

MEETING DATE: Monday April 28, 2008
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Bavaria, Stephens, Cabe, Pierce, MacDonald, Hartsliel, Kasper, Curtis, Wood
 Absent: Vance, Wallis, Tracy

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRPERSON: Stephens- 6:05 PM**
- II. ROLL CALL**
- III. APPROVAL OF THE MINUTES – Monday March 24, 2008**
 Bavaria made a motion to amend the minutes with a change to page 6, in the end of the long paragraph to perimeter “trail”. **Kasper** seconded the motion. All voters were unanimous and the motion carried.
- IV. UNSCHEDULED CITIZENS - None**
- V. AMENDMENTS TO AGENDA -None**
- VI. PUBLIC HEARINGS –**
 - 1. Nonconforming Sign Ordinance - Elizabeth Kudasik of the Gateway Inn**
 has requested that the City amend Section 16-15-50 regarding nonconforming signs.
 - A. Open Public Hearing - 6:10 p.m.**
 - B. Proof of Publication - Yes**
 - C. Staff Review of Application -** Staff received an application from **Elizabeth Kudasik of the Gateway Inn** to amend the land use code, in particular section 16-15-50, regarding nonconforming signs and the triggers that have been established as to when the nonconforming signs must be brought into compliance. **Mrs. Kudasik** put together packets for the Commission; there is some amended language from **Stacy Murphy** that was handed out tonight. One reason that there is a nonconforming sign code is to assure that over a reasonable amount of time that nonconforming sign are brought into compliance. That way new businesses are not held to a disadvantage to a business that has been in existence for a while. The triggers that the City has include the change in business name, if the sign is destroyed or things in that nature. The applicant wants to change that, so as long as a business stays in operation that the sign would not have to come into compliance. Staff recommends that the Commission strongly consider what they think the triggers should be for bringing a sign into compliance. If the Commission does not agree with the application, they can make a recommendation to Council for denial. They may also make a recommendation for approval with conditions, with the Commission’s recommendations of what the triggers should be for signs to be brought into compliance. The other recommendation made by staff was that the Commission set up an

amortization schedule so that all signs are in compliance within a set number of years.

- D. Applicant's Presentation - Kudasik** presented letters from business owners who expressed they would like to see the code changed. She read the names of those businesses that submitted letters, she resubmitted some from the last meeting, and she felt that they expressed concerns about the nonconforming code. **Kudasik** quoted purpose of nonconforming section 16-15. She did not enlarge or expand the sign at her business. She summarized arguments presented in her application regarding her business name and her sign remaining. The signs in the County will never conform to the City code. She feels that the code penalizes business; there is inadequate notice to business owners. **Kudasik** stated that she feels that there is a conflict in the subsections of the code. She feels that she is in compliance with the code because she did not enlarge or expand her sign. She requested that the Commission take time to review the proposed changes.

Stacy Murphy, Representing the Kudasik Partnership - Thinks that it is poorly drafted code provision. The "existing" business portion does not make sense. She can see why business owners would be confused. She feels that "business name ceases to exist" is ambiguous. The Econo Lodge name still exists, just not at this business. **Murphy** presented revised language. She looked at several nonconforming sign codes from comparable communities and most of them have code provisions similar to what is proposed. The proposed language was discussed. **Murphy** feels that the language in the proposed code is more clear and specific. She does not think this would allow signs to continue indefinitely. She stated that Days Inn was allowed to change the sign face on their nonconforming sign because they did not change their name. Letters from businesses show their support for change. **Murphy** feels that the purpose of the code is to protect general welfare; she thinks the code is not clear. She told the Commission that she feels that they should strongly consider the code change and recommend taking time to consider the application. **Wood** would like her to define "substantial". **Murphy** said that it is applied by administrators and courts. There needs to be some flexibility. Thinks it would be triggered by the cost. **Wood** feels that the code should be very specific. **Cabe** stated that triggers would be that business could sell, name can change and sign could continue in perpetuity. **Murphy** informed them that eventually the business type will change and the sign would have to come into compliance at that time. **Cabe** stated so long as it retains same use it will remain under the proposed changes. **Cabe** asked about an amortization period. **Murphy** said that she saw two, one for 7 (seven) years, and one for 5 (five) years. She would request a period that is reasonable to allow people to plan. **Kaspar** asked if there was a recommendation of years. **Murphy** stated that she is opposed to amortization. She made a reference to the APA article distributed by staff

where it states, change to sign face alone has not been supported by courts. **MacDonald** informed the Commission that Poncha Spring has a 5 (five) year amortization. **Pierce** asked what would happen if the name of the business does not change but the operation does. **Murphy** informed him that businesses change names regularly and feels that code requirement to come into compliance is a harsh result. She agrees that compliance should accompany a substantial investment in the sign. **Hartslief** would like to know if there was a bid for the replacement sign. The bid was presented in the past. **Murphy** said that nonconforming signs were not addressed during the sign code process. **Kaspar** is ok with the proposed changes, accompanied with amortization. **Bavaria** stated that the purpose is to “regulate and limit” nonconforming uses; intent is that these signs come into compliance.

