REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, November 10, 2021 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. Additional written comments are welcome. Public participation for this meeting will be in-person in the City Council Chambers.

The 11:00 p.m. rule will be enforced. All agenda items scheduled and noticed to be heard today must begin prior to 11:00 p.m. or they will be rescheduled. At 11:00 p.m., if the meeting has not already been adjourned, further proceedings shall be conducted as follows: 1) If the Planning Commission is discussing an agenda item, but has not voted on the item before 11:00 p.m., the Planning Commission may take a vote to decide whether to continue the item to the next meeting. 2) The Planning Commission may also consider additional agenda items that require action in a specified time period due to legal requirements. 3) All other agenda items not previously opened shall be placed first on the next Planning Commission Agenda.

If you would like to comment on an agenda item, please submit it by email to 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.

1) Planning Commission meeting called to order

2) Roll call by the Planning Commission Chair

3) Approval of Minutes of the October 27, 2021 meeting

4) Additions or Deletions

5) **LOTS 1 & 2 OF THE ANDERSON ROAD AMENDED PLAT VARIANCE** This proposal includes a request for a variance to waive the landscaping and paving requirements as required in the Site Development Regulations. The project is located at 1359 Anderson Road and the adjacent lot to the west, also known as Lots 1 and 2 of the Anderson Road Amended Plat. The applicant is Scott Stryker, S and J Development, LCC. *Staff: Senior Planner Amy Sharp*

6) **POLICE DEPARTMENT AMENDED PLAT REZONE** This is a request to rezone a portion of the Police Department Amended Plat located at 434 S 1st Street from "B-1" Central Business District to "P" Public District. The property to be rezoned is approximately 0.32 acres. The applicant is the City of Montrose. *Staff: Planner I William Reis*

7) Other Business
   - The Planning Commission meeting scheduled for November 24, 2021 will be canceled due to the Thanksgiving holiday.

8) Next Meeting will be December 8, 2021 at 5:00 p.m.

9) Motion to Adjourn

The Montrose City Planning Commission held a meeting on October 27, 2021 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: David Fishering (Chair), Karen Vacca (Vice-Chair), Jan Chastain, Phoebe Benziger, Chad Huffman, Richard Rogers, Steve Ball. Absent: Delphine Jadot

Staff Members Present: Scott Murphy (City Engineer), Amy Sharp (Senior Planner), Stephen Alcorn (City Attorney), Chris Dowsey (Assistant City Attorney), Sharon Dunning (Building Services Technician), Greg Story (Information Systems Director), B. Wiley (Officer).

There were 13 members of the public in attendance.

CALL TO ORDER

Chairperson David Fishering called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES

Phoebe Benziger moved to approve the minutes of the October 13, 2021 meeting as presented. Chad Huffman seconded, and the motion carried. Karen Vacca abstained.

ADDITIONS OR DELETIONS

Amy Sharp noted there are 3 actions for the Riverbend RV Park, but the conditional use permit was left off the agenda. All items were (otherwise) properly noticed. The CUP is added to the agenda as an addendum.

1. Grace Community Church Addition II.

Consider a proposal for initial zoning of "R-3" Medium Density District for the proposed Grace Community Church Addition II, approximately 3.48 acres. The parcel is located east of S. Townsend Avenue, west of Woodgate Road, north of Otter Road, and south of Ogden Road. The applicant is International Church of the Foursquare Church.

Staff Presentation

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

Applicant Presentation

There was no applicant or representative present.

Questions for Staff

Commissioners and staff discussed R-3 zoning.

Public Hearing

No one came forward.

Discussion

Commissioners and staff discussed adjacent property zones and appropriateness of R-3 zoning.

Motion and Vote

Karen Vacca moved to recommend to City Council approval the initial zoning request of "R-3" Medium Density District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Jan Chastain seconded, and the motion carried unanimously.

2. Riverbend RV Park Conditional Use Permit

Consider a request for a conditional use permit to allow Riverbend RV Park to have gravel parking within the Outer Zone of the Uncompahgre River Buffer Zone.

3. Riverbend RV Park Variance

Consider a request for a variance to allow buildings within the Streamside Zone of the Uncompahgre River Buffer Zone, as well as gravel roads within the Riverbend RV Park.

4. Riverbend RV Park Travel Home Park Permit

Consider a request for a travel home park permit in order to expand services and facilities within the existing park.

Riverbend RV Park is located along Chipeta Road, just north of Chipeta Lake. David Svenson is the applicant.

Staff Presentation

Amy Sharp introduced these items. All public requirements have been fulfilled and the official files and exhibits have been entered into the record.

Scott Murphy discussed a history of City staff working with this park.

Questions for Staff

Commissioners and staff discussed the amount of units being permitted, the site plan, restrictions on buildings in URBZ area, other entities involved in reviewing the travel home park permit, and impacts along the river.

Applicant Presentation

David Svenson, applicant, came forward and gave some background and history on the property.

Questions for Applicant

Commissioners and applicant discussed number and types of sites being added, limits on stays, the URBZ and building within this zone, preservation of the foliage and riparian areas, building distances from the river, and fencing and gates on the property.

Public Hearing

David Swedlow discussed the positive changes being made to the RV Park property.

Questions for Applicant or Staff

Staff discussed trail connections to and from the RV Park.

Discussion

Commissioners discussed cabin building sizes, proximity to the river, and visibility.

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Motion and Vote

Riverbend RV Park Conditional Use Permit

Phoebe Benziger moved to approve the request to allow the conditional use for Riverbend RV Park to allow gravel parking within the Outer Zone of the Uncompahgre River Buffer Zone. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Karen Vacca seconded and the motion carried unanimously.

Riverbend RV Park Variance

Richard Rogers moved to approve the request to allow a variance to allow buildings within the Streamside Zone of the URBZ, as well as gravel roads within the Riverbend RV Park. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Phoebe Benziger seconded. Jan Chastain and Chad Huffman opposed the motion. The motion passed.

Riverbend RV Park Travel Home Park Permit

Karen Vacca moved to approve the request to allow a travel home park permit for the requested improvements at Riverbend RV Park as shown on the approved site plan in the staff report. This request is dependent upon the approved conditional use permit and variance. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Richard Rogers seconded and the motion carried unanimously.

5. Air Park Way Rezone.

Consider a request to rezone a portion of 2365 Air Park Way, more specifically defined as Parcel No. 376720200907, less a small parcel of land with a legal description as shown in the staff report from "P" Public District to "B-3" General Commercial District. The property consists of 1.3 acres. The City of Montrose is the applicant.

Staff Presentation

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

Questions for Staff

Commissioners and staff discussed the river area in relation to this property, the existing use as vacant land, the small triangle to be retained for public access to the river, the original planned use and possible land exchange in general terms (no specifics were given).

Applicant Presentation

The City of Montrose is the applicant.

Public Hearing

John Renfrow, public, discussed the zoning of B-3.

Questions for Applicant or Staff

Commissioners and staff discussed the possibility of a land exchange, goals of the comprehensive plan, and other potential zoning districts.

Motion and Vote

Phoebe Benziger moved to recommend approval of the rezone request for the lot as legally described on the zoning map and in the staff report to "B-3" General Commercial District. The request meets the Code

criteria based on the evidence and testimony presented at this hearing and in the staff report. Steve Ball opposed the motion. Karen Vacca seconded and the motion passed.

6. Mountain High Furniture Conditional Use Permit.

Consider a request for a conditional use permit to allow limited manufacturing of furniture products in the "B-3" General Commercial District. This type of use is considered a conditional use in this zoning district. The project is located on Merchant Drive. John and Wendy Powers are the applicants.

Staff Presentation

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

Questions for Staff

None.

Applicant Presentation

John Powers, applicant, discussed the history of the business, manufacturing, hours of manufacturing, retail, noise, and interior dust collection.

Questions for Applicant

Commissioners and applicant discussed types of furniture, how many employees, limit to hours of operation, current location of business, and type of building.

Questions for Staff

Commissioners and staff discussed the site development plan regulations, the adjacent hotel and hours of operation.

Public Hearing

No one came forward.

Questions for Applicant or Staff and Discussion

There were no questions and no further discussion.

Motion and Vote

Jan Chastain moved to approve the request to allow the conditional use of light manufacturing within the "B-3" General Commercial District. All manufacturing and storage associated with manufacturing shall be indoors. No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises. Hours of operation for the light manufacturing shall occur between 8:00 a.m. and 5:00 p.m. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Karen Vacca seconded.

Chad Huffman stated his concern that the hours of operation were unreasonable and proposed 12 operating hours, not to occur during sleeping hours.

Richard Rogers voted in favor of the motion, all others opposed. The motion did not pass.

Jan Chastain moved to approve the request to allow the conditional use of light manufacturing within the "B-3" General Commercial District. All manufacturing and storage associated with manufacturing shall be indoors. No use may create a nuisance to other property by reasons of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises. Hours of operation for the light manufacturing shall occur between 8:00 a.m. and 8:00 p.m. The request meets the Code criteria

based on the evidence and testimony presented at this hearing and in the staff report. Karen Vacca seconded and the motion carried unanimously.

