

**Planning and Zoning Commission Work Session Minutes
February 18, 2021
Conference Room 1A & 1B - 1st Floor City Hall**

I. Call to Order

Commissioners Present - Burns, Carroll, Geuea Jones, Loe, McMann, Rushing, Stanton,
and Toohey

Commissioners Absent – Russell

Staff Present – Smith, Teddy, Kelley, Thompson, and Zenner.

II. Introductions

III. Approval of Agenda

Meeting Agenda adopted as presented unanimously.

IV. Approval of Minutes

February 4, 2021 work session minutes were adopted as presented unanimously.

V. New Business

Unified Development Code Text Amendment Project - Zoning

Mr. Zenner provided a summary of where they were in terms of accomplishing this task. He said they would go over two additional topics at this meeting and then come back at the March 18th work session with a batch of revisions for a potential end of April public hearing. He said they anticipated reaching out to constituents on potential amendments for feedback and would need to advertise accordingly. He said they had learned in the last round of code revisions to right-size the batch of amendments so that they weren't overwhelming for the public and Council to get through and comment upon. He thought the conclusion of this meeting's topics would end-cap a digestible package of amendments, with future phases to come.

Mr. Zenner said at the March 4 work session meeting they would review the Commission's powers and responsibilities related to conditional use permits and planned development approvals and their enabling legislation in regards to attendance. He anticipated the Law Department would be involved in the discussion.

Mr. Kelley reviewed the artisan industry code amendments provided for review by the Commission. He went over the intent of the revisions. He said the use was incorporated into the UDC without use-specific standards, which was interesting given the use was permitted in the M-N zone, thus bringing some manufacturing and light industrial types of uses into the neighborhood level commercial district. He said the intent was to encourage the use but to right-size and right scale it in zones as applicable to the intent of each zone in which it is permitted. He said they had reviewed and provided for Commission review information from ReCast City which was a collaboration undertaken by the Business Loop CID and national experts

in their pursuit of promoting maker spaces within their district. The report had information on basing regulations on scale and tying them less to the types of tools that are used in the artisan industry. This is what staff was looking at with this amendment, loosening the definitions in terms of mechanism (human or otherwise) and tools and instead focusing on intensity and scale of operations. The intent was to balance restrictions.

Mr. Kelley also discussed state definitions of breweries and distilleries. The Commission discussed state-wide laws and the pros and cons of how state laws may be applied in local regulations. Mr. Keeley said they had used the information and additional research for guidance in terms of which zones a certain scale of artisan business may be appropriate. Research suggested that at over 15,000 square feet such operations would be better suited in the IG (Industrial) zone due to potential hazardous materials and the by-products of success such as larger amounts of shipping and receiving, etc.

There was discussion on regulations the Orr Street Studios in the North Arts Village Arts District had self-imposed upon their members in terms of activities and by-products that were seen to have negative impacts on those in a shared space. There was discussion on the types of restrictions imposed on glass-making, kilns, metalwork, sculpting and other activities. Safety plans and insurance considerations were also discussed by the Commission. Staff was to be provided with the specific use restrictions imposed on tenants of the Orr Street Studios for review and possible tailoring for inclusion within the final proposed amendment.

There was a need, Commissioners identified, to look at the light industry sections and definitions in terms of noxious and hazardous materials, and how hazardous materials are defined and used throughout the Code of Ordinances. It was described that small amounts of hazardous materials, such as in jewelry making, may be appropriate but that this type of consideration tied directly back to the discussion on limiting scale in certain zones. At some point there is a difference between a mass production of goods and artisan-level production.

Mr. Zenner discussed how the regulations, as common with zoning regulations, would likely be largely complaint-driven. There was discussion on how and where the line should be drawn in terms of activities and scale and the zones specific use types should go into. There was a slippery slope when mechanization is introduced. 3-D printing was discussed.

There was discussion that it would be complicated to capture all types of activities and tools in the definition so that they should be broad but also consider classes of activities. There may need to be a step 1 versus a step 2 or tier 1 tier 2 of types with corresponding regulations. There was further discussion that State definitions may be problematic or need to be considered critically.

Alcohol was defined as a hazardous material, yet the intent here wasn't to prohibit distilleries in the artisan industries use, just mitigate and balance risks. There also needed to be care not to regulate anything in the City's zoning ordinance that was addressed by State licensing requirements and focus more on the land use related considerations zoning is intended to regulate.

