





# FREMONT COUNTY – COLORADO

## DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO

719-276-7360 PH / 719-276-7374 FAX

Email: [Planning@fremontco.com](mailto:Planning@fremontco.com)

### STAFF REPORT

Project Name: Deletion of FCZR section 4.12 NB – Neighborhood Business Zone District

Name(s) Planning and Zoning Director- Daniel Victoria

#### **Request: Delete the Neighborhood Business Zone district and rezone two properties.**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff is proposing deletion of Fremont County Zoning Regulations, section 4.12 NB – Neighborhood Business Zone District. The County has two properties in this zone district.

1. 1605 South Street, Canon City, CO. 81212 – Owner by Cheryl D. Cornish
  - This property has an approved non-conforming status NC #17-001 for a single family dwelling in the Neighborhood Business Zone District.
  - The adjacent properties to the north, south, east, & west are zoned Agricultural Suburban.
  - Planning and Zoning is proposing to rezone this property to the Residential One Zone District, currently the Agricultural Suburban Zone District.
    - Resolution No. 36, series of 2023, adopting the 18<sup>th</sup> amendment to the Fremont County Zoning Resolution for Fremont County Colorado,
  - Property meets the minimum development requirement for this district.
2. 105 Forge Road, Canon City, CO. 81212 – Owned by William Alan Tezak
  - This property has an SRU #01-001 A.K.C. & Z.A.C. Convenience Store
  - The adjacent properties north, east, & west are zoned Industrial. The properties south of it are zoned Agricultural Suburban.
  - Planning and Zoning is proposing to rezone this property to the Business Zone District, where a convenience store is an allowed use, and rescind the current SRU. This property is .04 of a mile south of a business zone district.
  - Property meets the minimum development requirements for this district.

**Notification of these proposals was mailed to the owners on January 8<sup>th</sup> 2024.**

#### **Proposed Timeline:**

The proposed deletion and rezone would take effect in April 2024.

## **4.12 NB - NEIGHBORHOOD BUSINESS ZONE DISTRICT**

**4.12.1 DESCRIPTION:** This district is established for the purpose of providing for neighborhood businesses that primarily serve the surrounding residential areas.

**4.12.2 ALLOWED USES:** Notes: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution; (2) Development of undeveloped property; any substantial change of use (*or occupancy as per the Building Code of Fremont County*) from one use to another use; or any substantial expansion or enlargement of an existing use in this zone district will require compliance with Section 8.15 Commercial Development Plan of this Resolution.

**4.12.2.1** Accessory buildings and uses;

**4.12.2.2** Liquor store;

**4.12.2.3** Lounge;

**4.12.2.4** Medical clinic;

**4.12.2.5** Park, mini;

**4.12.2.6** Personal services;

**4.12.2.7** Pharmacy;

**4.12.2.8** Professional Office;

**4.12.2.9** Restaurant;

**4.12.2.10** Watchman’s quarters, single-family dwelling or efficiency unit dwelling, attached or detached and only one (1) such dwelling per premise.

**4.12.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.  
NONE

**4.12.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

**4.12.4.1** Automobile service station;

**4.12.4.2** Bake shop;

**4.12.4.3** Bank, drive-in;

**4.12.4.4** Bed and breakfast;

- 4.12.4.5 Car wash;
- 4.12.4.6 Contractor's yard or building (*refer to 5.7.15 of this Resolution for additional development requirements*);
- 4.12.4.7 Convenience store;
- 4.12.4.8 Dry cleaning service;
- 4.12.4.9 Grocery store;
- 4.12.4.10 Home occupation (*refer to 5.2.4 of this Resolution for requirements*);
- 4.12.4.11 Museum;
- 4.12.4.12 Parking lot or garage (*when this is the primary use of the property as opposed to an accessory use to another primary use housed on the property*);
- 4.12.4.13 Public utility building, regulators, and substations;
- 4.12.4.14 Recreational and outdoor amusement or amusement facility;
- 4.12.4.15 Retail store;
- 4.12.4.16 Towers that exceed fifty (50) feet;
- 4.12.4.17 Upholstery service;
- 4.12.4.18 Veterinary premises.

