



The Montrose City Planning Commission held a meeting September 26, 2012, 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, Doug Glaspell, Ray Jantzen, Dianna Reuter, Judy Wind and City staff Bill Bell, Russ Duree, Kerwin Jensen, John Harris, Ginny Howell and Rob Joseph were present.

#### ABSENT

Kristine Bagnara

#### GUESTS

Derek Miller, Ty Coram

Planning Commission Chairperson, Ken Flack., called the meeting to order at 5 p.m.

#### APPROVAL OF MINUTES

Doug Glaspell moved to approve the minutes of the August 22, 2012 meeting. There was no meeting held on September 12, 2012, meeting. Ray Jantzen seconded the motion, and it carried unanimously.

#### ADDITIONS OR DELETIONS

None

#### **RZ #12-03 – LOT 13 OF WILLERUP SUBDIVISION AT 146 WEST MAIN STREET FROM B-2 (HIGHWAY COMMERCIAL DISTRICT) TO B-2A (REGIONAL COMMERCIAL DISTRICT).**

This is a City of Montrose initiated rezone at 146 West Main Street. The applicant is the City of Montrose.

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.

Kerwin explained that per §4-4-27 of the City of Montrose Zoning Regulations the City Manager and City Council have the authority to initiate a zone change. The Community Development Department has received a letter from the City Manager stating that in his capacity as City Manager, he has requested that a zone change from B-2 to B-2A be initiated on the property located at 146 West Main Street. The zone change application shall be processed in accordance with the review procedure as set forth in the City of Montrose zoning code. The letter is signed by William Bell, Montrose City Manager.

Mr. Bell, City Manager, approached the podium. Mr. Bell stated that he believes that the listed allowed uses that could be introduced through an approved zone change would be compatible with the current use of the area. He said the businesses and types of uses are in transition in the downtown district. Mr. Bell stated this is an economic development project and if approved it will create jobs.

Rob Joseph, City Intern, approached the podium. Rob described the area where the building lies and the surrounding zoning. One block to the northwest is MHR zoning or Mobile Home Residential. One block south is a residential area. There is B-3 zoning (General Commercial District) to the east and northeast. There are a couple of metal shops and Recla Metals is only a few blocks away. Directly south of the subject property is another residential area. The property to the northwest is zoned B-2A. To the east are some vacant warehouses, a glass shop and a liquor store. Rob stated that he feels this request conforms to the Comprehensive Plan.

Doug Glaspell asked if this will be a multi-use facility. Kerwin explained they couldn't get focused on a specific use as the focus needs to be on the allowed uses. Kerwin referred to page two of the staff report that showed a list of uses that the proposed zoning would allow. Doug then asked if parking will be an issue. There is no off-street parking at this site; all parking is on City right-of-way. The property owners own a parcel to the east and it may be used for parking.

Derek Miller of Summit West 44 South Grand, the Sampler Square Building, approached the podium. He said he and his partner have 10-12 tenants at any given time in that building. Mr. Miller said there is a question in his mind because this project is initiated by the City Manager. He said a rezone or conditional use permit is typically at an applicant's request. Mr. Miller said it is his understanding that there will be a conditional use permit necessary for the proposed use which will go before staff only and will not be discussed in any public forum. He has strong concerns about what the uses might be. If there is going to be a conditional use discussed he wants to know what the use is going to be in case it is adverse to the current businesses in his building. There is a restaurant in his building with an outdoor dining patio, a residential tenant, retail uses and a hair salon. He is concerned about possible noises and odors that may be disruptive to his tenants. Kerwin said that any property owner within the B-2A zoning district would have the right to come in and apply for an administrative conditional use permit. The intent of the ordinance is to allow manufacturing or light industrial inside a building without any nuisances such as dust, odor and noise and that someone walking past would have no idea that a manufacturing use was taking place inside. Because it will be an administrative conditional use permit Mr. Miller was correct in stating that there will be no public notification of the request nor will it go before the Planning Commission. Mr. Bell added that if there is an administrative conditional use permit he will proactively go to all adjacent land owners and talk to them about the proposed use and get feed back from them. If an administrative conditional use was given and the business later disobeyed the nuisance regulations, that business could potentially be shut down. He said meeting with adjacent property owners is not required, but he thinks it is the right thing to do. It was explained that by doing a City initiated rezone it would be a faster and cheaper process for the business owner.

Mike Thorpe of 44 South Grand approached the podium. He said he was not meaning to be presumptive, but wants to have his concerns heard before anyone allows the new business to begin operating. Mr. Thorpe said it is their understanding that the owner is going to manufacture dog treats and use antlers in that process. They heard there have been complaints of odors at their current location. He hopes that there is some proactive planning so there are no issues, and hopes that staff

thinks about all of the possible impacts and ramifications before making the decision on the conditional use permit.

