

PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

March 22, 2021 - 6:00 PM

MINUTES

Email public comments to: publiccomment@cityofsalida.com

Please register for the Planning Commission meeting:

<https://attendee.gotowebinar.com/rt/1909092342220683277>

CALL TO ORDER BY CHAIRMAN – 6:00 PM

ROLL CALL

PRESENT

Chairman Greg Follet

Vice-Chair Francie Bomer

Commissioner Judith Dockery

Commissioner Giff Kriebel

Commissioner Doug Mendelson

Commissioner-Alternate Suzanne Copping

APPROVAL OF THE MINUTES

1. January 25, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery,

Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

2. February 22, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

UNSCHEDULED CITIZENS – None

AMENDMENT(S) TO AGENDA – None

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- | | |
|---|--|
| A. Open Public Hearing | E. Public Input |
| B. Proof of Publication | F. Close Public Hearing |
| C. Staff Review of Application/Proposal | G. Commission Discussion |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |

1. **Rose - Sacketts Addition Overlay deviation** -The applicants, Kevin and Susan Rose, are requesting approval for deviation from the requirements of the Sackett Addition Overlay for

the construction of an Accessory Dwelling Unit (“ADU”) at 334 E. Second Street, Salida, CO 81201

A. Open Public hearing - 6:04 pm

B. Proof of Publication

C. Staff Review of Application – Jefferson stated the applicant recently submitted revisions to their request that have not yet been reviewed by staff and therefore asked that the hearing be continued until April 26, 2021.

D. Applicant’s Presentation – None

E. Public Input – None

F. Close Public Hearing - 6:06pm

G. Commissioner Discussion - None

H. Commission Recommendation

Motion made by Commissioner Kriebel, Seconded by Vice-Chair Bomer.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

- 2. Upchurch Annexation** -The applicants,Tory and Clee Upchurch, are requesting approval of their 5.32 acre parcel to be annexed into the City of Salida. The property proposed for annexation is located between County Roads 140 and 141, as well as a portion of CR 140 stretching from the existing City limits at the eastern terminus of CR 141 approximately 1,274 feet to the western terminus of CR 141, totaling approximately 2.58 acres.

A. Open Public hearing - 6:07 pm

B. Proof of Publication

C. Staff Review of Application - – Almquist gave an overview of the annexation request for the Upchurch Annexation, and the justification for the serial annexation of the CR 140 ROW along with the Upchurch Annexation. The serial annexation is justified by the Intergovernmental Agreement (IGA) between Chaffee County and the City of Salida that defines this area as within the City of Salida’s Municipal Service Area (MSA).

City Council passed Resolution 2021-04 finding the application in substantial compliance with all applicable regulations and for Planning Commission to move forward with processing the annexation.

Staff finds the application has met all legal requirements for annexation. Staff supports the request with ten (10) recommended conditions, one revision to condition #3 that future lots adjacent to CR 141 be for single-family residential only, and recommended adding an eleventh (11th) condition stating that the area of overlap shown on the survey boundaries on the annexation plat shall be resolved prior to recordation of the annexation plan and agreement.

Kriebel asked if Angelview came into the City as an annexation. Staff responded yes, in the 1970’s. **Kriebel** asked if the property along Silver Spruce Drive come into the City as an annexation. Staff answered yes, in the 1990’s. **Kriebel** stated that regarding CR 140,

it appears there will be houses facing CR 140 and that would normally allow those houses to park along the road. Is CR 140 wide enough for parking? **Almquist** stated it is currently 80 feet of ROW and that does allow for parking along it, and Public Works commented that there would be parking along CR 140. **Dockery** asked if there would be driveways accessing CR 140. **Almquist** stated that the subdivision plat is not part of the request, however the concept plan that has been presented shows that the lots facing CR 140 would have rear vehicular access. **Bomer** asked for clarification that if this is approved and zoned, will the applicant need to come back to Planning Commission for subdivision approval. **Almquist** stated that yes, if the subdivision request is anything like the concept plan shown, it would require Planning Commission approval. **Mendelson** asked why they are discussing the annexation, he thought that at the joint work session with City Council they had been told their involvement would be limited to the subdivision. **Almquist** clarified that the joint work session between City Council and Planning Commission was for the annexation and zoning and the presentation of the concept plan was just for some initial feedback. **Mendelson** asked for clarification on what Planning Commission is voting on. **Almquist** clarified that Planning Commission is voting whether or not to recommend approval of the annexation to City Council for final vote. **Kriebel** asked if this property, shown as Mixed Residential on the Chaffee County Comprehensive Plan allows 4-16 dwelling units per acre, this concept plan could be implemented in the County. **Almquist** stated that is correct with some limitations due to the requirement of a pre-annexation agreement for the City to provide utilities in order to develop in the County in anticipation of future annexation to the City.

