



**AGENDA
CITY OF SALIDA PLANNING COMMISSION**

MEETING DATE: Tuesday, March 12, 2019
MEETING TIME: 6:00 p.m.
MEETING LOCATION: City Council Chambers, 448 East First Street, Salida, CO

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRMAN – 6:00 p.m.**
- II. ROLL CALL**
- III. APPROVAL OF THE MINUTES – January 28, 2019**
- IV. UNSCHEDULED CITIZENS**
- V. AMENDMENT(S) TO AGENDA**
- VI. PUBLIC HEARINGS**

- 1. Limited Impact Review – Temporary Commercial Activity -** The request is to have a mobile food truck at property described as Lots 19 and 20, Block 4, City of Salida. The address of the property is 122 E. First Street (Café Dawn).

- | | |
|--------------------------------|--------------------------|
| A. Open Public Hearing | E. Public Input |
| B. Proof of Publication | F. Close Public Hearing |
| C. Staff Review of Application | G. Commission Discussion |
| D. Applicant’s Presentation | H. Commission Decision |

- X. ADJOURN**



STAFF REPORT

MEETING DATE: March 25, 2019

AGENDA ITEM TITLE: Café Dawn – Limited Impact Review Application – 122 E. First Street

AGENDA SECTION: Public Hearing

REQUEST:

The request is for a limited impact review approval for temporary commercial activity to allow for a food truck to setup on the Café Dawn property located within the Central Business(C-2) zone district at 122 E. First Street. In the C-2 zone district, the proposed use requires limited impact review approval.

APPLICANT:

The applicants are Benningfield and Heigle, LLC as represented by Dawn Heigle.

LOCATION:

The subject property is described as Lots 19 and 20, Block 4, City of Salida, Chaffee County, Colorado. This property is also known as 122 E. First Street.



PROCESS:

Limited Impact Review are those land uses which are generally compatible with the permitted uses in a zone district, but require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts.

The Salida Municipal Code, Chapter 16, specifies that Limited Impact Review applications be reviewed by the City of Salida Planning Commission at a public hearing after fifteen days public notice. The Planning Commission may make a decision to approve, approve with conditions, deny, or remand the application back to the applicant for modification.

OBSERVATIONS:

1. The applicants would like to offer space on their downtown property for a food truck that would operate during and after Café Dawn normal business hours which are 6 AM to 3 PM, seven days a week. This property is located in the C-2 Central Business zone district and the surrounding land uses are commercial in character.
2. The proposed use is considered a temporary commercial use in the Land Use Code and requires the limited impact review approval prior to setting up on private property in the Central Business Zone District.
3. The applicants have submitted a site plan showing the proposed food truck location which will be on the applicants' property and outside the alley right-of-way. The existing patio will be modified slightly.
4. As of the date of posting the packet materials, staff has not received any opposition to this application.

REVIEW STANDARDS (Section 16-4-190(n) Temporary Commercial Uses and Activities. Temporary commercial uses and activities may be allowed only when):

1. Use allowed. The commercial use itself is allowed or is approved as a conditional use in the zone district.
 - The use is most closely related to retail restaurant establishments permitted within the Central Business Zone District. Restaurants are a permitted use and encouraged within the C-2 zone district. Outdoor dining adds vibrancy to the downtown.
 - A condition of approval has been added - that the operation of this temporary commercial activity be limited to generally May through October. The applicants must come back to the Commission after the initial year for approval to continue with the temporary commercial activity for potentially longer intervals.
2. Parking. Adequate parking is provided for the use, as determined by the Administrator:

- In the C-2 zone district new buildings or the enlargement of existing buildings must provide parking. The Café Dawn site has 13 on-site parking spaces. If constructed today, the 1,400 square foot restaurant, as it is configured today, would only be required to provide six spaces. Therefore the food truck will not impact parking downtown.
3. Health and Safety Codes. The use complies with all applicable health and safety codes and a permit for the use is obtained from the Building Official
 - A condition of approval has been added that the applicant submit the proper health and sanitation approvals from the Chaffee County Health Inspector prior to operation of any food vending.
 - The applicants will provide access to restroom facilities for the customers.
 4. Location. The use is situated such that it does not block any required access or egress from the site and is not located on any required parking.
 - The applicants have submitted a site plan showing the location of the proposed food truck. It is outside of the public alley and does not reduce the parking below required amounts.

Review Agencies

Fire Chief Doug Bess: “No concerns.”

Police Chief Russ Johnson: “I have looked at the plans and have no issues unless they are serving alcohol at some point.”

