

Minutes
Planning Commission Meeting
Town of Paonia, Colorado
August 07, 2024

RECORD OF PROCEEDINGS

Roll Call

PRESENT

Chair Watson

Vice Chair Howe

Commissioner Smith

Commissioner Brunner

Commissioner McCarthy

Approval of Agenda

Commissioner Smith makes a motion, seconded by Vice Chair Howe, to approve the agenda as presented.

The motion carries unanimously.

Approval of Minutes

May 1, 2024, Planning Commission Meeting

Commissioner Smith makes a motion, seconded by Commissioner Brunner, to approve the May 1, 2024, Planning Commission Meeting Minutes with the amendments correcting the spelling of Marrissa's name (of Phoenix Rising) and clarifying Commissioner Brunner's motion to include 'incomplete'.

The motion carries unanimously.

Actions & Presentations

1. Public Hearing

Special Use Review for The Hearth, located at 138 Grand Avenue, operated by The Learning Council, to allow Commercial Recreation Use.

Chair Watson opens the public hearing at 6:38PM

Town Administrator Wynn presents the staff report and reads four letters received in support of The Learning Council's request.

The applicant, Alicia Michelson of The Learning Council, speaks favorably of staff report and states she has little more to add to it. She speaks about a number of events hosted by The Learning Council and services provided to the community. She speaks of maintaining a good relationship with the Town Staff and Police Department. She also presents a parking agreement made with Robert Justin for overflow parking at 201 First Street.

Chair Watson opens public comment at 6:58PM.

J. Dervin-Ackerman, North Fork Valley Creative Coalition, speaks in favor of the request.

J. Mattox speaks in favor of the request.

J. Schwarts speaks in favor of the request.

A. Porter speaks in favor of the request.

R. Corona, of the Grape Vine Gallery, speaks in favor of the request.

Chair Watson, due to the number of public speakers, asks Town Attorney Buchner if a mass swearing in is appropriate or it should be done on a per speaker basis. Town Attorney Buchner advises swearing in one speaker at a time.

M. Cooper, Director of the Paradise Theater, speaks in favor of the request.

K. Griest, owner of the Refinery, speaks towards not being impacted by the Learning Council's activities and speaks in favor of the request.

A. Hoffman, Treasurer of the Learning Council, outlines funds spent towards community events and as a local employer. She speaks in favor of the activities that the Learning Council is involved with and this request.

A. & D. Weaver, local artists, speaks in favor of the Learning Council and the support received towards their own business.

A. Boyer speaks in favor of the request and states parking is not an issue.

P. Merry speaks in favor of request and their work.

S. Brody, mother/farmer/Board Member of the Learning Council, speak in favor of request.

No further comment from Applicant or Staff

Public comment concluded at 7:31PM

The Planning Commission members discuss the various parking options and code regulations. The Commission agreed that although there are currently no parking issues, that could change in the future. Applicant and Commission agree to revisit the parking issue should it become necessary.

Public Hearing is closed at 7:49PM

Vice Chair Howe makes a motion, seconded by Commissioner McCarthy, to recommend approval of SRV 2024-03 because it does not adversely affect the public health, safety and welfare of the existing Core Commercial area, that the rezoning substantially conforms to the Comprehensive (Master) Plan, and that the proposed use meets the review criteria and performance standards are required.

Commissioner Smith makes a motion, seconded by Commissioner Brunner, to amend the motion on the table by adding that the applicant enter into an agreement with the Town to use the Public Parking lot behind Town Hall and other potential private parking lots for any required off-street parking for its volunteers, staff or operations, and that it also received a favorable determination from the Board of Trustees.

Voting in favor of Commissioner Smith's amendment to Vice Chair Howe's motion on the table:

Chair Watson

Vice Chair Howe

Commissioner Brunner

Commissioner McCarthy

Commissioner Smith

The motion carries unanimously.

Voting in favor of Vice Chair Howe's original motion for approval of SRV 2024-03:
Chair Watson

Vice Chair Howe
Commissioner Brunner
Commissioner McCarthy
Commissioner Smith

The motion carries unanimously.

2. Public Hearing

Special Use Review for the property located at 138 Grand Avenue, operated by Lori Hunter, to allow Dwelling Units as Part of a Business Use.

Chair Watson starts the public hearing at 7:59PM.

Wynn presents staff presentation for SRV 2024-04.

