

City of Alamosa
Planning Commission
September 27, 2017
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, Christopher Lopez, David Mize, and Scott Travis. Excused: Farris Bervig. A quorum was declared. Staff present: Pat Steenburg, Harry Reynolds, and Julie Scott. Erich Schwiesow, City Attorney, was also present.

Agenda Approval: M/S/C. Mize, Adcock. Motion was made to approve the agenda with the following change: Item 2B will be moved to the first item of business.

Introduction of Daniel Vaughn, AICP/ASLA.

Steenburg introduced the new City Planner, Dan Vaughn, and informed the Commission Dan would be working with them on a regular basis on City development, planning and various issues. He was welcomed by the Commission.

Approval of the Minutes: M/S/C. Mize, Lopez. Motion made to approve the minutes of the August 23, 2017 meeting as presented. (Unanimous)

Public Comments: None.

Regular Business - Conduct Public Hearings

Recommendation to approve the Zoning Code updates as presented.

The public hearing opened at 6:09 p.m.

Steenburg gave a brief background of the work that has been done over the last year and if there were questions or concerns the City Attorney was present to address them.

There will be “dummy” projects run through staff and find areas that need to be addressed. Applications for various land use issues were being re-vamped by Vaughn and would be run through the process.

The timeline for adoption was given with first reading to be next week. The next reading would be 30 days later if all was acceptable, and the new zoning code to put it into effect January 1, 2018.

Concerns from the commission were if the public access could be more available for citizens to comment. It was brought forth if there would be public announcement and there would be public

notice of hearings, Facebook posts, web page and PSAs. Public comments would be heard at the hearings.

It was also questioned if it would be enough time for adoption and for staff to be comfortable with the changes and staff considered it sufficient.

Steenburg would work with IT to make it available on the city website and research the possibility of a searchable PDF for ease of use with key words.

The public hearing closed at 6:11 p.m.

Manzanares: Are there any other questions or concerns? Is there a motion?

M/S/C. Adcock, Travis. Motion made to recommend adoption of the zoning code updates to the Municipal Code as presented. (Unanimous)

Manzanares thanked all for the hard work involved in this project.

Next item:

The request Pawel Bielecki for a side yard variance from the required 5 ft. to 3 ft. to allow construction of a garage. The property affected is Lot 80, Grandview Subdivision, City of Alamosa, Alamosa County also known as 216 Victoria Ave.

The public hearing opened at 6:13 p.m.

Manzanares: Is there someone here to speak for this request? Please step up to the microphone and state your name and address for the record.

Baumgardner: Boyce Baumgardner, 33 Batterson St., Monte Vista. My wife Soledad Baumgardner is the office manager at Sweet Tooth Dental and we are here on behalf of Dr. Pawel Bielecki.

Manzanares: Thank you, please present your application.

Baumgardner: The application is to build a two car garage with an additional storage room. The location is approximately southwest of the existing Sweet Tooth Dental, 216 Victoria. It will not be attached to the existing building. Again, we will build 7 ft. away from the property line to the south which was formally the veterinary clinic. It will be one story, pitch will be right angle for the snow to fall, it's not going to be a public area. It will be gated so only employees could go back to the building. Any questions?

Manzanares: Which way will the roof pitch?

Baumgardner: Southeast.

Manzanares: Thank you. We will call you up for additional questions. Is there anyone else that would like to speak for this request? Anyone against this request? We will close the public hearing.

The public hearing closed at 6:15 p.m.

Manzanares: So when you have the snow, it will be going toward the veterinary clinic?

Baumgardner: Yes, so we will have seven feet to the fence giving ample room for the snow not to be on the other owner's property.

Adcock requested the applicant point out on the map where the property line was.

Baumgardner: There is currently a 6 ft. chain link fence that heads east. That is where the property line is.

Manzanares: Is there enough room for a two car garage?

Baumgardner: Between the existing building we are going to have approximately four ft. separation. Four – 6 ft. and will angle the roof to the south so snow won't pile up and will have heated pipes in the concrete slab between the buildings. I don't have the exact measurements with me, I was told I wouldn't need the measurements but yes, it gives us about 8 ft. to play with.

Mize: The picture we have shows a 5 ft. separation between buildings, 11 ft. from the east side, and a request for 5 ft. to 3 ft. variance from the property line; the back line has plenty of distance?

Baumgardner: Yes, the back part will be used for employee and doctor parking. The garage is not going to be any longer than the existing building lengthwise.

Manzanares: Is there room for a two car garage?