7. Rental Storage Facility Conditional Use Permit.

Consider a request for a conditional use permit to allow multiple rental storage buildings on a lot located adjacent to Hwy 50 and 6700 Road. This use is considered a conditional use in the "B-2" Highway Commercial zone. Patricia Lynch is the applicant.

Staff Presentation

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

Questions for Staff

None.

Applicant Presentation

Fred Ballard, Del-Mont Consultants, gave a presentation and discussed long-term plans for the storage unit development.

Questions for Applicant

Commissioners and applicant discussed entrance and exit, fencing and means of access, number of storage units and sizes, and landscaping and site development requirements.

Public Hearing

No one came forward.

Questions for Applicant or Staff

Commissioners and staff discussed the layout and allowable unit sizes.

Discussion

A Commissioner commented favorably about traffic from the project not competing with the school traffic.

Motion and Vote

Chad Huffman moved to approve the request to allow the conditional use of storage facilities within the "B-2" Highway Commercial District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Jan Chastain seconded and the motion passed unanimously.

3. OTHER BUSINESS

Amy Sharp announced that new member Steve Ball attended all trainings and got his certificate.

Scott Murphy gave an update on the Woodgate alignment.

4. NEXT MEETING

The next Planning Commission meeting is scheduled for November 10, 2021.

5. PUBLIC COMMENT

None.

6. ADJOURNMENT

Richard Rogers moved to adjourn the meeting and the meeting ended at 7:02 p.m.

_____

CHAIRPERSON

_____

ATTEST

CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: Amy Sharp, Senior Planner
DATE: November 10, 2021
RE: Lots 1 and 2 of the Anderson Road Amended Plat Variance
ATTACHMENTS

- Exhibit A: Map
- Exhibit B: Excerpts from City of Montrose Municipal Code – Site Development Standards
- Exhibit C: Photos

Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 100 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:
The Planning Commission is reviewing a variance application to waive requirements for landscaping and paving for a property located at 1359 Anderson Road and the adjacent lot directly west. The Planning Commission shall approve or deny the variance application. The Planning Commission will consider all of the information in this memo in making a decision.

Application Background:
This project is a variance that would allow the applicant to waive the landscaping and paving requirements as set forth in the City of Montrose Site Development Regulations on two lots along Anderson Road. The properties are located at 1359 Anderson Road and the adjacent lot directly west, also known as Lot 1 and 2 of the Anderson Road Amended Plat. The property located at 1359 Anderson (Lot 2 of the Anderson Road Amended Plat) has an existing building that is used as a custom garage. The other empty lot (Lot 1 of the Anderson Road Amended Plat) will be used as a future automotive paint shop. These properties are located in the "B-3" General Commercial District. The current and proposes uses are a use by right in this zoning district. The applicant has also filed a site development application for new construction which is reviewed and approved administratively prior to a building permit.

Applicant: Scott Stryker, S and J Development, LLC

Staff Analysis:

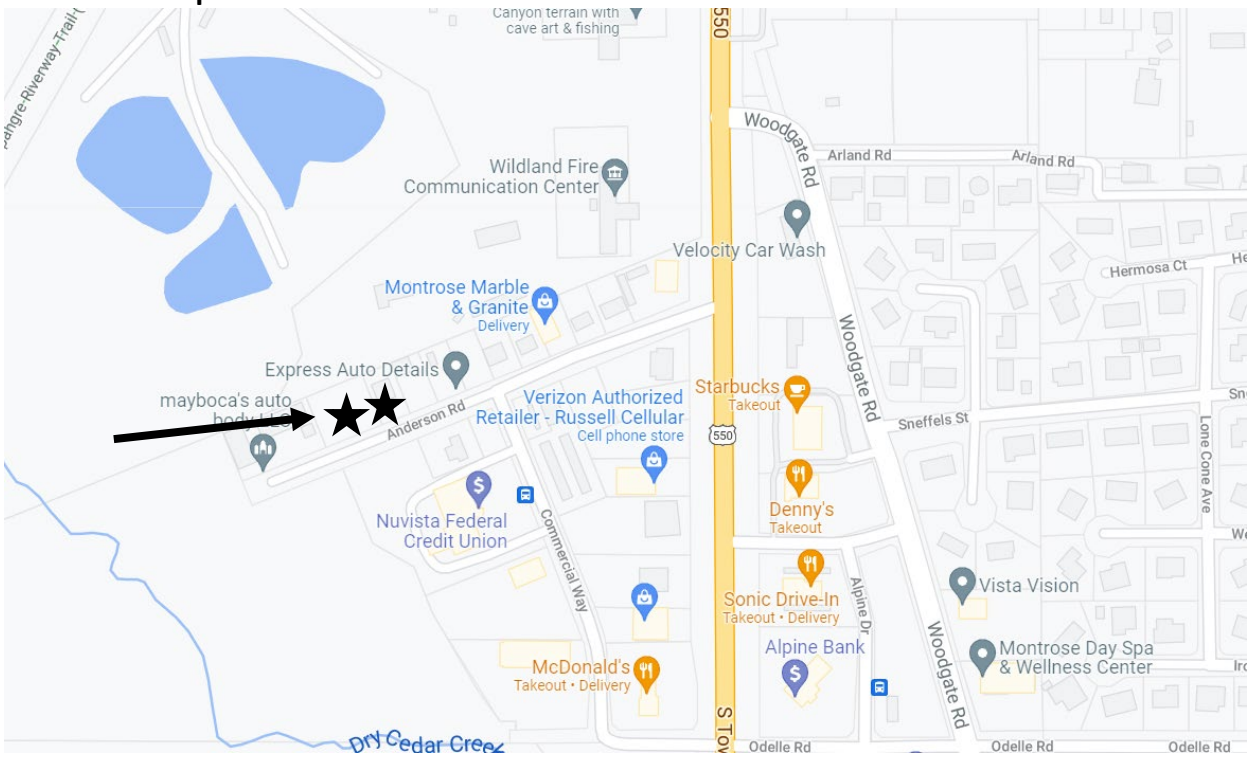
1. The criteria for granting variances specifically related to Site Development Regulations are listed below. Variances by the Planning Commission may be granted from the requirements of Subsection (B)(1) of this section (Section 4-1-12) if it determines following the review procedure of Section 4-4-29 of City Zoning Regulations that all the criteria of this Subsection (H) are met:
    a. The variance is requested for an addition to an existing building or construction of a purely accessory structure.
    The variance is requested for construction of a structure that is a use by right in this zoning district and an accessory use that is customarily in connection with other uses located in the same area (auto garage and auto paint shop).
    b. The variance will not adversely affect the public health, safety or welfare.
    The variance requested for no paving or landscaping will not adversely affect the public health, safety, and welfare. The applicant will be providing sidewalks up to the building and provide for safe access.
    c. The addition or structure will have a de minimus effect on traffic, parking and drainage.
    The neighborhood and Anderson Road itself is not a paved City Street. The other commercial entities do not have paving or landscaping. The only one that does is New Vista Credit Union whose employee parking lot backs up to Anderson Road but does not use Anderson Road as an ingress/egress to their parking lot. This structure will have a de minimus effect on traffic, parking and drainage.
    d. The variance requested is the minimum variance that will afford relief.
    The applicant is requesting the minimum variance possible that will afford relief. The variance is consistent with other development on Anderson Road.
    e. The variance will not result in development incompatible with other property or buildings in the area and will not affect or impair the value, use or development of other property.
    The variance will not result in development that is incompatible with other property or buildings in the area, nor will it affect or impair the value or use or development of other property. This variance request is consistent with other development in this area.
    f. Strict compliance is technically infeasible or the cost of the required site improvements is substantially more than the cost of the addition or structure or the scope of the addition or structure is insignificant with respect to the structures already on the premises.
    The market rent for this area is very low and having to provide landscaping and a paved parking lot in an area like this makes the project financially unfeasible.
2. The Variance does not appear to be adverse to the public health, safety and welfare, and is consistent with the Municipal Code requirements set forth in Section 4-4-28.

Staff Recommendation:
The staff finds that the criteria have been met and recommend approval of the variance.