**4.12.5 DEVELOPMENT REQUIREMENTS:**

- 4.12.5.1 Minimum lot size: Lots comprising an area of seventy-five-hundred (7,500) square feet or more but less than one (1) acre shall be serviced by public water and sewer systems. Lots comprising an area of one (1) acre or more but less than four and one-half (4 ½) acres shall be serviced by a public domestic water system but may be serviced by an individual sewage disposal system. Lots comprising four and one-half (4 ½) acres or more may be serviced by an individual well and individual sewage disposal system.
- 4.12.5.2 Maximum lot coverage: Thirty-five (35) percent.
- 4.12.5.3 Minimum lot width:

**4.12.5.3.1** Seventy-five (75) feet with public water and sewer.

**4.12.5.3.2** One-hundred and fifty (150) feet without public water and/or sewer.

**4.12.5.4** Maximum building height: Thirty-five (35) feet.

**4.12.5.5** Minimum setback requirements:

**4.12.5.5.1** Front yard: Twenty-five (25) feet.

**4.12.5.5.2** \*Side yard: Fifteen (15) feet.

**4.12.5.5.3** \*Rear yard: Twenty (20) feet principal building; ten (10) feet accessory building(s).

**\*NOTE:** A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.12.6 TEMPORARY USES:** Approval from the Department will be required for the following use and for the specified term:

**4.12.6.1** Roadside stand (*seasonal business*). For the duration of the growing season.

**4.12.7 OFF STREET PARKING REQUIREMENT:** See 5.3 of this Resolution.

**4.12.8 OFF STREET LOADING REQUIREMENT:** See 5.5 of this Resolution.

**4.12.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for any multiple units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.

# Property Record Card

Fremont Assessor

**CORNISH CHERYL D**  
1605 SOUTH ST  
CANON CITY, CO 81212-8507

**Account: R018154**  
Tax Area: 18B - 18B  
Acres: 0.990

**Parcel: 19007090**  
Situs Address:  
1605 SOUTH ST  
CANON CITY

## Value Summary

## Legal Description

Value By:	Market	Override	
Land (1)	\$40,000	N/A	E2 LOT 2 BLK 3 PHELPS SUB
Residential (1)	\$269,083	N/A	
Extra Feature (1)	\$138	N/A	
Extra Feature (2)	\$240	N/A	
Extra Feature (3)	\$10,598	N/A	
Extra Feature (4)	\$48,360	N/A	
<b>Total</b>	<b>\$368,419</b>	<b>\$368,419</b>	



## Sale Data

Doc. #	Sale Date	Deed Type	Validity	Verified	Sale Price	Ratio	Adj. Price	Ratio	Time Adj. Price	Ratio
1016515	05/18/2022	302	U	N	\$0	N/A	\$0	N/A	\$0	N/A
1016514	08/15/2019	208	U	N	\$0	N/A	\$0	N/A	\$0	N/A
B1321 P41	04/28/1998	Deeds	Q	Y	\$100,000	313.42	\$99,500	314.99	\$99,500	314.99
B1111 P127	04/07/1993	Deeds	Q	Y	\$165,000	189.95	\$165,000	189.95	\$165,000	189.95
B639 P775	08/01/1979	Deeds	U	Y	\$58,000	540.38	\$58,000	540.38	\$58,000	540.38

## Land Occurrence 1

Property Code	1112 - SINGLE FAMILY RESID	Property Code Percent	100
Adjustment1	1	Adjustment2	1
Adjustment3	1	Adjustment4	1
Land Use Code	9700 - TABLE 5 - .51 AC TO 1.00 AC		

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
LAND_U	1						
Total	1.00						
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$40,000	40,000.00					

## Residential Occurrence 1

Property Code	1212 - SINGLE FAMILY RESID	Property Code Percent	100
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# Property Record Card

Fremont Assessor

## Residential Occurrence 1

	Percent	
Actual Year Built	1964	Air Conditioning
Architectural Style	1 - 1 STORY	1 - SWAMP
Bedrooms	3	Baths
Construction Quality	4 - AVERAGE	1
Effective Year Built	1968	Building Type
Frame	1 - WOOD FRAME	101100 - RANCHER
Heating Type	5 - SPACE HEAT	Depreciation
Rooms	6	39 - 39
Stories	1 - 1	Fireplaces
Wind/Solar	1 - WIND/SOLAR	1 - 1STY F.P.1
Exterior Wall	80	Heating Percent
Percent	20	10 - 100% heated
Floor Percent	80	Roof Structure
Interior Wall Percent	100	3 - GABLE-HIP
		Size
		1 - RECTANGLE
		Units
		0
		Exterior Wall
		15 - NATRL STON
		3 - LAP SIDING
		Floor
		1 - CARPET
		6 - VINYL R/T
		Interior Wall
		2 - W BRD/DRYW
		Roof Cover
		3 - COMP SHNGL

