



TOWN OF PAONIA
TUESDAY, FEBRUARY 05, 2019
PLANNING COMMISSION MEETING AGENDA
6:30 PM

NOTE: 3 OR MORE TRUSTEES MAY BE PRESENT FOR THE PLANNING MEETING

Call to Order

Roll Call

1. Planning Roll Call

Approval of Agenda

Unfinished Business

2. Minutes – January 15, 2019

New Business

3. Home Occupancy Permit – Knutson – 401 Vista Drive
4. Special Use Permit – Zimmer – 397 Clark Avenue #A

Adjournment

5. Adjournment

AGENDA SUMMARY FORM

Agenda Item # CALL 	Planning Roll Call		
Summary: Meeting opening -			
Empty space for meeting summary			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		
Empty space for additional notes			

AGENDA SUMMARY FORM

Agenda Item # CALL

Minutes – January 15, 2019



Summary:
Meeting opening -

Large empty rectangular area for the meeting summary.

Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

Empty rectangular area at the bottom of the summary form.

Minutes
Planning Commission Regular Meeting
Town of Paonia, Colorado
January 15, 2019

RECORD OF PROCEEDINGS

The Regular Meeting of the Planning Commission held Tuesday, January 15, 2019, was called to order at 6:05 PM by Chairperson Barbara Heck, followed by the Pledge of Allegiance.

Roll Call:

Commission members present were as follows:

Barbara Heck
Lucy Hunter
Monica Foguth
Bill Bear
Charles Stewart

Town Staff present were as follows:

Administrator Ken Knight
Deputy Clerk Amanda Mojarro

A quorum was present, and Chairperson Barb Heck proceeded with the meeting.

Approval of Agenda

Motion by Mr. Bear, supported by Mr. Stewart to approve the agenda as presented. Motion carried unanimously.

Unfinished Business

Minutes – Dec 04, 2018

Motion by Mr. Stewart, supported by Mr. Bear to approve the planning commission minutes for – Dec 04, 2018, as amended. Motion carried unanimously.

Delta County Intergovernmental Agreement

Chairperson Barbara Heck opened the meeting to discuss Delta County Intergovernmental Agreement, regarding HWY 133 planning area and the 3-mile comprehensive planning area surrounding the town.

Administrator Knight presented the Town of Paonia Planning Committee with the Hwy 133 Planning Areas A and B map.

Discussion ensued about the possibilities of the annexation of HWY 133 planning areas A and B.

Discussion points:

- Delta County Building Permit rights in HWY 133 planning areas A and B.
- Incorporate HWY 133, Black Bridge, Minnesota, Mathews LN and South of Town.
- Agriculture Zoning and Annexing.
- Coordination in planning area B with Delta County.

Delta County Community and Economic Development Director, Elyse Ackerman-Casselberry, arrived at 6:12 pm. Discussed the Town and County Intergovernmental Agreement describing the (3) three phases that would take place in the Delta County regarding HWY 133 planning areas A and B.

Discussion points:

- Land use regulation process
- Public concern with conservation easements impacts
- Clear policy, future growth
- IGA's
- Master plan
- Next step

Phases:

1. Data Analyses
2. Accomplish
3. Codification

Adjournment

Motion by Chairperson Barbara Heck, supported by Mr. Bear to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Ms. Heck at 7:23 pm

Amanda Mojarro, Deputy Clerk

Barbara Heck, Chairperson

AGENDA SUMMARY FORM

Agenda Item # CALL 	Home Occupancy Permit – Knutson – 401 Vista Drive		
Summary: Meeting opening -			
<p>ADMINISTRATOR NOTES:</p> <p>Two positive comment received. No negative comments received.</p> <p>CLERK NOTES:</p> <p>The application was received more than 30 days prior to hearing. All fees have been paid. All publication and posting requirements were met.</p>			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

NOTICE OF PUBLIC HEARING

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning Commission will hold a public meeting on Tuesday, February 5, 2019 at 6:30PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider a request for:

Special Use Permit for Frederick Zimmer:

397 Clark Avenue #A, Paonia CO 81428

Home Occupancy Permit for David Knutson:

Human Resources Consulting/Executive Coaching
401 Vista Drive, Paonia CO 81428

In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, February 26, 2019 on or after 6:30PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider the Planning Commission recommendation for:

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Home Occupancy Permit for David Knutson:

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401 Vista Drive, Paonia CO 81428

If you are unable to attend but wish to comment, comments can be made at Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or paonia@townofpaonia.com until January 28, 2019.