Planning Commission Motion Alternatives
Approval Motion Recommendation:
"I hereby make a motion to approve the request to allow a variance to waive the landscaping and paving requirements as set forth in the City of Montrose Site Development Regulations for this project. The request meets the Code criteria based on the evidence and testimony presented at this hearing and 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



Draft Site Plan

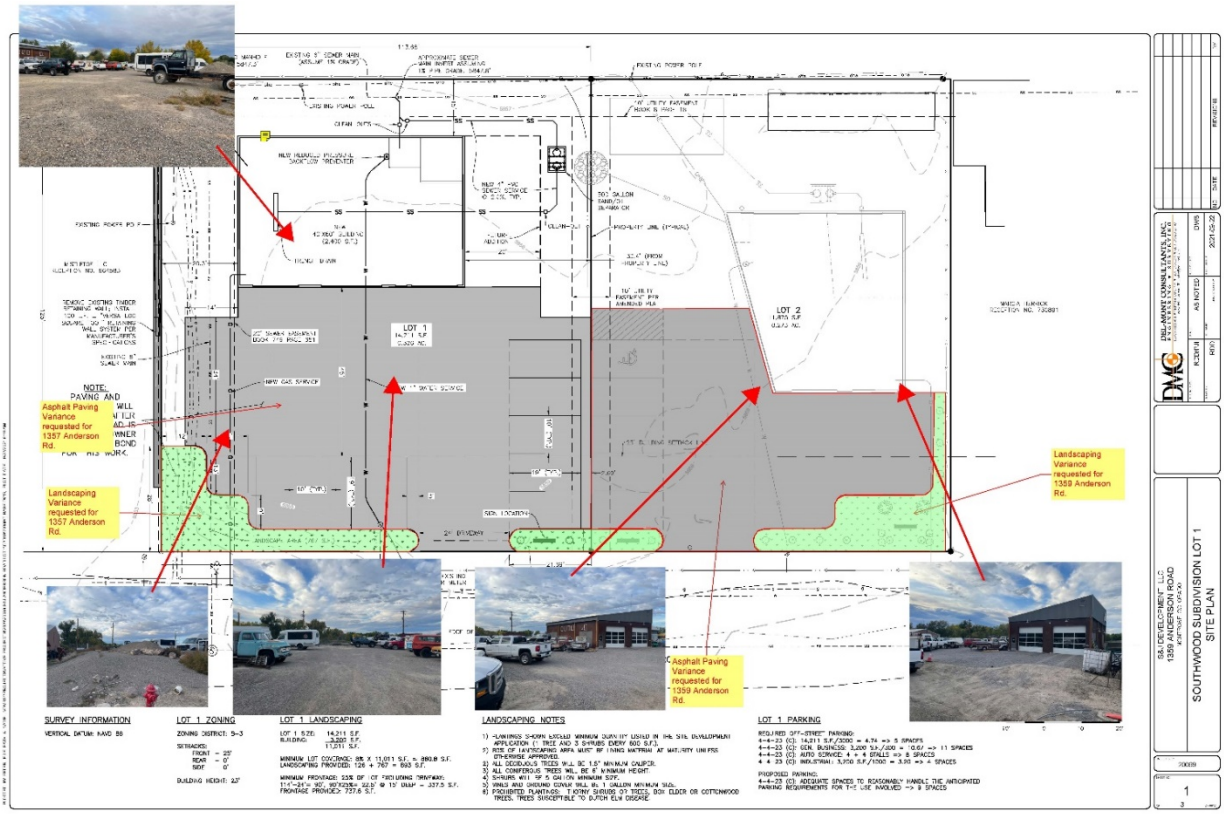


EXHIBIT B: Excerpts from Municipal Code

Sec. 4-1-12. Site development and maintenance requirements.

(A) No building permit for new construction shall be issued until a site development plan has been approved pursuant to this Section, except for single-family residences, farms or ranches, or additions less than 25 percent of the existing building size and less than 4,000 square feet.

(B) The site development plan shall be submitted on forms provided by the City and fees paid as set forth in Section 3-1 of the City of Montrose Regulations Manual with a building permit application and comply with the following requirements:

(1) Plans and specifications shall be submitted, drawn to a scale adequate to clearly show all required features and not less than one inch equals 40 feet, for the construction of the following improvements consistent with City construction standards, specifications and design standards.

(a) Installation of new, or repair of damaged, curb, gutter and sidewalk along abutting streets, except in subdivisions where it is not required by current subdivision regulations.

(b) Required off-street parking spaces, including landscaped areas, and maneuvering areas, adequate to avoid the necessity of backing onto the developed part of adjoining streets, and adequate to meet all applicable requirements.

(c) Site drainage adequate to avoid damage or adverse effects to improvements, structures, and property on and off the site.

(d) Landscaping, including provisions for trees and shrubs, subject to the following minimum requirements:

(i) At least 25 percent of the linear frontage of the site abutting public street rights-of-way to a minimum width of 15 feet, unless the City approves an alternative plan as more effectively presenting a landscaped view from the abutting street rights-of-way; and

(ii) Inclusive of the above frontage requirement, landscaping shall be required in at least 15 percent of that part of the site not covered by buildings for sites located in Residential Zoning districts; at least eight percent of that part of the site not covered by buildings for sites located in Commercial Zoning districts; and at least four percent of that part of the site not covered by buildings for sites located in Industrial Zoning districts.

(iii) In addition, property within the defined Highway Corridor of Section 4-1-15 shall also meet the requirements therein.

(e) Driveways, culverts and curb cuts.

(f) The site development plan shall include an outdoor lighting plan and shall otherwise comply with Chapter 4-13.

(2) The current deed to the property or other evidence of title shall be submitted with the plan.

(3) If the abutting street is not paved, a recordable covenant binding the property for assessments for the cost of paving must be properly executed and submitted.

(C) In those cases where the grade for curb, gutter and sidewalk cannot be established by the City or immediate construction is impractical, a recordable covenant binding the property to pay for such improvements may be accepted by the City in lieu of immediate construction of the curb, gutter or sidewalk.

(D) Any improvement, the construction of which has been secured pursuant to City subdivision regulations or by other contract, need not be provided as part of the site development plan.

(E) Following review, revision and approval by the City, the plan and specifications as approved by the City shall be revised in final form, stamped with City's approval and filed with the City. Thereafter a building permit may be issued.

(F) No occupancy permit shall be issued until the required improvements are constructed and approved by the City in compliance with the approved plans or secured for completion within six months, and a recordable maintenance covenant running with the land on forms provided by the City is executed, approved by the City and recorded.

(G) All required improvements and landscaping shall be maintained in good repair and safe condition. Violation of this provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

(H) (1) Variances by the Planning Commission may be granted from the requirements of Subsection (B)(1) of this Section if it determines following the review procedure of Section 4-4-29 of City Zoning Regulations that all the criteria of this Subsection (H) are met:

(a) The variance is requested for an addition to an existing building or construction of a purely accessory structure.

(b) The variance will not adversely affect the public health, safety or welfare.

(c) The addition or structure will have a de minimus effect on traffic, parking and drainage.

(d) The variance requested is the minimum variance that will afford relief.

(e) The variance will not result in development incompatible with other property or buildings in the area and will not affect or impair the value, use or development of other property.

(f) Strict compliance is technically infeasible or the cost of the required site improvements is substantially more than the cost of the addition or structure or the scope of the addition or structure is insignificant with respect to the structures already on the premises.

(2) Published notice of the hearing as specified in Section 4-4-31(D)(2) is not required.

(I) Following approval of a site development plan, requests for amendments may be filed with the City and shall be reviewed in accordance with the provisions of Subsections (B), (C), (D), (E) and (F) of this Section.

(Code 2012, § 4-1-12; Ord. No. 1924 , 12-5-2002; Ord. No. 1999 , 4-15-2004; Ord. No. 2303 , 10-16-2012)

