



Town of Yampa

Planning Commission Agenda Item

MEETING DATE: August 16, 2023 @ 6:00 P.M.

AGENDA ITEM: Request for Conditional Use Approval for the Temporary Locating of Cluster Box Units (CBUs) by the US Postal Service at 125 Moffat Avenue (Royal Hotel Site) in the Commercial (C) Zone District

PRESENTED BY: Mary Alice Page-Allen

TOWN BOARD MEETING: August 16, 2023 following the Planning Commission Meeting

ATTACHED: Draft Resolution 2023-09
Site Plan
CBU Graphic
Post Office Emails (2), 7/27/2023

BACKGROUND REVIEW:

Postmaster Doug Sprowls requested permission of the Yampa Town Board to locate up to 27 Cluster Box Units (CBUs) around the southern and eastern perimeter of the Town-owned property located at 125 Moffat Avenue as an interim measure to assure local delivery of mail while the Postal Service finalizes plans for a new building location.

The parcel is 8,712 sq. ft. in size and was obtained by the Town approximately two (2) years ago. The property is vacant, having been remediated after the 2017 fire that destroyed the Royal Hotel. There are areas of concrete – a sidewalk along the south line and a colored pavement area along the east line of the parcel – that is proposed to be repurposed to locate the 27 CBUs. This is the basis for the conditional use permit request which is similar in nature to a public building that is a Use Permitted By Right and, as such, must go through a conditional use process.

COMPLIANCE WITH TOWN OF YAMPA MASTER PLAN:

Section 7.H of the Zoning Ordinance of the Town of Yampa, Colorado (Ordinance), states that “[a]ll site development for which any one (1) or more of the following approvals is required under this Ordinance shall be consistent with the Town’s Master Plan, as amended: (A) Rezoning; (B) Conditional use; (C) Planned unit development; [and] (D) Annexation. No application for the above-listed developments shall be approved if not in conformance with the Master Plan, and such failure shall be a reasonable ground for denial of the application.” Therefore, any proposal such as this one should be considered in light of the applicable policies of the Master Plan. The Yampa Comprehensive Plan (Plan) was adopted on July 12, 2023 and is referenced as the Master Plan identified herein. While the Plan contains numerous policies

regarding land use and development, the following was selected to highlight the policies most directly applicable to this application. Interested parties are encouraged to review the Plan to determine if there are other policies that may be applicable to the review of this application.

Chapter 5 – Downtown Revitalization & Placemaking

DR Goal 1

Revitalize Yampa’s downtown to offer a vibrant business environment, attractive streetscape and community convening places.

Complies		Section	Policies
Yes	No		
√	_____	DR Policy 2.3	Work collaboratively with the US Postal Service to develop and implement a plan to keep the post office in Town. <i>Comment: While the proposal being considered herein does not incorporate the locating of a new post office building, it does maintain levels of service while allowing time for site selection, negotiations with property owners, and the improvements that may be necessary at the selected site to be implemented.</i>

Chapter 7 – Economic Development

ED Goal 4

Ensure the community’s infrastructure contributes to the area’s quality-of-life while supporting a sustainable economy.

Complies		Section	Policies
Yes	No		
√	_____	ED Policy 4.1	Create and maintain an adequate tax base to meet the Town’s needs and to provide for public amenities and open space acquisition as desired by local residents.
√	_____	ED Action 4.1.B	Develop a strategy to engage local property owners and the US Postal Service for the purpose of maintaining a presence in Yampa (e.g. centralized regional location for package delivery). <i>Comment: The Town Board and staff have been working with US Postal Service representatives on identifying and facilitating sites within Town to maintain a US Postal Service presence locally.</i>

ED Goal 8

Partner with public and private individuals and entities to address deficiencies in the built environment, services and facilities.

Complies		Section	Policies
Yes	No		
√	_____	ED Policy 8.3	Increase opportunities for educating the community about governmental and utility operations and offerings.
√	_____	ED Action 8.3.B	Continue coordinating with service and utility providers to maintain and improve service levels and grow public awareness of challenges and priorities. <i>Comment: See above comments.</i>

COMPLIANCE WITH THE ZONING ORDINANCE OF THE TOWN OF YAMPA, COLORADO

While the Zoning Ordinance of the Town of Yampa, Colorado (Ordinance) contains numerous regulations regarding land use, the following has been selected to highlight the regulations directly applicable to this application. Interested parties are encouraged to review the Ordinance to determine if there are other regulations that may be applicable to the review of this application.

Section 13 – Regulations for C – Commercial District

The regulations set forth in this section, or set forth elsewhere in this Ordinance, when referred to in this section, are the District Regulations in the C – Commercial District.

Complies		Section	Standards
Yes	No		
✓	_____	C.	Conditional Uses
✓	_____	1.	Enterprises or businesses of the same nature or class as those listed above in Paragraph A, Uses Permitted By Right, which in the opinion of the Planning Commission, as evidenced by a resolution of record, are not more obnoxious or detrimental to the welfare of the area than those listed in said Paragraph A. <i>Comment: Section A.4 identified “public buildings” as a Use Permitted By Right. A finding of fact that the Planning Commission has previously approved a resolution that the proposed temporary siting of the Postal Service CBUs is similar to a public building and it can therefore be considered as a conditional use under the provisions of the Zoning Ordinance is included below.</i>
✓	_____	D.	Area Regulations
✓	_____	2.	Minimum Lot Area. No minimum requirements.
✓	_____	3.	Minimum Lot Frontage. No minimum requirements.

Section 18 – Special Regulations

The regulations set forth in this Section or set forth elsewhere in this Ordinance when referred to in this Section are the Special Regulations.

Complies		Section	Standards
Yes	No		
✓	_____	B.	Conditional Uses
✓	_____	1.	Permit required: A conditional use permit shall be required prior to the issuance of a building permit associated with, or the commencement of, any use identified in this Ordinance as a conditional use in the relevant zone district. A conditional use permit shall also be required for any use not specifically mentioned in this Zoning Ordinance. No conditional use shall be considered a use by right. <i>Comment: A condition is included below that requires the conditional use permit include a stipulation that any required building permit be obtained prior to the installation of the CBUs.</i>
✓	_____	2.	Procedure: An application with the required materials shall be filed with the Town. The application shall be reviewed by the Planning Commission at a public meeting. The Commission shall make a recommendation to the Board of Trustees, which shall review the

application at a public hearing. The Board may approve, approve with conditions, or deny the application. *Comment: This is the process being undertaken.*

3. Submission requirements: The applicant shall submit those of the following materials which are, in the opinion of the Town, relevant to the particular permit being requested. Only complete submittals will be accepted:
- a. A complete conditional use permit application and the required fee. *Comment: Application materials have been submitted. A finding is included below that it is appropriate to waive the application fee as the application is being made by public entities and for the benefit of the citizens of the Town of Yampa.*
 - b. A legal description of the property involved.
 - c. A site plan showing proposed uses and structures on the property.
 - d. Scaled elevations and/or perspective drawings of any proposed structure.
 - e. A proposed development schedule:
 - 1. Date of the beginning of the use and/or construction. *Comment: Per correspondence and conversations with Postmaster Doug Sprowls, the CBUs will be ordered upon the Town's approval of the conditional use permit and site work to secure them to the existing concrete will be scheduled so that such is completed by October 31st. The CBUs will come into use at the end of February 2024 when the post office's lease at 161 Moffat Avenue expires.*
 - 2. Phases in which the project may be developed and the anticipated rate of development. *Comment: See above information.*
 - 3. Date of completion of the project. *Comment: See above information.*
 - f. Any agreements, provisions or covenants to be recorded.
 - g. Restoration or reclamation plans shall be required for all conditional uses requiring extensive grading and for extractive uses.
 - h. A statement regarding any provisions for proper ongoing maintenance of the use and site. *Comment: Town staff has discussed this proposal specifically with regard to snow removal and Public Works personnel has indicated that the CBUs locations will allow for snow removal and maintenance.*
 - i. Any additional materials which, in the opinion of the Town, are necessary to adequately review the application. *Comment: The Town Board, at its meeting on August 2nd, consented to allowing the temporary location of the Postal Service's CBUs on the Town-owned property subject to*

obtaining a conditional use permit. Such permission is documented in the minutes of the August 2nd meeting.

4. Criteria for review. The Town shall consider the following criteria when evaluating an application for conditional use permit:
- a. Whether the proposed use or development otherwise complies with all requirements imposed by this Ordinance. *Comment: See the analysis herein. A finding of fact in this regard is suggested below.*
 - b. Whether the proposed use or development is in conformance with the Town's [Comprehensive] Plan. *Comment: See the analysis herein. A finding of fact in this regard is suggested below.*
 - c. Whether the proposed use or development is compatible with adjacent uses. Such compatibility may be expressed in appearance, architectural scale and features site design, and the control of any adverse impacts, including noise, dust, odor, glare, vibration, smoke, water pollution, lighting, traffic safety, snow storage problems, environmental problems, or other objectionable influences beyond the boundaries of the property on which such use is located, and impact on property values of the surrounding area. *Comment: The CBUs will be located directly to the west of the existing post office facility. Impacts such as traffic, lighting, and dust will remain at current levels. Snow storage will be available within the unused portions of the property.*
 - d. Apparent community need for the use or development. *Comment: There is a significant community need for mail delivery facilities to bridge the gap between the closure of the existing post office and the opening of the new building. This temporary siting of the CBUs will fill this need.*
 - e. Suitability of location for the use or development. *Comment: The location is commercially zoned and adjacent to the existing postal facility.*
5. Term, expiration: Once approved, a conditional use permit is valid so long as the conditions of approval are maintained by the applicant, unless a specific time limit for the use or development is set forth as part of the permit approval. If an approved conditional use ceases operation for any reason for a period of one (1) year, the conditional use permit shall be deemed expired, unless otherwise provided in the permit itself. A conditional use may be limited to a period of time not less than one (1) year, subject to later review and continued conditional use approval as set forth in this Section. *Comment: A condition is included below that states that the conditional use permit is valid for one (1) year and may be renewed for one (1) additional year.*
6. Conditions: If the conditions of a conditional use permit become the responsibility of a person or entity other than the applicant, the Town shall be notified in writing, identifying the new person or entity responsible for maintaining the conditions of the permit. Until such notice is received, the applicant shall remain responsible for maintaining the conditions of the permit. The notice shall be attached to the permit on file with the Town. Failure to maintain the conditions of approval shall be considered a violation of this Section and, in addition to the penalties provided at Title 18 of the Yampa Municipal Code, shall subject the permit holder to revocation. *Comment: A condition in this regard is included below.*

- √ _____
7. Modifications: No approved conditional use or development may be modified, structurally enlarged or expanded in ground area, unless such modification, enlargement or expansion receives the prior approval of the Town, which shall be obtained by repetition of the procedures provided in this Section. *Comment: A condition is included below in this regard.*
- √ _____
8. Renewal: The Board of Trustees may either renew the conditional use approval for a period not less than one (1) year, find that the owner has failed to substantially comply with the conditions of use approval and that the term of the conditional use has expired or renew the conditional use approval subject to a modification of existing conditions or the addition of new conditions. *Comment: See above comments with regard to renewal or modification.*

RECOMMENDATION FOR APPROVAL:

Findings of Fact:

1. The Planning Commission has previously approved a resolution that the proposed temporary siting of the Postal Service CBUs is similar to a public building and can therefore be considered as a conditional use under the provisions of the Zoning Ordinance.
2. The proposal meets the standards of the Zoning Ordinance of the Town of Yampa, Colorado, is in general conformance with the intent and purpose of the Yampa Comprehensive Plan and preserves the health, safety and welfare of the citizens of the Town of Yampa.
3. It is appropriate to waive the conditional use application fee as the application is being made by public entities and for the benefit of the citizens of the Town of Yampa.

Subject to the following conditions:

1. The conditional use permit shall contain the following stipulations:
 - a. The effective date of approval of the conditional use permit is the date of the Town's Board approval. Such approval shall expire in 12 months unless a building permit (if such is required) for installation of the improvements or the installation of the improvements are undertaken, as applicable, from the effective date of such approval.
 - b. The conditional use permit is valid for one (1) year and may be renewed for one (1) additional year upon receipt of written notice of such intent to renew is received by the Town prior to the expiration of the initial term of the conditional use permit.
 - c. Any required building permit shall be obtained prior to the installation of the CBUs.
 - d. If the conditions of a conditional use permit become the responsibility of a person or entity other than the applicant, the Town shall be notified in writing, identifying the new person or entity responsible for maintaining the conditions of the permit. Until such notice is received, the applicant shall remain responsible for maintaining the conditions of the permit. The notice shall be attached to the permit on file with the Town. Failure to maintain the conditions of approval shall be considered a violation of this Section and, in addition to the penalties provided at Title 18 of the Yampa Municipal Code, shall subject the permit holder to revocation.
 - e. The conditional use permit shall not be modified, structurally enlarged or expanded in ground area, unless such modification, enlargement or expansion receives the prior approval of the Town, which shall be obtained by repetition of the procedures provided in this Section unless such modification is equivalent to or less than a 10% change as determined by the Town Planner and approved by the Town Administrator/Clerk.

TOWN OF YAMPA
RESOLUTION 2023-09 (P)

A RESOLUTION DETERMINING THAT A PROPOSAL TO LOCATE US POSTAL SERVICE CLUSTER BOX UNITS IS OF THE SAME NATURE OR CLASS AS USES PERMITTED BY RIGHT IN THE COMMERCIAL (C) ZONE DISTRICT NOR MORE OBNOXIOUS OR DETRIMENTAL TO THE WELFARE OF THE AREA AND CAN THEREFORE BE CONSIDERED AS A CONDITIONAL USE UNDER THE PROVISIONS OF THE YAMPA ZONING ORDINANCE

WHEREAS, the Yampa Planning Commission has been asked to consider a proposal to locate US Postal Service Cluster Box Units (CBUs) under the criteria of Title 17, Zoning Ordinance, Yampa Municipal Code; and

WHEREAS, said Zoning Ordinance stipulates that any enterprise or business of the same nature or class as those listed as Uses by Right in the Commercial (C) zone district, which in the opinion of the Planning Commission, are not more obnoxious or detrimental to the welfare of the area may be considered as a conditional use; and

WHEREAS, public buildings are a Use by Right in the Commercial (C) zone district and the CBUs are an installation that will provide US Mail services to the citizens of Yampa.

NOW THEREFORE BE IT RESOLVED by the Planning Commission of the Town of Yampa, Colorado:

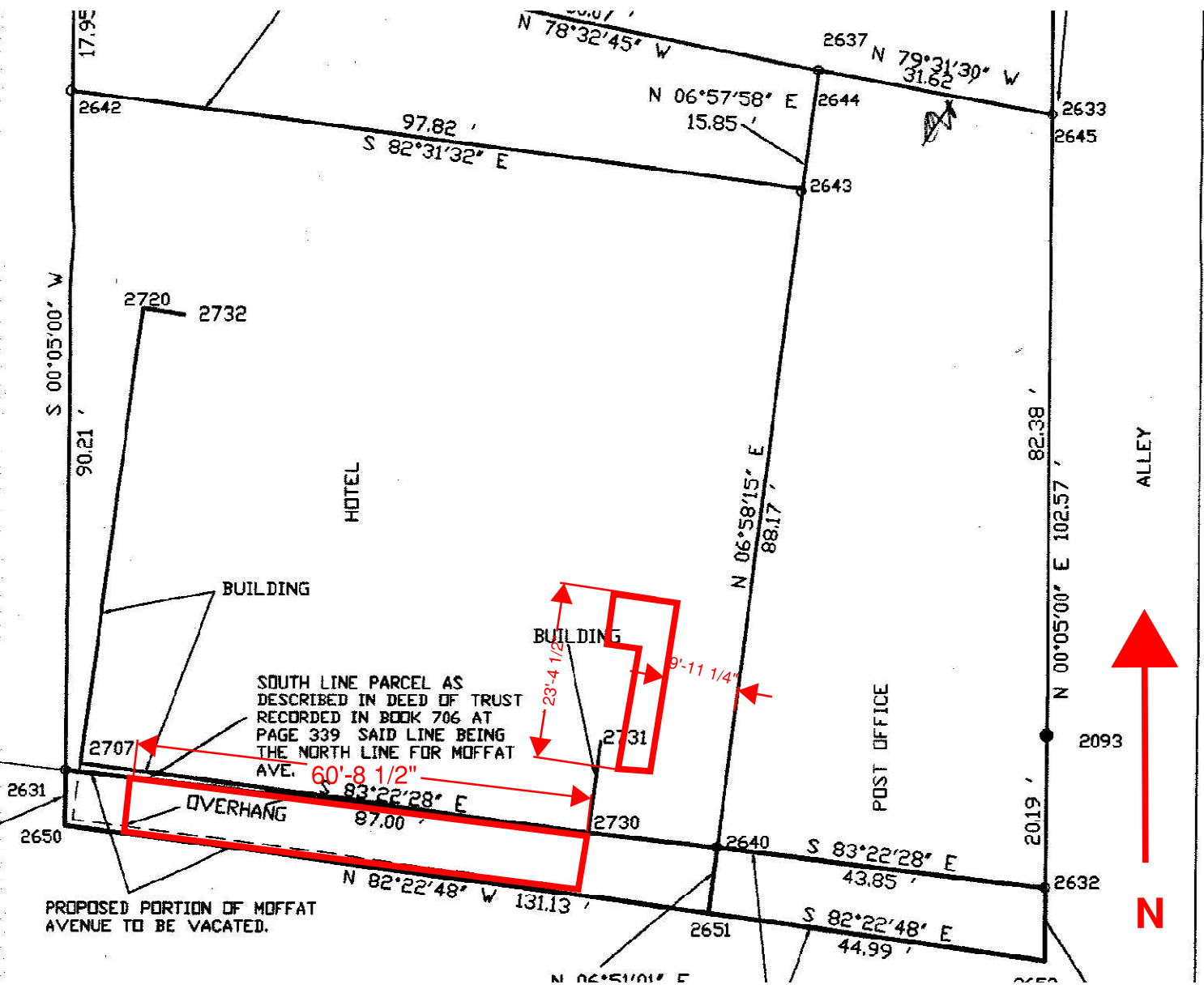
1. The Town of Yampa Planning Commission hereby finds that the proposed siting and use of Cluster Box Units at 125 Moffat Avenue, Yampa in the Commercial (C) zone district is of the same nature and class as public buildings which are a Use by Right in said Commercial (C) zone district and can be considered under the conditional use criteria of Title 17, Zoning Ordinance, Yampa Municipal Code.
2. This Resolution shall be in full force and effect upon its passage and adoption.

APPROVED this 16th day of August, A.D., 2023.

