



**TOWN OF PAONIA**  
**WEDNESDAY, MARCH 06, 2019**  
**PLANNING COMMISSION MEETING AGENDA**  
**6:00 PM**

**Call to Order**

**Roll Call**

1. Planning Roll Call

**Approval of Agenda**

2. Agenda Approval

**Unfinished Business**

3. Minutes – February 5, 2019
4. Special Use Permit – Zimmer – 397 Clark Avenue #A

**Adjournment**

5. Adjournment

AGENDA SUMMARY FORM

Agenda Item # CALL


Planning Roll Call



Summary:  
Meeting opening -

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

AGENDA SUMMARY FORM

Agenda Item # CALL 	Agenda Approval		
Summary: Meeting opening -			
Vote:	Barb Heck:	Bill Bear:	Monica Foguth:
Lucy Hunter:	Charles Stewart:		

AGENDA SUMMARY FORM

Agenda Item # CALL

Minutes – February 5, 2019



Summary:  
Meeting opening -

Large empty rectangular area for the meeting summary.

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

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**Minutes**  
**Planning Commission Regular Meeting**  
**Town of Paonia, Colorado**  
**February 5, 2019**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Planning Commission held Tuesday, February 5, 2019, was called to order at 6:30 PM by Chairperson Barbara Heck, followed by the Pledge of Allegiance.

Roll Call:

Commission members present were as follows:

Barbara Heck  
Lucy Hunter  
Bill Bear  
Charles Stewart  
Monica Foguth

Town Staff present were as follows:

Administrator Ken Knight  
Town Clerk Corinne Ferguson  
Deputy Clerk Amanda Mojarro

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

**Approval of Agenda**

Motion by Mr. Stewart, supported by Chairperson Barb Heck to approve the agenda as presented. Motion carried unanimously.

**Unfinished Business**

**Minutes – January 15, 2019**

Motion by Mr. Bear, supported by Mr. Stewart to accept the planning commission minutes for – January 15, 2019, as presented. Motion carried unanimously.

**Unfinished Business**

**Minutes – January 15, 2019**

Motion by Mr. Bear, supported by Mr. Stewart to accept the planning commission minutes for – January 15, 2019, as presented. Motion carried unanimously.

**Home Occupancy Permit – Knuston – 401 Vista Drive**

Chairperson Barbara Heck opened the meeting to discuss Mr. Knutson's home occupancy permit for 401 Vista Dr.

Administrator Knight read the administrator notes to the planning commission there were (2) two positive (0) zero negative comments regarding Mr. Knutson's home occupancy permit. The application was received in a timely manner, fees were all paid, publication and notices were all met by Mr. Knutson. Mr. Knight communicated that staff reviewed Mr. Knutson's application, there were no issues.

Discussion ensued concerns with Mr. Knutson's home occupancy permit for his Human resource consulting and executive business at 401 Vista Drive use for office space and client meetings.

Points of Concern:

- Parking
- Hiring an Employee
- Outside wall mounted business sign

Motion by Ms. Hunter, supported by Mr. Bear to approve with Recommendation to approve Mr. Knutson's Home Occupancy Permit for 401 Vista Drive, by the Town Board.

### **Special Use Permit - Zimmer - 397 Clark Avenue # A**

Chairperson Barbara Heck continued with next business item, Mr. Zimmer's special use permit to manufacture pottery at - 397 Clark Avenue # A.

Administrator Knight read off the administrator notes to the planning commission regarding Mr. Zimmer's special use permit for making pottery at 397 Clark Avenue # A. Informing that there were (0) zero complaints and (0) zero comments.

Mr. Zimmer was absent, and no one was there to represent for the meeting. Town Clerk Corinne Ferguson contacted Mr. Zimmer to inform him about the meeting. It was asked by Mrs. Ferguson to continue the meeting in his absence, Mr. Zimmer responded that he was comfortable to continue.

Discussion ensued about how manufacturing pottery would have an impact on the surrounding neighborhood.

Discussion points:

- Multiple uses not just manufacturing
- Requesting to sale as retail
- Noise while manufacturing pottery
- Water pollution
- Traffic and Parking

Public discussion ensued of the health and safety impact regarding Mr. Zimmer's special permit use for the manufacturing of pottery. With (1) one Aye and (2) Nays

Public discussion point:

- Expanding of gas kilns to the outside
- The need for a clay trap
- Gas fumes from the metals and powders that come from the manufacturing of pottery

Traffic flow was a considerable discussion point, Chairperson Barb Heck requested the (2) two meeting minutes for Silver Leaf on what the board approved regarding traffic flow.