Public Works Director, David Lady: “With it being on her property, I do not have concerns on my end.”

REQUIRED ACTIONS BY THE COMMISSION:

1. The Commission shall confirm that adequate notice was provided and a fee paid.
2. The Commission shall conduct a public hearing.
3. The Commission shall make findings regarding the proposed use in order to ensure the use is consistent with the Comprehensive Plan, conforms to the Land Use Code, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment.

RECOMMENDED FINDINGS:

1. This application is consistent with the Land Use Code and the surrounding neighborhood.
2. The applicable review criteria for limited review applications have been met.

RECOMMENDED ACTION:

Based on the above findings, staff recommends **APPROVAL** for the limited impact review request to conduct a temporary commercial activity to allow a food truck within the Central Business (C-2) zone district at 122 East First Street with the following conditions:

1. All food trucks or food vendors must submit proper health and sanitation approvals from the Chaffee County Health Inspector prior to operation of any food vending.
2. It is the responsibility of the applicant to verify that each vendor has the proper sales tax licenses to sell goods within the City.
3. Access to restroom facilities must be available during intervals when the restaurant is closed and food truck is in operation. Hours of the truck will generally be 11 AM to 2 PM and 5 PM until closing.
4. That this limited impact review approval expires on March 25, 2020. The applicant must return to the Planning Commission to renew the approval for longer periods.

RECOMMENDED MOTION:

That the recommended findings be made and the recommended action be taken.

BECAUSE THIS APPLICATION IS FOR A LIMITED IMPACT REVIEW, THE SALIDA PLANNING COMMISSION SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. THE DECISION OF THE PLANNING COMMISSION MAY BE APPEALED WITHIN 15 DAYS OF THE DECISION BY AN AGGRIEVED PERSON AS SET FORTH IN SECTION 16-2-70 OF THE LAND USE CODE.

Attachments: Application materials



GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

1. TYPE OF APPLICATION (Check-off as appropriate)

- | | |
|--|--|
| <input type="checkbox"/> Pre-Annexation Agreement | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Limited Impact Review:
(Type) <u>FOOD TRUCK</u> |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input type="checkbox"/> Major Impact Review:
(Type) _____ |
| <input type="checkbox"/> Certificate of Approval | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | |
| <input type="checkbox"/> License to Encroach | |
| <input type="checkbox"/> Text Amendment to Land Use Code | |
| <input type="checkbox"/> Watershed Protection Permit | |
| <input type="checkbox"/> Conditional Use | |

2. GENERAL DATA (To be completed by the applicant)

A. Applicant Information

Name of Applicant: Cafe Dawn Benningfield & Heigele LLC

Mailing Address: 122 E 1st Salida CO 81201

Telephone Number: 719 539 5105 FAX: _____

Email Address: dawn@cafe-dawn.com

Power of Attorney/ Authorized Representative: _____
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

Name of Development: _____

Street Address: 122 E 1st

Legal Description: Lot 19#20 Block 4 Subdivision _____ (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and

Signature of applicant/agent: [Signature] Date 2/6/19

Signature of property owner: [Signature] Date 2/6/19

Adjoining Property Owners

Ruggles and Bindner 112 E 1st Street Salida, CO 81201

Woodcarver Properties LLC 14960 Woodcarver Rd CO Spgs, CO 80921

Space Holder LLC 443 E Street Salida, CO 81201

Jean Sutherland PO Box 674 Salida, CO 81201

Harlow 8554 W US Hwy 50 Salida, CO 81201

Ralph Taylor PO Box 391 Salida, CO 81201

Byars 133 E 1st Street Salida, CO 81201

Potts 137 1/2 E 1st Street Salida, CO 81201

SAFPD PO Box 393 Salida, CO 81201

JAACK LLC 500 Ouray Ave Salida, CO 81201

Salida 119 LLC 6412 E Danforth RD Edmond, OK 73034

Salida Lodge 54 IOOF c/o Kelly Roy 7294 CR 125 Salida, CO 81201

Krivanek 101 F Street Salida, CO 81201

Peter Simonson 931 Elm Dr Salida, CO 81201

Double M Trust 1785 E Interstate 30 Garland, TX 75043

Denny Lee PO Box 904 Salida, CO 81201

Rod Otley 538 Crestone Ave Salida, CO 81201

V&R Properties 400 Poncha Blvd Salida, CO 81201



LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

An application is meant to highlight the requirements and procedures of the Land Use Code. With any development application, it is the responsibility of the applicant to read, understand, and follow all of the provisions of the Land Use Code.

