
MEETING DATE: Monday, August 27,2007
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Bavaria, Cabe, Wood, Stephens, Hartsliel, Lau, Rose, Bergin, MacDonald, Jefferson, Wallis

Absent: Vance

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRPERSON: Bavaria - 6:00 PM**
- II. Roll Call**
- III. APPROVAL OF THE MINUTES –Wednesday, May 23, 2007**
 - 1. Cabe** made a motion to approve the minutes as written.
Bergin seconded the motion. All voters were unanimous and the motion carried.
- IV. UNSCHEDULED CITIZENS-**There were no unscheduled citizens.
- V. AMENDMENTS TO AGENDA**
None
- VI. PUBLIC HEARINGS**
 - 1. Smith-Kenney Conditional Use- Lot 1, Davidson Subdivision-**The request is to be granted a conditional use to construct a single-family residence at Lot 1 Davidson Subdivision located in the Industrial (I) zone district. In an ‘I’ zone district, the proposed use is conditional.
 - A. Open Public Hearing – 6:00 p.m.**
 - B. Staff Review of Application – MacDonald** –Property was before commission in April, 2006. It was approved at that time to be a 2-unit structure but was purchased by new owners. The new owner would prefer to build a single-family home, as the site plan has been modified. The Comprehensive Plan calls for mixed use. Staff has found use is compatible with neighborhood. Site meets all requirements. **Rob** feels curb and gutter would not be appropriate because of the drainage of Davidson Way.
 - C. Applicant’s Presentation- None.**
 - D. Public Input –None**
 - E. Close Public Hearing – 6:05 pm**
 - F. Commission Discussion-Bavaria** asked the heighth of the house, was it a 2-story house. **Wood** would like to know style of house. **Smith** informed him it was a mix of modern industrial and Salida. **Bavaria** feels that it is a good location for residential. **Richard Smith** stated that there is a 30 ft easement west of the house and the drainage is absorbed into a land sponge. **Hartsliel** stated that he is concerned that there is a drainage problem and the layout will come to close to the apex. **Smith** stated that they are building a retaining wall 7 ft off the property line, and 5 ft from the house. **Smith** stated that 5 years ago there were soil samples done. **MacDonald** stated that drainage of residential properties is not part of the application. If the building

department feels there is a need for the samples it will be part of foundation requirements.

- G. Commission Action** –Cabe made a motion to accept the recommended findings and take the recommended action with the removal of the condition requiring curb and gutter. **Bergin** second the motion. All were in favor, the motion carried.

- 2. Amica’s Creative Sign-136 East Second Street**-The request is to be granted the right to install an internally illuminated sign in the C-2 zone district and to exceed the permitted amount of sign area. In the C-2 zone district sign may only be externally illuminated if a creative sign is approved.

A. Open Public Hearing-6: 10 pm

- B. Staff Review of Application-MacDonald** stated that staff originally felt that application was straightforward and felt that it was a good example of first application for creative sign. The new sign would be internally lit and uses creative design and materials meeting criteria for a creative sign. After a site inspection staff found out that there is a large banner on the east side of building that draws attention to the restaurant. This banner on the wall is 128 square feet which brings the total sign area requested to 144 square feet. Staff feels that the Commission needs to look at square footage at all of the signs on the site when considering a new application. Staff’s recommendation is that the Commission approves the new sign on the condition that the applicant brings the existing banner sign into compliance. If this application is not approved or the applicant does not wish to remove the existing banner, the applicant can repair the existing projecting sign and maintain both the banner and the existing projecting sign as existing nonconforming signs.

- C. Applicant’s Presentation-Brian Cumby-Salida Sign Shop**, stated that the banner on the side of the building is not as large as originally thought. He would like to know if they could get additional sign area for doing a creative sign. **MacDonald** stated that the applicant could exceed the square footage of signage allowed as long as the sign met the criteria for the exception. Staff did not find that the banner met the criterion for a creative sign. **Cumby**, wanted to know if the owner could do things to the banner to make it a creative sign. **MacDonald** informed the applicant that changes to the banner were not part of the application. **Cumby** wants to know if the owner can keep the banner, she feels it is more valuable to the business. **Cumby** also feels like the owner should be rewarded for wanting to do a creative sign, she is trying to beautify Salida.