EXHIBIT C: Photos

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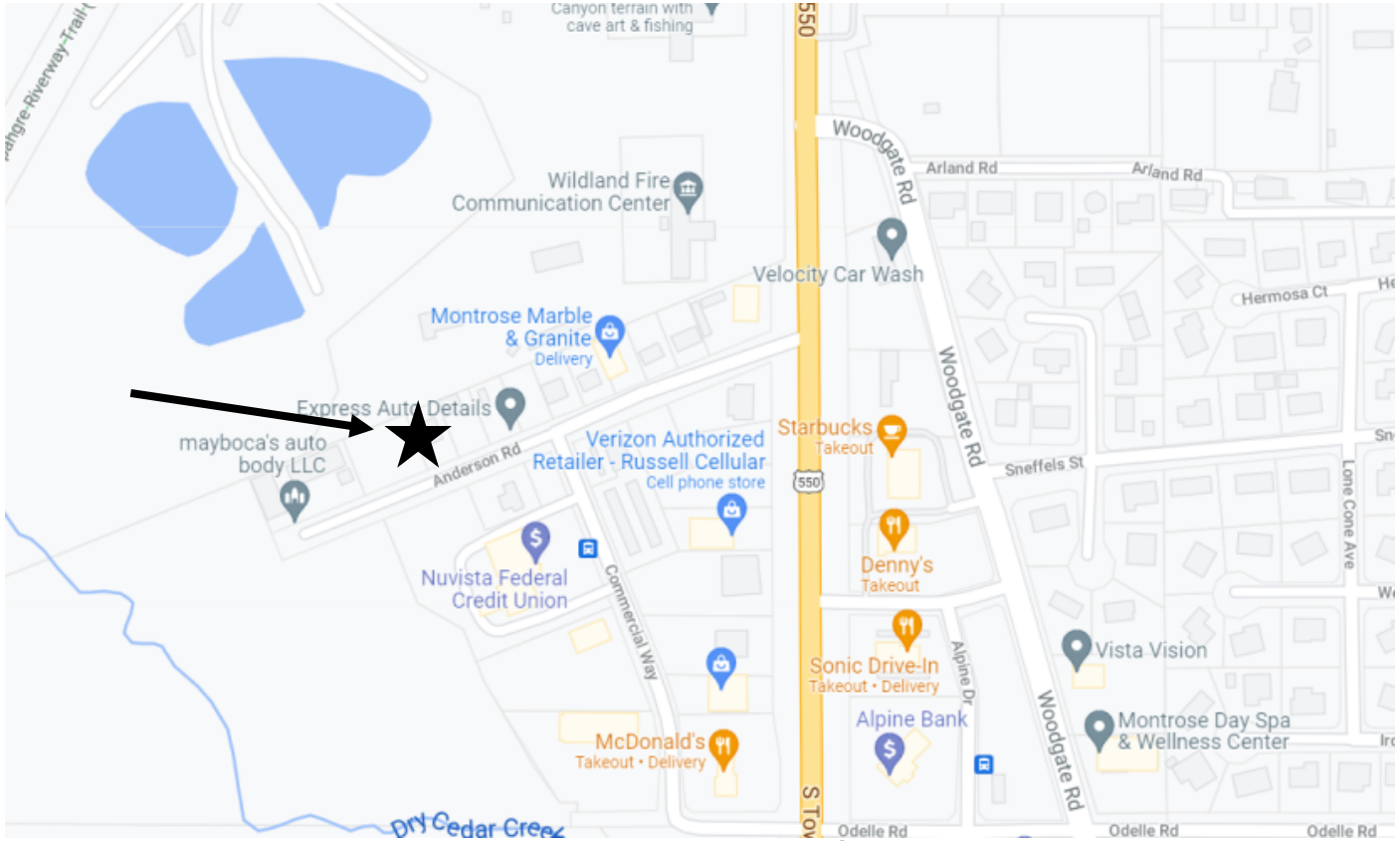
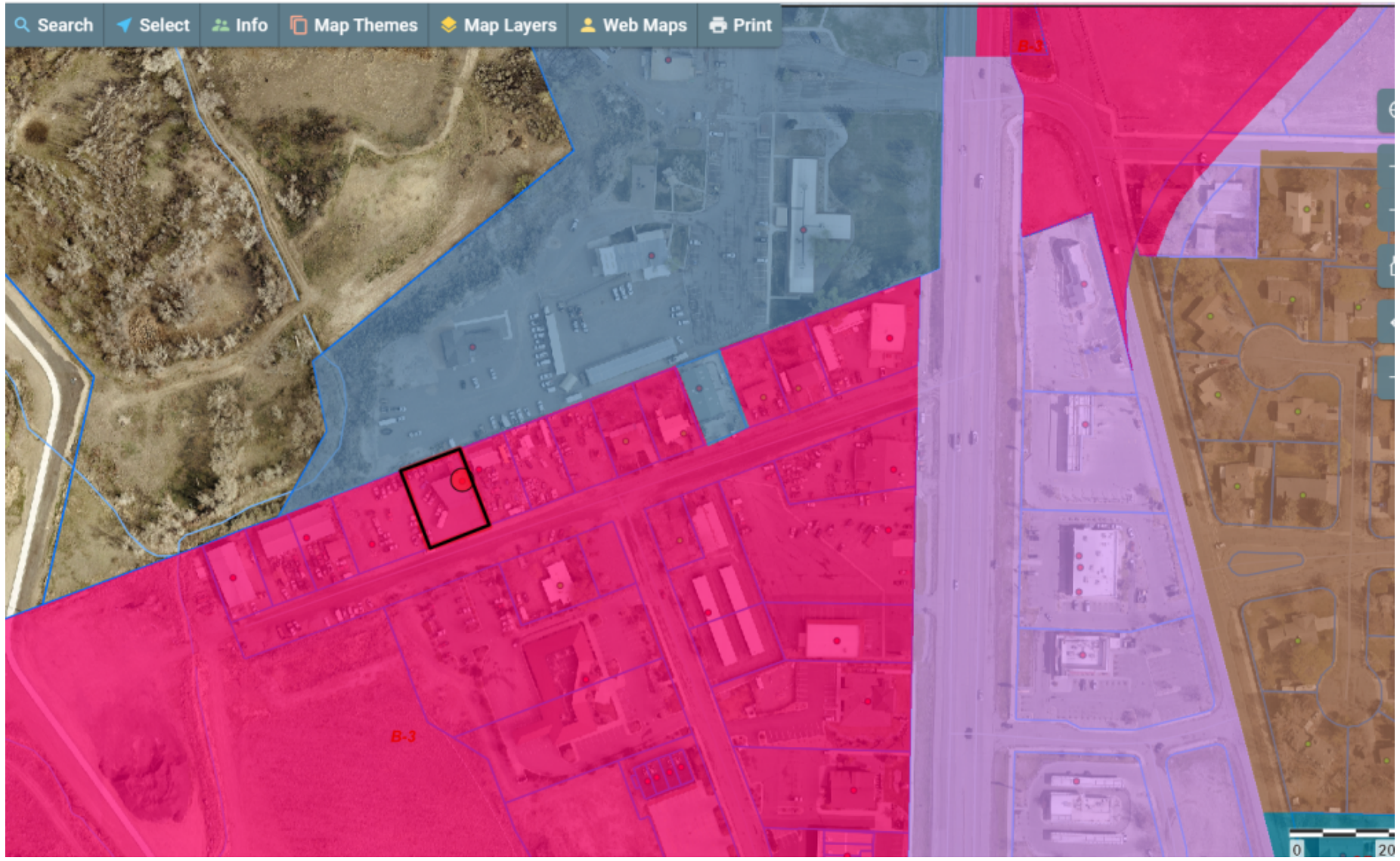
Project Site – Variance Application
Lot 1 & 2 of the Anderson Road Amended Plat



Request to waive the requirements for landscaping and paving requirements as set forth in City of Montrose Site Development Regulations.

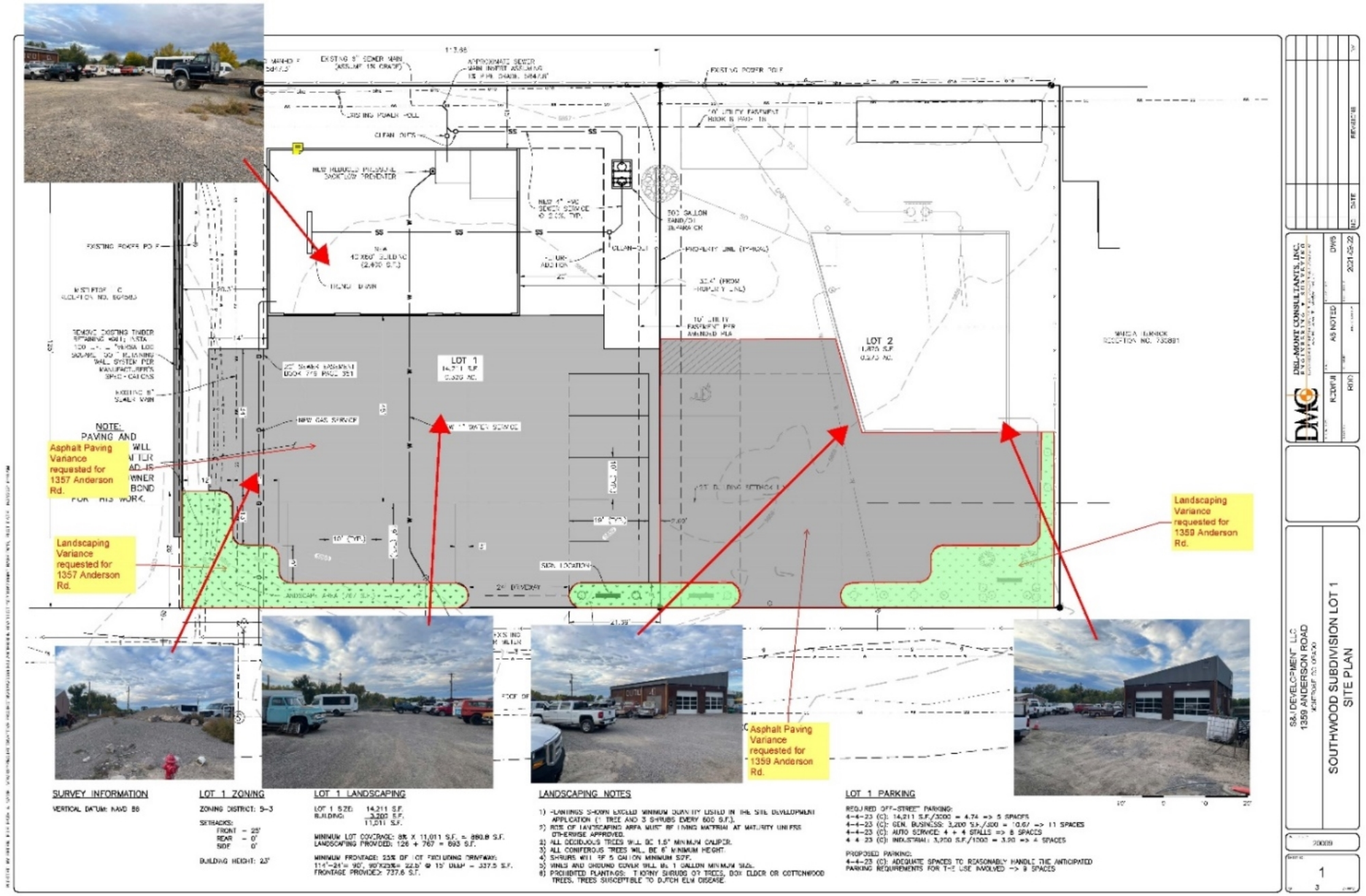
Zoning – “B-3” General Commercial District