DELTA COUNTY
INDEPENDENT

401 Meeker St.
P.O. Box 809
Delta, CO 81416

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO }
COUNTY OF DELTA } ss.

I, Roxanne McCormick, do solemnly swear that I am advertising director of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterrupted in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue two consecutive insertions; that the first publication of said notice was in the issue of said newspaper dated January 16th, A.D., 2019, and that the last publication of said notice was in the issue of said newspaper dated January 23rd, A.D., 2019.

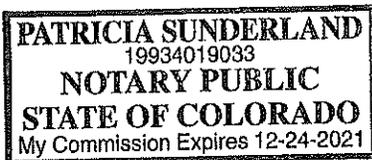
In witness whereof I have hereunto set my hand this 23rd day of January, A.D., 2019.

Roxanne McCormick
Advertising director of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 23rd day of January, A.D., 2019.

Patricia Sunderland
Notary Public

My commission expires 12/24/2021
900 Cypress Wood Lane
Delta, CO 81416



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Published in the Delta County Independent January 16 and 23, 2019.

Sec. 16-11-20. - Home occupations.

A home occupation shall be permitted as an accessory use, provided that a home occupation permit is granted by the Town and the criteria for home occupations are met.

- (1) *Permit required.* A person desiring to establish a home occupation within the Town shall apply as follows:
 - a. Notify the Town Clerk who shall notify the property owners within two hundred (200) feet of the applicant's property by certified mail at the applicant's expense. The notification will include the nature of the application, a copy of this Article and the time and place of a public hearing.
 - b. A date of public hearing before the Planning Commission will be set that will allow time for publication and notification of adjoining property holders.
- (2) *Revoke the permit.* A home occupation permit may be revoked by the Town Administrator if at any time the home occupation fails to meet the criteria listed below.
- (3) *Nontransferability.* Home occupation permits are issued to an individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.
- (4) *Criteria for home occupations.* A home occupation shall be allowed as a permitted accessory use, provided that the following conditions are met:
 - a. The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one (1) non-occupant employee.
 - b. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
 - c. The total area used for such purposes may not exceed twenty-five percent (25%) of the first floor area of the user's dwelling unit.
 - d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two (2) square feet shall be permitted.
 - e. There shall not be conducted on the premises the business of selling inventory, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupation.
 - f. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
 - g. No equipment or process shall be used in such home occupation, which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.
 - h. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
 - i. Under no circumstances shall any of the following be considered a home occupation: antique shop, barber shop, a beauty parlor (with more than one [1] chair), clinic, mortuary, nursing home, restaurant, veterinarian's clinic or dance studio.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

TOWN OF PAONIA, COLORADO
Home Occupation Permit Application

Date: 12/20/18 Name: Dave Knutson dba Orion Rising LLC
Physical Address: 401 Vista Drive Paonia CO 81428
Telephone: [REDACTED] Email: orionrisingllc@gmail.com
Type of Business/Home Occupation Requested: Human Resources Consulting / Executive Coaching

A home occupation shall be permitted as an accessory use provided a Home Occupation Permit is granted by the Town and the criteria for home occupations are met at all times the accessory use continues.

Home Occupation Permits are issued to the individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.

Please review carefully before submitting this application the attached "Criteria for Home Occupations".

Applications for a Home Occupation Permit shall be filed no less than thirty (30) days in advance of the meeting at which they are to be considered by the Town of Paonia Planning Commission.

The permit application must be completed and accompanied by a check for the required fee of \$150.00 when applying for a Home Occupation Permit from the Town of Paonia. The \$150.00 fee is non-refundable as it covers the expenses for correspondence and publication (related to the required public hearing) that will be incurred by the Town of Paonia.

All property owners within 200 feet of the applicant's property being considered for the Home Occupation Permit will be notified by certified mail of a public hearing whereby the Town of Paonia Planning Commission will consider this permit application.

Project Summary:

Please provide a brief summary statement of your requested Home Occupation:

office & client meetings

What is the property's current zoning? R-2

If signage is requested, size of sign cannot exceed two (2) square feet. Is this acceptable? Yes

What additions or changes to existing buildings or structures will be made? None

What new buildings or structures will be constructed? None

What additions or changes in utilities will be necessary? None

What is the anticipated increased traffic volume due to this use? 2-3 cars/month for 1-2 hour meetings/consultations

Please read the attached criteria. If your Home Occupation does not meet any of these criteria please attach an explanation to this application. If at any time the criteria not addressed through this process cannot be met, I understand the home occupation permit will be immediately revoked.