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
BAS	1684	1684	1684	1684	1684	1684	1684
OPA	125		13				
Total	1,809.00	1,684.00	1,697.00	1,684.00	1,684.00	1,684.00	1,684.00
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$269,083	148.75	159.79	158.56	159.79	159.79	159.79

## Extra Feature Occurrence 1

Property Code	1212 - SINGLE FAMILY RESID	Property Code	100
Actual Year Built	1978	Property Code	Percent
Description	6'CHAIN #7	Depreciation	10 - 10
Building Number	1	Effective Year Built	1978
		XFOB Code	760100 - 6'CHAIN #7

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
Units	69						
Total	69.00						
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$138	2.00					

## Extra Feature Occurrence 2

Property Code	1212 - SINGLE FAMILY RESID	Property Code	100
Actual Year Built	1978	Property Code	Percent
Description	PLUM FXT-A	Depreciation	7 - 7
Building Number	1	Effective Year Built	1978
		XFOB Code	530200 - PLUM FXT-A

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
Units	2						
Total	2.00						
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$240	120.00					

# Property Record Card

Fremont Assessor

### Extra Feature Occurrence 3

Property Code	1212 - SINGLE FAMILY RESID	Property Code Percent	100
Actual Year Built	1964	Adjustment1	3.00
Depreciation	7 - 7	Description	AL CRPT GD
Effective Year Built	1964	Building Number	1
XFOB Code	130900 - AL CRPT GD		

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
Units	1472						
Total	1,472.00						
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$10,598	7.20					

### Extra Feature Occurrence 4

Property Code	1212 - SINGLE FAMILY RESID	Property Code Percent	100
Actual Year Built	1964	Adjustment1	3.00
Depreciation	8 - 8	Description	GRAGE FR G
Effective Year Built	1964	Building Number	1
XFOB Code	121000 - GARAGE FR GOOD		

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
Units	1612						
Total	1,612.00						
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$48,360	30.00					

### Abstract Summary

Code	Classification	Actual Value	Value	Taxable Value	Actual Value Override	Taxable Override
1112	SINGLE FAMILY RESID		\$34,029	\$2,280	NA	NA
1212	SINGLE FAMILY RESID		\$279,390	\$18,719	NA	NA
<b>Total</b>			<b>\$313,419</b>	<b>\$20,999</b>	<b>NA</b>	<b>NA</b>

### Permits

Issued Date	Permit Type	Amount	Remark	Status
05/03/2012	7 - RE-ROOF			2 - Closed
09/28/2020	7 - RE-ROOF	\$6,680.00		2 - Closed
01/14/2021	13 - RENEWAL	\$6,680.00	RE-ROOF	2 - Closed
02/23/2023	27 - SOLAR SYS	\$172.00	GROUND MOUNT	2 - Closed



**RESOLUTION NO. 36, SERIES OF 2023**

**RESOLUTION ADOPTING THE 18<sup>TH</sup> AMENDMENT  
TO THE FREMONT COUNTY ZONING RESOLUTION  
FOR FREMONT COUNTY, COLORADO**

WHEREAS, on January 13, 2009, the Fremont County Board of County Commissioners adopted Resolution No. 9, Series of 2009, which readopted the Fremont County Zoning Resolution and incorporated all amendments since the initial adoption on January 1, 1994; and

WHEREAS, the 2009 Fremont County Zoning Resolution remains in full force and effect, together with seventeen amendments to date; and

WHEREAS, on September 26, 2023 the Fremont County Board of County Commissioners considered an 18th Amendment to the Zoning Resolution, which recommended certain changes, additions and deletions to the regulations and provisions regarding, AGRICULTURAL SUBURBAN, AGRICULTURAL ESTATES, AGRICULTURAL LIVING, AGRICULTURAL RURAL, AGRICULTURAL FORESTRY, and AGRICULTURAL FARMING & RANCHING zone districts attached hereto as Exhibit A through Exhibit C and incorporated herein by reference; and

WHEREAS, the Board of Commissioners held a Public Hearing on the proposed 18th amendment on September 26, 2023, and considered all public input regarding the proposed 18th Amendment; and

WHEREAS, the Board is persuaded that the proposed 18th Amendment is reasonable and will promote the health, safety and welfare of the citizens of Fremont County and should be approved and adopted.

