

MEETING DATE: Wednesday, December 20, 2006
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Smith, Lau, Biglow, Stephens, Hartsliel, Karnuta, MacDonald, Loudenburg

Absent: Bavaria, Cabe, Wikoff

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRPERSON: Lau - 6:09 PM**

- II. APPROVAL OF THE MINUTES –Tuesday, November 28, 2006**
 - 1. Hartsliel** made a motion to approve the minutes with the amendment of Section V. #6 to read Crabtree Enforcement Appeal.
Smith seconded the motion. All voters were unanimous and the motion carried.
- APPROVAL OF THE MINUTES –Thursday, December 7, 2006**
 - 1. Smith** made a motion to approve the minutes as written. **Hartsliel** seconded the motion. All voters were unanimous and the motion carried.

- III. UNSCHEDULED CITIZENS**
None

- IV. AMENDMENTS TO AGENDA**
None

- V. PUBLIC HEARINGS**
 - 1. Rocky Mountain Day Care** – The request is for a conditional use approval to open a day care in a residence at 407 Poncha Blvd. in the Single-Family Residential (R-1) zone district.
 - A. Open Public Hearing – 6:09 p.m.**
 - B. Staff Review of Application – MacDonald** summarized the staff report by stating this conditional use would permit a day care in a residence in an R-1 zone district. Small day cares are permitted as a conditional use in this zone district. Staff failed to notice until writing the staff report that large day cares are not permitted in this zone district.
As a small day care the application is in compliance with the review criteria for conditional use applications and day care applications. Staff has recommended approval of the application with the conditions included in the staff report.

- C. Applicant's Presentation – Jerry and Karen Swaro, 407 Poncha Blvd.,** wanted to know if there was any way that the Land Use Code could be revised so they would be able to do a large day care of up to 12 children. **MacDonald** stated that it was not permitted in a R-1 district but is in R-2 and above. **Danny Knight, 301 Nichols Ave.,** spoke on behalf of the applicant and wanted to know why the code was written that way and **Smith** stated that there were just certain restrictions for an R-1 zone district because it is a lower intensity district. Other restricted uses include duplexes and multi-family housing.
- D. Public Input –R.T. Taylor, 127 E. 1st Street,** asked if they could take this to the Board of Adjustment or Board of Appeals and **MacDonald** stated not in this case as they were only in place to grant variances for dimensional standards. There are no variances for use.
- E. Close Public Hearing – 6:22 pm**
- F. Commission Discussion- Stephens** asked about restroom facilities as he did not see any on the plan and was told there were adequate facilities for the children. He also asked if there would be any children before approval by the State and applicant stated no. In order to get approval by the state it has to be approved by the Planning Commission first.
- G. Commission Action - Karnuta** made a motion to accept the recommended findings and take the recommended action as stated in the Staff Report. **Smith** seconded the motion. All were in favor so passed unanimously.
- 2. Montessori School –** The request is for a conditional use approval to open a school in the Residential Medium Density (R-2) zone district at 1040 'I' Street.
- A. Open Public Hearing – 6:25 p.m. Smith recused himself from hearing.**
- B. Staff Review of Application – MacDonald** summarized the staff report by stating this conditional use would permit a Montessori school to occupy the existing structure at 1040 'I' Street. The current use of this site is for the Jehovah's Witness Hall. The applicants have submitted a site plan along with description of the use as a school. To be clear, schools are permitted as a conditional use in the R-2 zone. A conditional use is not a rezoning of the property and there is no risk to the neighborhood that this would open the door for a commercial use at the site.
- Staff was generally comfortable with the application with the exception of the one-way drive and parking scheme that was presented. The layout submitted by the applicant did not work dimensionally. Staff submitted an alternate concept drawing with your packets and the applicant has submitted another alternative. Staff

suggests that the Planning Commission consider the requested reduction in parking as well as the parking/driveway layout.

Two letters of public comment were received since the staff report was compiled. These letters were emailed to the Planning Commission and were distributed at tonight's meeting. In addition, staff just received comments from the Finance Department and those have been distributed tonight.

Staff is recommending approval of the application with the understanding that the Commission and the applicants can resolve the parking/driveway questions and with the conditions recommended in the staff report.

