



REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, December 13, 2023 5:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose Planning Commission is pleased to have residents of the community take time to attend Planning Commission Meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Additional written comments are welcome. If you would like to comment on an agenda item, please email planningmail@cityofmontrose.org. Written comments must be received by noon one week prior to the meeting in order to be included in the Planning Commission packet. After that deadline, comments received by noon the day prior to the meeting will be distributed to the Planning Commission on the meeting day.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

- 1) Planning Commission meeting called to order
- 2) Roll call by the Planning Commission Chair
- 3) Approval of Minutes of the November 8, 2023 meeting
- 4) Additions or Deletions
- 5) **933 E MAIN ST AUTO SALES CONDITIONAL USE PERMIT** This application is a request to allow an automobile and vehicle sales establishment within the "B-2" Highway Commercial District at 933 E Main St. Under the "B-2" zoning regulations, automobile and vehicle sales, repair or service establishments are considered a conditional use.
- 6) Other Business
- 7) Next Meeting will be January 10, 2023
- 8) Motion to Adjourn





The Montrose City Planning Commission held a meeting on November 8, 2023 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.).

Planning Commissioners Present: Chad Huffman (Vice-Chair), Steve Ball, Phoebe Benziger, Ronald Cairns (alternate), Jan Chastain, Delphine Jadot and Richard Rogers. Absent: David Fishering (Chair).

Staff Members Present: William Reis (Planner II), Jace Hochwalt (Planning Manager), Chris Dowsey (Assistant City Attorney), Sharon Dunning (Building Services Technician).

There were 2 members of the public in attendance.

CALL TO ORDER

Vice-Chairperson Chad Huffman called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES

Delphine Jadot moved to approve the minutes of the October 25, 2023 meeting as submitted. Phoebe Benziger seconded, and the motion carried unanimously.

ADDITIONS OR DELETIONS

None.

BLOWERS ADDITION ZONING HEARING.

This is a proposal for initial zoning of "RL" Rural Living District for the proposed Blowers Addition, approximately 15.22 acres. This annexation consists of three parcels located on 6450 Rd. The applicants are Donnie D. Blowers, Barbara A. Blowers, and JoAllen L. Blowers.

Staff Presentation

William Reis introduced this item. All public requirements have been fulfilled and the official files and exhibits have been entered into the record.

Applicant Presentation

Don Blowers, applicant, came forward to answer any questions.

Questions for Staff

Planning Commissioners and staff discussed the RL zone and livestock.

Public Hearing

No one from the audience came forward.

Discussion

Planning Commissioners and staff discussed lot size minimum and RL zoning.

Motion and Vote

Delphine Jadot moved to recommend to City Council approval of the initial zoning request of "RL" Rural Living District with a minimum lot size of 1 acre. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Steve Ball seconded. Chad Huffman opposed the motion. The motion passed.

OTHER BUSINESS

It was announced as of Monday, November 13, 2023, Chris Dowsey will officially be City Attorney.

NEXT MEETING

The next Planning Commission meeting is scheduled for December 13, 2023.

PUBLIC COMMENT

None.

ADJOURNMENT

Phoebe Benziger moved to adjourn the meeting. Steve Ball seconded, and the meeting ended at 5:17 p.m.

Chairperson

Attest



CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: December 13, 2023
RE: 933 E Main St Auto Sales Conditional Use Permit
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Site Pictures
- Exhibit C: Chapter 11-1. Zoning Regulations

Public notice requirements have been fulfilled in accordance with Section 11-4-3(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 300 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:

The Planning Commission will approve or deny the Conditional Use Permit for the proposed vehicle sales establishment located at 933 E Main St. The Planning Commission will consider all of the information in this memo in making a decision.

Application Background:

The applicant is proposing to establish a vehicle sales establishment on the property addressed as 933 E Main St. Automobile and vehicle sales, repair or service establishments are considered a conditional use in the “B-2” Highway Commercial District.

Applicant:

Applicant: Zach Lindberg

Staff Analysis:

1. Zoning Code 11-7-6 (H) outlines conditional uses within the “B-2” Highway Commercial District.
 - Section 11-7-6 of the Municipal Code is provided in Exhibit B.
 - Conditional Uses include: Automobile and vehicle sales, repair or service establishments.
 - This proposal is not a use-by-right, and therefore, is subject to review as a conditional use.

2. The conditional use criteria, outlined in 11-7-6 of the Montrose Municipal Code, are as follows:
 - *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
 - i. The use will not be contrary to the public health, safety, or welfare.
 - ii. The use is not materially adverse to the City's Comprehensive Plan.
 - iii. Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - iv. The use is compatible with existing uses in the area and other allowed uses in the district.
 - v. The use will not have an adverse effect upon other property values.
 - vi. Adequate off-street parking will be provided for the use.
 - vii. The location of curb cuts and access to the premises will not create traffic hazards.
 - viii. The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - ix. Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
 - The Burden shall be upon the applicant to prove that these requirements are met.
3. Staff finds that the proposed vehicle sales establishment meets the Conditional Use Criteria above. Staff has requested the applicant make landscaping improvements along the lot frontage in order to be more reasonably compatible with the neighborhood. The proposal is in compliance with the Comprehensive Plan and is compatible with existing uses in the area. The site is located in the "B-2" Highway Commercial District.

Staff Recommendation:

The staff finds that the criteria have been met, and recommend approval of the request, with the condition that landscaping improvements are made, compatible with the neighborhood.

