



The Montrose City Planning Commission held a meeting on December 14, 2016, 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 and City staff Garry Baker, Ty Johnson, Andrew Boyko, Christine Allen and Sharon Dunning were present.

ABSENT

Anthony Russo, Scott Murphy

GUESTS

Steve Wood, Nelson and Sarah Gould, David Kienholz, Tom Wilen, Angie Kishbaugh, Gabrielle Sinkiewicz, Tom Busker, Ethel Brown, Gary Coram, Dixie Pierce, Jeff Pierce, Tom Turner, Kelle Wilson

CALL TO ORDER

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

APPROVAL OF MINUTES

Josh Freed moved to approve the minutes of both the October 12, 2016 and November 9, 2016 meetings as presented. Gary Seitz seconded the motion, and it carried unanimously.

ADDITIONS OR DELETIONS

There were no additions or deletions to the agenda.

SUB16-18 – 2940 N TOWNSEND AVE (LEGAL DESCRIPTION ON FILE). This is a proposal for Northside Park Preliminary Plat. Del-Mont Consultants, Inc. 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 purpose of this preliminary plat is to divide Parcel 1 into two lots to facilitate the purchase of a portion of Parcel 1 by the Montrose Regional Airport. A portion of this lot is located within the Airport's runway protection zone, which is intended to remain clear of any structure or trees.

The FAA prefers that runway protection zones be owned by the airport to prevent any future development in this zone. The airport currently has a fence located within this zone, which is a safety hazard. This subdivision will allow for the airport to purchase a portion of this lot, which will give them ownership of the runway protection zone, allow them to relocate their fence, and to prevent any future trees, buildings, or fences in this area.

Staff recommends the Planning Commission grant exemption from typical subdivision requirements of public improvements and public access for this preliminary plat. Any improvements or access to Lot 2 are unnecessary given its plan to become a part of the airport, and curb, gutter, and sidewalk improvements to Lot 1 are not a City priority at this time.

The applicant was present but did not have anything further to add. There was no discussion from the Planning Commissioners.

The public testimony of the hearing was closed.

Gary Seitz moved to recommend to City Council approval of the Northside Park Preliminary Plat with exemption from typical subdivision requirements of public improvements and public access and with the condition that the applicant go through a formal subdivision process if ownership of Lot 2 is not transferred to the Montrose Regional Airport. Josh Freed seconded, and the motion carried unanimously.

SUB16-17 – TBD MOONLIGHT DRIVE (LEGAL DESCRIPTION ON FILE). This is a proposal for Stargate Subdivision Filing No. 2 Amended Preliminary Plat. Del-Mont Consultants, Inc. 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 purpose of this amended preliminary plat is to provide the City with the current anticipated lot layout for Outlot 1 of the Stargate Subdivision, and to outline the plan to lower the existing Tri-County waterline in Moonlight Drive to meet the required specifications to provide sufficient cover.

The waterline on Moonlight Drive has only 29 inches of cover and Tri-County requires at least 4.5 feet of cover. This deficiency prevented the subdivision of Outlot 1 of the Stargate Subdivision during 2007 construction. All required improvements including sidewalks, water and sewer stubouts, dry utilities, curb and gutter, and asphalt paving were completed in 2007.

Staff recommends approval of Stargate Subdivision Outlot 1 Preliminary Plat.

The applicant was present but did not have anything further to add. The public testimony portion of the hearing was closed.

There was no discussion from the Planning Commissioners.

Josh Freed moved to recommend to City Council approval of the Stargate Subdivision Outlot 1 Preliminary Plat. Karen Vacca seconded, and the motion carried unanimously.

VAR16-09 – LOT 2, NORTH PARK AVENUE SUBDIVISION, KNOWN AS 932 N PARK AVE, SUITE A. This is a request for a variance from sign height limitations. Community Options 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.

Community Options, Inc. is located in the I-1 zone. The existing sign code allows Community Options to have one primary sign no higher than 10 feet with a maximum square footage of 200 sq. ft.

The applicant wants to erect a 40 square foot freestanding sign with an overall sign height of 14 feet, so that it will be more visible from the San Juan Bypass and less likely to be vandalized. Community Options currently has no permitted signs on their property.

