

MEETING DATE: Monday, March 26, 2007
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Bavaria, Hartslief, Rose, Smith, Wikoff, Stephens, Lau, Bergin, MacDonald, Loudenburg

Absent: Cabe, Vance

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRPERSON: Bavaria - 6:05 PM**
- II. Roll Call**
- III. APPROVAL OF THE MINUTES –Wednesday, February 26, 2007**
 - 1. **Hartslief** made a motion to approve the minutes as written.
Rose seconded the motion. All voters were unanimous and the motion carried.
- IV. UNSCHEDULED CITIZENS**
None
- V. AMENDMENTS TO AGENDA**
Move Public Hearing #5, Hwy 50 Corridor Plan Implementation Ordinance to New Business along with the adoption of the Highway Corridor Improvement Plan.
- VI. PUBLIC HEARINGS**
 - 1. **Lau Annexation-** The request is to annex 0.183 acres at 336 W. Hwy 291 into the City of Salida.
 - A. Open Public Hearing – 6:08 p.m.**
 - B. Staff Review of Application – MacDonald** summarized the staff report by stating the proposed annexation is for a parcel containing a mobile home behind the public works facility on SH 291. The property is accessed through an easement through the public works site and does not itself have frontage on a public right of way.
There are no changes to the existing use proposed at this time. The home is currently served by a well and municipal sewer service. Water became available in SH 291 in this area as part of the Grand Avenue project, which was completed in 2005. As part of that project agreement, use of any wells is permitted to continue until it fails or needs redrilling. Redevelopment of the property would require connection to the municipal water system and fees for water service including a share of the Grand Avenue line costs would be paid when connection is required.
Staff has found that the review standards for annexation have been met based on the findings included in the staff report.
 - C. Applicant’s Presentation- Lorri Lau, 6820 CR 104 #37,** was present to answer any questions.
 - D. Public Input –None**

- E. Close Public Hearing – 6:10 pm**
Commission Discussion- Bavaria if sewer was a problem since it was down on the hill and **Lau** said no there is a pump system that sends it back up. **Hartslief** asked how the property was accessed and **MacDonald** said by an asphalt easement that is owned by the City, which is a private easement. **Lau** said it is a deeded easement given to her by the previous owners. The doublewide mobile home is already on City sewer. **Smith** asked about zoning the property C-1 and it was explained that all the properties along Hwy 291 are commercial properties so it only makes sense to have it zoned the same. **MacDonald** said it would be a conditional use if they wanted to remove the mobile home and build a stick built home on the property.
- F. Commission Action - Smith** made a motion to approve the annexation with the recommended findings and actions. **Wikoff** seconded the motion. All were in favor so passed unanimously.
- 2. Lau Zoning-** The request is to designate the newly annexed property at 336 W. Hwy 291 as C-1 Commercial. The property is also known as the Lau Annexation.
- A. Open Public Hearing – 6:20 p.m.**
- B. Staff Review of Application – MacDonald** summarized the staff report by stating the proposed zoning for this property is C-1. The adjacent properties along Hwy 291 within the City limits are zoned C-1 so that would be the compatible zoning. There is a mixture of uses near or adjacent to this property including recreation, municipal, commercial and residential.
 Staff has found that the review standards for map amendments have been met based on the findings included in the staff report
- C. Applicant’s Presentation- Lorri Lau, 6820 CR 104 #37,** was present to answer any questions.
- D. Public Input –None**
- E. Close Public Hearing – 6:21 pm**
- F. Commission Discussion- Bavaria** stated that all homes on that side of 291 were C-1 and would only have to apply for a conditional use if she decides to change something on the property. **Hartslief** wanted to know why we were zoning C-1 when there was already a residence on the property and **Lau** stated she was going along with the recommendations of Staff and she also agreed with **Hartslief** that property was not ideal for a business but great for a home by the lake.
- G. Commission Action - Hartslief** made a motion to approve the zoning with the recommended findings and actions. **Smith** seconded the motion. All were in favor so passed unanimously.
- 3. Cahill Annexation-** The request is to annex 1.437 acres at 1425 and 1435 E. Hwy 50 into the City of Salida.
- A. Open Public Hearing – 6:26 p.m.**
- B. Staff Review of Application – MacDonald** summarized the staff report by stating the proposed annexation is for a parcel containing a motel and liquor

store on Hwy 50. The applicants wish to annex into the City so that in the future they will be able to subdivide the property and separate the businesses.

