

Town of Paonia
214 Grand Avenue
Monday, May 4, 2026 6:00 PM
Planning Commission Meeting Minutes

RECORD OF PROCEEDINGS

Vice-Chair Doherty calls the meeting to order at 6:00 PM.

A) Roll Call

Present:

Vice-Chair Doherty (via Zoom)

Commissioner Fischer

Commissioner Smith

Commissioner Wynn

Absent:

Chair Bachran (Excused)

Commissioner Hunter (Recused)

B) Approval of Agenda

Commissioner Smith makes a motion to approve the agenda. Seconded by Commissioner Wynn.

The motion carries unanimously.

D) Approval of Minutes

Commissioner Smith makes a motion to approve the April 6, 2026 Planning Commission Meeting Minutes. Seconded by Commissioner Fischer.

The motion carries unanimously.

E) Public Hearing

The Planning Commission held a quasi-judicial public hearing to consider an application, from Emily Sinclair and Jay Kenney, for a special use review of the off-street parking requirement in Paonia Municipal Code §16-6-10 at the property located at 232 Grand Avenue, Paonia, CO 81428.

Vice-Chair Doherty opens the Public Hearing at 6:02 PM.

Vice Chair Doherty explained the quasi-judicial hearing procedures, including the order of presentations, public testimony procedures, and deliberation process.

Staff confirmed that proper notice of the hearing had been provided.

Commissioners present stated they had no disclosures or conflicts regarding the matter.

Town Utility & Permit Coordinator Bachran presented the staff report regarding the proposed remodel of the former gym space into a café, bookstore, and cider tasting room. Staff reviewed the applicable parking provisions contained in Section 16-6-10 of the Town Code and discussed differing interpretations regarding whether the proposed remodel constituted a “change of use” requiring a special review and off-street parking compliance. Staff outlined parking calculations under several possible use classifications, including retail and restaurant uses, and noted that the applicants currently provided three off-street parking spaces. Staff further discussed prior Planning Commission precedent involving parking agreements for downtown businesses. Staff concluded by presenting possible motions for the Commission’s consideration, including dismissal, approval with conditions, or denial.

Applicants Jay Kenney and Emily Sinclair were sworn in and presented testimony regarding the proposed remodel and business operations. Mr. Kenney stated that the business consisted primarily of retail uses, including a bookstore, coffee shop, and cider sales room. He testified

that the uses were permitted by right within the C-1 zoning district and argued that no special review was required because there was no qualifying change of use under the Town Code. The applicants also described the operational hours of the businesses, parking availability, and customer activity patterns. Mr. Kenney further stated that the application had been submitted proactively in an effort to address any possible concerns before construction proceeded.

Public Comment:
None

The Commission discussion included the ambiguity of the Town's parking ordinance, including whether the proposed remodel triggered special review parking requirements. Commissioners reviewed the property's historic retail use, existing downtown parking conditions, prior Town parking agreements, and the lack of clear definitions within Chapter 16. The Commission generally agreed the proposed uses were permitted by right within the C-1 district and likely did not trigger additional off-street parking requirements.

Vice-Chair Doherty closes the Public Hearing at 6:46 PM.

Commissioner Wynn makes a motion to recommend approval of SR2026-001 because the plan substantially conforms to the Comprehensive Plan and the review criteria and performance standards have been met by the applicant with the following condition that the applicant complete an off street parking agreement for four spaces with the Town of Paonia, prior to receiving a temporary or permanent certificate of occupancy,

The motion failed for lack of a second.

Commissioner Smith makes a motion to dismiss SR-2026-001 because the remodel did not meet the requirements of Section 16-6-10(A) to require off-street parking. Seconded by Commissioner Fischer.

Voting Aye:
Vice-Chair Doherty
Commissioner Fischer
Commissioner Smith
Commissioner Wynn

Voting Nay:
None

The motion carries.

Commissioner Wynn makes a motion to recommend to the Board of Trustees that the Planning Commission be given authority to look at Paonia Municipal Code Chapter 16, Article 6, for review and revision. Seconded by Commissioner Fischer.

The motion carries unanimously.

Commissioner Wynn explained wanting to apply the Special Review application fee as a credit toward future building permit fees because the application was ultimately dismissed after determining that a Special Review was not required for the proposed remodel. Commissioners indicated the applicants had acted proactively and in good faith by submitting the application, despite the ambiguity in the Town's parking code.

Commissioner Wynn makes a motion to add the special use review fee that was paid for this meeting to go toward towards their building permit, final application fee as a credit. Seconded by Commissioner Fischer.

The motion carries unanimously.

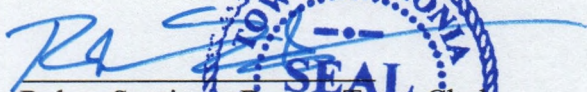
F) Actions & Presentations

None

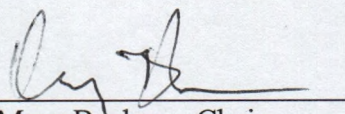
G) Adjournment

Commissioner Wynn makes a motion to adjourn the meeting. Seconded by Commissioner Smith.

Vice-Chair Doherty adjourns the meeting at 7:06 PM.


Ruben Santiago, Deputy Town Clerk




Mary Baehran, Chair

Comptroller of the Treasury is authorized to receive and disburse the public moneys of the State of New York. He is also authorized to receive and disburse the public moneys of the United States for the State of New York. He is also authorized to receive and disburse the public moneys of the State of New York for the United States.



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Mayor, Poughkeepsie, N.Y.