

The meeting of the Meeker Planning Commission was called to order by Chairman Gary Hindman Monday, September 28, 2009, at Town Hall at 5:34 p.m.

Members Present: Chairman Gary Hindman
Martha Griffin
Terry Goedert
Jerry Belland

Members Absent: Keith Rholl

Others Present: Anna Smith, Town Planner
Sharon Day, Town Administrator

Citizens present: Pastor Aaron Zielinske ó Applicant's representative
Art Cox ó Applicant's representative

APPROVAL OF AGENDA

Chairman Gary Hindman asked if there were any changes to the agenda with none noted.

A motion to approve the agenda as presented was made by Commissioner Griffin, seconded by Commissioner Belland. All ayes, motion carried.

APPROVAL OF THE MINUTES

Chairman Hindman inquired if there were any changes, corrections or additions to the September 14, 2009 Planning Commission minutes, none noted

A motion to approve the minutes of September 14, 2009 as presented was made by Chairman Hindman, seconded by Commissioner Griffin. Ayes ó Chairman Hindman and Commissioner Griffin. Abstained ó Commissioners Goedert and Belland. Motion carried.

PUBLIC PARTICIPATION

None

PUBLIC HEARING

Applicants Rocky Mountain District Council and Meeker Assembly Church of God, 381 Market Street – Lot 7, Block 3 Town of Meeker, are requesting a 2-foot variance from the required 15-foot front yard setback on Market Street and a 7-foot variance from the required 7 1/2 –foot corner street setback on 4th Street to construct an ADA sidewalk and roof structure to cover the sidewalk. Chairman Hindman opened the Public Hearing at 5:35 p.m.

Town Planner Anna Smith gave the following report: The subject property of 381 Market Street (Lot 7, Block 3, Town of Meeker) is located on the northeast corner of Market and 4th Streets and has an existing church structure located towards the front of the property with parking in the rear. Zoned HC ó Highway Commercial, churches are a permitted use within the HC zoning district.

Originally, the applicants were requesting a 2-foot variance from the required 15-foot front yard setback on Market Street and a 6½-foot variance from the required 7½-foot corner street setback on 4th Street to construct an ADA sidewalk and roof structure to cover the sidewalk. The requested variance distance on Market Street remains the same, however, the variance distance on 4th Street has been revised and the correct distance request is a 7-foot variance from the required 7½-foot corner street setback on 4th Street.

The existing church structure has an existing access door and cover area facing Market Street. The applicants are seeking to make this access ADA accessible by replacing the existing steps to the sub grade level with an ADA sidewalk and ramp. Based on the proposed improvements, on Market Street the ADA sidewalk, ramp and retaining walls comply with the 15-foot front yard setback requirement. However, the 2-foot roof overhang will encroach into the front yard setback. There is an additional 9 feet of unimproved right-of-way between the south property line and the curb on Market Street. On 4th Street, the proposed ADA sidewalk will encroach 5 feet with the roof overhang encroaching an additional 2 feet into the 7½-foot corner street setback. Between the west property line and the 4th Street curb, there is approximately 7 feet of unimproved ROW plus a 4-foot wide sidewalk. The applicants are also proposing to extend an uncovered 4-foot sidewalk to connect to the existing sidewalk on 4th Street. A Town encroachment permit will be required for this portion of the sidewalk within the 4th Street ROW.

The request has been advertised in the paper as mandated in the Meeker zoning ordinance. A sign has been posted on the site and letters have been sent to adjacent property owners. Updated letters were also sent to adjacent owners notifying them of the corrected variance distance on 4th Street. At this time, the Town has received no comments from the public.

Recommendation: Staff recommends approval of the applicants request for a 2-foot variance from the required 15-foot front yard setback on Market Street and a 7-foot variance from the required 7½-foot corner street setback on 4th Street to construct an ADA sidewalk, ramp and roof structure to cover the sidewalk. The recommendation is based on the Code as described below:

SECTION 18.1.146 FINDINGS

That the variance granted is without substantial detriment to the public good and does not impair the intent or purpose of the Code and Comprehensive Plan, including the specific regulation in question;

The request is without substantial detriment to the public good. The proposed variance does not create a situation that impairs the intent of the applicable ordinance beyond what currently exists. The proposed ADA sidewalk, ramp and roof structure would not extend beyond the southern limits of the covered entrance structure that presently exists and the new improvements would run parallel to the building, therefore, such improvements will not impair any line of sight on 4th or Market streets.

That there exists on the subject property exceptional topography, shape, or other extraordinary and exceptional situation, or a condition, such that strict application of the zone district requirement would result in peculiar and exceptional practical difficulties to or exceptional undue hardship upon the owner of the subject property;

Due to the location of the existing church on the subject property and in order to convert the existing access area to comply with ADA requirements, the applicants need to encroach into the required setbacks on Market and 4th Streets. The ADA requirement for 5-foot wide landings, as well as correct sloping ratio on ramp areas, dictate the minimum width and extent of the proposed improvements.

