



# CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> Planning	<b>PRESENTED BY</b> Kristi Jefferson - Senior Planner	<b>DATE</b> September 6, 2022
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## ITEM

Ordinance 2022-16: Second reading and public hearing for the proposed zoning of High Density Residential (R-3) for the Newman Annexation.

## BACKGROUND

The applicant, Christopher Newman, submitted an application to zone the Newman Annexation site located at 7680 C.R. 140 as High Density Residential (R-3). The request was heard by the Planning Commission on July 25, 2022 and the Commission recommended approval of the request.

**SURROUNDING LAND USE AND ZONING:** site is currently zoned RES (Residential Zone District) in Chaffee County. The properties immediately to the west remain in Chaffee County and are also zoned RES. The properties to the north and west are within the city limits. The Angel View properties to the east are zoned High Density Residential (R-3) and the property to the north is the recently annexed Upchurch parcel that is zoned Medium Density Residential (R-2).





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### **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 Angel View development and would continue the regular pattern of zone district application.
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 parcel being annexed has a single-family residence and an ADU. The applicant has indicated that in the future he is hoping to build additional residential units in order to provide additional housing for the community.
  - 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 Angel View property and properties to the east of the property.



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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.

- 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 July 25, 2022 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 Newman Annexation site as High Density Residential (R-3).

### **SUGGESTED MOTION**

A council person should make the motion to “approve Ordinance 2022-16 on second reading.”

Attachment: Ordinance 2022-16  
Application materials

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 16  
SERIES OF 2022**

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

**WHEREAS**, on May 31, 2022, representatives (the “Owners”), of Newman Annexation 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 1 acre located at 7680 C.R. 140, Salida, in the County of Chaffee, State of Colorado, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the “Property”); and

**WHEREAS**, by Ordinance No.15, Series of 2022 the City of Salida annexed the Newman Annexation to the City; and; and

**WHEREAS**, Petitioner has filed an application to zone the Property within the High Density Residential (R-3) zone district, and on July 25, 2022 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 Newman Annexation will be held on September 6, 2022 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 (R-3).
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 August 16, 2022, ADOPTED and set for second reading and public hearing on the 6<sup>th</sup> day of September, 2022.

CITY OF SALIDA, COLORADO

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Dan Shore, Mayor

[SEAL]

ATTEST:

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City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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City Clerk/Deputy City Clerk

**EXHIBIT A**

A tract of land located in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Beginning at a point on the south boundary of County Road No. 140 from whence the north quarter corner of said Section 6 bears North  $87^{\circ}19'$  East 1008.0 feet (said quarter corner is located 14.82 feet due south of a brass capped witness corner), also from said beginning point the northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 6 bears North  $79^{\circ}23'14''$  West 319.37 feet;

Thence proceeding around the tract herein described South  $88^{\circ}55'09''$  East along the south boundary of said County Road 140 a distance of 242.0 feet;

Thence leaving said south roadway boundary South  $01^{\circ}04'51''$  West 180.0 feet;

Thence North  $88^{\circ}55'09''$  West 242.0 feet;

Thence North  $01^{\circ}04'51''$  East 180.0 feet to the point of beginning.

Directions are based on solar observation.

Also known by the following address:

7680 County Road 140, Salida, CO 81201

And assessor's schedule or parcel number: 380706200002



# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201  
July 25, 2022 - 6:00 PM

## MINUTES

Email public comments to: [publiccomment@cityofsalida.com](mailto: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 Michelle Walker  
Alternate Commissioner Brian Colby

##### ABSENT

Commissioner Dave Haynes  
Alternate Commissioner Aaron Derwingson

### APPROVAL OF THE MINUTES

1. June 27, 2022- Draft Minutes

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

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

### THE MOTION PASSED.

### UNSCHEDULED CITIZENS- N/A

### AMENDMENT(S) TO AGENDA- N/A

### 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. **Salida Fire Station Annexation** - The City of Salida is requesting approval to annex the 2.94 acres located at 611 Oak Street.

**A. Open Public hearing – 6:01pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner Dunleavy reviews the application and recommends approval.

**D. Applicant's Presentation –**

Fire Chief Bess and Architect, Seth Clark, were present to answer questions.

Commissioners asked the applicants whether:

- The Stage and Rail Trail along the property would be conserved
- The City was collaborating with the School District

Chief Bess and Seth Clark confirmed that the Stage and Rail Trail are part of the design team plans and that the School District has their own design team.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:07pm**

**G. Commissioner Discussion –**

**H. Commission Recommendation –**

Motion made by Vice-Chair Bomer to recommend City Council approve the Salida Fire Station Annexation application, Seconded by Commissioner Dockery.

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

**THE MOTION PASSED.**

3. **Salida Fire Station zoning** - The City of Salida is requesting a zoning designation of Commercial (C-1), should the property be annexed.

**A. Open Public hearing – 6:08pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner Dunleavy explained the request to rezone the property to Commercial (C1) and recommends approval.

**D. Applicant's Presentation –**

Fire Chief Bess and Seth Clark were present to answer questions.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:14pm**

**G. Commissioner Discussion –**

Commissioners asked about the difference between commercial and institutional zoning and whether a new institutional zoning would be a possibility for that lot in the future.

**H. Commission Recommendation –**

Motion made by Vice-Chair Bomer to recommend City Council approve the Salida Fire Station Annexation Zoning application, Seconded by Commissioner Kriebel.

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

**THE MOTION PASSED.**

4. **Newman Annexation** - The applicant, Christopher Newman, is requesting approval to annex his 1 acre property located at 7680 C.R. 140.

