

Town of Mancos
Planning & Zoning Commission
November 19, 2014

Call to Order-Chairperson Cindy Simpson called the meeting to order at 7:00 p.m.

Roll Call-present: Colleen Brennan, Cindy Simpson, Regina Roberts, Mayor Rachael Simbeck, Trustee Michele Black, Town Administrator Andrea Phillips, Deputy Clerk Georgette Welage

Approval of the Agenda-Colleen Brennan made the motion to approve the agenda as written. Regina Roberts seconded the motion. Motion carried.

Approval of the minutes of 10/15/14-Regina Roberts made the motion to approve the minutes as written. Colleen Brennan seconded the motion. Motion carried.

Audience Business

none

Action Items

none

Discussion Items

1. **Special Use Permit for Cottage Industry at the Grange**

Mt. Lookout Grange, 680 Grand Ave., is a non profit located in a SFR zoning district. They would like to have a mobile trailer unit parked in the back of the grange lot for up to three years for the purpose of dropping off and storing produce used in the regional distribution network operated by Ole Bye, a local food coop/distributor. This would be a commercial, for profit business. The Grange would provide parking space, wi fi, and electricity all free of charge.

Chairperson Simpson handed out copies of her research, and in her opinion pertinent code sections with explanations. As presented, she does not feel the proposal meets the requirements of the town code. Ms. Simpson's handout will be included as attachment A with the minutes.

Town Administrator Phillips will research how other towns define civic uses, ask the attorney to clarify temporary use, and if the town could impose conditions of approval. Would it make a difference if all involved were members of the grange?

8:23 p.m. Colleen Brennan left the meeting. Since a quorum was not present the meeting was officially adjourned and continued as a workshop.

2. Review of Three-Mile Plan

This plan was adopted March 21, 2007, per CRS 31-21-105, and should be reviewed and updated once a year. Commissioners were asked to review and bring suggestion to the January 2015 meeting.

3. Historic Preservation Code Update

The Board of Trustees did not want the requirement to be too restrictive.

Suggested changes:

1. Separate Historic Preservation Board: Currently, P&Z serves as the HPB. If the town seeks local government certification (which provides potential historic preservation grants and technical assistance), they will need separate boards.
2. Clarify and simplify sections of the code that are redundant.
3. Remove requirement for public hearing at P&Z level for nomination to local historic property register for a single property.

Set the Public Hearing for January 21, 2015 for the proposed text amendments to the Mancos Municipal Code.

4. Accessory Dwelling Units

Move forward with research on this issue. Check with DOLA, model zoning codes and other towns. Please place on future agenda as a discussion item.

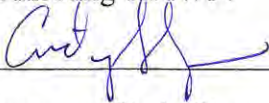
FYI Ms Phillips handed out information about the proposed building of two storage units west of the established storage unit business just outside of the town limits across from Western Excelsior.

The Commission asked that Montezuma County Planning be informed the Town would like complete packets of any activity with in the one and three mile zone of influence.

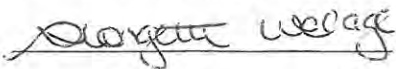
The Commission would like the addition of item **I. Announcements** be added to future agendas.

Adjournment of the Workshop 9:30 p.m.

Next meeting 12/17/14



Chairperson Cindy Simpson



Deputy Clerk Georgette Welage

A

GRANGE/FOOD DISTRIBUTION WAREHOUSE - Pertinent Code sections in black, with explanations in blue (explanations provided by P & Z Chair)

This proposal fails to meet multiple sections of the Mancos Town Code as outlined below, and therefore the Planning and Zoning Commission cannot recommend approval by the Town Board.

Sec. 1-3-30. Prohibited acts.

Whenever in this Code or any Town ordinance any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 634 §1, 2010)

Sec. 1-4-10. Violations.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required in this Code. (Ord. 595 §3, 2007; Ord. 634 §1, 2010)

We cannot allow any proposal to violate Town code. Nor can we turn a blind eye to violations we're aware of.

Sec. 16-1-30. Applicability.

The provisions of this Land Use Code shall apply to the development of all land within the Town, unless specifically provided otherwise in this Land Use Code. (Prior LUC 1.3)

Sec. 16-1-40. Purpose.

This Land Use Code is adopted for the purpose of promoting the health, safety and general welfare of the citizens of the Town. It is adopted in accordance with, and is intended to implement, the Comprehensive Plan, as adopted. More specifically, this Land Use Code is intended to do one (1) or more of the following:

- (1) Encourage implementation of the Comprehensive Plan, including specifically the goals, objectives and policies of the Plan, and the Future Development Plan.
- (2) Preserve the western, small-town character of the Town.
- (3) Manage growth in a way that improves the Town's quality of life.
- (4) Promote compatible land use relationships.
- (5) Facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services.
- (6) Promote predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.
- (7) Ensure appropriate opportunities for participation and involvement in the development process by all affected parties. (Prior LUC 1.5; Ord. 634 §1, 2010)

This proposal involves adding commercial impacts to a single-family residential zoned lot. It fails to meet #s 3, 4, 5, 6 above.

Sec. 16-2-60. Definitions.

Accessory use means a use naturally and normally incidental to and subordinate to the permitted use by right of the land or lot area.

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Accessory uses are only allowed when the Primary use is permitted by right, not when a property is nonconforming.

Sec. 16-4-120. Schedule of use regulations.

- (3) Temporary uses. Uses identified in a particular district column with a "T" shall be permitted in such district only upon approval of a temporary use permit in accordance with the procedures and standards of Section 16-20-50 of this Chapter.