1. PROCEDURE (Section 16-3-80)

A. Development Process (City Code Section 16-3-50) Any application for approval of a development permit shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with this Code. The development plan shall include the following, as further specified for each level of review on the pre-application checklist:

1. Pre-Application Conference (Limited Impact and Major Impact Review Applications)
2. Submit Application
4. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
5. Public Notice
6. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
7. Public Notice
8. Hearing Conducted by City Council (Major Impact Review)

B. Application Contents (City Code Section (16-3-50))

1. A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;
2. A brief written description of the proposed development signed by the applicant;
3. Special Fee and Cost Reimbursement Agreement completed.
4. Public Notice.
 - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
 - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
 - c) Applicant is responsible for posting the property and submittal of notarized affidavits for proof of posting the public notice.

5. Developments involving construction shall provide the following information:

(i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:

- a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
- b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
- c. Parking spaces;
- d. Utility distribution systems, utility lines, and utility easements;
- e. Drainage improvements and drainage easements;
- f. Roads, alleys, curbs, curb cuts and other access improvements;
- g. Any other improvements;
- h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and
- i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.

(ii) 24" x 36" paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:

- a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
- b. Plans and profiles for sanitary and storm sewers; and
- c. Profiles for municipal water lines; and
- d. Street plans and profiles.

(iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Section 16-3-40(a)(3).

6. Any request for zoning action, including review criteria for a requested conditional use (Sec. 16-4-190) or zoning variance (Sec. 16-4-180);

7. Any subdivision request including a plat meeting the requirements of Section 16-6-110;

8. Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following:

(i) A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the plat conforms with all applicable dimensional standards and off-street parking requirements.

(ii) A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

(iii) A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

(iv) Engineering specifications for any improvements.

(v) A plan for erosion and sediment control, stabilization and revegetation.

(vi) A traffic analysis prepared by a qualified expert, including projections of traffic volumes to be generated by the development and traffic flow patterns, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

(vii) A storm drainage analysis consisting of the following:

(a) A layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.

(b) The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.

(c) The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.

(viii) Evidence of adequate water supply and sanitary sewer service - Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

(ix) An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.

(x) A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

(xi) A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The applicant shall submit, at least in summary or outline form, any agreements as may be required by Section 16-2-70, relating to improvements and dedications.

(xii) If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.

(xiii) If applicable, a report shall be submitted identifying the location of the one-hundred-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a one-hundred-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

(xiv) If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

(xv) A landscape plan, meeting the specifications of Section 16-8-90.

(xvi) If applicable, a description of how the proposal will comply with the standards of any of the overlays.

(xvii) A site plan for parks, trails and/or open space meeting the requirements of Section 16-6-110 below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.

(xviii) All development and subdivision naming shall be subject to approval by the City. No development or subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County;

9. An access permit from the Colorado Department of Transportation; and

10. A plan for locations and specifications of street lights, signs and traffic control devices.

2. REVIEW STANDARDS (If necessary, attach additional sheets)

The application for Limited or Major Impact Review shall comply with the following standards.

1. **Consistency with Comprehensive Plan.** The use shall be consistent with the City's Comprehensive Plan.

2. **Conformance to Code.** The use shall conform to all other applicable provisions of this Land Use Code, including, but not limited to:

a. **Zoning District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district, and any standards applicable to the particular use, all as specified in Article 5, Use and Dimensional Standards.

b. **Site Development Standards.** The parking, landscaping, sign and improvements standards.

3. **Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.