**A. Open Public hearing – 6:14pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**



Planner Jefferson reviewed the application and recommended approval, subject to the following recommended conditions to be included in the annexation agreement:

1. Owner shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code at the time of building permit submittal for additional units constructed on the property.
2. Owner agrees to pay at the time of building permit all applicable fees for the property in the amounts set forth pursuant to the Salida Municipal Code, or as hereafter amended, namely the building plan review; water and sewer system development fees; and the Fair Contribution to School Sites per Section 16-6-140 of the Salida Municipal Code (SMC)).
3. 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

**D. Applicant's Presentation –**

The applicant, Christopher Newman was not present.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:24pm**

**G. Commissioner Discussion –**

Commissioners discussed the following:

- Whether the property was a natural extension of the City's municipal boundary and whether it meets the requirements for annexation.
- The failing septic system and the proximity the property is to municipal water and sewer.
- The benefit of this property being annexed into the City of Salida.
- Whether the property is in the municipal services area.

**H. Commission Recommendation –**

Motion made by Vice-Chair Bomer to recommend City Council approve the Newman Annexation application, with the three (3) conditions recommended by staff. The motion was Seconded by Alternate Commissioner Colby.

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

**THE MOTION PASSED.**

5. **Major Impact Review -Newman Zoning** - The applicant, Christopher Newman, is requesting a zoning designation of High Density Residential (R-3) should the property be annexed.

**A. Open Public hearing – 6:31pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner, Jefferson, reviewed the request from the applicant to be rezoned Residential (R-3). Staff supports the High Density R-3 zoning that would allow for 20 units on the property.

Commissioners asked:

- If there was a plan in place for that area.
- Whether all future projects in that area would be zoned R2 and R3.
- Will there be design standards set in place for future developments.

**D. Applicant's Presentation –**

The applicant, Christopher Newman was not present or online.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:43pm**

**G. Commissioner Discussion –**

Commissioners discussed the following:

- The updates to the new land use code
- The current codes in regards to Major Subdivisions
- The sustainability of high density residential building

**H. Commission Recommendation –**

Motion made by Commissioner Kriebel, to recommend City Council approve the Newman Annexation Zoning application. The motion was Seconded by Commissioner Walker.

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

**THE MOTION PASSED.**

- 6. Major Impact Review - West End Subdivision Rezone** - The applicant Tory Upchurch is requesting to rezone Lot 15 of the West End Subdivision from Medium Density Residential (R-2) to High Density Residential (R-3).

**A. Open Public hearing – 6:49pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner Dunleavy reviews request to rezone a parcel of the Upchurch property to R3. The purpose of the request is so the applicant, Tory Upchurch, can build 6 deed restricted units on Lot 15 instead of 5 deed restricted units.

Staff believes that this request is compatible with the existing structures and recommends approval contingent on approval from the Department of Public Works.

Commissioners asked staff the following:

- Whether the lot would still be eligible for the 6<sup>th</sup> deed restricted unit if it was not rezoned
- If the lot was rezoned to R-3, would there be room for 7 deed restricted units.

**D. Applicant's Presentation –**

Applicant, Tory Upchurch, was online and available to answer questions.

Commissioners asked the applicant the following:

- Whether there was a 7<sup>th</sup> deed restricted unit in the budget for this project.

Tory Upchurch responded that they will be building the affordable units at the same time and then donate them to Chaffee Housing Trust. The Housing Trust would then be responsible for filling the homes. Tory Upchurch explained that finances are an issue for the 7th unit.

Commissioners asked if there are different designs for the different units in the Upchurch Property.

Tory Upchurch confirmed that there are a variance in designs but it would not be eligible for the deed restricted units.

Director Almquist talked about the possibility of adding an Accessory Dwelling Unit to the property down the line.

**E. Public Input – N/A**

**F. Close Public Hearing – 7:06pm**

**G. Commissioner Discussion –**

Commissioners discussed the following:

- Can commission recommend that any additional units built on that lot should also be deed restricted?
- Whether the deed restricted homes are rented or are they for sale.
- The language of the annexation agreement for the deed restriction units.

**H. Commission Recommendation –**

Motion made by Alternate Commissioner Colby, to recommend City Council approve the West End Subdivision Rezone application. The motion was Seconded by Commissioner Walker.

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

**THE MOTION PASSED.**

**UPDATES**

Director Almquist updated the Planning Commission on the RV Rental Park Program

**COMMISSIONERS' COMMENTS**

Commissioners requested a work session to discuss variances and the new land use code.

**ADJOURN**

With no further business to come before the Commission, the meeting adjourned at 7:24 pm



# 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)

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

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

### A. Applicant Information

Name of Applicant: CHRISTOPHER NEWMAN

Mailing Address: 7680 COUNTY ROAD 140, SALIDA, CO, 81201

Telephone Number: 314-503-4200 FAX: \_\_\_\_\_

Email Address: Newman.Chris.P@gmail.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: Newman Annexation & Zoning

Street Address: 7680 C.R. 140

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ 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  \_\_\_\_\_ Date 5/31/2022

To whom it may concern,

I intend to use the property at 7680 County Road 140 in Salida, Colorado as the primary residence for myself and my family. The existing structures are to remain in place. We'd like to be able to replace the outdated septic system and connect to city water and sewer.

In the future, we have hopes of building additional units on the Eastern side of the property in order to provide additional housing for the community.

We are applying to be zoned R-3.

Please let me know if there is anything else that I can provide.

Thank you,



Christopher Newman

5/31/2022