The property is served by municipal sewer and a well at this time. Connection to the municipal water system should be a requirement of annexation. The property is already served by the other municipal services such as police, fire and wastewater so there would not be additional cost to the city.

Continuing with the efforts to improve the Hwy 50 Corridor, the property should be required to implement the Highway Corridor Improvement Plan as a condition of annexation. This could be implemented at the time of further development, redevelopment or subdivision.

Signs are also identified as an area of concern along Hwy 50 and thus the Commission should ensure that the existing signs meet the standards of the City's sign code prior to annexation.

Based on the findings presented in the staff report, staff recommends a recommendation of approval of the annexation with the suggested condition of approval that the applicant enter into an annexation agreement which requires connection to the municipal water system, timing for streetscape improvements and compliance with the municipal sign code.

C. Applicant's Presentation- Terry Wiggins, representative of the Cahills, was present to answer any questions.

D. Public Input –None

E. Close Public Hearing – 6:29 pm

F. Commission Discussion- Smith asked if they were being required to hook to City water and **MacDonald** answered yes and they would need two taps. **Smith** asked if they would have to do the Hwy 50 improvements and **MacDonald** said yes they would have to have one streetlight, 6' sidewalks and the stamped concrete parkway when the property was developed. **Michael Cahill** was concerned about signage and **MacDonald** said that she does not know at this time whether or not their signs would conform to the City's sign code and was something that would have to be reviewed. **Wiggins** said they would be dividing the property along the west side of High's Liquors and making the motel separate as they want to sell it separately from the liquor store. **Bavaria** asked if there were any open space requirements with the subdivision and **MacDonald** said no since it was less than 3 acres. **Cahill** also has concerns as CDOT may require him to remove one of his driveways and they are really needed for deliveries to back of the liquor store. **Smith** says they have no say in what CDOT does. **MacDonald** stated that during annexation she could request CDOT review the proposed subdivision to determine if they would require the accesses to be closed and the applicants would still have time to decline annexation if this becomes a problem.

G. Commission Action - Hartsliel made a motion to approve the annexation with the recommended findings and actions. **Wikoff** seconded the motion. All were in favor so passed unanimously.

- 4. Cahill Zoning-** The request is to designate the newly annexed property at 1425 and 1435 E. Hwy 50 as Commercial (C-1) District and include the property within the Highway 50 Corridor Overlay. The property is also known as the Cahill Annexation.
- A. Open Public Hearing – 6:47 p.m.**
 - B. Staff Review of Application – MacDonald** summarized the staff report by stating the proposed zoning for this property is C-1. All properties fronting Hwy 50 within the City limits are zoned C-1 and included within the Highway 50 Corridor Overlay so that would be the compatible zoning. The current use of the property includes a motel and liquor stores which are permitted uses within the C-1 zone. Current uses surrounding the property are commercial and agricultural.

The proposed zoning is consistent with the comprehensive plan and the purpose of the zone district. The zoning would be consistent with surrounding zoning and uses.

Staff has found that the review standards for map amendments have been met based on the findings included in the staff report.
 - C. Applicant’s Presentation- Terry Wiggins, representative of the Cahills,** was present to answer any questions.
 - D. Public Input –None**
 - E. Close Public Hearing – 6:29 pm**
 - F. Commission Discussion- None**
 - G. Commission Action - Smith** made a motion to approve the zoning with the recommended findings and actions. **Hartslief** seconded the motion. All were in favor so passed unanimously.

