



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Kristi Jefferson - Senior Planner	November 21, 2023

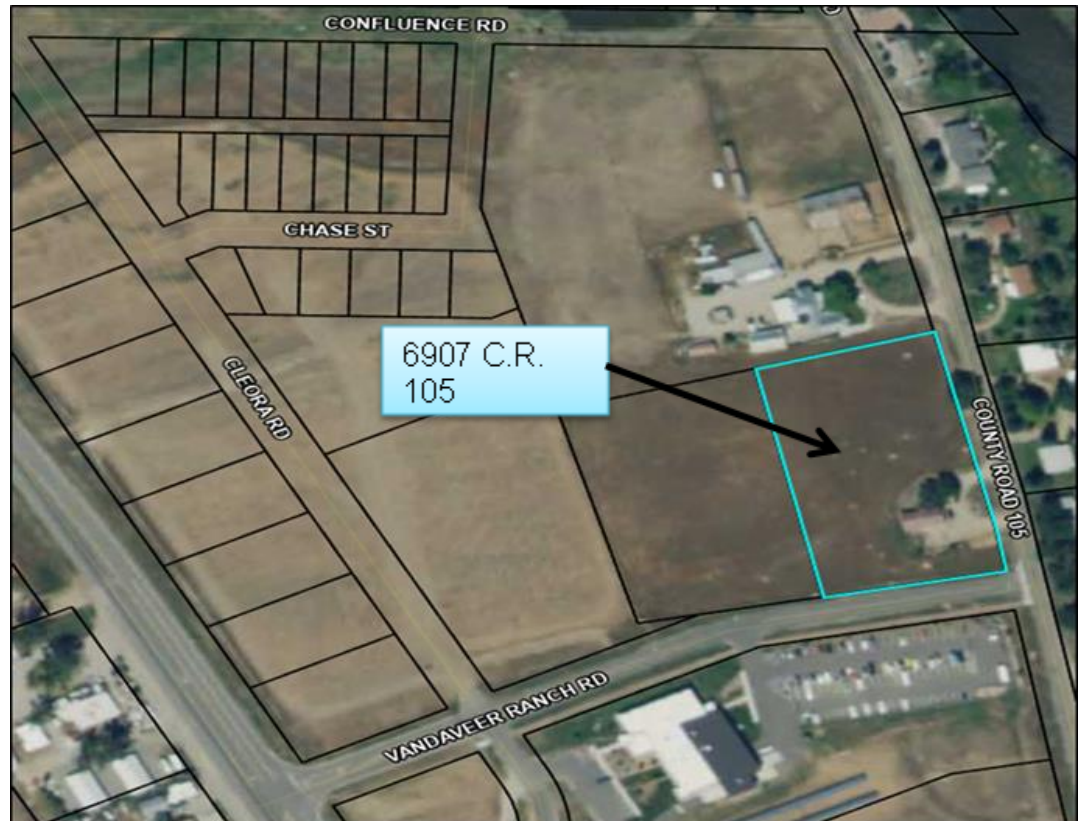
### ITEM

Ordinance 2023-18: First reading and setting a public hearing on proposed zoning of High Density Residential (R-3) for the Flour Mill Annexation.

### BACKGROUND

Following approval of the Flour Mill Annexation of the two (2) acre property into the City of Salida, the applicant Biker Baker LLC, represented by Rob Gartzman has requested a designation of the High Density Residential (R-3) zone district. The area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

The property is located along County Road 105 and Vandaveer Ranch Road, as shown on the map below.



