

PLANNING COMMISSION REGULAR MEETING

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

January 25, 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 Dori Denning

Commissioner Judith Dockery

Commissioner Giff Kriebel

Commissioner Doug Mendelson

Commissioner Michelle Walker

Commissioner-Alternate Suzanne Copping

Commissioner-Alternate Dave Haynes

APPROVAL OF THE MINUTES

1. NOVEMBER 23, 2020

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

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

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

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| 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. **Major Impact Review - Cherry Grove Major Subdivision** - The applicant is requesting the Planning Commission recommend the City Council approve the Cherry Grove

Major Subdivision, located at 825 Scott Street. The proposal is to subdivide the 1.2 acre parcel into 7 individual lots. The property is zoned Manufactured Housing Residential (R-4).

A. Open Public hearing: 6:03 pm

B. Proof of Publication

- C. Staff review of applications - Jefferson** gave an overview of the major impact review application for the Cherry Grove major subdivision. She stated that staff supports the request with four (4) recommended conditions and recommended adding a 5th condition for the Scott Street water main extension agreement. The condition should be: At the time of connection to the water main in Scott Street the applicant is required to pay \$8,167.93 to Arkansas River Living per the Scott Street water main extension agreement.

Kriebel voiced concerns regarding the inclusionary housing. **Mendelson** stated that his concern is that once the lots are created nobody will keep track of the required inclusionary housing. He said that the developer should be required to set a number of units allowed to be built on each lot.

Follet stated that he would like to hear from the applicant and continue the inclusionary housing discussion with Commissioners discussion.

- D. Applicant's presentation: Scott Street LLC representative Bill Smith** explained that this is a very straightforward subdivision of a small parcel. He stated that they have been confused with the Inclusionary Housing requirement and that their plan is to build the required affordable unit on one of the lots and allocate the number of "credits" to the remaining lots. **Follet** asked how they would allocate the credit and questioned if that could be added as a plat note. **Almquist** said that they could either allocate the number of units per lot on the plat or within the subdivision improvement agreement.

Bomer asked for clarification from the applicant regarding the inclusionary housing. She said that the way she is understanding Smith's proposal is that they would meet the inclusionary housing requirement by building one deed restricted affordable unit on one of the lots, then apply the inclusionary housing fee in lieu based on the number of homes that is anticipated being built on each of the remaining lots.

Smith stated that the way he understands it is that with this subdivision request they are required to provide one affordable unit or pay a fee in lieu so if they provide the required unit then seven (7) homes could be built without having to pay the fees. Additional units built above the initial eight units are required to pay the fee in lieu. **Smith** explained that they would allocate the remaining seven "credits" to the remaining lots so when sold the owner of each lot would know that if they build more than one unit they will be required to pay the fee in lieu. **Smith** stated that each lot would have at least one "credit" so a buyer would know if they built more than what is allocated they would be required to pay the fee in lieu.

Kriebel asked if a person built a duplex on a lot that was allocated one credit do they pay the fee in lieu for the smaller unit or the larger unit.

- E. Public Input: Arkansas River Living representative, Carrie Mesch,** said that she provided an email to staff and the Commission voicing her concerns. One of her concerns is the proposed extension of the alley between the proposed Cherry Grove Subdivision and the River Ridge Subdivision.

She explained that when they went through the major subdivision process for the River Ridge subdivision they provided a lot that was designated for 8 deed restricted affordable units and in the subdivision improvement agreement (SIA) they allocated the number of units allowed per lot that would not be required to pay the fee in lieu.

- F. Close Public Hearing: 6:44 p.m.**

- G. Commission Discussion: Follet** opened Commissioners discussion. **Denning** asked if the width of the proposed alley is 25' wide and **Jefferson** said yes. **Denning** questioned the need for a gate across the alley easement. **Smith** said that they wanted the gate because they didn't want an alley in the back yards of the lots. He said that it is actually a proposed public utility easement. **Denning** asked if it will also be used for access for garages on the lots and **Smith** stated that there will be an agreement among the lot owners to have access through the easement of each lot, it'll be a private ingress and egress easement.

Follet asked if they won't have an HOA will that agreement will be part of the contract. **Smith** said that nobody with the City asked for an alley and the Fire Department is fine with the proposed gate. **Bomer** asked if the adjoining River Ridge alley is maintained by the City and **Jefferson** said no it is maintained by their HOA.

Denning stated that in the email from Carrie Mesch, the River Ridge Subdivision owners are requesting to keep that 25' easement open without a gate. **Carrie Mesch** explained that when they went through the subdivision process the City asked them to set the alley up so that at the point when the adjoining parcel was developed the sewer main would come through there and the alley could extend all the way to Scott Street.

