

PLANNING COMMISSION REGULAR MEETING

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

April 26, 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 Judith Dockery

Commissioner Giff Kriebel

Commissioner Doug Mendelson

Commissioner Michelle Walker

Commissioner-Alternate Dave Haynes

APPROVAL OF THE MINUTES

1. March 22, 2021 – draft minutes

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

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

UNSCHEDULED CITIZENS- None

AMENDMENT(S) TO AGENDA- None

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. Rose - Sackett's Addition Overlay Deviation request - The request is for approval of a deviation from the requirements of the Sackett Addition Overlay for the construction of an Accessory Dwelling Unit ("ADU") at 334 E. Second Street, Salida, CO 81201

A. Open Public hearing - 6:02 pm

B. Proof of Publication

C. Staff Review of Application -

Jefferson reviewed the deviations from the review standards and lined out the definitions of what a deviation is and what a "Story and a Half" entails as it relates to the Sackett Addition Requirements.

The applicants requesting approval for a deviation from the requirements of the Sackett Addition Overlay for the construction of an ADU application at 334 E Second Street. The property is zoned at R2 in the Sackett Addition Overlay. The maximum height in this area is one and one half stories. The applicants are requesting to build higher than the standards. The proposed height of the ADU is 2 feet 2 inches above the primary.

The floor area of the ground floor is 1,224 sq feet and the upper level will be approximately 55% of the upper floor area and provided updated drawings to the commission.

Part of the Sacketts addition overlay, there were design recommendations for new constructions. For new construction of accessory structures, the applicant meets the standard of the set back (5 feet) of the accessory dwelling. The roof form of an accessory structure should be similar to and compatible with that of the primary structure. The primary structure has a hip roof and the ADU structure has a pitched roof.

The recommended actions by staff are:

1. Approve the request with conditions because the proposed ADU should not significantly impact neighboring properties. The two conditions are applicants must submit scaled plans showing that the adu meets the story and a half requirements and the approval for the deviation application will expire in two years if a building permit is not applied for.
2. Deny the request because the proposed ADU is not compatible with mass scale in height of the primary structure.

Walker asked what the proposed square footage is of the primary unit and wanted clarification on whether the outbuilding and the porch is used to determine the volume of the primary unit?

Jefferson clarifies that they are assessing the footprint of the house not the overall.

Follet estimates that it is about 1385 square feet

Walker wanted to make sure that we were looking at the volume correctly since it impacts the findings.

Kriebel is there a tax code in the county assessor's office where we can get the actual number?

Jefferson states the tax code is not always accurate but pretty close.

Walker asks whether there is an architectural requirement?

Jefferson clarifies that it is a recommendation not a requirement in the Overlay.

D. Applicant's Presentation –

Applicant **Rose** stated that they would like to build this secondary structure for business on the lower level and hopes to provide workforce housing in the ADU. The existing structure is limiting in its size and has done everything he can to squat down the secondary structure to get it below the existing structure. Highlighted the code requirements in the secondary build so could not limit its size greatly. Plans to restore the home and put stucco on the outside and affirms that the size is about 1300 square feet.

Bomer clarifies that the garage is going to be used for business. Is there a bathroom there?

Rose that is for our use at the shop and to have another bathroom available for guests

Mendelson asks why didn't you design it with a hip roof, if that is what the primary house is?

Rose highlights the building code requirements that he has to adhere to and states that a hip roof would make the space unlivable since it would cut the height down by one to two feet.

Kriebel seconds Mendelson's concerns.

E. Public Input –

Marilyn Moore provided context for the standards in place and referenced wanting to maintain the character of the neighborhood. Since the structure proposed does not fall within the height, mass and scale requirements of the design overlay and no architectural reference to the neighborhood, she asks the commission to deny the request.

Walker asks staff if there are any rules preventing the owner from modifying the primary structure.

Jefferson confirms that it is part of the design guidelines.

Rebecca Biglow sent in a question online asking when the Sackett Overlay was completed.

