



**MEETING DATE:** November 22, 2021

**AGENDA ITEM TITLE:** Chaffee County Creativity Center – Limited Impact Review  
Application for a School in C-1 Zone.

**AGENDA SECTION:** Public Hearing

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**REQUEST:**

The request is for limited impact review approval for a school in a Commercial (C-1) zone to include circus, music, performing, visual, and martial arts education and training at 605 Teller Street. The request is also for approval to maintain an existing dwelling unit on the same site as a commercial use.

**APPLICANT:**

The applicant is Salida Circus Outreach Foundation, 314 Caldwell Avenue, Salida, CO 821201.

**LOCATION:**

The subject property is described as Lots 19-22, Block 16, Roberds Third Addition, City of Salida, Chaffee County, Colorado and contains 0.33 acres. This property is also known as 605 Teller Street.



**PROCESS:**

The Limited Impact Review procedure is for 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.

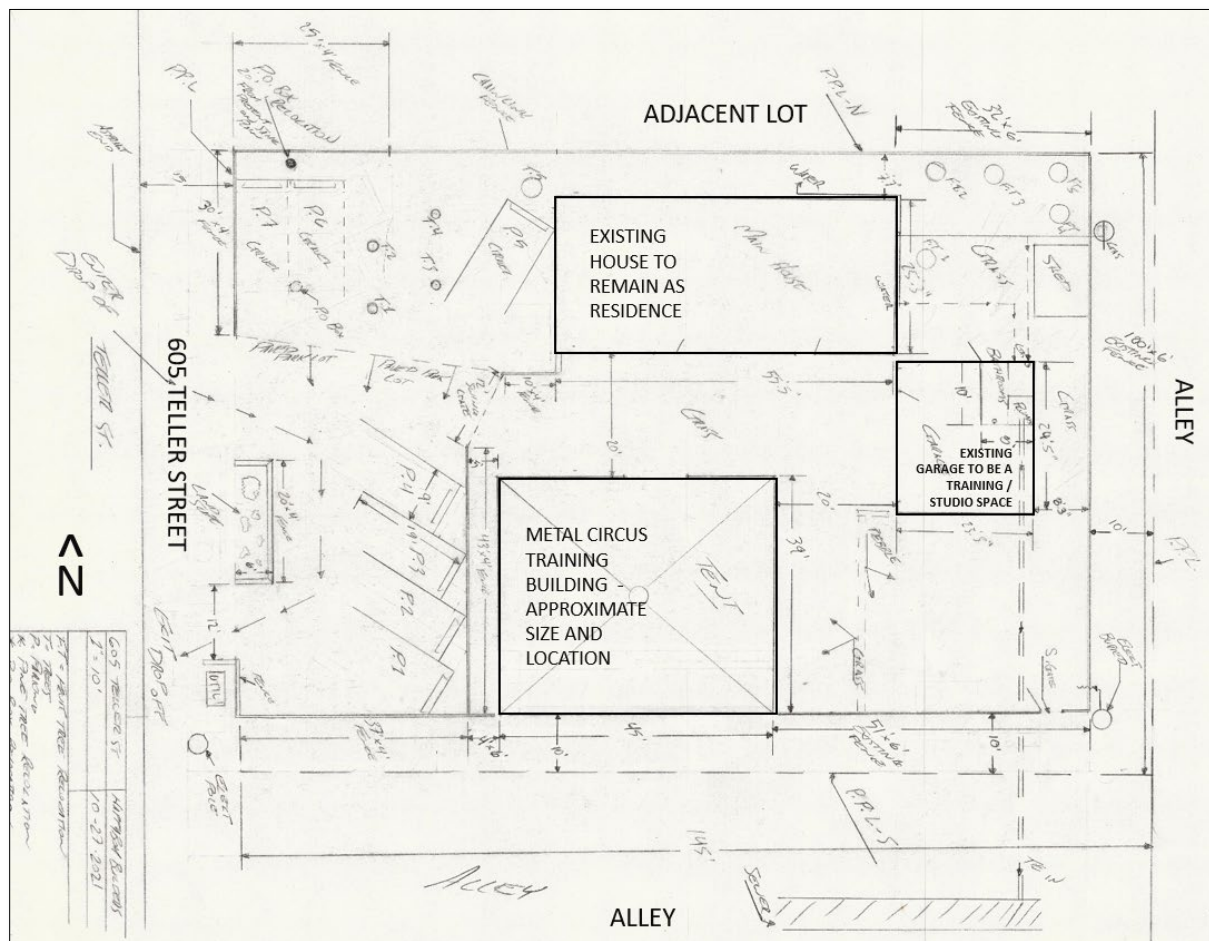
Chapter 16 of the Salida Municipal Code, Table 16-D, specifies that a school in the C-1 zone, and a dwelling unit on the same site as a commercial use, requires a Limited Impact Review, and specifies that Limited Impact Review applications be reviewed by the City of Salida Planning Commission at a public 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.

