

City of Alamosa
Planning Commission
October 27, 2010
6:00 p.m.
Minutes of the Meeting

The regular meeting of the Planning Commission was called to order on the above date at 6:00p.m. by Chair Mark Manzanares. Present were the following members: Debbie Clark, Don Martinez, Robert McWhirter, and Don Thompson. Excused: Shirley White. A quorum was declared. Staff present: Don Koskelin, Jeff Rilling and Julie Scott.

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

Approval of the Minutes: M/S/C. McWhirter, Clark . Motion was made to approve the minutes of September 22, 2010 as submitted. (Unanimous)

Regular Business

Zoning Issues:

The request of Mateo M. Matias for relief from the required setback from a street of 25 ft. to 15 ft. to allow placement of a manufactured home. The property affected is Lots 1 & 2 Block 86, Alamosa South East ¼, Section 10, Township 37 North, Range 10 East, also known as 910 Denver Ave.

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

Manzanares: Is there anyone here to speak on behalf of the request? Please step forward and state your name and address for the record.

Mr. Matias stepped forward with his interpreter, Andres Garcia to address the Commission.

Matias spoke in Spanish and it was translated by Garcia.

Matias: Mateo Matias, 910 Denver.

Manzanares: Please explain your proposal.

Matias: I purchased a trailer and met with Mr. Jeff, (Rilling) for a building permit. He could not issue a building permit unless a variance was approved.

Manzanares: So you are here for a variance due to the size of the lot?

Matias: Yes.

Manzanares: Thank you. If there are other questions we will address them. Is there anyone else to speak in favor of the request?

Kanen: Don Kanen, 106 Willowcreek. I don't know a lot about the proposal because I wasn't here when the request was just presented, but I do know Mr. Matias and he is seeking to improve his property and family life and he needs this housing very bad. I just want to stand and support the request to help his family.

Manzanares: Thank you, is there anyone else to speak in support? Who here would like to speak against this? Please step forward and state your name and address.

Mr. and Mrs. Nick Martinez approached the podium to speak against the request.

Martinez: My name is Baldina Dina Martinez and I live at 324 9th St. and I object totally to the variance, to the modular being placed. It's pretty close to my fence, it's an unkempt property, it's been unkempt for many years. I understand he's been ticketed, but there has not been much improvement. It's ruined even the appraisal of my home; I had it appraised a year ago. There was a comment that it didn't look presentable and looked almost like a dump that has ruined my neighborhood. Several years ago when he was putting up a fence, I kindly asked him if he wouldn't put it so close to my stucco fence because moisture might ruin it and he said it's my property and he could do what he wanted. Two years before that we allowed a variance for a shed behind his house that he had there before for his equipment and belongings and he put it in without a foundation and I don't know what he does with that. I just want to object totally.

Manzanares: Is that the shed on the street?

Martinez: No, that was brought in for the demolition there was a shed in the backyard closer to our fence.

Martinez, Nick: We gave him that variance for that shed and things never got done. I went and talked to the manager, I kept bringing it to the City and things got worse and worse, bringing more stuff in. It was awful. Mice and rodents everything building up so bad; we can't continue living like this. I went to everyone and luckily there was one more man to talk to and that was Mr. Lucero. I talked to him on a Sunday and on Monday the City Manager came by and it didn't look at all like the pictures and said it was bad. Also the City Manager went to my house and saw the two broken windows, very expensive windows on my property and asked if I reported it to the police and I did. The neighbor saw who did it and told the police and the police said they could do nothing about it.

Manzanares: Thank you. Anyone else to speak against this?

Atencio: Gabe Atencio, I live across the alley from here and it's bad. There's an 8 ft. fence and it's half up and half down. It looks real bad for that part of town. It's just as bad as when they lived in it. That storage trailer they have on Denver Ave. We are

against this. If they would have taken care of it, it would be different. The neighbors just don't want it.