- D. Applicant's Presentation** – Applicant **Upchurch** stated they are working with the City to adhere to any guidelines and standards, and hopes to work with the surrounding neighbors to minimize impacts to their property. **Bomer** asked what happened to the HOA maintained park shown on the original sketch plan. The applicant stated the original design had a park along a road running north-south, but after discussions with Chaffee County and the City it was determined the Shepherd Street ROW would not connect to CR 141 to the north and in the revised layout it didn't make sense to include the park anymore.

Mendelson asked the applicant if they talked to the County first. **Upchurch** stated yes, and the County directed them to the City. If the applicant developed in the County, it would still require a pre-annexation agreement with the City to get access to utilities, so it made the most sense to just go to apply to the City for annexation. **Williams** clarified that the IGA requires properties in the MSA to come to the City and the City determines if the property should be annexed.

E. Public Input –

Tom Waters, no address provided. Concerned about the impacts of increased traffic on CR 140. Concerned about the amount of traffic on CR 140 created by this development plus Angelview. A traffic study should be completed and include an assessment for ingress and egress lanes, driveways, storm drainage, pedestrian crosswalks, signals and wildlife crossing impacts.

Clifford Whitehouse, 8195 CR 141C. Stated the annexation is a bad idea because it would not be an improvement to Salida and since the area can be developed without annexation and rezoning, there is no need for it. Development should be in areas already in the City and already with high density zoning. Since resources are limited, applications and requests should be balanced with their long term viability.

Stephanie Bradshaw, 8110 CR 141C. Opposed the annexation. Requested that a decision be delayed to allow time to resolve the boundary issue and to complete an Annexation Impact Report (AIR) to consider the effects of density, traffic, environmental effects, sewer and drainage, utilities, ditches on the neighbors and on schools. The City should look at the big picture. Requested single family, rural, residential use.

Mark Haarold, 8179 CR 141B. Felt the County Commissioners were much more receptive to the neighbors' concerns and is frustrated with interactions with city staff. Acknowledged that the recommended conditions address some of the concerns, but would like the City conditions to include all of the County Commissioners recommendations from their letter dated March 18, 2021, recommending only single-family homes on the parcel.

Deanna Myers, 8155 CR 141. Opposed annexation because of the negative impacts of increased street lighting. Development in the County at ¼ acre lots would be more compatible. Believed there should be buffers between different types of zoning. Wanted any development to be as harmonious as possible with surrounding development.

Ann Daniels, 7700 CR 141D. Objected to annexation due to the unresolved boundary issue, the lack of an AIR, that the CR 140 ROW should not count to meeting the contiguity requirement. Requested this property should be rural and a traffic study should be completed.

Dania Pettus, 8210 CR 141B. Requested any future public hearing be delayed until Covid is resolved because of difficulty for some concerned residents to participate. Concerned about access off of CR 140, parking along CR 141, traffic congestion, infrastructure limitations, suburban sprawl and compliance with the IGA.

Charlie Farrell, no address provided. Because this property can be developed in the County, believed there is no need to annex and that there is enough multi-family development on nearby properties. Requested that the property owner work with the County to develop the property.

Jessica and Nick Chariton, 8105 Spruce Street. Understood the need for affordable housing and growth, but would like to see Salida grow responsibly. Requested that the City and County work together on the inevitable growth. Concerned that this is irresponsible and haphazard development, and that it is not congruous with what is around it.

Aaron Huckstep, Attorney representing neighbor(s). Concerned that the application is incomplete because it appears the City is not following section 16-9-40 of their Code requiring a cost reimbursement agreement. Public Works identified the need for CR 140 improvements at the time of the Angelview development and we believe a cost reimbursement agreement would address this. Concerned there is no traffic study, no AIR, and that the boundary overlap is not resolved.

Larry Dean Metzler, 8110 CR 141C. Concerned with the impacts on CR 140, and the Shepherd Road intersection. Believes the City is favoring the applicant by annexing CR 140 which is in need of improvements and the need will increase with the impact of future Angelview development. Concerned that the proposed density is too high.