Mize: This drawing shows it 16 ft. longer.

Baumgardner: I apologize, I should have brought the plans.

Manzanares: Is there room for a two car garage?

Steenburg: Just so Planning Commission understands, they are asking for two separate variances. We have an ordinance that requires 10 ft. of separation between buildings; that is for public safety, fire protection, to keep fire from moving from one structure to another. This variance if you decide to grant it, you are allowing them to build closer than 10 ft. to the primary building and you are giving a setback off the property line to the south.

Manzanares: So they are together? Originally, it was three feet off the property line; now its 10 ft. between buildings we look at them together?

Steenburg: Yes.

Baumgardner: Do you have a copy of the plans? Could I view one as I talk? I did not bring them, my apologies.

Lopez: What is the purpose for the garage?

Baumgardner: Primarily, they have a company owned vehicle, it stays there, it would warehouse that. They also travel down from Pueblo routinely and will maintain their vehicle and there will be separate storage to the east for non-hazardous cleaning supplies.

Steenburg: If you could clarify one thing for me sir, you said you are giving seven feet to the south, for snow melt is it 7 ft or 3 ft.?

Baumgardner: I apologize, as I was speaking over the phone to Dr. Powell, I was measuring I assumed we would give more room to the south. If this drawing is correct, we would ask for 3 ft. if that is an issue I will let you know we are willing to work on our plans.

Lopez: Is there a way to place the garage on this property to meet the requirements? Is the property big enough?

Steenburg: Without reviewing it, I can't answer that, I'm not sure.

Manzanares: Chris, my question is almost the same- is there a way to place it aesthetically so it meets the requirements. Pat, is there an alleyway in the back? Is there somewhere else you could place this and not have a big garage in the front.

Steenburg: No.

Baumgardner: I believe this is the ideal position for what they desire. Especially giving all the public customer parking still available in the front and the employee and doctor parking to the east.

Manzanares: If you went to a 15 ft. wide you would still need the 10 ft. between two buildings. Harry, does it cause any issues if they move it forward?

Reynolds: You would be required to have 35 ft. setback from the street for an accessory building and it would impact parking.

Steenburg: We would have to do an off street parking evaluation to make sure they didn't impact that.

Manzanares: It's almost seems in my opinion that it just doesn't fit where they want to place it and should go back and look at it again to see how it would fit and meet the parking and setbacks that are required.

Mize: I'm hesitant with meeting the setbacks on both sides needing a variance. It doesn't sit well with me. They have too big a building for the space.

Cooper: I agree.

Adcock: Is it the same on the other side?

Steenburg brought the image of the property up on Google to address questions.

Baumgardner: This is a rough draft and we can re-visit these plans. I would still be cutting it close if we were grant the 10 ft. between the buildings. However, this is not set in stone and would like to oblige any way we can.

Adcock: Can you park cars in front of each other?

Baumgardner: That is a possibility. We'd revisit these plans, it's a very long building.

Manzanares: And perhaps moving it a bit forward and looking at parking the lot lines in the front, it just doesn't seem to fit. You have to understand we have to look at the future and other landowners and the impact.

Baumgardner: Absolutely, my request would be okay if we stay on the board and revise and come back and meet with you again?

Manzanares: Pat, could we continue the hearing?

Steenburg: You could; I would recommend you close this and he could come back with a new application. You couldn't hear it until your next meeting anyway.

Manzanares: So what we can do is close it and deny the application as presented and hear it as an updated application at the next regular Planning Commission meeting if variances are required. (October 25, 2017)

Baumgardner: Okay, is there a way I can get a copy of the minutes and show the owners the issues brought up. We will see what we can do.

M/S/C. Mize, Cooper. Motion made to deny the request of Pawel Bielecki for a side yard variance from the required 5 ft. to 3 ft. to allow construction of a garage. The property affected is Lot 80, Grandview Subdivision, City of Alamosa, Alamosa County also known as 216 Victoria Ave. (Unanimous)

Steenburg: I would recommend you come in and speak with staff and address the concerns and see how we can work with you on it.

Next item:

The request of Neff Malouff for a variance from the City Code of Ordinances. The applicant seeks relief from the required rearyard setback of 25 ft. to 15.2 ft. to allow construction of a single family dwelling. The property affected is Lot 16, Block 4, River Trece II, Phase V, City of Alamosa, Alamosa County, also known as 3023 West Lakewood Drive.

The public hearing opened at 6:31 p.m.