E. Public Comment - Vicki Sue Vigil-President of Salida Business

Alliance - She is looking forward to coming growth but also feels that Commission should not forget existing businesses. She hopes the City can work with the sign code. **Stephens** asked who agrees with the letter.

Vigil informed him that the Alliance discussed it at their meeting.

Bavaria would like to know how many members there are in the SBA.

Vigil told her that there are about 65 in the SBA and about 500 in the Chamber of Commerce.

Jeanne Foster-She has been in business for 37 years. She feels the sign code has hindered bringing businesses into Salida. **Foster** feels that the sign code drives businesses away and drives away jobs and revenue. She doesn't think that the city sign code needs to be more strict than the state sign code. **Wood** asked how many existing signs are nonconforming. He was informed that a survey was not done.

Daryl Smith-Smith stated that a group of local business people reviewed all codes a few years ago. He is interested in keeping the code simple and sustaining the economy. Thinks the code should be more specific, if it is not specific then it cannot be enforced. Supports recommendation of **Murphy**. The City needs to support businesses

Mark - Owner of Days Inn, Salida - He was allowed to reface his sign. He stated that the franchise fees are expensive and he is thinking about going independent. Refacing cost \$9000 in comparison to the \$25,000 that it would cost to get a new sign. He stated that Super 8 and Holiday Inn will also have to change their signs. Signs are a vital part of their business and are very important. **Kasper** asked **Mark** how he felt about amortization. **Mark** stated that he feels that variety is attractive; there should be some sort of code.

Kudasik – Stated that her sign is an icon and image of the business. Loss of sign would be a loss of image. In the Highway 50 corridor survey, 62% agree that current signs should remain. North side of Highway is in the City; South side of highway is not, those will never come into compliance. Code punishes those businesses in the City. **Murphy** state that proposed subsection (6) (1) could strike “substantial”

F. Close Public Hearing - 7:02 pm

G. Commission Discussion - Wood stated the Commission members are business owners and hard working members of the community. He read all the nonconforming sign codes he could find on the Internet and they are varied from long dissertations to similar to what is in the current code. He feels that it is always useful to clarify what the code implies. He does not know where he stands. **Stephens** stated that the Econo Lodge no longer exists in Salida. Not concerned with the code in any other city. The Commission's job is to interpret the code. They are pro-business. He does not think that he can decide at this time. **Stephens** would like the attorney to review amortization clause. **Stephens** left the meeting at 7:08 p.m.

Bavaria said that she agrees with the ambiguity in code. It is hard to write a clear code that is fair. She is not ready to make a decision tonight.

MacDonald informed the Commission that the attorney would be at the work session. **Curtis** stated that a sign is a huge investment. Existing sign is valuable. He thinks amortization would be terrible. Curtis does not believe there is a disadvantage to new businesses. He reminded the Commission that the City has a big sign that directs people to the downtown area. He is concerned that 50% of the language in the code is unclear, such as "existing sign". **Curtis** thinks that Council would have to extend timeframe, not Administrator. **Hartslief** asked if the business moves, should the sign move to the new location. Does the sign belong to the property or the business? **Kudasik** answered that the business owns the sign. She would like legal direction on this as the code ties the sign to the business not location. **Murphy** stated that many of the codes say that "relocation" triggers compliance.

H. Commission Action - Hartslief made a motion to continue this issue to the June meeting. **Bavaria** seconded the motion. All were in favor, the motion carried.

2. Sackett Addition Overlay Ordinance-The request is to create a new overlay zone in the city for the Sackett's Addition Neighborhood. The purpose is to ensure that new development is consistent with the character of the historic neighborhood.

