

Kiowa Creek Paintball CUP

RCU2016-00005

49100 Old Victory Road

September 19, 2017

Board of County Commissioners Public Hearing
Community and Economic Development Department

Case Manager: Chris LaRue



Request

Conditional Use Permit to allow an outdoor commercial recreation use (paintball facility/course)

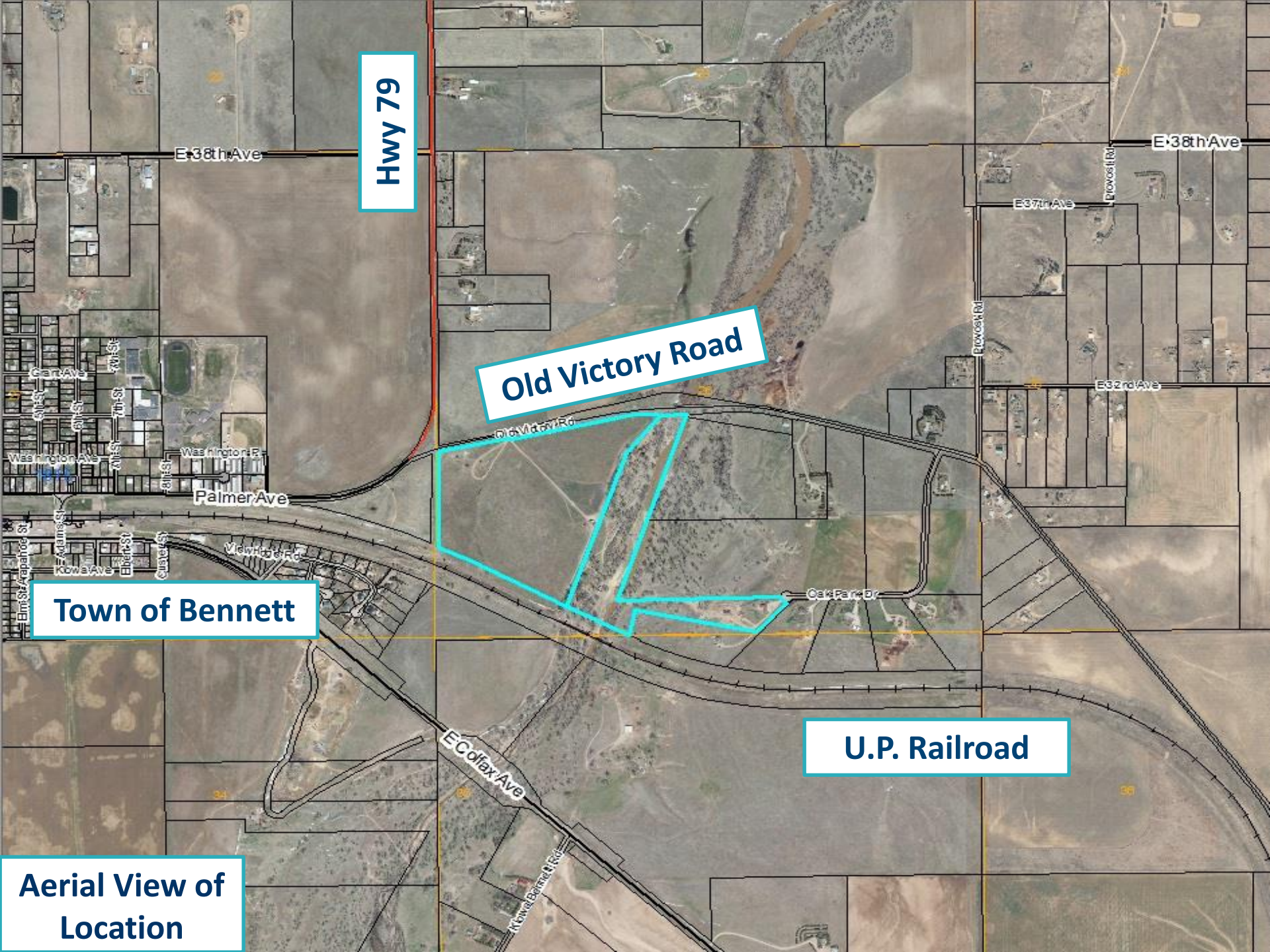
Background

- Zoning violation (2016)
- Site used for agriculture & cattle pasturage
 - Would continue to be used in offseason
- Operations:
 - Seasonal (April to October)
 - Mostly on Friday – Sunday, 9 am – 5 pm
 - Courses with mobile obstacles