NOW, THEREFORE, BE IT RESOLVED that Exhibit A, will delete all of sections 4.5 & 4.6, and will consolidate section 4.5 Agricultural Suburban & section 4.6 Agricultural Estates into the Residential One Zone district. the 18th Amendment to the Fremont County Zoning Resolution, is hereby approved and adopted, and shall be incorporated into the Fremont County Zoning Resolution, to be effective as of April 15th, 2024 and continuing in full force and effect until amended, deleted or superseded by subsequent action of the Fremont County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED that Exhibit B, will delete all of sections 4.3 & 4.4, and will consolidate section 4.3 Agricultural Living & section 4.4 Agricultural Rural into the Residential Two Zone district. the 18th Amendment to the Fremont County Zoning Resolution, is hereby approved and adopted, and shall be incorporated into the Fremont County Zoning Resolution, to be effective as of April 15th, 2024 and continuing in full force and effect until amended, deleted or superseded by subsequent action of the Fremont County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED that Exhibit C, will delete all of sections 4.1 & 4.2, and will consolidate section 4.1 Agricultural Forestry & section 4.2 Agricultural Farming & Ranching into the Residential Three Zone district. the 18th Amendment to the Fremont County Zoning Resolution, is hereby approved and adopted, and shall be incorporated into the Fremont County Zoning Resolution, to be effective as of April 15th, 2024 and continuing in full force and effect until amended, deleted or superseded by subsequent action of the Fremont County Board of County Commissioners.

Commissioner Grantham moved the adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Commissioner Grantham	Aye / Nay / Abstain / Absent
Commissioner Bell:	Aye / Nay / Abstain / Absent
Commissioner McFall:	Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: November 14, 2023

  
\_\_\_\_\_  
CHAIR, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:   
\_\_\_\_\_  
FREMONT COUNTY CLERK TO THE BOARD



# Property Record Card

Fremont Assessor

**TEZAK WILLIAM ALAN**  
315 S 11TH ST  
CANON CITY, CO 81212-3843

**Account: R037332**  
Tax Area: 19K - 19K  
Acres: 1.320

**Parcel: 99921005**  
Situs Address:  
105 FORGE RD  
CANON CITY

## Value Summary

Value By:	Market	Override
Commercial (1)	\$526,496	N/A
Land (1)	\$19,800	N/A
Extra Feature (1)	\$25,006	N/A
Extra Feature (2)	\$85	N/A
Extra Feature (3)	\$2,467	N/A
<b>Total</b>	<b>\$573,854</b>	<b>\$573,854</b>

## Legal Description

PARCEL B PEDOTTO WAIVER SURVEY DESC AS FOLL:  
A TR OF LD LOC IN THE SW4SE4SE4 5-19-70 DESC FOLL  
BEG AT A PT ON THE S LN OF SD SW4SE4SE4 FROM WHICH THE  
SE COR OF SD SEC 5 BEARS N89°31'00"E A DIST OF  
848.80 FT; TH N00°33'58" W A DIST OF 131.76 FT;  
TH N26°44'26" E A DIST OF 223.40 FT; TH N 89°22'16" E  
PAR WITH THE N LN OF SD SW4SE4SE4 A DIST OF 85.29 FT  
TO A PT ON THE E LN OF SD SW4SE4SE4; TH S00°20'38" E  
ALG SD E LN A DIST OF 249.69 FT TO A PT ON THE  
NWLY RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA &  
SANTA FE RAILWAY CO WHERE SD RIGHT-OF-WAY  
INTERSECTS  
SD E LN; TH S 30°12'21" W ALG SD NWLY RIGHT-OF-WAY LN  
A DIST OF 94.12 FT TO THE S LN OF SD SW4SE4SE4;  
TH S89°31'00" W ALG SD S LN A DIST OF 138.65 FT TO THE POB  
INCLUDING DEEDED ROADWAY REC #743053  
SURVEY REC #529506



