

GEORGETOWN PLANNING COMMISSION

Meeting Minutes

Wednesday, June 27, 2007

CALL TO ORDER

The Georgetown Planning Commission held a regular meeting on Wednesday, June 27, 2007 in the Georgetown Town Hall, 404 6th Street. Chairperson Sarah Kaminski called the meeting to order at 7:00 p.m.

ROLL CALL

Answering the roll were Chairperson Sarah Kaminski, Vice Chairperson Paul Nisler and Commissioners Susan Romeo and Greg Sterett. Commissioner Malcolm Schaefer and Alternate Member Jerry Fabyanic were absent. Also in attendance was Recording Secretary/Town Clerk Merinel Williams.

AGENDA APPROVAL

Mr. Nisler moved to approve the agenda as amended. Ms. Romeo seconded and the motion was adopted by unanimous vote.

AUDIENCE BUSINESS – None.

NEW AND UNFINISHED BUSINESS

PUBLIC HEARING on an application from Joyce Jamele for a Special Use Permit to allow a second dwelling unit in a new cottage to be constructed at 314 Argentine Street (was 613 4th Street)

Joyce Jamele and Kathy Hoeft represented the applicant. Ms. Kaminski outlined the public hearing and appeal process for a Special Use Permit application.

Ms. Hoeft presented the applicant's case, indicating that the property is currently composed of two lots and Ms. Jamele is considering a lot line elimination process to combine the two lots. With the proposed structure, there will be 32% lot coverage and the zoning allows a maximum of 40%. The DRC has recommended approval of the application. The Comprehensive Plan does not address this issue directly. The entrance to the new residence would face north, although a porch has been designed on the west to give the structure a visual relationship to Argentine Street. The Design Guidelines for the Historic Residential character area indicate that an accessory structure should be placed toward the back of the property. Ms. Hoeft has studied the size of other structures in the neighborhood and she doesn't believe that the total footprint on this property would be out of character with the neighborhood in terms of size.

In response to a question from Ms. Kaminski, Ms. Jamele explained her reasons for changing her original plan to have her own living quarters above the garage. She explained that her earlier plan was only preliminary since she didn't wish to invest in a

final plan until she knew whether her special use permit application for a bed and breakfast would be approved. She discovered that it is not feasible to make the area over the garage into a livable space, and she also believes that adding onto the garage would have greater impact because it is closer to others' dwellings. Ms. Hoeft added that if the special use permit is not approved, it is possible to add onto the garage without the need for a special use permit.

In response to a question from Mr. Sterett, Ms. Jamele explained that the new structure would be used entirely for her own residence, and none of it would be used as part of the bed and breakfast operation. In response to a question from Mr. Nisler, Ms. Hoeft explained that the new structure meets all of the setback requirements except for the interior lot line, and they will remove that line if necessary.

Ms. Kaminski summarized all of the written responses received for this application. They all objected to approval of the special use permit. Ms. Kaminski reviewed the DRC's recommendation that the application be approved, accompanied by a recommendation that the Planning Commission address the issue of preventing the new structure from becoming a stand-alone residence in the future. Ms. Kaminski invited public testimony.

Coralie Anderson, speaking as a member of the Board of Adjustment, stated that the Board approved the parking variance in order to preserve the large yard that otherwise would be turned into a parking lot. Speaking as a citizen, Ms. Anderson commented that a special use permit is a privilege, not a right, and it should benefit not only the property owner but also the neighborhood. She also asked that the Commission consider densities, the historic character of the neighborhood, neighbors' opinions and long term impacts.

Richard Bell of 326 Spring Street spoke in favor of the application, noting that auxiliary buildings accompany many residences in the neighborhood.

Mary Pat Young, a resident of Ward III and owner of property in Ward I, stated she does not believe the proposed structure will be disrespectful to the historic character of the neighborhood, and she recommended approval of the application.

Norma Hafenstein, 308 Argentine Street, spoke in opposition to the application stating that when she purchased her house the Town's records indicated that Ms. Jamele would be occupying the area above the garage. She also objected to developing the property through a series of applications. She believes that adding on to the garage would be a more reasonable solution.

Lisa Hamill, 300 Argentine Street, commented that she supported the Special Use Permit for the bed and breakfast, but she is not in favor of the new structure. She recommended that the project be considered in its entirety rather than through a series of applications that make incremental changes.

Ms. Halfenstein read a letter from Bill and Elaine Hartong opposing the application.

Carol Wise, 311 Argentine Street, disputed Ms. Hoeft's calculation of the average square footage of residences in the neighborhood. She also commented that bed and breakfast businesses are supposed to be conducted in a single family dwelling, and if Ms. Jamele dwells in a different structure the B&B would be a separate use. Ms. Wise also asserted that the size of the proposed residence qualifies as a full residence, not a guest house, and she pointed out that in considering a special use permit application the Commission is supposed to take the impact on the neighborhood into consideration.

Lee Behrens, 603-605 4th Street, commented that while the application terms the proposed structure to be a cottage, the size of the building makes it a residence, not a cottage. He also commented that although Ms. Jamele's bed and breakfast is supposed to utilize off-street parking, she has been parking on the street. He recommended that the Commission give consideration to the neighbors' rights as well as to those of the applicant.