Applicant's signature: 

Town Clerk receipt signature: 

Administrator signature: 

CRITERIA FOR HOME OCCUPATIONS — a home occupation shall be allowed as a permitted accessory use provided the following conditions are met:

1. The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one non-occupant employee.
2. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof
3. The total area used for such purposes may not exceed 25% of the first floor area of the user's dwelling unit.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including advertising signs or displays, or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two square feet shall be permitted.
5. There shall not be conducted on the premises the business of selling stocks, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations.
6. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
7. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors, or other objectionable condition detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.
8. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
9. Under no circumstances shall any of the following be considered a home occupation: antique shop; barber shop; beauty parlor (with more than one chair); clinic; mortuary; nursing home; restaurant; veterinary clinic; or dance studio.

Corinne Ferguson

From: Georgia [REDACTED]
Sent: Friday, December 28, 2018 7:08 PM
To: Paonia
Subject: Knutson home business hearing Jan 15 and 22, 2019

Memo to Town of Paonia re: hearing Jan 15 and 22, 2019. re Knutson home occupancy

My name is Georgia Finnigan and I live at [REDACTED] in the Creek Vista Crossing subdivision and I am a member of the homeowners association. I will not be able to attend the hearing regarding David Knutson's business in his home at 401 Vista Dr.

I have no objection to his having a business in his home as long as it complies with any regulations and covenants of our neighborhood HOA or the town

Sincerely

Georgia Finnigan

Corinne Ferguson

From: Lyn Howe <wordpress@www.townofpaonia.com>
Sent: Wednesday, January 9, 2019 7:05 PM
To: Corinne Ferguson
Subject: Contact from TownofPaonia.com

Name: Lyn Howe

Email: [REDACTED]

Comment or Question: Regarding the special use permit for Frederick Zimmer and home occupancy permit for Dave Knutson I received via registered mail, I have no concerns and would support the council to approve them.

Thank you

Lyn Howe

[REDACTED]
Paonia

Time: January 9, 2019 at 7:04 pm

IP Address: 209.206.68.110

Contact Form URL: <http://www.townofpaonia.com/contact/>

Sent by an unverified visitor to your site.

AGENDA SUMMARY FORM

Agenda Item # CALL 	Special Use Permit – Zimmer – 397 Clark Avenue #A
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Summary:
Meeting opening -

ADMINISTRATOR NOTES:

All manufacturing in the I-1 zone requires a Special Review. It appears that pottery has been manufactured within 397 Clark Avenue #A for quite some time and it was not noticeable. It was only after the potter advertised on Facebook that pottery was available and a one - day class would be held that the Town then became aware of the activity. At that time; the owner of the warehouse was informed that a Special Review would be required.

CLERK NOTES:

The application was received more than 30 days prior to hearing.
An outstanding invoice in the amount of \$273.80 has not been paid (as of 1/31/19).
All publication and posting requirements were met.

Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

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DELTA COUNTY
INDEPENDENT

401 Meeker St.
P.O. Box 809
Delta, CO 81416

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO }
COUNTY OF DELTA } ss.

I, Roxanne McCormick, do solemnly swear that I am advertising director of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterrupted in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue two consecutive insertions; that the first publication of said notice was in the issue of said newspaper dated January 16th, A.D., 2019, and that the last publication of said notice was in the issue of said newspaper dated January 23rd, A.D., 2019.

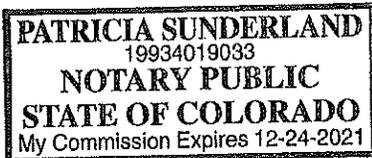
In witness whereof I have hereunto set my hand this 23rd day of January, A.D., 2019.

Roxanne McCormick
Advertising director of said *Delta County Independent*

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 23rd day of January, A.D., 2019.

Patricia Sunderland
Notary Public

My commission expires 12/24/2021
900 Cypress Wood Lane
Delta, CO 81416



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ARTICLE 4. - SPECIAL REVIEW APPLICATION REQUIREMENTS AND PROCEDURES

Sec. 16-4-10. - Intent.