- C. Applicant's Presentation – Rebecca Adelman, 6011 Archery Circle**, stated she is very enthusiastic and excited for this type of school in this area. She looked at several sites before deciding on the 'I' Street site. The only problem she is foreseeing is the parking situation according to the staff report. She said the parking needs are only minimal as there would only be traffic during drop-off and pick-up times. She feels there is a great need for alternative education in Salida. **Biglow** asked how many children and staff there would be and applicant stated 20-25 children and 3 full time and 2 part time staff members. He then asked if there would be a lunch area and was told the children would be bringing their own lunches. **Stephens** asked how many employee parking spaces there were and was told 4. The capacity of the site would hold up to 60 kids and at that level there may be as many as 7 staff, but the applicant thinks they would likely find another site before they reached that capacity.

There was more discussion of the current and proposed parking schemes and examples of other facilities such as Strawberry Door. **Hartslief** asked about the fire chief's concerns and was told the applicant had met with the chief and had submitted floor plans. **Stephens** asked about the finance director's comment that the water line is only 5/8ths inches. There will be one toilet and two sinks added in addition to the existing bathrooms. **Maria Cole and David Sherman** commented on behalf of the applicant regarding parking and drop-off.

Public Input – Cecil Hansen, 1028 I Street, was concerned with amount of students and if facility would be rented out to 3rd parties for after hours. The applicant said maximum capacity for students is 60 but does not foresee that many to begin with and no they would not be renting out the facility.

Chris Shirmer, 1015 I Street, was concerned with the lighting and wanted to know if the privacy fence went all the way around the play area. The applicant said they would do whatever necessary to bring lighting up to code and yes the fence went around the entire play area.

Richard Leavitt, 1111 I Street, was concerned with trash and children going through his yard as there was a school before and he had these problems. He also wanted to know if speed limit would be 15 miles per hour as in other school zones. The applicant stated the children would not be leaving the school except with parents and she was not sure of the speed limit.

Mary Gage, 318 D St., stated that she is supportive of the school as a parent in the community.

Jim Aragon, 1110 I Street, asked if this was or could be a commercial operation and was told no.

D. Close Public Hearing – 7:24 P.M.

E. Commission Discussion- Stephens felt the parking wasn't a big issue as the building was going from a church to a school so there would be less traffic. **Karnuta** asked if curb stops could be used instead of curb and gutter and was told they were not adequate for city codes. **Biglow** said to look at Strawberry Door as an example. They do not have much off street parking and there have not been that many issues. **Hartslief** is in support of the school and asked how the licensing process worked and the applicant stated it was through Health and Human Services.

Lau asked if drop off lane was necessary and **Maria Cole, TN**, stated it was a vital part of the routine of the day for the students as it helped with separation anxiety and discouraged parents from staying once children were dropped off. She also stated that there would be definite walkways and someone would be helping put the children in and out of vehicles. Many of the parents were in favor of having school in town so they could walk or ride bikes to the school instead of driving. **Bill Smith** speaking for the applicant discussed the proposed parking layout and one-way drive. **Hartslief** suggested additional conditions that the applicants come up with a moveable barrier that works with the parking scheme submitted as Exhibit 2, that there be no third party rental of the building and that expansion of the building would not be permitted without further review of the conditional use. **Lau** suggested that the spaces along I Street be posted for "employee parking".

F. Commission Action- Karnuta made a motion to approve the application based on the recommended findings with conditions #3-6 from staff report and also recommend the conditions suggested by **Hartslief** and **Lau** be added. **Hartslief** seconded. All were in favor so passed unanimously with the following conditions:

1. That the applicants come up with a moveable barrier that works with the parking scheme submitted as Exhibit 2 to separate the one-way drive from the right-of-way during pick-up and drop-off;
2. That there be no third party rental of the building;
3. That expansion of the building would not be permitted without further review of the conditional use;
4. That the spaces along I Street be posted for "employee parking";

5. All exterior lighting must be brought into compliance prior to granting of occupancy for the school;
6. Screening shall be provided for all trash enclosures of two (2) cubic yards in volume or greater meeting the requirements of Section 16-7-40(a)(8);
7. The school must meet all building code and fire code regulations as required by the Fire Chief and Building Official; and
8. That this conditional use approval expires in one (1) year from the date of its approval if the school has not commenced operation.