Site Development Variance Requirements Section 4-1-12

Variances shall be granted only if all the following criteria are met:
(a) The variance is requested for an addition to an existing building or construction of a purely accessory structure.
(b) The variance will not adversely affect the public health, safety or welfare.
(c) The addition or structure will have a de minimus effect on traffic, parking and drainage.
(d) The variance requested is the minimum variance that will afford relief.
(e) The variance will not result in development incompatible with other property or buildings in the area and will not affect or impair the value, use or development of other property.
(f) Strict compliance is technically infeasible or the cost of the required site improvements is substantially more than the cost of the addition or structure or the scope of the addition or structure is insignificant with respect to the structures already on the premises.

Variance Site Plan



Site Images

Staff Analysis

- Staff finds that the proposed variance meets the requirements set forth in Sec. 4-1-12.
- It is in compliance with the local zoning and is compatible with existing uses in the area.
- Staff recommends approval of the variance application.

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CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner I
DATE: November 10, 2021
RE: Police Department Rezone
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt

Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 100 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:
The Planning Commission shall make a recommendation to City Council on the rezone for a property located at 434 S 1st St, more specifically defined as a portion of the Police Department Amended Plat. The Planning Commission will consider all of the information in this memo in making a decision.

Applicant: City of Montrose

Application Background:
The proposal is to rezone a portion of the Police Department Amended Plat, also known as 434 S 1st St. The proposal would rezone a portion of this parcel with a Legal Description as follows: (also shown in Exhibit A)

A tract of land situated in the SW¼ of Section 27, Township 49 North, Range 9 West, New Mexico Principal Meridian, City and County of Montrose, State of Colorado being Lots 5, 6 and 7 of Block 86, Town of Montrose and a portion of South First Street and a portion of the Alley in said Block 86 being more particularly described as follows:
Beginning at a point on the North line of Lot 2 of the City of Montrose Police Department Subdivision as recorded at Reception No. 920486 being N50°16'01"E 25.09 feet from the Northwest corner of said Lot 2 at the intersection with the extension of the West line of said Lot 7;
Thence N50°16'01"E 75.47 feet along the North line of said Lot 2 to the intersection with the extension of the East line of said Lot 5;
Thence S39°58'27"E 184.59 feet along the East line of said Lot 5 and the extension of the East line of said Lot 5 to the centerline of the Alley in said Block 86;
Thence S50°16'38"W 75.23 feet along the centerline of the Alley in said Block 86 to the intersection with the extension of the West line of said Lot 7;
Thence N40°02'51"W 184.58 feet along the West line of said Lot 7 and the extension of the West line of said Lot 7 to the Point of Beginning.
Containing 0.32 acres more or less.
County of Montrose, State of Colorado.

This property is currently zoned "B-1" Central Business District. The proposed new zoning is "P" Public District. This proposed zoning would accommodate the Public Safety Complex currently under construction. The property to be rezoned consists of approximately 0.32 acres. The zoning hearing is scheduled for the December 7, 2021, City Council meeting.

Proposed Zoning: "P" Public District

Staff Analysis:

1. Municipal Code, Section, 4-4-29(A), Rezoning.
   "Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
   a) The amendment is not adverse to the public health, safety and welfare; and
   b) The amendment is in substantial conformity with the master plan or,
      i. The existing zoning is erroneous, or
      ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned."
2. The Planning Commission should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to "P" Public District. The current zoning is "B-1" Central Business District.

- Zoning Regulations. The “P” Public District is intended for public, nonprofit, or charitable uses that provide a local service to the people of the community on a regular basis. (Section 4-4-11.1)
- Exhibit B includes an excerpt from the Municipal Code showing uses by right in the "P" Public District.

3. This property is adjacent to properties that are zoned “P” Public District, and “B-1” Central Business District.
4. The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Public. This land use designation is to suggest potential locations for parks, open space, trails, school, churches, cemeteries, and public buildings.
    - Staff finds that the proposed zoning is compatible with the Comprehensive Future Land Use Map and surrounding zoning and uses.
5. The “P” zoning does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements and the Comprehensive Plan.

Staff Recommendation:
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "P" Public District.

Planning Commission Recommendation Alternatives:

Approval Motion Recommendation:

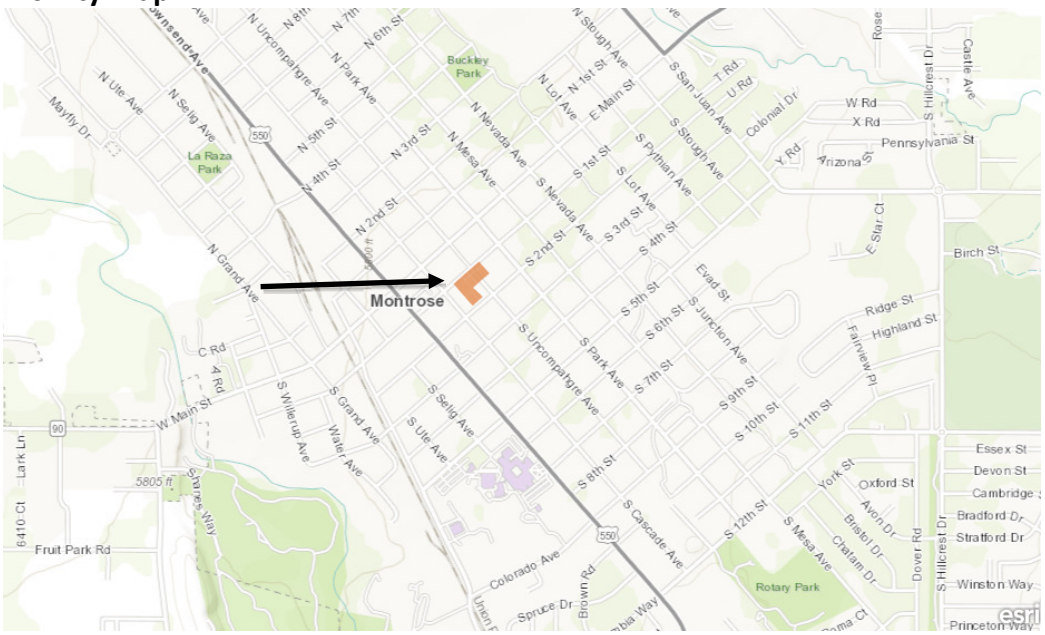
“I hereby make a motion to recommend approval of the rezone request to “P” Public District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

Denial/No Action Motion Recommendation:

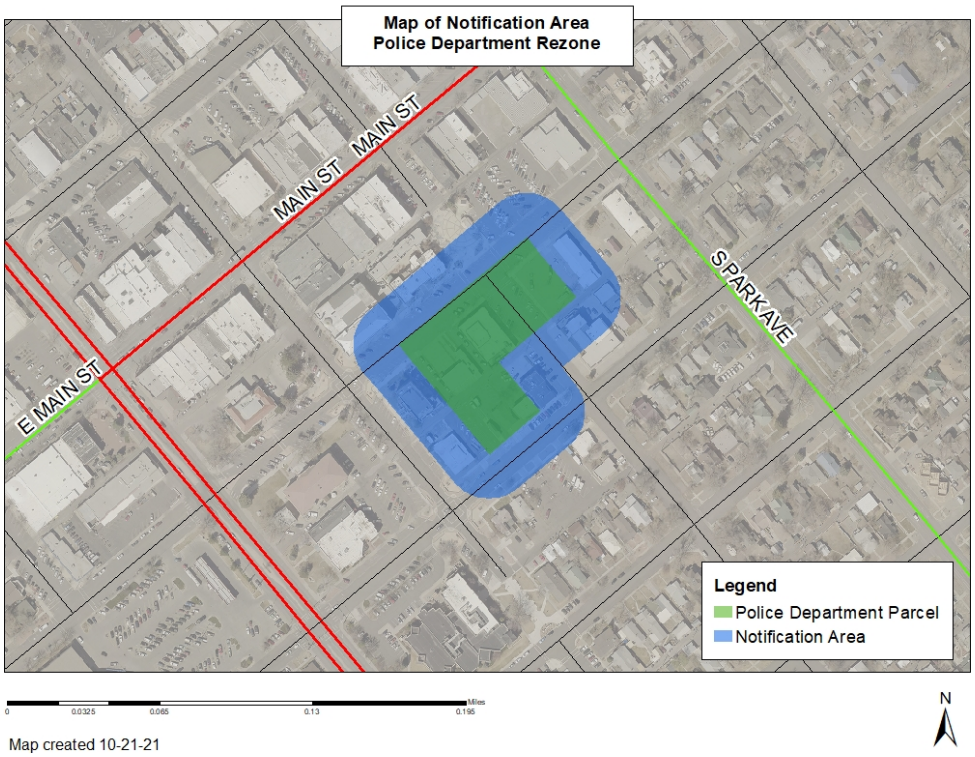
“I hereby make a motion to take no action on the request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

