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**AGENDA
CITY OF OURAY PLANNING COMMISSION
REGULAR MEETING**

San Juan Room – Ouray Community Center – 320 6th Avenue
October 10, 2017- 4:00 p.m.

Notice is hereby given that a majority or quorum of the Ouray City Council may be present at the above-noticed Ouray Planning Commission meeting to discuss any or all of the matters on the agenda below for Ouray Planning Commission consideration.

ADMINISTRATIVE

- Call to Order
- Roll Call
- Review of Minutes from Planning Commission regular meeting of September 12, 2017

CITIZEN COMMUNICATIONS

STAFF UPDATE

Research with City of Gunnison- Intermodal Shipping Containers

PUBLIC HEARING

- None

ACTION ITEMS

- None

DISCUSSION ITEMS

- Item #1 **On-Street Parking Considerations Downtown Historic District-Impact of Jeep Rentals and Tour Guide Services during Season**
- Item #2 **Conditional Uses**

ADJOURNMENT

Next regular meeting: November 14, 2017

WORK SESSION (Immediately following the regularly scheduled meeting)

- None

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DISCUSSION ITEM
PLANNING COMMISSION REGULAR MEETING OF
October 10, 2017

AGENDA ITEM NO.: #1

DESCRIPTION: Conditional Uses in C-1 (Jeep Rentals & Tour and Guide Services); On-Street Parking in Downtown Area during the Summer Season

PREPARED BY: Hank Epstein, Community Development Coordinator

Background: At their workshop in June, 2017, the City Council “froze” or postponed staff activity regarding Conditional Uses for Jeep Rentals and Guided Tour Services to allow community discussion on the impacts the industry has regarding on-street parking with the Planning Commission. In turn, the Planning Commission would offer recommendations on the conditional use allowances or limitations for jeep rentals and tour guide services. The two related topics: *If we have such services in the Commercial Downtown as a C-1 conditional use, how do we address their on-street parking and loading area demands during their season?* There has been various ways in which jeep rentals have been dealt with in the past and we are trying to bring about greater consistency while understanding their operational needs. We also have a conflict with some vendors not having conditional use permits, and locating vehicles in residential zone districts where jeep rentals and tour services are not allowed as a permitted use or normal accessory use.

Proposal/Discussion: Council’s reaction to the issue was to hold a round table discussion with several operators and cooperation was asked from all in solving some of the issues. How to lessen the impact on city streets during the season by these operations was talked about. In staff’s discussion with various jeep rental and tour services on the characteristics of their operations, most vendors have limited room on their own sites to address their own needs. There is considerable reliance on the City shouldering the impacts they create by their operations and their success.

These vendors generally rely on the adjoining public parking areas for assembling their vehicles for pick-up/delivery, for coordinating their jeep tour vehicles for clients and the clients parking of their own vehicles during their use of the jeep or tour vehicle. There is also customer parking to contend with near the office locations. The major jeep rental and tour guide service offered to have employees park further away from the office, and they have the capacity to store most if not all of their vehicles on-site when not in use. To alleviate some immediate parking issues, they offered to ask clients to park further away from the office when leaving their own vehicle or the rental vehicle nearby. They can also use parking areas more remote for their larger vehicles. They do need nearby parking for tour vehicles. Other operators don’t have this luxury of space and rely solely on the street and nearby land which impact other businesses in the area during the day.

As a conditional use, and having a considerable impact on immediate street parking nearby, how would it best be handled in balancing the needs of the many for the needs of the few who are generating considerable business revenue from tourists using their services? This is not just a Main Street issue, but on-street parking challenges on the side avenues within two blocks of Main Street.

The questions that need to be asked and suggestions offered:

- a. The City wishes to have all businesses be successful. What is the City’s responsibility in the success of these particular businesses versus their responsibility to themselves to have less impact on others? How much on-street parking should be set aside or anticipated for jeep rentals and tour or guide services, their employees and clients?
- b. What options should be considered to reduce or eliminate complaints by other businesses and residents in the C-1 zone district on and adjacent to Main Street that there is a parking conflict?

- c. Should the City reserve limited on-street parking for jeep rental vehicles and tour guide vehicles? If so, how many per vendor?
- d. Should the conditional use requirement carry a limitation on vehicle impacts to adjoining streets and provision of alternative parking areas off-street away from the office during season?
- e. All the jeep rentals and tour guide services and outdoor guide services are allowed in the C-1 zone district (not allowed in any residential zone district.) which means they are permitted as uses in the C-2 zone district which allows all R-1, R-2 and C-1 zone district uses. *Where there is storage and/or parking of buses, tour guide vehicles and jeep rentals on residentially zoned properties-this is not legal and should be terminated. Such storage and/or parking areas need to be relocated to sites with C-2 zoning which allows for on-site storage. Use of vacant unimproved land for parking/storage is not allowed.*
- f. **Guest or customer parking:** The vendors do not have control over how clients park their vehicles or rentals after use. That is an unknown variable per vendor. The conditional use can stipulate or encourage vendors picking up clients at hotels and not driving to the vendor location. The conditional use can stipulate employees parking one to two blocks away from the office. The conditional use could stipulate clients park vehicles one to two blocks away as well.

Because of abuses to how parking was occurring this past season, City Council directed staff to restrict parking on-street to head in parking only on avenues within two blocks on either side of Main Street. Once signs are ordered, they will be placed on the avenues within two blocks on either side of Main Street from Third to Ninth Avenue.

- g. Should the vendors with limited on-site space or no space for their operations reconsider separating their office operations/rental office from the parking and storage of their vehicles? Should they (individually or collectively) be transitioned to locate their parking, storage, loading and unloading to C-2 vacant land that can be improved to be used for their operational needs? An employee could drive the client to the vehicle off-site. Same for bus, van and tour guide services.
- h. Are there other considerations for offering greater flexibility during the summer season months regardless of the impact associated with their specific on-street parking demands?

Suggestions/Recommendations:

- Staff recognizes that these uses are an important part of the city's summer economy. As they and other related uses become more successful, there is a greater and greater impact on limited parking downtown. *Subsection 7-5-5-f. states that there is no on-site parking for any buildings fronting on Main Street (U.S. Hwy 550) between 4th Avenue and 9th Avenue and those buildings within a half-block of U.S. Hwy 550 either except for lodging businesses and residences.* That is the City's stated contribution to all these businesses. The rest of the parking needs for those in the identified area of town is inferred as the responsibility of those businesses, residents and tourists needing parking. There is no obligation to accommodate their needs adjacent the business address.
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- Vendors, individually or collectively, need to evaluate their needs and determine options they can address without the City's involvement off-street in other locations, or, to consider moving that aspect of their business activity elsewhere. They can share problem-solving solutions such as buying land and improving it for loading and unloading vehicles, for employee parking, for customer parking, and for creating van or bus service as is done for picking up guests at nearby lodging facilities. Candidly, it is not an obligation of the City to accommodate them on-street. This activity assumes that it is the City's responsibility to allow them to park on-street display vehicles, rental vehicles, tour vehicles and service vehicles along with customer parking. Why is that the City's responsibility alone to resolve? What have the vendors done to resolve their own issues? The fact that during season there are conflicts amongst all businesses for limited space is because there is no one seeking any reasonable solutions.
- There has been too much reliance on the City's rights-of-way to solve private sector needs rather than the vendors seeking other reasonable solutions such as relocating their parking to sites away from the office use component of their businesses for convenience.
- Being business friendly is not capitulation to excesses where vendors and businesses of all types do not seek their own solutions in the proper way.
- The vendors have an individual and shared responsibility to offer suggestions to improve the situation their operations and their success create and not to depend on the City to resolve their issues for them.
- This is another reason why a conditional use permit is useful. It establishes the allowances and restrictions imposed that are mutually agreed upon for consistency in the operations of any jeep rental or tour guide service activity in the C-1 zone district. Expansion of any business would require changes to the agreement and private sector solutions.