Mr. Knight informed the planning committee about the cease and desist order that was sent to Mr. Zimmer regarding the manufacturing of pottery at 397 Clark Avenue # A, last (2018) year. Since then there has been no known manufacturing of the pottery.

Discussion ensued with much deliberation regarding Mr. Zimmer's special use permit for manufacturing pottery at 397 Clark Avenue # A, concluded that Mr. Zimmer's presence is essential in clarifying the manufacturing pottery process.

Motion by Mr. Bear, supported by Mr. Stewart to continue to another date. Motion carried with (1) One Nay and (4) Four Ayes.

Public Notice meeting for March 06, 2019, posting requirements, meeting the timeline of the (15) fifteen days and fees must be met and paid in full by Mr. Zimmer.

### **Adjournment**

Motion by Ms. Hunter supported by Mr. Bear to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Ms. Heck at 7:16 pm


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Amanda Mojarro, Deputy Clerk

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Barbara Heck, Chairperson

AGENDA SUMMARY FORM

<p>Agenda Item # CALL</p> 	<p>Special Use Permit – Zimmer – 397 Clark Avenue #A</p>
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Summary:  
Meeting opening – Continued from PC meeting 2/5/2019

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 for the rescheduled hearing in the amount of \$151.25 has not been paid (as of 3/4/19).  
All publication and posting requirements were met.

