

TOWN OF GILCREST

ORDINANCE NO. 2022-02

**TITLE: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR
OUTDOOR STORAGE IN THE LIGHT INDUSTRIAL (1-1) ZONE
DISTRICT**

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF GILCREST,
COLORADO, THAT:

Section 1. Findings of Fact.

- A. The Town desires to approve a conditional use permit application for certain property within the Town of Gilcrest, Colorado, which property is more particularly described as follows:

19186 CR 29, legally described as Lot 1, Hall Minor Subdivision, and contains 2.82 acres. (the "Property").

- B. The application seeks approval of a request to allow no more than ten percent (10%) of the area of the Property in the Light Industrial (1-1) Zoning District to be used for outdoor storage in compliance with Sec. 16-24(d)(4)b. of the Gilcrest Municipal Code.
- C. Public notice has been given of such conditional use permit request as required by the Gilcrest Municipal Code, and a public hearing has been held on the request for the conditional use permit.
- D. The conditional use permit is hereby approved based on satisfaction of the following criteria set forth in Section 16-42(c) of the Gilcrest Municipal Code:
1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations;
 2. The conditional use will conform with or further the goals, policies and strategies set forth in the Gilcrest Comprehensive Plan;
 3. The conditional use will not result in impacts to adjacent properties, which are significantly different in nature, type or extent than impacts caused by uses which are permitted by right in the zone district where the property is located;
 4. The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district;
 5. The conditional use will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district;

6. The conditional use will result in efficient on- and off-site traffic circulation, which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site;
7. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the impacts to traffic, activity levels, light, noise, odor, building type, style and scale, hours of operation, dust, and erosion control; and
8. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.
9. The Board of Trustees finds the vinyl slats incorporated in the chain link fence to be an acceptable fencing material.
10. The Board of Trustees finds the chain link fence with slats provides the opaqueness required for screening the storage area provided it is combined with dense plantings.

Section 2. The conditional use permit for the Property is hereby CONDITIONALLY APPROVED to allow no more than ten percent (10%) of the Property to be used for outdoor storage in compliance with Sec.16-24(d)(4)b. of the Gilcrest Municipal Code upon compliance with the following conditions:

- A. Truck traffic to and from the site shall be in compliance with the truck route plan attached hereto as Exhibit A, and incorporated into the Site Development Plan Agreement.
- B. Prior to recordation, the chain link fence detail on Sheet C2 shall be revised with a fence height of 8-feet, with no barbed wire.
- C. Prior to recordation, the chain link fence detail on Sheet C2 shall be revised to incorporate a variation in style or color every 75 feet in length. The variation in style or color shall be adequate to meet the intent of code as determined by Town staff.
- D. Prior to recordation, the CUP Site Plan shall be revised to depict an 8-foot chain link fence with vinyl slats combined with dense plantings adequate to provide screening of outdoor storage area from view from adjacent properties and public rights of way or secure approval of a variance from the Gilcrest Board of Adjustment.
- E. Prior to recordation, the CUP Site Plan shall be revised to depict the existing front fencing with height and material to remain as existing nonconforming.
- F. Prior to recordation, revise the CUP Site Plan to eliminate any new fencing that extends beyond the front of a commercial, or industrial building or secure approval of a variance from the Gilcrest Board of Adjustment.
- G. A revised CUP Site Plan with all conditions of approval addressed shall be submitted for staff review and approval prior to recordation.

Section 3. The Town Clerk is directed in accordance with Section 16-42(b)(8) of the Gilcrest Municipal Code to record this Ordinance in the office of the Weld County Clerk and Recorder.

Section 4. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Gilcrest, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL AND ADOPTED this 4th day of April, 2022.

PASSED by a vote of 5 for and 0 against AND ORDERED PUBLISHED
BY TITLE ONLY this 1st day of April, 2022.




TOWN OF GILCREST, COLORADO



TySv'I Chavez, Mayor

s ,AJ,, ""-1., mo..yvv .P le. """"

ATTEST:


Brenda Josepf, Town Clerk

APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney