



PLANNING COMMISSION STAFF REPORT

MEETING DATE: December 14th, 2021

AGENDA ITEM TITLE: Changes to Chapters 6 & 16 of the Salida Municipal Code Regarding Adult-Oriented Businesses

AGENDA SECTION: Public Hearing

BACKGROUND:

Currently, the City of Salida Municipal Code does not specifically address any regulations or restrictions for adult-oriented businesses. According to a City Attorney's office memo, this leaves the City "naked" to the threat of such businesses being established within City limits. Furthermore, according to the Attorney's office, "(T)he City may likely regulate such an ... establishment indirectly through its zoning code by denying a conditional use of the property under Section 16-4-140. However, such an approach is not optimal, as this is reactionary, *ad hoc* regulation risks exposing the City to legal challenge from business owners seeking to exercise their valid First Amendment rights. As such, direct regulation of these entities is likely warranted."

State law [inc. C.R.S. 31-15-401(1)(p)(I) and C.R.S. 31-15-501(1)(c)] allows the City to adopt regulations for such establishments and also to license such establishments. However, both the Colorado Constitution and U.S. Constitution protect freedom of expression, including "indecent" (but not obscene) sexual expression. Therefore, local governments cannot totally restrict efforts to access this type of speech, but they can regulate them in order to protect against the potentially harmful secondary effects of these entities, and the preserve the character of certain areas. There is ample case law that provides some guard rails for such regulation.

The Attorney's Office reviewed the practices and regulations of several other Colorado municipalities and provided staff with recommended code language for the proposed text amendment. The attached draft Ordinance 2021-21, along with its proposed revisions to Chapter 6 – Business Licenses and Regulations and Chapter 16 – Land Use and Development, would create a licensing requirement, rules and procedures, and associated fees for such uses (including adult bookstores/novelty shops as well as adult entertainment establishments), and establish the zoning districts where such uses are prohibited or may be conditionally approved subject to specific review standards. Such standards include:

- Adult-oriented businesses shall not be located within one thousand (1,000) feet of another adult-oriented business, measured from the nearest exterior wall of the proposed adult-oriented business to the nearest exterior wall of any other adult-oriented business.
- Adult-oriented businesses shall not be located within three hundred (300) feet of the following protected uses, measured from the nearest exterior wall of the proposed adult-oriented

business to the nearest lot boundary of the protected use, provided such protected use is established on or before the date the application for the proposed adult-oriented business is filed:

1. Community buildings;
 2. Day cares homes and Day care centers;
 3. Parks;
 4. Recreational facilities;
 5. Churches, parish homes and religious education buildings; or
 6. Schools.
- Adult-oriented businesses shall not be located within three hundred (300) feet of the following zoning district boundaries: R-1, R-2, R-3, R-4, or RMU measured from the nearest exterior wall of the proposed adult-oriented business to the nearest edge of the zoning district boundary.
 - Adult-oriented businesses shall be closed to the public between the hours of 1:00 a.m. and 9:00 a.m.

REQUIRED ACTIONS BY THE COMMISSION:

1. The Commission shall conduct a public hearing.
2. The Commission shall make a recommendation to City Council regarding the proposed changes to Chapter 16. (Council would also welcome comments and recommendations regarding the proposed changes to Chapter 6).

Such recommendations are anticipated to be brought to City Council on December 21st, 2021 (for first reading) and again on January 4th (for the second reading and public hearing).

STAFF RECOMMENDATIONS:

Staff recommends that Planning Commission recommend approval of the proposed text amendments included in Ordinance 2021-21, with changes recommended by staff.

RECOMMENDED MOTIONS:

- A. "I make a motion to recommend the City Council approve the proposed text amendments to Chapters 6 and 16 of the Salida Municipal Code regarding adult-oriented businesses, with changes recommended by staff."