Public Input-None

D. Close Public Hearing-6:12 p.m.

- E. Commission Discussion - Hartsliel** feels like the Commission’s hands are tied. The applicant only came with one creative sign application. **Hartsliel** feels that he should have a separate application for each item; Commission can only consider one item. In terms of the code **Hartsliel** feels the Commission would probably approve the creative sign application providing that the owner takes down the banner on the side of the building. Applicant

can also come back with two applications. **Lau** stated she does not feel that more than double the allowed sign area would be approved. **Cumby** asked if the applicants could have a 32 square foot sign on the side of the building and the 16 square foot projecting sign. It was explained that the site could display up to 37.5 square feet of sign area under the code and that could be divided over as many signs as the applicant would like. If they wanted to exceed that sign area then the Commission would have to find that the signs qualified under the Creative Sign criterion.

- F. Commission Action-MacDonald** stated that commission needed to make some sort of decision unless the applicants are withdrawing the application. **Cabe** made the motion to remand application back to applicant so they do not have to pay another application fee. **Lau** seconded the motion. All were in favor so the motion carried. **Rose** said he felt like the applicant was unsure of what had transpired. **Bavaria** explained the decision to the applicant.
3. **Cribari Conditional Use-406 G Street-** The request is to be granted a conditional use approval to construct a second principal structure on one property in the Residential Medium Density (R-2) zone district at 406 'G' Street. In an R-2 zone district, the proposed use is conditional.
- A. Open Public Hearing –6:25 p.m.**
- B. Staff Review of Application-MacDonald-**Application is to build a 2nd 2-story home on existing property; historically there was a single-family home on the property in the same location. This home was removed at some point in the past. The applicant submitted a letter stating that they wanted to build the home to care of elderly parents that live in existing home. The applicants have supplied elevation drawings and site plans. The house is a Victorian style with a covered porch, and is 29 ft 10 inches tall. Staff has found that the proposed structure is not incompatible with the neighborhood. Utility services are available and staff recommends approval of application. The garage needs to be moved back to make room for the new structure and parking is to be provided off the alley.
- C. Applicant's Presentation-John Cribari-** does not have any comment at this time. **Bavaria** would like to know what size the previous house was. **Cribari** states that the house was smaller than the existing house. Approximately 5 ft less in width & 15 ft less in length, the house was torn down in 1980. **Bavaria** asked if the original house was single story. **Cribari** stated that is was. **Lau** stated that she was confused on the lot size. **MacDonald** informed her that the lot size was 2 ½ lots which is not enough to subdivide the land. **Lau** stated that the lots cannot be subdivided because the lot is too small. **MacDonald** explained that if applicant wanted to sell the property in the future the two houses would have to be turned into condos. **Bavaria** informed the applicant that the only reason he was allowed to apply for the conditional use was that the City had amended the code in 2002 to expand the uses permitted in this situation. The Commission has the right to make sure the house fits in the neighborhood. There are not really any houses in the neighborhood that are as tall as the proposed home. She is also concerned about there only being a setback of 7 feet between the two houses

on the property and feels that the 10 feet the code requires is more appropriate. **Cribari** stated that the one across the street was just as tall **Hartslief** asked if the existing garage would be relocated and stated he thought the new house would be more appropriate behind the existing house. **Bergin** is wondering if applicant has considered a 1- story house and moving the garage back. **Cribari** feels that if he cannot do the proposed design then he does not want to build a house. He also stated in response to concerns about separation between the structures that the houses in Starbuck's subdivision do not have 10 ft between them. **MacDonald** informed him that there are different zoning codes for that subdivision. **Wood** is concerned that most houses in the neighborhood are single story houses, 1 ½ stories, or 2-story with flatter roofs which he feels are not so dominating. **Cabe** would like to know if applicant has considered doing a 1½ story home. **Cribari** stated that he has looked at other house designs and does not like them as well. He also stated that the Karnuta home that was built on the upper end of 'G' St. is a 2-story home and there are none like it in that neighborhood. **MacDonald** stated that the home on 'G' St. is higher but does not have a full front porch, which helps to step back the mass of the structure. **Wood** likes the style of the proposed house and thinks that it fits in well in Salida. He suggested that the applicant go back to an architect and see if he can get the same house but make it fit the scale of the neighborhood better. The applicant stated he is not interested in changing the plan of the house. There was discussion about the previous application of this type for a second home off the alley along J Street and **Rose** noted that the difference was that the J Street proposal had access only from the alley. **Cabe** feels that this proposal is more consistent with the Salida vernacular than the earlier application.

