

City of Alamosa
Planning Commission
March 22, 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 Vice- Chairman Scott Travis. Present were the following members: Shirley Adcock and Farris Bervig. Excused: Debbie Clark, Darrell Cooper, and Mark Manzanares. Absent: Robert McWhirter. A quorum was declared. Staff present: Pat Steenburg, Harry Reynolds and Julie Scott.

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

Approval of the Minutes: M/S/C. Adcock, Bervig. Motion made to approve the minutes of the January 25, 2017 meeting as presented. (Unanimous)

Public Comments: None

Regular Business - Conduct Public Hearings- Planning Issues

The request of Barbara Johnson, dba My Honey's Home Cookin' for a Permitted Use by Special Review to allow outdoor sales (Use Group C-24) in a Commercial Business zone. The property affected is portions of Lots 1 & 2, Bellview, Block 47, City of Alamosa, Alamosa County, also known as 924 Main St.

The public hearing opened at 6:04p.m.

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

Johnson: Barb Johnson, 3954 County Rd. 100 S. Alamosa. We have a very wide sidewalk out in front. I have all the measurements, prints; shall I bring these up for you?

Ms. Johnson approached the commission with photos of the proposed seating.

Johnson: I feel there is more than enough room for this. We're looking to put 4 tables with four chairs at each table.

Bervig: How far will they stick out?

Johnson: Five feet from the curb. There is 11.5 feet of sidewalk in front.

Travis: Is there anyone else that would like to speak for this request? Against? We will close the public hearing. Are there questions, comments, concerns from the commission?

The public hearing closed at 6:05 p.m.

Adcock: I eat there quite often and there seems to be ample room for this.

Travis: Is there a motion?

M/S/C. Adcock, Bervig. Motion made to recommend approval of the request of Barbara Johnson, dba My Honey's Home Cookin' for a Permitted Use by Special Review to allow outdoor sales (Use Group C-24) in a Commercial Business zone. The property affected is portions of Lots 1 & 2, Bellview, Block 47, City of Alamosa, Alamosa County, also known as 924 Main St. (Unanimous)

The applicant was informed the recommendation would go to City Council as a consent calendar item on April 19, 2017 at 7:00 p.m. or shortly thereafter.

Next item:

The request of Jess Caton for a Permitted Use by Special Review to allow an automotive repair facility (Use Group C-15) in a Commercial Business zone. The property affected is the south ½ Bellview, Block 48, City of Alamosa, Alamosa County, also known as 531 Edison Ave.

The public hearing opened at 6:06 p.m.

Travis: Is there someone to speak to this request? Please step up to the podium and state your name and address.

Caton: Jess Caton, 725 Main St., Alamosa. We have outgrown our corner and I was before you a couple months ago for a permitted use at the old Oscar's site and after looking at it, it was way too expensive with the amount we would have to put into the property. The Alamosa Lumber site came up for sale and we thought it was a better option.

Travis: Is there anyone else that would like to speak?

Quintana: Cindy Quintana, Johnny's Auto Sales, 830 Main St., they want to put it in right behind us and I don't have a problem with that except the exit into the alley. We have the property right there; it is a residential unit and there is a lot of traffic. All I ask is they put a different exit.

Canton: We would be willing to work with the City. I don't want problems with the neighbors.

Steenburg: We can give you an exit to Ross Ave., right turn only, but would prefer it be an alley exit.

Quintana: I just don't know about the exit. We have boards by the alley and they get knocked down, we just don't want the house hit. There is a lot of traffic in that alley.

Steenburg: I would recommend if you decide to recommend approval that staff visit the site with the applicant and address the egress issues and come up with a workable solution.

Caton: And it might be better to exit to Ross in the case of a truck and trailer; it would be a tight turn into the alley.

Travis: Is there any other concerns?

Quintana: No, that was the only one. Thank you.

Travis: Thank you. We will close the public hearing.

The public hearing closed at 6:10 p.m.

Bervig: I have a question - are you using the whole property? Room for vehicles?

Caton: Yes.

Adcock: I think this would be a better location than the first one.

Caton: I think it would be safer, when I think of running across Main St.

Travis: Are there any more comments, concerns from the commission? A motion?