Michelle Pujol and Brent Patrini, 7616 Meadowlark Drive. Concerned about annexation creep and about the proposed density. Believes that it is backwards for the City to allow

higher density at outskirts. Meadowlark is seeing traffic and lighting impacts from Angelview. Opposed to annexation, and if annexed, density should be for single-family homes only.

Charla Waller, (James and Sharon Jacobsen, Kevin Jacobsen, Kristen Jacobsen) 8125, 8175 Ponderosa and 18 acre parcel abutting golf course. Concerned about impacts on water in Shavano Vista subdivision. Believes this not a good way for Salida to provide more affordable housing and that it should be developed in the County. If annexed, it should be with a compatible density.

Gabriel Pettis, 604 Ouray Avenue. Concerned about the increased traffic this development would add to the intersection of Holman/ CR 140 / Poncha Blvd intersection and the light pollution, noise pollution, as well as conflicts with pedestrians and bicycle traffic at that intersection. Lower density would lower the traffic.

Paula Farrell, 8255 CR 141. Requested that the annexation decision be delayed until an annexation impact report is completed, despite the site being fewer than 10 acres. Density, traffic, environmental, school, utility, police and fire safety, impacts need to be addressed and if annexed, a post-annexation impact report should be done to address these issues.

F. Close Public Hearing – 7:37pm

G. Commissioner Discussion –

Dockery asked why the boundary overlap was not resolved. **Upchurch** stated that it is not a dispute and that he is going to legally deed her the section that her fence line was over onto the Upchurch property, and deeding that property takes time. **Williams** clarified this area of overlap is not part of the property being annexed.

Keidler asked if a traffic study was done when Angelview was developed? **Almquist** stated the part that is developed was a minor impact subdivision so it did require a traffic impact analysis. A major impact subdivision will require a traffic study. **Kriebel** stated there has been a lot of development abutting CR 140 and traffic is a legitimate concern. Can this be required prior to annexation?

Williams clarified State Statute 31-12-108.5 states that an Annexation Impact Reports “shall not be required” for annexation of 10 acres or less. Shall not means cannot be required. The traffic impact report is a requirement of the City’s subdivision ordinance.

Bomer asked if there is any way a traffic impact report would not be required. **Almquist** stated yes, it is only required for a major subdivision. A minor subdivision of fewer than 5 lots does not require traffic study. **Bomer** stated that it would be unlikely that it would be a minor subdivision. She noted that the Angelview development was supposed to take over maintenance of CR 140, but when their plan changed from condominiums to townhomes that agreement no longer applied and it didn’t happen. **Almquist** stated that Public Works commented on the potential future capacity of the road as an 80 foot wide ROW collector road. Several conditions of the annexation approval are related to CR 141 and CR 140 regarding traffic impacts and improvements. **Bomer** asked what area would be included in a traffic study for the subdivision **Almquist** noted that the traffic study would specifically look at existing conditions and then adds on to that what is proposed by the subdivision. It would go beyond the Holman intersection. **Bomer** asked if Planning Commission could take into account the traffic affects when evaluating the subdivision

plat. **Almquist** noted yes. **Williams** noted that several of the recommended conditions address impacts to roadways.

Almquist clarified some of the items that were brought up in the public comments:

State Statute reads that the City shall not require an AIR because the parcel is less than 10 acres. Additionally, the topic of an AIR is addressed in the IGA with the County.

Williams cited that language as follows: "County review of Annexation Impact Report. When required, pursuant to State Statute, the City shall have Annexation Impact Report prepared and delivered by the County on all property greater than 10 acres." **Kriebel** asked if an AIR is precluded. **Williams** iterated that State Statute says an AIR "shall not be required" for annexations 10 acres or less in area, which means the City "cannot" require the applicant to do an AIR.

Some comments referenced possible development of the nearby "Treat" property, and there is no proposal for annexation of the referenced property.

The serial annexation of CR 140 is allowed for by state statute. By definition of this parcel being in the MSA, the IGA intends for it to be annexed, and the inclusion of CR 140 up to the MSA boundary is then logically included as part of this annexation.

There is no specific proposal for the future development of Angelview yet. It may happen soon but there is no specific application for development as of now.

Regarding lack of City response to inquiries, once an application is received by the City, elected officials are under quasi-judicial requirements for the zoning and quasi-legislative requirements for the annexation that prevents elected officials from discussing of the project. Staff has been responding to procedural questions.

