

MEETING DATE: Monday, July 31, 2006
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Bavaria, Biglow, Cabe, Smith, Wikoff, Stephens, MacDonald

Absent: Lau

AGENDA SECTION:

I. CALL TO ORDER BY CHAIRPERSON Bavaria - 6:02 PM

II. APPROVAL OF THE MINUTES –June 26, 2006

- 1. Smith** made a motion to approve the minutes as written
Cabe seconded the motion. All voters were unanimous and the motion carried.

III. UNSCHEDULED CITIZENS

None

IV. AMENDMENTS TO AGENDA

Bavaria made a motion to move the Ridley Conditional Use application to item #1 on the public hearing agenda. **Cabe** seconded the motion. All voters were unanimous and the motion carried.

V. PUBLIC HEARINGS

- 1. Ridley Conditional Use – 7537 W. Highway 50** – The request is to be granted a conditional use for the existing residence at 7537 W. Highway 50 located in the Commercial (C-1) zone district. In a C-1 zone district, the proposed use is conditional.
 - A. Open Public Hearing – 6:05 p.m.**
 - B. Staff Review of Application – MacDonald** summarized the staff report by stating the applicant would like to get approval for their existing home in a C-1 zone district. Although the home already exists on the site, the applicant feels it would be helpful to have the conditional use approval to clarify any potential issues lenders may have in providing a mortgage for a home in a commercial zone. If the residence were destroyed today, it could be rebuilt as a matter of right without this approval.

The site is unique in that it does not have any street frontage. The applicants can currently use an easement across 7535 Hwy 50 but CDOT has told them that if the site develops further that they will have to find a way to access off of Vesta Road rather than Hwy 50.

The existing house conforms to setbacks and other than the access issue, complies with the dimensional requirements of the zoning. Staff has found that the residence does conform with all of the review standards and recommends approval of the application as presented.

- C. Applicant's Presentation – Dennis Ridley, 354 E. Sackett Street,** stated that he would like to clear up the use for future mortgage lending when they sell the property. **Smith** asked what is located at 7535 Hwy 50 and **Ridley** stated it is an antique store. He explained that they have access to Hwy 50 across this property until such time as the either property redevelops. When either property redevelops the access must be moved to Vesta Road. The house is currently being rented.
- D. Public Input** – There was no public input.
- E. Close Public Hearing – 6:09 pm**
- F. Commission Discussion – Bavaria** stated that this approval seems like a technicality for an existing use.
- G. Commission Action - Cabe** made a motion to accept the recommended findings and take the recommended action. **Smith** seconded the motion. All were in favor so passed unanimously.

- 2. Salazar Conditional Use – 522 W. 2nd Street** - The request is to be granted a conditional use to conduct a home business within an accessory building associated with a single-family dwelling located in a Medium Density Residential (R-2) zone district at 522 W. 2nd Street. In an R-2 zone district, the proposed use is conditional.

- A. Open Public Hearing – 6:12 p.m.**
- B. Staff Review of Application – MacDonald** summarized the staff report by stating the applicant would like to operate a taxidermy business in the sheds in his backyard. His home is located in a residential neighborhood so the home business would be a conditional use. He would like to preserve and mount birds, fish and the heads of larger game such as deer and elk. He would also like the ability to tan and mount full size larger animals.

Based on the comments of others more familiar with taxidermy it seems that the preservation of birds and fish is straightforward with little waste or potential for smells. There are no utilities to the shed and there is no freezer, so the amount of mammals and larger game that could be processed on the site is limited unless they were tanned elsewhere. The applicant would like the ability to tan game on his site and has stated that he would limit that to what he could process immediately using a non-chemical process.

The use would involve customers coming to the site by appointment to drop off and pick up products. Since the business would be conducted in the sheds off the alley it is likely that most of this activity would happen through the alley. The applicant has modified their backyard wood storage so that there is now space to park two cars tandem off the alley so a customer would be able to pull in and park and not block the alley.

The applicant is in the process of applying for a Federal Migratory Bird Taxidermy Permit from the US Fish & Wildlife Service which appears to be the only other permit required for this type of business.

Staff has found that the application meets the review standards for conditional uses and for home businesses in particular, however, admittedly, I do not know very much about this type of business and potential unintended consequences that may arise.