Each established zoning district is intended for a specific type or category of land use (e.g., single-family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a particular district, depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this Article to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-20. - When allowed.

Within each zoning district, certain land uses are permitted by right or by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning Commission and approval by the Board of Trustees.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-30. - Site plan and supporting documents.

There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Administrator. The site plan shall be drawn in black ink on Mylar. Following approval by the Board of Trustees, the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records. The special review application shall include the following:

- (1) The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- (2) A legal description of the property.
- (3) A list of the names and addresses of all property owners within two hundred (200) feet of the property.
- (4) All off-street parking and loading areas.
- (5) The location of all ways for ingress to and egress from all buildings and parking areas.
- (6) Service and refuse collection areas.
- (7) Major screening proposals.
- (8) The size, shape, height and character of all signs.
- (9) The area and location of all open space and recreation areas.
- (10) The location and type of outdoor lighting.
- (11) The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.

- (12) The anticipated timetable for completion. If the project is to be completed in phases, then the date for completion of each phase shall be indicated.
- (13) The following agreement will be placed on the original special review site plan, signed by all owners and lienholders of the property: The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia. The signatures of all owners and lien holders shall be notarized. The agreement shall further designate who is specifically responsible for the proposed improvements.
- (14) In addition to the site plan, a title policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances whatsoever which would impair the use of the property for the uses approved. The title policy shall provide verification that all owners and lien holders have signed the special review site plan. The title policy shall be effective within twenty-four (24) hours after the date of approval by the Board of Trustees. If the title policy is not provided to the Town Clerk within seven (7) days after action by the Board of Trustees, the action by the Board of Trustees shall be automatically voided.
- (15) Other information as needed by the Town to analyze the feasibility and impacts of the special review use, which may include, but are not limited to, traffic analyses, soils or geological reports or drainage and engineering studies.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-40. - Procedures for securing approval of special review application.

- (a) *Preapplication conference.* The applicant shall schedule a conference with the Town Administrator prior to submitting a formal application. This will serve to better acquaint the applicant with the Town's policies, requirements, procedures and the Master Plan objectives. The preapplication conference should be held before the applicant has entered into binding commitments or incurs substantial expenses in the preparation of plans, surveys and other studies.
- (b) *Filing deadline.* Applications for special review shall be filed at least thirty (30) days in advance of the meeting at which they are to be considered by the Planning Commission. The Town will provide the applicant with a list of filing deadlines and meeting dates. Applications that are incomplete at the time of filing will not be scheduled for review by the Planning Commission.
- (c) *Fees.* All persons filing a special review application shall be charged a fee to cover the cost of advertising and processing. The amount of the fee shall be established by resolution of the Board of Trustees.
- (d) *Review by the Town Administrator.* The Town Administrator shall review the application for compliance with the provisions of this Code, the site plan review criteria and performance standards of this Section and for consistency with the Master Plan. The Town Administrator shall receive comments from all other pertinent Town departments and other agencies and from the Development Review Committee. The Town Administrator may then submit his or her recommendations and comments to the Planning Commission for its consideration at its next regularly scheduled meeting. Copies of staff recommendations shall be available to the applicant prior to the Planning Commission's meeting.
- (e) *Action by the Planning Commission.* At a duly noticed public hearing the Planning Commission shall consider the special review application and the comments and recommendations of the Town Administrator. As a part of their review of the proposed special review use, the Planning Commission shall consider the Special Review Site Plan review criteria and performance standards of Section 16-4-50 below.
- (f) *Action by the Board of Trustees.* Within thirty (30) days after the action by the Planning Commission, the Board of Trustees shall consider the special review request and the recommendations of the staff

and the Planning Commission. The Board of Trustees shall then make the final decision to approve the application, approve the application with modifications or deny the application.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-50. - Site plan review criteria and performance standards.

