



The Montrose City Planning Commission held a meeting December 13, 2006, at 6 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

Kristine Bagnara, Frank Casey, Moira Collier, Don Lawson, Bob Nicholson, James Rumble and City staff Sergeant Eller, Ben Morris, Garry Baker, Ginny Howell, Kerwin Jensen, Roger Shores, and Alisa Babler were present.

#### ABSENT

Judy Wind, Caitlin Bernier

#### GUESTS

Mayor Noelle Hagan, Mr. & Mrs. Matt Miles, Mrs. Pat Lawson, Mark Covington, Lana Kinsey, Pete Neumann, Polly & Wes Hohlenkamp, Joe Bagnara, Alan Litz, Justin Litz, Shelly Domann, Brady Foster, Alex Salazar

Planning Commission Chairperson, Kristine Bagnara, called the meeting to order at 6 p.m.

#### APPROVAL OF MINUTES

Don Lawson made a motion to approve the minutes of the November 29, 2006, meeting. Frank Casey seconded the motion and it carried unanimously.

#### ADDITIONS OR DELETIONS

Garry Baker would like to discuss the Sign Code Committee

#### **DISCUSSION OF PLANNING COMMISSIONERS ROLE IN THE COMPREHENSIVE PLAN.**

City Mayor, Noelle Hagan, wanted to discuss the upcoming update of the Comprehensive Plan and the role of the Planning Commissioners in that process. She informed the Planning Commissioners that the City Council would be amending the regulations and that with the amendment, the Planning Commissioners will continue to play a role in reviewing the Comprehensive Plan in a way that was similar to the 1998 Comprehensive Plan.

#### **RECOGNITION OF DON LAWSON AS HE RETIRES FROM THE PLANNING COMMISSION.**

Don Lawson was recognized for his service of eight years on the Planning Commission.

**VAR #1806 – 127 NORTH LOT.**

This is a request for a variance to the lot size from the required 9,375 square feet to 7,518 square feet to allow a multi-family unit. Alan Litz is the applicant.

Kerwin Jensen, Community Development Director, introduced this item and reviewed the written staff report. All public notice requirements have been fulfilled and the official file and all exhibits were entered into the record.

*Note:* Approval of a variance does not constitute approval of a building permit, site development plan, or a sign permit. All other Site Development regulations, as documented in the Site Development Plan Guidelines, will need to be adhered to.

Alan Litz, 281 Colson Dr., Grand Junction, and owner of the property spoke in favor of the variance.

Shelly Domann, 1537 Stellar Place, Real Estate Agent representing the property owner spoke in favor of the variance.

The public testimony portion of the hearing was closed.

Frank Casey said that criteria 2 & 4 are not met and are not able to be met.

Moira Collier made a motion to deny VAR #1806 because the request does not meet all of the criteria. Don Lawson seconded the motion and it carried unanimously.

**CUP #1006 – MONTROSE FORD/NISSAN OFF-SITE SALES EVENT AT 1521 OXBOW DRIVE.**

This is a request for an off-premise car sales event at Oxbow Crossing. Montrose Ford/Nissan is the applicant.

Garry Baker, Senior Planner, introduced this item and reviewed the written staff report. All public notice requirements have been fulfilled and the official file and all exhibits were entered into the record.

This is a request to allow an auto sales event for the period of December 23, 2006 – January 2, 2007 on 3 lots in the Oxbow Crossing Shopping Center.

Staff is recommending approval of CUP #1006 for the period of December 23, 2006 through January 2, 2007, subject to compliance with all of the Conditional Use criteria and the special conditions as found in the staff report.

*Note:* Approval of this Conditional Use Permit does not constitute approval of any future special event vehicle sales for the applicant or at this site. This is an application for a Conditional Use Permit ONLY and no other request is being considered. This Conditional Use Permit is for the said use, for the specified dates, and for the specific site. The applicant must adhere to any conditions set by staff or the Planning Commission.

Laird Landon, 16333 67.50 Road, representative of the applicant, approached the podium and spoke in favor of the Conditional Use Permit.

The public testimony portion of the hearing was closed.