Current Covid regulations do allow in person attendance in the chambers with limited capacity, and that the City has been conducting online hearings for many months now.

Follet asked if Angleview was required to provide street lighting on CR 140. **Almquist** did not think improvements to CR 140 were required, and that any lighting at Angelview is along their internal, private streets. Any lighting on CR 140 in the future would be public, which Exel would provide and they have their own standards for lights.

Bomer asked applicant if they would voluntarily complete an AIR. Applicant stated he doesn't know what that involves so he could not commit to it at this time.

Bomer stated she's troubled that they don't have all the information she thinks they should to make this decision.

Mendelson stated he felt the County should have been included in hearing and that more study, including a traffic study, should have been done. He feels the annexation is moving too fast. **Follet** noted that the annexation of this area has been discussed extensively in the past. **Mendelson** feels it has not been discussed enough. He acknowledges that the proposal is compatible with the Salida Comprehensive Plan, but stated that it is not a great Comprehensive Plan and therefore this proposal should be tabled.

Copping asked how often the IGA is updated. **Almquist** replied it is updated as needed, with either party initiating the need to update. He addressed the concept brought up in some of the public comments that density should be focused at the core of a city. Salida's core is a historic district with very limited development potential. The residential lots radiating out from the core are primarily already developed small lots. This is a barrier to

consolidating large lots interior to town to provide higher density housing near the core. Therefore the area that can accommodate higher density development is further out from the core. This is why the MSA from 2009/10 identifies these areas as the locations for future development and to provide needed housing, and therefore extended services to these areas. **Copping** noted that this conversation tonight has exposed some of the fault lines that appear to exist regarding approaches to the MSA area, and has brought to the front the tensions that exist in the implementation of the IGA. Do we need to rethink some language in the IGA to provide more guidance for the future? **Almquist** noted that the IGA and MSA do take into account the capacity of the transportation corridors along which higher densities should be located. Therefore not all areas of the MSA are designated for higher densities, just those where the transportation capacity is available.

Copping posed the question - What happens if we don't annex? If we annex, then City of Salida land use code and standards apply and therefore the City has more control over future development.

Bomer concurred that, while she has some concerns, if the annexation is denied, the potential density in County could be the same.

Williams provided additional clarification on the IGA, noting that it states that all new land use development applications shall be submitted to the City and the County agrees not to accept land use development applications for property within the MSA. Annexation and development agreement will be considered with terms that conform to the Salida Municipal Code and Comprehensive Plan and that the City shall not deny annexation except for good cause.

Mendelson noted that he found the applicant's letter confusing re: the intention of the applicant to live on the property.

H. Commission Recommendation –

Motion made by Commissioner Kriebel, Seconded by Vice-Chair Bomer.

Discussion ensued regarding amending the motion to amend condition #8 to require that the inclusionary housing requirement be met by built units rather than by fee-in-lieu. Williams clarified that this will be accomplished under the current wording of condition #8 and that no amendment is necessary.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner-Alternate Copping

Voting Nay: Commissioner Mendelson

3. **Upchurch Zoning** - The applicants, Tory and Clee Upchurch, are requesting a zoning designation of Medium-Density Residential (R-2) should the property be annexed.

A. Open Public hearing – 8:40 pm

B. Proof of Publication

- C. Staff Review of Application – Almquist** gave an overview of the zoning request. Staff supports the request for a zoning designation of Medium-Density Residential (R-2) with no conditions.

Dockery asked what the maximum number of units are that could be built in R-1.

Almquist stated it is 11 units per acre based on maximum density, but the minimum lot size is 7,500 square feet which would be more limiting on a built-out subdivision site.

Mendelson asked why the City is approving zoning without a plan.

Williams clarified this is to zone the newly annexed property. It is required within 90 days of annexation. It cannot be conditioned because it is just zoning.

- D. Applicant's Presentation –Upchurch** stated that the current plan is to dedicate the lot on the southeast corner to Chaffee County Housing Trust to build the inclusionary housing. He believes it needs R-3 zoning in order for that lot to work for them. He would also like to do R-3 zoning on the south side of property because it allows for more flexibility in driveway and multi-family configurations than R-2, not with the intent of maximizing the R-3 density.

Follet asked if applicant plans on incorporating some open space. Upchurch stated that with the modification of the road configuration, it does not flow well with plan, but he's not completely opposed to it.