- (a) The criteria for review and performance standards are as follows:
 - (1) Compliance of the application with this Code in general.
 - (2) The compatibility of the proposed use and site plan with the character of the surrounding area.
 - (3) The desirability and need for the proposed use.
 - (4) The potential for adverse environmental influences that might result from the proposed use.
 - (5) Compatibility of the proposed use and site plan with the policies and guidelines of the Comprehensive Plan.
- (b) Lights and signs shall be located in a manner that will not be distracting to adjoining properties or passing motorists.
- (c) Landscaping shall be provided in areas near the public right-of-way and located with consideration for energy conservation. An acceptable plan must be provided for the maintenance of the required landscaped areas.
- (d) Control of storm drainage shall be provided so as to not damage adjoining properties. The plan must be approved by the Town Engineer.
- (e) Site design and building plans shall include provisions for the needs of handicapped individuals as required by the Building Code or other ordinances of the Town.
- (f) Approved landscaping or solid fencing capable of screening adjacent properties shall be provided where commercial uses abut residential uses.
- (g) Commercial and industrial uses shall conform to the following performance standards:
 - (1) No dust, odor, gas, fumes, glare or vibration shall extend beyond lot lines. Glare pertains to sunlight reflected from windows or other integral portions of buildings, as well as from lighting fixtures and signs.
 - (2) Smoke shall not be emitted at a density greater than #1 on the Ringleman's scale.
 - (3) No particles of fly ash shall exceed two-tenths percent (0.2%) grains per cubic foot of the flue gas at a stack temperature of fifty (50) degrees Fahrenheit.
 - (4) Noise. No noise shall be emitted which exceeds a maximum of seventy-five (75) decibels with a maximum increase of five (5) decibels permitted for a maximum of fifteen (15) minutes in any one (1) hour. In addition, every activity shall be conducted so that no noise produced is objectionable due to intermittence, beat frequency or shrillness.
 - (5) Water pollution. No water pollution shall be emitted by the manufacturing or other processing.
 - (6) Outside storage areas that adjoin R-1, R-2 or R-3 Districts must be screened from view with screening of at least eight (8) feet high. The screening shall be constructed of board fencing, screened metal fencing or shrubs.
 - (7) Truck traffic to and from the I-1 and I-2 District facilities must be restricted to truck routes. The weight of the trucks is limited to standard highway limits unless otherwise posted.
 - (8) Industrial activity within the I-1 District will be restricted to 7:00 a.m. to 9:00 p.m.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-60. - Effect of special review approval.

- (a) Following approval of a special review application, all real property described in the application must be improved, developed and used in accordance with the approved application, the site plan and any written proposals submitted therewith within the completion date or dates set by the Board of Trustees.
- (b) Any changes or modifications to the special review application or site plan shall be permitted only in accordance with the procedures stated in Section 16-4-70 below.
- (c) It is unlawful for the owner of the property subject to an approved special review application to fail to complete all improvements within the approved completion date set by the Town or to use the property for any use not set forth in an approved special review application. Each day of violation shall be considered as a separate violation of the provisions of this Chapter.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-70. - Changes or modification to approved application and special review site plans.

Changes or modifications to an approved special review application and site plan shall be permitted by following the procedures of this Chapter for rescinding a special review application and securing approval of the original application, except as follows:

- (1) For minor variations in the location of structures, improvements or open areas caused by engineering or other unforeseen difficulties, the Planning Commission may authorize a modification to an approved site plan without public hearing. Such changes or modifications authorized by this Paragraph shall not modify use, character or density of an approved special review application or site plan. All site plans so modified shall be amended to show the authorized modifications.
- (2) The Planning Commission may also grant, without a public hearing, an extension of the time schedule for a period not to exceed six (6) months. Not more than two (2) such extensions may be granted without a duly noticed public hearing.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-80. - Termination of approved special review applications.

Approved special review applications may be terminated as follows:

- (1) *By Board of Trustees action.* If construction is not completed and use established on a property subject to an approved special review application in accordance with and within the time schedule set forth in the application, the Board of Trustees may require the property owner to appear before it and present evidence establishing that he or she has not abandoned the use of the property as approved by the Board of Trustees and that he or she has the ability to complete the development of the property. In the event the Board of Trustees finds that the conditions which existed at the time of the approval of the application have changed so that reasonable questions exist regarding the property owner's ability and intention to comply with the application, it may withdraw its approval. Upon such rescission, all uses permitted by the application shall terminate at its discretion, and for good cause shown, the Board of Trustees

may extend the period of time for completion of construction and use of the property as provided in the application.

