



The Montrose City Planning Commission held a meeting on February 8, 2017, at 5:00 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

Doug Glaspell, Josh Freed, Gary Seitz, Karen Vacca, Tom Busker and City staff Garry Baker, Ty Johnson, Scott Murphy, Sharon Dunning, Christine Allen and Andrew Boyko were present.

ABSENT

Anthony Russo

GUESTS

BenniKay Connally, Gary Coram

CALL TO ORDER

Chairperson Doug Glaspell called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES

Gary Seitz moved to approve the minutes of the January 25, 2017 meeting as presented. Tom Busker seconded the motion, and it carried unanimously.

ADDITIONS OR DELETIONS

There were no changes to the agenda.

**VAR17-01, LOT 26, BLOCK 3, HEATHERWOOD SUBDIVISION FILING NUMBER 2, COUNTY OF MONTROSE, STATE OF COLORADO, KNOWN AS 1344 MANCHESTER DRIVE.** This is a request for a variance from side setback requirements. BenniKay Connally is the applicant.

Ty Johnson introduced this item. All public requirements have been fulfilled and the official files and exhibits were entered into the record.

The applicant is seeking a variance from side setback requirements to build a carport. The property located at 1344 Manchester Drive is located in the R-2 zone, which has a side setback requirement of 6 feet. The applicant is requesting a 6 inch side yard setback on the southwest side of the house to build a carport adjacent to their two-car garage. There are multiple neighboring properties that have built in the setback requirements for the R-2 zone.

Staff feels that all the criteria have been met and recommends approval of the request.

BenniKay Connally, 1344 Manchester Drive, approached the podium to speak in favor of the proposed variance. She would like to build a carport for privacy reasons. Three of the homes that surround her home are 2 stories, which creates a privacy issue. The carport would shield her from those neighbors. Additionally, her home has a garage which is rather small, and can only accommodate narrow vehicles. She has 2 vehicles and needs to put one in the carport.

Tom Busker asked if the house behind her has a carport, and if there are HOA restrictions. Ms. Connally replied there is a carport on the property behind her, and there is no HOA in this subdivision.

Gary Coram, 12166 6400 Road, approached the podium. He will be the contractor for the carport. The biggest problem for his customer is the neighbor next door looking right down on her, so privacy is an issue. The other thing he wants to add is that he will carry the building fascia around the carport so it looks just like it was built as part of the house.

Doug Glaspell asked in what direction the runoff from the roof will go. His concern is that no water runs onto the neighboring property. Mr. Coram's response was the runoff will go to the north, but into a gutter. The discharge is controlled. Ms. Connally added it will dump into her roses and garden area.

Garry Baker disclosed that under the building code it would be likely the carport will be able to be no closer than 2 feet from the property line.

Josh Freed asked where the property line is located. Mr. Coram stated he believes the property line is close to the chain link fence, and thinks the neighbor's concrete base is already on Ms. Connally's property. Ms. Connally stated she thinks the fence is also on her property.

Tom Busker stated he assumes it is a structurally sound carport and not canvas or anything like that. Mr. Coram replied it is made of steel.

Josh Freed asked about public notification since no one else was present in the audience. Ty Johnson replied the public notice sign was posted and letters were sent to the neighbors. He said one neighbor spoke to him and stated all their questions were answered and they would not attend the meeting.

The public hearing portion of the meeting was closed.

Tom Busker mentioned the distance from the property line should be included in the motion. Doug Glaspell suggested to include that the structure meets building code regulations.

Josh Freed moved to approve VAR17-01, Lot 26, Block 3, Heatherwood Subdivision Filing Number 2, County of Montrose, State of Colorado, known as 1344 Manchester Drive, a request for a variance from side setback requirements, with the following conditions: 1) it meets building code requirements for property line setbacks, and 2) the building permit must be applied for within one year. Gary Seitz seconded, and the motion carried unanimously.

**STAFF DISCUSSION OF LAND USE REGULATIONS.** This is a discussion of land use regulations.

Garry Baker introduced this item. This is a potential wide ranging topic. Garry said he would like to get the Planning Commissioners' input on what kind of observations they may have had, and discuss what kind of ideas they have. Garry stated that he also has an ongoing list of potential changes he can share.

Doug Glaspell asked, since the daycare has been approved by Council, is the Planning Commission free to discuss daycare centers in general. The planning commissioners then discussed existing regulations for daycare centers.

Existing regulations currently allow up to 16 children in residential zones as a conditional use. In some business zones large scale daycare is allowed as a use by right. The state limits daycare licenses to 12 children. This may be something to change in our code. There may need to be some discussion as to whether daycare should even exist in a residential zone.

The question was raised if daycare is considered a business. It does not require a sales tax license, but it is required to be registered with the State. The City does not get notified about daycare centers, so they can fly under the radar. But the State does require a zoning verification letter. Further concerns were that the Fire Department would be much better off if they knew what they were responding to if it is a daycare, and it would be good to not have too many of these daycare centers within a certain area.

The question was raised about how are zoning code changes made. The response was we have a running list of changes and initiate the process at the staff level. It is about a year long process. Currently we are in the process of a full code update. Garry discussed his list of potential code changes.

#### OTHER BUSINESS

None.

#### NEXT TIME

The next Planning Commission meeting is scheduled for February 8, 2017.

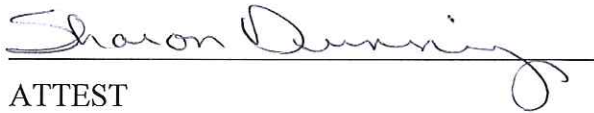
ADJOURNMENT

Josh Freed moved to adjourn the meeting at 6:06 p.m. Gary Seitz seconded the motion, and it carried unanimously.



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CHAIRPERSON



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ATTEST