D. Public Input-Denise Ackert-438 G Street-lives in a single story home. Mr. Cribari's father is a dear friend of hers. She would like to see them be able to build the house, but with conditions. The setbacks seem too close for her. Her main concern is setbacks and height.

Chad McBride-does not live in the neighborhood but has been in Salida for four years. He stated that new infill development on F & G Streets has been similar to this style and that the future of Salida depends on these homes being developed in trafficked area. He is concerned about incompatible infill such as that seen recently on Sackett Street.

Mary Ann Katta-224 W 5th-She thinks that the house will tower over the other homes. She is against the house being built.

E. Closed Public Hearing-6:45 p.m.

F. Commission Discussion- **Cabe** would like to know if applicant could put the 7 ft separation on the neighbor side of the house and less between the houses on his property because of the concerned that the new house will tower over the neighbor's house. **Cabe** suggested that the application be remanded back to applicant so he could look through plans and come with other ideas. **Cabe** suggested maybe a site visit would be appropriate before the application comes back to the Commission. He thinks that the same square footage could be achieved if the house were 1 ½ stories. **Bergin** suggested taking the

design and set it back to where garage is located now so that the house doesn't dominate the street. There was discussion about the type of foundation proposed and how that would affect the height of the structure. **Cribari** wants to know if he can have application fee back so he does not waste anymore of his time or the commission's time. **MacDonald** informed him that he could not get his fee back, it is not refundable. She informed the Commission that maybe they could give the applicant some direction as to what is acceptable.

MacDonald recommends approval; Salida has a lot of different houses in neighborhoods. The applicant is not taking advantage of full 25% of front set back reductions and the applicant is not including the back porch shown on the plans, which will further reduce the mass. **Cabe** agrees with **MacDonald**, it is not close to the existing house but consistent with spacing in Salida. **Hartslief** states that all other houses are legitimate 2-story houses; he feels that this has the look of a 3-story house which is incompatible with the neighborhood. If the proposed house was a legitimate 2-story home he would not have a problem approving it. **Cribari** stated that there is not a third floor only trusses. **Cabe** suggest making roof an 8/12 pitch instead of 9/12, and reducing the foundation height from what is shown on the plans. **Cribari** said that ceiling will only be 9 ft, not 10 ft. which will reduce the height as well. **Cabe** suggest delaying consideration until later in the agenda to let the applicant determine the height of the house, and continuing the discussion later in the evening. **Rose** suggested making the house 26' 10", instead of 29' 10". He feels the house is incompatible with neighborhood at the proposed height. **Bavaria** reminded the Commission that there are a lot of community members that are concerned with height of houses given some of the recent infill around town. **Bavaria** is concerned that a second home on the property is not ideal. **Stephens** stated that it seems to meet all of the codes and that he supports infill construction. **Hartslief** stated that he is concerned visitors to the community will wonder how such a structure got built and that he feels it is incompatible with the neighborhood and surrounding structures. **Cabe** suggested approving with conditions that the height not exceed 26' 10". **Cribari** agrees to that condition.

G. Commission Action- **Cabe** made a motion to approve with recommended findings and the recommended conditions with the additional condition that the height be no greater than 26' 10". **Lau** 2nd motion. Motion carried 4 to 3, **Bavaria, Hartslief & Rose** voting against the motion. **Wood**, as an alternate member, did not vote.

4. **Clear Skies, LLC Conditional Use-840 Oak Street-**The request is to be granted a conditional use to construct residential units as part of a mixed-use development at 840 Oak Street located in the Commercial (C-1) zone district. In a C-1 zone district, the proposed use is conditional.