M/S/C. Bervig, Adcock. Motion made to recommend approval of the request of Jess Caton for a Permitted Use by Special Review to allow an automotive repair facility (Use Group C-15) in a Commercial Business zone. The property affected is the south ½ Bellview, Block 48, City of Alamosa, Alamosa County, also known as 531 Edison Ave. (Unanimous)

The recommendation will go to City Council on Wednesday April 19, 2017 for final consideration.

Next Item:

The request of Regas Chefas and James Hsu for review of a final plat. The property affected is located in the Southeast ¼ of Section 32, Township 38 North Range 10 East, N.M.P.M. , City of Alamosa, Alamosa County.

The public hearing opened at 6:12 p.m.

Travis: Is there someone here to speak for this request?

Steenburg: There is not. The surveyor was to present the request, but was not able to attend the meeting due to scheduling conflict. I can explain what they are doing, but if there are other questions I can't answer, we will continue the hearing until the next meeting. If you look at the screen, basically this is to the south and west of the southern most developed cul-de-sac and this is the final phase of the development, a natural extension. Most of the utilities have been installed. A subdivision improvement agreement will be done before it goes to council. It will look very similar to what is there now to the north and some lots to the most southern portion are a little bit smaller but still conform to our zoning regulations.

Bervig: All these lots are included in Phase 6? You have been out there and are comfortable with what they have presented?

Steenburg: Yes. If you have questions I cannot answer based on what the applicants have provided, we will continue the hearing at our next meeting.

Bervig: There are dotted lines on Iris Court? Is that part of it?

Steenburg: No. Those lots are already developed. The area with the dark lines is what we are considering.

Travis: Is there anyone else that would like to speak to this request? Against? Thank you, we will close the public hearing. Comments, concerns; is there a motion?

The public hearing closed at 6:14p.m.

M/S/C. Adcock, Bervig. Motion made to recommend approval of the request of Regas Chefas and James Hsu for approval of a final plat. The property affected is located in the Southeast ¼ of Section 32, Township 38 North, Range 10 East, N.M.P.M., City of Alamosa, Alamosa County. (Unanimous).

The recommendation will go to City Council on Wednesday, April 19, 2017 at 7:00 p.m. or shortly thereafter.

Next item:

The request of Colorado Creative Clouds, Inc. for a Permitted Use by Special Review to allow a private club (Use Group C-11) in a Commercial Business zone. The property affected is portions of Lots 14,15 & 16, Bellview, Block 46, City of Alamosa, Alamosa County also known as 507 Bell Ave.

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

Steenburg: I would like to preface this hearing with even though the city has a moratorium on this type of use; this application was submitted prior to that moratorium passing. The issue before the commission is the location. This is a perfectly legal application for what is now a legal

business. As part of the permitted use process, you are to consider whether or not this location is appropriate for the land use.

Travis: Thank you. Is there someone here to speak for this request? Please come to the podium and state your name and address for the record.

Atencio: My name is Rosanna Atencio, Antonito, CO. I am here as a representative of Colorado Creative Clouds for a permitted use for cannabis consumption club. I know that sparks everyone's attention right away. As this gentleman pointed out it is legal in the State of Colorado and is allowed. Here in the San Luis Valley it is proving to be something that is generating revenue and tourism, promoting the San Luis Valley. People are coming here for that destination. We would like to offer a place that is safe if it is allowed and it would be a "bring your own" consumption club, sales is not an area of profit at all. The location that we are looking at now is what I think it would be a great location and encourage foot traffic and a shuttle service being part of a safe way to use cannabis. Here in the valley we have medical for purchase or recreational. There are a lot of rules and regulations the State put down that do not allow consumption on college campuses, rental properties, housing units; we definitely don't want use in parks or on the streets. This would give them a safe place in Alamosa to use cannabis. I myself am quite impressed, I have seen the new downtown with the patrons some recreational, some medical, musicians, artists, people who love the outdoors, hikers. Number one in our agenda is keeping it away from children. When you have tourists here and people from all over the valley coming to Wal Mart to shop, they will have a safe place to consume cannabis. College students could walk over. What we received from the City regarding the permitted use, we are here to answer any questions you have.