Discussion on whether it was passed in 2008 or 2009

F. Close Public Hearing - 6:29pm

G. Commissioner Discussion -

Kriebel states that his biggest concern is mass. It is hard to believe that a building with 1385 sq feet and a flat roof would not be significantly less in mass than a building that has two floors (first floor of 1224 sq feet and second floor of 674 sq feet with a pitched roof). Expresses that he is torn because when he looks at the project in total, he thinks it will be an asset to the neighborhood but just looking at this specific structure, he confirms it is a major deviation.

Haynes agrees with Marilyn because it is no longer subordinate to the primary structure. The Roses can make minor changes that would work reasonably well.

Dockery asked whether there has been any other deviations in the overlay.

Jefferson responds that in 2013 there was a deviation in mass and scale.

Mendelson states that in our land use development manual, it says that if they build the ADU, it must enhance the character and historic nature of the neighborhood. He is confused on the designs that they presented. The land use and development manual says that the roof must be compatible with the primary. He argues that they need a hip roof design and does not believe it will impede height.

Walker agrees with Mendelson. Asks for Follet's feedback.

Follet believes it is difficult to stay within the height but a good exercise. Those dormers are why you see the X and that is where his stairs are and of course, you need headroom and space for stairs. That may be the design challenge for him. The structural framing of a mansford is more difficult than a hip which may be a factor.

Mendelson states that he drove down the street and there are no peaked roofs on the block.

Bomer expresses some concerns about how the secondary roofline does not match the primary structure. She was more bothered by the overall mass. The overall scale seems out of place with the rest of the neighborhood. She understands that overlays like this can be hard to build but there was a reason they put it in place.

Mentioned how the City is in the process of redoing the land use code. Currently they are trying to find the overlay easier to follow AND apply it to other residential zones. Read a comment from Diana Smith that stated there were numerous alternatives for this property while not denigrating the downtown character. There has not been any firm attempt to incorporate the design recommendations and believes that is important. She expressed that she is not in favor.

Almquist clarifies that they are going through a code update and is not sure of whether the standards will move forward.

Rose expressed that the suggestions of altering the roof to a Mansford roof would not work

Bomer & Dockery agreed that the ADU should not be larger than the original structure and the mass concerns them.

H. Commission Recommendation -

A Motion to deny the request was made by Commissioner Kriebel, Seconded by Commissioner Walker.

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

- 3. Jane's Place Planned Development -** The applicant (Chaffee County Community Foundation) is requesting a Major Impact Review to approve a Planned Development for a mixed-use project on a .46 ac. parcel located at the southwest corner of Highway 291 and W. 3rd Street. The general purpose of the hearing is to review and consider the applicant's proposal for a four-building, 17-unit "community housing" development with a variety of dwelling types, as well as commercial and community space.

A. Open Public hearing - 6:42 pm

B. Proof of Publication

C. Staff Review of Application -

Almquist reports the Major Impact Review Request for the Janes place development. The Proposal set forth by the Chaffee County Community Foundation and managed by the Chaffee Housing Authority is for four buildings, 17 residential units and a commercial component as well. Almquist reported that three deviations being requested:

1) Changing the amount of density that is allowed from 7 units to 17 units of varying sizes. 2) Minimum off street parking requirements moved down to 12 parking spaces 3) Permanent deed- restriction or fee-in-lieu requirements of Section 16-13 Inclusionary Housing

Staff feels that there is room for granting the deviations with a number of recommended conditions. There are seven recommended conditions of approval:

1. Applicant should install a pedestrian crossing over 291 with relevant safety signage (public works director + CDDT)
2. Engineered plan submittal should include drainage prior to processing
3. Shall remain managed by the Chaffee Housing Authority or similar organizations focused on attainable housing
4. No STR licenses without approvals/amendments
5. Total number of people living should not exceed fire code requirements
6. Children's playscape or similar amenities to encourage activity
7. Applicant shall work with city staff to identify offset parking (reduce impacts and enhance property itself)
 - a. Leave vague since parking would happen offset and can work with Public Works directly on this

Staff does recommend approval on these conditions.