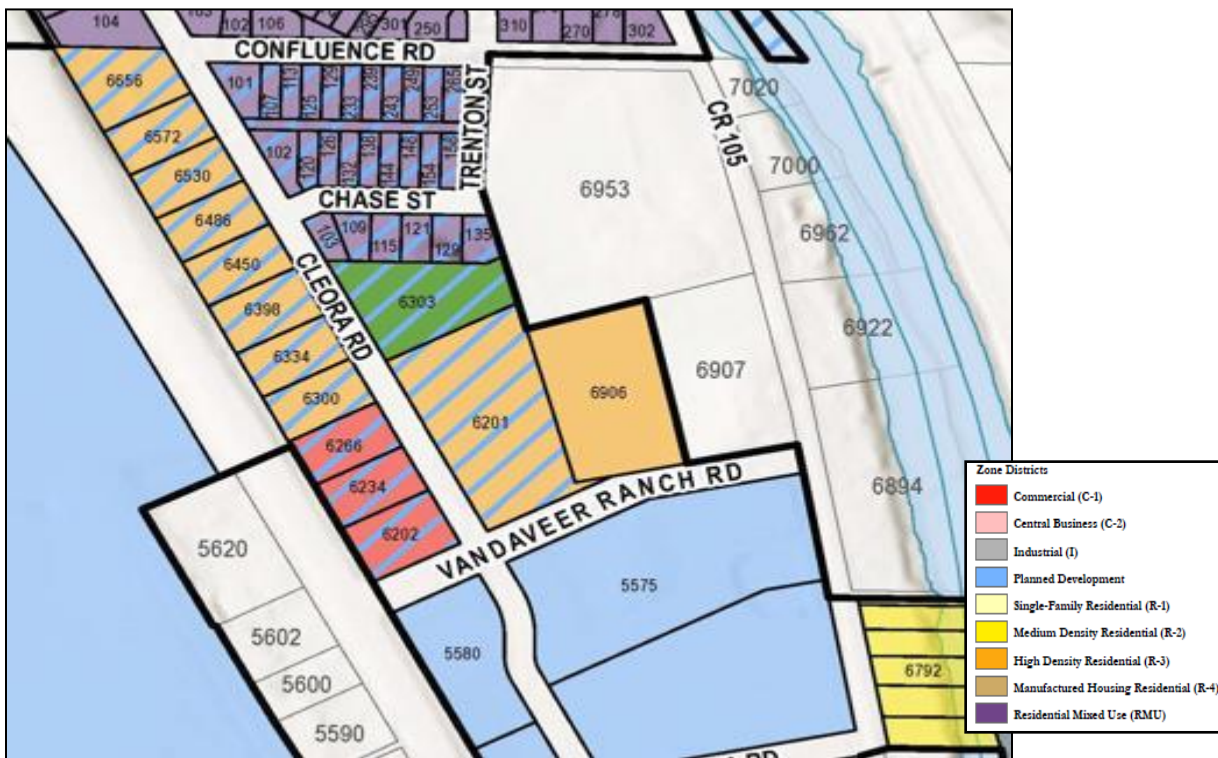
A complete legal description is shown as exhibit A with the annexation application.



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**Surrounding Land Use and Zoning:** The site is currently zoned RES (Residential Zone District) in Chaffee County. The properties to the north and east remain in Chaffee County and are also zoned RES. The properties to the west are within the city limits and are zoned High Density Residential (R-3) and the properties to the south are part of the Vandaveer Ranch Planned Development.



## REVIEW STANDARDS FOR MAP AMENDMENTS (Section 16-4-210):

1. Consistent with Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan.
  - The Comprehensive Plan includes the goals that new projects should complement the neighborhood’s mass and scale; be focused within the Municipal Services Area (MSA) and be developed at maximum densities to make the best use of available infrastructure.
  - The zoning of R-3 would be consistent with the zoning found in the adjacent properties and would continue the regular pattern of zone district application.



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2. Consistency with Purpose of Zone District. The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.
  - Per the land use code, the purpose of the High-Density Residential (R-3) zone district is to provide for relatively high-density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.
  - The 6907 C.R. 105 property has a single-family manufactured home which will be removed prior to development of the site.
  - The owner has submitted applications for a Planned Development Overlay and Major Subdivision for the development of the property. At their October 23rd meeting, the Planning Commission continued the public hearing on the Planned Development and Major Subdivision to November 27, 2023. Those two matters will therefore be forthcoming in the form of a subsequent public hearing in front of City Council in the near future.
  - With the inclusionary housing density incentive this property is allowed 41 units of density within the R-3 zone district.
  - Staff supports the request to zone the subject property as High-Density Residential (R-3).
  
3. Compatibility with Surrounding Zone Districts and Uses. The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.
  - The zoning classification of High Density (R-3) is consistent and compatible with the zoning of the adjoining 6906 Vandaveer Ranch Road property.
  