- (2) *By owner's action.* The owner of a property subject to a special review application may petition the Board of Trustees to rescind its approval of the special review application pertaining to his or her property or any part thereof. Such petition shall be signed and filed with the Town Clerk in the number and within the time provided in this Chapter for special review applications. The petition shall be submitted to the Planning Commission for its consideration. The Planning Commission shall then consider the petition and submit its recommendation to the Board of Trustees. The Board of Trustees shall then consider the petition and determine whether or not to grant the same. If the petition is granted, the Board of Trustees shall rescind its approval of the subject special review application as to the property described in the petition.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000)

SPECIAL REVIEW/VARIANCE APPLICATION

Name Frederick Zimmer Application Date 10/25/18
Property Address 397 Clark Ave P&Z Hearing Date 1.15.19
Telephone Number [REDACTED] Council Hearing Date 1.22.19

Cancelled
to be
rescheduled

11.01 Intent. Each established zoning district is intended for a specific type or category of land use (e.g., single family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a district depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this chapter to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

11.02: When Allowed. Within each zoning district, certain land uses are permitted by right, by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning and Zoning Commission and approval by the Town Board.

11.03: Site Plan and Supporting Documents. There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Manager. The site plan shall be drawn in black ink on Mylar. Following approval by the Town Board the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records.

The special review application shall include the following:

- The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- A legal description of the property, which may require a survey.
- A list of the names and addresses of all property owners within 200 ft. of the property.
- All off-street parking and loading areas.
- The location of all ways for ingress and egress to all buildings, and parking areas.
- Service and refuse collection areas.
- Major screening proposals.
- The size, shape, height and character of all signs.
- The area and location of all open space and recreation areas.
- The location and type of outdoor lighting.
- The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- The anticipated timetable for completion. If the project is to be completed in phases, then the data for completion of each phase shall be indicated.

- All owners and lien-holders of the property shall sign the following agreement that will be placed on the original special review site plan.
- Home Owner's association Written plan approval (if applicable)

The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia.

I. Site Plan

Any application for Special Review/Variance that includes a new structure or improvement to an existing structure will require a site plan. Plans may be hand drawn, but must be clearly written with accurate measurements indicated. The Site Plan may be submitted as two separate drawings or one drawing with an overlay.

II. Project Summary

Please answer only the questions that apply to your Special Review/Variance request. Any additional information, which would be beneficial in the consideration, may be noted in the "Comments" section.

- a. Reason for Special Review/Variance Tenants would like to be able to hold workshops in the existing space as well as manufacture/ fabricate & sell wholesale & retail the pottery they make
- b. Current Zoning of Property I-1
- c. What land boundary changes are necessary? None
- d. What addition/changes to existing buildings/structures will be made? None
- e. What new buildings/structures will be constructed? None
- f. What additions/changes in utilities will be necessary? Include water, sewer, gas, and electric. None
- g. Will property have Commercial/Private or Public Use? Commercial and Public
- h. Anticipated traffic flow and volume? 5 to 8 vehicles per week. This is not an increase in traffic flow

- i. Detail the Safety and Disabled Access accommodations? All entrances AND restrooms are handicap accessible
- j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. As stated this request does not create any changes to the functioning of the building.

Comments: This application is to accommodate Elsewhere Studio's pottery studio.

III. Public Notice Requirements

All property owners within 200 feet of the property being reviewed shall be notified via certified mail of a public hearing whereby the Planning and Zoning Commission shall consider this application. It is incumbent upon the applicant to request the names of the property owners from the Delta County GIS Department (970-874-2119). Please have the GIS e-mail the information to **Corinne@townofpaonia.com**. Applications for Special Review shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Planning and Zoning Commission. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.

IV. Acknowledgement to Pay Fees

This application must be completed and a fee of **\$250.00** is assessed to include preliminary costs of administrative services, initial correspondence, publication and certified mailings to property owners within 200 feet of said property. **Payment must accompany this application.**

