



STAFF REPORT

MEETING DATE: February 22, 2021

AGENDA ITEM TITLE: Mossman Conditional Use Application – 747 G Street

AGENDA SECTION: Public Hearing

REQUEST:

The request is for a conditional use to conduct a home business (skin care business) within a primary structure single-family dwelling located in a Medium Density Residential (R-2) zone district at 747 G Street. In an R-2 zone district, the proposed use is conditional.

APPLICANT:

The applicant is Peter Mossman,
747 G Street, Salida, CO 81201.

LOCATION:

The subject property is described as Lots 14, and 15, Block 91, Haskell's Addition to the City of Salida, Chaffee County, Colorado. This property is also known as 747 G Street.

PROCESS:

Conditional Uses are those land uses which are generally compatible with the permitted uses in a zone district, but require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts.



The Salida Municipal Code, Chapter 16, specifies that conditional uses be reviewed by the City of Salida Planning Commission at a public hearing after fifteen days public notice. The Planning Commission may make a decision to approve, approve with conditions, deny, or remand the application back to the applicant for modification.

At the time of conditional use approval, the Commission shall identify the time period for completion of the conditional use. In no case shall this time period exceed three (3) years from the date of approval.

OBSERVATIONS:

1. The property is located in the R-2 medium density residential zone district. Surrounding land uses are residential in character.
2. The property includes a single-family residence and two outdoor storage units along the alley.
3. The proposed conditional use is considered a home business, which is defined under the Land Use Code as, “the conduct of business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support, by residents of the dwelling and employees residing off-premises, which may serve patrons on the premises.”
4. The applicant is planning to conduct a skin care business within the primary residence on the property. The applicant would be the only employee and he would be working with one client at a time.
5. The applicant has stated that services will be only for one client at a time.
6. The applicant had a similar home business at home from approximately 2009 – 2011 and, as far as staff is aware, was in good standing with no known complaints from surrounding neighbors.

REVIEW STANDARDS [Section 16-4-110(d)]:

1. Consistency with Comprehensive Plan. The use shall be consistent with the City’s Comprehensive Plan.
 - The Comprehensive Plan does not specifically address home businesses but does discuss appropriate uses within different types of residential areas. The area the subject property is located within is considered medium-density residential. In the Salida Land Use Code, the purpose of the Medium-Density Residential (R-2) zone district, in addition to a variety of residential uses, is also to provide “... such supporting land uses as parks, schools, churches, *home occupations* or day care, *amongst other uses*.”
2. Conformance to Code. The use shall conform to all other applicable provisions of this Chapter, including, but not limited to:
 - a. Zoning District Standards. The purpose of the zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article IV.

An R-2 zone district allows for residential neighborhoods and supporting land uses. Currently there is a single family dwelling located on the lot. This existing structure meets the requirements of the R-2 zone district. The review standards for a home business are listed below:

- (1) Use Subordinate. The use of a dwelling for a home occupation or home business shall be clearly incidental and subordinate to its use for residential purposes and shall

not change its basic residential character. The use shall not exceed thirty percent (30%) of the total structure's square footage.

Applicant's Response: 132 square foot room used as a treatment room.

- The total square footage of the residence is 1242 sf, the use is approximately 11%, well below the allowable 30%. The applicant has not submitted a floor plan detailing where in the dwelling the business would take place, which will be required as part of the change of use building permit submitted to the County. The applicant will need to submit a floor plan showing where in the dwelling the business would take place and include that with the change of use building permit.

- (2) Activity Conducted Indoors. All on-site activities associated with a home occupation or home business shall be conducted indoors. Materials and equipment used in the home occupation or home business shall be stored in a building.

Applicant's Response: All services will be conducted indoors.

- This standard will be met.

- (3) Employment.

b. Home business. A home business shall be conducted by persons residing on the premises and no more than three (3) employees residing off-premises.

Applicant's Response: I am the only resident in the house and the only worker with no employees.

- This standard will be met.

- (3) Patrons. A home occupation shall not serve patrons on the premises. A home business may serve patrons on the premises, provided that all other standards of this Section are met.

Applicant's Response: Patrons/Clients will be served one at a time, with ample time between for sanitation.

- This standard will be met.

- (5) Parking. One (1) off-street parking space shall be required for each employee residing off-premises. These spaces shall be provided in addition to the parking required for the principal residential use of the property.

Applicant's Response: My house sits on the corner of 8th and G. I have plenty of parking space.

- The applicant technically has enough parking space accessible via the back of the property along 8th Street; however, as stated, the house is also on the corner of

8th and G with ample additional parking available along the curb for one client at a time. This standard will be met.