- City staff would recommend that all jeep rentals and tour guide services (i.e., vehicle parking, display and storage) offered at any lodging facility that had not legally established the right to this activity by some prior action by the City be terminated.
- Office or rental activities offered through the hotel or motel concierge or front desk, could continue as an accessory use.
- Pick-up and delivery of clients to vehicles parked elsewhere would also be allowed.
- Should the City wish to allow on-going rental of vehicles or tour services parked/stored on lodging facility properties, the conditional use if granted would be for a very limited amount of parking or storage of vehicles on-site as it is not a primary use.
- We would recommend that any parking or storage on unimproved vacant land in residential zone districts be terminated as this is not permitted. Storage is allowed in the C-2 zone district. Storage or commercial parking lots need to be improved (site development plan requirements and design standards for parking lots).
- We would recommend the vendors who don't have room on their own land to address parking and storage think about working together to create a common parking area for use in a C-2 zone district and consider shuttle services for clients to reduce on-street parking challenges.
- We would recommend that consideration be given to those vendors off Main Street to have parking by their offices signed for loading/unloading for shared use during the season to reduce their difficulty in parking their tour vehicles.
- If the City wishes to help further: As conditional uses, limit the number of on-street rental vehicles or tour vehicles allowed for all such businesses and create shared loading and unloading areas that are properly marked and signed. We also recommend that all employees park at least one block or further away from the business office for the jeep rentals and tour guide services. Parking and storage of rental vehicles should be at least one block away from U.S. Highway 550 on any adjoining avenue from 4th Avenue north to 9th Avenue. Otherwise, during season, it is too congested with client vehicles and rental vehicles where other businesses and residents need to be able to park.

Planning Commission Options:

- a. Facilitate discussion amongst the stakeholders so that it can lead to specific recommendations that the City Council asked for the Planning Commission to provide from public discussion of this topic.
- b. Listen to the testimony and perspectives offered; but defer until more discussion occurs if there are no specific recommendations offered or feasible from one such discussion.
- c. Provide for specific recommendations offered by those present and the Planning Commission.
- d. Jeep Rentals and Tour Vehicle Services should be a conditional use in the C-1 zone district with conditions based on the extent of the operational needs impacting the city streets nearby, and as permitted uses in the C-2 zone district.
- e. Jeep Rental and Tour Vehicle Services should not be allowed in any residential zone districts.
- f. Jeep Rental and Tour Vehicle Services should consider alternative sites outside the downtown area in the C-2 zone district for their operational use(s). Offices can remain downtown in the C-1 zone district with shuttle service to their operational locations for pick up/delivery of vehicles or tour services.
- g. Jeep Rental and Tour Vehicle Services and Outdoor Guide Services are allowed one (1) display or on-street parking space for their business tour or guide service vehicle(s) to be consistent. Greater parking impacts would be worked out individually with the Planning Commission in discussion with the applicant if alternative site parking (not on-street) is not feasible.
- h. Any other considerations and possible clarification. This includes the business owners seeking their own solutions such as, but not limited to, buying land together and improving it for parking and storage needs during their season. This is not a city responsibility to resolve alone. It is a shared responsibility.

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DISCUSSION ITEM
PLANNING COMMISSION REGULAR MEETING OF
October 10, 2017

AGENDA ITEM NO.: 2

DESCRIPTION: Conditional Uses

PREPARED BY: Hank Epstein, Community Development Coordinator

Background: As explained in subsection 7-5-F. Conditional Uses, these uses or activities are generally compatible with other permitted uses in the same zone district, but, due to their location, design, intensity, density, configuration or operating characteristics, they may require imposition of appropriate conditions to ensure the compatibility of the use at a particular location and to mitigate any perceived or real adverse impacts the use or activity may have on other properties nearby.

Under the current code, there are no conditional uses allowed in the P-1, P-2 and R-1 zone districts. They are allowed in the R-2, C-1 and C-2 zone districts. We cannot rule out the possibility that the City may have allowed uses in the past to be allowed through this process versus a variance procedure which may be incompatible with the underlying zoning or even be prohibited as they are allowed in less restrictive zoning categories; an example of this is general storage in buildings within the C-1 zone district when it is a listed (permitted) use in the C-2 zone district.

