



STAFF REPORT

MEETING DATE: May 24, 2021

AGENDA ITEM TITLE: The Sherman Market– Limited Impact Review Application – 151 W. First Street

AGENDA SECTION: Public Hearing

REQUEST:

The request is for a limited impact review approval for more than two (2) temporary commercial activities to setup on a piece of property located within the Central Business(C-2) zone district, Central Business Economic Overlay (CBEO) at 151 W. First Street, as required code.

APPLICANT:

The applicant is Cate Kenny, 26592 Wolverine Trail, Evergreen, CO 80439.

LOCATION:

The subject property is described as Lots 11-13, Block 21, City of Salida, Chaffee County, Colorado. This property is also known as 151 W. First 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.

The proposed use is considered a temporary commercial use in the Land Use Code and because the applicant is requesting to have more than two (2) vendors at one time, it requires a limited impact review approval in the Central Business Zone District per Table 16-D. Approval of the limited impact review would then allow the applicant to apply for a Multiple Vendor Event Permit as specific in Chapter 6, Article II of the Salida Municipal Code.

The Salida Municipal Code, Chapter 16, 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.

OBSERVATIONS:

1. The applicant would like to host multiple temporary vendors for a variety of events on their vacant lot between the Sherman Hotel and the adjoining property. These events will take place on Saturdays, starting May 29 through December 18; Mondays June through September; and pop-up events with day and time to be determined. This property is located in the Central Business (C-2) zone district, Central Business Economic Overlay (CBE0) and the surrounding land uses are both commercial and multi-family residential.



2. The applicant has submitted a site plan and details for each of the multi-vendor activities proposed:
 - a. Artisan Market for up to 9 vendor spaces plus refreshments or music, from 1-4 pm, for the last Saturday in May and then every first and third Saturday from June 5 to September 25. (note that the public notice stated June 1 as the start date – the applicant has since clarified the request to start the market on May 29)
 - b. A Concert Series with 3 + vendors, from 6-8pm on Saturdays: June 5, July 3, Aug 7, Sept 4, Oct 2 & 16
 - c. A Movie Series with 3 + vendors, from 7-8pm on Saturdays: June 19, July 17, Aug 21 & Sept 18
 - d. A Pumpkin Patch with 3 + vendors, from 4-6 pm, Saturdays Oct 2 – Nov 13
 - e. A Tree Farm with 3 + vendors, from 4-6pm, Saturdays Nov 20 – Dec 18
 - f. Food Trucks, on Mondays from June through September
 - g. Pop-up events, day and time to be determined.
3. As of the date of posting the packet materials, staff has not received any opposition to this application.

REVIEW STANDARDS (Section 16-4-190(n) Temporary Commercial Uses and Activities. Temporary commercial uses and activities may be allowed only when):

1. Use allowed. The commercial use itself is allowed or is approved as a conditional use in the zone district.

Applicant's response: *The Sherman Market is approved for retail & commercial use.*

- The use is a commercial use permitted and encouraged within the C-2 Central Business Zone District, Central Business Economic Overlay.
- The specified activities are proposed for Saturdays and Mondays only, and pop-up events are to be determined. As conditions of approval:
 - The number of pop-up events is limited to an average of one per month, and the dates and times of the other specified events are limited to the dates and times specified in the application.
 - An amplified sound permit is required to be approved prior to the use of amplified sound.
- The Sherman Hotel can provide electricity if needed by vendors. As a condition of approval:
 - Generators shall not be allowed.

2. Parking. Adequate parking is provided for the use, as determined by the Administrator:

Applicant's response: *The Sherman Market has adequate parking provided in The Bank of the West parking lot.*

- Table 16-J requires 1 parking space per 300 square feet of commercial use. This lot is approximately 1,750 square feet, requiring 6 parking spaces. The applicant has provided the required parking on Saturdays via an agreement with Bank of the West. Vendors can use the adjacent streets for loading and unloading, but shall not park along First Street or G Street. As a condition of approval:
 - Vendors shall not block parking along First Street or G Street other than for temporary loading and unloading. Vendors shall not park along First Street or G Street. A minimum of six (6) parking spaces shall be signed for vendor parking on Saturdays in the Bank of the West lot.

3. Health and Safety Codes. The use complies with all applicable health and safety codes and a permit for the use is obtained from the Building Official.

