

MEETING DATE: Monday, April 23, 2007
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

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

Absent: Vance

AGENDA SECTION:

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

II. Roll Call

III. APPROVAL OF THE MINUTES –Monday, March 26, 2007

1. Smith made a motion to approve the minutes as written.

Hartslief seconded the motion. All voters were unanimous and the motion carried.

IV. UNSCHEDULED CITIZENS

None

V. AMENDMENTS TO AGENDA

None

VI. PUBLIC HEARINGS

1. John’s Subdivision- The request is modify the open space on the approved preliminary plat for John’s Subdivision which was approved on March 26, 2007.

A. Open Public Hearing – 6:02 p.m.

B. Staff Review of Application – MacDonald summarized the staff report by stating the preliminary plat for this subdivision was approved during the last Planning Commission meeting. The applicant would like to alter the open space that was designated during that approval. The open space that was approved during the last meeting was the dedication of the area that was provided to the City as a trail/open space easement during the annexation of this property.

Staff does not know why the applicant would prefer to break up the open space area and include areas that are outside of that area already covered under the trail and open space easement.

The applicant has proposed seven different areas for consideration as open space. These are numbered 1-7 on the letter submitted and are highlighted on the attached map. Consider the intention of the open space provision to be planned for maximum usefulness to the residents of the development for purposes of recreation, to preserve significant natural features and incorporate these features into parks and open space areas, to preserve view corridors and to produce a feeling of open space. Given this intention, staff recommends that if the Planning Commission wishes to alter the open space that has already been approved that they only consider the proposed areas 1, 3 and 7.

As explained in the staff report these areas either provide for a trail or protect a natural feature. The other areas proposed do not meet the intention of the provision of open space.

Staff recommends the Planning Commission consider what open space configuration would best meet the intention of the ordinance and if the Commission is willing to alter the approved plan that they consider the proposed open space areas 1, 3, and 7 with an easement to be established for #3 prior to recording the final plat.

Regarding whether the areas should be required to be dedicated to the public or not, given recent Planning Commission discussion, staff recommends that area 3 be open to the public, as it is intended to provide access to the existing easement along the southern property boundary. Public access is already permitted to #1 as part of the existing easement. The Commission should discuss whether or not these areas should be dedicated to the City.

- C. Applicant's Presentation- Pete Cordova, Attorney representing John and Betty Spino and Phil Carey**, was present to answer any questions. He stated that Phil Carey was now a co-owner of the property and they were there to amend the open space requirements. **Cordova** asked Carey several questions to clarify past events in the annexation and subdivision process. **Carey** stated that he does not think the area was selected during the last PC meeting. At the last meeting on March 26, 2007 it was decided that they could leave open space as is, pay a fee in lieu or modify the open space by coming back to the Planning Commission so that is the reason for them being here. The motion was explained that it did include the open space area shown on the preliminary plan. They then presented Exhibit #1 as what they would like the open space to be. This was the first chance the Planning Commission had to view this document. **Carey** felt that dedication would mean fee simple granting of the property to the City and that he only wants to provide access to the trail along the river to residents of the subdivision, not to the general public. There was discussion about whether or not the Planning Commission always intended there to be public access from Hwy 50 to the trail and it was determined that was always the intention of the Commission.

Bavaria stated that she doesn't feel that a setback alone should be considered for open space even if it is landscaped because it is not necessarily meaningful space. **Cordova** doesn't think the intention of the open space requirement is clear and that landscaped setbacks should be acceptable. **Smith** agrees that there is no prohibition on setbacks being used as open space, however, the intent is to provide maximum usefulness as open space. An example of an acceptable setback is the 10' along the eastern property boundary which is a setback but which would also serve as a trail. **Cordova** thinks that the river area and landscape areas meet the intention of the code and exceed the open space requirement. He further stated that the easement on the east property line for a trail would limit the commercial viability of Lot 1 and doesn't make sense as a public easement because of the grade change on the property.

Carey stated that the buyer of the property who wants to develop a hotel doesn't want an easement because he wants to put a driveway in that location.