Planning Commission Motion Alternatives:

Conditional Approval Motion Recommendation:

"I hereby make a motion to approve the request to allow the conditional use of a automobile and vehicle sales and service establishment within the "B-2" Highway

Commercial District, located at 933 E Main St, with the condition that the applicant completes a landscaping plan consistent with City landscaping requirements. The request meets the Code criteria based on the evidence and testimony presented at this hearing and as outlined in the staff report”

Unconditional Approval Motion Recommendation:

“I hereby make a motion to approve the request to allow the conditional use of a automobile and vehicle sales and service establishment within the “B-2” Highway Commercial District, located at 933 E Main St. The request meets the Code criteria based on the evidence and testimony presented at this hearing and as outlined in the staff report”

Denial Motion Recommendation:

“I hereby make a motion to deny the request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

EXHIBIT A: Maps

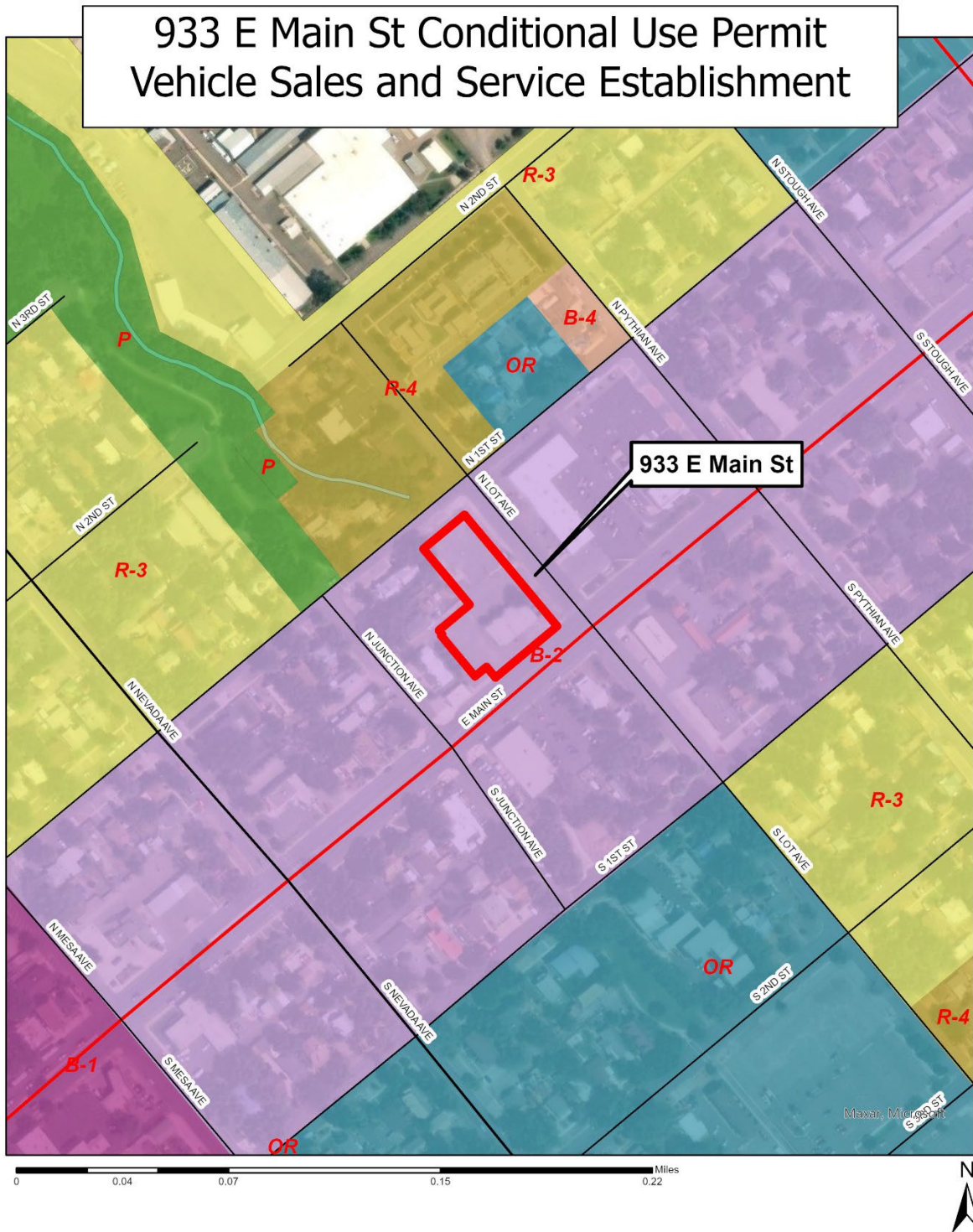


EXHIBIT B: Site Photos



— Subject Property (Boundaries are approximate and should be verified)



West side of building



East side of building



Back fenced lot



EXHIBIT C: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
 - (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
 - (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
 - (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
 - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
 - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(H) *Schedule of Mixed Use, Commercial and Industrial Zone District Uses.*

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
COMMERCIAL USES									
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			
Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5(D)(1).								C	
Farm implement sales or service establishments					P	P			

Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.			P	P	P	P	C		
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P

Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied				C	C	C			
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
INDUSTRIAL USES									
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
INSTITUTIONAL USES									
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P

College or other place of adult education			P	P	P	P			
Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
RECREATIONAL USES									
Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
RESIDENTIAL USES									
Duplex	P		P	P	P	P	P	P	P

Group homes— handicapped/disabled 8 persons or less (see Sec. 11- 11-2)	P		P	P	P	P	P	P	P
Group homes— handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
UTILITIES AND TELECOMMUNICATION FACILITIES									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
OTHER USES									
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11- 7-6(E)(1—3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7- 6(E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11- 13-6(2))	T		T	T	T	T	T	T	T

Legend: Use Type

P: Permitted Use

C: Conditional Use

A: Accessory Use

T: Temporary Use

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)