- C. Applicant's Presentation – James Salazar II, 522 W. 2nd Street, Bavaria** asked how long he has been doing taxidermy and **Salazar** explained that he graduated from taxidermy school in June and has been hunting his whole life. He described the non-chemical tanning process he would use that utilizes a tanning oil called “Liqui-Tan”. He would dispose of parts from smaller animals through normal trash collection if permitted and will make trips to the dump as necessary.

Biglow asked him to describe the process if a customer were to show up with a 1,700 lbs elk. **Salazar** described how he would skin it & either freeze the cape or start the tanning process immediately. He would not be processing the meat. **Stephens** asked if the Fish & Wildlife permit was the only permit required and what that covered. **Salazar** explained that it is for migratory birds and described the process for taxidermy of a bird or fish. **Stephens** asked how messy the process is and it was explained that it is not that messy if you remove the whole body with the entrails inside. **Salazar** explained that there will not be a health hazard and that he will lay newspaper under the work area that will be disposed of and will then clean with bleach, Lysol or a similar product. Water for cleaning is available from the house for cleaning. **Salazar's** parents, who also live at the residence, explained that they are supportive of the business and are familiar with what is involved. **Bavaria** remains concerned about permitting the use in a residential zone.

- D. Public Input** – There was no public input. **Mrs. Salazar** said she had spoken with the neighbors who came to the hearing on July 24, 2006 and that they lived across 2nd Street and were concerned about potential traffic impacts.

- E. Close Public Hearing – 6:26 pm**

F. Commission Discussion – Cabe thinks it is a question of volume. If there is only a few small animals a week then there likely won't be a problem, but if there is a high volume of large animals, it could be a problem. He suggested a conditional approval that would require a new review after a limited period of time, or if there were complaints, that we could limit the large animals. **Salazar** expects that most large animals would be shoulder mounts and that he can store a lot of capes and small animals in the chest freezer. There was discussion of the availability of this service in the area and of dealing with animal waste products. **Bavaria** asked how customers will come to the site and **Salazar** explained that it will be by appointment. **Wikoff** asked if there would be a sign and **Bavaria** explained that she had spoken with Eric Bergman of the Office of Smart Growth and he had offered to help the city research taxidermy in other communities if the application was continued.

G. Commission Action - Cabe made a motion to accept the recommended findings and take the recommended action and conditions with three additional conditions:

1. The applicant provide evidence of approval for a Federal Migratory Bird Taxidermy Permit from the U.S. Fish & Wildlife Service.
2. That the applicant may not conduct retail sales from the property.
3. That employees are limited to residents of the single-family home on the property.
4. That all tanning and taxidermy activities would be conducted inside of the accessory shed at the rear of the property.
5. That this conditional use approval expires in one (1) year from the date of its approval if condition #1 has not been met.
6. To reconsider the application and provide an opportunity for public comment 1 year from the approval date.
7. If there is a complaint by a neighbor, the application will be reconsidered by the Planning Commission.
8. Advertising should include the phone number for the business but not the address and any signs on the site will include the wording "by appointment only."

Biglow seconded the motion. All were in favor so passed unanimously.

3. **Jones Conditional Use – 1026 H Street** - The request is to be granted a conditional use to conduct a home business within an accessory building associated with a single-family dwelling located in a Medium Density Residential (R-2) zone district at 1026 'H' Street. In an R-2 zone district, the proposed use is conditional.

A. Open Public Hearing – 6:45 p.m.

- B. Staff Review of Application – MacDonald** summarized the staff report by stating the applicant would like to operate a picture framing business in her garage at her home. Her home is located in a residential neighborhood so the home business requires a conditional use approval. She would have customers come by appointment to her home to select the type of frame. The materials would then be ordered from a supplier and delivered to the site. The equipment in the garage would be used to assemble the frame and the customer would then return to collect their finished product.

A sales tax license is required for this type of business, however, since the applicant would be special ordering materials for each piece and then assembling them using specialized equipment, staff has found that the retail sale of the material is incidental to the primary business of creating the frame.

This type of home occupation should have limited traffic to the site, will be contained entirely indoors and should have limited impact on the surrounding neighborhood. Staff has found that the application meets the review standards for conditional uses and for home businesses in particular.