Background

Waste management:

- Port-o-lets
- Bottled water
- Dumpsters
- Biodegradable paintballs



Hwy 79

Old Victory Road

Town of Bennett

U.P. Railroad

Aerial View of
Location

Hwy 79

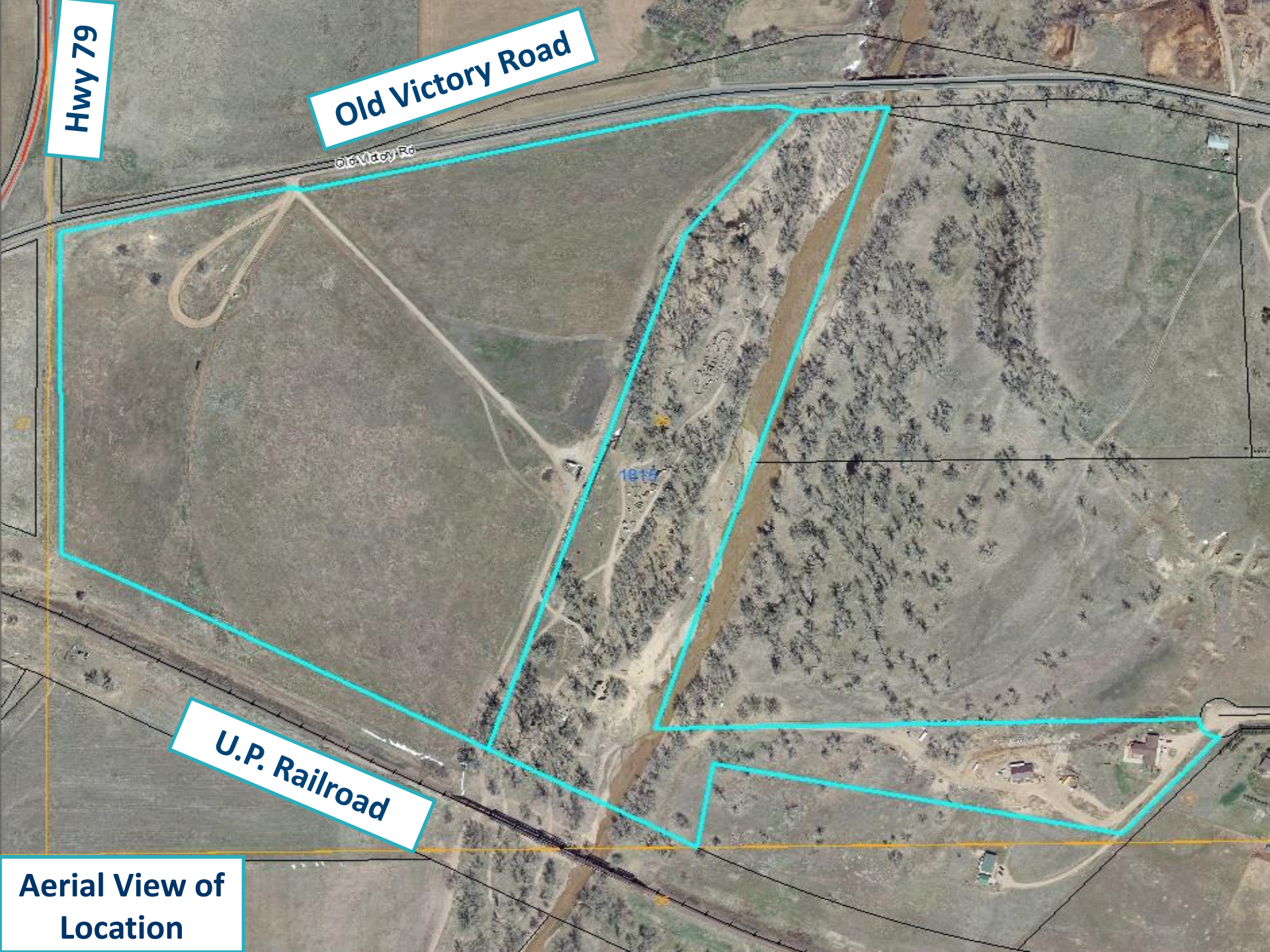
Old Victory Road

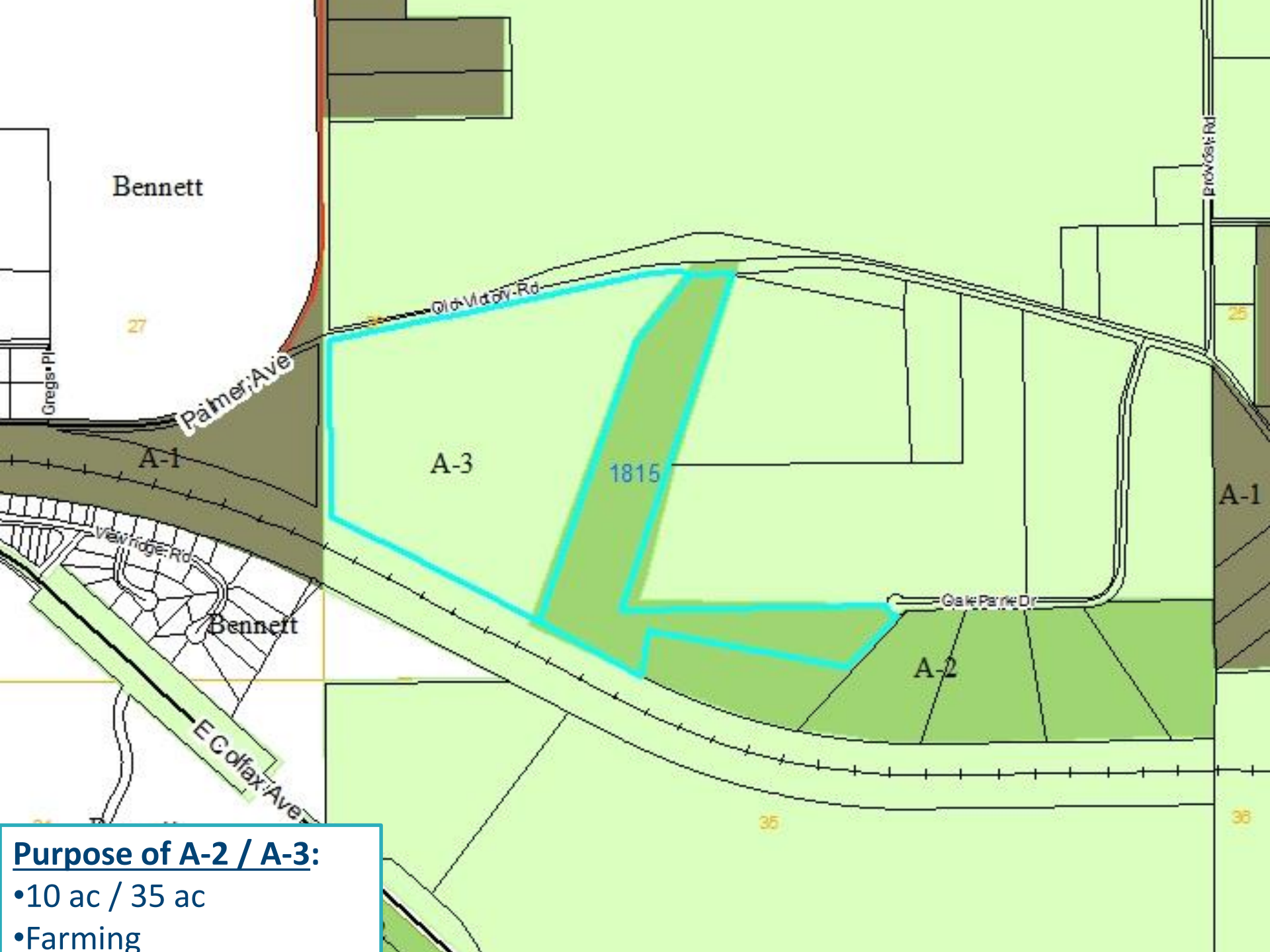
Old Victory Rd

1819

U.P. Railroad

