

BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO

July 27, 2020 - 6:00 PM

MINUTES

CALL TO ORDER BY CHAIRMAN

ROLL CALL

PRESENT

Board Member Chairman Greg Follet

Board Member Co-Chair Francie Bomer

Board Member Judith Dockery

Board Member Giff Kriebel

Board Member Doug Mendelson

APPROVAL OF THE MINUTES

1. Draft BOA Minutes - May 26, 2020

Motion made by Board Member Co-Chair Bomer, Seconded by Board Member Kriebel.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Denning, Board Member Dockery, Board Member Kriebel, Board Member Mendelson

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. **Chaffee County Complex - Variance Request** - The purpose of the request is to receive: (A) a variance in the number of required on-site parking spaces for a future campus building addition; and (B) a variance in maximum access/parking coverage, in anticipation of the proposed addition.

- A. Open Public hearing - 6:08 pm

B. Proof of Publication

- C. Staff Review of Application – Almquist** gave an overview of the variance application and stated that staff is recommending approval with six (6) conditions. **Kriebel** asked about the existing access that runs behind the building and **Almquist** explained that the access will remain.

Kriebel questioned the life expectancy of the trees and **Almquist** stated that in the tree report they addressed the trees getting towards the end of their life span.

Dockery questioned the option to use Third Street for access because the Public Works Director explained in his review that the future realignment of Crestone Avenue may impact this access plan. She asked why the applicant is allowed to request a variance without giving a reason why they need it. She said that if Public Works is already questioning this plan is the variance request premature.

Almquist explained that there were discussions about potentially using access off of Third Street to the back of the building and staff was told that there would be engineering challenges. **Almquist** also addressed the Public Works review.

Denning asked about the distances between trees 1 and 2 and asked what the requirement will be for the distance between the trees and the proposed drive lane. **Denning** is concerned with protecting the roots of the trees. **Almquist** stated that the distance between trees 1 and 2 as shown on the site plan is approximately 25' and there is a chance that the roots will be impacted and most likely one of the trees will need to be removed. He further explained that there are two trees behind the building that will definitely be removed and there is a third tree that the arborist recommended removal due to its current health.

Bomer stated that the applicant would not be required to come back to the Board if condition number 4 was to be approved as written and **Almquist** agreed.

Mendelson asked if the drive lane has to be straight or can it be curved so that no trees will be impacted.

- D. Applicant's Presentation – Chaffee County Commissioner, Greg Felt** assured the Board that the Commissioners would like to accomplish the most for the citizens with the least amount of impact. He feels with this design they are doing that because they are reducing the number of trees that will be removed. **Felt** thanked City staff for restriping parking spaces around Thonhoff Park and the County Complex. **Felt** questioned the zoning of the Chaffee County property because it doesn't make sense that the Chaffee County property is zoned Single-Family (R-1) residential. He stated that they do not have any residential components to the campus, except the jail and explained the future expansion of the building.

Chaffee County's representative from Crabtree Group, **Joe Deluca** presented the variance application. **Deluca** explained the history of the building and the future expansion needs. He stated that the best place to expand the building is between the historic courthouse and the judicial buildings. He said that with the expansion they are required to meet parking standards.

Deluca explained that the Third Street access for the existing EMS garage is a straight drop-off. Third Street is currently 12' lower than the rear lane and to make up 12' at a 10% grade is 120' in length so there isn't a reasonable way to have the access off of Third Street.

Deluca stated that the two elm trees that are slated for removal are at the end of their life span and can be very dangerous if not removed. **Deluca** said that elm trees are tough resilient trees and the roots near the new access should be minimally effected if they use asphalt. **Deluca** explained that asphalt is a very flexible material but concrete is not and that is why the use of asphalt should have minimal effect on the tree roots.

Deluca said that this application is all about the timing of the proposed addition and having access to the rear of the building during construction of the addition.

Kriebel asked about the weight of vehicles that will be utilizing this driveway. He wondered if anything heavier than a trash truck will be using it. **Deluca** said that there may be times when larger trucks use the drive for deliveries but they are not real heavy trucks. He stated that the heaviest truck will probably be a trash truck.

Kriebel asked if there was any way they could use a green asphalt like he has seen used for tennis courts. **Deluca** said they do not make a green asphalt and the tennis courts are usually painted with an epoxy paint. **Kriebel** suggested they paint the asphalt with an epoxy paint to make it less visually obvious. **Deluca** said that painted asphalt is not made to be driven on and there are high maintenance costs associated with epoxy paint.

Bob Christensen, Chaffee County Administrator, explained that the County Officials want to keep the front green space but they do need to redesign the space for handicap parking and accessibility. **Christensen** stated that the whole front area will be dedicated to election services.