- C. Applicant's Presentation – Kelley Jones, 1026 'H' Street**, stated that she would like to operate this as a part-time business and that she will be working at the high school as a teacher. This would be a hobby to supplement her income. Her parents were in the framing business and are retiring and she would be getting the equipment from them. **Bavaria** asked if she would be manufacturing frames and **Jones** answered that she would not; she would have a mat cutter and glass cutter but would order the moulding pre-cut to size.

- D. Public Input – Paula Schirmer, 1015 'I' Street**, stated that the Jones' are good neighbors, but that they do not want commercial businesses that bring traffic to the neighborhood. She feels there are plenty of rentals available downtown or on the highway that are appropriate for businesses. She objects to the neighborhood changing and feels this will open the door to new businesses and that it sounds like a manufacturing use that belongs in an industrial district. She feels that residents should have an expectation of what residential neighborhoods should be like. It was noted that any traffic would be generated on H Street and not in the alley.

Sharon Ingrahan, 945 'I' Street, stated that it is a nice quiet neighborhood, that she is concerned about traffic and impacts in the alley and that they do not need commercial businesses in the neighborhood. **Susan Wilson, Riverside Framing Co**, feels that allowing businesses in residential zones is unfair competition because it is more expensive to operate in a commercial district. The city should encourage people to come downtown for business. She also noted that there is noise associated with the saw for moulding.

E. Close Public Hearing – 7:00 pm

F. Commission Discussion – Biglow was glad to hear Susan's comments because he feels that the subject of home businesses is touchy because of concerns that they grow into larger operations and because they do not pay commercial rates for sewer and water. **Bavaria** likes home businesses for people who want to supplement their income. **Stephens** asked about the construction of the garage which is wood-framed, insulated and heated. **Jones** stated that she understands the concerns of the neighbors, but that the traffic should not affect them because customers would come from H Street, not the alley. **Stephens** asked about how much material would be delivered and it was explained that orders would be on a case-by-case basis and that the moulding would be pre-cut so the packages would be small in size. **Jones** explained that he will not function as a retail store and will not have stock frames or art for sale. Advertising would be possibly through the Mountain Mail and by word of mouth. She sees the activity more as a hobby.

Bavaria wants to keep young people and young families in the community and supplemental income will help them stay here. **Stephens** agrees and does not see how this business would be a burden to the neighborhood or cause additional impact. **Bavaria** is not sure that it is the Commission's task to protect existing businesses from competition. **Cabe** agreed and stated that the character of the two businesses will be different. It is a policy question that the Commission should consider at some point. He described the frame business as the quintessential zero impact small business. **Bavaria** suggested adding the same condition regarding advertising that was proposed for the Salazar application. **Jones** stated that she plans to get the business started next summer and that she would be willing to come back to the Commission for a review after she has been open for a few months. **Chris Schirmer** suggested that the application should be reviewed after a year and **Paula Schirmer** reiterated that she is concerned about the proliferation of businesses in the neighborhood.

G. Commission Action - Stephens made a motion to accept the recommended findings and take the recommended action with two additional conditions:

1. That employees are limited to residents of the single-family home on the property.
2. That this conditional use approval expires in three (3) years from the date of its approval if the business has not been opened at the site.
3. Advertising should include the phone number for the business but not the address and any signs on the site will include the wording "by appointment only."
4. To reconsider the application and provide an opportunity for public comment at the August 2007 meeting of the Planning Commission.

Cabe seconded the motion. All were in favor so passed unanimously.

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

None

VIII. COMMISSIONER'S COMMENTS:

Cabe commented that he thinks the question of commercial in residential neighborhoods is worth further discussion. **Biglow** suggested a business license. **Smith** noted that the Assessor's office does assess the square footage used for business at the higher business rate. **Cabe** noted that they would also have to pay personal property tax. **Smith** feels that the backyard businesses are valuable as incubators and **Bavaria** agreed. There was discussion that if these businesses grow they will likely seek larger commercial space but that they may not have the capital or want to risk starting off with a larger business. **MacDonald** noted that there are size limitations for home businesses built into the code such as only using 30% of the building for business and limiting the number of employees.

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at 7:30 pm.