A. Open Public Meeting-7:05 p.m.

- B. Staff Review of Application-MacDonald-**Developer is redeveloping the old Century 21 building & old hotel on property. The existing property is 2.1 acres in size. The proposal includes a fairly large non-residential component on the property on the section closest to the intersection of Hwy 50 and Oak St. The three residential structures sit back off Highway 50. The parking would be shared which allows for a parking reduction in the code. The applicant has more information on parking spaces that are tucked under the residential units. All other tangible requirements have been satisfied. Rob has some issues with drainage, sidewalks, and curb and gutter that will be need to be addressed during building permit process. Hwy 50 streetscape improvements would be required.
- C. Applicant's Presentation-Clear Skies, LLC-1548 G Street # 4, represented by Edward Barsocchi of Barsocchi and Company, Inc.-1800 15th Street #202, Denver CO, Barsocchi** stated that the plans do include sidewalk and curb and gutter on Hwy 291 and sidewalk on Hwy 50. They have no plans to do curb and gutter on Hwy 50. He spoke with **Rob** on afternoon of meeting and states that Rob doesn't seem too concerned with the issue. The applicant would like the Commission to consider removing the requirement for curb and gutter on Hwy 50. **MacDonald** stated that condition will be changed to a requirement that all improvements be done to the satisfaction of Public Works Director. The details can be worked out as part of building permit process as more information regarding drainage and discussions with CDOT take place. The applicant stated that the curb and gutter issue has not come up with CDOT and that the developer will be addressing drainage problems on the site. **Hartslief** stated he is concerned about drainage on the site. **MacDonald** explained that drainage is reviewed at the time of building permit approval. **Barsocchi** also asked that Commission grant him a 3 year vested right period instead of a 2 year. **MacDonald** stated that the Commission has required a 2 year period on these types of projects in the past. **Barsocchi** stated that **Rob** would like all of the parking to be on-site and that the on-street parking should not count towards that required. The applicant would like to have some on-street parking. **Rob** informed applicant that he would need CDOT's approval for on-street parking. **Barsocchi** would like the Commission to allow off-street parking to be considered in parking count. **Bavaria** expressed concern about the loss of retail use at such a prominent commercial intersection and asked how the residential would be compatible with existing nearby commercial uses such as the car dealership. **Barsocchi** stated that they have concentrated the commercial uses onto the prime section of the site and stated that the mixing of residential and nonresidential follows new urbanism principles. He further explained that there will be landscape buffer between the residences and the car dealership and the residences and Highway 50. **MacDonald** stated that the conditional use approval will set the number of residential units allowed on the site. The Commission would like to see the mixed use be commercial on bottom and residential on top. They prefer that developer not put any mixed use on Hwy 50. **Lau** would like to see the units facing Oak St. to be

commercial or live/work and the residential units behind that. **Barsocchi** stated that he would make the front row, commercial on bottom and residence on top, a live/work space. The commercial building would be 12,752 square ft of retail and 13,000 square ft of office space above. He also stated that there will be eight parking spaces under the overhang of the building. **Hartslief** asked about the size of the residential units and prices stating he would like to see affordable housing included. **Barsocchi** stated that the developers have not decided what type of housing will be built. Applicant is just looking for an approval to do residential units in a C-1 zone.

There was further discussion about parking on the site. **MacDonald** pointed out that it would be difficult to provide additional retail on the site because of the parking load that is required for retail uses. **Rose** asked about the proposed height of the structures. **Barsocchi** explained they would stay under the height limit of 35 feet but that they had applied for a variance for an architectural feature on the commercial building. The variance will be heard by the Board of Adjustment on September 13, 2007. **Hartslief** is supportive of the project but would like more detailed information about the project. The information provided is too conceptual. **Lau** feels that the applicant is getting the most out of the commercial and likes the creative design. **Rose** asked about the on-street parking and traffic on Oak Street. It was explained that on-street parking often helps to calm/slow traffic. **MacDonald** shared that CDOT had been receptive to the idea during an on-site inspection a few months ago. There was additional discussion about parking and traffic circulation on the site.

Rose asked if alternate forms of transportation had been considered. The applicants will provide sidewalks on both Oak Street and Highway 50 to facilitate pedestrians and bikes accessing the site. **Hartslief** stated he had questions about CDOT access, drainage, parking and the mix of uses and would like to see more information. **Barsocchi** stated that they like the idea of live/work but are concerned that the market may not support it.

MacDonald suggested that the units along Oak Street could be constructed to those building code standards at a minimum. **Lau** stated she would like to see a minimum commercial use on the site of 22,000 – 30,000 square feet. **Barsocchi** stated that a minimum of 22,000 square feet of commercial is acceptable to him as is constructing a minimum of two units as live/work.