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

There was some discussion as to whether the neighboring business had received a variance for roughly the same thing, however, no one could recall any details.

David Kienholz, 1841 S Hillcrest Ave., approached the podium to speak in favor of the proposed variance. Mr. Kienholz stated he is on the Board of Directors for Community Options. Tom Turner, 62340 North Star Drive, Executive Director, also approached the podium.

Doug Glaspell asked what the need is for the sign and if it is for advertising. Mr. Turner replied it was not for advertising but for people to be able to locate the building.

The public testimony portion of the hearing was closed.

Josh Freed commented that given where the building is located it is an appropriate reason for the requested sign variance.

Josh Freed moved to approve VAR16-09 for Lot 2, North Park Avenue Subdivision, known as 932 N Park Ave, Suite A with the stipulation the applicant apply for a sign permit within one year. Gary Seitz seconded and the motion carried unanimously.

VAR16-10 – LOT A-20, COBBLE CREEK SUBDIVISION FILING NO. 1, KNOWN AS 3710 LONE TREE LANE. This is a request for a variance from rear setback requirements. Nelson and Sarah Gould are the applicants.

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

Nelson and Sarah Gould are seeking a variance from rear setback requirements to erect a pergola on an existing deck in their backyard. The property at 3710 Lone Tree Lane is in the R-3a zone, which has a rear setback requirement of 25 feet. The existing deck is approximately 10 feet from the rear property line. This deck was not required to comply with setback requirements because uncovered decks and platforms do not require a building permit. Adding a roofed pergola requires a building permit and, as a result, triggers compliance with setback requirements.

The applicant was present but did not have anything further to add. The public testimony portion of the hearing was closed.

There was no discussion from the Planning Commissioners.

Gary Seitz moved to approve VAR16-10 for Lot A-20, Cobble Creek Subdivision Filing No. 1, known as 3710 Lone Tree Lane, a variance to reduce the rear setback from 25 feet to 10 feet for the purpose of constructing a pergola on their back deck. Karen Vacca seconded and the motion carried unanimously.

CUP16-06 – LOT 5, BLOCK 8, COUNTRY CLUB ACRES SUBDIVISION FILING NO. 4, KNOWN AS 1023 HIGHLAND ST. This is a request to allow a daycare facility with up to 12 children. Angie Frasier Kishbaugh 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.

Angie Frasier Kishbaugh is a home daycare provider that has had a daycare license since 2007, and currently operates a childcare facility out of her current address. Angie's goal has always been to have a large daycare license with 12 kids and an additional helper. Angie takes daycare classes once a month to keep her daycare license current.

The conditional use allows more than 8 but less than 16 children under age of 13. A childcare facility is considered an accessory use as long as there are less than 8 children at any one time, including children of the family living at the residence. More than 8 children is a conditional use in all districts. Staff is recommending approval of this request with a few conditions; that the applicant provide a copy of her state daycare license to the City, any additional help must park off street, the applicant acknowledge there will be limited operating hours with no unreasonable noise as defined by the complaints received by the City, and that the applicant address any complaints that are received by the City about the childcare facility.

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

Angie Frasier Kishbaugh, 1023 Highland Street, approached the podium to speak in favor of the proposed conditional use. The Planning Commissioners had several questions for her. Ms. Kishbaugh explained there is a pool in her backyard with a fence around it and it is located on the easement under the electrical line. The daycare kids do not use it, only her own children. She stated there have been no complaints about her daycare business or any noise. Regarding parking, there are only 4 parents and rarely are there more than 2-3 at a time and they park in the driveway. When asked if the space in her home meets state requirements, she replied she has been approved by the State.

Gabrielle Sinkiewicz, 1040 Ridge Street, approached the podium. She is in back of the daycare property within 75 feet. Ms. Sinkiewicz stated she is not against home businesses, but thinks it is time to move this daycare to a commercial property. She feels the daycare business is not compatible in the area, and that it impacts the neighborhood with the increased noise level and things being thrown over fences. She feels she would not have bought her house if the daycare

had been there when she was looking for a new home, and feels the daycare business has already affected her property value.