That the exceptional situation or condition, pursuant to paragraph B of this Section above was not induced by any action of the applicant and is not a general condition throughout the zone district;

As existing business structures along Market Street are modified, in order to comply with ADA requirements, it is possible another situation like this could be presented to the Town for consideration for a variance. This situation was not created by the applicant.

That the hardship, pursuant to paragraph B of this section, cannot practically be corrected by means other than a variance;

There are no practical means other than a variance to address this request.

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Chairman Hindman inquired of the applicant's representatives, Art Cox and Pastor Zielinski if there was anything to add to the report, with them stating no. Chairman Hindman inquired of the Commissioners if they had any questions or comments, with Commissioner Griffin stating she had visited the site and inquired if the sidewalk was to enter the main floor. The representatives stated it would be to enter the basement.

Commissioner Griffin stated the north side seemed to have an entrance there, and inquired if it was to get to the main floor, with Mr. Cox stating correct. He also stated there was no ability to reach the sub-level from the north side. Planner Smith stated there were steps inside, but no ADA accessibility to the sub-level. Commissioner Belland inquired if there was an existing door to the sub-level on the south side, with Mr. Cox replying yes and would be made an ADA compliant door. Commissioner Griffin stated it looked like there was a wheelchair ramp on the north side. Planner Smith stated they could access the main sanctuary via ADA accessibility, but are unable to get to the sub-level via ADA compliance. Commissioner Belland clarified people would have to go outside and around to access the lower level, with Planner Smith adding, for ADA. Administrator Day added the sidewalk would be covered, with the representatives replying yes.

Commissioner Belland stated the applicant's plans indicated the overhang of the roof as the dashed line, inquiring if the overhang terminated prior to the property line by ½ a foot on the west side, with Mr. Cox stating correct. Commissioner Goedert inquired about the sidewalk on 4th Street, asking if it connected to the north sidewalk entrance. Mr. Cox replied yes, there were stairs and a ramp on the north side. Commissioner Belland clarified that the building had no means of accessibility except for a stairway to get from the upper level to the lower level on the inside with Mr. Cox replying correct.

Commissioner Griffin inquired about the activities downstairs, with Mr. Cox replying it was the fellowship hall, kitchen and classrooms. Commissioner Belland stated it was too bad the premises didn't have the space where they could access the downstairs without having to go outside, around and then down. The representatives agreed. Commissioner Belland inquired about an elevator, with Mr. Cox stating it could be done, but would have to be a large one to be wheelchair accessible, which wasn't feasible. Commissioner Belland stated there were some in-expensive elevators that could hold a wheelchair. He added they might be interested in looking at that option. The representatives stated they would take it one step at a time, and would consider it. Chairman Hindman inquired if there were any additional questions or comments, with none noted and closed the Public Hearing at 5:47 p.m.

Chairman Hindman inquired of Planner Smith if the motion needed to include the encroachment permit, with Planner Smith stating no, as it is part of the building permit process.

A motion was made by Commissioner Griffin to recommend approval of the applicant's request for a 2-foot variance from the required 15-foot front yard setback on Market Street and a 7-foot variance from the required 7½-foot corner street setback on 4th Street to construct an ADA sidewalk, ramp and roof structure to cover the sidewalk, seconded by Commissioner Belland. All ayes, motion carried.

Administrator Day asked for a correction, stating Commissioner Griffin had read "recommend approval" stating the Planning Commission was "approving" the request. Chairman Hindman inquired if they needed to re-vote the motion with Day stating no, just amend the motion. Commissioner Griffin stated she amends the motion to "approve the applicant's request." Chairman Hindman stated the motion had been amended and voted on.

Planner Smith relayed to the representatives there would be a ten-day appeal process, and if construction began in that time frame, they would be doing so at their own risk. She stated if anyone wanted to appeal

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the Planning Commission's decision, they could do so within the ten-day time period, and if the applicants decided to commence construction and it was appealed, construction activity would have to cease until the appeal process was completed. She also added a letter would be sent to the applicants identifying when the ten-day period expired.

OTHER PLANNING COMMISSION MATTERS

Commissioner Griffin stated she had noticed the paper hadn't corrected/retracted her resignation. Day stated she would speak with Jeff. She also reminded the Planning Commission of the upcoming elementary school site discussion that would take place on October 6, 2009 at 7:00 p.m. Commissioner Griffin asked if the proposed justice center would be going there, with Day stating that would be one of the presentations, as well as Colorado Northwestern Community College (CNCC). Commissioner Griffin asked if the County was interested, would it go to a vote. Day stated if the Town Board decided to transfer the ownership of the land, yes, it would have to go to a vote in April 2010. Day also stated the Board has committed themselves to ensure they hear any and all public input at the upcoming meeting.

ADJOURNMENT

Chairman Hindman made a motion to adjourn, seconded by Commissioner Goedert. All ayes, motion carried.

Planning Commission Meeting adjourned at 5:51 p.m.

Gary Hindman, Chairman

Terry Goedert, Secretary