Travis: Thank you. Is there anyone else that would like to speak for this request? Please come to the podium and state your name and address for the record.

Avila: Hello, my name is Daniel Avila, 124 11th St., Alamosa. I support this just with the whole revenue it can bring into Alamosa and get it off the streets and out of the public parks where it is not legal to use. I support a legal place where they are safe and people can come here in a safe and controlled environment. People that want to smoke cannabis legally can do it at this place. Thank you.

Travis: Thank you, is there anyone else that would like to speak for this request? Is there anyone against this proposal?

Wiley: I'm Terry Wiley, 4997 South County Rd. but I have a business here in town. I look at the city vision and it being family friendly and don't think a business that has a shuttle service to take your clientele away as family friendly because they have been consuming marijuana products. This is not what I view as a family friendly business. What happens to the waste from the operations, will there be bouncers, is there liability insurance for the patrons if they end up in a bad trip, emergency room a visit, who is going to support the costs? We do have a bill in the Senate and the lobbies for the clubs and passed the senate but not the house. I think the City should not be hasty at all, see what happens with the state laws in the near future.

Travis. Thank you.

Atencio: Can I add to that? The State has passed it into the House and they have seen it and amended it so it can be passed.

Travis: Anyone else that would like to speak against this?

Sowards: Martin Sowards, 5664 County Rd. 6 S., however I have a business at 77 Adcock Dr. known as Rock Creek Family Medicine. Thank you for letting us speak. Working in health care, I think we have enough addiction in this world already; we don't need to promote anymore. If you look at the City of Alamosa I personally don't think we want this. I know it is legal. If they want to come to the City and smoke marijuana, they can stay in the county, stay at home. I don't want them in the City. I see plenty of addiction in my office I don't see how it helps Alamosa at all; I don't think it has a place for us. Thank you.

Travis: Thank you, anyone else?

Lavier: Andy Lavier, 815 3rd St. Alamosa. I agree with Dr. Wiley and Dr. Sowards. This isn't what I want Alamosa to be known for. I don't want it to be a draw for Alamosa. I look around this room what is represented on the walls, we should be known for the railroads, sandhill cranes, wildlife, those are draws for our community and town. I think cannabis stores are an eyesore. This is right off Main St. and it's not what I want Alamosa to be known for. I work with youth and there is a marked rise in young people using marijuana having it on them. I live in Alamosa and would prefer they keep it in the county.

Travis: Thank you. Anyone else?

Bacon: My name is Sheryl Bacon; I work as a nurse practitioner. I work at SLV Regional Hospital taking care of sick patients; I live at 2903 Sarah Lane, Alamosa. A couple points I find challenging is when this first passed, people could use it in the privacy of their own home. This a bit different focus. I understand as was brought up by the last person who spoke that people come here who want to camp and fish, how is this family friendly if you leave your kids somewhere and go to a club to smoke marijuana? As a medical provider, I agree with Dr. Sowards, I actually take care of his patients when they are in the hospital and Valley Wide's and San Luis Health System and we see a tremendous amount of addiction. What I have seen personally when I work and I work seven days in a row and seven days off taking care of patients as a health provider and work 3-6 days a week in Conejos Hospital and one of the common themes we see is we've drawn a lot of people here from out of state to grow and use marijuana, they have existing health challenges and don't belong at altitude. It really is a burden to our hospitals with the insurance situation and people who come here not to be employed but to grow marijuana which I respect their right to do. If you are looking at this as a revenue source for the City it probably is but if it causes children to be left unattended while they are using marijuana and its right here in the middle of Main St. - I don't want to walk down the street with my grandchildren, my children don't live here, where they will see it, smell it, I truly don't. I feel that what people do in their home is their business, the county vs. the city limits I really don't

know those details, and I'm not civically active as far as that goes. We need to look at the effect of people use it, grow it and really look at it in a balanced equation. Thank you.

Travis: Thank you. Please step forward.

