

MEETING DATE: Wednesday, January 22, 2007
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Bavaria, Cabe, Smith, Stephens, Hartslief, Wikoff, MacDonald, Loudenburg

Absent: Lau, Karnuta, Vance

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRPERSON: Bavaria - 6:00 PM**

- II. APPROVAL OF THE MINUTES –Wednesday, December 20, 2006**
 - 1. Hartslief** made a motion to approve the minutes with the amendment of Section VII. #1 that the first sentence on Page 9 reads “or” instead of “of”. **Stephens** seconded the motion. All voters were unanimous and the motion carried.

- III. UNSCHEDULED CITIZENS**
None

- IV. AMENDMENTS TO AGENDA**
None

- V. PUBLIC HEARINGS**
 - 1. Labrador Minor Subdivision** – The request is re-subdivide two lots to abandon lot lines and create three conforming lots. The parcels front Crestone Avenue totaling 25,957.9 square feet.
 - A. Open Public Hearing – 6:02 p.m.**
 - B. Staff Review of Application – MacDonald** summarized the staff report by stating this subdivision would create three conforming residential lots near the intersection of Mesa Lane and Crestone Avenue. The area is zoned High Density Residential (R-3) and each lot will have adequate area to accommodate up to three units. Staff has recommended that the applicant or future owners of the property be required to install sidewalk along Crestone Avenue at the time of construction on the properties.

Staff has found that the subdivision meets all of the review standards and recommends approval of the preliminary plat.
 - C. Applicant’s Presentation- Tom Niebrugge, owner of property,** stated that he was creating three lots instead of the two existing and they would conform to the standards of the R-3. **Bavaria** asked what the parking arrangement would be if they would have to back onto

Crestone and **MacDonald** said that only single-family and duplex homes can back onto the right-of-way. **Stephens** remembered seeing advertising on the lots for vacation homes and the applicant stated that idea had been abandoned and he would just be selling raw land. The applicant also stated he was agreeable to the condition of putting in sidewalk when each lot was being developed.

D. Public Input – Rodney Otley, 538 Crestone, had concerns about the density and if they were planning on keeping with the nature of the neighborhood and maybe they could just put two units per lot instead of 3.

Marsha, Mesa Heights resident, had concerns about the narrowness of the lots and the parking situation.

E. Close Public Hearing – 6:13 pm

F. Commission Discussion- Bavaria stated that since property was zoned R-3 that they could not limit the density of the property and the applicant stated that he felt single-family homes would be going on the lots but they would have to be a conditional use because of the zoning. **Smith** understands the neighbors concerns but feels it would probably be hard to develop a triplex as only allowed to cover 45% of the lot with buildings.

G. Commission Action - Smith made a motion to accept the recommended findings and take the recommended action as stated in the Staff Report. **Cabe** seconded the motion. All were in favor so passed unanimously.

2. Torres Conditional Use Application – 1125 ‘J’ Street- The request is to be granted a conditional use approval to construct a second principal structure on the property in the Residential Medium Density (R-2) zone district at 1125 ‘J’ Street.

A. Open Public Hearing – 6:18 pm

B. Staff Review of Application – MacDonald summarized the staff report by stating this conditional use would permit a second principal structure to be built on the lot in the back of the residence by the alley. There is considerable opposition by the neighbors but the application meets all the requirements of the Land Use Code.

C. Applicant’s Presentation – Terry Hadley, representative of the Torres’, stated he did not see any problems with a second structure on the property. **Bavaria** asked if they planned on condominiumizing the property and the applicant stated yes as the applicant was the daughter of the people who owned the primary home on the property. **Bavaria** asked if parking was going to be an issue for the neighborhood and the applicant stated the plan allowed for over 1000 square feet for parking.

D. Public Input – Bob Engel, 237 Ouray, felt the Planning Commission was setting a bad precedence if they approved this as the Land Use Code was put in place to protect neighborhoods from structures that do not fit in with the current neighborhood because of scale.

Lorene Farney, 1115 J Street, read a letter of opposition and stated she felt it would affect her property value and was concerned about the future use of the property if sold.

Rod Farney, 1115 J Street, gave the Commission a signed petition by several of the neighbors who were against approving the conditional use. He is concerned about the size of the structure and it will impact his view and privacy.

Jim Aragon – 110I Street, is concerned with the density, increased traffic in the alley, and impact on utility lines in the alley. He also noted that while both units would be owned by one family at this time, there is no guarantee of that in the future.

Todd Bright, 1105 J Street, has concerns about the traffic in the alley and does not feel the lot is large enough for two homes.

Brenna Marques, 925 G Street, does not want to see the same things happen to the Farney's that she has gone through by a home being built so closely to her on G Street. It took away all her privacy and since the house is two stories they can see directly into her backyard. She also felt it greatly reduces your property value.