Hussey, as applicant's representative, stated the difference between the two plans is that the square feet of public row has increased from 30k sf to over 50k sf.

Bomer stated the currently shown triangle lot appears to be a good spot for open space.

E. Public Input –

Aaron Huckstep, believed that annexation is not mandatory. Stated that density should be concentrated in the center of the city, not at edge. If applicant intends to eventually rezone, why not make R-1 now and let them rezone to R-3 later?

Tom Waters, requested that the zoning is set to the lowest density possible.

Clifford Whitehouse, concerned with development near the airport. Stated the County recommended R-1. Requested to use the 90 days allowed until zoning of the property is required. Believed Salida should prevent development of over-stimulating environments.

Stephanie Bradshaw, opposed to anything greater than R-1 zoning. Does not believe higher density is compatible given contiguity to 1-5 acre lots. R-1 was recommended by County. Requested that a traffic study be done prior to ruling on zoning request.

Mark Harrold, concerned that the County Commissioners have a better understanding of the effect of this property on surrounding land owners. County recommended R-1. Applicant said in letter they were going to build a "public-use park".

Deanna Meyers, Comprehensive Plan says should be complimentary on mass and scale. Lot size difference is not complimentary. Would like the inclusionary housing to be a single-family home rather than multi-family.

Ann Daniels, stated that planning theory does not support flagpole annexation at boundary for high-density housing. It should be at city center. This should be R-1 to blend higher density of city with rural character of county.

Dania Pettus, felt the density was inappropriate. Should not consider density greater than R-1. Concerned about parking that might spill onto CR 141.

Charlie Farrell, felt that the staff report and presentation did not address the neighbors' concerns, including a petition signed by the neighbors. He felt there should have been a meeting with neighbors to address their concerns. Requests that the zoning be R-1.

@ 3:41 Chairman **Follet** assured the public that the Planning Commission packet did include comments and letters demonstrating the neighbors' concerns.

Almquist further clarified that the letter from the Chaffee County Board of Commissioners was also included in the Planning Commission Packet. Regarding the referenced petition, it had been sent directly to City Council in January, who shared it with staff. At that time, the applicants' application submittal had not yet been deemed complete and no noticing regarding the application had gone out. Public commentary is only allowed to be considered for the public hearing if it is submitted after there is a complete application to be considered. The petition's original submittal date was well before a complete application. A late-hour request was made to submit this petition into the public comment record. **Almquist** then forwarded the petition to the Planning Commission.

Dean Metzler, stated that he felt this is sprawl and the site should be zoned R-1.

Jeff Meyers, according to the 2000 Salida Comprehensive Plan, the purpose is to protect existing neighborhoods from negative impacts of new uses. A multi-family housing development such as this would have a negative property value impact on the existing neighbors.

Michelle Pujol, agreed with what others have said. Felt staff only presented the pros and ignored the cons of this application. Requests it be zoned R-1.

Paula Farrell, concerned about additional annexations in the future along CR 140 and city the April 2, 2018 City Council and Planning Commission joint work session. Believes if affordable housing is a concern, then City should require more affordable units, and they should be single-family homes and the applicant should be responsible for building them. Requests it be zoned R-1.

Charla Waller, (+ representing James, Sharon, Kevin and Kristen Jacobsen) believed the MSA map is deceptive in how it shows the 18-acre parcel in orange. Stated that this property should not be R-3; please zone it R-1.

F. Close Public Hearing - 9:56 pm

G. Commissioner Discussion –

Bomer stated the applicant can start at R-1 and based on other studies, can evaluate changing.

H. Commission Recommendation - Motion made by Vice-Chair Bomer to recommend to City Council approve the zoning to R-1. Seconded by Commissioner Kreibel.

Discussion on the motion: **Copping** asked if a traffic study would still be required at subdivision if it was zoned R-1. **Bomer** stated she believed it would. **Almquist** clarified that a traffic study can be requested by the Administrator at Major Impact Review, but that it is not automatically required. **Bomer** asked if she could condition the approval on providing a traffic study at Major Impact Review of the Subdivision. **Williams** clarified that a zoning cannot be conditioned. City Manager **Nelson** stated that if it was a decision

of his, he was committed to requiring a traffic study at Major Impact Review for the subdivision.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner-Alternate Copping

UPDATES- None.

COMMISSIONERS' COMMENTS

ADJOURN: With no further business to come before the Commission, the meeting adjourned at 10:10 p.m.