A. Open Public Hearing - 7:17 pm**B. Proof of Publication - Yes**

C. Staff Review of Application - Commission did have a discussion about this at the last work session. They also had a presentation from the applicants **Marilyn Moore** and **Kathryn Hardgrave** at that time. There were some changes made, including naming of the area. Following the map a small section was added to help with interpreting the guidelines. The ordinance would create a new overlay zone and would codify the section that is referring to the requirements in the document. The

document would be a reference for additional guidelines for any contractor that is building to fit into the character of the neighborhood. Most of those are non binding, they are only recommendations. The requirements deal with setbacks, mass and scale for new constructions, additions and primary and secondary structures. There was some language on the setbacks that the front setbacks would be in line with the setbacks in the neighborhood. The side setbacks would be based on the average distance between structures. The height would be within 5 (five) percent of the average height as measured from the elevation of the sidewalk, it.

D. Applicant's Presentation - Marilyn Moore - Lives in Sackett Addition Neighborhood - Originally considered creating a historic district.

Neighborhood did not want that, but were concerned with development having a negative impact on the neighborhood. She had several meetings, three with the owners within the survey area and then broadened the boundaries and invited those owners. She has made every effort to incorporate suggestions. She sent out 100 questionnaires and got 33 back. People indicated, 5 (five) said as is, is ok, 6 (six) said they would like a design overlay addressing only mass and scale, 26 said they would like more regulation to varying extents. She tried to draft language that reflected concerns. **Bavaria** asked how many properties there were in the proposed overlay. She was informed that there are approximately 150.

E. Public Input - Mike Kimmit - 207 W Sackett - He thinks it should apply to residential zoning only. The guidelines do not make sense to limit people raising the height. The guidelines make the Victorian pitch difficult to achieve. The height limit, limits options for design. He does not see the loss of value with any additions. **Cabe** said that the Commission hears complaints all the time from people who have something large constructed next to them.

Paul Crabtree - 325 D Street - In favor of design overlay, a revised version. He concerned about the impacts. The question for conserving the character of the district would be "would you be able to build something already there". He took pictures of house that would not meet the guidelines. Concerned about requirements that second story be no more than 75% of ground floor. He is also concerned about affordability and economic viability of downtown. Feels this will reduce affordability. It is economic to construct 2-story homes.

Don McCoy - 432 E 3rd St – Asked about options for people who do not want to be included in the overlay. He is concerned about the change from 35 feet to average height. The change will limit people from being able to enjoy the value of their homes, example the 10 feet ceilings. Arbitrary average will eliminate people's investments in their home. Homes are a major asset for people. He is concerned that one block will be more valuable than another one. He does not like the 75% rule.

Rich Padovan - 421 E 4th – He liked the overlay in the beginning but now he feels that there are too many restrictions. He thinks the guidelines should apply to the whole city. He would like to see limits set on height

but he feels the overlay is too much.

Moore stated that the 75 % rule was an attempt to avoid 2-story boxes. The guidelines are open for suggestions that would address that design consideration. **Cabe** asked if it was an impetus for whole effort. **Moore** said that yes, also what was seen around the state, where historic structures were scraped and large single family homes are constructed. The design overlay does not apply to existing structures. **Moore** asked how improving the value of a large home impacts the value of a smaller existing home. Limiting mass and scale makes smaller the homes, which are more affordable. **McCoy** said that if you tear something down, the new house would have to be in compliance. Only the wealthy people would be able to afford to follow the guidelines.

F. Close Public Hearing - 7:45 p.m.

G. Commission Comments – Cabe found the regulations tied to averages interesting. It means that the average is going to go down over time. **Bavaria** feels that it was a great effort; it is hard to write regulations that are clear, fair and easy to enforce. People bought property with current regulations in place. It is not fair to impose new regulations unless everyone is in favor. **Bavaria** questions the block-by-block approach. She would prefer set limits on height. She is also concerned about side setbacks based on averages. She thinks some of these requirements should be citywide. **Pierce** like the spirit of the efforts. Challenges come with growing of the target area. He suggested maybe taking off Sackett and First Street to make the focus more concentrated. He thinks the focus needs to be kept more to front facades. **Wood** feels that this is the kind of thing that the community needs to be looking at to protect the character and the small houses. Balance the rights of property owners. He could support the guidelines with tweaks and modifications to make it simpler. **MacDonald** stated that the applicant was looking for suggestions. In response to the questionnaire, **Curtis** feels that it would be easier with large show of support. **Cabe** stated that before imposing the guidelines on the neighborhood, the Commission needs to unanimity. **MacDonald** discussed that in other areas the code considers not showing up or not responding to surveys as a sign of support. **Bavaria** would like the same requirements to apply to the entire area, not by block. Set hard and fast numbers, not averages. **Cabe** recommends looking at smaller, homogeneous areas. **Bavaria** feels that ADUs are hard for smaller bungalows to have garage and apartment above **Moore** would want secondary structures to be subordinate. **Hartslief** supports the objectives and would like to see it implemented. Never will get it right, it is a great effort. He is in support of self-regulation. There is a mechanism to object. **Stephens** is concerned about pockets of different design guidelines. He is also concerned about not seeing more support. **Hartslief** thinks that we need to provide more direction to applicants. **Cabe** recommends a smaller, area that is more homogeneous. **McCoy** would like to know if a block could opt out of the guidelines. **Bavaria** says that people should get