Eric Alstad, 311 Rose Street, commented that he did not receive mailed notice of the hearing, even though his property is immediately adjacent to the subject property, and he did not see the sign that is required to be posted on the property. The Clerk acknowledged that she erred in not requiring that a sign be posted. She also confirmed that Mr. Alstad's name does not appear on the list of persons to receive mailed notice provided by the applicant. She recommended that the hearing be continued to the Commission's next meeting in order to correct the notice errors. Mr. Alstad suggested that Mr. Nisler should recuse since he owns a bed and breakfast business. Ms. Kaminski explained that there would be a legal conflict of interest only if Mr. Nisler had a financial interest in Ms. Jamele's business or property, which he does not.

Mr. Alstad indicated that he believes the proposed residence will negatively impact the view from his house, and he believes that the increase in square footage will change the character of Ms. Jamele's property from residential to commercial.

Ms. Hoeft responded to the comments from the public. With regard to obstructing neighbors' views, she stated that she believes the current plan will provide the least impact, and with regard specifically to Mr. Alstad's house, it is elevated four feet above Ms. Jamele's by use of a retaining wall, so she believes his view will be reasonably preserved. With regard specifically to Ms. Halfenstein's view, the proposed structure will block her low view, but leave her high view open.

With regard to the application processes, Ms. Hoeft stated that it would not have been reasonable to require that the applicant pay the cost of a full evaluation of issues on the property until it was decided whether a bed and breakfast would be approved on the property. Regarding Mr. Behrens' comments regarding parking issues, she stated that the house is now being rehabilitated so parking is temporarily disrupted at this time because of construction issues.

In response to a question from Mr. Nisler, Ms. Hoeft indicated that the height of the garage and that of the new structure are approximately the same. In response to a question from Ms. Romeo, Ms. Hoeft indicated that a single story structure would not have sufficient residential space, and the design would also not have a visual connection to the property. Mr. Behrens indicated that an addition to the garage would block his view, and if that option is selected he would prefer a single story addition.

Ms. Jamele commented that there are a lot of inaccuracies in the comments offered by the public, and also personal attacks which she does not appreciate.

Mr. Nisler moved to continue the hearing to July 11, 2007 and that before that date the proper notice be posted on the property, there be a review and correction if necessary of the mailed notice, and that the Commission visit the site. Ms. Romeo seconded the motion. Ms. Kaminski clarified that the Commission members may have no *ex parte* contact with either the applicant or neighbors before the next meeting. She requested that the applicant stake the location of the proposed structure on the site for the site visit. The motion was adopted by unanimous vote.

PUBLIC HEARING on an application from Craig E. Abrahamson, P.E. P.O. Box 194, Georgetown, CO 80444 on behalf of Marvin and Dee Geisness for a Planned Unit Development to allow an increase in building height to 35' for a residence to be constructed on the Judd & Crosby Millsite in the Historic Residential zoning district. The maximum height for principal buildings in the Historic Residential zoning district is 25'

Craig Abrahamson and Marvin Geisness represented the applicant. Mr. Abrahamson presented the application, noting that the proposal is to construct one single family residence on the 2.3 acre parcel. Mr. Geisness stated that the design for the structure was initiated before the Town changed the code to reduce the height of primary structures in this zoning district. Mr. Abrahamson explained the method that the Town uses to measure a structure's height.

Mr. Abrahamson stated further that there is approximately 500-600 feet of the old railroad right-of-way on the applicant's property, that access to the property from the public right-of-way is an easement over private property, and that the access is suitable for emergency vehicle use. The structure is designed to take advantage of natural light, and it is not within the view corridors of any adjacent properties. Mr. Abrahamson explained that the property owner has executed an agreement with the Town and adjacent owners Terry and Krueger for joint use of a wastewater line. The proposed structure will cover less than 2% of the surface of the lot, and the average slope where the structure is sited has a grade of less than 30%.

Ms. Kaminski invited public comment. Brent Krueger, Coralie Anderson, Linda Terry and Richard Bell testified that they do not object to the proposal. Ms. Kaminski closed the public comment period.

The Commission discussed the application, and no members indicated opposition to it. Ms. Kaminski complimented the applicant on the quality of the application materials. The Commission members discussed the DRC's recommendation regarding pedestrian use of the railroad right-of-way. Mr. Nisler commented that it is an economic benefit to the Town to have hiking trails available, and he recommended that the applicant discuss this issue with the Colorado Historical Society and consider allowing public access. Ms. Romeo stated that whether or not to allow access is a private property owner's choice.

Mr. Sterett moved to recommend to the Board of Selectmen that the Geisness application for a planned unit development on the Judd & Crosby Millsite be approved. Ms. Romeo seconded and the motion was adopted by unanimous vote.

MINUTES

Ms. Romeo moved to approve the minutes of the June 13, 2007 meeting as written. Mr. Nisler seconded and the motion was adopted by unanimous vote.

ADJOURNMENT

Ms. Kaminski adjourned the meeting at 9:35 p.m.

Sarah Kaminski, Chairperson

Merinel Williams, Town Clerk