VI. UNFINISHED BUSINESS

1. **Wood Conditional Use** – The request is to be granted a conditional use to build five single family homes on Lots 5-16, Hillside Addition. The area is zoned Industrial. This item was continued during the October 23rd meeting of the Planning Commission

- A. **Open Public Hearing- 7:34 PM**

- B. **Staff Report- MacDonald** summarized the staff report by stating this conditional use would permit 5 single-family homes to be constructed on twelve vacant lots in the Hillside Addition currently owned by the City of Salida. The City is considering trading these lots for the 17 acres on Tenderfoot Mountain owned by the Everett family and this conditional use approval is required prior to that land exchange. This application was first brought to the Planning Commission on October 23rd and was referred back to the applicant for additional information at that time. During that meeting, several neighbors and other citizens spoke to express concerns about the proposed project. The Planning Commission requested that staff provide notice of the new meeting date once that had been set and staff did mail notices again and place the notice in the newspaper again.

The property is zoned Industrial and single family homes are a conditional use in that zone district. Staff has found that residences in this location may be appropriate with some reservations. Although the lots are within the City limits, they are physically isolated from the City and its services by the river and the railroad property. This creates some questions with regard to the intensity of development that is appropriate and the standards that should be required.

For example, the roads used to access this property are County roads that are minimally maintained. There are no plans by either the City or the County to upgrade these roads at this time. This may result in potentially limited or difficult access to these lots and the applicant must be aware of that. On the other hand, because the property is within the City, if the area on that side of the river ever does develop at city intensities, improvements such as sidewalks, streetlights and curb and gutter will likely be part of that development. To address

this, staff has suggested a condition of approval that the owners be responsible for those improvements when they come to the area. Because these lots are accessed via County roads, the applicants must obtain an access permits to County Road 177. As part of the land exchange and the design of the project, what are now lots 7 and 8 will be used for a trail easement and central wastewater and will be owned by a homeowners association. If the Commission is comfortable with the proposed development, the applicant should be required to complete the subdivision process to eliminate unnecessary lot lines and create easements for the trail and utilities. The required access permits should be acquired as part of the subdivision process. There are no city water or sewer facilities available in this area. The applicant has proposed to have individual wells for each house and individual holding tanks for wastewater that would be treated in a central wastewater treatment system. This application has been referred to the Environmental Health Manager for Chaffee County for review and the applicant should continue to work with that department to ensure that the placement of any new wastewater containment or treatment on the site meets all health standards. Staff has recommended that so long as all health standards can be met, the applicant should be permitted to install wells and private wastewater treatment until such time as those municipal services become available. However, once these services do become available within 350' of the property, any residences should be required to connect to those municipal services when their individual systems fail, need enlargement or the property is sold to a new owner. One letter of public comment was received today. This letter was emailed to the Planning Commission and the applicant and was distributed at tonight's meeting. In addition, staff just received comments from the Finance Department and those have been distributed tonight.

Staff is recommending approval of the application with the conditions recommended in the staff report.

- C. Applicant's Presentation- P.T. Wood, 348 F Street**, stated he is applying for a conditional use so he can build 5 residential homes at the base of Tenderfoot Mountain. **Smith** stated he thought you could not drill wells within 600 feet of each other. **Biglow** clarified that you can drill wells on existing platted lots. The applicant stated he will be getting augmentation certificates and putting in a wastewater treatment system to support the subdivision prior to sale. **Karnuta** asked whether the City wanted to encourage development when there were no services available. **Hartslief** asked how the trade will work. **Lau** suggested there should be limitation placed on the size of the units that could be constructed. **Wood** explained that the home size would be restricted by the wastewater system. He will be selling the lots but would like to create an association that has built-green, low

energy homes. There was discussion of the Septi-Tech wastewater treatment system.

Hartslief asked if the applicant had spoken with the railroad about this development. He has emailed them but not gotten a response. **Stephens** asked if any testing had been done on the site yet. **Wood** answered that he was waiting for the conditional use approval before beginning testing and engineering.

