



The Montrose City Planning Commission held a meeting on January 8, 2014, 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

Frank Casey, Doug Glaspell, Judy Wind, John Beadle, Josh Freed and City staff Jennifer Spinelli, Kerwin Jensen, Garry Baker, Scott Murphy and Sharon Dunning were present.

#### ABSENT

None

#### GUESTS

Valerie Meyers, Dan Culmer, Dave Byrne, John and Michelle Holzmeister, Tim Harrell

#### CALL TO ORDER

Planning Commission Chairperson, Judy Wind, called the meeting to order at 5:00 p.m.

#### APPROVAL OF MINUTES FOR DECEMBER 11, 2013

John Beadle requested a correction to the minutes to add Frank Casey's last name to the motion to adjourn on page 4 of the minutes.

Doug Glaspell moved to approve the amended minutes of the December 11, 2013 meeting. John Beadle seconded the motion, and it carried unanimously.

#### ADDITIONS OR DELETIONS

Kerwin Jensen will update the Planning Commissioners on recent de-annexations (technically known as disconnections) from city limits.

Frank Casey will have a short item to discuss on variances.

#### **NOMINATIONS AND VOTING FOR CHAIRPERSON AND VICE-CHAIRPERSON**

Frank Casey nominated and made a motion to seat Judy Wind as the Chairperson. There were no other nominations made. John Beadle seconded, and it was unanimous to seat Judy Wind as Chairperson.

Doug Glaspell nominated and made a motion to seat Frank Casey as the Vice-Chairperson. John Beadle seconded the motion and the vote was unanimous to seat Frank Casey as the Vice-Chairperson.

#### **2014 ANNEXATION REPORT AND 3-MILE PLAN**

This is the 2014 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, but input is welcome.

Garry Baker, Senior Planner, introduced this item and reviewed the contents of the report. The 3-mile plan is a report that is required by state statutes that describes our 3-mile area and provides some information on the utility providers, major street extensions and lists priorities. Generally annexation priorities are things like areas that are served adequately by City utilities. Most often our requests come from private land owners. Exhibits to the report show the overall plan, the eligible enclaves, the City's growth tiers, water districts, street plans, and recent annexations.

The plan will be forwarded to the council in a couple of weeks and it will serve as the legal basis for further annexations this year.

Frank Casey asked if there are any changes in this program that will require change to the Comprehensive Plan. Garry Baker stated that this plan incorporates the Comprehensive Plan by reference, so it keeps current that way. There were no changes to the Comprehensive Plan last year.

Doug Glaspell asked if the recent de-annexations cause any changes to the Comprehensive Plan. Kerwin Jensen stated that even though those properties are disconnected from the City they're still within the Comprehensive Plan area so there is no need to make any changes.

#### **VAR#13-14 – LOT 8, BLOCK 9, HEATHERWOOD SUBDIVISION FILING NO. 2 – 2307 JAMES STREET, VARIANCE TO SIDE SETBACK REQUIREMENTS.**

This is a request for a variance from side setback requirements on a corner from 20 feet to 6 feet for the purpose of building a detached garage. John Holzmeister is the applicant.

Jennifer Spinelli introduced this item. The applicant is requesting a variance from side setback requirements for the purpose of building a detached garage. The variance is needed due to the property being a corner lot; otherwise a variance would not be required.

Staff is recommending approval of this variance request. The variance will not adversely affect public health, safety and welfare, is an unusual situation not created by the applicant, and is the minimum variance to afford relief. Staff would like to include the standard condition that the applicant must apply for the building permit within one year.

Judy Wind asked if the access to the garage would be off of James Street or Leeds Street. Staff replied that this was a good question for applicant. Doug Glaspell asked if the garage was too

close to the house with regard to fire safety and whether the building would affect visibility on the street line of site. The response was that the applicant has spoken with the building official, and the plans will have to pass building code requirements. The building will be set back far enough from the corner that there will be no line of site issues. John Beadle asked if the setbacks of 6 feet were from the wall or overhang, and the response is that the setback is measured from the overhang.

John Holzmeister, 2307 James St., approached the podium to speak in favor of the proposed variance. Mr. Holzmeister responded that the access to the garage would be off of James St. There were no further comments from the applicant. Kerwin Jensen stated that it would be prudent to place a condition on approval that the driveway should exit to the side of the building.