Manzanares: Please step forward and state your name and address and present our application.

Malouff: Neff Malouff, 2022 Hwy 160, Alamosa. I have a set of plans if you would like to see. I'm planning on building a house and it is closer to the back lot line than allowed and there is an 8ft. fence that is blocking off to the lot to the other side. Do you have any questions?

Mr. Malouff presented the plans to the commission to review.

Manzanares: Thank you. Is there anyone else that would like to speak for this request? Against? We will close the public hearing and give us an opportunity to ask questions.

The public hearing closed at 6:32 p.m.

Steenburg pulled the area up on Google where Mr. Malouff proposed to build.

Mize: Currently there is no house behind it?

Malouff: There is a house behind it.

Manzanares: What is your decision, obviously it is square footage; it is too big of a house for the size of the lot.

Malouff: Well, it is not a real big house, 1,800 sq. ft. but it is an awkward shape. It's almost shaped like a seven and when I got the plans I thought it would fit but didn't and that's why I'm here. I don't think it's a big deal it will have a smaller back yard than the other homes.

Manzanares: What my concern is, there needs to be a consistency to what we look at and what's been done and if we set a precedence and do it for one because of the history of the property and the subdivision. Anyone else?

Mize: I'm concerned, it's new construction on an empty lot we would be setting a precedence for others that would build there.

Malouff: Well, you can take the house plan and turn the house 90 degrees and make it fit with the setbacks. But when you drive by, you will see the side of the house and it would be ugly. Once all the houses are built, it would sit back a little more than the others is all. That's how I see it.

Manzanares: It seems to be the garage that creates the issue in this particular plan. You're still looking at a two car garage but it makes it a bit more difficult.

Adcock: Which way is the garage facing?

Malouff: It will be facing west and the front door to the south which is the street.

Manzanares: Anymore questions or comments or is there a motion?

Lopez: I will make a motion based on the findings of staff.

M/S/C. Lopez, Mize. Motion made to deny the request of Neff Malouff for a variance from the City Code of Ordinances. The applicant seeks relief from the required rear yard setback of 25 ft. to 15.2 ft. to allow construction of a single family dwelling. The property affected is Lot 16, Block 4, River Trece II, Phase V, City of Alamosa, Alamosa County, also known as 3023 West Lakewood Drive. (Unanimous)

Next item:

The request of John & Margaret Faron for a variance from the City Code of Ordinances. The applicants seek relief from the required side yard setback of 35 ft. to 25 ft. to allow construction of an accessory building. The property affected is Lot 6, Block 3, Riverwood Estates, City of Alamosa, Alamosa County also known as 235 Shadow Wood Dr.

The public hearing opened at 6:37 p.m.

Manzanares: Please state your name and address and tell us about your application.

Faron: John Faron, 235 Shadow Wood Dr. We just purchased the house and been there approximately a month. I am a former building trades instructor and former board member for the Town of Center.

You should all have copies of letters from the neighbors who have no problem with this. I talked to Mr. Hensley, across the street, who would look at this and he has no problem. There was one person who had two deaths in the last week in the family and I did not bother them. The property line is approximately 20 ft. from the curb line and 16 ft. from the other side of the house. There is a three car garage; I do construction, I'm still working and right now I'm renting a trailer for my tools because I have no place to put them.

Manzanares: Thank you. Is there anyone else that would like to speak for this request? Against? We will close the public hearing.

The public hearing closed at 6:40p.m.

Manzanares: Harry, my question for you is on a corner lot. It is 35ft. rather than 25 ft.?

Reynolds: Again, that's correct you have a principal building and it's 25 ft. This is an accessory building, a garage, and it is 30 ft. for this area.

Mize: So the requested variance is 5 ft. Where is the property line on the bottom?

Faron: Back there is a green electrical box where all the deer cross all the time and goes back to Mr. Rael's property and there is the swamp and then the City property.

Mize: From the edge of the green grass is not the property line, it wouldn't be that hard to slide it back just enough to get that front corner inside so it wouldn't require a variance at all.

Faron: I have 16 ft. from the house.

Mize: Right, I'm talking parallel to the house and just slide it back toward the edge of the green grass.

Faron: Then I wouldn't be utilizing the concrete that is there.

Mize: You would, but would have to add a bit more.

Faron: I could do that, right now I have a Siberian Husky in a fenced area and that fence is rented. We were trying to block the view from people going by and looking into the window and my wife wants the privacy. If the building went there it would give us the privacy.

Manzanares: You would have to create a bit more of an apron to get to the garage itself.

