

City of Alamosa  
Planning Commission  
September 28, 2016  
6:00 p.m.  
Minutes of the Meeting

The regular meeting of the Planning Commission was called to order on the above date at 6:00 p.m. by Chairman Mark Manzanares. Present were the following members: Shirley Adcock, Farris Bervig, Debbie Clark, Darrel Cooper and Scott Travis. Excused: Robert McWhirter. A quorum was declared. Staff present: Pat Steenburg, Harry Reynolds and Julie Scott. The City Attorney, Erich Schwiesow, was also present.

**Agenda Approval: M/S/C.** Adcock, Clark. Motion was made to approve the agenda as presented. (Unanimous)

**Public Comments:** None

**Approval of the Minutes: M/S/C.** Clark, Travis. Motion made to approve the minutes of the August 24, 2016 meeting with the correction of the date to reflect the date of August 24<sup>th</sup> not the 23<sup>rd</sup> as brought forth by Bervig. (Unanimous)

**Regular Business - Conduct Public Hearings**

The request of Sean and Karen Studer for review of a final plat approval. The property affected is Lots 10,11 and 7 of the Morris and Cole Re Subdivision of Tracts 4 & 5, Sunnyside Park Subdivision, City of Alamosa, Alamosa County, lying generally east of Sage Street and north of Chico St.

The public hearing opened at 6:03p.m.

Manzanares: Who is here that would like to speak on behalf? Please step forward and state your name and address.

Studer: Sean Studer, 209 San Juan Ave., Apt B.

Manzanares: Tell us about your application.

Studer: What we wanted to do is utilize this land and subdivide next to our two buildings down on the south side. We remodeled the north building and would like to subdivide and add a public easement to the south and we would like to add a duplex facing Sage and a duplex next to the four-plex facing Chico. All utilities are approved. That's our plan.

Manzanares: Thank you. Is there anyone else that would like to speak for this request? Against? We will close the public hearing. Are there questions? Farris, you had a question?

Bervig: No, it was on the date of the minutes and that is taken care of.

Adcock: So we're looking at Lots 7, 10 11 A & B they will be separate lots. My question is why is there a jag in the lot; why are they not evened off?

Studer approached the Commission with the proposed plat to clarify the question and explained when it was originally platted in 1936. The survey was done and lot lines extended into structures. This action will clean up the lots and the jag allows for the minimum lot size according to code which is 7,000 sq. ft.

Manzanares: Are there any other questions? A motion to recommend?

The motion was made and seconded then retracted to recommend approval with conditions.

For the record, all adjacent property owners were notified of the hearing.

**M/S/C.** Travis, Adcock. Motion made to approve the request of Sean and Karen Studer for a final plat approval with the following conditions: the plat is modified to more accurately reflect the nature of the project; the title changed to subdivision rather than a lot line adjustment and more accurately depict the owner of record. Also, that the owner post \$4,116 in escrow funds in the form of cash or bank issued irrevocable letter of credit for the eventual paving and improvement of the applicant's frontage on Chico Street. The property affected is Lots 10, 11 and 7 of the Morris and Cole Re Subdivision of Tracts 4 & 5, Sunnyside Park Subdivision, City of Alamosa, Alamosa County, lying generally east of Sage Street and north of Chico St. (Unanimous)

Bervig mentioned the amount of trash on a lot in that area and was informed that it has been cleaned up.

The recommendation will go to City Council for final action on Wednesday, October 19, 2016.

### **Other Business:**

Appeal of Felix D. and Catherine M. Valdez regarding the Permitted Use by Special Review to allow a group home in a Commercial business zone located at 1318 Main St.

Steenburg gave a brief account of what action had been taken since the June 22, 2016 meeting.

- June 22, 2016 the request to allow a group home in a Commercial Business zone was heard by planning commission and the recommendation to deny was made.
- At the same hearing, the identical request for a different location 2302 & 2308 Stockton in a residential medium zone was approved unanimously
- On July 14, 2016 the applicant was mailed a letter outlining three options the applicant could attempt to make that use legal at that address.
- July 22 2016 notice of violation was served.