Mendelson asks clarification on number four

Almquist explains that generally properties in the commercial zone can apply for STR without going through normal City processes but since the focus of the project is on affordable housing, it would negate that right.

Mendelson asks why would we want a short term rental in a commercial site

Almquist states that is the point of this recommendation to prevent there from being a short term rental.

Walker asks can staff talk more about #7. Is there a parking lot nearby?

Almquist turns over the parking question to the applicant. There is public parking at Marvin Park but that is a challenge to get a lease agreement in that particular location. Almquist recommended the organization talking to surrounding neighbors. There is space along highway 291 potentially to the east for future public improvements. This is offsite and something that the Public works director has identified. He does not want to make it a requirement because the focus of the project is affordability.

Haynes asked about whether employees were bussed in on their job sites so they probably wouldn't have cars.

Almquist noted that there is a parking analysis that shows the reduced need due to the nature of the project. They also noted two street spaces that would be developed and reserving a space for any future fixed route service and a dial ride service that does exist.

Mendelson states somewhere in the packet, it talks about tap fees. Wouldn't this possible be a good use of the fee-in-lieu?

Almquist says that the commission can make the recommendation to the Council and may be helpful on how this should be seen by the council.

D. Applicant's Presentation – Becky Gray: Chaffee County Director of Housing & Joseph Teipel: Executive Director of Chaffee County Community Foundation

Gray talks about this community designed housing project that will support Chaffee County's workforce. To make affordable housing, it needs subsidy or equity investment through low income tax credits or from a loan or grant. These subsidies come with strings attached like a maximum income for tenant eligibility, maximum allowable rent and a twelve month lease. 65% of the Chaffee County workforce would not be eligible for these. Gray states that they are offering this project as an opportunity to invest as an equity partner or through master leasing terms to local entities and it is geared towards temporary or short term housing (newly recruited workers, clients of our non profit partners, seasonal, Americorps volunteers, etc).

She states that no tenant pays more than 30% of their income for their housing. This type of project is called income averaging and is excited to announce that this innovative project has been selected as a pilot project. This means they will receive technical assistance with CHAFA and it puts the Salida housing effort on a statewide map

She appreciates staff's recommendation around parking that doesn't cost the project more up front making it less affordable. Gray highlights a recent study that found that parking impacts affordable housing more than other apartments since they cannot recoup the cost with rental fees. The cost of a parking spot is anywhere between \$9,000 to \$22,000 per spot. Every extra parking spot is more rent that we have to charge

Working with Chaffee Shuttle, bike parking and shared rides. Also plans to reach out to their neighbors on whether they can lease parking.

Tiepel states that the Chaffee County Community Foundation board has recognized that supporting this project can solve pressure around housing. He provides clarity on the ownership structure and has a letter of support from Dr. Joel Schaler and Chaffee Shuttle. CCCF will be purchasing the land from the late Jane Whitmer and Ron Ferris and will be using the Community Land Trust model to ground lease that land and development rights to the Chaffee Housing Authority. Chaffee Housing Authority would own the buildings.

Rutger references parking. The important point is that during the day, most of the cars will be gone at work. He is happy to look for additional parking but at this point, he feels confident based on the analysis and his experience that it will be fine.

Kriebel asks how many adults do you expect to be living there at one time.

Gray says that all tenants will be of legal age to lease. There is potential for children to be present on site. Mostly clients of the Department of Human Services and potentially clients for the Alliance.

Kriebel clarifies that this question is to get at parking. How many people with drivers' licenses? Maybe 50 people?

Tiepel states that the number of beds is between 31 and 57. Mid 40's is a nice round number. Most of these tenants will be experiencing ride sharing through their employers

Kriebel asks whether these people are getting to Salida in their own car.