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



## 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.**

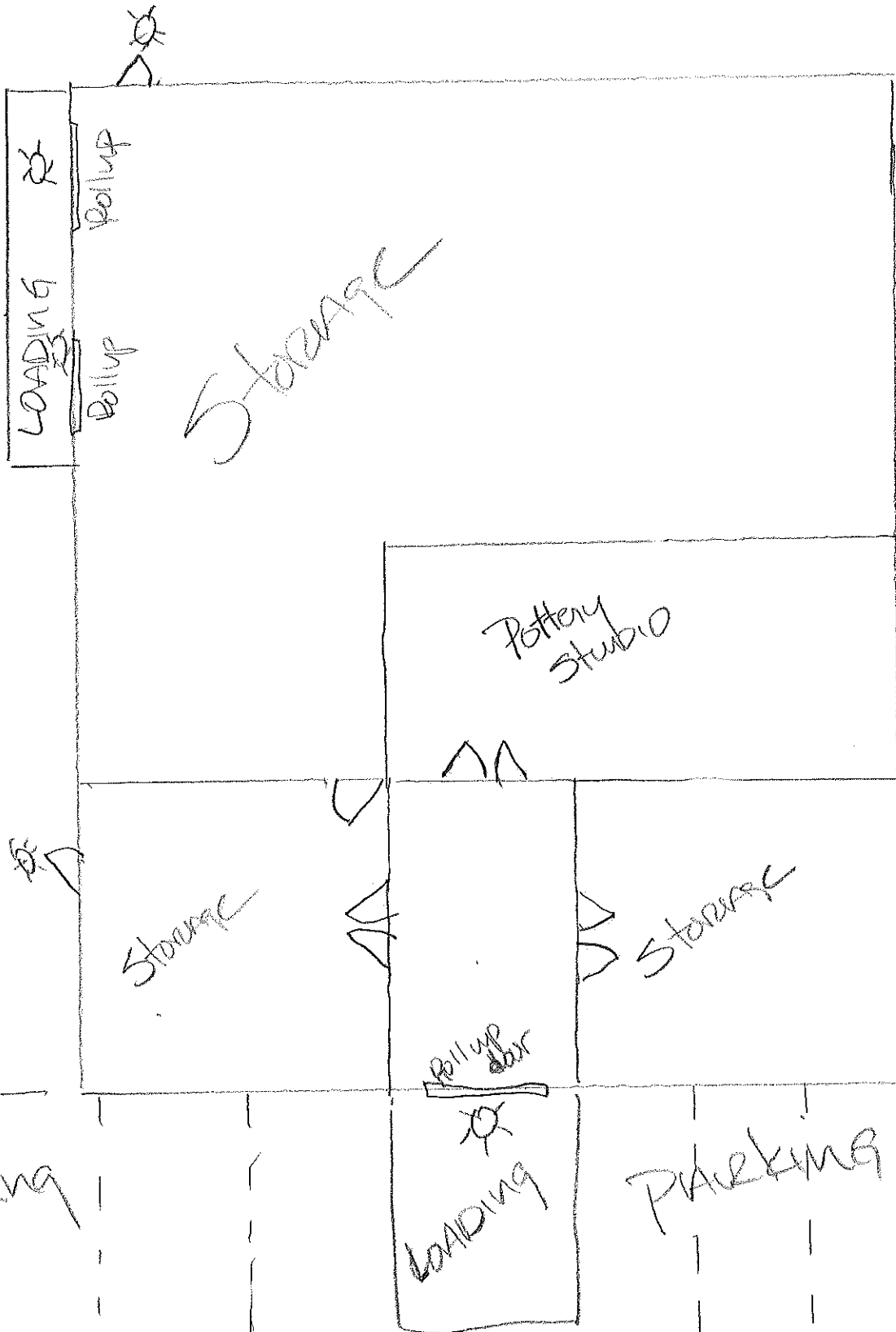
**FEES PAID HEREUNDER ARE NON-REFUNDABLE UPON SIGNING**

**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.



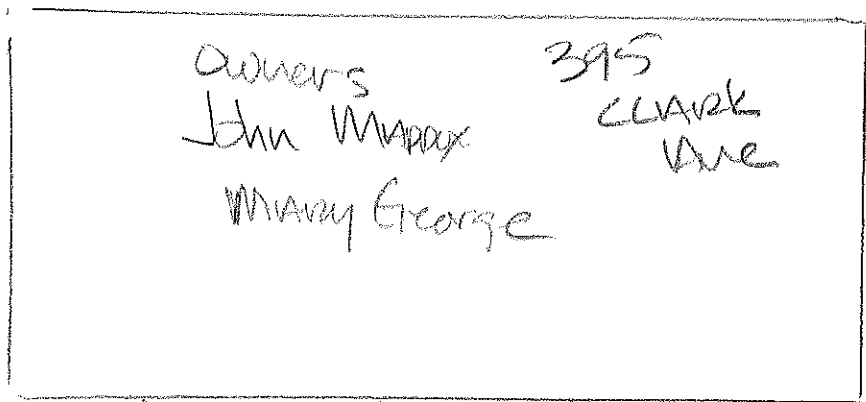
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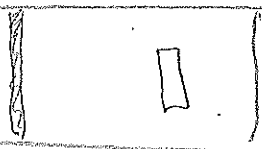
Clark Ave



Parking

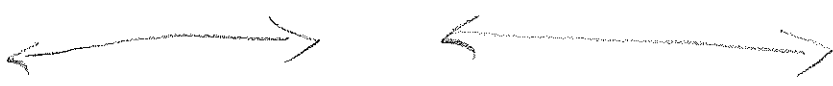
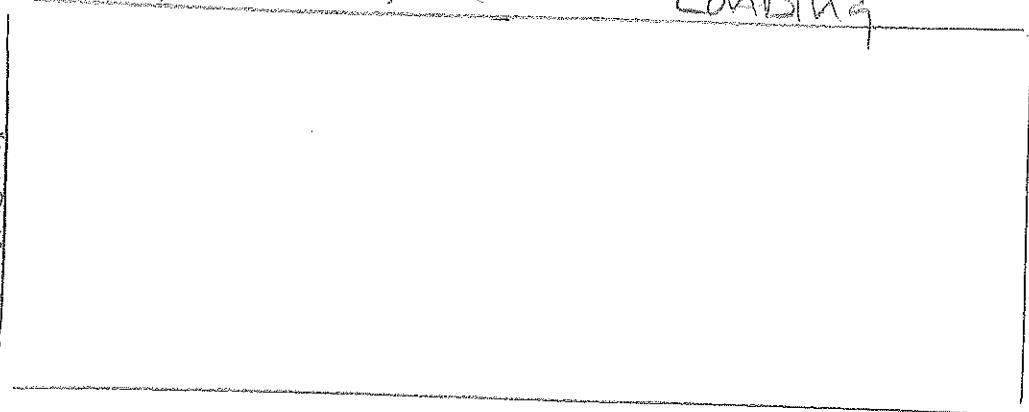