Moira Collier made a motion to approve CUP #1006 for Montrose Ford/Nissan at 1521 Oxbow Crossing Subdivision with the following conditions: **1).** All vehicles associated with the sale shall be displayed within the areas identified in the CUP maps: Lots 1 and 2, and the vacant interior space of Lot 4 between The Liquor Store and the Dollar Store; **a)** No more than 3 vehicles may be displayed on Lot 1 (the dirt lot). This lot may not be used as a maneuvering area for vehicles in the sale, **b).** Any temporary buildings must conform to applicable City Codes, and obtain temporary building permits; **2).** All signs must conform to the Sign Code. Tethered balloons are not permitted under this Code; staff considers these as animated signs; **a).** The applicant has proposed thirty 4'x6' signs for the sale. The Sign Code does not limit temporary signs, nor does it require permits for temporary signs, **3).** Occupancy by persons and display of automobiles indoors must comply with all applicable health and safety regulations, including but not limited to the 2003 International Building Code and Fire Code; **a).** A Certificate of Occupancy for the building shell has been issued; **b).** Montrose Fire Protection District requirements shall be followed. Details are listed here. The Fire District will be doing an inspection before the sale begins. The requirements are: **3-1).** Submit a floor plan indicating proper exit isles and location of fire extinguishers, **3-2).** Fuel tanks of all vehicles will not exceed one-quarter tank or 5 gallons (whichever is less), **3-3).** Fuel tanks are closed and sealed to prevent tampering, **3-4).** All batteries shall be disconnected; and **3-5).** No fueling or unfueling will be allowed within the building, **3-6).** The number of vehicles stored indoors may be limited at the Fire District's discretion; **4).** The sale shall be limited to 80 vehicles displayed outdoors. The indoor space may display additional vehicles **strictly** based on the decision of the Fire District; **5).** Any vehicles and materials associated with the sale shall not be placed on the property prior to Dec. 23, 2006. All vehicles and materials associated with the sale shall be removed from the property no later than January 2, 2007. This includes, but is not limited to all signs, the tent, trailer, bathrooms, and anything placed inside the building, **6).** All lighting must conform to the Montrose Municipal Code. No uplighting is permitted under the Code, including searchlights, **7).** The applicant shall demonstrate that adequate parking will be provided to the businesses in the area. The parking requirement for general retail is calculated at 1 space per 300 square feet of gross floor area. Frank Casey seconded the motion and it carried unanimously.

**VAR #1906 – GARLIC MIKES'S ITALIAN CUISINE – 103 ROSE LANE.**

This is a request for a variance to the sign code to allow an additional primary sign. Brady Foster is the applicant.

Roger Shores, Assistant City Planner, introduced this item and reviewed the written staff report. All public notice requirements have been fulfilled and the official file and all exhibits were entered into the record.

City staff is recommending denial of this variance for an additional sign. The variance criteria were noted and Roger reminded everyone that all of the criteria have to be met in order to grant the variance.

Brady Foster, 103 Rose Lane, applicant, approached the podium and spoke in favor of the variance.

Kathleen Kneese, 3845 E. 4<sup>th</sup> Ave., Sign Designer from Denver, approached the podium and spoke in favor of the variance.

The public testimony portion of the hearing was closed.

Frank Casey said that in looking at the criteria for the variance, it has not been met.

Frank Casey made a motion to deny VAR #1906 at 103 Rose Lane because the request does not meet the criteria. Don Lawson seconded the motion and it carried unanimously.

The Planning Commission took a break from 7:32 to 7:42 p.m.

#### **VAR #2006 – 1968 SUNRISE DRIVE.**

This is a request for a variance to the fence height for the Sunrise Creek Assisted Living Alzheimer's Unit. Brad Hankins is the applicant.

The applicant is requesting a variance to the fence height regulation, which restricts fences to four feet in height in the front yard setback and six feet elsewhere. The regulation can be found in §4-4-23(B) of the City Zoning Regulations.

Roger Shores, Assistant City Planner, introduced this item and reviewed the written staff report. All public notice requirements have been fulfilled and the official file and all exhibits were entered into the record.