- D. Public Input-Scott Glenn-Palmer Street**-his wife and her two sisters own the property at 720 Oak St, they will be selling the 1.5 acres of land in the next 6 month –1 year. He hopes that will relieve some of the parking issues.
- E. Closed Public Hearing-7:50 p.m.**
- F. Commission Discussion-Bergin** has a professional relationship with Simple Foods who is a partner in this development so she wants to recuse herself from proceedings. **Lau** would like to see a ratio of commercial to residential before approving. **Cabe** would like to see a minimum of 22,000 square ft of commercial space. **Barsocchi** agrees to 20,000 square ft. **Bavaria** would like

to know if there will be covenants on residential units. **Barsocchi** says there will be. **Stephens** wants to know if Commission would like everything on Oak St, to be live/work. **Wood** believes that 2 units is sufficient unless it is desirable to make more. **Barsocchi** agrees to have a minimum of 2 units along Oak St. designed and constructed for live/work use. The lower floor will be commercial with residential above. **Bavaria** told applicant that Commission is pleased that he has a courtyard and landscaping.

G. Commission Action-Cabe made motion to accept recommended findings and approve with the following conditions.

Conditions:

1. That the concerns of the Public Works Director be addressed prior to issuance of a building permit.
2. That adequate parking be provided on the site to meet the parking requirements after the shared parking allowance is granted.
3. That streetscape improvements and curb and gutter are installed per the requirements of the Salida Municipal Code Chapter 16, Article IX, Improvements Standards.
4. That this approval shall expire in 3 years if the applicant has not been granted a building permit for the project.
5. That a minimum of 2 units fronting Oak Street be designed and constructed for live/work units with ground-floor commercial and residential above.
6. That the project shall include a minimum of 22,000 square feet of commercial space.

Hartslief seconded the motion. All were in favor so the motion was carried.

VII. UNFINISHED BUSINESS

1. **Salida Mini School Conditional Use-MacDonald**-one year review, none of reviewing agencies had concerns. Staff recommends use as originally approved be permitted to continue. Several community members came to speak on behalf of Theresa **Vosburgh** and what a great job she is doing. **Bavaria** informed **Vosburgh** that the conditional use will not be reviewed again unless there is a complaint. **Cabe** stated that it had to be reviewed because of all the concerns from neighbors at the time of original approval. Motion to affirm remaining conditions and remove need to come back after a year. **Lau** made motion to allow the use to continue with the previously approved conditions to limit number of children to no more than 8 and limiting the hours of operation. **Cabe** seconded. All were in favor so motion carried.
2. **Open Space Policy-MacDonald** informed Commission that this issue could be tabled until the monthly work session. She feels that it deserves in-depth thought. **Bavaria** thought that 20% was too high in looking at the comparison charts and thinks it is appropriate for the Commission to approve the more lenient of the options. **MacDonald** noted that on larger subdivisions the Commission has not yet seen applicants maximize the density allowed. **MacDonald** stated that she couldn't find any examples from other communities that gave a good requirement for mixed-use subdivisions and appropriate open space requirements and so had drafted

language that would make that a negotiation on a case by case basis using the residential and non-residential requirements as guidelines. **Wood** asked about possibly creating some type of open space credits program. **Bavaria** would like the Land Use Attorney to review the proposed ordinance and also to comment on whether the Commission could have the authority to impose open space requirements with conditional use applications. **MacDonald** would like to know if commission wants her to draft an ordinance for their consideration at the next meeting, or if they would like to have additional discussions. **Cabe** feels that it looks close enough to draft ordinance. The Commission would like suggestions of definitions for “open space”, “designate” and “dedicate”. **Bavaria** is concerned about how much discretion the Commission has and wants to have rules be straightforward and simple to enforce.

VIII. NEW BUSINESS

IX. 1. Downtown Plan-Commissioners agreed to move this business to their regular work session

X. COMMISSIONER’S COMMENTS:

Hartslief shared his matrix of how long it takes to go through the process of rehabilitating a derelict building downtown with asbestos inspection and mitigation, HPC review and building permit review. He lamented that he would not be able to get tenants into the Unique building by FibArk.

Bavaria stated her concerns about the Vandaveer Ranch project and the process that the negotiations will take. There was discussion about the role of the Planning Commission in the negotiations and it was generally decided that the Commission does not have an official role although Commission members can share their opinions with Council members as citizens. The Commission will not put forward an official position on the Courageux proposal.

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at **9:10 pm**.