Stacey Geilert, Chairman

Attest:

Sheila Symons, Town Administrator/Clerk







Mary Alice <planner@townofyampa.com>

Re: Yampa post office - CBU installation

Sprows, Doug - Oak Creek, CO <Doug.Sprows@usps.gov>

Thu, Jul 27, 2023 at 3:05 PM

To: Mary Alice <planner@townofyampa.com>

Cc: Town of Yampa Clerk <clerk@townofyampa.com>

It may be helpful to draft an example of what sort of agreement you're looking to have the Postal Service sign so that can go to legal for approval. In every case I've dealt with, towns/cities typically meet on the matter and give their approval of placement of mailboxes/cbu's in the discussed location, with whatever stipulations they need to implement as far as placement. **I will need a letter of approval of the location(s) from the town before the process on my end can proceed.**

Here are responses to your questions:

1. You've given the footprint size of the CBU (31"W x 19" D) and that there will be 27 of them. How do you see them situated on the property? I've attached some survey information we have that gives dimensional info that should help. **How the CBU's are situated is open for discussion, although having them in a line facing the road, in most cases, makes snow removal efforts easier. I imagine a line along Lincoln and then along Moffat, although I would need to be on site to determine whether or not that is actually feasible.**
2. Would there be additional package CBUs? If so, how many and what are their dimensions and proposed locations? **No additional CBU's, parcel lockers are included in the 27 proposed. 21 have mailboxes and 2 parcel lockers and 6 would be stand-alone parcel lockers.**
3. What is the scope of work? **This is to be determined.**
4. You'd indicated a concrete pad would be needed in our conversation. What are its dimensions and location? **This is to be determined as well and also the design can be open to the needs/desires of the town. Perhaps the concrete can be repurposed once we move into the new building? Something to consider.**
5. What is the timing of the various phases of work including completion and "operation"? **Timing cannot be determined until a suitable location is agreed upon.**
6. What are the elevation, dimensions including height and color of the CBUs? A picture is always helpful. **Color will likely be beige or grey. Height is about 62"**
7. Is any signage proposed and, if so, where would it be located? **No signage.**
8. Is any lighting proposed and, if so, where would it be located? **No lighting.**
9. What is the maintenance plan regarding snow removal and weeds? **Snow removal for CBU's falls on the residents that receive mail in them – so in this case, it's a group effort among the entire town.**
10. As to the lease terms: **I'm not able to sign any sort of lease, but the town can set requirements that the Postal Service would have to abide by regarding placement.**
 - o How long would the initial term be? The Town - under some TABOR and finance requirements - can only enter into a one-year lease period without a lot of process including the adoption and publication of an ordinance that adds at least 45 days to the process. There can be a renewal clause, however.
 - o The property is slated for redevelopment, so what length of notice from the Town would be needed to require the CBUs removal and reclamation of the site?
 - o Who and what type of authorization from whom is needed from the Postal Service to enter into a lease with the Town?
 - o What's the timing to get such authorization?
 - o What is the proposed compensation/lease payment?

Sincerely,

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



Mary Alice <planner@townofyampa.com>

Re: Yampa post office - CBU installation

Mary Alice <planner@townofyampa.com>

Thu, Jul 27, 2023 at 12:25 PM

To: Jonathan Cave <razzbuten@gmail.com>, Mike Lewis <remhep3@gmail.com>, Michael Geanious <mgeanious@gmail.com>, Stacey Geilert <slap3gs@gmail.com>, Steve Williams <swilliams@designdirection.org>, Town of Yampa Clerk <clerk@townofyampa.com>

All,

See below. We're specifically forwarding this to you guys with regard to the highlighted info below that Doug Sprowls provided today regarding how not having facilities in Yampa means that Steamboat would be Yampa's new mail pick up option as Oak Creek does not have capacity. As well, I think it's important that you folks are looped into the conversations with regard to the need to go to CBUs (cluster boxes) as realistically time has run out to do a building this year - though know that there are very substantive conversations going on with the Tusseys.

We hope to have things pulled together on the CBUs for the meeting on August 16th, and Sheila and I can provide any updates we have between now and August 2nd at that meeting.