Bomer asked if the current drive behind the building is paved and will it remain and **Deluca** said yes it will remain and it will be asphalt.

Dockery questioned whether a large trash truck will be able to make the proposed sharp turn around the building. **Deluca** said that they use turning templates to make sure large vehicles like fire trucks or trash trucks can make the corner.

- E. **Public Input – Certified Arborist Angie Jenson**, asked whether they could move Jasmine's office and the trash cans from the back of the building so that they could eliminate the access all together. **Deluca** explained that the County utilizes that side of the building to access the basement for things like the voting machines. He stated that it is not realistic to move the access somewhere else and that is where the facility manager's office is located. **Jenson** said that she thought it is a reasonable ask in order to save some of the trees that will live, without a doubt, another 50 years if the roots are not impacted.

Christensen explained that the front end of the building is constrained and restricted as to what can be taken down to the basement area. The front of the building is not a viable way to bring in products that the County needs for operational purposes.

- F. **Close Public Hearing - 7:24pm**

G. Commissioner Discussion – Follet opened the Commissioner discussion. **Mendelson** stated that he is fine with the request and has no further comments. **Denning** said that she understands the challenges that exist and why it is necessary to have the access around the back of the building. She said that she found it interesting to hear that asphalt is less intrusive on the environment than other options.

Dockery stated that she sees the necessity for a driveway and her questions were answered by the applicant's representative. She said that she is fine with the request as long as the trees that die are replaced.

Kriebel said that he is ok with the proposal but would like to go through the proposed conditions of approval.

Bomer asked if there was any data on the claim that Mr. Deluca made that asphalt holds up better than other products. She said that she desires less asphalt and more porous.

Bomer stated that she is also concerned with condition number 4 regarding the trees. If it is determined that they cannot go through both trees safely would there be an alternative rather than say the trees have to be cut down. **Bomer** said for condition #6 she would like to see the condition updated to say that for every tree that is removed they need to be replaced with mature trees.

Bomer would like to know what the future plans are for the county and asked why the County is asking for a variance for the driveway prior to any applications being submitted.

Kriebel suggested rewording condition #6 to have the County hire a landscape architect to submit an appropriate landscape plan.

County Commissioner Felt explained that they do not want to create a forest because what the people really love about the area is open space. **Felt** addressed **Bomer's** concern regarding the County's commitment. He said that they very committed and have already spent time and money on the design of the addition so it will be moving forward. **Kriebel** asked if the current plan is to have the building addition in the County's next fiscal budget and **Felt** said that he doesn't think they can do everything in one year but he's hoping to begin construction in the next year.

Kriebel suggested adding a condition that construction of the access road does not begin until there is money in the budget to build the addition. **Felt** said that he cannot commit to the budget but it is the intention of the County to build the addition. **City Attorney Nina Williams** explained that it is not appropriate to place a condition on the applicant for budget appropriations.

VanNimwegen stated that staff struggled with the application in the beginning because the request for the driveway is before the application for the addition. He said it is not a really big ask of them to request the variance and not build the addition.

Follet said that they need to focus on the variance request and not the timing of the construction. **Bomer** stated that it is a valid concern that they are requesting the variance for something that is not required at this time but will be required with the construction of the addition.

There was further discussion on the proposed tree removal. **Kriebel** stated that he would like to make it clear to the public that when the trees are removed, two of them are diseased which has nothing to do with this project.

The Commission went through each the proposed conditions of approval.

H. Commission Recommendation

A motion to approve the variance was made by Board Member Co-Chair **Bomer**, subject to the conditions recommended by staff with the following changes to #2, #3 and #6 and removing #4:

1. Prior to construction of the drive lane, the applicant shall submit construction plans to City staff for administrative review.
2. The applicant shall investigate alternatives to paving the drive lane, such as heavy-duty porous pavers, "grass-crete," or other materials such as asphalt that will blend in with the surrounding green space.
3. The access drive lane shall not be for use by the general public, nor shall it be used for the storage of vehicles. The applicant shall sign the drive with "No Parking."
- 5: 4. The applicant shall make a good-faith effort to protect other nearby trees by installing root zone protection fencing as part of the access lane construction process.
- 6: 5. The applicant shall plant and maintain, within the green space, two new trees for every tree that needs to be removed as part of the proposed development and related tree assessment report. A landscape plan for the site, prepared by a certified landscape architect shall accompany the plans submitted to City staff for review.

Seconded by Board Member **Kriebel**.

Voting Yea: Board Member Chairman Follet, Board Member Co-Chair Bomer, Board Member Denning, Board Member Dockery, Board Member Kriebel, Board Member Mendelson

UNFINISHED BUSINESS

NEW BUSINESS

BOARD COMMENTS

ADJOURN: With no further business to come before the Board, the meeting adjourned at 8:03 p.m.