- (6) Sales. Incidental sale of supplies or products associated with the home occupation or home business shall be permitted on the premises. A home occupation or home business whose primary activity is retail sales shall be prohibited, except if the function of the home occupation or home business is catalogue sales. An appropriate sales tax license shall be obtained and maintained during the course of business.

Applicant's Response: I have a valid sales tax license (for incidental sales).

➤ This standard will be met.

- (7) Nuisance. A home occupation or home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.

Applicant's Response: Services will not cause a nuisance to neighbors and are limited to one client at a time.

➤ This standard will be met.

- (8) Codes. The building shall comply with all applicable City building, fire and safety codes for the particular business.

Applicant's Response: House is up to code. New electric in 2019.

➤ The applicant will be required to submit a building permit for a change of use for this home business.

- (9) Advertising. No outdoor advertising of the home occupation or home business shall be permitted, except as provided in Table 16-L of this Chapter.

Applicant's Response: There will be no advertising.

➤ Signs in residential zones are limited to 9 square feet and may not be illuminated. No sign permit is required so long as the total amount of sign area on the site is less than 9 square feet.

- b. Site Development Standards. The parking, landscaping, sign and improvements standards.

➤ There will be off-street parking in the backyard that can accommodate both the required space for the residence as well as a customer parking space.

3. Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.
 - The use would be contained entirely within the primary residence and would not affect the neighbors. It is anticipated that the customers would arrive in the driveway or in the street adjacent to the property. By limiting the hours of operation and number of clientele that can be served, the Planning Commission can ensure that there will not be traffic or disturbance that is inappropriate to a residential neighborhood.
4. Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.
 - There are no parking restrictions on 8th Street or G Street. By serving only one client at a time, there should not be any negative impact on traffic in the area.
5. Nuisance. The operating characteristics of the use shall not create a nuisance, and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare and similar conditions.
 - As discussed above, the home business should not cause any nuisances.
6. Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.
 - Adequate public facilities will be in place to serve the proposed use.
7. Environment. The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.
 - No adverse impacts to the environment are anticipated.

AGENCY REVIEW COMMENTS:

Assistant Fire Chief, Kathy Rohrich: No concerns.

Police Chief, Russ Johnson: No concerns.

Public Works, Director, David Lady: No concerns.

SUMMARY OF PUBLIC COMMENTS:

All comments received by the time this report was completed were in support of conditional use approval. One neighbor did note that she preferred that the applicant not have any signage.

REQUIRED ACTIONS BY THE COMMISSION:

1. The Commission shall confirm that adequate notice was provided and a fee paid.
2. The Commission shall conduct a public hearing.
3. The Commission shall make findings regarding the proposed use in order to ensure the use is consistent with the Comprehensive Plan, conforms to the Land Use Code, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment.

RECOMMENDED FINDINGS:

1. This application is consistent with the Comprehensive Plan, the Land Use Code and the surrounding neighborhood.
2. The applicable review criteria for a home business have been met with the recommended conditions of approval.
3. The applicable review criteria for all Conditional Use applications have been met.

RECOMMENDED ACTION:

Based on the above findings, staff recommends APPROVAL for the conditional use request to conduct a home business within the primary residence in a Medium Density Residential (R-2) zone district at 747 G Street, subject to the following conditions:

1. *Hours of operation of the business shall be limited to 10:00 a.m. – 7:00 p.m. daily.*
2. *The business shall not serve more than one customer at a time on the property.*
3. *The home business is approved for operation by the current applicant only and will not transfer with the property.*
4. *This conditional use approval expires in one (1) year from the date of its approval if the business operations have not begun.*
5. *The application will be reviewed in one (1) year if the city has received any complaints regarding operation of the business.*
6. *The applicant shall apply for a building permit for a change of use prior to operating any home business from this residence. The applicant will need to submit a floor plan showing where in the dwelling the business would take place and include that with the change of use.*
7. *Approval of this conditional use does not waive any permit requirements or licensing needed to operate this business.*

RECOMMENDED MOTION:

That the recommended findings be made and the recommended action be taken.

BECAUSE THIS APPLICATION IS FOR A CONDITIONAL USE, THE SALIDA PLANNING COMMISSION SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. THE DECISION OF THE PLANNING COMMISSION MAY BE APPEALED WITHIN 15 DAYS OF THE DECISION BY AN AGGRIEVED PERSON AS SET FORTH IN SECTION 16-2-70 OF THE LAND USE CODE.

Attachments: Proof of Publication
Application
Written Response
Public Comments