Attachments:

(Draft) Ordinance 2021-21
Proof of Notice

CITY OF SALIDA, COLORADO
ORDINANCE NO. 21
(Series of 2021)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO AMENDING CHAPTER 6 AND CHAPTER 16 OF THE SALIDA
MUNICIPAL CODE CONCERNING ADULT-ORIENTED BUSINESSES**

WHEREAS, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the state of Colorado;

WHEREAS, pursuant to C.R.S. § 31-15-401, the City, by and through its City Council (the “Council”), possesses the authority to adopt laws and ordinances within its local powers in furtherance of the general health, safety, and welfare of its residents;

WHEREAS, pursuant to C.R.S. § 31-15-501, the City, by and through its Council, possesses the authority to license and regulate any lawful occupation, business, or place of amusement;

WHEREAS, pursuant to C.R.S. § 31-23-301, the City, by and through its Council, also possesses the authority to adopt and enforce zoning regulations;

WHEREAS, the First Amendment of the United States Constitution protects freedom of expression, including indecent sexual expression;

WHEREAS, adult entertainment establishments can have a deleterious effect on both neighboring businesses and surrounding residential areas by causing an increase in crime and a decrease in property values;

WHEREAS, the Council seeks to establish reasonable and uniform regulations to prevent and mitigate the deleterious effects of adult entertainment establishments while simultaneously not denying access to or distribution of sexually-oriented content; and

WHEREAS, the Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 6 and Chapter 16 of the Code, as they relate to the regulation of adult entertainment establishments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF SALIDA, COLORADO AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the Council.

Section 2. Chapter 6, Article VIII of the Code, concerning the licensure and regulation of adult entertainment establishments, is hereby created to read as follows:

ARTICLE VIII. – ADULT ENTERTAINMENT ESTABLISHMENTS.

Sec. 6-8-10. – Definitions.

For the purpose of this Article the following words and terms have the following meanings, unless

the context clearly indicates otherwise.

Adult arcade means any commercial establishment where, for any form of consideration, monetary or otherwise, one or more still or motion picture projectors, slide projectors, video cassette players, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult bookstore, adult novelty shop, or adult video store means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult cabaret means a cabaret which features either persons who appear nude or in a state of nudity or semi-nudity or live performances which are characterized by the exposure of "specific anatomical areas."

Adult entertainment establishment means an entertainment or retail establishment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," including but not limited to adult bookstores, adult video stores, adult novelty shops, adult movie theaters, adult arcades, adult cabarets, adult theaters, nude model studios, and other adult services establishments.

Adult movie theater means a commercial establishment which is distinguished or characterized by the showing of films, motion pictures, video cassettes, slides, or similar photographic reproductions with an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas" which are regularly shown for any form of consideration.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of "specified anatomical areas" or by "specified sexual activities."

Nude model studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided money or any form of consideration to be seen, observed, or similarly viewed by other persons, without regard to whether the person is sketched, drawn, painted, sculpted, photographed.

Specified anatomical areas as used herein means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernible turgid state even if completely and opaquely covered.

Specified criminal acts means sexual crimes against children, sexual abuse, sexual assault, or crimes connected with another sexually-oriented business including, but not limited to distribution of

obscenity, prostitution, or pandering.

Specified sexual activities means and includes any of the following: (1) the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; (4) human genitals in a state of sexual stimulation, arousal, or tumescence; or (5) excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition.

Sec. 6-8-20. – Purpose and intent.

The purpose and intent of this Article is to regulate adult entertainment establishments to promote the health, safety, and general welfare of the residents of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the City, thereby reducing or eliminating the adverse secondary effects from such businesses. The provisions of this Article are not intended to impose a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. It is not the intent of this Article to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

Sec. 6-8-30. – License required; fee.

- (a) It shall be unlawful for any person to operate an adult entertainment establishment in the City without a valid license issued pursuant to this Article.
- (b) The initial license fee, renewal license fee, and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time.

Sec. 6-8-40. – Application.

Each application for an adult entertainment establishment license shall include the following:

- (a) The name, address, and telephone number of the applicant and, if the applicant is an individual, satisfactory proof that they are twenty-one (21) years of age or older;
- (b) If the applicant is a legal entity, satisfactory proof that each of the individual officers, directors, managers, partners, members, or principal owners of such entity are twenty-one (21) years of age or older;
- (c) The address of the proposed adult entertainment establishment;
- (d) A description of the type or types of adult entertainment establishment proposed, such as an adult bookstore, an adult cabaret, or an adult movie theater;
- (e) Whether the applicant or any of the other individuals required to be listed in the application have, within five (5) years from the date of the application, been convicted of a specified criminal act and, if so, the specified criminal act involved, the date and place of conviction, and the disposition of the charge or charges;
- (e) Whether the applicant or any of the other individuals required to be listed in the application

has had a previous license under this or any other similar sexually-oriented business ordinance from another city or county denied, suspended, or revoked and, if so, the name and location of the sexually-oriented business for which the license was denied, suspended, or revoked, as well as the date of such denial, suspension, or revocation;

(f) Whether the applicant or any of the other individuals required to be listed in the application hold any other licenses under this division or other similar sexually-oriented business ordinances from another city or county and, if so, the names and locations of such other licensed businesses;

(g) Satisfactory proof of the applicant's ownership or right to possession of the premises wherein the adult entertainment establishment will be operated;

(h) A sketch or diagram showing the configuration of the premises including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be oriented to the north or to some designated street or object and shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The licensing officer may waive the foregoing diagram for transfer and renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(i) A current certificate and straight-line drawing prepared within thirty (30) days prior to an initial application by a Colorado registered land surveyor depicting: (i) the property lines and the structures of the premises to be licensed; (ii) the location of the property lines of existing protected uses as set forth in Section 16-4-190(s). For purposes of this section, a use shall be considered existing if it is in existence at the time an application is submitted.

Sec. 6-8-50. – License issuance; renewal; term.

(a) Issuance. The City Administrator or City Clerk may issue an adult entertainment establishment license under this Article upon satisfaction of the following conditions:

(1) The applicant has submitted a completed application form which satisfies the application requirements set forth in Section 6-8-40 and has provided all required information regarding the adult entertainment establishment;

(2) The applicant has paid the appropriate license fee established by the City Council;

(3) The proposed adult entertainment establishment is located in an appropriate zone and is not within the proscribed radius of a protected use, pursuant to Chapter 16 of this Code; and

(4) The building in which the adult entertainment establishment is to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with the provisions of this Article and the plans and specifications approved by the City with the application, as verified by inspection of the premises by the Fire Department and/or the Police Department.

(b) Renewal. A licensee shall apply for renewal of the license, by submitting a completed renewal application form and the required renewal license fee no later than thirty (30) days prior to the expiration of the existing term. The City Clerk shall renew the license prior to the end of the term, provided that the renewal application and fee were timely submitted, and the City Clerk is not

aware of any fact that would have prevented issuance of the original license or issuance of the renewal.

(c) Term. All licenses issued under this Article shall be for a term of one (1) year from the date of the license first being issued.

(d) Expiration. A license that is not timely renewed shall expire at the end of its term. The failure to timely obtain a renewal of a license requires submission of a new application.

Sec. 6-8-60. – License revocation and suspension.

Any license issued pursuant to this Article may be suspended or revoked by the City Council, upon ten (10) days' written notice, to a licensee stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:

(1) Violation by a licensee or licensee's officers, agents, or employees of any of the provisions of this Article, or any relevant or applicable laws of the United States, the State of Colorado, or ordinances of the City;

(2) Violations of any conditions imposed by the City Clerk's office in connection with the issuance or renewal of a license;

(3) Failure to pay State or local taxes, or the annual license fee, that are related to the operation of the adult entertainment establishment;

(4) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application, would have warranted the refusal of the issuance of the license;

(5) Failure to file any report or furnish any information that may be required by provisions relating to this Article;

(6) Loss of right to possession of the licensed premises; or

(7) Fraud, misrepresentation, or a false statement of material fact contained in the original or renewal license application.

Sec. 6-8-70. – Penalties.

In addition to any other remedies available at law or equity, operating an adult entertainment establishment within the City without a license shall subject the violator to a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, to be collected in the manner provided for penalty assessments as provided in Chapter 1, Article VII of this Code.

Section 3. Section 16-1-80 of the Code, concerning definitions applicable to land use and development provisions, is hereby amended to read as follows:

Sec. 16-1-80. - Definitions.

This Article defines words, terms and phrases contained within this Land Use Code. The following terms shall have the following meanings when used in this Land Use Code:

...

Adult bookstore, adult novelty shop, or adult video store means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," as defined in Chapter 6, Article VIII.

...

Adult entertainment establishment means an entertainment or retail establishment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to sexual activities or sexual anatomical areas, including but not limited to adult bookstores, adult novelty shops, adult video stores, adult movie theaters, adult arcades, adult cabarets, adult theaters, and nude model studios, as defined in Chapter 6, Article VIII, and other similar adult services establishments.

Section 4. Table 16-D of Section 16-4-150 of the Code, concerning the schedule of uses and review process, is hereby amended in-part, as it relates to adult entertainment establishments, to read as follows:

TABLE 16-D
Schedule of Uses

N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									
Commercial, Personal Service and Office Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards
<u>Adult bookstores, adult novelty shops, adult video stores</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	Sec. 16-4-190(s)
<u>Adult entertainment establishments (excluding bookstores, novelty shops or video stores)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	Sec. 16-4-190(s)

Section 5. Subsection 16-4-190(s) of the Code, concerning review standards applicable to adult entertainment establishments, is hereby created to read as follows:

Sec. 16-4-190. – Review standards applicable to particular uses.

(s) Adult Entertainment Establishments.

(1) Design and Layout. The following limitations shall apply to the design and layout of all adult entertainment establishments.

a. Exterior doors shall remain closed during business hours.

b. All materials, projections, entertainment, or other activities involving or depicting sexual

activities or sexual anatomical areas shall not be visible from off-premises areas or from portions of an establishment accessible to minors.

c. Sounds from projections, entertainment, or other activities shall not be audible from off-premises areas.

d. Advertisements, displays, or other promotional materials depicting sexual activities or sexual anatomical areas shall not be visible from any public or semi-public area.

e. All building openings, entries, and windows shall be located, covered, or screened to prevent the interior from being viewed from any public or semi-public area.

(2) Location and Access.

a. Adult entertainment establishments shall not be located within one thousand (1,000) feet of another adult entertainment establishment, measured from the nearest exterior wall of the proposed adult entertainment establishment to the nearest exterior wall of any other adult entertainment establishment.

b. Adult entertainment establishments shall not be located within three hundred (300) feet of the following protected uses, measured from the nearest exterior wall of the proposed adult entertainment establishment to the nearest lot boundary of the protected use, provided such protected use is established on or before the date the application for the proposed adult entertainment establishment is filed:

1. Community buildings;
2. Day cares homes and Day care centers;
3. Parks;
4. Recreational facilities;
5. Churches, parish homes and religious education buildings; or
6. Schools.

c. Adult entertainment establishments shall not be located within three hundred (300) feet of the following zoning district boundaries: R-1, R-2, R-3, R-4, or RMU measured from the nearest exterior wall of the proposed adult entertainment establishment to the nearest edge of the zoning district boundary.

(3) Operation and Ownership.

a. No licensee, manager, or employee serving food or drinks or mingling with the patrons shall be nude or in a state of nudity.

b. Separate restroom facilities shall be provided for employees and independent contractors that shall only be accessible by employees and independent contractors.

c. No licensee, manager, or employee shall encourage or knowingly permit any person, including patrons, to engage in prohibited sexual activities on the premises. Such conduct is unlawful and shall be subject to penalties, as set forth in Chapter 1, Article IV of this Code.

d. Adult entertainment establishments shall be closed to the public between the hours of

1:00 a.m. and 9:00 a.m.

e. No one under twenty-one (21) years of age, including patrons, licensees, managers, employees, agents, and independent contractors, shall be admitted into any adult entertainment establishment.

f. Any person who operates or causes to be operated an adult entertainment establishment without a valid license issued pursuant to Chapter 6, Article VIII of the Code or who violates any provision of this subsection commits unlawful conduct and shall be subject to an injunction, civil penalties, and criminal penalties, as set forth in Chapter 1, Article IV of this Code.

g. Each day of operation in violation of any provision of this subsection shall constitute a separate offense.

Section 6. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this 21st day of December, 2021, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2021, and set for second reading and public hearing on the 4th day of January, 2022.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on this 4th day of January, 2022.

City of Salida

Mayor Dan Shore

ATTEST:

City Clerk/Deputy City Clerk

HRRMC reports six current hospitalizations from COVID-19

by **D.J. DeJong**
Mail Staff Writer

Heart of the Rockies Regional Medical Center reported six hospitalizations for COVID-19 as of Wednesday.

That brings the total of hospitalizations for patients suffering from the virus to 12 for the month, with nine in the past 14 days.

November ties with December, July and October for most hospital stays for those with COVID-19 since the pandemic started.

September saw the most hospitalizations with 14.

HRRMC reported that 72 percent of its capacity was filled as of Wednesday.

November has also seen a surge of cases within the

county to the highest number in one month at 376 cases.

Chaffee County Public Health reported 169 of those cases were detected in the last 14 days. No cases were added to the county's dashboard Thursday due to the holiday.

Of the pandemic total of 2,243 cases, 219 or about 9.76 percent have been breakthrough cases among those who had previously been vaccinated. That number falls within predictions of efficacy made by the Centers for Disease Control and Prevention.