Bavaria stated that the east property line trail was always intended for public access. **Carey** thinks that it was intended for the residents of Lots 1 and 2 and not for the public. **Cordova** thinks it is an unsafe location for a trail because there is no public parking and **Bavaria** explained that it could be part of a series of loops and accesses in the future from Hwy 50 to the trail along the S. Arkansas River.

Cordova requested that the open space be designated as presented on his Exhibit A with no public access permitted. **Smith** was confused because the request that was submitted to the Planning Commission was to modify the open space areas that were designated and did not include a proposal to modify the approved trail easement on the east property line or whether that would be for public access. **Hartslief** asked for clarification on what was being requested. **Smith** explained that the Planning Commission can determine where the open space should be placed in the subdivision and is frustrated because there have been so many iterations of the plan presented.

D. Public Input –None

E. Close Public Hearing – 7:10 pm

Commission Discussion- None

F. Commission Action - Smith made a motion to approve Exhibit #1 as presented. **Lau** seconded the motion. All were opposed to motion. There was additional discussion about designation of the property versus requiring the property to be deeded to the City and the Commission generally agreed that the open space areas did not need to be deeded to the City. **Rose** asked if the designation of areas 1,3 and 7 would be acceptable to the applicants and **Carey** stated it would all land remained in private ownership and if #3 (easement along E property boundary) was only made public after a trail was constructed along the river and that #7 would remain as private open space with no public access. **Hartslief** expressed frustration that time has been wasted arguing and we are now back to what the staff recommended.

Smith made a motion to accept 1, 3 and 7 as privately held open space with an easement for public access. **Lau** seconded. **Stephens, Wikoff, Hartslief, Bavaria** voted nay. **Lau, Smith, Cabe** voted aye. Motion did not carry.

Smith made a motion that 1, 3, and 7 be accepted as open space and private access until the trail is built at which time public access will be permitted. **Cabe** seconded. **Bavaria, Cabe, Stephens** voted aye. **Wikoff, Lau, Hartslief, Smith** voted nay. Motion did not carry.

Thomas Morgan stated that the intention is for a trail on the river to connect to somewhere and if there is no trail constructed that the easement could be

abandoned. No one wants a dead-end park in this location. He would like to see 1, 3 and 7 as open space for private use until a trail is constructed along the river.

Smith made a motion that the decision from the March 26, 2007 meeting stand. **Hartslief** seconded. Everyone was in favor so motion passed unanimously.

2. **Morgan Annexation-** The request is to annex 0.68 acres at 218 Scott Street into the City of Salida.
 - A. **Open Public Hearing – 7:11 p.m.**
 - B. **Staff Review of Application – MacDonald** summarized the staff report by stating the proposed annexation is for a portion of a parcel between Scott Street and the Arkansas River. The portion of the property which is already within the municipal boundary contains a single-family home. There are no changes to the existing use proposed at this time. The home is currently served by municipal utilities. 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- Thomas Morgan, 218 Scott Street,** was present to answer any questions. He stated the home was his primary residence.
 - D. **Public Input –None**
 - E. **Close Public Hearing – 7:12 pm**
 - F. **Commission Discussion- Lau** asked why the City was not requiring a trail along the riverfront as part of annexation. **MacDonald** explained that the Comp. Plan envisions a trail across the river from this property, but not on the side where the Morgan property lies.
 - G. **Commission Action - Hartslief** made a motion to approve the annexation with the recommended findings and actions. **Cabe** seconded the motion. All were in favor so passed unanimously.

3. **Morgan Zoning-** The request is to designate the newly annexed property at 218 Scott Street as C-1 Commercial.
 - A. **Open Public Hearing – 7:13 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 Scott Street within the City limits are zoned C-1 so that would be the compatible zoning. The portion of the property which is already within the municipal boundary is already zoned C-1.