## Sale Data

Doc. #	Sale Date	Deed Type	Validity	Verified	Sale Price	Ratio	Adj. Price	Ratio	Time Adj. Price	Ratio
870415	12/29/2009	Deeds	U	Y	\$0	N/A	\$0	N/A	\$0	N/A
857304	11/07/2008	Deeds	U	Y	\$0	N/A	\$0	N/A	\$0	N/A
	12/14/2000	Deeds	U	Y	\$0	N/A	\$0	N/A	\$0	N/A
	11/27/2000	Deeds	U	Y	\$0	N/A	\$0	N/A	\$0	N/A

## Commercial Occurrence 1

Property Code	2212 - MERCHANDISING	Property Code Percent	100
Actual Year Built	2001	Adjustment 1	3.00
Baths	0	Building Type	414600 - CONV ST-D
Construction Quality	2 - AVERAGE	Depreciation	36 - 36
Effective Year Built	2001	Frame	4 - C-D-STEEL
Heating Percent	10 - 100% heated	Heating Type	12 - PKG H&C
Height	14 - 14	Perimeter	200
Roof Structure	16 - OP STL SYS	Rooms	0

# Property Record Card

Fremont Assessor

## Commercial Occurrence 1

Size	64 - 23.6	Stories	1
Units	0	Exterior Wall	35 - SW-STL/STL
Exterior Wall Percent	100	Floor	1 - ASP TILE
Floor Percent	100	Interior Wall	15 - CONVEN STR
Interior Wall Percent	100	Roof Cover	2 - ST-COR ENL
Roof Cover Percent	100		

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
BAS	2400	2400	2400	2400	2400	2400	2400
Total	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00
	Value	Rate	Rate	Rate	Rate	Rate	Rate
	\$526,496	219.37	219.37	219.37	219.37	219.37	219.37

## Land Occurrence 1

Property Code	2135 - STORAGE	Property Code Percent	100
Adjustment1	1	Adjustment2	1
Adjustment3	1	Adjustment4	1
Land Use Code	7200 - SW INDUSTRIAL AREA		

## Extra Feature Occurrence 1

Property Code	2212 - MERCHANDISING	Property Code Percent	100
Actual Year Built	2001	Depreciation	36 - 36
Description	S-CANPY-AV	Effective Year Built	2001
Building Number	1	XFOB Code	641050 - S-CANPY-AV

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
Units	2400						
Total	2,400.00						
	Value	Rate	Rate	Rate	Rate	Rate	Rate
	\$25,006	10.42					

## Extra Feature Occurrence 2

Property Code	2212 - MERCHANDISING	Property Code Percent	100
Actual Year Built	2001	Depreciation	10 - 10
Description	ISLAND-AVG	Effective Year Built	2001
Building Number	1	XFOB Code	642100 - ISLAND-AVG

SubArea	Actual	Basement	Effective	FinBsmnt	Garage	Heated	LiveArea
Units	40						
Total	40.00						
	Value	Rate	Rate	Rate	Rate	Rate	Rate
	\$85	2.13					

## Extra Feature Occurrence 3

Property Code	2212 - MERCHANDISING	Property Code Percent	100
Actual Year Built	2001	Depreciation	10 - 10
Description	32WK-IN200	Effective Year Built	2001

# Property Record Card

Fremont Assessor

## Extra Feature Occurrence 3

Description	32WK-IN200	Effective Year Built	2001				
Building Number	1	XFOB Code	581400 - 32WK-IN200				
<b>SubArea</b>	<b>Actual</b>	<b>Basement</b>	<b>Effective</b>	<b>FinBsmnt</b>	<b>Garage</b>	<b>Heated</b>	<b>LiveArea</b>
Units	280						
Total	280.00						
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$2,467	8.81					

## Abstract Summary

Code	Classification	Actual Value	Value	Taxable Value	Actual Value Override	Taxable Override
2135	STORAGE		\$19,800	\$5,524	NA	NA
2212	MERCHANDISING		\$524,054	\$146,211	NA	NA
<b>Total</b>			<b>\$543,854</b>	<b>\$151,735</b>	<b>NA</b>	<b>NA</b>

## Permits

Issued Date	Permit Type	Amount	Remark	Status
02/27/2001	11 - PATIO OR COVER		PATIO/CVR	
02/21/2006	3 - REMODEL		REMODEL	