4. Changed Conditions or Errors. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Official Zoning Map have occurred.



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- The proposed zoning is occurring because of the requirement to zone the property when annexed into the City in accordance with Section 16-4-50 of the Land Use and Development Code.

### **PLANNING COMMISSION RECOMMENDATION**

A public hearing with the Planning Commission was held October 23, 2023, and the Commission recommended Council approve the proposed zoning of the site as High Density Residential (R-3).

### **STAFF RECOMMENDATION**

Staff recommends approval of the proposed zoning of the Flour Mill Annexation site as High Density Residential (R-3).

### **SUGGESTED MOTION**

A council person should make the motion to “approve Ordinance 2023-18 on first reading and set the second reading and public hearing for December 5, 2023.”

Attachments: Ordinance 2023-18  
Application materials

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 18  
SERIES OF 2023**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE FLOUR MILL ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT**

**WHEREAS**, on September 13, 2023, representatives of the Flour Mill, filed a General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 2 acres located at 6907 C.R. 105 in the County of Chaffee, State of Colorado (the “Property”), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, by Ordinance No.17, Series of 2023 the City of Salida annexed the Flour Mill Annexation to the City; and;

**WHEREAS**, Petitioner has filed an application to zone the Property within the High Density Residential (R-3) zone district, and on October 23, 2023 the City of Salida Planning Commission considered the zoning application for the Property at a duly noticed public hearing and recommended that the City Council zone it as High Density Residential (R-3); and

**WHEREAS**, as required by the Salida Municipal Code, the public hearing on the zoning application for the Flour Mill Annexation will be held on December 5, 2023 at a regularly scheduled meeting of the Salida City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:**

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property described on Exhibit A is hereby zoned High Density Residential.
3. Promptly following adoption of this Ordinance, the City Administrator shall cause the terms of this Ordinance to be incorporated into the Official Zoning Map of the City pursuant to Section 16-4-210 of the Salida Municipal Code. The signed original copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Chaffee County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Salida Land Use Regulations, SMC §16-1-10, et seq., to implement the provisions of this Ordinance.

INTRODUCED ON FIRST READING, on November 21, 2023, ADOPTED and set for second reading and public hearing on the 5th day of December, 2023.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Dan Shore, Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2023, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk/Deputy City Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION  
OF A  
TRACT OF LAND TO BE ANNEXED**

A PARCEL OF LAND LOCATED WITHIN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING LOT 3 OF THE TRIPLE T RANCH MINOR SUBDIVISION AND A PORTION OF CHAFFEE COUNTY ROAD NO. 105, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF VANDAVEER RANCH ROAD AND THE WESTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 105, SAID POINT BEING MARKED BY A 1½" ALUMINUM CAP STAMPED "LS 16117" AND BEING THE POINT OF BEGINNING;

THENCE SOUTH 78°47'57" WEST ALONG SAID NORTH RIGHT-OF-WAY OF VANDAVEER RANCH ROAD, A DISTANCE OF 221.72 FEET;  
THENCE NORTH 12°14'41" WEST, A DISTANCE OF 383.06 FEET;  
THENCE NORTH 73°55'54" EAST, A DISTANCE OF 221.81 FEET TO SAID WESTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 105;  
THENCE NORTH 12°48'58" WEST A DISTANCE OF 60.18 FEET;  
THENCE NORTH 13°53'16" WEST A DISTANCE OF 268.86 FEET;  
THENCE NORTHWESTERLY AND DEFLECTING TO THE LEFT, A DISTANCE OF 169.14 FEET ALONG THE ARC OF A CURVE HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 11°49'07", A CHORD LENGTH OF 168.84 FEET AND A CHORD BEARING OF NORTH 19°46'48" WEST;  
THENCE NORTH 25°25'46" WEST A DISTANCE OF 16.62 FEET, THIS AND THE PREVIOUS 3 COURSES ARE ALONG SAID WESTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 105;  
THENCE SOUTH 88°48'25" EAST A DISTANCE OF 55.88 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 105;  
THENCE SOUTH 17°20'35" EAST A DISTANCE OF 299.74 FEET;  
THENCE SOUTH 14°18'14" EAST A DISTANCE OF 237.32 FEET;  
THENCE SOUTH 11°01'56" EAST A DISTANCE OF 251.91 FEET;  
THENCE SOUTH 10°39'25" EAST A DISTANCE OF 180.73 FEET, THIS AND THE PREVIOUS 3 COURSES ARE ALONG SAID EASTERN RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 105;  
THENCE SOUTH 78°47'57" WEST A DISTANCE OF 47.24 FEET TO SAID WESTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 105 ;  
THENCE NORTH 09°55'44" WEST ALONG SAID WESTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 105, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.10 ACRES.