Applicant's response: The food vendors will comply with health and safety codes, and waste removal requirements.

- The applicant is requesting approval to allow for food vendors at each specified event as well as having food vendors on site on Mondays, June – September. The Multiple Vendor Event Permit requires that each vendor shall post a copy of their retail food license at their temporary location.
- The application does not indicate if any stages or structures might be used for the activities. As a condition of approval:
 - If a structure greater than 30 inches in height (not to include tents or tables) is to be used, applicant must obtain approval from the Building Official.
- The proposal complies with the current Chaffee County Public Health orders in regards to COVID-19. The timeframe of this proposal extends to the beginning of winter, December 18. As a condition of approval:
 - The applicant must maintain compliance with any change in Chaffee County Public Health Orders.
- The applicant has restroom facilities within the Sherman Building available for the vendors and customers.

4. Location. The use is situated such that it does not block any required access or egress from the site and is not located on any required parking.

Applicant's response: The Sherman Market vendors & guests will have required access & egress from the site. See site plan.

- The applicant has submitted a site plan for each planned activity that indicates alley access will be preserved. Since there are a variety of uses proposed with varying setups, as conditions of approval:
 - Alley access shall not be blocked at any time.

- The applicant shall ensure that no vendor sets up in SH 291 right-of-way and that the sidewalk shall not be obstructed by any vendors or stacking of lines.
5. Chapter 6, Article II. The use complies with Chapter 6 Article II of the Salida Municipal Code, which establishes other conditions of approval of Temporary Commercial Activities/Vending Permits, as applicable.

Chapter 6, Article II requires that an outdoor event on either public or private property with more than two (2) vendors must obtain a Multiple Vendor Event Permit. As a condition of approval:

- A Multiple Vendor Event Permit shall be obtained for each type of event prior to the start of the event:
 - a) Artisan Market multiple vendor permit
 - b) Movie & Concert Series multiple vendor permit
 - c) Pumpkin Patch multiple vendor permit
 - d) Tree Farm multiple vendor permit
 - e) Food Truck Mondays multiple vendor permit
 - f) Each Pop-up shall be treated as a singular event and require a multiple vendor permit.

Review Agencies

Fire, Assistant Chief Kathy Rohrich: No concerns.

Police, Chief Russ Johnson: No concerns.

Public Works Director, David Lady: No concerns.

Chaffee County Public Health, Andrea Carlstrom: It seems as though this series of events would comply with the current public health order related to events and COVID-19. We are working on finalizing the event planner toolkit and should have that live by [May 1st]. It will be housed on the county's COVID-19 page.

Chaffee County Environmental Health, Wano Urbanos: No response.

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 Land Use Code and the surrounding neighborhood.

2. The applicable review criteria for limited review applications have been met.

RECOMMENDED ACTION:

Based on the above findings, staff recommends **APPROVAL** for the limited impact review request to conduct a temporary commercial activity to allow for multiple vendors within the Central Business (C-2) zone district at 151 West First Street with the following conditions:

1. The number of pop-up events is limited to an average of one per month, and the dates and times of the other specified events are limited to the dates and times specified in the application.
2. An amplified sound permit is required to be approved prior to the use of amplified sound.
3. Generators shall not be allowed.
4. Vendors shall not block parking along First Street or G Street other than for temporary loading and unloading. Vendors shall not park along First Street or G Street. A minimum of six (6) parking spaces shall be signed for vendor parking on Saturdays in the Bank of the West lot.
5. If a structure greater than 30 inches in height (not to include tents or tables) is to be used, applicant must obtain approval from the Building Official.
6. The applicant must maintain compliance with any change in Chaffee County Public Health Orders.
7. Alley access shall not be blocked at any time.
8. The applicant shall ensure that no vendor sets up in SH 291 right-of-way and that the sidewalk shall not be obstructed by any vendors or stacking of lines.
9. A Multiple Vendor Event Permit shall be obtained for each type of event prior to the start of the event:
 - a) Artisan Market multiple vendor permit
 - b) Movie & Concert Series multiple vendor permit
 - c) Pumpkin Patch multiple vendor permit
 - d) Tree Farm multiple vendor permit
 - e) Food Truck Mondays multiple vendor permit
 - f) Each Pop-up shall be treated as a singular event and require a multiple vendor permit.

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