9.221  
5.00  
300

# FREMONT COUNTY SPECIAL REVIEW USE PERMIT

## Permit Number SRU 01-1 A.K.C. and ZAC CONVENIENCE STORE

Upon application, incorporated herein as set forth in full, and subject to the terms and conditions set forth in Fremont County Board of County Commissioners Resolution Number 25, Series of 2001, the Board of County Commissioners have reviewed and approved an amendment to Special Review Use Permit, file number SRU 00-4 for the issuance of a Special Review Use Permit to allow an additional four-thousand square feet of building area for the operation of a CONVENIENCE STORE TO INCLUDE, A GASOLINE SERVICE STATION AND A RESTAURANT by ZAK & AK, LLC. The location for which said issued permit is as follows:

LEGAL DESCRIPTION

A tract of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 5, Township 19 South, Range 70 West of the 6<sup>th</sup> Principal Meridian, Fremont County, Colorado, described as follows:  
Beginning at a point on the south line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  from which the southeast corner of said Section 5 bears N89°31'00"E a distance of 848.80 feet; Thence N00°33'58"W a distance of 131.76 feet; Thence N26°44'26"E a distance of 223.40 feet; Thence N89°22'16"E parallel with the north line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  a distance of 85.29 feet to a point on the east line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Thence S00°20'38"E along said east line a distance of 249.69 feet to a point on the northwesterly right-of-way line of the Atchison, Topeka and Santa Fe Railway Company where said right-of-way intersects said east line; Thence S30°12'21"W along said northwesterly right-of-way line a distance of 94.12 feet to the south line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Thence S89°31'00"W along said south line a distance of 138.65 feet to the point of beginning.

The subject property is located in the Neighborhood Business Zone District. Said activity is pursuant to the Fremont County Zoning Resolution Section 8.2.

Date of Special Review Use Permit Approval: ----- May 8, 2001

Date of Special Review Use Permit Issuance: ----- February 26, 2002

Date of Special Review Use Permit Expiration: ----- LIFE OF THE USE

Authorized Representative Signature: Bill Giordano 2-26-02  
Bill Giordano, Planning Director

[Table of Contents](#)

9:22A  
4/8/02  
-0-  
447

Commissioner McNew moved the adoption of the following Resolution:

RESOLUTION NO. 25  
Series of 2001

RESOLUTION FOR SPECIAL REVIEW USE PERMIT FILE #SRU 01-1 A.K.C. & Z.A.C.  
CONVENIENCE STORE

THAT WHEREAS, A.K.C. & Z.A.C. LLC. (hereafter "Applicants") have made application for issuance of a Special Review Use Permit pursuant to 8.2 of the Zoning Resolution of Fremont County for an amendment to SRU 00-4 A.K.C. & Z.A.C. to allow an additional four-thousand (4000) square foot of building area for a convenience store, gas service station and a restaurant which application has been designated as file #SRU 01-1 A.K.C. & Z.A.C. Convenience Store; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Fremont County Board of County Commissioners (hereafter "Board") held a public hearing concerning said application on **May 8, 2001** at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:



- a. The procedure requirements of 8.2 of the Fremont County Zoning Resolution have been met.
  - b. The location of the proposed use is compatible with other land uses in the area and does not place an undue burden on existing transportation, utilities, and service facilities in the vicinity, except as otherwise noted in these findings.
  - c. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
  - d. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
  - e. The proposed use, if it complies with all conditions on which this approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
- a. Special Review Use Permit shall be issued for life of use.
  - b. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations.
  - c. Applicants shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
  - d. Applicants shall comply with all laws and regulations of the State of Colorado, its agencies or departments, the Board, and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
  - e. Applicants shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.





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- f. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
  - g. If a Special Review Use is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
  - h. Days and hours of operation shall not be limited.
  - i. The County shall retain the right to modify any condition of the permit if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the applicant, at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
  - j. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
3. In addition, the following shall be required prior to recording and within six (6) months (no extensions) after final approval by the Board:
- a. Easement on east side of property to be vacated, deeded etc.
  - b. Application and site plan shall be corrected to note that owners and applicants are AKC & ZAC, LLC.
4. In addition, the following will be required prior to operation of the four-thousand (4000) square foot building area contained in this amendment:



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- a. **5.3.2 Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced so as to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicles from extending over any lot lines.
- b. **5.3.3 Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted so as to protect the safety of the individual using the area. Lighting has been required and said lighting shall not be directed toward the surrounding properties.