Hobbs: Shanna Hobbs, I live in Alamosa County. I'm a little ambivalent about a cannabis consumption club just because there is potential for problems. But the fact of it is they have applied for a legal business. If you don't like marijuana don't use it. If you don't agree with it, then don't promote it. The point is these people have a right to open a business just like Jess Caton does, like Wiley does, just like doctors do and most of the addictions you are treating started from doctors writing prescriptions for pills that don't work that lost their efficacy over time and people turn to more natural products, St. John's wort for depression, to cannabis for pain, PTSD, I see people every day from the entire continuum- for those who use it recreationally or for people that they need it for pain. My position is people need to alleviate suffering no matter how they do it and shouldn't be left to others to decide and furthermore you're assuming that families coming here and leaving kids in the motels. They can stop in Walsenburg or Ft. Garland and buy their products there and come here and there is no place to consume. It makes sense to have a legal place to use it whether from here or out of the valley. Suggestions I would have is to have a third party to check they are bringing their own product and not potentially black market or from other patrons.

Travis: This isn't a debate. It is about the location for this type of business.

Bervig: You're talking to the Planning Commission, it is our business.

Hobbs: I apologize I'm talking about some of the people that are not going to patronize this type of business, the location can have discreet signage and that is not allowed. Let people take that step and instead in a legal direction and not in cars and parks where it is illegal. Thank you.

Bervig: Aren't you the lady circulating the petition to get marijuana on the ballot for the City?

Hobbs: I am. So people have safe access instead of the black market.

Travis: Please step forward.

Sowards: Hello, my name is Lorna Sowards, 4665 County Rd. S., we have business at 77 Adcock Dr. I believe that first and foremost this being a special use permit so originally whoever drew up the plans for the City thought this wouldn't be something the city would want to entertain. So I would like you to think about that. If you look on the City's webpage it shows "Gateway to the Sand Dunes" not "gateway to the gateway drug" that marijuana is known as. I'm really concerned about it being in town, I'm really concerned about it across the street from Trinidad State Junior College because more than half of the students there are not legal to consume marijuana. You're putting a temptation for those students when their main goal is to be educated in a good manner and not a worldly manner. As a parent of college students, I would have a really hard time sending my child to TSJC knowing this establishment is across the street. I don't know what the

effects of income lost from TSJC due to parents not sending their child there if parents saw this establishment across the street you would be losing money all around. I do believe in free enterprise, but this marijuana club special use permit should not be allowed in the City of Alamosa. Thank you.

Travis: Thank you.

Sheryl Bacon approached the commission again with the following comments.

Bacon: I really didn't know this was about the location and if I came across as being totally against marijuana I am not. It does have medicinal uses and I do prescribe it for patients in a controlled environment. One of the things we tell them is if they are to use it at home to make sure children cannot get ahold of it. If you look at pediatric medicine emergency room visits, marijuana is a big issue. We have to think of the location and as Ms. Sowards stated and police needs and the real idea here is the location and special permit and makes it safer or better, you can't contain the smoke it would disseminate to other buildings you might need to consider special ventilation and location is important. I think I'll stop there.

Martinez: My name is Robert Martinez, representing TSJC, 1011 Main St., our issue is the proximity to the college. We rely heavily on Title 4 Federal funds to operate the college, that's financial aid and part of the regulations is we have drug and alcohol prevention programs on our campus and we are trying to promote drug and alcohol awareness. This type of business would deter from that. Our stand would be the same if it was a bar that was proposed at this location. We are trying to promote economic development and all for people to open a business but the proximity to the campus is our issue. I know K-12 has a 1,000 ft. barrier and I would like you to consider this as you look at this location.

Travis: Thank you. Anybody else that would like to speak? Thank you, we will close the public hearing. Are there questions, comments, concerns from the commission?

The public hearing closed at 6:42 p.m.

Adcock: I have a lot. (to Ms. Atencio) Can you come back up please and answer some question for us? Smell and odor; what kind of walls separate this from the copy store?

Atencio: It is just a separation wall. It is not going to be smoked, it will be vaporized. It is not smoked or burned. It would be a vape pens and that eliminates that smell. It would not be burned like a cigarette. It wouldn't stick to your clothes. We use CMF fans with the carbon filters. That would be inside the club.

Bervig: A couple questions I have. According to Section 21-116 of the municipal code the City provides for the review of those proposed uses that are not allowed in a specific zoning district by right, but not prohibited outright. This Permitted Use by Special Review process recognizes that although each zoning district is primarily intended for a predominant type of use (such as dwellings in residential districts) there are a number of uses which may or may not be appropriate

in a particular district upon, for example the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. Nobody has answered those questions. These factors may dictate that the circumstances of development should be individually reviewed.