The proposed use is best considered a school in the Land Use Code. A school is defined as “any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge”. The Chaffee County Creativity Center will offer year-round classes and training/rehearsing space, as well as camps, to multiple creativity-based organizations. The focus of the center is on educational classes in a variety of creative arts, therefore “school” was the best fit among uses identified in the Land Use Code. Additionally, there is an existing dwelling unit on the site that will continue to be used as a dwelling unit.

**OBSERVATIONS:**

1. The property is located in the Commercial (C-1) zone district and currently contains a single family home and detached garage. Surrounding land uses are a truss manufacturer across Teller Street, single-family residential on two sides, and a mobile home park on one side. Nearby is Highway 50 commercial, Salida schools, and a variety of residential uses.

2. The applicant is requesting to utilize this site for classes and training for the Chaffee County Creativity Center (C4), which is comprised of Salida Circus, Colorado Theater in Non-traditional Spaces (Colorado TINTS), Salida Music Streaming Studio, and the Chaffee County Martial Arts Collective. The site is proposed to contain three (3) buildings:
  - a. The existing home which will house a full-time caretaker as well as temporary housing for artists or employees.
  - b. The existing 2-car garage which will be converted into a circus skills/martial arts training/music studio space.
  - c. A proposed metal structure that will serve as a Salida Circus training facility. The size of the building will be between 1,200 – 2,000 square feet, with a maximum height of 35 feet to the highest point of the structure.
3. The Creativity Center will host classes, camps, rehearsals and meetings. The maximum number of people at any one time will be 30 people during circus camps - 24 students and 6 staff. Weekly classes will generally range from 2 to 10 participants. No public performances are planned at this time and if they are planned for, applicant will apply for a Special Event Permit.
4. Parking for the residence and educators will be accommodated on site, and a drop-off lane will be provided for student drop-off and pick-up.
5. As of the date of posting the packet materials, staff has not received any opposition to this application.





## REVIEW STANDARDS (Section 16-4-110(d) - Conditional Uses)

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

Applicant's response: *The 2018 Salida Comprehensive Plan survey revealed that the top reasons people lived in Salida were 1) Arts and culture; 2) recreational activities, 3) a great place to raise kids, and 4) small town atmosphere. The survey also showed a strong focus on supporting local businesses and creating new job opportunities. The Chaffee County Creativity Center aligns with these top goals of Salida by offering local performing artists, musicians, visual artists and other teachers year-round access to training and rehearsal space. The survey also showed a high concern for "excessive development and destruction of countryside." C4 will repurpose an existing property for a variety of uses without causing damage to the natural surroundings. Lastly, C4 will contribute to Salida being a Certified Creative District by being a hub of creative entrepreneurship.*

- The proposed use is for a school focused on creative and performance arts, and to maintain the residential unit on the property. This is in conformance with the Comprehensive Plan. It represents commercial infill development on a currently under-utilized commercially-zoned parcel; it preserves an existing dwelling unit; and it contributes to the town's economic sustainability.

