

MEETING DATE: Tuesday, October 10, 2006
MEETING TIME: 9:00 AM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Bavaria, Cabe, Wikoff, Smith, Hartsliel, MacDonald

Absent: Biglow, Karnuta, Stephens, Lau

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRPERSON Bavaria - 9:20 AM**
- II. APPROVAL OF THE MINUTES – September 25, 2006**
 - 1. Cabe** made a motion to postpone
Wikoff seconded the motion. All voters were unanimous and the motion carried.
- III. UNSCHEDULED CITIZENS**
None
- IV. AMENDMENTS TO AGENDA**
It was agreed to end the meeting by 11:00 a.m. and to reserve the final 15 minutes for discussion of accessory dwelling units.
- V. PUBLIC HEARINGS**
 - 1. Vandaveer Ranch Overall Development Plan** – The request is for approval of the Vandaveer Ranch Overall Development Plan. An Overall Development Plan is the first step in the zoning of a property as a Planned Development District.
 - A. Open Public Hearing – 9:24 a.m.**
Staff Review of Application – **MacDonald** did not present a staff report as the Commission determined they would move through the entire Plan and discuss as they went.
 - B. Applicant’s Presentation** – There was no presentation as the City is the applicant.
 - C. Public Input** – **Bob Engle** and **Tom Jacobson** were both present and requested that they would be permitted to contribute comments as the Commission moved forward in their review. The Commission agreed.

Bavaria asked about the four-step review process referenced on the first page of the staff report. **MacDonald** explained that the four steps of a planned development are the Planning Commission review of the Overall Development Plan (ODP), the Council review of the ODP, the Commission review of the Final Development Plan and the Council review of the Final Development Plan. **Cabe** asked about the letter

from the Chaffee County Board of County Commissioner's letter that was referenced in the staff report because it was not included in the packets. **MacDonald** will make sure that the letters are distributed to the Commissioners.

Bavaria asked about the chart on page 6 of the staff report that references the dwelling units per acre in the established zone districts of the City and what is proposed in Vandaveer. She noted that the analysis does not take streets into account and that the density would appear higher if they were. **Engle** asked if there was any flexibility in the permitted density. **Cabe** pointed out that the ODP does permit some transferring of density within different areas of the project and **MacDonald** explained the process for amending the ODP through the Code and that the possibility for the establishment of a program for Transferable Development Rights was being permitted under the ODP.

Bavaria asked for clarification of the definitions of "Applicant or developer", "land use plan" and "postponed submittals". It was agreed to change "Concept Land Use Plan" in the definition of land use plan to "Entitlements Map" and to generally change the title of the maps to read "Exhibit" not "Map". **Bavaria** asked about the amount of open space being provided. **MacDonald** explained that the 16.6% of the site that is being designated at this time is more than the amount required given a conservative estimate of the realistic build-out of the property referencing pages 4-5 of the staff report.

Engle is concerned that the planning objectives in 2.04 of the ODP are being put off and that generally too much negotiation is being put off until the future. **Smith** suggested he look at the details in each zone district of the ODP to see how the objectives are being accomplished in the ODBP. **Cabe** feels that it is appropriate to leave some negotiation for the future when each stage develops. **Hartslief** thinks that the objectives have been addressed in the rest of the document. **MacDonald** pointed out that there are provisions in the Land Use Code so that the ODP can be amended if conditions change in the future. **Engle** is concerned that there is uncertainty and that uncertainty takes away from the value of the property.

MacDonald shared Councilman Young's comments that he suggested adding "employment zone" or "incubator spaces" to the uses encouraged in the planning objectives, that an emphasis be placed on growing commercial uses and the tax base of the community and that the language regarding energy efficiency and power generation be strengthened. **Bavaria** suggested contacting Craig Nielson to see if he had any further suggestions regarding design for energy efficiency/power generation or affordable housing. **Cabe** liked adding

“incubator spaces” to the second bullet of this section 2.04 but feels that the last bullet regarding energy efficiency and local power generation is alright as is. **Smith** agreed stating that the local power generation is a market-driven thing and should not be required though planning.

Bavaria asked about the phasing schedule in Section 2.06 and specifically about what happens if the property doesn't sell or no action is taken. **MacDonald** explained that Section 16-13-110 of the Land Use Code allows for a three-year vesting of the ODP. If no action is taken within that time then the ODP becomes void and the property will be subject to the ODP review or rezoning prior to any development. If the property is not sold, that is a policy matter for the City Council to consider.