Lori Hunter, applicant/owner, speaks of the history of the building and original plans for usage since purchased. Internal space limits usage and has turned off potential interested parties. She states her request for the building is to provide short term rentals (STRs) and provides handouts of background information of how STRs are utilized by other communities in the western slope and other town approaches to using commercial buildings as STRs. She speaks to the less intensive usage of this building with less parking required and neighbors appreciating less noise since the previous tenant had moved out of the building. She does not feel her request would impact existing housing since it is currently not residential but commercial.

Chair Watson opens public comment at 7:14PM.

C. Stewart speaks in favor of having more lodging available by this request.

D. McClellan, residing across from the building, questions STR requirements but speaks to favor full-time residents rather than short-term.

R. Verduin – speaks in favor of Applicant’s request.

Applicant Lori Hunter responds to the public comments by clarifying her request for providing lodging and size of building limitations preventing residential zoning.

Town Administrator Wynn clarifies the special review is for dwelling units as part of the business use and reads the code definitions for Dwelling Unit and Bed and Breakfast establishment.

Public comments conclude at 7:35PM.

Commission discussion includes water usage and no effect by moratorium, identifying differences between hotel/motel versus bed & breakfast. The purchase price of property, rental rates, and interested parties were also discussed.

Commissioner McCarthy speaks to discussion being about a Dwelling Unit as part of the business and not the term ‘lodging’. Specifically, the definition of Dwelling Unit is renting out one month or longer but sees a conflict with application wanting to provide rentals for less than 30 days.

Town Attorney Buchner states that while the Town has a short term rental section of the code that contemplates short term rental licenses separate and distinct from a business license, which based on that definition, typically 30 days or longer is considered long term rentals. He also explains the differences in taxes between residential and commercial.

The Commission continues to discuss residential and commercial usages for both under thirty days or longer and conflicts in the code.

Applicant Lori Hunter states that when she first submitted the special review, her request was for a special review for consideration as lodging because application specifically stated hotels, motels, and lodging.

Commissioner McCarthy points out that there is no definition for lodging in the code. Town Administrator Wynn states there is a section in the code for room houses and bed & breakfast facilities, but there is no definition for a lodging facility. States if approval of the Board of Trustees is recommended, that the applicant meets any further criteria for short term rentals that may be passed in the future.

Commissioner Brunner speaks to making this building available draws short term rentals out of the housing market because it would provide an alternative.

Commissioner McCarthy makes a motion, seconded by Commissioner Smith, to continue until September 9, 2024, for clarification of definition of dwelling unit and how it affects Short Term Rentals.

Commissioner Brunner makes a motion to amend the motion on the table to include exploration by our attorney of our code as it relates to Dwelling Units and Lodging.

Town Administrator Wynn points out issues that the Planning Commission is not a legislative body and any changes, contemplation of changes, or adding definitions needs to come from the Board of Trustees. Also, committees or commissions cannot direct the Town Attorney by resolution by the Board of Trustees.

Town Attorney Buchner clarifies Commissioner Smith's role as Commissioner as it relates to directing Town Attorney in the Planning Commission. He suggests that in this scenario, the issue is tabled until such time as the Board of Trustees can address these issues.

There is a brief discussion about denying the applicant request and having it go to the Zoning Board of Adjustments for appeal.

Commissioner Brunner's earlier motion to amend the motion on the table to include exploration by our attorney of our code as it relates to Dwelling Units and Lodging dies due to lack of a second.

Voting in favor Commissioner McCarthy's motion on the table:

Commissioner McCarthy
Commissioner Smith

Voting against:

Chair Watson
Vice Chair Howe
Commissioner Brunner

The motion fails.

Vice Chair Howe makes a motion, seconded by Commissioner Smith, to make no recommendation to the Board of Trustees for SRV 2024-04.

Voting in favor:

Chair Watson
Vice Chair Howe
Commissioner Brunner
Commissioner Smith

Voting against:

Commissioner McCarthy

Commissioner McCarthy makes a motion, seconded by Commissioner Smith, to extend the meeting by 5 minutes.

The motion carries unanimously.

Chair Watson closes the public hearing at 9:31PM

No further discussion by Commission members as motion was made, seconded, and carried.

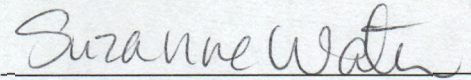
Adjournment

Chair Watson Adjourns the meeting at: 9:32PM



Ruben Santiago, Deputy Clerk





Suzanne Watson, Chair