Where allowed and subject to Planning Commission and City Council review, we give no indication of what types of uses might be conditional uses. Applicants and staff are referred to Subsection 7-5-F of the Code.

Proposal/Discussion: Conditional uses are those approved by a city which are determined to be necessary or useful in a particular zoning district but are not normally allowed to occur in that zone district by right. They are an exception approved through a public hearing process that enables one property owner to have a use allowed on their land in allowed districts that is otherwise prohibited. It also allows the immediate neighbors and those living within 300 feet of the subject property to react to the request. There are often conditions placed on the use to mitigate impacts that might be generated by the proposed use. A conditional use may be amended or revoked. Applicants should not be changing allowances granted without first going back through the Planning Commission and City Council for a change to the conditional approval granted.

The City has imposed on itself to ask of the applicant to address and for them to determine whether or not the type of use requested by the applicant meets or exceeds certain criteria for the allowance to occur:

- a. The use will not be contrary to the public health, safety, or welfare;
- b. The use is consistent with the purposes, goals, objectives and standards of the City's Master Plan;
- c. The use complies with all other applicable requirements of the zone district in which it is proposed to be located;
- d. The location, size, design, and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impact on pedestrian and vehicular circulation, parking, trash, service delivery, noise, light, vibrations and odor on surrounding properties;
- e. The use is compatible with existing uses in the area and other allowed uses in the zoning district;
- f. The use is consistent with the purpose of the zoning district in which it is proposed to be located; and
- g. The use will have an adverse effect upon other property values or the use of adjacent properties.

Other factors associated with issuance of the permit as written today:

- a. If the Planning Commission grants approval with conditions, the conditional use will have conditions that need to be complied with by the applicant.

- b. A conditional use permit will automatically terminate upon change of ownership or a change in the entity of an ownership if a non-person.
- c. If the terms and conditions of the approval are violated the Planning Commission must hold a public hearing to discuss the alleged violations.

Administrative Clarity and Review/Determination: As allowed under Subsection 7-4-E. Administration and Enforcement, #4: The City Administrator is authorized to issue supplemental regulations to implement, interpret and administer to the provisions of Chapter 7, and even to provide for detailed standards and specifications consistent with the land use regulations. What we have been doing is research on limited items for such consideration by the Community Development Coordinator with review and approval by the City Administrator to guide the follow through on some issues or to allow for administrative determination of a use not listed (itemized) as a permitted use or conditional use and make an initial determination. This saves time and money for all concerned. An example was the recent allowance of limited commercial self-storage in the C-1 zone district as a conditional use with a few reasonable stipulations.

When we cannot administratively determine what is appropriate, we will advise an applicant of this decision in writing, and they have the right to proceed through the formal review process involving the Planning Commission and City Council. Formal review requires a public hearing process to determine if the use should be allowed as a permitted use or conditional use with stipulations.

Suggestions/Recommendations:

City Staff would recommend that the Code be amended to be very clear either to indicate what might be prohibited uses and that uses not identified and not similar to any use currently allowed in a particular zone district are not allowed to occur on any site until the Planning Commission and City Council determine where it might be allowed with or without conditions. If a use or activity is not allowed it is not legally allowed to occur, no differently than the construction of a building without a building permit is illegal.

It would be very helpful to applicants and staff to identify what information or materials are needed for formal application versus submittal prior to the public hearing for inclusion in the packets for the Planning Commission or could be submitted at the public hearing. The less ambiguity as to the sequence of materials and documentation, the better.

Planning Commission Options:

- a. Consider the recommendations and any testimony provided for editing the text of the Conditional Use provisions for a twice annual review with City Council. No immediate recommendations to Council.
- b. Suggest any further amendments or considerations for staff's drafting of amendments for Planning Commission review with City Council.
- c. Do not consider any changes to subsection 7-5-F.
- d. Suggest the changes as identified for more immediate recommendation to Council as they guide applicants in making better applications.