This process allows the Planning Commission to make a judgment call specific to certain use in certain locations as to the degree of compatibility with surrounding land uses in the area of its proposed location and its consistency with the objectives and purposes of the City of Alamosa Zoning Code and Comprehensive Plan. While not technically illegal because of the lack of sales on site and current state law, the unique nature of this use is undeniable; and it is the unique nature of the use and the fact that the use is not allowed by right that warrants the special review.

About two months ago in the Valley Courier there was an article and the doctor in the article was adamant about the effects of smoking marijuana and what it does to people forever and ever. We don't need to finance our City and I have been involved in City government for many years, by selling something that is harmful to people's health.

Atencio: And that is one article. I am also in the medical field and have actually practiced with some of the people in this room and here in Alamosa, I do Cat scans, x-rays and ultrasounds and with imaging and benefits of marijuana are undeniable.

Bervig: I've been to the emergency room with my wife with asthma and of 15 beds, 14 were taken by marijuana users. I complained to the nurse and she said we have to take care of those people just like the rest.

Travis: This isn't a debate; are there any more questions from the Commission?

Bervig: The proposed location of this use fails to best promote health, safety, morals, order, convenience, prosperity, and general welfare of the community as required by ordinance. Our staff feels that this downtown and very visible location is not in the best interest of the community. Our Public Works Director recommends that it be denied. There is one bathroom and it requires two; and it requires with two uses in the building, a 1 hour separation wall if the building is sprinkled or two hour if it is not is required. What will happen down the road and what Council will say, but let me state that I am 100% against what you want to do.

Atencio: It is quite obvious. At this point there is only one restroom and being we are at a special review and through the moratorium and being unsure of what class are we in. We would want to ask for a variance or a waiver with the moratorium in effect. We are here to ask these questions.

Adcock: Also the parking - you have nine spaces and are required fifteen.

Atencio: Yes and businesses in the area when they have normal business hours we have got permission from business owners and could use those spaces. The shuttle service is not something required, it is something we offer as a safety measure and when they are ready to go home they are free to just like leaving an alcohol establishment.

Adcock: The second bathroom you are willing to put in?

Atencio: Yes.

Adcock: From the paperwork you submitted, you are opened from 10:00 to 10:00 and those business are also opened during a good portion of that time. Parking could be a problem.

Atencio: We hope our patrons will use downtown parking as well and patronize the Farmer's Market, art galleries, businesses and would encourage that.

Adcock: You are required to have 15 spaces. The walls bother me; the fire wall seems very necessary to me. It is a very different use. Are you going to be carrying liability insurance?

Atencio: When they enter the club; they sign a private membership at their discretion. We do have a club in Antonito and we just our license got renewed. They are proud of what we have done to promote the town, restaurants, hotels and providing a safe, legal place. There is a \$300 fine if you are using marijuana in a car, park or on the streets. That is not what we want to do. The police stated there have been zero incidents in the almost year the club has been there.

Adcock: Pat, will this increase the amount of police surveillance?

Steenburg: I'm sure it would increase activity initially. I don't know how much, it would depend on how effective the management and business is run.

Adcock: You would be checking I.D.s?

Atencio: Absolutely. There would be secondary security if needed. The doorman would check I.D.s. If we need more help we will definitely be on board with that.

Travis: Thank you. Is there a motion?

M/S/C. Bervig, Adcock. Motion made to recommend denial of the request of Colorado Creative Clouds Inc. for a Permitted Use by Special Review to allow a private club (Use Group C-11) in a Commercial Business zone. The property affected is portions of Lots 14, 15 & 16, Bellview, Block 46, City of Alamosa, Alamosa County also known as 507 Bell Ave. (Unanimous)

The recommendation will go to City Council on Wednesday, April 19, 2017 at 7:00 p.m. or shortly thereafter for final consideration.

Other Business: None.

After no further business, the meeting was adjourned at 6:55p.m.

Respectfully submitted,

Julie Scott
Recording Secretary

