

## RESOLUTION 2023-094

### **A resolution conditionally approving Boulder County Community Planning & Permitting Docket SU-21-0013: Butte Blacksmith LLC Repair Garage**

#### Recitals

A. Gary and Debbie Chambers, (the “Applicants”) requested Special Use Review approval under Article 4-601 of the Boulder County Land Use Code (the “Code”), to redevelop their parcel for two principal uses: a Vehicle Sales/Rental Lot and General Industrial related to the storage and processing of “junked” vehicles.

B. The subject property is located at 6095 Valmont Road, on the northwest corner of its intersection with N. 61<sup>st</sup> Street, in Section 22, Township 1 North, Range 70 West, in a General Industrial zoning district of unincorporated Boulder County (the “Property”).

C. The Applicants propose to use the Property for vehicle repairs and sales. They plan to deconstruct several existing structures on the Property, including a 2,786-square-foot repair garage, a 530-square-foot mobile home, and two small sheds. Once deconstructed, the Applicants propose to construct a new 9,344-square-foot repair garage. There is an existing 904-square-foot residence on the Property that the Applicants propose to convert to office space. The Applicants have also proposed approximately 2,390 cubic yards of non-foundational grading related to improving drainage on the Property.

D. The Boulder County Comprehensive Plan identifies a High Biodiversity Significance area, the Valmont Dike Natural Landmark Buffer area, and a riparian area. There are also view protection scores on both Valmont Road (score of 1.74) and N. 61st Street (score of 0.64).

E. The Boulder County Planning Commission (the “Planning Commission”) considered the application at a public hearing on May 17, 2023. The Planning Commission unanimously recommended approval subject to the conditions of approval listed in the staff recommendation with the following modifications: removing conditions 6, 7, and 9, and revising conditions related to landscaping and lighting. The Planning Commission certified the docket for action to the Board of County Commissioners (the “Board”).

F. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SU-21-0013 (the “Docket”), as further described in the memorandum and written recommendation to the Board by Boulder County Community Planning & Permitting Department planning staff dated September 28, 2023, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket

could meet the criteria for approval, and therefore, recommended that the Board conditionally approve the Docket without the modifications recommended by the Planning Commission.

G. At a public hearing on the Docket held on October 5, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Community Planning & Permitting Department staff. The Board also heard testimony from Gary Chambers, Applicant, and Rosie Dennett, agent on behalf of the Applicants. Two members of the public spoke at the Public Hearing.

H. Based on the Public Hearing, the Board finds that the Docket meets the criteria for Special Use Review approval, as set forth in Articles 4-601 of the Code, subject to the conditions stated below.

I. Therefore, the Docket can be approved subject to the conditions stated below.

Therefore, the Board resolves:

Docket SU-21-0013 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicants shall provide a Development Agreement for the Vehicle Sales/Rental Lot use and the General Industrial use, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.

2. Plans submitted for permitting must clearly identify a minimum of ten parking spots for customer and employee parking; at least four of these must be for customers. All customer and employee parking must be signed for customer or employee use, must remain clear and unencumbered for customer and employee use, and must not be used for parking of vehicles for sale or repair. Required Americans with Disabilities Act (ADA) accessible parking shall not be counted toward the required customer and employee parking.

3. No parking or storage of vehicles shall be allowed in any access aisles or travel lanes.

4. Plans submitted for permitting must clearly identify the four spaces to be reserved as loading spaces; these spaces must be appropriately signed as loading spaces.

5. The Applicants must obtain and maintain all necessary local, state, and federal permits including, but not limited to, a Stormwater Quality Permit, an Onsite Wastewater Treatment System Permit, and a State of Colorado vehicle sales permit.

6. The Applicants must limit the new garage structure to one story, not to exceed 17 feet above existing grade at the eastern and western edges and 20 feet above existing grade in the center of the structure. Plans submitted for permitting must be revised to demonstrate compliance with these height limits.

7. The new garage structure must not exceed 7,276 square feet of floor area. Total Floor Area on the site shall be limited to 8,180 square feet.

8. The new garage structure must be muted in color. Prior to the issuance of any building permit, the Applicants must submit specific proposed colors for review and approval by Community Planning & Permitting staff.

9. The overall glazing on the new garage structure as shown in the elevations dated April 23, 2021, shall be reduced by limiting the overhead doors to no more than 50 percent glazing and by removing the outer windows and transom panels on the doorway into the shop reception area. Building elevations submitted for permitting must demonstrate compliance with these reductions in glazing.

10. Plans submitted for permitting must include a landscaped buffer, at least six to eight feet wide, between the proposed parking area and the public right-of-way along Valmont Road.

11. If it is necessary to remove the existing tree immediately south of the existing residence to install the landscaped buffer, the Applicants shall replace the tree with a new tree in the same general area of the Property.

12. Plans submitted for permitting must include a minimum of two landscaped "islands," generally evenly spaced, in the southernmost row of parking spots.

13. The Applicants must install a minimum of seven trees along the southern edge of the interior landscaped area, spaced as evenly as possible.

14. The proposed privacy fence must be located north of the trees in the interior landscaped area.

15. The Applicants shall preserve and maintain the existing trees on the eastern portion of the Property as shown in the site plan dated April 19, 2023.