Mary Alice

----- Forwarded message -----

From: **Mary Alice** <planner@townofyampa.com>

Date: Thu, Jul 27, 2023 at 11:55 AM

Subject: Re: [EXTERNAL] Re: Yampa post office - CBU installation

To: Sprowls, Doug - Oak Creek, CO <Doug.Sprows@usps.gov>

Cc: Christiansen, Kent J - Denver, CO <Kent.J.Christiansen@usps.gov>, Baldwin, Brenda M - Denver, CO

<Brenda.M.Baldwin@usps.gov>, Town of Yampa Clerk <clerk@townofyampa.com>, CO-WY District Growth <CO-

WYDistrictGrowth@usps.gov>, Wheeler, Steven E - Denver, CO <Steven.E.Wheeler2@usps.gov>, Sigler, Katherine

<Katherine.Sigler@usps.gov>, Groetzinger, Robb J - Denver, CO <Robb.J.Groetzinger2@usps.gov>, Mansfield, Shana D

- Morrison, CO <Shana.D.Mansfield@usps.gov>

All,

Know that Yampa is truly on board to find solutions and will do whatever we can to expedite things within the standards and rules that we're bound by as a public entity. Please know - and it is why the word 'lease' was put in quotes - that some type of written agreement and compliance with the Town's zoning regulations is the minimum needed. We are very much willing to help and expedite!

Let us know what we can do from our side.

Mary Alice

Mary Alice Page-Allen, MPA AICP CMC

Treasurer/Planner

Town of Yampa

PO Box 224

Yampa, CO 80483

Ofc: (970) 638-4511/Cell: (970) 846-4582

On Thu, Jul 27, 2023 at 11:14 AM Sprowls, Doug - Oak Creek, CO <Doug.Sprows@usps.gov> wrote:

Joey/Brenda,

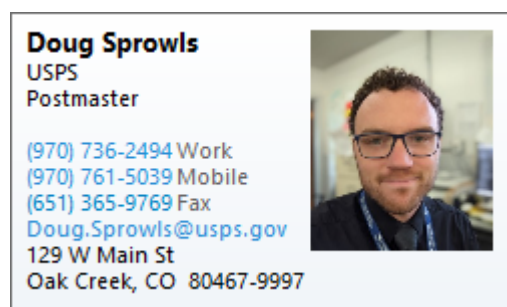
Could you assist with CBU placement in Yampa? I was told during the same process for Phippsburg that the Postal service does not consider leasing land for CBU installation. See below for the response from the town.

If we could come up with some sort of agreement to use the old royal lot (201 Moffat ave) OR the Tussey lot (which I believe a lease for the new building is currently being negotiated), it would be ideal for both the Postal Service and the community, and would make the transition from current building to the new building a lot easier – but I'm aware any sort of leasing agreement is beyond my capabilities.

I also want everyone to be aware that the Oak Creek Post Office would not be able to absorb Yampa's volume in the event that an alternate way to deliver is not established. The closest Post Office that would be able to accommodate the volume and be able to provide a way for mail to be picked up would be the Steamboat Springs Post Office, which is about 30 miles from Yampa.

Please let me know how I can assist in moving this along.

Sincerely,



From: Mary Alice <planner@townofyampa.com>
Sent: Tuesday, July 25, 2023 4:15 PM
To: Sprowls, Doug - Oak Creek, CO <Doug.Sprows@usps.gov>
Cc: Town of Yampa Clerk <clerk@townofyampa.com>
Subject: Re: [EXTERNAL] Re: Yampa post office - CBU installation

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Keep in mind that regardless of the compensation there still needs to be a 'lease' agreement whether at the Royal site or in the Town right-of-way.

On Tue, Jul 25, 2023, 4:06 PM Sprowls, Doug - Oak Creek, CO <Doug.Sprows@usps.gov> wrote:

I concur on waiting until at least August 16th. I'm out of the office until Thursday. I will work on getting answers for all of your questions when I return. Typically, the Postal Service doesn't consider leasing land for CBU placement - is there any sort of leeway from the town on this part? I will of course inquire on my end as well to see if an exception can be made in this case. If not, we will have to move on to the right of way scenario which would not be ideal for a transition from post office to CBU's and back to post office. My intent is to try to preserve everyone's PO Box during the transition to make it seamless, versus going from PO Box delivery to street address delivery and back to PO Box.

Doug Sprowls