



ITEM NO. (ID # 9035)

DATE: 12/24/2024

AGENDA REQUEST

*DECISION

MEETING GROUP: Administrative Review - Planning

STAFF RESOURCE: David Barnett, Planner

REQUESTING DEPT: Administrative Review - Planning

TYPE: Director Determination

SUBJECT: PROJECT #PL20240206, LEAF PROPERTIES
EMERGENCY ACCESS WAIVER

BACKGROUND:

FISCAL IMPACT:

RECOMMENDED ACTION:

MEETING NARRATIVE:

REVIEWED BY:

Lynn Hyde

Lynn Hyde, Community Development Director 11/26/2024

ATTACHMENTS:

- Determination Letter - Waiver - PL20240206 (DOCX)
- Public Works Director emergency access waiver recommendation (PDF)
- Fire District Emergency Access Waiver recommendation (PDF)
- Civil sheet C1.0 dated 09.25.2020 (PDF)



November 26, 2024

Via email

Tiffany Rhodes
APC
PO Box 2875
Durango, CO 81302
trhodes.apc@gmail.com

RE: PL20240206, Leaf Properties Emergency Access Waiver

Dear Tiffany,

This Director Determination has been prepared to grant a waiver from Land Use Code Section (LUC Sec.) 72-2.III.C.2 Table 72-2 B regarding the requirement to provide an emergency access for Project No. PL20230206 Leaf Properties Retail Store Preliminary Plan located at 920 CR 233, Durango, CO 81301, APNs: 566912201026 and 566912201027. The following provides justification for this determination and includes the recommendations from the Public Works Director and the Durango Fire Protection District (DFPD) in accordance with LUC Sec. 72-2.III.C.3.

Analysis

The anticipated Average Daily Trips (ADT) for Project No. PL20230206 as proposed meets the threshold requiring an emergency access per LUC Sec. 72-2.III.C.2 Table 72-2 B. However, due to the size of the property and its location, it is evident that emergency access would not serve its intended purpose. Pursuant to LUC Sec. 72-2.III.C.3, a waiver to this requirement may be granted “upon consideration of written recommendations from the Public Works Director and applicable fire district,” and if the following findings are made:

- i. Topography challenges or other site-specific constraints prevent compliance with the requirements.
While topography is not problematic, the property’s triangular shape and frontage along Highway 160 and CR 233 limit the siting of an emergency access to either a high speed corridor or an area prohibitively close to an intersection.
- ii. Adequate fire mitigation measures exist, such as defensible space, on-site water supply for fire-fighting purposes, internal sprinklers, additional street width, or fire-resistant construction materials.
The structure will include an internal sprinkler system and is not located in an area with significant wildfire risk.
- iii. The granting of the waiver would not be detrimental to the health, safety, or welfare of the public.

Allowing the development to proceed without emergency access does not appear to pose risks to the health, safety, or welfare of the public.

The proposal is therefore found to align with these findings, which are further supported by the comments provided by the Public Works Director and the Durango Fire Protection District. These comments are as follows:

Public Works Director, Jim Davis, comments from August 29, 2024:

"I typically defer to the local Fire District unless there are any unusual circumstances, which is not the case with this parcel. Since DFPD does not see any need for secondary access for the parcel, and there are no unusual circumstances, I agree with the findings of DFPD regarding secondary access."

Durango Fire Protection District Plan Reviewer, Shane Kakavas, comments from April 5, 2024:

"Unless the site or building or location has changed, the requirements for secondary access is not required. The site is a little longer than what we like for the 150-feet for fire hose lay to reach around the entire structure, however Durango Fire Protection District is okay with the design layout dated 09/25/2020 on Civil sheet C1.0 (see attached). There was no comment requiring secondary access for fire department use. I can't speak to the county requirements."

Based on the findings described above and the recommendations from the Public Works Director and Durango Fire Protection District, the La Plata County Planning Department has made the determination to waive the requirement of an emergency access.

Conclusion

The La Plata County Planning Department hereby grants a waiver from LUC Sec. 72-2.III.C.2 Table 72-2 B which requires emergency access to be provided for Project No. PL20230206, Leaf Properties CR 233 Retail Store Preliminary Plan located at 920 CR 233, Durango, CO 81301, APNs: 566912201026 and 566912201027. The criteria for a waiver described under LUC Sec. 72-2.III.C.3 have been met and are supported by the comments from the Public Works Director and Durango Fire Protection District, referenced above and attached.