There was further discussion on zoning code tools, such as the conditional use permit process, to allow a variety of activities by right but if something more intensive was desired that it would

go through a CUP review process so that the review would permit opportunity to address and mitigate/condition potential issues. Related to this issue, the Commission suggested that staff look at information from the City of Colorado Springs and a joint NAFTA and DOT document that offers guidance on activities and accident likelihood and prevention activities.

Mr. Kelley described research from some cities that have two categories of artisan industries. He stated that his research identified the potential to create regulations applicable to businesses related to food and beverages which are more permissive and those related to manufacturing/sculpting/welding (etc.) which have more restrictive standards.

Mr. Zenner said they should also review the live/work use in the code to see how it relates/fits in/overlaps. He said people start breweries in their garages and that a lot of small-scale manufacturing is begun in small spaces.

Additional discussions on how scale was tied to volume, mass production and regulations were discussed, including local examples at Orr Street Studios and local artisans. Mr. Kelley responded to a question that the state laws had definitions for microbreweries but not micro distilleries.

There was additional discussion on the role of State regulations/licensing, the City's business licensing, and the use of the zoning ordinance. The intent was to protect the characteristics of each zone, and fit the uses within. There was additional discussion, with general consensus to lean more on scale than mechanism. There was discussion to reach out to stakeholders, especially the CIDs and businesses which may be regulated. Mr. Zenner and Mr. Kelley said this was part of the plan. They just needed to bring the topic to the Commission first and get general direction so that they could then engage stakeholders. Mr. Zenner said that was the intent of having a break in the schedule before coming back with the package of revisions, to have stakeholder input time.

There was additional discussion to look at building codes for live/work situations. Mr. Kelley said they had discussed artisan industry elements with the BSD staff and its relationship to the building code, but they identified the need to review live/work as well. There was discussion to start the regulations tighter then work with stakeholders on smaller aspects that could be expanded. For a two tier set of regulations, some Commissioners recommended dropping to 10,000 square feet as the max size without a CUP on more intensive activities. That would then encourage businesses seeking expansion due to success to either go to a district that allows more intensity, or to go through the City process and work out details with the neighbors. The guidance documents that had been discussed should also be used to identify triggers for hazardous materials in terms of quantities or qualities.

Mr. Kelley thanked the Commissioners for provided the input on the artisan industry amendment and noted he had a good understanding of where to begin with making revisions. He stated he looked forward to reviewing the documents discussed and would come back with a modified amendment for the March 18 meeting. Mr. Zenner stated that since there were no additional comments the meeting could now transition to Ms. Smith's presentation.

Ms. Smith reviewed revisions to the definitions of Office, Personal Services and Physical Fitness Centers. She said the revisions were proposed to provide additional clarity based upon some

business models that had come through on business license requests and general clean up needs in the definitions.

For example, there was a redundancy that the code said all office uses were permitted in the personal services definition, which was redundant because the office use was already permitted in any zone personal services were permitted whether it was explicitly called out or not. There was review and general discussion by the Commission of the proposed revisions. The distinction between those providing massages that were not licensed physical therapists, versus LPTs, was discussed. LPTs, as licensed medical providers, were proposed under the revision to go under medical office.

There was discussion on the potential to develop use-specific standards for personal services that may make them a permitted use (or remain a CUP if not fitting into the use-specific standards) in the M-OF (mixed use- office) zone. The Commission said they would review them as this may expand the affordable, incubator types of spaces that smaller personal service providers (barbers were cited as an example) could start out in, then move to larger commercially zoned spaces later if growth occurred. The use-specific standards would largely be scale-related for the same reasons/benefits as discussed in the artisan industry discussion previously held.

Ms. Smith said she appreciated the feedback and they would bring back draft use-specific standards for personal services when they brought back the entirety of the comprehensive revisions to this package of code amendments.

VI. ADJOURNMENT

Meeting adjourned approximately 7:40 pm

ACTION(S) TAKEN:

Motion made by Commissioner Burns, seconded by Commissioner Geuea Jones, to approve the agenda as submitted. Made motion by Commissioner Burns, seconded by Commissioner Toohey, to approve the February 4, 2021 work session minutes as presented.