EXHIBIT A: Maps

Vicinity Map

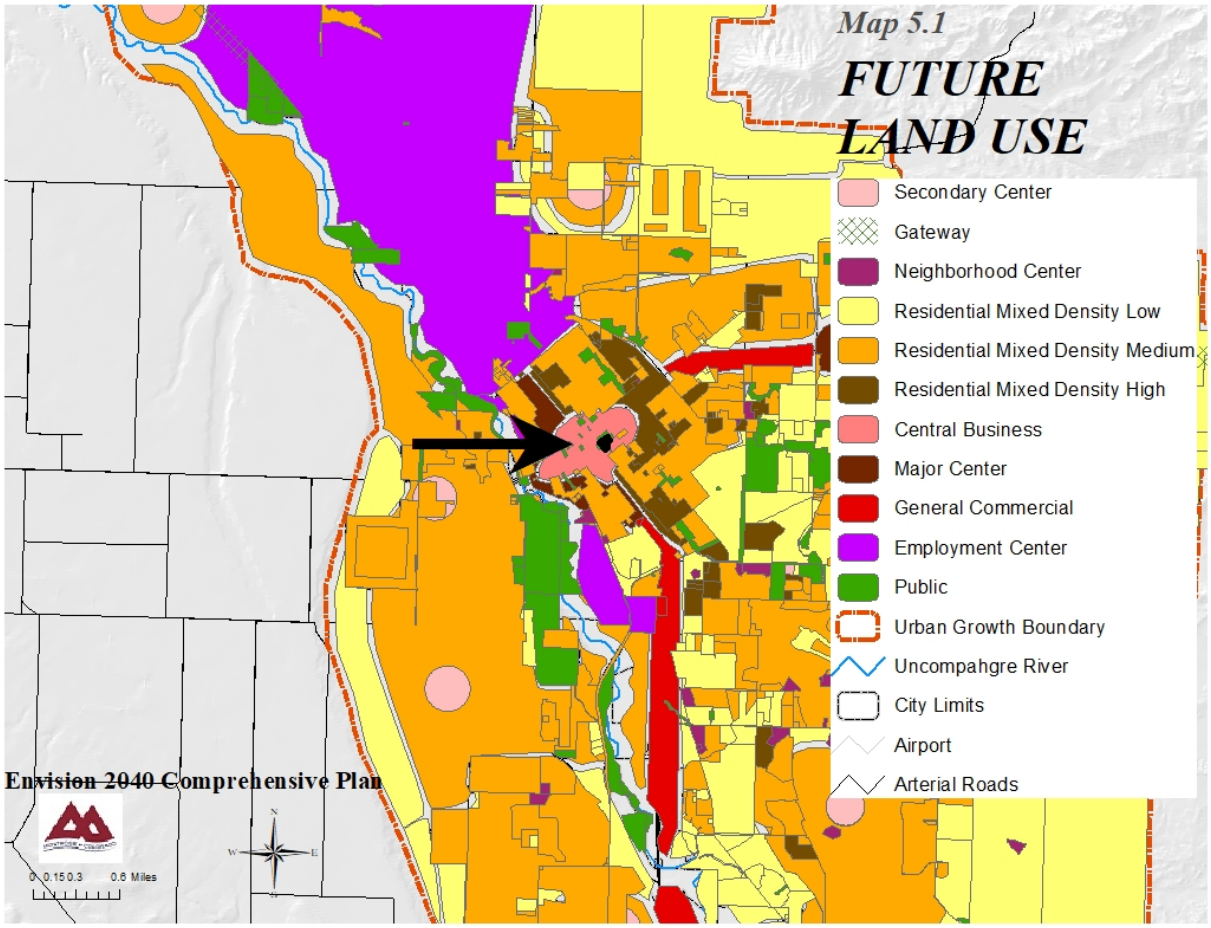


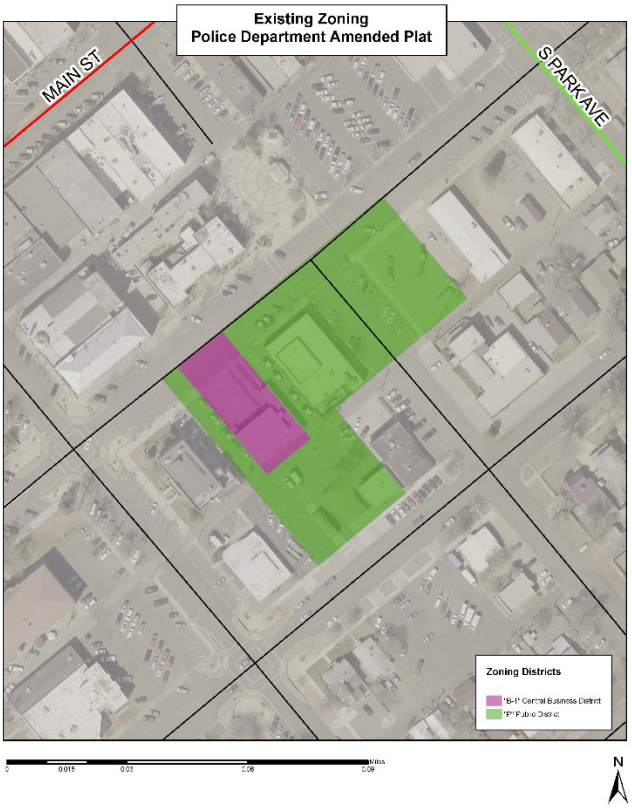
Notification Area



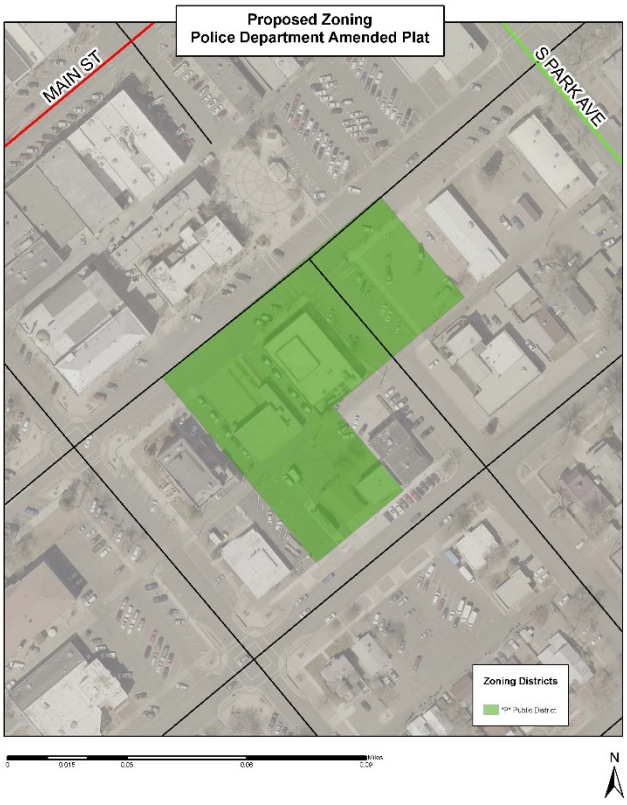
Map created 10-21-21

Comprehensive Plan Future Land Use Map





Map created 9-30-21



Map created 9-30-21

EXHIBIT B: Photos of Project Area

EXHIBIT C: Zoning Code Excerpt

Sec. 4-4-11.1. "P" Public District.

(A) *Intent.* The Public district provides public recreation facilities, government buildings and facilities, events or conference centers, schools libraries, and other public lands and buildings. Uses are of a public, nonprofit, or charitable nature and provide a local service to the people of the community on a regular basis.

(B) *Uses by Right.*

(1) Government buildings and facilities.

(2) Schools.

(3) Libraries.

(4) Public museums and visitor centers.

(5) Public parks.

(6) Public recreation land and facilities.

(7) Private recreation facilities.

(8) Open space corridors.

(9) Places of worship.