(View **Table 16-1** on page 16-35 related to Accessory, Field Office, Warehouse)

Table shows that only XXXXXXXXXXXX.

Sec. 16-4-160. Accessory use or structure.

Accessory uses or structures may be permitted, subject to the following conditions:

- * (1) Such uses shall be limited to those customarily associated with, and appropriate, incidental and subordinate to, the principal use.
- (2) Such uses shall be located on the same lot or tract as the associated principal use.
- (4) The combined total square footage of all accessory structures and principal structures shall not exceed the maximum lot coverage allowed in Sections 16-4-510 and 16-4-520 of this chapter.
- (7) In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located.
- (9) All accessory structures larger than two hundred (200) square feet shall comply with the design standards of the underlying zone district. Greenhouses smaller than two hundred (200) square feet do not have to comply with the design standards. (Ord. 658, 2013)

This is an odd situation, because the primary use – the Grange – is nonconforming and therefore isn't what is typically associated with SFR zones. The accessory use, therefore, must be allowable by the SFR zoning in place today. The Accessory use must be on the same lot as the Grange, and subordinate to – in other words, cannot be more active or larger in size than the primary use. Computations must be made to show #s 4 and 9 are met.

Sec. 16-4-180. Field office, temporary.

A temporary field office permit may be approved by the Zoning Administrator for a structure or shelter used in connection with an approved development or building project for housing on the site of temporary administrative and supervisory function for sheltering employees and equipment during the construction phase of a project. Such a structure or shelter shall be promptly removed following the approval of a certificate of occupancy. (Prior LUC 3.3)

This proposal doesn't meet the criteria for Field Office

Sec. 16-4-220. Cottage industry.

Cottage industries may include a wide variety of retail, service and office uses, but shall not include eating and/or drinking establishments. The following cottage industry standards are intended to permit residents to engage in cottage industries that are compatible with residential land uses and to ensure that cottage industries do not adversely affect the integrity of residential areas. A cottage industry shall be considered an accessory use, subject to the following standards:

- (1) **The cottage industry shall be permitted only on lots with twice the minimum lot size of the underlying zone district and in lieu of an otherwise permitted dwelling unit.**

- (2) **The cottage industry shall comply with the compatibility standards of Section 16-16-250 of this Chapter.**
- (3) The cottage industry may be located within a single-family dwelling unit, not to exceed forty percent (40%) of the dwelling, **or in a separate structure not to exceed one thousand two hundred (1,200) square feet.**
- (4) **Hours of operation shall be limited to between 8:00 a.m. and dusk.**
- (5) **All exterior aspects of the operation shall not disrupt the residential character of the area.**
- (6) **There shall be no visible storage of equipment, materials or vehicles with more than two (2) axles. (Prior LUC 3.3; Ord. 634 §1, 2010)**

(Review **Table 16-2** Dimensional Standards for lot size, etc.)

A warehouse/office trailer has commercial impacts on traffic and visually, is generally considered not compatible with SFR. The applicant states that the lots are less than the 7,500 sf required in the SFR

Sec. 16-6-10. Purpose.

The SFR, Single-Family Residential District is designed primarily to accommodate single-family uses. It is intended for application in areas designated "Single-Family" on the Future Development Plan Map in the Comprehensive Plan. **In addition to the use and dimensional standards of this Article, development in the SFR, Single-Family Residential District shall be in compliance with all other applicable provisions of this Land Use Code. (Prior LUC 3.6; Ord. 606, 2008; Ord. 658, 2013)**

Sec. 16-6-20. Permitted uses.

The proposed use is not found under permitted uses

Sec. 16-6-30. Special uses.

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

- (1) Cottage industries, subject to the use-specific standards of Section 16-4-220 of this Chapter.

The proposed use does not meet cottage industry definition, and the lots fail to meet the minimum size for a Cottage Industry use.

Sec. 16-6-40. Accessory uses.

The following accessory uses shall be allowed:

- (1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.

Per 16-4-160, the proposal fails to meet the definition of Accessory use.

Sec. 16-6-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: field office, temporary, subject to the use-specific standards of Section 16-4-180 of this Chapter. (Prior LUC 3.6; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

The proposal fails to meet criteria/definition of Accessory Use, Cottage Industry, Field Office, and therefore fails to qualify as a Temporary Use in SFR. XXXXXXXX

Sec. 16-20-50. Temporary use permits.

Temporary use permits may be issued by the Planning Commission, subject to the following provisions:

- (1) **Zoning.** The use for which the permit is requested shall be authorized as a temporary use in the district in which the use is to be located. *Fails to meet this*

Sec. 16-21-10. Nonconforming status.

(b) Expansion. No nonconforming use or structure may be expanded or increased, except under the following circumstances:

- (1) Structures not in compliance with this Land Use Code may be enlarged or altered as long as the expansion does not result in an increase in the usable square footage (see Section 16-2-60 of this Chapter). *Fails to meet this; we would be creating a new nonconforming use, which is not legal to do.*
- (2) The expansion is such that it does not detract from the requirements of the zone in which the nonconforming use exists. *Fails to meet this*

Sec. 16-21-20. Nonconforming lots.

- (a) General. A single-family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the underlying zone district and was an official "lot of record" prior to the adoption of the Town's original Zoning Ordinance, adopted with Ordinance #382, 1978, if:

This section prohibits anything other than an SF dwelling and customary accessory buildings on lots too small for the current zone district.