2. Conformance to Code. The use shall conform to all other applicable provisions of this Chapter, 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, as specified in Article IV.

Applicant's Response: *605 Teller is a C-1 zoned property. All new buildings and renovations of existing building will comply with setback requirements, occupancy limits, etc of Use and Dimensional Standards.*

- The draft site development plan provided demonstrates compliance with the C-1 dimensional standards. At the time of building permit application, a final site plan utilizing an improvement location certificate and/or survey will be required to maintain compliance with all zone district standards and be generally in compliance with the draft site plan.
- The proposed circus training structure will be a primary structure, and as such can be a maximum height of 35 feet to the highest point of the structure. The building will be a pre-built metal structure ordered to size and assembled on site. The final height and dimensions will be determined based on zoning and building code requirements. The building is expected to be between 1,200 to 2,000 square feet, and likely 28 to 30 feet in height.

- b. Site development standards. The parking, landscaping, sign and improvements standards.

Applicant's Response: *There are [7] parking spaces on the property at 605 Teller. Activities at C4 will not exceed parking or occupancy allowances. Our own teacher insurance (for Salida Circus /TINTS /Chaffee County Martial Arts Alliance) allows for no more than eight students per tutor.*

*Also, we anticipate most participants will either walk or ride bikes to the property. Currently we are not planning to have a commercial sign on the property. Landscaping plans include removing rocks and all dead foliage from inside the fence. There will be no disruption to the mature trees outside of the fence, or the fruit trees inside the fences.*

- Land Use Code Section 16-8-80 states that parking requirements for a school use require 1 space for each employee and 1 space per 4 students. The requirements don't specify the age of students for which this criteria apply. Because the predominant student for this use is not of driving age, staff is proposing a vehicle parking requirement that blends the requirements for a school and a daycare to better meet the needs of this facility, as well as minimum bicycle parking requirements.

The staff proposed requirement is 1 parking space for each employee plus a drop-off lane for students, and to maintain the requirement of 1 parking space for the dwelling unit. The maximum number of people at any one time will be 30 people during circus camps; 24 students and 6 staff. This results in a requirement for 7 off-street parking spaces, which have been provided.

No bicycle parking requirements are provided in the City of Salida Land Use Code. After reviewing standards from other locations, staff is suggesting to apply the standard of 5 bicycle parking spaces per classroom, considering this as a singular classroom, and therefore requiring 5 bicycle spaces.

- The draft site development plan demonstrates compliance with the landscape requirements of Section 16-8-90. The drop-off lane and 4 adjacent parking spaces are planned to be paved per Section 16-8-80 (e)(1). The residential parking space is not required to be paved and the two spaces located closest to the existing trees are not proposed to be paved.
- No signs are proposed.

As conditions of approval:

- A Building Permit and Change of Use Permit must be received prior to construction commencing.
  - A site development plan must be submitted with the building permit demonstrating compliance with all applicable Land Use Code criteria, with the addition of a minimum of 5 bicycle parking spaces.
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.

Applicant's Response: *The activities at C4 will be compatible with the character of the area by adhering to the top priorities of the 2018 Comprehensive Plan 1) using the C-1 zone to support local creative businesses; 2) C4 will offer activities that are family friendly and contribute to our small town atmosphere; 3) C4 is easily accessed by walking or by bike, therefore the neighborhood will not be burdened by an overload of traffic or parked cars.*

- Adjacent land uses are residential uses on C-1 zoned land on two sides, a truss manufacturer on C-1 zoned land directly across Teller Street, and manufactured housing residential on R-4 zoned land to the rear of the lot. Not adjacent but in the immediate

vicinity are Salida public schools, multi-family housing, and Highway 50 commercial uses. A school and a residence on this property will be complementary to the variety of uses 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.