Lori Rowan, 1030 Highland, approached the podium. She stated her property is across the street from the daycare property where she has lived for 17 years. She has never heard any noise from house or backyard. The most cars she has ever seen dropping off kids is 2, and has never had any disruption. The kids play in the back. Ms. Rowan feels it is discriminatory to allow the San Juan Living Center and not allow the daycare.

Dixie Pierce, 1030 Ridge Street, approached the podium. The email written opposing the daycare was from her. She read the email, adding no one is picking on Angie deliberately. The nursing home was already there, Angie's daycare center was not. Ms. Pierce stated she had bought her home because it was in a retirement area. It is a nice neighborhood. Karen Vacca spoke to Ms. Pierce about the pool in the back, to which Ms. Pierce replied, we don't want to go into that, it is a whole other story.

The public testimony portion of the hearing was closed.

Gary Seitz stated he has concerns about having that many children on one small lot in a residential area. People do not expect that many children. Josh Freed said he is on the same page and is trying to figure out how impactful this is. It is interesting that we have this issue between the front and back of the property. The pool keeps coming up but it is not part of the daycare and it is allowed to be in the yard.

Doug Glaspell opened up the public hearing again and asked Ms. Kishbaugh to come forward.

Ms. Kishbaugh returned to the podium. Doug asked her the age of the children she cares for. She stated that all the daycare children are preschool children, 3 years and under, and are not all there at the same time. Her daycare license will only allow 12 children. No toys are over the fence as a result of these daycare kids. The items that have gone over the fence are balls and are from her two older children. The daycare children are gone by 5:30 p.m. and are never there on the weekends.

Jeffrey Pierce, 400 S Pythian Avenue, approached the podium. Mr. Pierce is Dixie Pierce's son. Mr. Pierce contradicted Ms. Kishbaugh's claim about the toys. He stated the noise is chaos at all times. Mr. Pierce claimed the swimming pool issue was an ordeal, and doesn't feel Ms. Kishbaugh gets along with all the neighbors. He states he is wholeheartedly against making this daycare any larger, and that it has already impacted the neighborhood.

Lori Rowan, 1030 Highland Street, returned to the podium. She stated she lives in that neighborhood, and he (Mr. Pierce) does not. The people who owned the property before Ms. Kishbaugh had destroyed the home and it was repossessed. Ms. Kishbaugh completely redid the home, and she takes very good care of it, which has brought up the value of homes in the neighborhood.

Gabrielle Sinkiewicz, 1040 Ridge Street, returned to the podium. Ms. Sinkiewicz stated that she has also put a lot of money into her home and is about to do more improvements. Her concern is

whether she should be investing more money into the property, or will the value go down because of a huge daycare center in her backyard.

The public testimony portion of the hearing was closed.

Josh Freed commented there are 2 sides to the story. We have to find a compromise. He would like to go with a limit to the conditional use, narrowing the use to only 12 children, limiting daytime hours, and limiting the ages. He gets nervous about sixteen kids, and allowing them to be up to 13 years old. Garry Baker commented these limitations would be hard to enforce. Noise issues we deal with at the City, but ages of the children is difficult and is not sure how we would police it.

Gary Seitz stated he feels over 8 children would put too much of a burden on other neighbors. He feels that enlarging this business should be done outside of residential zoning. He does not think what Josh suggested is enforceable.

Karen Vacca said she assumes they already have approval for up to 8 children, and they are not all there at the same time. So why wouldn't that be enough. Garry Baker stated the 8 is an accessory use to any residence.

Andrew Boyko said that the board can put restrictions on the conditional use, but enforceability does become an issue.

Josh Freed moved to approve the conditional use with additional stipulations as follows: limit to 12 children, limit hours to 5:30 p.m. Monday through Friday, and limit to children 6 years old and younger only. Doug Glaspell seconded the motion.

Further discussion continued. Gary Seitz and Karen Vacca both felt the stipulations would not be enforceable and would cause problems in the neighborhood. They both felt it should be limited to 8 kids, which is already an accessory use.

Doug Glaspell called for a vote and there were 2 votes for the motion and 2 votes against the motion, and the motion died due to a tied vote.