Clark: Don't you think if they have a chance to move a modular in they will take better care of it?

Atencio: There was an old adobe from the 1800's, when I went in, it had no floor and the City had him tear it down. Once they put up that 8 ft. fence, it wasn't very sanitary.

Manzanares: Once they put in the house, it might be a better situation.

Atencio: Storage maybe and they might put another fence up and who knows what they'll do.

Martinez, Don: Who originated the petition?

Atencio: Mr. and Mrs. Martinez did.

Martinez: I don't think putting a modular there is going to make any difference. They have had years and years and didn't improve it and the city can verify that.

Clark: Did anyone read the memo?

Manzanares: I will read that. Anyone else against this proposal? Now we will close the public hearing what that means is we will start discussing the matter so refrain from comments or outbursts unless we specifically ask you. I will begin by explaining what the board addresses.

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

Manzanares stated the duties of the board. One of the things what we do is look at the variance and do understand the conditions of the lot but can't make decisions on code enforcement. Anything that is outstanding will need to be corrected prior to a Certificate of Occupancy being issued. Is that correct, Don?

Koskelin: Yes.

- A sidewalk needs to be repaired/replaced on the north side of the property.
- All code violations need to be addressed.
- The home must have a permanent foundation and specific anchoring as regulated by the State of Colorado.
- Storage container to be removed at completion of the installation.

The City Inspector will check regularly on the installation. Complaints on code issues are addressed by Code Enforcement.

The setback on the east side is 7 ft., the variance is from the street on the west side. The front and rear setbacks are in compliance. Without a variance, the building allowed could only be 18ft. wide.

The fence was permitted but if it becomes a nuisance or not maintained, he could be cited for that.

The City did condemn the property and to not allow rebuild is an issue to be seriously considered by the commission.

The board was reminded to be consistent in variances, it goes to the property not property owner.

There is a modular home directly to the east and a variance was also issued in that case.

Manzanares reiterated that if the variance is granted, the modular has to meet standards in order to be placed. Code violations must be addressed, sidewalk repaired, and storage container removal at the end of construction are all conditions prior to occupancy.

The petition was again brought up and how it affects the decision. The people who signed the petition were speaking to property maintenance objections, not the variance issue or setback.

Closing remarks from staff include the board running the danger if the variance is not granted rendering the lot basically unusable, acting as the zoning Board of the appeal is to the district court and could have considered arbitrary and capricious action on behalf of the board.

No evidence has been presented that the variance itself creates any danger or problems for the neighborhood.

The City is in the process of adopting a property maintenance code. If there is a code violation, it must **be** addressed or they will not be able to occupy the property until it is corrected.

Manzanares: Is there a motion?

M/S/C. Martinez, Thompson. Motion made to deny the request. Two **yeas**, three nays. Motion fails.

It was clarified that this action does not go to Council for approval. Planning Commission, acting as the Zoning Board of Adjustments has final action.

M/S/C. Clark, McWhirter. Motion made to approve the request of Mateo M. Matias for relief from the required setback from a street of 25 ft. to 15 ft. to allow placement of a manufactured home with the following conditions to be met before a certificate of occupancy could be issued:

1. The sidewalk must be repaired/replaced on the north side of the property.
2. All code violations need to be addressed.
3. The home must have a permanent foundation and specific anchoring as regulated by the State of Colorado.
4. Storage container to be removed at completion of the installation.

The property affected is Lots 1 & 2 Block 86, Alamosa South East ¼, Section 10, Township 37 North, Range 10 East, also known as 910 Denver Ave.
(Three years, two days.)

The applicant was informed that this was final action on the request and a permit could be obtained to begin construction.

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

Planning Issues:

The request of Kent and Sandra Holtcamp for a permitted use by special review to allow outdoor sales. The property affected is Lots 8 through 10, Alamosa, Block 49, Section 10 East, City of Alamosa, Alamosa County, also known as 719 Main St.