VII. UNFINISHED BUSINESS

- 1. John’s Subdivision-** The request is to subdivide one parcel into four lots at 705 E. Hwy 50. This item was formerly called the Hampton Meadows Subdivision and the preliminary plat hearing was continued at the January 22, 2007 meeting of the Planning Commission.
- A. Staff Review of Application- MacDonald** summarized the staff report by stating this application is for the same subdivision that was formerly known as Hampton Meadows which was continued at the January 22nd meeting of the Planning Commission. Issues identified during that hearing included CDOT approval of the access permit, Xcel Energy requirement of an easement on adjacent property, 404 permit for development within a wetlands, development within the floodplain, open space and a trail to the easement along the river.

The applicants have abandoned the plans for the Hampton and Denny’s for the time being and would like to proceed with subdivision without a defined development plan. CDOT rejected the request for two full motion access points and a new application has been submitted for one full motion access and one emergency only access. Staff advised the applicant to consider revising the rear lot lines of Lots 1 and 2 so that they did not encroach so far into the floodplain area, but the applicant determined they would prefer to leave those lines as originally submitted.

The land use code requires that areas within the 100-year floodplain may only be subdivided for open space until the subdivision has shown that compliance

with the City's floodplain requirements has been met. Development of the areas within the floodplain contained in Lots 1 and 2 would likely require a substantial amount of fill to be placed on the property. This was an issue during the previous hearing but at this time, the applicant is proposing to restrict development on those lots to the building envelopes shown on the preliminary plan. Vertical development would be limited to only be within these building envelopes on these lots.

If, in the future, someone wanted to develop in these areas of Lots 1 and 2, they would have to complete the hydrology study at that time to show that the floodplain would not be adversely affected and would be required to amend the plat to revise the location of those building envelopes. Any revision to the plat could be accomplished through a subdivision exemption process unless the Planning Commission wishes to require that they review any amendments.

It appears that future development within the floodplain on Lot 4 can be done meeting the City's requirements for development within the floodplain so no such building envelope requirement has been suggested for that lot.

Similarly, since there is no development plan associated with the application at this time, the applicant is not required to obtain a 404 permit at this time. However, that permit would be required prior to any additional alteration to the wetlands that have been identified on the property.

The applicant has revised the preliminary plan to include a 10' wide trail easement along the eastern property boundary. An easement agreement should be executed prior to the recording of the final plat.

Based on the findings included in the staff report, staff is recommending approval of the application with the suggested conditions of approval.

B. Applicant's Presentation- Phil Carey representing John Spino, stated he would like to move forward and has agreed to Staff's recommendations. He has agreed to the 30' trail easement but not from the center of the river and would like the open space requirements to be adjusted during subdivision or conditional use application. **Bavaria** asked about the floodplain and if the problem had been solved and **MacDonald** said what was shown on plat was only approximate at this time. **Smith** asked why he did not want to go from center of the river and the applicant stated he did not want to go over that issue again but the 30-foot trail easement exceeds what he needs to provide for open space. **Stephens** asked if there would be access to the trail from the highway. **MacDonald** said the intention of the trail easement is to have public access and **Bavaria** was sure they had asked for this before. **Hartsliel** stated he feels we have discussed this issue enough and need to move on. **Thomas Morgan** asked if the City intended on putting in the trail and maintaining it. **MacDonald** stated open space designated during subdivision is a dedication of land to the City of Salida. **Carey** feels the City can't even maintain open space they have now so he does not understand why they would want more and this property is full of weeds. **Hartsliel** feels we agreed on easement not a dedication of land but **MacDonald** stated that 8% of dedicated open space is a requirement for a subdivision and it needs to be shown on plat before it is recorded. **Morgan** asked if it could be moveable open space and decided by each lot owner at the time of development but the Planning Commission felt

they would be setting a bad precedent if they allowed this. **John Spino** stated he would not be dedicating any land to the City of Salida. **Carey** asked if they could have a few minutes to regroup.

C. Public Input- None

D. Close Public Hearing- 8:40 pm

E. Commission Discussion- Carey after a brief recess felt that this was getting hung up by a dedication of land and wanted to know what a solution would be. **MacDonald** said they could leave plat as is and amend at a later time or they could pay a fee-in-lieu of dedication. After much discussion it was decided if they left plat as is it would be approved but if made any changes it would have to come back to the Planning Commission for approval or they could just pay a fee in lieu of open space requirement.