CUP16-07 – LOTS 1-3, BLOCK 49, TOWN OF MONTROSE SUBDIVISION, KNOWN AS 646 E MAIN ST. This is a request for a conditional use permit to allow a drive through restaurant in a B-1 zone. Steve Wood 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.

Crash Burger is located in the B-1 zone, which requires a conditional use permit for a drive-thru. This property has been used as a drive-thru in the past, but has most recently been vacant. After 6 months, any legal non-conformity must come into compliance with existing regulations.

Staff feels all the criteria have been met and recommends approval of the request under the following conditions, which have been previously discussed between the applicant and Public Works and Building Department:

1. Hard surfacing of the drive-thru lane. Because of ongoing environmental remediation below the site this would not be required until the remediation work is complete. The hard surfacing should be completed within six months of final certification from the state for the environmental remediation.
2. Formalize the location of the drive-thru lane using curbing, striping, or similar means to delineate the lane.
3. Maintain a six foot wide pedestrian pathway through the drive-thru area in line with adjacent sidewalks towards the south.
4. Strip two to three parallel parking spaces on Mesa Avenue between the drive-thru lanes.

Karen Vacca asked for clarification of where the parking was going to be. Ty replied the parking will be in between the drive-through lane on the street. Doug Glaspell asked if any consideration was given to any parking on the hard surface. Ty said not to his knowledge. These conversations have been between Mr. Wood and the City Engineer. Karen asked if it is strictly a drive through. Ty stated he believes there will also be a walk up window.

Steve Wood, 68620 Overland Drive, approached the podium to speak in favor of the proposed conditional use. Doug asked if there is any indoor seating. Mr. Wood replied, no, only a walkup window. He would like to put outdoor seating under the canopy in the summer. It was a recommendation by City.

Doug asked if he is looking at putting any additional parking on the hard surface. Mr. Wood stated there is not much room left. He will stripe the hard surface and would like to put in some landscaping. He believes in street appeal. It is either drive up or walk up. Mr. Wood stated he plans to dress up the building.

The public testimony portion of the hearing was closed.

Josh Freed moved to approve CUP16-07 for Lots 1-3, Block 49, Town of Montrose Subdivision, known as 646 E Main Street with the following conditions:

- 1) A building permit be applied for within one year.
- 2) Hard surfacing of the drive-thru lane to be completed within six months of final certification from the state for the environmental remediation.
- 3) Formalize the location of the drive-thru lane using curbing, striping, or similar means to delineate the lane.
- 4) Maintain a six foot wide pedestrian pathway through the drive-thru area in line with adjacent sidewalks towards the south.

5) Stripe two to three parallel parking spaces on Mesa Avenue between the drive-thru lanes.

Karen Vacca seconded and the motion carried unanimously.

2017 ANNEXATION REPORT AND 3-MILE PLAN. This is the 2017 Annual Annexation Report and 3-Mile Plan as required by Colorado State Statute (CRS §31-12-105(1)(e)). The Plan contains verbal policies and maps to illustrate annexation priorities, eligible enclave annexations, existing city limits, growth areas, transportation routes, etc. No official action is to be taken, and the report is for information only.

Garry Baker introduced this item and reviewed the contents of the report. The report will be presented to City Council in January 2017.

This is a document that is adopted every year by the city in accordance with state statute. In general it describes the 3-mile area and provides statements on our utility providers such as water and sewer and our major street extensions. There is a lot of other information included, primarily just for background and to give a little more illustration of the City's annexation policies.

We had a large number of annexations in 2016, much of it city-owned properties.

OTHER BUSINESS

Garry Baker announced the next meeting of the Planning Commission, scheduled for January 11, 2017, will be a Planning 101 Training. The training workshop is scheduled to go from 4:00 to 6:30 p.m. Everyone is encouraged to attend, and an online registration form that has been emailed. There may be a need to schedule a break and a later meeting if an agenda item comes up for that meeting.

NEXT TIME

The next Planning Commission meeting is scheduled for January 11, 2017.

ADJOURNMENT

Gary Seitz moved to adjourn the meeting at 6:25 p.m. Karen Vacca seconded the motion, and it carried unanimously.


ATTEST


CHAIRPERSON