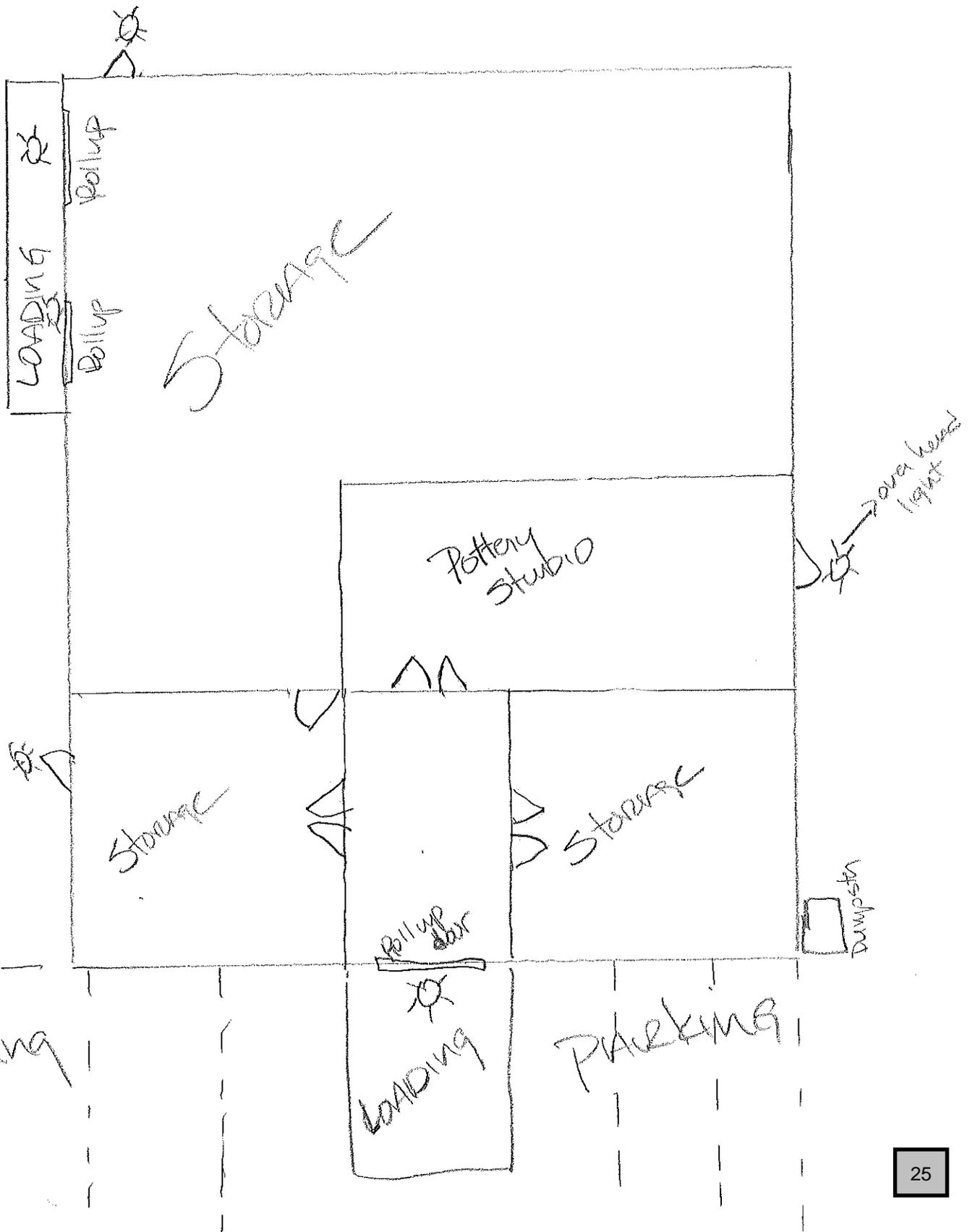
FEES PAID HEREUNDER ARE NON-REFUNDABLE UPON SIGNING

By signing below, I acknowledge that I will be billed for any overages of costs incurred for this Special Review/Variance. I am aware that upon acceptance of the Special Review/Variance by the Planning and Zoning Commission, a building permit must be applied and approved by the Building Inspector, if applicable.

SIGNED FR Zimmer

PRINTED NAME Frederick Zimmer DATE: 12/13/18

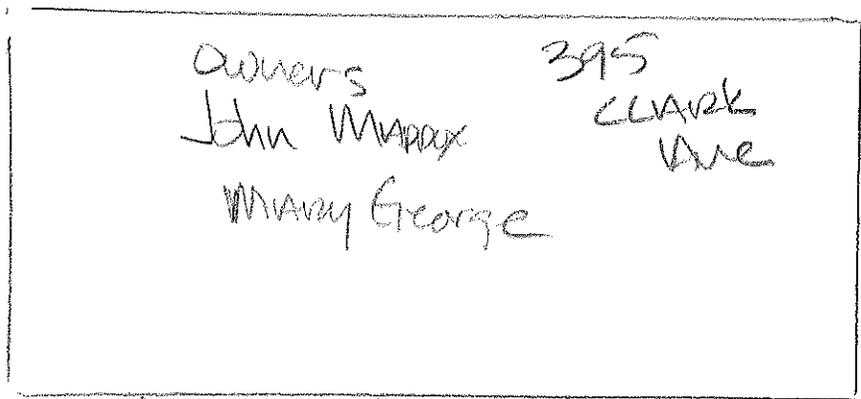
Clerks Acceptance [Signature] DATE 12.13.18
per KK.



