



The Montrose City Planning Commission held a meeting August 24, 2011 at 5 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

#### PRESENT

Frank Casey, Ken Flack, Dianna Reuter, Judy Wind and City staff, Ben Morris, Lisa DelPiccolo, and Kerwin Jensen were present.

#### ABSENT

Ginny Howell, Ray Jantzen, Garry Baker, John Harris, Kristine Bagnara

#### GUESTS

Sharon Riley, Larry Riley, Peter Sujansky

Planning Commission Chairperson, Frank Casey, called the meeting to order at 5:08 p.m.

#### APPROVAL OF MINUTES

Judy Wind made a motion to approve the minutes of the July 27, 2011 meeting. There was no meeting on August 10, 2011. Ken Flack seconded the motion and it carried unanimously.

**VAR #11-006 – LOTS 9 THROUGH 12 OF THE TOWN OF MONTROSE LOCATED AT 1001 SOUTH PARK AVENUE – TO ALLOW THE FRONT SETBACK OF 15’ BE REDUCED TO 6’, TO ALLOW THE WEST SIDE SETBACK OF 15’ BE REDUCED TO 4’, AND TO ALLOW THE EAST SIDE SETBACK OF 10’ BE REDUCED TO 4’.**

The applicant, Peter Sujansky of Park & Tenth LLC, is requesting the variance to the noted setbacks as stated above at 1001 South Park Avenue.

Kerwin Jensen, Community Development Director, introduced this item. All public notice requirements have been fulfilled and the official files and exhibits were entered into the record.

The Comprehensive Plan designates this area as Downtown Mixed Density High. Staff feels that this request does not appear to be adverse to the public health, safety and welfare, unusual physical circumstances appear to exist, the large distances between the streets and property lines have not been created by the applicant, the applicant states his proposed 4-plex is the only economically viable use of the property, and the proposed 4-plex would be compatible with existing development. The existing REDO District would allow a pair of duplexes to be built within 5 feet of the front and side property lines.

Staff is recommending approval with the following conditions: **1).** [Standard Condition] The approval of this Variance is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Variance. The City staff is not authorized by this approval to execute the Variance prior to all conditions being satisfied, **2).** The site plan (Exhibit 3) shows a new attached sidewalk on S. 10<sup>th</sup> Street. This configuration is not supported by staff **(a)** All new sidewalks shall be detached from the curb, and located approximately on the property line. No new attached sidewalks are permitted. Existing attached walks may remain, if they are in acceptable condition., **3** This Variance shall expire one year from the date of planning Commission approval, **4).** The Site Development Plan shall be in substantial conformance with the site plan included in this packet (Exhibit 3), with the exception of the attached sidewalk on S. 10<sup>th</sup> St., **5).** This property will be addressed off of S. 10<sup>th</sup> St. because the property will face S. 10<sup>th</sup>. The address 1001 S. Park Avenue will no longer be valid.

Dianna Reuter asked if a picture of the building and landscaping was available. No architectural renderings were required for the process up to this point. The same goes for landscaping plans although the Planning Commission could require screening along the east boundary line if they choose.

Peter Sujansky of Park & Tenth LLC approached the podium. Mr. Sujansky stated that a landscaping plan was submitted and indicated that he is amenable to the conditions in the staff report, including a plan for detached sidewalks.

Judy Wind asked if enough space exists for landscaping on the east side of the lot. Mr. Sujanski stated that he will likely install a privacy fence.

Kerwin Jensen indicated that the inside edge of the sidewalk would be 12" to 18" from the property line.

Frank Casey asked Mr. Sujansky if he is in agreement with staff recommendations, and stated that he is.

Sharon Riley of 642 S. 10<sup>th</sup> St. spoke in opposition to the variance because children in the proposed units would not have room to play and she was opposed due to visibility issues with traffic on the corner.

The public testimony portion of the hearing was closed.

Ben Morris suggested the Commission review the variance criteria. Kerwin Jensen explained that at least three Commissioners had to vote in favor of the variance for it to pass.

Frank Casey closed the public hearing and read variance criteria from the Municipal Code. The Commissioners discussed each of the criteria in regard to the variance request.

Dianna Reuter asked if the applicant considered other types of structures.

Frank Casey reopened the public hearing to allow Mr. Sujansky to address the question. Mr. Sujansky stated that he did consider other designs, but opted for attractive family-friendly dwellings that would attract desirable tenants. The implementation of solar panels was considered but it was not found to be cost effective. Dianna then asked if Mr. Sujansky

considered earth friendly or solar components for the building. Mr. Sujansky stated that he looked into solar options, but the cost is not justifiable

Frank Casey closed the hearing.

A motion was made by Judy Wind to approve VAR #11-006 to allow the front setback of 15' be reduced to 6', to allow the west side setback of 15' be reduced to 4', and to allow the east side setback of 10' be reduced to 6' on Lots 9 through 12 of the Town of Montrose located in the southeast corner of the intersection at South 10<sup>th</sup> Street and South Park Avenue, currently known as 1001 South Park Avenue, with the following amended conditions: **1).** [Standard Condition] The approval of this Variance is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Variance. The City staff is not authorized by this approval to execute the Variance prior to all conditions being satisfied, **2).** **amended to state:** The new sidewalks on South 10<sup>th</sup> Street shall be detached from the curb, and located 12" to 18" from the property line. No new attached sidewalks are permitted. Existing attached walks may remain, if they are in acceptable condition., **3).** **amended to state:** The variance shall expire after one year from the date of approval by the Planning Commission if a building permit has not been obtained. **4).** The Site Development Plan shall be in substantial conformance with the site plan included in this packet (Exhibit 3), with the exception of the attached sidewalk on S. 10<sup>th</sup> St., **5).** This property will be addressed off of S. 10<sup>th</sup> Street because the property will face S. 10<sup>th</sup> Street. The address 1001 S. Park Avenue will no longer be valid. The motion was seconded by Ken Flack. Dianna Reuter voted no. All others voted yes. Motion passed.

## OTHER BUSINESS

### Community Development Department Staffing Levels

Kerwin Jensen updated the Commission regarding changes in the department since the departure of City Planner Scott Shine. Due to current economic circumstances, the vacancy will most likely not be filled, and Mr. Shine's duties will be distributed among existing personnel. Mr. Jensen reviewed staffing statistics and current workload.

### Regulations Updates

Frank Casey expressed concern regarding revisions and updates to the regulations that limit the Planning Commissions' options in cases such as property along the Uncompahgre River corridor.

### Developer Roundtable Discussions

Dianna Reuter asked about the developer roundtable sessions. Kerwin Jensen indicated that he was asked to put the Roundtables on hold until new City Manager is available to participate.

### Whitewater Park Grant Application

Kerwin Jensen updated the Commission on the status of a Great Outdoors Colorado (GOCO) grant application that the City plans to submit for the development of a whitewater park. The topic will be on the agenda for the City Council/County Commissioners meeting on August 24.

NEXT TIME

The next Planning Commission meeting is scheduled September 14, 2011 at 5:00 p.m.

ADJOURNMENT

Ken Flack moved to adjourn the meeting at 6:19 p.m. Judy Wind seconded the motion, and it carried unanimously.

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CHAIRPERSON

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ATTEST