4. **Nuisance.** The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

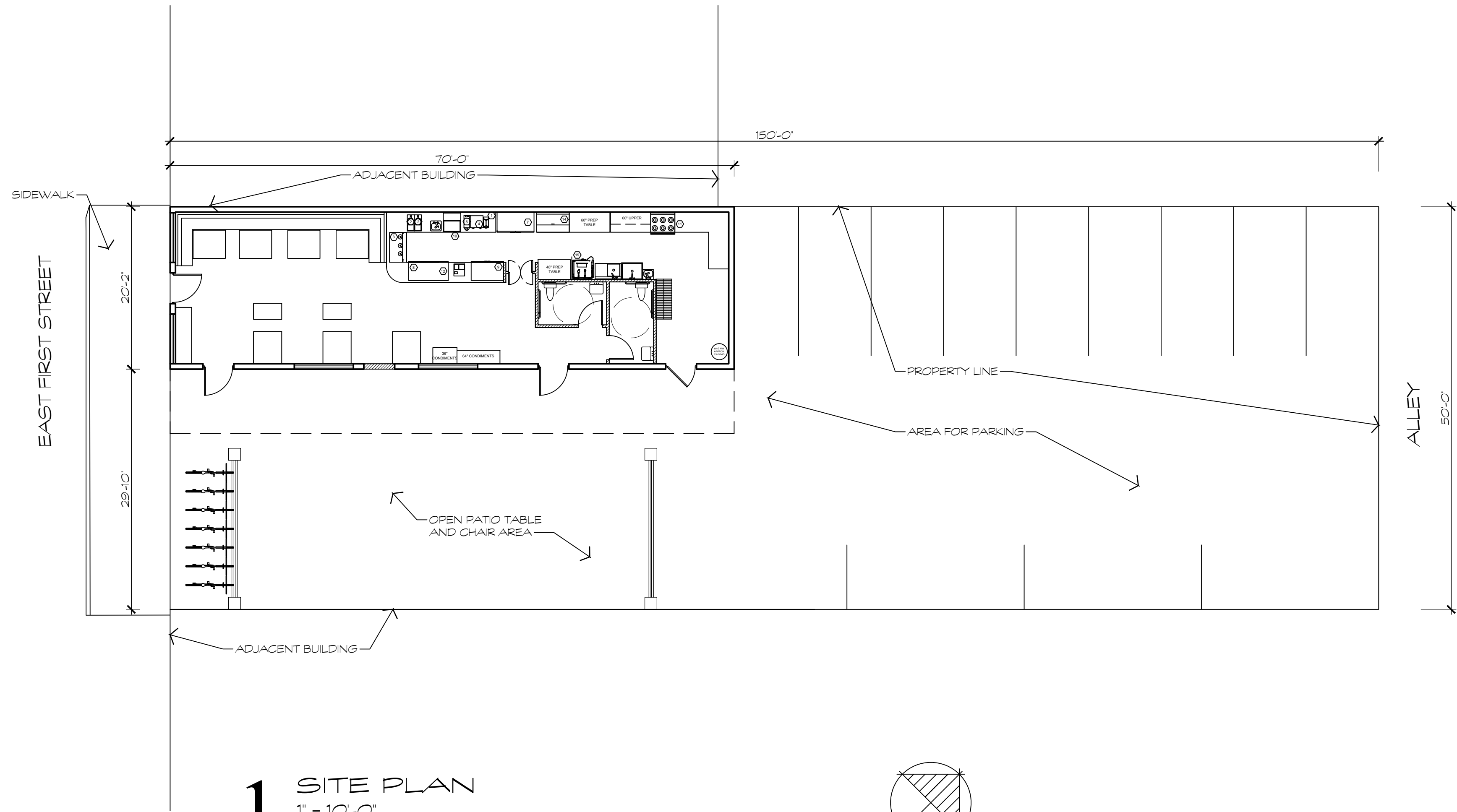
5. **Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

6. **Environment.** The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

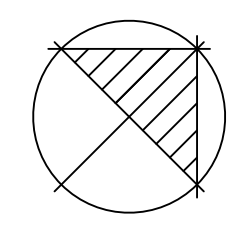
Benningfield and Heigele LLC Proposed Development

Benningfield and Heigele LLC is interested in renting a space to a Food Truck operator at 122 E 1st Street in downtown Salida. We would like to improve the patio to include space for a Food Truck to operate during and after café dawn's hours of operation. The truck would not impede on neighboring property or public ways.

 2/6/2019

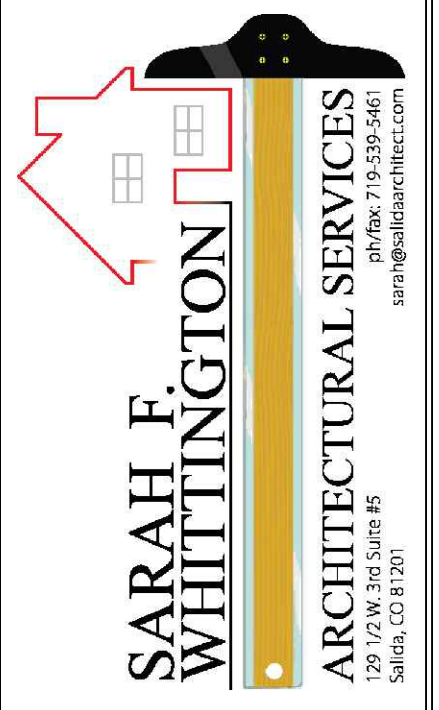


1 SITE PLAN
1" = 10'-0"



DATE: 10/19/2017

DRAWN BY: P.G.
CHECKED BY: S.W.