Reinfections account for 14 cases or 0.62 percent of all cases in the county.

Colorado Department of Public Health and Environment stated, "Slowing the spread of COVID-19 will

decrease the daily number of cases and hospitalizations that occur in Colorado. Preventing hospitalizations will help make sure our hospitals have the staff and equipment they need."

Top of the list of tips for prevention from the state health department is getting vaccinated, followed by nonpharmaceutical protocols such as masking, distancing and staying home if sick.

The fully vaccinated rate for the state is currently 73.23 percent.

Chaffee County is listed as 13th in the state for full vaccinations at a rate of 75.8 percent for those ages 12 and older. Data including ages 5-11 have not yet been reported by the state.

Poncha Springs trustees approve budget

by **D.J. DeJong**
Mail Staff Writer

Poncha Springs trustees approved the 2022 budget as presented by Town Administrative Officer Brian Berger at their meeting Monday.

Total expenditures for 2022 are projected to be \$3,338,655. The total amount breaks down to:

- General fund \$1,246
- Enterprise fund \$629,903
- Conservation Trust Fund \$3,500
- Capital projects fund \$1,828,655

Among items added to the draft budget were a public works truck, highway visual and safety improvements

and \$2,000 to pay for parade expenses in expectation that the Fourth of July and Veterans Day parades in 2021 will be continued in the new year.

Following a public hearing, trustees approved a site plan for a building planned for Crossroads Retail Park Lot 10, which will include two retail spaces and three dwelling spaces.

Trustees recently adopted a measure in the land use code requiring a broken roof line for aesthetic reasons. The plan presented by Mark Bourget called for a flat facade.

The plan was approved with the proviso that the roof line on the front facade be elevated to conform to the land use code.

Trustees approved as pre-

sented a preliminary plat for Tailwind II Phase 1.

There was some discussion about possible inclusion of a park in the new development.

A limit of 1,000 people for special events in the town of Poncha Springs was set along with adoption of the Poncha Springs event center policy.

The policy aims to better document public safety for events in the town, including security, emergency plans and traffic control plans.

Trustees approved final payment to Electric Power and Process and acceptance of the water infrastructure improvement project, the well No. 7 addition.

Trustees also voted to move their next regular meeting from Dec. 27 to Dec. 13.

Legal Notice

PUBLIC NOTICE

Sangre de Cristo Electric Association, Inc.
29780 US Highway 24 N., P.O. Box 2013, Buena Vista, CO 81211
Sangre de Cristo Electric Association's Wildfire Mitigation Rate Rider, approved by the board of directors October 28, 2020 to pay for costs associated with augmented vegetation management efforts to reduce the risk of wildfires near SDCEA power lines, will increase from \$6.00 per month to \$7.00 per month January 1, 2022 through December 2022. Rate Schedule No. 13 is available to members for examination by signing in to their respective account(s) on the SDCEA's website, myelectric.coop. Once signed in, visit My Profile>Documents. The rate schedules and explanations are also available by calling toll-free during regular business hours, 844-395-2412.
Published in The Mountain Mail November 26, 2021

PUBLIC NOTICE

ADVERTISEMENT FOR BIDS
Submit Bids To:
Town of Poncha Springs, Attn. Brian Berger
333 Burnett Avenue or PO Box 190
Poncha Springs, CO 81242
Office Phone: (719) 539-6882
Sealed BIDS for construction of the 2022 East Poncha Avenue will be received at the Poncha Town Hall, 333 Burnett Avenue, Poncha Springs, CO until 1:30 PM, Date: January 19, 2022. At which time, they which time they will be open and read. The project consists of street rehabilitation for East Poncha Avenue from Poncha Springs Lane to La Plata Street. The rehabilitation consists of removal of existing asphalt, new curb & gutter, sidewalk and asphalt.
Bid Bond, Performance/Payment and Warranty Bonds are required. The project is tax-exempt; the contractor will be provided with the tax-exempt number for materials purchases.
A pre-bid conference call meeting will be held on Wednesday December 15th, 2021 at 10:00 am Contractors requesting bid documents will be provided with a Zoom video/telephone conference call number and ID by email to tvandaveer@crabtreegroupinc.com. Responses to questions and Addendums will be sent to all contractors who have requested bid documents.
Contractors are required to have the capability to communicate via email and submit project documentation by Dropbox. The Town reserves the right to modify or cancel this bid process at any time.
Copies of the Plans and Specifications are available. Electronic copies by email are available at no charge to qualified contractors registered in good standing with the Secretary of State. Qualified contractors' email requests for electronic copies shall use the subject line of 2022 East Poncha Avenue Project and must be sent to both of the following emails addresses: jdelaucha@crabtreegroupinc.com, & tvandaveer@crabtreegroupinc.com. All other requests for documents shall be to Poncha Springs via CORA public records request.