Tiepel uses Southwest Conservation Corps as an example of leaving the cars in their parking lot and shuttling employees back and forth.

Kriebel asks whether the 12 spots are on a first come first serve basis?

Gray states that she has never seen a development go into place and fail because there wasn't enough parking. If that is an issue after it is created, they will seek solutions. Ask the commissioners to consider putting the issue of parking aside.

Rutger defines unbundled parking. It means that if someone doesn't have a car they shouldn't be made to subsidize spaces for folks who do have a car. Can make parking spaces available for people who want to pay for their space and base it on a sliding scale income. If it becomes a problem then they will work with the City on that.

Bomer asks if Chaffee County Foundation owns the land and Chaffee Housing Authority owns the buildings.

Tiepel clarifies that it is a 99 year ground lease with the option of renewing

E. Public Input – Rebecca Biglow

Biglow says that buildings 2,3,4 seem acceptable but the adaptive use building is the one she is concerned about. It appears that the likely use of those buildings would be used as a homeless shelter. Believes that there are many safety issues and illegal activities with individuals loitering outside of shelter facilities. Would like the adaptive use housing to be eliminated from this proposal or made clear that it will not be used for people experiencing homelessness and homeless shelters would be better located in industrial areas.

Almquist clarifies that it was about Building 1, the adaptive portion of the project.

F. Close Public Hearing – 7:25pm

Gray says that they created some extra large studio units and the sleeping area in those studio units can have up to four single and eight beds if bunks. They have many partners in mind, like emergency response services or youth on mission trips and or Chaffee Hospitality inc. who has been housing people overnight in the winter shelter. There is a plan to have a management office with windows facing the adaptive units. They will have a space with staffing and share the office space to expand the hours. The organization plans to see that the management office stays open late and opens early. Hopefully that will alleviate some cultural concerns that Biglow brought up. It is important not to equate aggressive behavior with people experiencing homelessness. Community needs to expand our view of the housing crisis and not criminalize the act of being homelessness.

Tiepel adds that the vision is to create a non-profit working or meeting space. They hope to create a very intentional and vibrant community

G. Commissioner Discussion -

Mendelson says that he is all for affordable housing but the AMI gap causes concern. **Gray** clarifies that they have not entered into any master leases yet designating specific units for specific purposes.

Mendelson wonders whether the point of affordable housing is to go below 80% and this project takes it above 200%. He thinks that it defeats the purpose and would like a clearer definition.

Gray says that most of our community (60%) are trying to find housing and opening it up to professionals gives people a place to land for a moment and pay what could be considered as affordable for rent. The definition of affordable is to pay no more than 30% of your income. If we are able to capture folks that are able to pay more can subsidize folks who pay a lower rate. Pushes back because affordable housing does not mean 80% AMI or less, but in chaffee county the majority amount of paycheck earners are struggling and if we cut it off then we are cutting off the options for businesses and families that are trying to grow here.

Bomer asks what is 200% in dollars

Gray provides that the number is about \$103,000 per person.

Bomer says that there is no deed restriction or inclusionary housing but asks if there is a way to deed restrict what you are saying (30% of made income etc) so there is something permanent about it.

Mendelson says that the language is vague and would like to see more concrete language.

Gray addresses that the entity of Chaffee Housing Authority is different than any other developer you have had. This authority is a governmental entity, governed by a board of directors and public body. Since it is a public entity, there should not be a deed restriction on it. It is possible to attach a land use restrictive agreement that can be attached to the project. The Housing authority will be engaging the community in tenant criteria and conflict criteria and believes that specificity will be spelled out at the community level.

Haynes notes that there are some contrary things rather than what is written out.

Tiepel says that the underlying issue with current subsidies is that it restricts housing to serve the local community. Jane's place is supposed to be as flexible as the community needs. It should be evolving with the community. We are gently trying to push back on strict restrictions and rather honor the tenants and community. The either or discussion is a detriment to the project. Right now cannot say exactly what they will build and would like to do more community listening.