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- Thomas Morgan, 218 Scott Street,** was present to answer any questions.
 - D. **Public Input –None**
 - E. **Close Public Hearing – 7:13 pm**

- F. Commission Discussion- Smith** stated he felt the zoning was compatible to C-1. **Lau** stated mostly residential in the area.
- 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.
- 4. Strawbale Village Conditional Use-** The request is to be granted a conditional use to construct four residences at 361 Scott Street located in the Commercial (C-1) zone district. In a C-1 zone district, the proposed use is conditional.
- A. Open Public Hearing – 7:14 p.m.**
- B. Staff Review of Application – MacDonald** summarized the staff report by stating the applicants have proposed to construct a four car garage, two single unit homes and a two-unit structure on the property which is zoned C-1. Staff has found that the residential use of this property is preferred to the commercial use that the zoning would allow by right. However, there are a few items in the design of the project that are of concern. The first area of concern is the design of the four car garage backing directly onto the street both because of the safety concerns as well as the design aesthetic that four garage doors would bring to the neighborhood. The second concern was that the driveway width and separation requirements were not met. Staff had proposed an alternative site design showing how these concerns could be addressed. We understand that the applicants will also present at least one alternative of their own at this meeting that addresses these concerns. Also by not taking up the street frontage with driveways, there is more space available for on-street parking adjacent to the property to accommodate overflow parking. Several letters were received from the public and have been forwarded to the applicant and included in your packets for consideration. Staff recommends that the Planning Commission consider alternative designs that mitigate the concerns with the garage and driveways and if they feel these concerns can be met that they approve the project based on the recommended findings and with the recommended conditions.
- C. Applicant’s Presentation- Steve Duhaime, 335 Oak Street,** wants to build residential homes in a C-1 zone district. He feels it is favorable to have residential on Scott Street as that is what is there now. Parking seems to be the main concern. He explained that commercial traffic from Knight Satellite used to have to exit onto Scott Street and he has chosen a site design that eliminates the commercial traffic. He showed the Commission an alternate plan that would reduce the density to three single-unit structures and a three car garage with a driveway from the street and space for tandem parking.
- Bavaria** asked what the proposed size of the unit was. **Duhaime** explained the units would be approximately 32’ x 36’ or 1,400 square feet in size – single-story units with lofts. He explained that the goal is to try and preserve the common open space in the center, promote walkability and green space.

The units will be Strawbale construction with both passive and active solar. **Bavaria** asked if he was willing to provide an easement through his commercial property to ensure walkability and **Duhaime** stated he would. **Lau** asked about the location of trash enclosures on the new plan and **Duhaime** explained they would be individual trash cans for each unit, not a dumpster. **Bavaria** asked if the open space would be public or private and was informed the intention was not to create a park for the neighborhood, but that an easement to permit public access on the walkway was possible.

D. Public Input –Lea Stroud, 403 Scott Street, stated she lives directly across from the property and was concerned that vehicles would be backing onto Scott Street. It is a very small street and is worried about the increased traffic. She does not feel there is adequate outdoor activity space on the site plan. She applauds the green development components but is worried about emergency access.

Scott Banks, 405 Scott Street, lives at the end of the street and has concerns with noise and traffic as there is only a single egress. He feels his sleep may be disrupted by the additional traffic and that maybe the garage could be moved to the north property line.

Thomas Morgan, 218 Scott Street, was very much in favor of the development. Feels they are going in the right direction. He suggested the neighbors get together and work out concerns. He suggested the installation of a speed bump to slow traffic and installation/repair of stop signs in the area.

E. Close Public Hearing – 7:55 pm

F. Commission Discussion- Craig Nielsen, was present and is helping applicant to design the homes. He realizes the neighbors would like the garage moved but a North facing garage is problematic. Also, the housing unit on the south property line would have limited solar access because of trees on neighboring property. **Duhaime**'s intention is to install a privacy fence on the south property line. **Hartslief** feels they have to address the neighbors concerns but feels it could be worked out if they all sat down together. There was additional discussion about the possibility of relocating the garage and it was determined that with the alternative design proposed by the applicant the garage could remain in the southeast corner of the property but flip so that the driveway was on the north side of the garage. This would preserve solar access for the residential units and create a hard-surface play area in the center of the development that could also be used for parking/access. The neighbors agreed that this design would satisfy their concerns and the applicant was comfortable with this suggestion.