- D. Public Input- Tony Espinoza, 7 Hillside**, is not opposed to the development. Doesn't like that people walk their dogs over there and don't pick up after them. Noted the limited fire and police services. **Doris Holsberline, 7 Hillside**, also spoke and stated she is not against the idea but is concerned about the water situation as they have a 30' well and have to watch their water usage. **R.T. Taylor**, owns property in Hillside also and stated he drilled a 127' well after 30' went dry and has had no problems. He also stated that CR 177 is the access road into property and that the railroad is extremely difficult to deal with.

E. Close Public Hearing – 8:20 PM

- F. Commission Discussion – Karnuta** stated several concerns with the plans and wonders if the City should be encouraging growth where utilities are not available. **Lau** felt the Planning Commission should look at the design standards for the houses as this development would be highly visible to the City. **Hartslief** asked if there was urgency in this issue as he would love to see Christmas Mountain to continue and the decision does affect the whole city and feels there are still unanswered questions. **MacDonald** said they would get to look at this again through the platting process as she has suggested they replat the area to clear up unnecessary lot lines, establish easements and get access permits. The only thing the Planning Commission needs to decide is if they should approve residential use in an Industrial Zone District. The Comprehensive Plan states that mixed-use is recommended for the area. **Smith** was concerned that they were actually rezoning the area but **MacDonald** stated no that someone could still go build a factory there as it would still be zoned Industrial and has use by right. **Lau** was also concerned about size of houses to be put on lots as Industrial allows more lot coverage. **Hartslief** asked if they could make a condition for less coverage maybe 45%. **MacDonald** explained that the Commission could place conditions on the approval that were based on findings related to the review criteria. Since other residential zones allow less lot coverage and require greater setbacks than the Industrial zone, it may be appropriate to place similar limitations on a residential use in the Industrial zone. However, the code does not require limitations on mass, height or design in other zones, so it would be a stretch for the

Planning Commission to require those things in this case. The suggestion was made that if the Commission was comfortable with the residential use that they could approve the application with the understanding that details of access, wells, wastewater and fire protection could be addressed during the subdivision review.

- G. **Commission Action- Biglow** made a motion to approve with changes to recommended conditions to include lot coverage by structures be no more than 40% of the lot area and leave the remaining conditions. **Smith** seconded.

Karnuta then amended the motion to add Condition #6 which would require fire suppression requirements be met the same as they would for a comparable development in the county. **Biglow** seconded the amendment. **Lau and Karnuta** voted no, all remaining voters were in favor so the amended motion carried with the following conditions of approval:

1. That the applicant enter into an agreement for himself and subsequent owners of the property that they will be required to install streetscape improvements at such time as the adjacent street is improved to municipal standards with asphalt, curb and gutter.
2. If the properties are developed with wells and on-sight wastewater treatment systems, either individual or central, and a new water or sewer main is brought within 350 feet of the property they will be allowed to continue such use until such time as the well or septic system either fails or needs enlargement, or the property is sold to a new owner. At that time, the property owner will be required to connect to a water or sewer main that is within three hundred fifty (350) feet of their property.
3. Subdivision of the lots must be completed prior to issuance of any building permits to eliminate unnecessary lot lines, create easements for the trail and utilities and establish the 100' x 125' lots.
4. Access permits to County Road 177 must be obtained during the subdivision review process.
5. That this approval shall expire in 3 years if the applicant has not been granted a building permit for the project.
6. That lot coverage by structures be no more than 40% of the lot area.
7. That fire suppression standards must be the same as they would for a comparable development in unincorporated Chaffee County.

VII. NEW BUSINESS

1. Discussion with Phil Carey regarding implementation of the Hwy 50 Corridor Plan.

Phil Carey asked the Planning Commission to consider revising the Hwy 50 Corridor Plan so that the improvements to the Highway could be done in a

more timely manner. The code now states that only sidewalks need to be installed when a property is developed or redeveloped. The only time the Highway 50 Corridor Plan improvements (stamped concrete parkway, sidewalks and lighting) need to be implemented when there is an annexation into the City or a grant is approved. He feels any improvements to existing businesses should trigger the requirement for the full Corridor Plan to be implemented. After discussion it was decided to continue until the next meeting.

VIII. COMMISSIONER'S COMMENTS:

NONE

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at **9:45 pm.**