to vote on it. Commission had a discussion of how to judge property owner support. **Stephens** wants to see more concrete information, like support, clear language and neighborhood buy-in. **Cabe** is concerned about unintended consequences; he wants to see more support. **Wood** likes the big ambition. There is an appeal process. If it is a good design, it will be supported. It is important to do something to protect the neighborhoods; to do something more to protect people who live here already. **Kasper** is concerned about providing contradictory feedback. He would like to see the Commission have specific suggestions. **Pierce** would like to see a smaller area with more consistent designs. He would feel better with more neighborhood support. **Bavaria** would like to see the letters that went to neighbors.

H. Commission Action - Bavaria recommends denial due to unclear language, specific setbacks and lack of showing support. She later rescinded her motion. **Bavaria** made the motion to remand the application back to the applicant. **Pierce** seconded the motion. **Hartslief** and **Wood** opposed, the motion carried. **Curtis** suggested putting in what you do not want. Approach mass regulation.

3. City of Salida Strategic Housing Plan – Consider making a recommendation the City Council to adopt the City of Salida Strategic Housing Plan

A. Open Public Hearing - 8:35 p.m.

B. Proof of Publication -Yes

C. Staff Review of Application - This issue has been discussed at several Planning work sessions in the past. The plan was drafted by Craig Nielson of RCAC. Following the joint session with the Planning and Council there were some changes made and some things were added. Examples of changes include the ability to put in manufactured housing; the phrasing in the section on planning was changed to basically direct the Planning Commission to look into these changes. There are currently some existing neighborhoods that are trying to down zone, rather than increase their density. It is easier to look at planned developments and annexation so those recommendations are stronger. We did up the recommendation from 10% of new development in new annexations to 15 % to make it more affordable. Staff recommends that the Commission make a motion to recommend that Council adopt the Housing Plan.

D. Applicant's Presentation - Craig Nielson - Drafter of Housing Plan -

He thanked the Commission for looking at the issue, he feels that it is an important issue. He is trusting that the plan will guide the other communities to draft a similar plan. He is hoping that it will become county wide.

E. Public Input - None

F. Close Public Hearing - None

G. Commission Discussion - Wood asked about the appendix statement about having a countywide authority; he would like to see it somewhere in the document as well. **Nielson** stated that the appendix presents the menu

of options available. Chaffee Housing Trust appears to be that countywide organization. Discussion of land trust model versus regional housing authority. **Hartslief** would like to know once the plan is approved, “how much teeth” does it have. **Nielson** said that the document provides legal basis and foundation for regulation. **Wood** suggested adding sample AMI chart. **Pierce** said that in the plan ADUs do not count towards density. He asked if the Commission is giving away a bargaining tool by doing that? **Bavaria** would like to know what is meant about lot sizes to allow town home ownership. **Nielson** said that it currently not allowed with minimum lot sizes. Condominium fee can be an obstacle to affordable housing and condominiums do not work well with the land trust model. Land ownership versus condominium.

H. Commission Action - Wood made the motion to recommend the plan to Council. **Curtis** seconded the motion. All were in favor, the motion carried.

VII. UNFINISHED BUSINESS – None

VIII. NEW BUSINESS – None

IX. COMMISSIONER’S COMMENTS: **Pierce** is willing to give up his seat on the Regional Planning Commission. **Bavaria** is willing to take his place. **Stephens** thanked the Commission for their support during his recent absence. He is in opposition to the Hampton Inn PD that was proposed, he feels that it is too tall, it has a bridge that goes to nowhere, and he is not impressed with the applicants. **Bavaria** said that even if the City does not sell the property the bridge connection would still be valuable for the community.

X. ADJOURN

With no further business to come before the Commission, the meeting closed at **9:04 p.m.**