- August 4, 2016 a Notice of Appeal was received from the applicant in response to the Notice of Violation received by certified mail postmarked July 29, 2016. It stated that documentary evidence and testimony would be presented at that time.
- August 12, 2016 The City Attorney responded to this request and outlined courses of action including reference to the Code of Ordinances of the City of Alamosa Sec.21.33.- Violations and Sec. 21-34 Penalty.
- August 24, 2016 the City Attorney responded to the applicant's letter addressing the Notice of Appeal and the use as a group home which is not allowed in a Commercial Business zone. He was informed that any enforcement action would be held off until September 30, 2016.
- September 2, 2016 correspondence from the City Attorney to the applicant again outlined a course of action in regard to a halfway house use group in a Commercial Business zone. Relevant portions of the zoning code were attached to the correspondence.

The City Attorney introduced himself to the Commission and stated options for the Planning Commission to consider. The applicant will ask the Commission to make a determination. A notice of violation was issued and the City has made clear they will hold off on enforcement until the issues are worked through.

Valdez thanked the Commission, and stated his address as 1604 State Hwy 16, La Jara. He is the owner with his wife, Catherine of the property at 1318 Main St. and in 2010 leased the building and the DOC used it as a rehabilitation center and residence while they transitioned to everyday life. They have been model tenants. They obtained a \$500 grant from a church to paint the building. What they are asking is to allow it to be used as a rehab center and other uses and if possible, would like the Commission to allow comments from director of the program and a counselor. The non- continued use would propose quite a hardship.

The proceedings are not a public hearing.

The use right now is illegal but not being enforced until all legal avenues are exhausted.

Shane Benz, 1318 Main St., director since 2010 of the program in place at the subject property, Sandra Goodwin, Creed DeAvanzar, Ascension Counseling Services all spoke of the use of the property. The location is a satellite office of Ascension Counseling, 811 Main St., where Ms. Goodwin and Mr. DeAvanzar are employed. They are state licensed. They are working with the DOC, 12th Judicial Court and veterans for a sober, safe place to reside and receive counseling that is affordable.

Manzanares lauded them for the work they are doing but other than the cost, what is unique about the location that makes it difficult to open the operation in a zoning district that allows it?

Section 21-52 allows the Planning Commission to grant variances for various but the board (commission acting as the Zoning Board of Adjustments) cannot grant variances. The applicant is requesting a variance which is not an action the Commission can make. There is not use group for a half-way house.

An office and group counseling use would possibly be allowed but not a group home in a Commercial Business zone.

Goodwin stated it is not a permanent home for the residents - it's a stepping stone.

It was suggested the applicants find a location in a residential zone where the use would be allowed but Ms. Goodwin stated they have been looking; there just aren't any available. She also stated they provide counseling at the site at no charge on Wednesday nights.

The city is currently going through an overhaul of the zoning code. The applicants are encouraged to bring these issues up during the public meetings on the changes. It is doubtful that a rezone would be approved as it constitutes "Spot zoning."

Joseph Thomas Valdez, pharmacist, spoke regarding the opiate epidemic in the Valley and the great need for these types of facilities, not just in Alamosa.

The Commission again acknowledged the obvious need for this type of facility but it is not a use that is allowed in a Commercial Business zone nor do they have the authority to grant a variance as stated by the City Attorney.

Again, it was strongly urged the applicants attend the upcoming planning sessions regarding the Comprehensive Plan updates. Perhaps suggesting that a new zoning classification for halfway houses could be included in the updates although it is not common practice to re write code for one specific site.

Ms. Valdez asked for clarification on use groups allowed.

The discussion ended at 7:00p.m.

Next item:

Manzanares brought up the setbacks on a new development on Riverbend Court and Reynolds addressed it.

After no further business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Julie Scott  
Recording Secretary