Judy Wind said this is a rezone but they are hearing a lot of testimony about a possible conditional use permit, but there is nothing on the agenda regarding that. She asked if they are acting on a zone change or a potential conditional use permit. Kerwin stated that the agenda item is a rezone and that is why they can't get into a discussion about any particular uses. He advised the concerned neighbors to set up a meeting with the new property owners and find out specifically what they plan on doing. Kerwin said under the code and the proposed zone change that if the applicant would like to take advantage of the administrative conditional use permit the use needs to be done indoors and must meet the other nuisance requirements. So, the consideration is whether or not that type of provision allowing those particular uses near the downtown area is compatible with surrounding land uses. Judy thanked Kerwin and said she wanted to reiterate that they should be looking at the uses that would be allowed. They would be opening the door to those kinds of uses by granting this rezone.

Ray Jantzen said based on the testimony of adjacent property owners, especially the part about having a restaurant and residential uses, he feels the allowed uses would have possible nuisance issues. It would allow for auto body shops and auto mechanics and there are definitely odors that come from those types of shops along with noises. He asked if there are regulations that would address that and do the other owners have any recourse if things like that are going on. Kerwin said there is general and standard nuisance language in the code that would allow the City to enforce action upon them. It was mentioned that there is B-2A across the street and Crossroads Electric is the business there.

The public testimony portion of the meeting was closed.

Frank Casey said he was torn by this request. He understands trying to assist DDA in getting businesses to move in, especially on that side of Main Street. But he sees the industrial and manufacturing businesses getting closer to the river and he wonders if that is going to be beneficial when the City is trying to promote use of the river.

Doug Glaspell said he is new on the board but he's noticed that they've tried to eliminate little islands of different zoning districts and he wondered if they should look at a bigger area. Ken Flack said other applicants have asked neighboring property owners if they would all like to come as a group and have their properties rezoned.

Judy Wind said her concern would be the introduction of light industrial and manufacturing uses into that area even though she understands what the City is trying to accomplish. Her concern is the potential introduction of possible odors. She said she is aware we have ordinances for that, but wondered if the ordinances are so definable that a business owner would know from the very beginning that they would have to install proper equipment to eliminate any and all odors. This particular property is fairly close to residential areas and on a day with a good wind, it would certainly affect the quality of life for those people. She wondered if it is really the best thing for the City to have the manufacturing move in this close to the core of the City. She has a concern for the allowed uses in the B-2A zone like auto repair and especially the light industrial.

Dianna Beshoar said that issues sometimes come before them after the fact. In this instance, the property has already been purchased and now they need a zone change. She feels they should really be

looking at the river access. Additional jobs will be great for the area, but there are other properties for sale that are already zoned appropriately.

Ray Jantzen agreed with a lot of the other comments that the other Commissioners have made. He questioned if the proposed zone change truly fits in with the future vision of that area. Ray also wondered if the applicants could come in with a request for a conditional use permit. Kerwin said the code allows for an administrative conditional use permit so they could not require an applicant to come before the Planning Commission.

Judy Wind said by approving this zoning, they are giving staff the authority to administer these types of conditional use permits and they therefore do not get a say. So, the only input they have is in whether or not the proposed zoning is appropriate in this area.

Doug Glaspell made a motion to recommend approval of RZ #12-03 – Lot 13 of Willerup Subdivision at 146 West Main Street as written. Ken Flack called for a second. He called a second and third time. There was no second so the motion died on the floor.

Judy Wind made a motion to recommend denial of RZ #12-03 – Lot 13 of Willerup Subdivision at 146 West Main Street. Ray Jantzen seconded the motion and it carried with one nay vote by Doug Glaspell.

OTHER BUSINESS

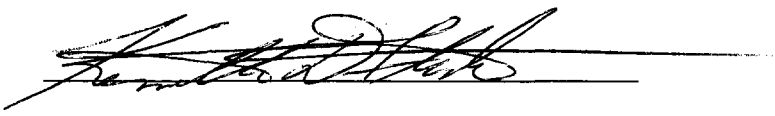
None

NEXT TIME

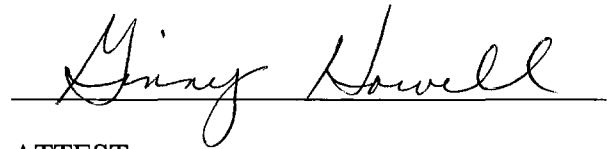
The next Planning Commission meeting is scheduled October 10, 2012.

ADJOURNMENT

Ray Jantzen moved to adjourn the meeting at 5:40 p.m. Doug Glaspell seconded the motion, and it carried unanimously.



CHAIRPERSON

  
ATTEST