Also known by the following address:

6907 County Road 105, Salida, CO 81201

And assessor's schedule or parcel number: 380709100072



# GENERAL DEVELOPMENT APPLICATION

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

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

- Annexation
- Pre-Annexation Agreement
- Appeal Application (Interpretation)
- Certificate of Approval
- Creative Sign Permit
- Historic Landmark/District
- License to Encroach
- Text Amendment to Land Use Code
- Watershed Protection Permit
- Conditional Use
- Administrative Review:  
(Type) \_\_\_\_\_
- Limited Impact Review:  
(Type) \_\_\_\_\_
- Major Impact Review:  
(Type) Zoning
- Other: \_\_\_\_\_

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

### A. Applicant Information

Name of Applicant: Bbsc Baker Holdings / Rob Gutzman  
 Mailing Address: 815 G St Salida CO 81201  
 Telephone Number: 303 903 4620 FAX: \_\_\_\_\_  
 Email Address: rob@sweetiesinsalida.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: The Flour Mill  
 Street Address: 6907 CE 105 Salida CO 81201  
 Legal Description: Lot 3 Block \_\_\_\_\_ Subdivision Triple T Minor 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 correct to the best of my knowledge.

Signature of applicant/agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of property owner [Signature] Date 8/31/23



## Zoning Application Narrative

We are applying for our annexed property to be zoned with an R-3 designation. The other properties along Vandaveer Ranch Road have already been given R-3 zoning and this would allow for the zoning to be consistent throughout the street and neighborhood. We are also applying for a high-density development, as a Planned Development.



Rob Gartzman



# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201  
October 23, 2023 - 6:00 PM

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## MINUTES

Email public comments to: [planning@cityofsalida.com](mailto:planning@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 Giff Kriebel  
Commissioner Judith Dockery  
Commissioner Michelle Walker  
Commissioner Aaron Derwingson  
Alternate Commissioner Dan Bush

##### ABSENT

Commissioner Brian Colby  
Commissioner Kenneth Layton

### APPROVAL OF THE MINUTES

1. October 10, 2023 - Draft Minutes

Motion to approve the minutes made by Commissioner Kriebel, Seconded by Commissioner Dockery.  
Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery,  
Commissioner Walker, Commissioner Derwingson, Alternate Commissioner Bush

**MOTION PASSED.**

### UNSCHEDULED CITIZENS- NA

### AMENDMENT(S) TO AGENDA- NA

### 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 |

2. **Flour Mill Annexation** - The applicant, Biker Baker LLC, represented by Rob Gartzman submitted a complete application to annex the property located at 6907 County Road 105 on September 13, 2023 along with an application for Zoning to be considered during a separate hearing.

**A. Open Public hearing** – 6:02 pm

**B. Proof of Publication** –

**C. Staff Review**– Planner Jefferson reviewed the application.

**D. Applicant's Presentation**- Mark Gartzman was present in person. Rob Gartzman and Jordan Yoder were present online.

- E. Public Input** – Deb Coquoz-Shuey spoke during Public Input.
- F. Close Public Hearing** – 6:21 pm
- G. Commissioner Discussion** –
- H. Commission Recommendation** –

Motion made by Vice-Chair Bomer to recommend City Council approve the proposed Flour Mill Annexation as it meets the findings of fact for annexation subject to the following recommended conditions to be included in the annexation agreement as stated by staff. First, that the new residential units constructed on the property shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code at the time of building permit submittal. That two, the residential dwelling units constructed on the property shall meet the requirements of Land Use Code Sec. 16-6-140, Fair Contributions to Public School Sites at the time of issuance of building permit and three, the Fees in Lieu of open space shall be provided, in an amount then in effect, at the time of issuance of a building permit for new residential units constructed on the property,

Seconded by Commissioner Walker.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Walker, Commissioner Derwingson, Alternate Commissioner Bush

**THE MOTION PASSED.**

- 3. Flour Mill Zoning** - The applicant, Biker and Baker Holdings, is requesting a zoning designation of High Density Residential (R-3) should the property located at 6907 C.R. 105 be annexed.