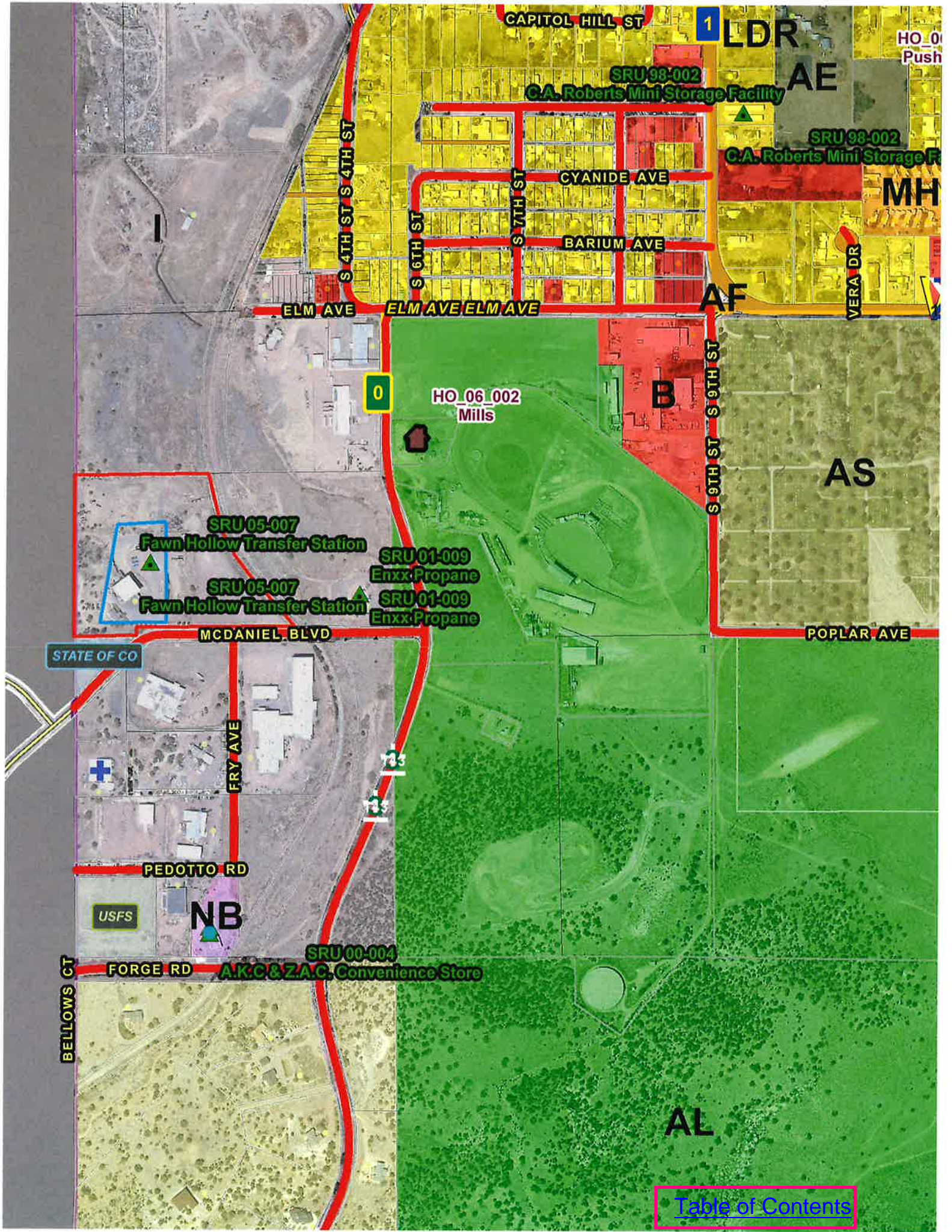
Commissioner Schauer seconded the adoption of the foregoing Resolution and upon a vote of the Commissioners as follows:

Mr. Commissioner Rall:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay <input type="radio"/> Absent
Mr. Commissioner McNew:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay <input type="radio"/> Absent
Mr. Commissioner Schauer:	<input checked="" type="radio"/> Aye <input type="radio"/> Nay <input type="radio"/> Absent

The Resolution was declared to be duly adopted.