Brian Berger
Administrator
Published in The Mountain Mail November 19, 23, 26, 30, 2021

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION FOR THE CITY OF SALIDA CONCERNING A MAJOR IMPACT REVIEW APPLICATION

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE: that on December 14, 2021 at or about the hour of 6:00 p.m., public hearings will be conducted by the City of Salida Planning Commission at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/rt/190909234220683277>. The hearing concerns Major Impact Review applications for the property described as "Part of Lots 4 & 5, All of Lots 6-9, Block 19, City of Salida", also known as 323 West First Street. The applications have been submitted by Salida Bottling Company, LLC represented by Erick Warner.

The applicant is requesting:
A. Approval of a Planned Development overlay zone for the above described 0.6 acres currently split-zoned Commercial (C-1) and Industrial (I) and in the Hwy 291 Established Residential Overlay. For the overall site, the purpose is to create a subdivision with townhome lots fronting off of a private drive, to increase allowed density, to increase allowed building heights, to increase allowed number of building stories, and to decrease the front setback. On the individual townhome lots, the request also includes: to increase the maximum lot coverage for structures, to decrease minimum lot size, to decrease minimum lot frontage, to decrease minimum landscape area, and to decrease setbacks. On the HOA owned outlot, the request is to increase the maximum lot coverage for uncovered parking/access.
B. Approval of a Major Subdivision to split the above described 0.6 acre parcel into 16 townhome lots and 1 outlot, with the intention of 1 townhome lot

to be further split in the future into 1 residential condominium and 1 commercial condominium. This will result in a total of 16 residential units, ,1 commercial unit, and 1 HOA owned and managed outlot for the common areas containing the private drive, landscaping, pedestrian access and parking.

Any recommendations by the Planning Commission for the Planned Development and Major Subdivision shall be forwarded to the City Council for review and public hearings.

Interested persons are encouraged to attend the public hearings. Further information on the application may be obtained from the Community Development Department, (719) 530-2631.

*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.
Published in The Mountain Mail Nov. 26, 2021

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND CITY COUNCIL FOR THE CITY OF SALIDA CONCERNING ANNEXATION AND ZONING APPLICATIONS

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE: that on December 14, 2021 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 190, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/rt/190909234220683277>

The hearing is regarding applications for Annexation and Zoning submitted by and on behalf of Jeff Kriebel, Thomas Clegg, and Wendell Winger, for the properties located at 7543 County Road 141, 7547 County Road 141 and 7551 County Road 141.

The City is currently considering a petition to annex and zone the subject properties into the City. The general purpose of the application is to consider the applicant's request to zone the property Medium Density Residential (R-2).

Any recommendation by the Planning Commission for the Annexation and Zoning shall be forwarded to the City Council for review and a public hearing scheduled for February 01, 2022, at or about the hour of 6:00 p.m. at City Council Chambers and online at the following link: <https://attendee.gotowebinar.com/register/6382995264411204366>.

Interested persons are encouraged to attend the public hearing. Further information on the applications may be obtained from the Community Development Department, (719) 530-2626.

*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/ comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.
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PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE THE CITY OF SALIDA PLANNING COMMISSION CONCERNING AN ORDINANCE TO AMEND CHAPTERS 8 AND 16 OF THE SALIDA MUNICIPAL CODE REGARDING ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY ORIENTED BUSINESSES

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE that a public hearing will be held on Tuesday, December 14th, 2021 at or about the hour of 6:00 p.m. by the City of Salida Planning Commission at City Council Chambers, 448 East First Street, Suite 190, Salida, CO and online at: <https://register.gotowebinar.com/rt/190909234220683277> to consider amendments to Chapter 16 of the Salida Municipal Code regarding adult entertainment establishments and sexually-oriented businesses. A subsequent hearing will also be heard by the Salida City Council at a later date to be determined and duly noticed. Interested persons are encouraged to attend the public hearings online or in person. Further information on the application may be obtained from either the City Clerk's Office or the Community Development Department.

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