Richard Leavitt, 1111 I Street, stated he also has the same situation at his residence and the drainage from the house next door goes directly to his property.

E. Close Public Hearing – 6:42 P.M.

F. Commission Discussion- Bavaria stated that they could do an accessory dwelling but that limits them to 700 square feet. They could also build a duplex with essentially the same impact, just not the 6' separation between the buildings. **Hartslief** stated he is against approving and is concerned about community management. **Cabe** stated that he is not against the notion of duplex or 2nd structure but he does not feel improvements are in scale with the neighborhood. **Smith** stated they could still do a duplex with a shared wall and not have to have a public hearing. He just does not feel buildings proposed are compatible with the neighborhood. **Bavaria** feels the Commission has to really listen to what the neighbors are saying.

G. Commission Action- Hartslief made a motion to deny the application based the finding that the proposed building and site design are not compatible with the scale of the surrounding neighborhood. **Smith** seconded. All were in favor so passed unanimously.

3. Hampton Meadows Subdivision –The request is to subdivide one parcel into four lots at 705 East Hwy 50. The applicants have a preliminary development plan for a portion of the property.

A. Open Public Hearing – 6:59 pm

B. Staff Review of Application – **MacDonald** summarized the staff report by stating this is a subdivision application for the recently annexed Spino property at 705 East Hwy 50. The applicant has an initial development plan for the property that includes the construction

of a Hampton Inn and Denny's restaurant. Staff has several concerns with this application and recommends continuing the application at this time.

The first issue to address is Lot 4 of the subdivision. This is proposed to have a frontage along the Highway of 37.5 feet. This minimal frontage would consist almost entirely of access for Lots 2, 3 and 4. The main area of the lot would be behind the other lots of the subdivision and would therefore have limited commercial potential. The area is zoned for commercial and the Comprehensive Plan identifies this area for commercial. There is a substantial grade change on this property between the Highway and the South Arkansas River that makes the lower portion of the property somewhat undesirable for commercial development. The Commission needs to recognize that by creating Lot 4, they would knowingly be creating a lot that would likely have to obtain a conditional use approval for residential development and a relaxation of the Highway 50 Corridor requirement that there be a maximum setback from the street of 65 feet.

The second concern that staff has is with access. A CDOT access permit is required prior to subdivision approval. This application has been submitted and is currently under review. The comments we have received so far from CDOT were included in the staff report and seem to indicate that CDOT may not support the application for two access points and that they may require acceleration and deceleration lanes that would be placed on the subject property. Both of these things will affect the proposed site plan for the hotel and restaurant.

Lots 1 and 2 have been drawn to accommodate these specific developments and may change if the site plan has to be reconfigured. Therefore, without CDOT approval of the access, staff recommends not accepting the subdivision proposal at this time.

The next issue also concerns Lots 1 and 2. The Commission should recognize that these lots are drawn without regard to the existing topography of the site. In particular, the floodplain currently cuts through these lots and the development plan calls for filling in the entire area within these lots and constructing a retaining wall that to support the new grade that would be created. This alteration of the floodplain comes with some complications.

In particular, alteration of the flood plain must be reviewed by Federal Emergency Management Agency (FEMA). FEMA requires that the flood plain not be altered so that it affects the flood plain on other properties by causing a change in depth of over 1 foot during a flood. To determine if this is the case, an engineer must prepare a hydrology

study of the proposed project and the effects on the flood plain. This study has not yet been completed. The attorney has added some specific comments on this issue and those are included in the staff report. Again, because of the configuration of the proposed lots being so intimately tied to the development proposal, staff recommends not proceeding until everyone is assured that the filling of the flood plain is possible.

As noted in the application, there is an area of wetlands on the property that would be filled in as part of the proposed development. The wetlands can be mitigated on another property, but a 404 permit from the U.S. Army Corps of Engineers must be obtained before any additional fill is placed on the property in the area of the wetlands. Again, because the alteration of the wetlands is a necessary part of the development and because these lots are configured to suit this development, staff has recommended that the 404 permit be obtained prior to final plat approval.

The new subdivision requirement for open space came into effect this fall and has not been satisfied on the preliminary plan. This new requirement has been on the website for several months but staff only recently updated the application form to reflect this requirement and failed to tell the developer specifically about this requirement. It appears that there is adequate space between the already created trail easement, the area of the property under the river and the landscape area in the proposed development. This information needs to be updated on the plat map.

During the annexation process, the applicants discussed with Planning Commission providing access to the trail for the other lots on the development. Access to recreation facilities is also a requirement of the subdivision standards. No such easement or other provision for access has been provided. This should be a requirement of the subdivision.

There are also some details of the plan map that need to be addressed that are noted in the staff report.

In summary, there are a number of concerns with the application at this time. The two major concerns are with access and the modification to the flood plain. Because these issues have the potential to require major modifications to the proposed commercial development and because the configuration of the lots is so tied to the proposed development, staff is recommending that the application be continued at this time.