Aerial View of
Location





Bennett

27

Greggs Pl

Palmer Ave

A-1

A-3

1815

Viewridge Rd

Bennett

E Colfax Ave

Old Victory Rd

Gale Park Dr

A-2

Proctor Rd

25

A-1

35

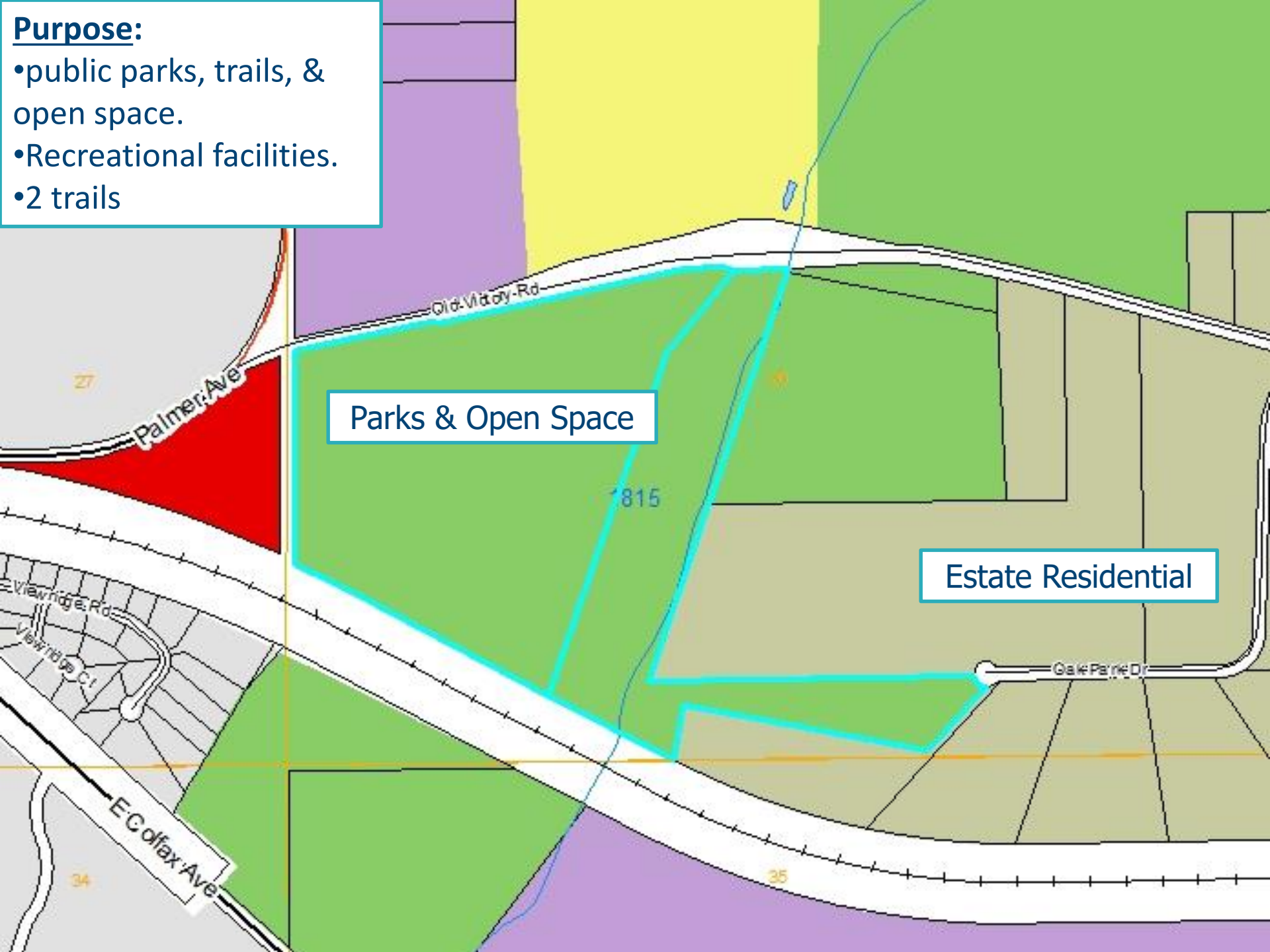
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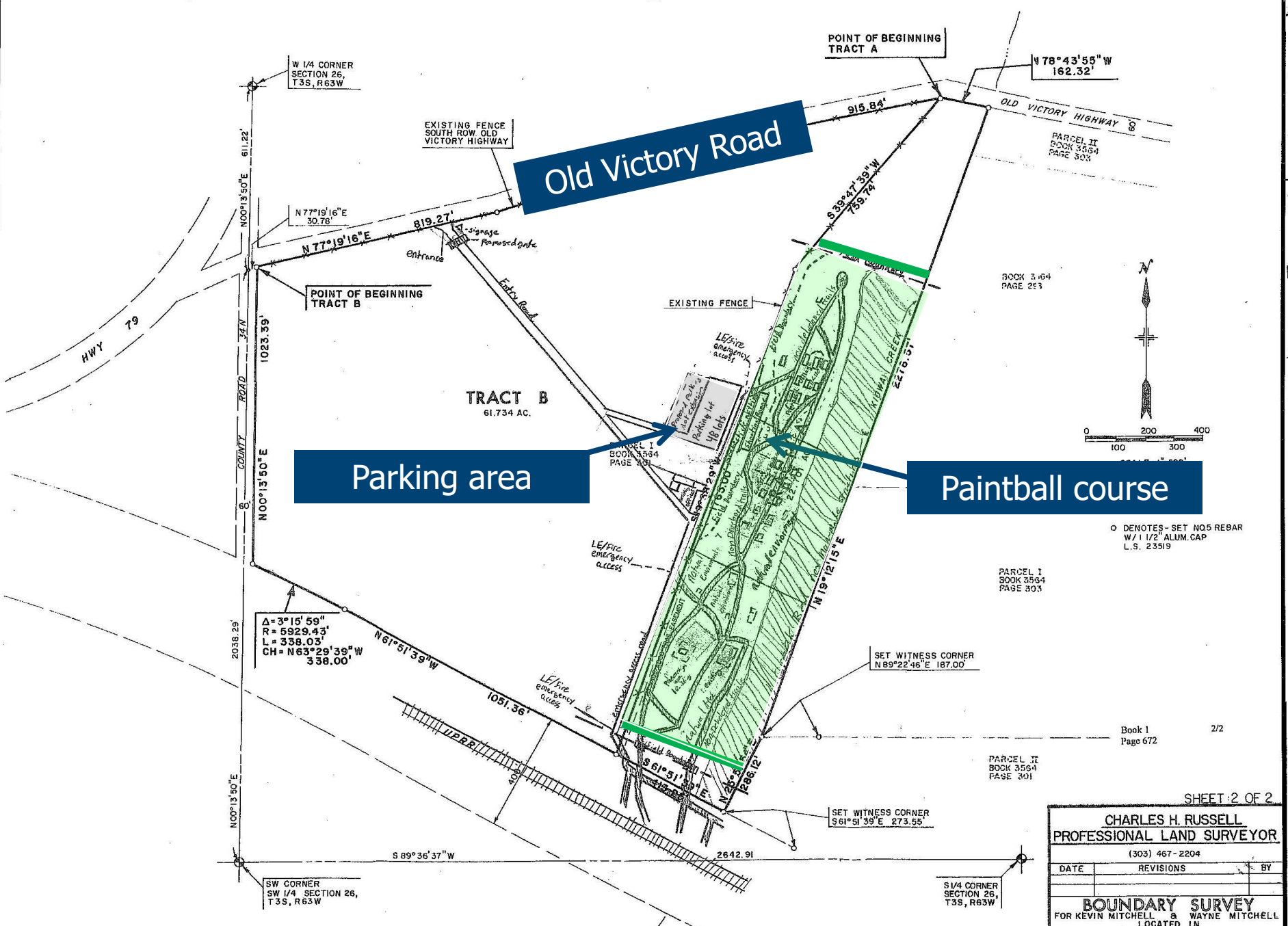
Purpose of A-2 / A-3:

- 10 ac / 35 ac
- Farming

Purpose:

- public parks, trails, & open space.
- Recreational facilities.
- 2 trails





Site Plan

Development Standards

- Outdoor commercial recreation
 - Requires CUP: A-3/A-2 zone districts (Section 3-07-01)
- Performance standards (Section 4-09-02-07)
 - Access on a collector street
 - Full time adult manager
- Parking
 - 48 gravel spaces / overflow areas
 - Trip generation study: 20-30 vehicles / 40-80 participants
 - 2-3 large events with 125-250 participants (corporate events)

Development Standards

- Landscaping:
 - No landscaping proposed
 - Parking area minimally visible from the road
 - Course surrounding by existing trees & vegetation
 - 10 % required / have approximately 22%
 - Rail protection

Conditional Use Permit Approval Criteria

Section 2-02-08-06

1. Permitted in Zone District
2. Consistent with Development Standards
3. Complies to Development Standards
4. Harmonious & Compatible
5. Off-site Impacts Addressed
6. Adequate Space
7. Convenient Layout
8. Adequate Water & Sewer Availability

Referral Comments

- Engineering:
 - Floodplain Use Permit required
- Environmental Analyst:
 - Confirmed with CDPHE no requirement for disposal of biodegradable paintballs
- Division of Wildlife:
 - Illegal to harass wildlife
 - Activities should cease, if wildlife encountered

Referral Comments

- Union Pacific Railroad
 - No trespassing
- Tri-County Health
 - Port-o-lets
 - Bottled water
 - Adequate for 5 years

| Notices Sent | Comments Received |
|--------------|-------------------|
| 52 | 0 |

** ¼ mile notification area*

East on Old Victory Rd



West on Old Victory Rd



North of site



Site facing south



Site facing south



Site facing south



Staff Recommendation

- Staff determination is the request and the proposed use of the property is consistent with:
 - Development Standards
 - Comprehensive Plan
 - Compatible with Surrounding Area

PC Update

- Public Hearing: August 24, 2017
- Several members of public present to speak in support
 - Provides outdoor recreational activities
 - Minimal noise / operators are good neighbors
- **Approval** of the conditional use permit application with 8 findings-of-fact, 3 conditions precedent, & 9 conditions.

Findings-of-Fact

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

Findings-of-Fact

5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Conditions Precedent

1. Prior to commencing operations, the applicant shall obtain approval from the Tri-County Health Department for a waste management plan.
2. Prior to commencing operations, the applicant shall obtain approval from the Union Pacific Railroad for a rail safety plan.
3. Prior to commencing operations, the applicant shall obtain a Floodplain Use Permit from the County.

Conditions

1. The conditional use permit shall expire on September 19, 2022.
2. The conditional use permit shall only operate between the months of April and October and during the hours of 9:00 am to 5:00 pm on Fridays, Saturdays, and Sundays, except for special events.
3. Special events on the property shall be limited to a maximum of three events per year and a maximum of 250 participants per each event. An amendment to the CUP shall be required for any major event outside the specified parameters.
4. Prior to each special event, the applicant shall submit and obtain approval of a traffic control plan from the County.
5. All complaints received by the applicant concerning offsite impacts, and the resolution of those complaints, shall be conveyed to the Department of Community and Economic Development. Offsite impacts shall be responded to immediately and resolved within 72 hours by the applicant. Disputes concerning offsite impacts may be resolved by the Department of Community and Economic Development and may be a justification for a Show Cause Hearing before the Adams County Board of County Commissioners.

Conditions

6. The facility shall be limited only to those activities described in the application and depicted on the site plan (see exhibits 3.1 and 3.2). Any changes to the facility shall require an amendment to the conditional use permit.
7. No outdoor lighting associated with this conditional use permit shall be allowed on the property.
8. The applicant shall provide fencing along the southern property line of the section of the paintball course abutting the rail road trucks. This fence shall be setback at a minimum of 100 feet from the railway tracts. The applicant shall also install no trespassing signs on the fence.
9. The use of port-o-lets and bottled water for customers shall only be permitted for the five year term of this conditional use permit, subsequent renewal requests to this conditional use permit shall be required to provide permanent restrooms and water services on the property.