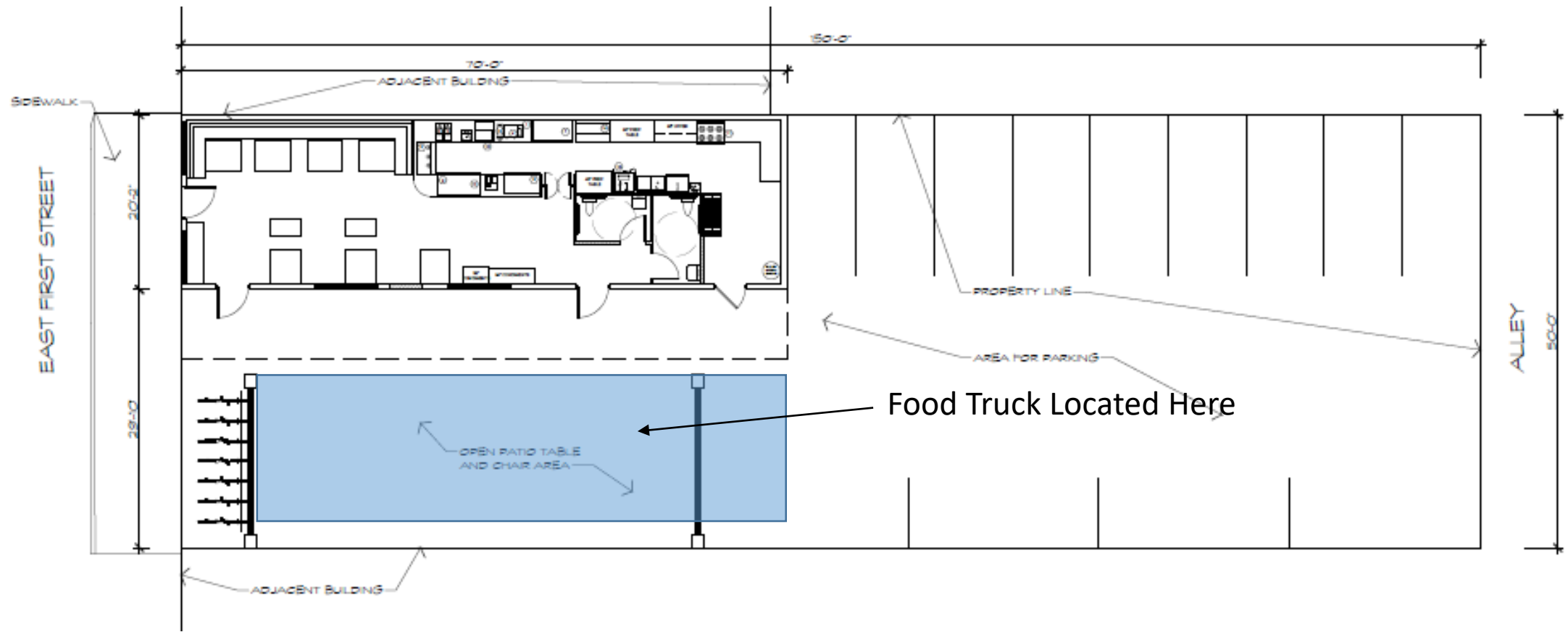


Cafe Dawn
122 E First Street - Salida, CO 81201

SITE PLAN

A2
2 OF 2

JOB # 17056.51



Food Truck Located Here

2019

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE
THE PLANNING COMMISSION FOR THE
CITY OF SALIDA CONCERNING A LIM-
ITED IMPACT REVIEW APPLICATION**

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE: that on March 12, 2019 at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Planning Commission at City Council Chambers, 448 East First Street, Suite 180, Salida, Colorado on the application of Dawn Heigle of the Benningfield & Heigle LLC. The applicants are requesting approval for temporary commercial activities to allow mobile food truck to setup on a piece of property known as Lots 19 and 20, Block 4, City of Salida, Chaffee County, Colorado. This property is also known as 122 East First Street (Café Dawn).

The general purpose of the application is to ensure the compatibility of the proposed temporary commercial use within a Central Business (C-2) zone district. Interested persons are encouraged to attend the public hearing. Further information on the application may be obtained from the Community Development Department, (719) 530-2631. Published in The Mountain Mail February 22, 2019

CPAXLP