C. Applicant's Presentation – Phil Carey introduced several people who were also working on the project with him. He stated this is the largest development on Hwy 50. He then handed out a packet to the board that went over each of Staff's concerns with the project. He would like to have Lot 4 support all the historical buildings that are on the site at present and use them as either shops or office space. He realizes the ideal access would be across from Milford Street but is willing to work with CDOT on that. He would prefer two accesses if possible. He has worked out the 10' utility easement with Xcel. **Bavaria** asked if we could do exemption of the 65' setback for Lot 4 by requiring more landscaping and applicant said he was not opposed to that at all. The code allows for this if additional landscaping is provided in the parking lots.

D. Public Input – James Henry stated he is very against a Denny's restaurant and Hampton Inn as he feels it will hurt existing Salida businesses.

Shelly Copeland, 549 Rainbow, stated she is also a business owner on Hwy 50 and feels it would benefit the community.

E. Close Public Hearing – 7:42 P.M.

F. Commission Discussion- Bavaria doubted if there was any way to move this forward tonight and **MacDonald** stated that she feels it is premature to give preliminary approval at this time and we need adequate information to make a decision. There was extensive discussion about the issues raised by staff. **Hartslief** feels the biggest issue is the Trail and having access for the public to it. **Carey** had stated in the annexation hearing that access would be provided but now claims it is not possible and was not required as part of annexation. **Smith** feels the annexation was rushed and now trying to rush the subdivision process. **Cabe** would like to find a reasonable way to accomplish access to the Trail. **Stephens** understands that the Trail may never happen here but still would like the City to have access just in case. **Wikoff** stated he hates to see another dead-end Trail. **Carey** asked if configuration of lots work and could he have the exemption on the 65' setback in exchange for additional parking lot landscaping and **MacDonald** stated that the code allowed for that.

G. Commission Action- Smith made a motion to motion to continue the preliminary plat application until such time as the following conditions are met:

1. CDOT approval of the access permit must be obtained.
2. Any concerns of Xcel Energy regarding the provision of utilities to the site shall be satisfied.
3. The applicant should obtain a 404 permit approval from the U.S. Army Corps of Engineers prior to final plat approval.

4. The applicant must first provide a hydrology study prepared by a licensed engineer of the impact of the proposed fill that shows how the surrounding and upstream lands will be affected in a flood situation. They must then apply for a conditional letter of map revision from FEMA before the City proceeds with approval of the subdivision.
 5. That the applicant provides adequate open space for the subdivision on the plan map.
 6. The applicant shall research the potential for location of a public access to the trail easement along the South Arkansas River.
- Cabe** seconded. All were in favor so passed unanimously.

VI. UNFINISHED BUSINESS

1. Hwy 50 Corridor Plan Implementation

MacDonald wanted the Planning Commission to be consider changing the Code to make it a requirement for streetlights and the stamped concrete parkway on Hwy 50 be installed any time development or redevelopment is done. At this time sidewalks are required, but not the stamped concrete and streetlights of the Hwy 50 Corridor Plan. With the grant funding from CDOT and the Spino annexation being required to install the improvements, it seems reasonable to look at making this a requirement now. **Greg Amidon** was present to represent the Hwy 50 Group and addressed any questions the board had. **Smith** asked if it was necessary that stamped concrete be required as it is expensive and **Amidon** stated yes in order to make a continuous look. The Hwy 50 group decided on the concrete for maintenance issue reasons. The Commission agreed they should look at making the change. **MacDonald** said she would write up the code change language and submit to the Commission.

2. Growth Areas

MacDonald informed the Commission that there would be a meeting on this on February 8, 2007 at the Senior Center and encouraged everyone to be there.

VII. NEW BUSINESS

1. Update to the City of Salida Comprehensive Plan

MacDonald stated the Commission is in charge of updates to the Comprehensive Plan and that it is scheduled for this year. She suggested a steering committee for this and noted that there is some money budgeted for consultants to help as well. The Commission agreed to discuss this at their next meeting since the agenda should be fairly light

2. Sign Code Update

The Commission also wanted this put on agenda for next meeting.

VIII. COMMISSIONER'S COMMENTS:

Smith feels the commission needs to look at condominiumization and what the state statues permit. **MacDonald** said we need to look at review of new development. **Bavaria** stated we also needed to look at how duplexes were done. **Hartslief** wanted to know if we could have more meetings so maybe they would be shorter. **Smith** said we need to have more complete applications and he feels that would shorten the meetings. **MacDonald** suggested site meetings so they could address issues beforehand and **Stephens** thought it would be a good idea. **Bavaria** said she would remain as chair as long as everyone was willing to help with attending outside meetings that concern the Commission since she needs time to care for her parents.

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at **9:22 pm**.