- A. Open Public hearing** – 6:23 pm
- B. Proof of Publication** –
- C. Staff Review**– Planner Jefferson reviewed the application.
- D. Applicant's Presentation**- Mark Gartzman was present in person. Rob Gartzman and Jordan Yoder were present online.
- E. Public Input** – Ned Suesse, Steve Shuey and Curt Shuey spoke during Public Input.
- F. Close Public Hearing** – 6:34 pm
- G. Commissioner Discussion** –
- H. Commission Recommendation** –

Motion made by Vice-Chair Bomer to recommend City Council approve the proposed zoning of the Flour Mill Annexation site to High-Density Residential (R-3) Zone District, as it meets the review standards for a zoning/rezoning, Seconded by Commissioner Kriebel.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Walker, Commissioner Derwingson, Alternate Commissioner Bush

**THE MOTION PASSED.**

- 4. Major Impact Review - Flour Mill Planned Development and Major Subdivision** - Following approval of the Flour Mill Annexation of the 2-acre property into the City of Salida, and zoning of High-Density Residential (R-3) the applicant, Biker Baker Holdings, is requesting approval of a Major Impact Review for a Planned Development Overlay and Major Subdivision of the property located at 6907 C.R. 105. Below are the requests:

**A: Major Impact Review approval of a Planned Development Overlay for the following deviations to the Dimensional Standards:**

- Lots 11 and 12 will have frontage off of the private parking lot and not a public street
- Increased density
- Increased height allowed for Lots 10, 11 and 13
- Reduced minimum lot size for Lots 1, 2, 3 and 4

- Reduced minimum lot frontage for the single-family and Laundromat lots
- Reduced minimum setbacks - reduced minimum front and rear setbacks
- Increased maximum Lot Coverage with structures for Lots 10, 11 and 13
- Increased maximum Lot Coverage for uncovered parking/access for Lot 14 (parking lot)
- Reduced minimum Landscape area for Lot 14
- Modified Schedule of Uses

The applicant is proposing to deed restrict 50% of the units within the development.

**A. Open Public hearing – 6:37 pm**

**B. Proof of Publication –**

**C. Staff Review–** Planner Jefferson reviewed the application.

**D. Applicant’s Presentation-** Rob Gartzman, applicant, Ken Puncerelli and Jordan Yoder, architects, spoke on the application online.

**E. Public Input –** Ned Suesse, Mary Branson, Suzette Megyeri, Simonne Laylin, Deb Coquoz-Shuey, Steve Shuey, Shawn Shuey, Curt Shuey, Wayles Martin, Eric Warner, Kristen Homer, “Salty” Riggs, Abby Peters, Mark Gartzman, and Lee Shuey spoke during Public Input.

**F. Close Public Hearing –7:52 pm**

Commission took a brief recess at 7:52 pm and returned at 8:00 pm.

**G. Commissioner Discussion –**

**H. Commission Recommendation –**

Motion to continue until the next regular meeting on November 27<sup>th</sup> made by Vice-Chair Bomer, Seconded by Commissioner Kriebel.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Walker, Commissioner Derwingson, Alternate Commissioner Bush

**THE MOTION PASSED.**

**B: Approval of a Major Subdivision to subdivide the above-described property into 12 residential lots, one (1) lot for a laundromat and one (1) lot for the HOA maintained parking lot.**

Motion to continue until the next regular meeting on November 27<sup>th</sup> made by Vice-Chair Bomer, Seconded by Commissioner Walker.

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

**THE MOTION PASSED.**

**UPDATES:** Community Development Director Almquist provided updates.

**COMMISSIONERS' COMMENTS**

**ADJOURN** With no further business to come before the Commission, the meeting adjourned at 8:46 p.m