All of the variance criteria must be met in order to grant a variance. If the Planning Commission feels the request meets the criteria and approves VAR #2006 at 1968 Sunrise Drive, staff recommends that they add the following condition: the fence shall be setback nine feet from the right-of-way line.

Alex Salazar, 16250 64.00 Road, representative for the applicant, approached the podium and spoke in favor of the variance.

The public testimony portion of the hearing was closed.

Don Lawson made a motion to approve VAR #2006 at 1968 Sunrise Drive to allow a seven foot fence for the Alzheimer's Unit with the condition that it be set back five feet from the right-of-way line (four feet away from the concrete slab on the west) until it extends out four feet from the north edge of the concrete and then it shall form two 90 degree angles in order to place the remainder of the fence nine feet from the property line as depicted in the site plan. Frank Casey seconded the motion and it carried unanimously.

#### **EAST RIDGE ESTATES SKETCH PLAN.**

This property is located at 68.00 Road and Sunnyside Road. There are 29 lots proposed and the property is zoned R-2. Mark Covington is the applicant. Sketch plans are for discussion and guidance for the developer only. No formal decisions will be made at this hearing.

Garry Baker, Senior Planner, introduced this item. All public notice requirements have been met and the official file and all exhibits were entered into the record. Garry handed out an updated Engineer's report and it was entered into the record as well.

This is a proposal for 29 single-family lots on 10.017 acres. The property is located northwest of the intersection at E. Sunnyside Road and 68.00 Road.

This application has been through one thorough set of revisions prior to being scheduled for the Planning Commission. The applicant and staff worked out a number of issues in this process, including:

- Adding a street connection to 67.75 Road
- Special front setback lines have been added to lots 10, 17, 18 and 23 to ensure compliance with the 3:1 lot depth-to-width ratio, which is measured at the front building line
- Curb, gutter, 8-foot sidewalk/recreation path, and half-street widening are required on Sunnyside Road and 68.00 Road
- Curb, gutter, 5-foot sidewalk and half-street widening are also required on 67.75 Road
- The Audrey Court cul-de-sac must have a minimum 40-foot straight section at the edge of the right-of-way between the cul-de-sac and the nearest intersecting street, per the Subdivision Regulations
- Detailed landscaping and irrigation plans for parks and open space areas need to be provided at the Preliminary Plat stage
- The proposed parks and open spaces will be privately maintained
- Wetlands delineation may be required at the Preliminary Plat stage, and prior to any construction in the subdivision
- A City Operations and Police Service (COPS) fee plat note shall be placed on the preliminary plat.

A lot of discussion centered around the sanitary sewer system and whether or not to allow ditches within a lot boundary or keep them out and whether or not to pipe the ditches.

Mark Covington, 10582 S. River Road, applicant, approached the podium. Mr. Covington said that they would like to drain directly into the ditch if they can. He said they would make every attempt to get in touch with the Bureau of Reclamation and see if that would be allowed, even though that isn't their policy. In the event they can't drain directly into the ditch, they will work with an infiltration retention type system. The plan is to reduce this subdivision down to 27 lots with more usable lot space and a better configuration. At the beginning of the process they asked if there was enough capacity for this subdivision on the sanitary sewer system and there was at that time, but two more large pieces of property have also become part of the sewer system since then. Mr. Covington said they have a huge amount of outside infrastructure to put in for the City. They have a small piece of ground on a corner, so percentage wise they are doing a lot of infrastructure compared to some other subdivisions. Mr. Covington said they have been asked to be an 8% contributor of the sewer and water out there and they are considering that, but he reiterated again that they do have a huge amount of infrastructure to put in.

### **OTHER BUSINESS**

#### **Discussion of 2 PC members on the Sign Code Committee**

Garry Baker discussed the Sign Code Committee and there is room for another member. Moira Collier said she could be a back-up person and so can Frank Casey.

NEXT TIME

The next Planning Commission meeting is scheduled January 10, 2007 at 6:00 p.m.

ADJOURNMENT

Moira Collier made a motion to adjourn the meeting at 8:34 p.m. Jim Rumble seconded the motion, and it carried unanimously.

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CHAIRPERSON

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ATTEST