DATE: May 22, 2001

  
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 CHAIRMAN, BOARD OF COUNTY COMMISSIONERS



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SRU 98-002

C.A. Roberts Mini Storage Facility

SRU 98-002

C.A. Roberts Mini Storage Facility

MH

CAPITOL HILL ST

S 4TH ST S 4TH ST

S 6TH ST

S 7TH ST

CYANIDE AVE

BARIUM AVE

VERA DR

ELM AVE

ELM AVE ELM AVE

AF

0

HO\_06\_002  
Mills

B

AS

SRU 05-007

Fawn Hollow Transfer Station

SRU 01-009  
Enxx Propane

SRU 05-007

Fawn Hollow Transfer Station

SRU 01-009  
Enxx Propane

MCDANIEL BLVD

POPLAR AVE

STATE OF CO

FRY AVE

PEDOTTO RD

USFS

NB

SRU 00-004

A.K.C. & Z.A.C. Convenience Store

FORGE RD

BELLOWS CT

AL

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## FREMONT COUNTY – COLORADO DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO

719-276-7360 PH / 719-276-7374 FAX

Email: [Planning@fremontco.com](mailto:Planning@fremontco.com)

January 8, 2024

Cheryl D. Cornish  
1605 South Street  
Canon City, CO. 81212

### Public Meeting Announcement

#### Regarding:

#### Deletion & Rezone of FCZR section 4.12 NB – Neighborhood Business Zone District

Please be advised that this letter serves as a courtesy notice of the Fremont County Planning Commission Meeting to be held on Tuesday, February 6th, at 3:00 P.M. in the Lower Level Meeting Room (LL-3) of the Fremont County Administration Building, which is located at 615 Macon Avenue, Cañon City, Colorado.

The Commission would welcome your comments on the request, either for, against or no preference. You may submit your comments in writing prior to the meeting, to the Fremont County Department of Planning and Zoning or you and / or your designated personal representative may attend the meeting to express your comments in person to the Board.

#### Request: Delete the Neighborhood Business Zone district and rezone two properties.

Planning and Zoning has recognized the need for a review and update to the regulations. Staff is proposing deletion of Fremont County Zoning Regulations, section 4.12 NB – Neighborhood Business Zone District. The County has two properties in this zone district.

1. 1605 South Street, Canon City, CO. 81212 – Owner by Cheryl D. Cornish
  - This property has an approved non-conforming status NC #17-001 for a single family dwelling in the Neighborhood Business Zone District.
  - The adjacent properties to the north, south, east, & west are zoned Agricultural Suburban.

- Planning and Zoning is proposing to rezone this property to the Residential One Zone District, currently the Agricultural Suburban Zone District.
  - Resolution No. 36, series of 2023, adopting the 18<sup>th</sup> amendment to the Fremont County Zoning Resolution for Fremont County Colorado,
- Property meets the minimum development requirement for this district.

Proposed Timeline:

The proposed deletion and rezone would take effect in April 2024.

If you desire more information concerning this request, feel free to contact the Department.

Sincerely,



Danielle Adamic,  
Planning Coordinator



## FREMONT COUNTY – COLORADO DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO

719-276-7360 PH / 719-276-7374 FAX

Email: [Planning@fremontco.com](mailto:Planning@fremontco.com)

January 8, 2024

William Alan Tezak  
315 S. 11<sup>th</sup> Street  
Canon City, CO. 81212

### Public Meeting Announcement

#### Regarding:

#### Deletion & Rezone of FCZR section 4.12 NB – Neighborhood Business Zone District

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#### Request: Delete the Neighborhood Business Zone district and rezone two properties.

Planning and Zoning has recognized the need for a review and update to the regulations. Staff is proposing deletion of Fremont County Zoning Regulations, section 4.12 NB – Neighborhood Business Zone District. The County has two properties in this zone district.

1. 105 Forge Road, Canon City, CO. 81212 – Owned by William Alan Tezak
  - This property has an SRU #01-001 A.K.C. & Z.A.C. Convenience Store
  - The adjacent properties north, east, & west are zoned Industrial. The properties south of it are zoned Agricultural Suburban.

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- Planning and Zoning is proposing to rezone this property to the Business Zone District, where a convenience store is an allowed use, and rescind the current SRU. This property is .04 of a mile south of a business zone district.
- Property meets the minimum development requirements for this district.

Proposed Timeline:

The proposed deletion and rezone would take effect in April 2024.

If you desire more information concerning this request, feel free to contact the Department.

Sincerely,



Danielle Adamic,  
Planning Coordinator