

PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 7, 2023

1. The regular meeting was called to order at 6:30 p.m., and was opened with the Pledge of Allegiance. Commission members present were Vice-Chairperson Rebecca Levy, Lance McDaniel, Jim Skvorc, and Katrina Weiss. Chairman Robert Rime was absent. City staff present included Contract City Planner Nancy Dosdall, Director of Community and Economic Development Rachael Marchbanks, City Clerk Linda Smith, and City Attorney Patrick Coleman. There were two people present in the audience.
2. Commissioner Skvorc moved that the minutes of December 6, 2022, be approved. Commissioner Weiss seconded the motion, and the vote was as follows:

Levy	McDaniel	Rime	Skvorc	Weiss
Yes	Yes	absent	Yes	Yes

3. PUBLIC PARTICIPATION – None.

4. PUBLIC HEARING

- a. Application from James and Sharon Morgan, 921 North Sligo Street, for a Conditional Use Permit to Allow a Carport to be Built Attached to the Front of their Residence. Vice-Chairperson Levy opened the public hearing. Contract City Planner Dosdall stated that Jim and Sharon Morgan are requesting a Conditional Use Permit to construct a new carport onto their existing home located at 921 North Sligo Street. The property is zoned R-1, Residential Single-Family, and is bounded on all sides with single family homes. Contract City Planner Dosdall reviewed the development standards for an accessory carport noting that a carport structure that is closer than ten (10) feet to the front property line must obtain a Conditional Use Permit as outlined in Land Use Code Section 6.10. The proposed carport will be approximately six (6) feet from the front property line. It was noted that carports are a common use in the neighborhood and with single family homes in general. Contract City Planner Dosdall noted that the project meets the requirements of the Land Use Code with the exception of being four (4) feet closer to the front property line than allowed without a permit. She reviewed the four alternatives for approval/denial of the application and stated that Staff recommends that the Commission approve Planning and Zoning Resolution No. 1, Series 2023, with four conditions:

*All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outline in adopted City Codes and other regulatory documents.

*The appropriate construction drawings must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on site.

in the County, consideration should be given to the adjacent residential areas with appropriate buffers, mitigation of noise, visual impacts, and connectivity where appropriate.

Planning and Zoning Commissioners expressed many concerns, especially in regard to the heavy industrial zone which would allow for a variety of uses. Commissioner McDaniel stated that he would not support the property being zoned to heavy industrial as it allows for uses that are not compatible with the surrounding neighborhood (City subdivision). Discussion was held on the sketch which was included in the packet which did not outline where the roads would align and how they would connect with Road L. Vice-Chairperson Levy agreed that the heavy industrial zone does not align with the surrounding neighbors and development of the property will have an impact on the City with 50% of the property contiguous with the City limits. Discussion was held on the property remaining on a septic system. Commissioner Skvorc agreed with the Commissioners that a heavy industrial zone is not appropriate for the property. Several Commissioners commented that the information provided by the applicant for the rezone request is not complete and needs to be better defined. Contract City Planner Dosdall stated that Brandon's Gate is a Planned Unit Development built with townhomes and single-family homes located right next to the Hock 2 Lot Minor Subdivision.

Commissioner McDaniel moved that the City Planning and Zoning Commission send a letter to Montezuma County recommending denial of the Hock 2 Lot Minor Subdivision with the following comments (as defined by Contract City Planner Dosdall from the Commissioner's discussion) :

- The property is located adjacent to City limits on two sides. The City has approved a residential subdivision on the adjacent property, that is currently partially developed with homes. The property is currently eligible for annexation.
- The proposal includes a request for rezoning to Heavy Industrial. Heavy Industrial uses shall mean "uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials; or a use engaged in storage of, or manufacturing processes using, flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous conditions. Heavy Industrial shall also mean those uses engaged in the operation, parking and maintenance of heavy equipment and trucks, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yards, container storage), mining and extracting industries, petrochemical industries, rubber refining, and primary metal or related industries." These uses are not appropriate adjacent to City limits and especially adjacent to residential properties at urban densities. City residents should not be subjected to hazardous and loud uses such as those listed above.
- The proposal, with internal access that duplicates adjacent City streets is not in conformance with the City Streets Plan and will result in lots with frontage on both a City subdivision street and the internal proposed access.