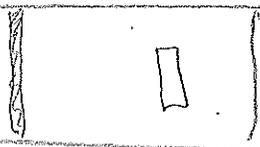
Clark Ave



Parking

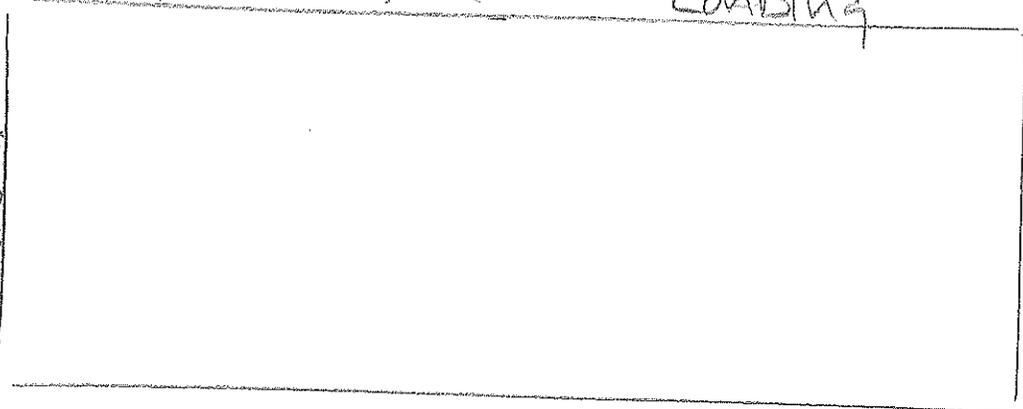


Parking

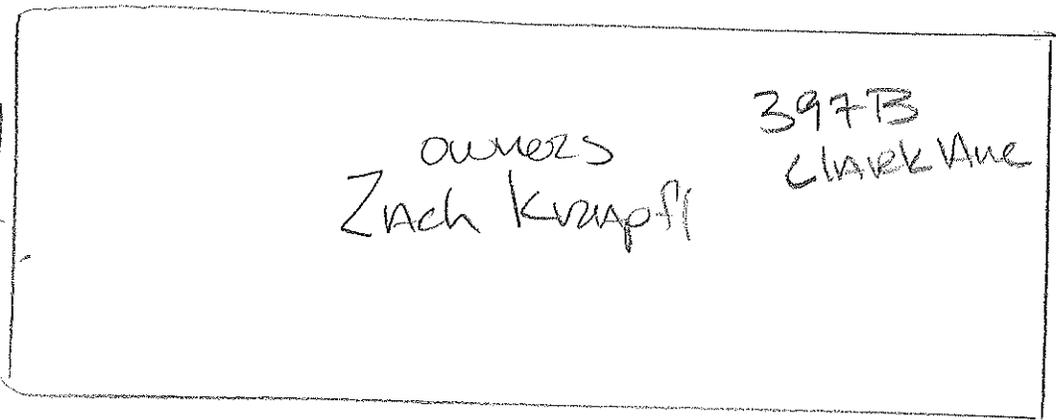


LOADING

Parking
LOADING



Parking



Minnesota Ave

PARKING

Corinne Ferguson

From: Lyn Howe <wordpress@www.townofpaonia.com>
Sent: Wednesday, January 9, 2019 7:05 PM
To: Corinne Ferguson
Subject: Contact from TownofPaonia.com

Name: Lyn Howe

Email: [REDACTED]

Comment or Question: Regarding the special use permit for Frederick Zimmer and home occupancy permit for Dave Knutson I received via registered mail, I have no concerns and would support the council to approve them.

Thank you

Lyn Howe

[REDACTED]

Paonia

Time: January 9, 2019 at 7:04 pm

IP Address: 209.206.68.110

Contact Form URL: <http://www.townofpaonia.com/contact/>

Sent by an unverified visitor to your site.

AGENDA SUMMARY FORM

Agenda Item # CALL 	Adjournment		
Summary: Meeting opening -			
Empty space for summary content			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		
Empty space for additional notes			