Bomer questioned if this is an easement and not a maintained city alley who will maintain the 25' easement if there is no HOA. **City Attorney, Nina Williams** stated that the Commission could add a condition that the applicant is required to have an HOA to maintain the access/easement.

Haynes asked if all of the departments were ok with the proposed gate as long as they have access and **Jefferson** said yes. **Copping** asked who would enforce the maintenance of the easement and **Jefferson** said that if an HOA is required then that agreement controls the maintenance of the easement and as access for the lots.

Bomer explained that an easement for utilities is not typically used for access. She said what's the point of the gate is if this is a utility easement and not an access easement. **Jefferson** said that the applicant is requesting the gate because they want to use the easement for access only for their subdivision. She explained that the applicant wants to call this a utility easement but be able to use it as access for the lots.

Smith stated that people are getting confused with the term easement. He said that an easement is granted to a person or entity for a purpose. A public utility easement is an easement to those who provide public utilities, to install and maintain public utilities. An access easement is meant to grant certain people to access or cross certain properties.

Almquist stated that if this is not an access easement then there will be questions about the maintenance of the area and access in general.

Bomer stated that she would like to talk about the inclusionary housing requirement again before a motion is made. **Almquist** explained that if the developer is planning on providing one affordable unit then they can assign a number of allowed units to each lot that would take care of any required fees in lieu. Any additional lots built will be required to pay the fee in lieu or provide a deed restricted unit. He suggested that the Commission add a condition that if more than the allocated units are built on a lot the owner will be required to pay the fee in lieu based on the largest of the units constructed.

H. Commission Recommendation: A motion was made by **Vice-Chair Bomer** to recommend the City Council approve the Major Impact review for the Cherry Grove Major Subdivision, subject to the conditions recommended by staff with changes #1 c. and the addition of #5 and #6:

1. The following plat notes must be added to the Major Subdivision Plat prior to recording the subdivision:
 - a. As required under Section 16.6.140 of the Salida Municipal Code, a payment in lieu of land dedication for Fair Contributions for Public School Sites shall be paid by prior to issuance of a building permit for any new residence constructed.
 - b. As required under Section 16-6-120(8), Parks, Trails and Open Space of the Salida Municipal Code, a fee in lieu shall be provided for open space prior to the issuance of a building permit for any new residence constructed.
 - c. As required under Section 16-13-40(b), Inclusionary Housing, The inclusionary housing requirement for this major subdivision application is one (1) affordable unit or pay a fee in lieu, the lesser of \$15,748 or \$7.87 per habitable square feet of each principal unit, collected at the time of building permit application. If more than eight (8) residential units are built on the lots, the proportional number of affordable units shall be built or the appropriate fee in lieu will be required for each unit.

The applicant shall assign the number of Inclusionary Housing “credits” to each lot. Any additional units constructed on the lots are required to pay the fee in lieu based on the larger of the units built.
 - d. As required under Section 16-6-120(11), No residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street.
2. Prior to the recording of the subdivision plat, the applicant shall enter into a subdivision improvement agreement that guarantees the construction of the public improvements that are required for the project. The subdivision improvement agreement will allow the option to construct Scott Street adjacent to the project or have the applicant provide a fee equal to the estimated cost of the street segment for construction at a later date. This determination shall be made by the Public Works Director.
3. The requirements of the Fire Department must be met.
4. The requirements of the Public Works Director must be met.

5. At the time of connection to the water main in Scott Street, the applicant is required to pay \$8,167.93 to Arkansas River Living per the Scott Street water main extension agreement.
6. The applicant is required to submit, for recordation, a Home Owners Association Agreement (HOA) to maintain the gate and motorized access/utility easement.

The motion was seconded by Commissioner Walker.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Denning, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker

UPDATES- Denning stated that she is resigning from the Planning Commission effective the end of next month. **Follet** thanked Denning for her service and time on the Commission.

Almquist said that we will be advertising for the open position on the Commission and the Alternates are welcome to apply for that regular seat.

City Attorney Nina Williams explained that she had a question from a Commissioner asking whether they can discuss an application after a quasi-judicial hearing is concluded with the Planning Commission and then going on to City Council. **Williams** said the best practice is to let the Planning Commission recommendation and minutes speak for themselves to go in front of Council for their decision.

Almquist stated that if the Commissioners have any questions to please direct those to staff first and staff can direct the questions to the City Attorneys.

COMMISSIONERS' COMMENTS- Follet announced that Bill Almquist has been promoted as the Community Development Director. **Almquist** was congratulated by staff and the Commission.

ADJOURN: ADJOURN: With no further business to come before the Commission, the meeting adjourned at 7:37 p.m.