Director Determinations may be appealed to the Board of Adjustment per LUC Sec. 66-13. Appeals must be in writing and filed with the Planning Department within 10 days of the decision.

Feel free to contact our Department if you have any further questions regarding this waiver.

Sincerely,



Lynn Hyde
Community Development Director
Project No. PL20240206 – Leaf Properties Emergency Access Waiver

La Plata County

Cc: Project No. PL20240206 and Project No. PL20230206

Enclosures:

Public Works Director recommendation

Fire District recommendation

Civil sheet C1.0 dated 09.25.2020

From: Jim Davis <JDavis@lpcgov.org>

Sent: Thursday, August 29, 2024 3:29 PM

To: Aaron McKelvey <AMcKelvey@lpcgov.org>

Cc: Bill Fellman <BFellman@lpcgov.org>; David Barnett <DBarnett@lpcgov.org>

Subject: RE: Leaf Properties - waiver for emergency access

Aaron: I typically defer to the local Fire District unless there are any unusual circumstances, which is not the case with this parcel. Since DFPD does not see any need for secondary access for the parcel, and there are no unusual circumstances, I agree with the findings of DFPD regarding secondary access.

Let me know mif you require anything else or a more formal reply for your file. I

Jim Davis, P.E.

Director of Public Works

La Plata County

1365 S. Camino del Rio

Durango, CO 81303

Phone: (970) 382-6372

Engineering Office: (970) 382-6363

Email: jdavis@lpcgov.org



"Under the Colorado Open Records Act (CORA), all messages sent by or to me on this county-owned email account may be subject to public disclosure."

From: Kakavas, Shane <shane.kakavas@durangofire.org>
Sent: Friday, April 5, 2024 3:28 PM
To: Tiffany Rhodes <trhodes.apc@gmail.com>
Subject: Re: Leaf Properties CR 233 Project Number 2023-0206

Hi Tiffany,

Unless the site or building or location has changed, the requirements for secondary access is not required. The site is a little longer than what we like for the 150-feet for fire hose lay to reach around the entire structure, however Durango Fire Protection District is okay with the design layout dated 09/25/2020 on Civil sheet CL0 (see attached). There was no comment requiring secondary access for fire department use. I can't speak to the county requirements.

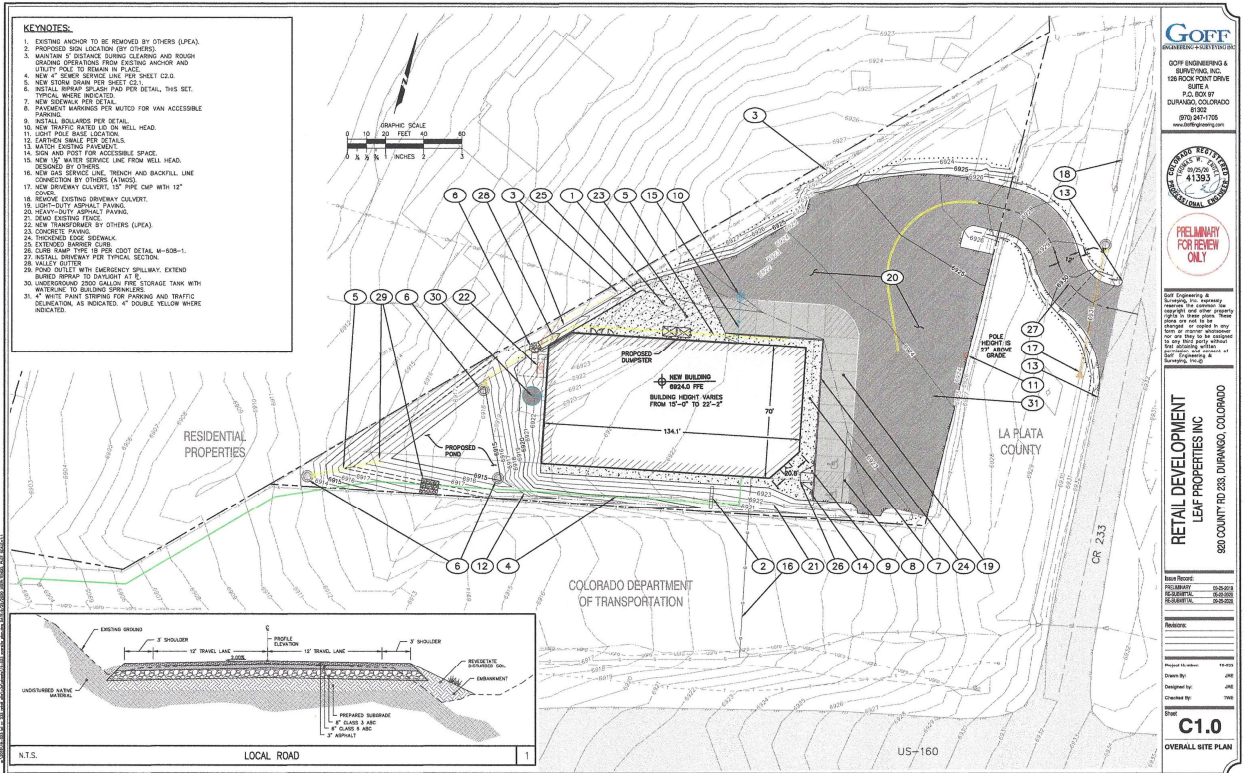
The one item that has changed will be the amount of stored fire sprinkler water for this project. The amount required will most likely increase. It may be a good idea for us to revisit the storage and available water for the fire suppression system. If you and your client could wait until the week of the 15th as Fire Marshal Rinaldi is out of town next week so we can further discuss.