The public hearing opened [at 6:47p.m.](#)

Manzanares: Would you like to step forward and state your name and address for the record.

Holtcamp: Kent Holtcamp, 6962 Trinchera Rd., Ft. Garland, CO. I believe you have a copy of what we are proposing. Sandra and I have been here for a total of eight years and operated a business for seven. We've been at this location for eleven months. Our beer and wine license is coming up for renewal in November and we want to apply for spirits as well. Originally is the long term goal is patio dining about half way. I spoke with Larry Fisher from the Model A & Model T car association and if we could handle the entire group next year of about 200 people. We are actually a partner with First Southwest Bank and have a parking agreement with them to use the lot. There is another group also interested. In Don's memo regarding the parking we have not had any functions asking about the lunch time. Dinner time, the surrounding businesses are closed, the Bank at five and Driver's license bureau also. Oscars is vacant. We foresee no problem with the parking. Eventually if we get to do the patio, it would only go half way and there would still be parking there.

Manzanares: Are you saying that if you do not have events, it would be an empty area?

Holtcamp: Right now it is employee parking and we have buses park back there and it is convenient for handicapped access also.

Manzanares: Are there signs in the bank parking lot that it is Bistro Rialto parking also?

Holtcamp: No. We really don't need that except for big tours such as Grey Line and football teams.

Clark: So if you get the liquor license you will serve out there? It will have to be fenced?

Koskelin: In special events such as the parks that may be, I am not an expert on liquor licenses, this is a confined area.

Thompson: Kent, you show an area in the front, the entrance way and that qualifies also? We are talking about two areas?

Holtcamp: Yes. That front is able to hold perhaps two small tables. We call it the breezeway.

McWhirter: And that is included. One point of clarification, the upstairs is not part of the request. That is part of the liquor license.

Holtcamp: Yes.

McWhirter: I visited with Mr. Holtcamp, the lighting seems adequate and Mr. Broyles at the bank verified that the parking is shared.

Martinez: Are the lights City owned or private?

Koskelin: The ones on the buildings are private.

Clark: I went by and think it looks very good. I think it would be a very nice addition.

Manzanares: There is no one to speak against the request. We will go ahead and close the public hearing.

The public hearing closed at 6:56 p.m.

For the record, all adjacent property owners were notified.

M/S/C. Thompson, Martinez. Motion made to recommend approval of the request of Kent and Sandra Holtcamp for a permitted use by special review to allow outdoor sales. The property affected is Lots 8 through 10, Alamosa, Block 49, Section 10 East, City of Alamosa, Alamosa County, also known as 716 Main Street. (Unanimous)

The applicant was informed that this recommendation would be heard by City Council at the November 17th regular meeting.

Next item:

The request of Leland and Alicia Romero for a rezone of property from Industrial (I) to Commercial Business (CB). The property affected is Lot 2, Mobile Century Subdivision, City of Alamosa, Alamosa County, also known as 1718 State Ave.

The public hearing opened at 7:01 p.m.

Manzanares: Leland, step forward.

Romero: My name is Leland Romero, 1025 San Juan Ave. I am requesting a rezone from Industrial to Commercial Business. Don Spencer approached me from GFI Properties and they are looking at a gymnasium. It only makes sense to change that zoning; it is CB in the adjacent area.

Mr. Romero approached the City Zoning map and further clarified his request.

Being no one else in the audience to speak, the public hearing closed at 7:04 p.m.

M/S/C. McWhirter, Clark. Motion made to recommend approval of the request of Leland and Alicia Romero for a rezone of property from Industrial (I) to Commercial Business (CB). The property affected is Lot 2, Mobile Century Subdivision, City of Alamosa, Alamosa County, also known as 1718 State Ave. (Unanimous)

Other Business: Set meeting time for upcoming holiday season.

The next meeting will be held on December 8th.

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

Respectfully submitted,

Julie Scott
Recording Secretary