Mize: With the size of the lot I don't see any reason to crowd that corner.

Manzanares: What will the siding material be?

Faron: It will be the same as the house. I'm getting the windows from Les Glass and planning on it looking exactly like the house.

Adcock: What is the pitch on the roof?

Faron: The roof would be different, it will be steel. 4:12 pitch. Twenty ft. trusses; eleven regular trusses and two drop trusses.

Manzanares: Pat, can you pull this up on street view?

Steenburg: No, I cannot our street view pictures were taken in 2012 and the house was built after that.

Manzanares: What you want is to get privacy by covering a window? So if you moved it back you would get more privacy.

Faron: Not by the garage. There's two windows.

Mize: You would have more privacy in the backyard.

Lopez: I was curious why he wanted it there but I understand, his wife wanted it there.

Faron: I didn't want to interfere where the deer pass through; the little ones were playing there this morning. The front has a lot of rock and concrete and I was trying not to have much more concrete. It's up to you gentlemen; I have sat there myself on a different board.

Manzanares: Any other comments, a motion?

Mize: Due to the lot size and the ability to make it fit, I make a motion to deny this variance.

M/S/C. Mize, Adcock. Motion made to deny the request of John & Margaret Faron for a variance from the City Code of Ordinances for relief from the required side yard setback of 35 ft. to 25 ft. for construction of an accessory building. The property affected is Lot 6, Block 3, Riverwood Estates, City of Alamosa, Alamosa County also known as 235 Shadow Wood Dr. (yes- Manzanares, Travis, Adcock, Mize, Cooper. No- Lopez)

Faron: Even though the neighbors said yes?

This is final action on the request.

Planning Issues:

The request of the Boys and Girls Club of the SLV for a Permitted Use by Special Review to allow a daycare facility (Use Group C-3) in a Commercial Business zone. The property affected is Lots 21 & 22, Block 1, Lakeview Subdivision, City of Alamosa, Alamosa County.

The public hearing opened at 6:48 p.m.

Manzanares: Please step forward and state your name and address.

For the record, Lopez and Mize recused themselves from the vote due to being Executive Director (Lopez) and Mize serving as President of Boys and Girls Club Board.

Lara: Claire Lara, I'm representing the Boys and Girls Club of the San Luis Valley, 1211 4th St., Alamosa. We are asking to put a day care center in and we have talked to Pat and Harry extensively and the Early Childhood Council. We feel there is a need especially in Alamosa for

more daycare. Looking to City Council to vacate a part of the road and make this part of the campus.

Manzanares: I will go through the process, is there anyone that would like to speak for this request? Against? We will close the public hearing.

The public hearing closed at 6:50 p.m.

Steenburg brought the subject area up on the map.

Manzanares: Code will require fencing?

Steenburg: What staff recommended is they own the two lots and it would have required variances besides the permitted use and if City Council could have the opportunity to vacate a portion of the street they could move the facility and create one big lot and the City could quit claim that portion and with the new zoning code change to campus zoning which will give them more freedoms and if there is an organization critical to the City, it would be the Boys and Girls Club and we all know daycare is needed. Parking would be addressed.

Adcock: If they are closing the entrance, how do they get in? That's what it looks like on this drawing.

Steenburg: That would not be closed.

The street vacation goes to Council next week.

M/S/C. Travis, Cooper. Motion made to recommend approval of the request of the Boys and Girls Club of the SLV for a Permitted Use by Special Review to allow a daycare facility (Use Group C-3) in a Commercial Business zone on the condition that the partial street vacation be approved by City Council. The property affected is Lots 21 & 22, Block 1, Lakeview Subdivision, City of Alamosa, Alamosa County. (Unanimous)

The recommendation will go to City Council to be considered on October 18, 2017 at the regular meeting, 7:00 p.m. or shortly thereafter.

Other Business:

Adcock inquired as to why there was a budget meeting scheduled at the same time as Planning Commission. Staff explained this was for public input and the CIP would be brought to the Commission.

There was also a complaint on condition of property on Adcock Circle looking like a junkyard and the Railroad and compliance on the weed ordinance and if they were exempt. They are not; the railroad has many powers as a utility but they have been contacted by the City numerous times regarding weed violations.

An update was given on the property next to Sonic (sober living house) and when the new code goes into effect it will be addressed.

Correspondence: Distributed.

After no further business, the meeting was adjourned at 7:00p.m.

Respectfully submitted,

Julie Scott
Recording Secretary