G. Commission Action - Cabe made a motion to approve the conditional use with the recommended findings and action with the modification to condition #1 to "accept the newly proposed site plan with the garage flipped so that the driveway and parking area are on the north side of the garage" and the elimination of condition #4. **Smith** seconded the motion. All were in favor so passed unanimously.

5. **Wal Mart Minor Subdivision-** The request is to subdivide one parcel into two lots at 7865 West Hwy 50.
- A. **Open Public Hearing- 8:23 pm**
 - B. **Staff Review of Application – MacDonald** explained that the applicants had requested that the hearing be continued until the next meeting.
 - C. **Applicant’s Presentation- None**
 - D. **Public Input-None**
 - E. **Close Public Hearing- 8:23 pm**
 - F. **Commission Discussion-None**
 - G. **Commission Action-Smith** made a motion to continue to next month’s meeting. **Lau** seconded. All were in favor so passed unanimously.

VII. UNFINISHED BUSINESS

1. **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 and March 26, 2007 meeting of the Planning Commission.
- A. **Staff Review of Application- MacDonald** handed out the new draft with some changes submitted by the Land Use Attorney. For clarification the Purpose statement was amended to read “The purpose of this Article is to promote the public health, safety and welfare, by providing uniform standards for the times, places, and manners in which all signs within each zone in the City of Salida shall be displayed.” After discussion about the need for a cap on the total amount of sign area for a site, it was determined that the maximum size for any site should be 250 square feet of sign area. It was agreed that the size of window signs should not be regulated and it should be clarified that window signs do not count towards total sign area permitted. There was further discussion of the merits of trying to regulate vehicle signs and the Commission determined they did not wish to regulate vehicle signs. Staff distributed a memo from the Land Use Attorney regarding political signs and the advice to address political signs separately from the 9 sq. ft. permitted already. The advice was to permit one sign per ballot issue or candidate in an election and to limit the display time for such signs to no more than 90 days prior to the election and 15 days after an election.
 - B. **Applicant’s Presentation- None.**
 - C. **Public Input- Drew Smith and Hugh Young** were present and added to the discussion. **Young** expressed that he was opposed to the restrictions that he thinks the Commission has placed on the draft code since the sign code committee presented the draft and that the government should interfere as little as possible. He further feels that to address political signs as a separate category would defeat his attempt to make the code content neutral. There was discussion about the constitutional protection of political and ideological speech. The Land Use Attorney will discuss this issue with the Planning Commission when they meet on May 1st.
 - D. **Close Public Hearing-**

- E. Commission Discussion-** The Planning Commission went over the changes that the attorney had suggested. Because of the late hour it was determined that the discussion should be continued until the Commission had more time to discuss the code and to consult with the Land Use Attorney.
- F. Commission Action- Smith** made a motion to continue until the next meeting. **Cabe** seconded. All were in favor so motion passed unanimously.

- 2. Update to the City of Salida Comprehensive Plan-** will be discussed at next worksession.

VIII. NEW BUSINESS

- 1. Worksession with Land Use Attorney Lee Leavenworth-** Tuesday, May 1 noon- 2:00 p.m. Lunch will be provided. Will discuss political signs further.
- 2. Parks Master Plan** – Need a Planning Commission volunteer to participate in the steering committee for the development of this plan. It was decided to discuss at next worksession.
- 3. Open Space Policy-** Staff will present a policy interpretation on the open space requirements in the subdivision and planned development articles for the Planning Commission to review. It was decided to discuss at the next worksession.

IX. COMMISSIONER'S COMMENTS:

The Commission decided they need to have regular worksessions and it was decided the 2nd Tuesday of each month at 6:00 pm to 8:00 pm in the Council Chambers. **Bavaria** would still like for someone else to become chair.

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at **9:42 pm**.