Doug Glaspell asked if, since the sidewalk was on a curve on that corner, should the driveway move to the west. Kerwin stated that the driveway should be as far from the corner intersection as possible and added that for any new driveway hard surfacing will also be required.

Mr. Holzmeister then returned to the podium. Doug Glaspell asked if the driveway was straight or will it shift to the west. The response was that it will shift to the left. Mr. Holzmeister asked how long the regulation has been in effect for hard surfacing of driveways. Garry Baker responded that the regulation has been in place since at least 1999, but probably since the early 1990s.

The public testimony of the hearing was closed.

Frank Casey made a motion to approve VAR#13-14, Lot 8, Block 9, Heatherwood Subdivision Filing No. 2, known as 2307 James Street, a variance to reduce side setback requirements on a corner lot from 20 feet to 6 feet, because the planning commission feels it meets the criteria, with the following conditions: 1) a building permit be obtained within one year of the approval date, and 2) the driveway must exit onto James Street. Doug Glaspell seconded, and the motion carried.

**VAR#13-15 – LOT 11, BLOCK 3, VISTA SAN JUAN VILLAGE FILING NO. 6 – 1639 IRONTON CT., VARIANCE TO REAR SETBACK REQUIREMENTS.** This is a request for a variance from rear setback requirements from 20 feet to 17 feet for the purpose of adding onto an existing shed. Tim Harold is the applicant.

Jennifer Spinelli introduced this item. The applicant would like to add to an existing shed. The original shed did not require a building permit or variance due to the original size, but now with the addition it will require a building permit and a variance.

Staff is recommending approval of this variance request. The variance will not adversely affect the public health, safety and welfare and is the minimum variance to afford relief. The construction will not result in development incompatible with other property in the neighborhood. The unusual circumstance is that the original shed did not need a permit due to its size. Staff would like to include the standard condition that the applicant must apply for the building permit within one year.

John Beadle asked how big the new addition will be to the shed. The question was referred to the applicant.

Tim Harold, 1639 approached the podium to speak in favor of the proposed variance. Mr. Harold stated that the existing shed is 10 ft. x 12 ft. and the addition will be 14 ft. x 12 ft.

The public testimony of the hearing was closed.

Judy Wind stated that this is a very minor change.

Josh Beadle made a motion to approve VAR#13-15, Lot 11, Block 3, Vista San Juan Village Filing No. 6, known as 1639 Ironton Ct., a variance to reduce rear setback requirements from 20 feet to 17 feet, because the planning commission feels it meets the criteria, with the standard condition that the applicant obtain a building permit within one year of the approval date. Doug Glaspell seconded, and the motion carried.

**VAR#13-16 – LOT 33 OF COLUMBINE EAST FILING NO. 8 – 1011 LAUREL LANE, VARIANCE TO REAR SETBACK REQUIREMENTS.** This is a request for a variance to rear setback requirements from 20 ft. to 12.5 ft. for the purpose of the constructing a garage. Dave and Julie Byrne are the applicants.

Jennifer Spinelli introduced this item. The applicant would like to build an additional garage on the southwest side of the house, but because of the angle of the house on this lot, the proposed construction requires a variance from the rear setback requirements. Only the west corner of the construction will be in the setback.

Staff is recommending approval. The variance will not adversely affect the public health, safety and welfare and is the minimum variance to afford relief. The unusual circumstance is the shape of lot and angle of house on the lot. The construction will not result in development incompatible with anything else in area. Staff would like to include the standard condition that the applicant must apply for the building permit within one year.

Judy Wind asked if the garage was for vehicles, if there would be a separate access, and how will the driveway operate for this? Jennifer Spinelli responded that the plan shows that the driveway will be paved to meet the existing driveway. Kerwin Jensen added that if building accesses were only a walk through door, no driveway would be required. A driveway would be required only if the building has an overhead door.

Josh Freed asked if there is a fence around the property, and the response was yes.

David Byrne, 1011 Laurel Lane, approached the podium to speak in favor of the proposed variance. Mr. Byrne confirmed that the driveway would come around to meet the new construction.