Bavaria suggested changing “Residential Units” and “Accommodation Units” in the planning area entitlements chart on page 4 of the ODP to “dwelling units” and “commercial lodging units” to be consistent with the terms in the Land Use Code. **Smith** suggested including the corresponding zoning in the entitlements chart. **Bavaria** asked if the density included accessory dwelling units (ADU). **MacDonald** suggested that is part of larger discussion the Commission should have regarding ADU's.

Jacobson is concerned with the allowance for public, not-for-profit or religious facilities to not be counted towards the maximum non-residential square footage allowed in each planning area. There was discussion of the regulations regarding religious facilities and what restrictions could be imposed. **MacDonald** will inquire with the city attorney regarding what limitations can be placed on these facilities.

Bavaria asked about the limitation of accessory uses to 35% of the lot area in Section 4.02.2 of the ODP and how that might affect the size permitted for accessory dwelling units. **Smith** felt that it would not supersede the maximum amount of floor area of 700 square feet for this type of unit. It was suggested that accessory dwelling units be allowed as permitted in the land use code. **Engle** feels that a developer will have to refer to too many codes and asked where they would obtain a copy of the ODP. There was discussion of how a developer would know what codes they were working under.

Jacobson suggested placing the dimensional standards of the ODP in a chart similar to Table 16-E of the Land Use Code. He also suggested that the ODP should be reviewed by local developers for their input. **MacDonald** explained that the ODP had been supplied to a number of local builders/developers/architects and that no comment had been

received. In addition the ODP and notice of the meeting was emailed to a list of 50+ people who have expressed an interest in the Vandaveer in the past and there was an article about the meeting in The Mountain Mail yesterday. **Engle** and **Jacobson** further discussed the process for future review of final development plans and how those could be amended. **Hartslief** commented that developers are capable of addressing many issues in anticipation of putting together a development proposal and that the Planning Commission generally works with developers to move through the process. It was noted that there is no minimum size for a final development plan.

Bavaria is concerned that sports complexes have been included as a conditional use since there has been concern voiced lately about several conditional use applications. **Cabe** noted that sports complexes could be limited through covenants at the subdivision stage of future development. **MacDonald** pointed out that day care centers are permitted in the Vandaveer more liberally than in the existing zoning in the City. **Smith** pointed out that if we are going to allow large day cares in the Mixed Use Village zoning that day cares of any size should be permitted in that zone. **Bavaria** asked about the CDOT classification language in the Section 4.05 of the ODP and **MacDonald** will check on the exact classification language.

Bavaria asked about potential nuisances associated with fabrication and light industrial uses. It was agreed that language limiting potential nuisances would be added to the descriptions of those permitted uses. **Bavaria** asked if the height of accessory structures was the same as permitted under the Land Use Code. It was agreed that the height limit of 25' would be added to Section 5.02 of the ODP. **Smith** asked if the height limitation had any exception for mechanical equipment, elevator towers and similar things. There was discussion about this and it was agreed that **MacDonald** would draft some language creating exception for mechanical equipment and similar rooftop items when reasonably necessary and requiring mechanical equipment to be screened.

Jacobson asked about the lighting standards in Section 6.01 of the ODP and suggested that if the Commission wanted this language then the Land Use Code should be amended to include it. **Cabe** agrees that the lighting standards in the Land Use Code should be revisited, but that the standards in the ODP should remain. **Jacobson** asked about the vesting of the ODP and the process for amending the plan. **Smith** noted that the process for amending the ODP is in place in the Land Use Code.

D. Commission Action - Smith made a motion to continue the public hearing until the regular meeting of the Planning Commission on October 23rd. **Cabe** seconded the motion and all were in favor so passed unanimously.

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

- 1. Accessory Dwelling Units** – A question of code interpretation has arisen and the Commission should determine the interpretation and possibly suggest modification to the Code to support the interpretation.

MacDonald explained that the question is whether accessory dwelling units should be counted as units of density or not. **Smith** suggested that the question also hinges on what the Code intends by “accessory” in the definitions. **Bavaria** thinks that the discussion of accessory dwelling units also involves the question of appropriate scale and mass in residential neighborhoods. She added that this should have been addressed immediately when the question first came up. **Hartslief** asked if there is a way to let people know that there is a question of interpretation needing to be resolved. **Cabe** suggested staff notify the builder and property owner who have built an accessory unit on a lot without sufficient density that this may not be possible in the future. **Jacobson** thinks that the code has been in effect changed because of a change of interpretation. The item will be discussed at the next Planning Commission meeting on October 23rd.

VIII. COMMISSIONER’S COMMENTS:

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at **11:10 am**.