Applicant's Response: *All activities at C4 will be family friendly (i.e. circus workshops, play rehearsals, music practices). Outdoor workshops will end by 8pm, indoor rehearsals will also end by 8pm. We do not anticipate excessive noise, odors, vibrations or glares from these activities. Since most participants will either walk, ride bikes or get dropped off to the property, we do not anticipate any problems with excessive traffic or parking needs. We look forward to getting to know the neighbors in the area, inviting them to rehearsals and/or workshops.*

- The operating characteristics as proposed should not create a nuisance and impacts of the use on the surrounding properties should be minimal. Public performances are not included as part of the current proposal. Applicant has stated they will obtain a special event permit if and when they plan to host public performances at the site. Additionally, this Conditional Use approval can be reviewed in one year.

As conditions of approval:

- Applicant must obtain a Special Event Permit prior to hosting a public performance at the site.
- The application will be reviewed in one (1) year if the City has received any complaints regarding operation of the site.

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.

Applicant's Response: *There is a well on the property which will be ideal for irrigation. We will tap into city water for all other uses. There will be a wheelchair accessible bathroom built inside the garage. Access to the bathroom inside the house will also be available to participants.*

- The property is currently on a domestic well and will need to connect to city water and pay system development fees. The property has a residential sewer tap. The system development fee difference between a residential sewer tap and the appropriately sized commercial sewer tap will be required.

As conditions of approval:

- Public Works will inspect disconnection of well from plumbing system for backflow compliance.
- System development fees must be paid for a commercial water and sewer tap. The existing residential sewer tap will be credited toward the amount owed for the commercial sewer tap. Fifty percent of the payment is required at time of Building Permit and the remaining 50% at time of Certificate of Occupancy.

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.

Applicant's Response: *Landscaping, renovations and activities at C4 will not cause significant changes to water resources or the natural environment at 605 Teller. All landscape plans will adhere to the standards of code 16-8-90. The [maximum 35-foot tall] training structure will be built within code and height limitations and will not obscure scenic views for neighbors.*

- The existing mature trees on the site will remain to the extent possible, and the surface treatment of the parking spots closest to the trees will remain pervious.

### **Review Agencies**

**Fire, Assistant Chief Kathy Rohrich:** No issues from the Fire Department at this time. [The structure] will have to meet codes for the 2015 International fire code.

**Police, Chief Russ Johnson:** No issues from PD.

**Public Works, Director David Lady:** PW to inspect disconnection of well from plumbing system for backflow compliance.

**Chaffee County Building Department, Building Official Dan Swallow:** There must be 20 feet between the buildings and 10 feet between the new building and the property line in order to avoid fire-resistance rated construction as reflected on the site plan. Porta-potties are not supported by code for the required plumbing fixtures. Bathrooms will be required. [If bathrooms are in a separate structure, it must be on a proper foundation and built to code.] Additionally, it will need to meet the 10' fire separation distance to the property line and 20' between buildings in order to avoid fire-resistance rated construction. [Note: Applicant has been working directly with the Building Official to ensure bathroom code requirements can be met.]

Further comment is reserved for the plan review phase of the project.

### **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 Comprehensive Plan, Land Use Code and the surrounding neighborhood.
2. The applicable review criteria for a limited impact review application has been met.

**RECOMMENDED ACTION:**

Based on the above findings, staff recommends **APPROVAL** for the limited impact review request at 605 Teller Street for a school in the C-1 zone district, and a dwelling unit on the same site as a commercial use in the C-1 zone district, with the following conditions:

1. A Building Permit and Change of Use Permit must be received prior to construction commencing.
2. A site development plan must be submitted with the building permit demonstrating compliance with all applicable Land Use Code criteria, with the addition of a minimum of 5 bicycle parking spaces.
3. Applicant must obtain a Special Event Permit prior to hosting a public performance at the site.
4. The application will be reviewed in one (1) year if the City has received any complaints regarding operation of the site.
5. Public Works to inspect disconnection of well from plumbing system for backflow compliance.
6. System development fees must be paid for a commercial water and sewer tap. The existing residential sewer tap will be credited toward the amount owed for the commercial sewer tap. Fifty percent of the payment is required at time of Building Permit and the remaining 50% at time of Certificate of Occupancy.

**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

Referral agency comments

Proof of Publication