F. Commission Action- Hartslief made a motion to approve as shown with the open space dedicated to the City of Salida with the recommended findings and actions listed in the Staff report. **Stephens** seconded. All were in favor so motion passed unanimously.

2. **Sign Code Update Ordinance-** An ordinance of the City Council of the City of Salida, Colorado, repealing and replacing Article VIII, Sign Standards, of the Land Use Code with associated updates to Definitions and Enforcements. This item was continued at the February 26, 2007 meeting of the Planning Commission.

A. **Staff Review of Application- MacDonald** went over changes that were made at the last meeting.

B. **Applicant's Presentation- None**

C. **Public Input- None**

D. **Close Public Hearing- 7:40 pm**

E. **Commission Discussion- Bavaria** still had concerns and wanted to know if the proposed code would hold up under judicial review. **MacDonald** said she still wanted to have it reviewed by CIRSA attorneys but wanted to make sure the Planning Commission was comfortable with it before it was sent to the attorneys and before it goes to Council. The Commission went over areas of concerns again but feel a work session may be the answer to this.

F. **Commission Action- Rose** made a motion to continue to a work session. **Hartslief** seconded. All were in favor so motion passed unanimously.

3. **Growth Areas-** There will be a public meeting with property owners in the proposed urban services area at 6:00 p.m. on Wednesday, March 28 at the Salida Senior Center.

4. **Update to the City of Salida Comprehensive Plan**

Moved to a work session.

VIII. NEW BUSINESS

1. **Highway 50 Improvement Plan-** The request is to recommend that the City Council adopt the Highway Corridor Improvement Plan.

A. **Open Public Hearing- 9:00 pm**

B. **Staff Review of Application- None**

C. **Applicant's Presentation- Greg Amidon** spoke as a representative and member of the Hwy 50 Corridor Group. He explained what the goals were

and what they hoped to accomplish. Right now they are working from a resolution adopted by the City Council previously.

D. Close Public Hearing- 9:03 pm

E. Commission Discussion- Hartsliel is concerned that the costs to existing businesses and **Smith** feels improvements would benefit the corridor. **MacDonald** stated that sidewalks are already a requirement in the code for new development or reuse and the plan would add streetlights and stamped concrete parkways. The Group has been applying for grants to help the improvements move along quicker. New development would be required to do these improvements. **Rose** asked if a bike path was also being proposed but **Amidon** said that the sidewalk is multi-use.

F. Hartsliel made a motion to adopt the Highway 50 Corridor Improvement Plan as written. **Lau** seconded. **Smith and Rose** voted nay. **Bavaria, Wikoff, Stephens, Hartsliel, Lau, and Bergin** voted aye. Motion passed

2. Highway Corridor Improvement Plan Implementation Ordinance - An ordinance of the City Council of the City of Salida, Colorado, amending Article IV and Article IX, of the Land Use Code to implement the Highway Corridor Improvement Plan.

A. Open Public Hearing- 9:15 pm

B. Staff Review of Application- MacDonald – **MacDonald** explained the proposed changes that would implement the newly adopted plan by requiring the installation of stamped concrete parkways and streetlights in addition to the sidewalks that are currently required for new development and redevelopment along the Highway 50 corridor.

C. Applicant's Presentation- None

D. Close Public Hearing- 9:17 pm

E. Commission Discussion- Bavaria stated that it makes sense to adopt the ordinance that implements the Plan.

F. Smith made a motion to accept ordinance as presented. **Hartsliel** seconded. **Smith and Rose** voted nay. **Bavaria, Wikoff, Stephens, Hartsliel, Lau, and Bergin** voted aye. Motion passed

IX. COMMISSIONER'S COMMENTS:

Date for Work Session to discuss Sign Code and Comprehensive Plan was set for Tuesday, April 19, 2007 at 8:00 am in the Council Chambers.

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at **9:35 pm**.