Follet believes that this is addressing housing crisis situations which is as important as the affordable housing discussion.

Kriebel thinks it is great that you will have a variety of socio-economic people in a tight cluster. The mix of people living together is great.

Walker asks whether they are only offering 6 mo to 1 yr leases.

Gray clarifies that the best practice is to create a housing plan with each tenant. The idea is to have several different types of lease structures and three, six, nine and twelve month leases. The length of those leases will be based on the tenants housing needs and goals. The key is to have management staff on site and holding the tenants accountable moving forward.

Walker states that Gray is asking the commission to trust the housing authority on this and not make rules for you.

Gray confirms that the office of housing has a mission to create safe, stable and secure housing. She asks for trust and reminds the commission that the housing authority is managed by a board of directors as well as, a significant community engagement endeavor to make sure these policies and procedures are reflective of the community.

Bomer goes through the proposed staff recommendations. She begins with a crosswalk and states that she would not be opposed to a lighted crosswalk.

Almquist responds that it is not cheap and can exceed a couple 100k.

Bomer refers back to the third recommendation and wonders if that is where we can put the land use agreement and 30% of AMI. She continues through the recommendations and proposes that no short term rentals shall be allowed. Change the children's playscape language to better reflect the uncertainty of what it might be as well as bike racks. She recommends they should be exempt from the fees in lieu for inclusionary housing and schools and would like to make a recommendation to the council that they exempt or reduce the water/sewer tap fees as feasible.

Bomer moves to recommend approval of request with the following conditions (listed above)

Kriebel seconds the motion.

Follet confirms the motion and second with nine recommendations.

Walker wants to speak about parking as an amendment to this motion. does not think this project is viable with only 12 spots. She read the assessment and was not convinced by the report. She would like to be strong in the language that this is not going to work without some concrete options.

Bomer asks whether Walker would like to suggest specific language as an amendment for number 7.

Walker suggests that we identify other off site parking options that will bring the number of spots to our current code of requirements.

Follet states that the parking code does not necessarily apply to this project and if down the line there needs to be more parking then they can fix it.

Haynes questions whether this is something they should recommend now.

Follet says that this is a plan development that they want to do and the Commission can either accept, deny or amend it.

Bomer should we change number 7 to read that they “must work with the City to identify”

Dockery thinks they should vote on the motion. We are putting so many recommendations and expenses onto this that are making it impossible for the project to work.

Roll call vote on Walkers amendment to the original motion:

4-3 No: The amendment does not pass

Roll call vote on the original motion.

H. Commission Recommendation -

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

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

UPDATES- None

COMMISSIONERS' COMMENTS

Bomer thanks the planning staff for all the hardwork and dedication. If the commission and staff have differing votes the staff should explain why the commission voted differently. **Kriebel** thought that the whole thing came down as a total waste of everyone's time. **Follet** did not feel that way. After the fact, he didn't feel like the commission made the right decision. **Bomer** clarifies that she was upset because it was not fully explained to the council. Would like more information when for profit developers come to the Commission and more of a learning opportunity to make it better for the commission, council and developers. **Almquist** stated that it was hard to parse out the rationale as it related to the review standards that staff is beholden to for such a request. **Bomer** believes that there is a lot of room for improvement and how we can handle these things. **Almquist** agrees it could have been improved. **Bomer** asks whether it is normal for developers to add things after the Planning Commission. **Almquist** says that it does happen. **Kriebel** explains his frustration on why the Commission exists with only partial information. **Almquist** states that their conversation brought up other issues and enhanced the conversation. **Dockery** tries to make a distinction between comprehension plan and the land use code.

Almquist says no staff update. **Walker** would like to discuss riverfront zoning and how other communities zone their riverfront. **Kriebel** would like to review inclusionary units and housing. **Almquist** requests that if the next meeting, they should discuss both topics.

ADJOURN: With no further business to come before the Commission, the meeting adjourned at 8:33 p.m.