16. Prior to issuance of any building or grading permit, the Applicants must submit a full landscaping plan for review and approval by Community Planning & Permitting staff. This

landscaping plan must use native vegetation species and incorporate and reflect all conditions of approval related to landscaping and include, at a minimum, the following: information on all existing and proposed plantings, including the specific types and species of plantings; plans for ensuring that the new plantings become fully established; and details on how all the plantings on site will be maintained.

17. All vehicles parked between the proposed privacy fence and Valmont Road and/or N. 61st Street must be fully titled and operable.

18. All vehicles being stored on site for repairs or salvaging of parts must be located inside the privacy fence.

19. Pennants, balloons, streamers, whirligigs, or other similar devices for advertising purposes are not allowed.

20. Electronic Message Center signs are not allowed.

21. Prior to issuance of any permits for signage, the Applicants must submit a signage plan for review and approval by Community Planning & Permitting staff.

22. Prior to the issuance of any building permit, the Applicants must submit a full revegetation plan for review and approval by Community Planning & Permitting staff.

23. Prior to the issuance of any Certificate of Occupancy, revegetation of the Property must be completed, or if revegetation cannot be completed before final inspection, the Applicants must provide assurance to the county, in the form of a check to be placed in escrow until revegetation is complete. The escrow amount shall be 1.15 times the estimated cost of revegetation, including all materials and labor, as reviewed and approved by Community Planning & Permitting staff.

24. The Applicants must work with the Fire Protection District to ensure the redevelopment complies with their requirements.

25. Prior to the issuance of any building or grading permit, the Applicants shall provide a signed and recorded copy of the crossing or license agreement between the Applicants and the Butte Mill Ditch Company to Community Planning & Permitting.

26. All electrical lines interior to the Property must be relocated underground.

27. Plans submitted for permitting must show how the N. 61st Street access will be redesigned to restrict vehicle movement to the “right in/right out” design.

28. At building permit, the Applicants shall submit a revised site plan that demonstrates full compliance with the Boulder County Multimodal Transportation Standards for county review and approval.

29. Plans submitted for permitting must demonstrate compliance with the Electric Vehicle Service Equipment requirements.

30. All staging and storage of construction equipment and materials must be located on the Property.

31. The hours of operation shall be limited as follows: the repair shop operations are limited to between 7:30 A.M. to 5:30 P.M., Monday through Friday, and the repair shop shall be closed on weekends; Vehicle sales are limited to between 9:00 A.M. to 6:00 P.M., Monday through Friday, from October 15 to March 14, between 9:00 A.M. to 6:30 P.M., Monday through Friday, from March 15 to October 14, and from 10:00 A.M. to 5:00 P.M. on Saturdays year-round.

32. The Applicants must conduct all repair and/or salvage work being carried out with power tools inside the garage structure.

33. At building permit, the Applicants must submit an Operation and Maintenance plan for review and approval by the County Engineer for the permanent post construction control measures.

34. At building permit, the Applicants must submit a signed and recorded maintenance agreement between Boulder County and the parties responsible for perpetual maintenance.

35. The Applicants must have a qualified drainage professional conduct annual inspections of the permanent system to ensure it is functioning as designed. The Applicants must submit a copy of this annual inspection to the County Engineer.

36. At building permit, the Applicants must submit thorough infiltration data that supports that the system will function as designed and that the soils are capable of the rate of infiltration needed by this type of system.

37. The Applicants must install a sand/oil separator as required by the County Engineer prior to discharge to the underground system due to the use of oil and grease at the site.

38. All vehicles stored on site for repairs or salvage must have routine pollution prevention practices for automotive related industries.

39. All exterior lighting fixtures must be fully shielded.

40. The number of pole lights is limited to four, to be located on the south side of the interior landscaped area; no pole lights may be located along any of the Property lines.

41. The Applicants shall install a minimum of two additional non-deciduous trees, in addition to the one deciduous tree and one non-deciduous tree shown on the site plan dated April 19, 2023, to be located along the western edge of the Property between the street and proposed privacy fence to help shield the adjacent residence from the pole lights.

42. All pole lights shall be turned off after 8:00 P.M. nightly.

43. All wall-mounted light fixtures shall be turned off outside of business hours.

44. All lighting interior to the structures on the Property must be turned off outside of the hours of operation.

45. Prior to the issuance of any building permit, the Applicants must submit a full lighting plan for review and approval by Community Planning & Permitting staff. At a minimum, this lighting plan must include: incorporation of all conditions of approval related to lighting, a photometric analysis of all existing and proposed lighting related to the redevelopment of the subject parcel, and detailed information and/or manufacturer cut sheets for all existing and proposed lighting fixtures.

46. Silt fencing must be installed along the Property lines, to remain in place and functional until revegetation of the site is complete.

47. Prior to the issuance of any grading permit, the Applicants must submit an updated grading and drainage plan based on the required modifications to the site for review and approval by Community Planning & Permitting staff.

48. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-21-0013: Butte Blacksmith LLC Repair Garage.

**[Signature Page to Follow]**

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Ashley Stolzmann, and passed by a 2-1 vote. Commissioners Marta Loachamin and Ashley Stolzmann voted in favor, and Commissioner Claire Levy voted opposed.

**ADOPTED** as a final decision of the Board on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY:**

\_\_\_\_\_  
Claire Levy, Chair

\_\_\_\_\_  
Ashley Stolzmann, Vice Chair

\_\_\_\_\_  
Marta Loachamin, Commissioner

ATTEST:

\_\_\_\_\_  
Clerk to the Board