Parking

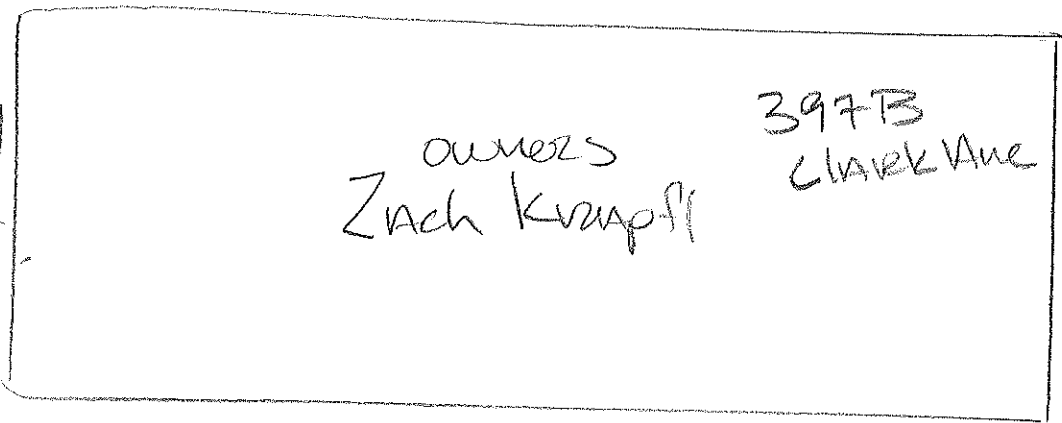


LOADING

Parking  
LOADING



Parking



Parking

DRIVE

Minnesota Ave

PARKING

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 February 13th, A.D., 2019, and that the last publication of said notice was in the issue of said newspaper dated February 20th, A.D., 2019.

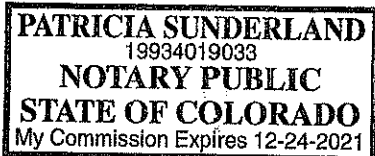
In witness whereof I have hereunto set my hand this 20th day of February, A.D., 2019.

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 20th day of February, A.D., 2019.

  
Notary Public

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



**NOTICE OF PUBLIC HEARING CONTINUANCE**  
In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning Commission will hold a public meeting on Wednesday, March 6, 2019 on or after 6:00PM 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  
In compliance with the Municipal Code of the Town of Paonia, Colorado, the Board of Trustees will hold a public meeting on Tuesday, March 12, 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:  
**Special Use Permit for Frederick Zimmer:**  
397 Clark Avenue #A, 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 March 1, 2019.  
Published in the Delta County Independent February 13 and 20, 2019.

DELTA COUNTY

# INDEPENDENT

P.O. Box 809  
401 Meeker St.  
Delta, CO 81416  
(970) 874-4421

## INVOICE

Paonia, Town of  
PO Box 460  
Paonia, CO 81428

**AD CAPTION: Planning Commission Zimmer**

DATE	LINES	RATE	COST
February 13, 2019			
February 20, 2019	36	.608	21.89

This amount will appear on your next monthly statement.

Thank you!

MEMBER

COLORADO  
**PRESS**  
ASSOCIATION

**Legal Deadline is Monday at 10:00 a.m.**

## Corinne Ferguson

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**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

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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.



February 19, 2019

Board of Trustees, Town of Paonia  
P.O. Box 460  
Paonia, Colorado 81428

RE: Special Review Application – 395 Clark Avenue #A;  
Six Month Review

Dear Trustees:

I represent Mr. Cowell and Ms. West concerning the Edesia special use review of the warehouse property accessed by Clark Avenue. On January 22, 2019, the Trustees by motion requested Mr. Knight to meet with both parties to discuss possible solutions and report back to the Trustees on February 26, 2019.

After not hearing from Mr. Knight, undersigned sent an email to Mr. Knight on February 13, 2019, inquiring when the meeting would be held. Mr. Knight responded right away that he was working on it. On February 19, 2019, Mr. Knight let the parties know that he would be unable to conduct a meeting prior to February 26, 2019.


Since Mr. Knight has not had an opportunity to hold a meeting between my clients and Ms. George, my clients request that the six month review of the Edesia special uses be continued until March 6, 2019.

Sincerely,

Carol A. Viner

cc: clients

AGENDA SUMMARY FORM

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