several conditions which staff agrees should be placed on the approval. The conditions of no parking in the Fire Lane, noise complaints, and hazardous materials are part of our review and enforcement process, therefore they do not need to be listed as separate conditions.

**2. Section 19.44 of the Evans Municipal Code:**

Below are the Criteria for approval of a USR per Section 19.44.020.

Chapter 19.44  
Approval of Special Uses

19.44.020 Criteria for Use by Special Review.

A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents. **Staff finds that these criteria can be met.**

2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use. **Staff finds that these criteria can be met.**
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area. **Staff finds that these criteria can be met with conditions.**
4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts. **Staff finds that these criteria can be met with conditions.**
5. The site shall be physically suitable for the type and intensity of the proposed land use. **Staff finds that these criteria can be met.**
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood. **Staff finds that these criteria can be met with conditions.**
7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses. **Staff finds that these criteria can be met.**

**3. Issues:**

None known at this time.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

**FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the Dent Company USR for location of a repair shop in a C-1 zone the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code have been appropriately and sufficiently met.

**STAFF RECOMMENDATION:**

I recommend that the Planning Commission approve the request for the Use by Special Review.

Sheryl Trent stated that the HOA wrote approval letter. A sign was posted to let neighboring areas know. No one responded in opposition. There will be no noise or traffic issues with the type of business they have.

Chairperson Bisel asked if there questions of staff.

Vice Chairperson Brothe wants clarification as to what will happen in the future. Ms. Trent said that it would be alright as long as there is only that type of repair shop.

Commissioner Phillips asked about a past time that a city denied the USR request of past business in that area. Ms. Trent indicated it was hard to approve compatibility with the other type of repair shop that had applied previously and the other application was not at same address.

There were no more questions of staff.

Chairperson Bisel asked the applicant to come forward.

David Brooks, 6306 Ashcroft Rd, Greeley, CO, owner of The Dent Company came forth. Chairperson Numoto asked if this facility would have a paint booth. Mr. Brooks stated that there would be no paint booth. It would not be needed because of the type of repair work he does.

Chairperson Numoto also asked how many employees Mr. Brooks had. The applicant stated there would only be he and his wife. They have been doing this for 15 years.

Chairperson Numoto asked if they would have any partially dismantled vehicles on site. Mr. Brooks said that should not be the case very often, but if so the dismantled cars will only be there a day and a half at the most.

Chairperson Numoto wanted to know if there would be a dumpster out back with sheet metal and parts? Mr. Brooks said there would not be because they don't do that type of body work in their business.

Chairperson Numoto wanted to know if most of the work would be with dealers or residents. The applicant indicated it would be residential by appointment only.

Chairperson Numoto for an average on how many cars would be in the shop. Mr. Brooks said no more than two.

Commissioner Phillips asked if there would be loud noises, such as hammering. The applicant said there would only be tapping only after dent is lifted. There is no use of air hammers and there will be minimal noise.

Commissioner Phillips wanted to know the standard hours for the business. Mr. Brooks said he was not sure until he gets involved actually doing the business. The door will indicate his hours as "By appointment only".

Commissioner Phillips asked about his business hours and if it would involve working through all hours of the night. The applicant said he would only be working normal day-

time business hours.

Chairperson Bisel asked if the applicant had anything more to say. Mr. Brooks said no and sat down.

Chairperson Bisel then asked if there were any present in the audience speaking in favor thereof. There were none.

Chairperson Bisel then asked if there were any in the audience speaking in opposition thereof. There were none.

Chairperson Bisel then closed the Public Hearing.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Commissioner Phillips made a Motion to recommend approval to City Council of the issue of the Dent Company Use by Special Review for location of a repair shop. Commissioner Numoto seconded the Motion. Motion carried unanimously.

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**AUDIENCE PARTICIPATION:**

There were no comments from the audience.

**GENERAL DISCUSSION:**

Sheryl Trent gave an update on the City regarding the Scott Ehrlich development in Ashcroft, and the hired seasonal workers for weed issues. She also updated the Planning Commission on Budget items and informed them it would be adopted in October. She welcomed their suggestions/thoughts for the Budget.

There was discussion regarding the Union Colony School, which seems to be coming along nicely. She also touched base on the new library, which should be opening 2014. Ms. Trent also gave the Commission a reminder about the conference in October 2012.

**ADJOURNMENT:**

Chairperson Bisel adjourned the meeting at 8:12 p.m.