(10) Parking facilities.

(11) Renewable energy facilities.

(12) Accessory uses.

(C) *Conditional Uses.*

(1) Commercial businesses.

(2) Single-family homes.

(3) Multiple-family residences.

(4) Golf courses.

(5) Childcare facilities. A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.

(6) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(Ord. No. 2472 , § 4-4-11.1, 5-7-2019)

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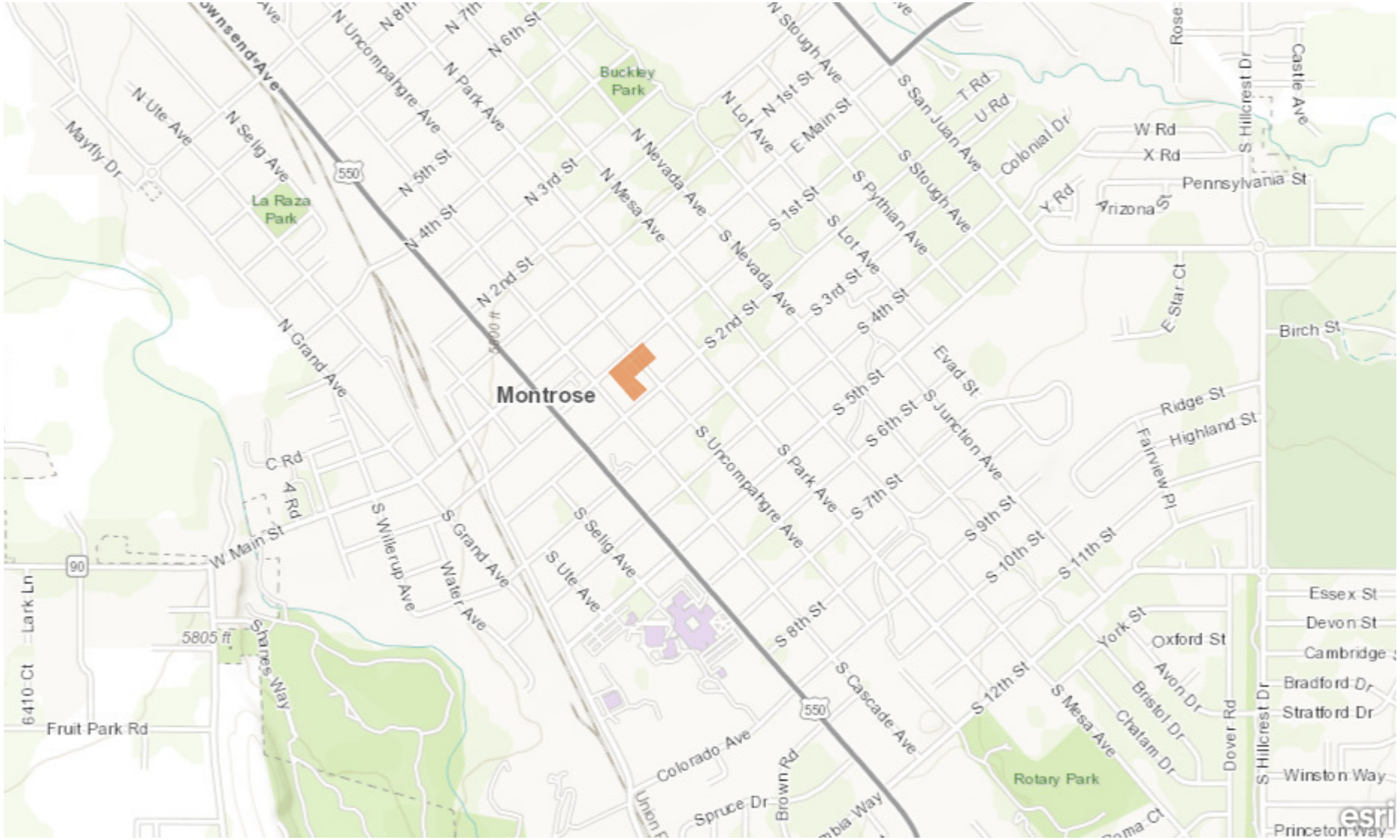
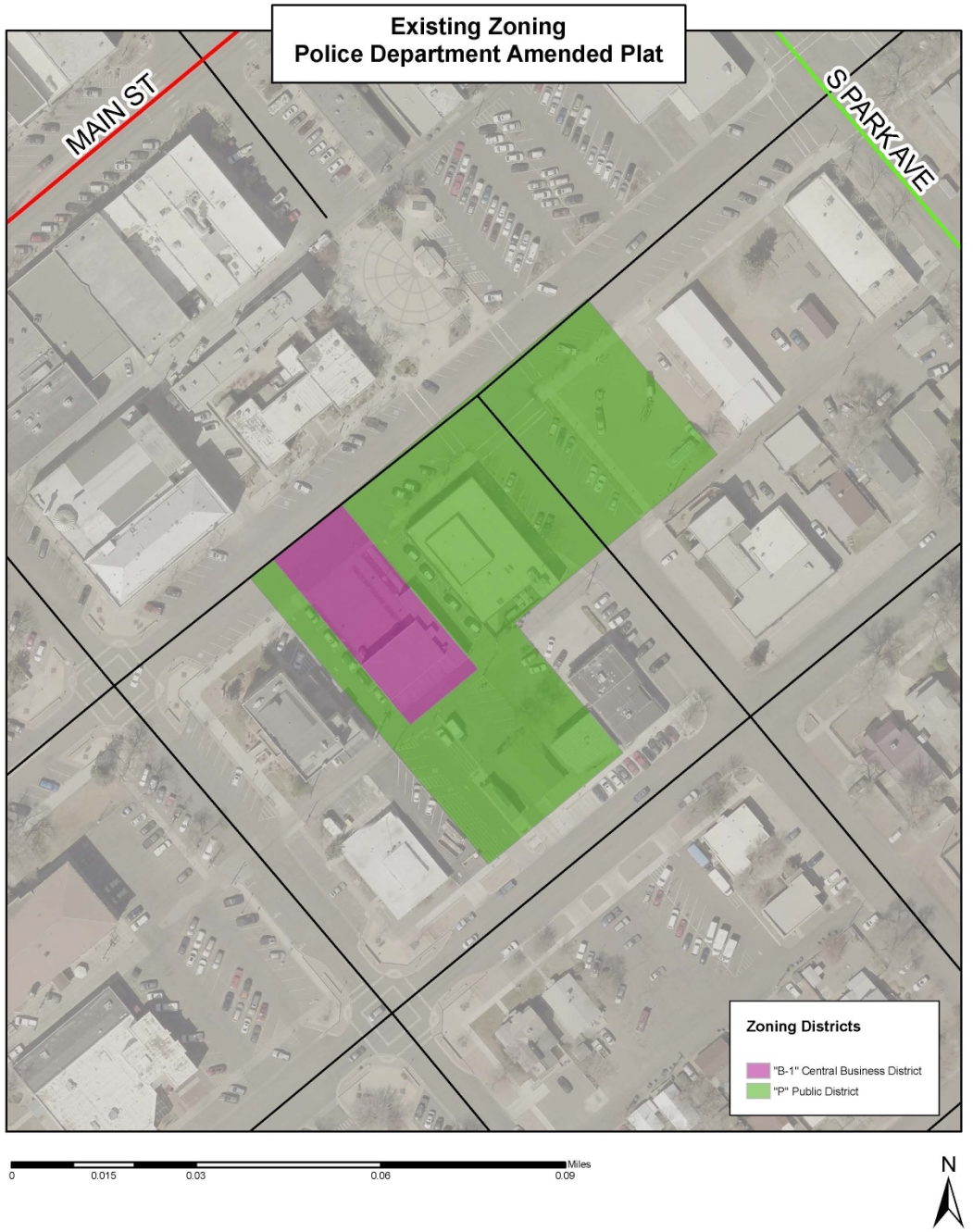
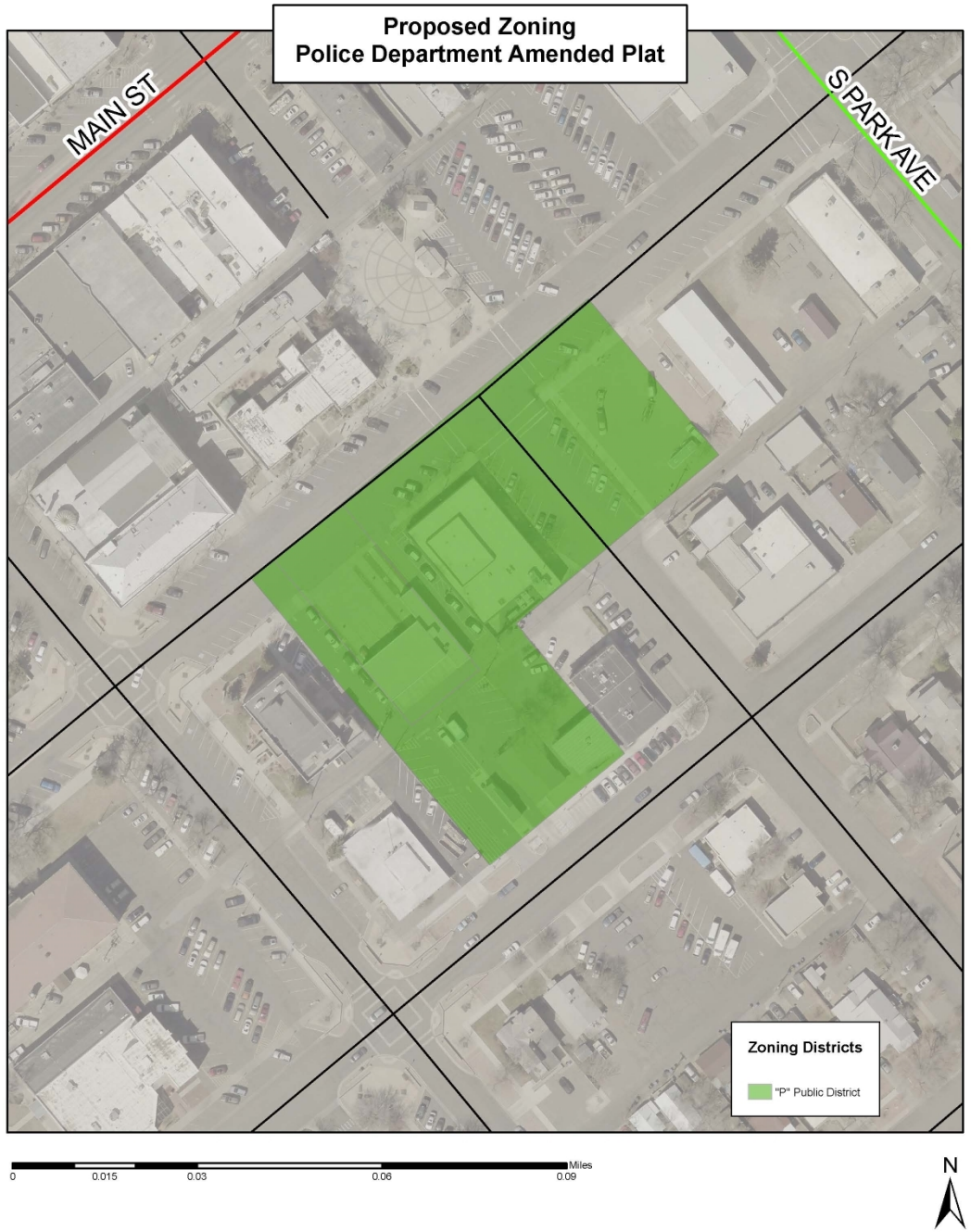
General Vicinity Map