The public testimony portion of the hearing was closed.

Josh Freed stated he feels that since the property has so much open space behind it and a fence he doesn't see a problem with the variance request.

Josh Freed made a motion to approve VAR#13-16, Lot 33 of Columbine East Filing No. 8, known as 1011 Laurel Lane, a variance to reduce rear setback requirements from 20 feet to 12.5 feet, with the standard condition that the applicant obtain a building permit within one year of the approval date. Frank Casey seconded, and the motion carried.

**CUP#13-11 – LOT 3, BLOCK C, DARLING SUBDIVISION – 960 N TOWNSEND AVENUE, CONDITIONAL USE TO ALLOW AN ANTENNA TOWER.** This is a request for a conditional use to allow an antenna tower for transmitting and receiving internet data in a B-3 zone.

Jennifer Spinelli introduced this item. The applicant would like to construct a tower with antenna behind the Superior Alarm and Fire building located at 960 North Townsend Avenue. The purpose of this structure is to serve as a signal point between other tower locations in Montrose, Delta and Ridgway. The total height of the structure would be approximately 65 feet and would be installed on a concrete pad. The first 30 feet of the structure would be attached to the building, and only the top 35 feet would be above the building and visible.

City of Montrose Municipal Code only allows antennas as conditional uses in a B-3 zone. All code requirements have been met and staff is recommending approval of this request. The subject property is completely surrounded by B-3 and industrial zones.

Doug Glaspell asked if there are any concerns with height of antenna and the proximity to the airport. Kerwin Jensen stated that the applicant will need to verify with the FAA, it is not a condition of the City of Montrose. The applicant still has to meet all federal laws no matter what the Planning Commission decides. Stephen Alcorn suggested that if the Planning Commission wants to make it a condition, to keep as simple as possible. Frank Casey asked if it would leave the city in a position of liability? Stephen stated that we are not in a position to have to enforce federal requirements. Kerwin suggested that we can follow up with the FAA.

Dan Culmer, 960 N Townsend, approached the podium to speak in favor of the proposed conditional use. Mr. Culmer stated that he has not done anything with the FAA, and that the antenna will not be in direct lineup with landing or takeoff patterns. Frank Casey stated that there are regulations that would apply to properties this close to the airport.

Doug Glaspell asked what kind of transmitting will be done from the antenna. Mr. Culmer answered 2.4 GHz transmit data.

The public testimony portion of the hearing was closed.

Frank Casey made a motion to approve CUP#13-11, Lot 3, Block C, Darling Subdivision, known as 960 N Townsend Avenue, a conditional use permit to allow an antenna tower, with conditions recommended by staff. Josh Freed seconded, and the motion carried.

#### OTHER BUSINESS

Kerwin Jensen stated that he wanted to alert the planning commissioners that although over years there have been a lot of annexations, lately there have been few annexations and now opposite requests are being made to disconnect from the City. Last night at the Council meeting, a

combination of property owners equaling 88 acres in size were deannexed and Bob Nicolson asked whether the Planning Commission was aware of this. We do not currently involve the Planning Commission in annexation and deannexations, but perhaps in the future we should involve the Planning Commission. Judy Wind asked if any of the annexations caused enclaves, and was told no.

Frank Casey brought up his concern regarding the number of variances that are being brought to the Planning Commission. Variances take a lot of time and effort that could be spent in other ways. Doug Glaspell stated that he has thoughts along the same line; it is bothering him that we seem to be doing a lot of these things. Judy Wind responded that it really doesn't matter, the human being will still ask for revisions.

Kerwin stated that he and Stephen will be heading up a number of changes to the city codes, and if anyone feels there are regulations that are cumbersome or don't make sense, they will replace it with something more logical.

Josh Freed stated that it sounds as if staff is approving anything that is anywhere as okay. Stephen Alcorn stated that the City is trying to place an emphasis to be "user friendly".

#### NEXT TIME

The next Planning Commission meeting is scheduled for January 22, 2014.

#### ADJOURNMENT

Josh Freed moved to adjourn the meeting at 6:15 p.m. Frank Casey seconded the motion, and it carried unanimously.

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CHAIRPERSON

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ATTEST