Regards,
Shane

WE'VE MOVED! As of Monday, 3/04/2024 our office is now located at 103 Sheppard Drive, 2nd floor.



Shane Kakavas
Plan Reviewer
Durango Fire Protection District
103 Sheppard Drive, 2nd floor
Durango, CO 81303
(O) 970-382-6001
(F) 970-382-6028
(D) 970-382-6026
Email: Shane.kakavas@durangofire.org
Visit Us At: www.durangofire.org



- KEYNOTES.**
1. EXISTING ANCHORS TO BE REMOVED BY OTHERS (LPCA).
 2. PROPOSED SIGN LOCATION (BY OTHERS).
 3. EXISTING 4" DUCTILE IRON MANHOLE AND RIGID GRADING OPERATIONS FROM EXISTING ANCHOR AND EXISTING POLE TO BE REMOVED IN PLACE.
 4. NEW 4" SERVICE SERVICE LINE PER SHEET C2.0.
 5. NEW EXISTING DRAIN PER SHEET C2.0.
 6. EXISTING BRUSH PILE PER DETAIL, THIS SET.
 7. TYPICAL WHERE INDICATED.
 8. NEW SIGNAGE PER DETAIL.
 9. EXISTING BARRIERS PER DETAIL.
 10. NEW SIGNAGE BARRIERS TO BE REMOVED.
 11. EXISTING POLE BASE LOCATION.
 12. EXISTING BRUSH PER DETAIL.
 13. EXISTING EXISTING PAVEMENT.
 14. NEW ASPHALT FOR ACCESSIBLE SPACE.
 15. NEW 12" WATER SERVICE LINE FROM WELL HEAD, REMOVED BY OTHERS.
 16. NEW GAS SERVICE LINE, TRENCH AND BACKFILL, LINE CONNECTION BY OTHERS (AUGUS).
 17. NEW DRIVEWAY CULVERT, 15" PIPE, CMP WITH 12" DRAINAGE.
 18. EXISTING EXISTING DRIVEWAY CULVERT.
 19. EXISTING EXISTING DRIVEWAY CULVERT.
 20. EXISTING EXISTING DRIVEWAY CULVERT.
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 29. EXISTING EXISTING DRIVEWAY CULVERT.
 30. EXISTING EXISTING DRIVEWAY CULVERT.
 31. EXISTING EXISTING DRIVEWAY CULVERT.

GOFF
ENGINEERING & SURVEYING, INC.
120 ROCK POINT DRIVE
SUITE 100
DURANGO, COLORADO 81303
970.247.1705
www.goffeng.com

RETAIL DEVELOPMENT
LEAF PROPERTIES INC.
920 COUNTY RD 233, DURANGO, COLORADO

C1.0
OVERALL SITE PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1	10/20/2018	PRELIMINARY
2	10/20/2018	REVISION
3	10/20/2018	REVISION

DESIGNED BY: JMS
CHECKED BY: JMS
DATE: 10/20/2018