Site Location

- Approximately 0.32 acres Rezone from “B-1” Central Business District to “P” Public District.
- Future Montrose Public Safety Complex.





Map created 9-30-21

Rezone Request

Rezone a portion of Parcel #376720200907, also known as 2365 Air Park Way. The updated legal description for this property is as follows:

A tract of land situated in the SW¼ of Section 27, Township 49 North, Range 9 West, New Mexico Principal Meridian, City and County of Montrose, State of Colorado being Lots 5, 6 and 7 of Block 86, Town of Montrose and a portion of South First Street and a portion of the Alley in said Block 86 being more particularly described as follows:

Beginning at a point on the North line of Lot 2 of the City of Montrose Police Department Subdivision as recorded at Reception No. 920486 being N50°16’01”E 25.09 feet from the Northwest corner of said Lot 2 at the intersection with the extension of the West line of said Lot 7;

Thence N50°16’01”E 75.47 feet along the North line of said Lot 2 to the intersection with the extension of the East line of said Lot 5;

Thence S39°58’27”E 184.59 feet along the East line of said Lot 5 and the extension of the East line of said Lot 5 to the centerline of the Alley in said Block 86;

Thence S50°16’38”W 75.23 feet along the centerline of the Alley in said Block 86 to the intersection with the extension of the West line of said Lot 7;

Thence N40°02’51”W 184.58 feet along the West line of said Lot 7 and the extension of the West line of said Lot 7 to the Point of Beginning.

Containing 0.32 acres more or less.

County of Montrose, State of Colorado.

Rezone Criteria – Section 4-4-29 (A)

(A) Rezoning:

(1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:

(a) The amendment is not adverse to the public health, safety and welfare; and

(b) The amendment is in substantial conformity with the master plan or,

i. The existing zoning is erroneous, or

ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

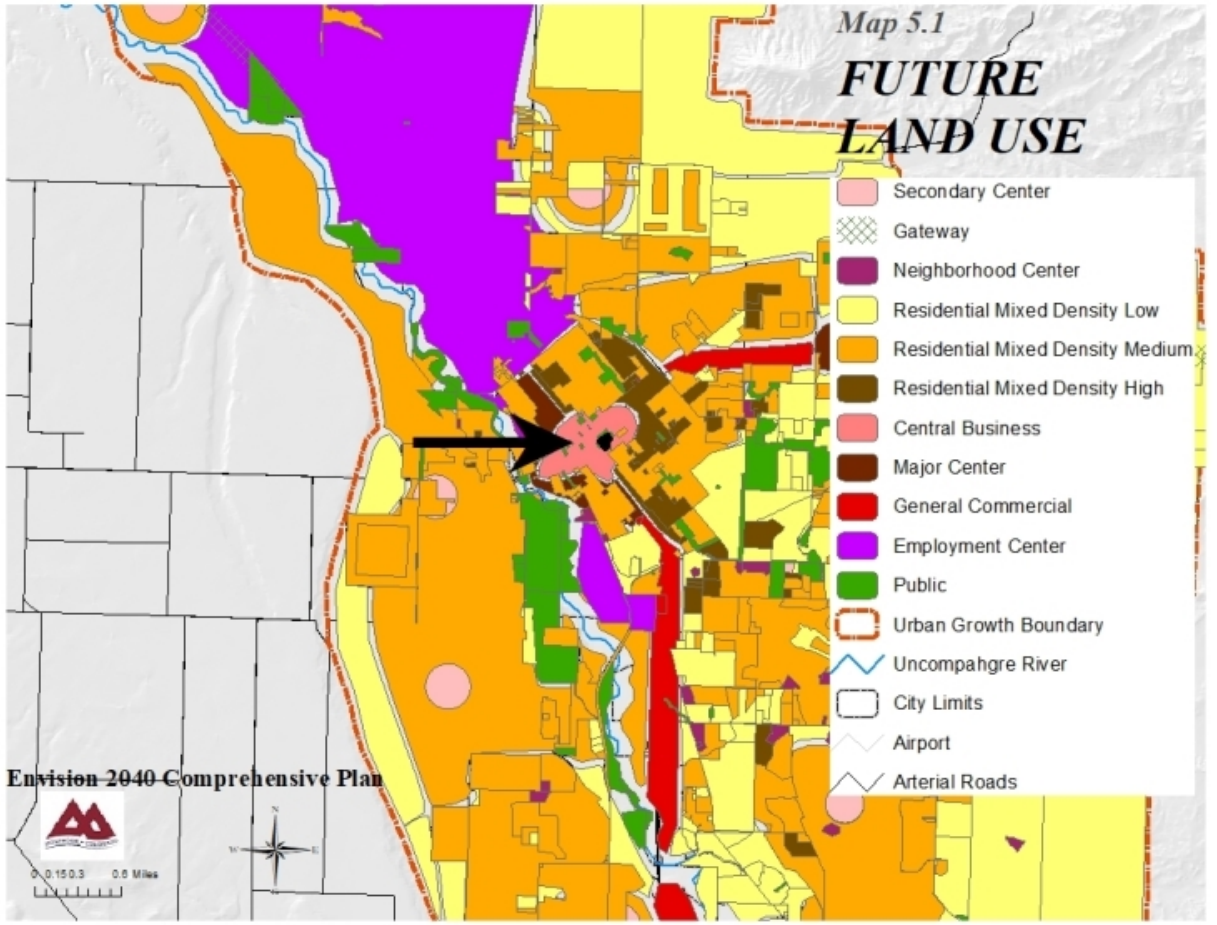
Proposed Rezone

- The “P” Public District is intended for public, nonprofit, or charitable uses that provide a local service to the people of the community on a regular basis. (Section 4-4-11.1)

Comprehensive Plan – Land Use Chapter 3

Listed as **Public** in the future land use map.

This land use designation is to suggest potential locations for parks, open space, trails, school, churches, cemeteries, and public buildings.



Staff Recommendation

- Staff finds that the proposal meets the rezone criteria stated in Section 4-4-29(A)
- The proposal meets the intent of the “P” Public District.
- It is in general compliance with the Comprehensive Plan.
- It is compatible with existing uses in the surrounding area.
- Staff recommends approval of the rezone.

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