

# PLANNING COMMISSION REGULAR MEETING

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

May 24, 2021 - 6:00 PM

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## 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 –

### ROLL CALL

#### PRESENT

Vice-Chair Francie Bomer  
Commissioner Judith Dockery  
Commissioner Giff Kriebel  
Commissioner Doug Mendelson  
Commissioner Michelle Walker  
Commissioner-Alternate Suzanne Copping  
Commissioner-Alternate Dave Haynes

#### ABSENT

Chairman Greg Follet

### APPROVAL OF THE MINUTES

1. April 26, 2021 - Draft Minutes

Motion made by Commissioner Dockery, Seconded by Commissioner Kriebel.  
Voting Yea: Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel,  
Commissioner Mendelson, Commissioner Walker, Commissioner-Alternate Copping,  
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)<br>Recommendation | H. Commission Decision or |

**2. 900 J Street Rezone - Major Impact Review** - The applicant, Landon Vigil, is requesting to rezone the .24 acre parcel located at 900 J Street from Commercial (C-1) to Manufactured Housing Residential (R-4).

A. Open Public hearing - 6:27 pm

B. Proof of Publication - Yes

C. Staff Review of Application –

**Jefferson** reviews that the applicant is Landon Vigil. The applicant is requesting to rezone the .24 acre parcel from C1 to R4. The surrounding properties are R4 and across the street is R2. There is no C1 near this property and when it was annexed back in 1981 it was also zoned as C1 and stayed that way. The applicant owns the mobile home park that adjoins this parcel. The applicant plans to add more mobile homes to it. It is consistent with the comp plan and the zone district proposed. The recommended findings is that the application is in compliance with the review standards with map amendments because the property is surrounded by both manufactured housing residential and medium density residential. Staff recommends that the commission approve the rezoning requests.

**Kriebel** asks what is the XL property zones

**Jefferson** responds Industrial

**Mendelson** comments that he knows the area well and believes it would be consistent with the area.

**Copping** has a process question. What level of process would it be to combine the rezoned parcel to the other existing R4 parcel. Is that an administrative level?

**Jefferson** states that this is administrative because it would eliminate lot lines.

**Bomer** comments that in order to do that, the zoning has to be the same.

D. Applicant's Presentation – **Landon Vigil** believes that Jefferson has done an excellent job and it is pretty straight forward.

E. Public Input – None

F. Close Public Hearing - 6:31pm

G. Commissioner Discussion – **Mendelson** notes that it is more consistent for the area.

H. Commission Recommendation

A motion made by Commissioner Dockery, Seconded by Commissioner Kriebel.  
Voting Yea: Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker, Commissioner-Alternate Copping, Commissioner-Alternate Haynes

**3. The Sherman Market Limited Impact Review** - The applicant, Cate Kenny, is requesting approval for temporary commercial activities to allow for multiple vendors to set up on the vacant lot located at 151 W. First Street. The property is located within

the Central Business (C-2) zone district and the Central Business Economic Overlay (CBEO).

- A. Open Public hearing - 6:34 pm
- B. Proof of Publication- Yes
- C. Staff Review of Application –

**Dunleavy** explained that the applicant, Cate Kenny, who is also the owner of the Sherman Hotel, is requesting a limited impact review for the vacant lot in the courtyard. The applicant is proposing to do a variety of events starting this Saturday through December 18. In speaking with the applicant before the meeting there are a few more dates and amendments to the times proposed. The applicant is requesting that the artisan market be extended to 8pm and that the movies be extended to closer to 9-10pm. There was also a request to provide flexibility on the dates for the food trucks. These events will go until December 18th and the applicant would like the ability to do a pop up when the opportunity arises.

**Dunleavy** continues that 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 as amended:
  - Artisan Market, 1-8pm, May 29, first and third Sat Jun 5 – Sep 25, plus Jun 26 & Jul 4
  - Movie & Concert Series,
    - Movies 9-10pm: Jul 17, Aug 7, Sep 18
    - Concerts 6-8pm: Jun 5, Jun 19, Jul 3, Aug 7, Sep 4, Oct 2, Oct 16
  - Pumpkin Patch, 4-6pm, Saturdays, Oct 2 – Nov 13
  - Tree Farm, 4-6pm, Saturdays, Nov 20 – Dec 18 plus Fri Nov 26
  - Food Cart Days, once per week
  - Pop-ups, to be determined
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 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 Cart Days multiple vendor permit
- f) Each Pop-up shall be treated as a singular event and require a multiple vendor permit.

**Kriebel** asks whether the sound permit be required each time or for each type of event?

**Dunleavy** responds that the sound permit would allow them to put down multiple dates and there would be no fee associated with it.

**Kriebel** questions why staff would want to limit it to one pop up event per month?

**Dunleavy** clarifies that the limitation on the pop up is so that the pop ups did not happen multiple times per week.

**Haynes** asks whether the movies are happening from 9-10pm based on the fact that lights are out? Usually it is later than that.

**Dunleavy** will let the applicant address that.

**Copping** asks a clarification question about how the permitting process works? How flexible is the permit that is granted? Can they adjust days of weeks as appropriate based on demand or other characteristics?

**Dunleavy** defers to Almquist

**Almquist** states that because of the nature of the limited impact review for the type of land use, planning asked that they specify dates and times so the commission can have a good sense of what the proposal includes. We would prefer that it would be presented here tonight as the request which would allow staff to be able to issue a Multiple Vendor Permit with the information that is presented now.

**Bomer** clarifies that the applicant is asking for the food truck to be there on Monday but possibly could determine that another day is better for them and that is the language of the condition. Is that part of the condition that they would have that flexibility or is it locked into Monday.

**Almquist** said that the commission can provide language for flexibility but planning would like guardrails so the commission knows what they are approving. So if the applicant would like to expand upon what is proposed...

**Bomer** wonders that if we were to approve it based on the applicants ask, does the day of the week happen at the commission or during the permit process?

**Almquist** believes that the commission will need to have it approved here.

**Bomer** says that if that is what commission wants, we would have to put it in as a condition. Does that answer your question Suzanne?

**Copping** agrees that it does. For example, if they decided that Tuesdays were better would they have to come back to the planning commission?

**Bomer** thinks that it is a great question and if there are no other questions for staff then we can hear from the applicant.

**Haynes** asks because the events are so varied, that is why they are needing all these permits? Is there not one encompassing permit?

**Dunleavy** says that the way that we proposed the permit schedule is we researched what other events do in the city like the farmers' market. As the applicant laid out all these different types of events, planning grouped them together into similar groupings. These are distinct events with different parameters and different vendors. This is the best way

where staff can track all the different vendors that can be listed and have the sales tax license provided. It is one application per series of events.

**Haynes** expresses concerns on the pricing for the permits.

**Dunleavy** explains that it is \$75 for a permit as an application fee and \$20 per vendor. If the applicant has a vendor that participates in the artisan market and then later the pumpkin patch, the vendor would just pay once.

**Almquist** adds that when they were coming up with the fee structure and make it as equitable as possible. Looked at the farmers' market to base the decision and for consistency.

D. Applicant's Presentation – Cate Kenny & Claire Shank

**Kenny** believes that Dunleavy has done a great job on the presentation and is great to work with. **Kenny's** intention is to help the community and would like to push back on the multiple vendor permit. The applicant wants to provide family friendly programming like the pumpkin patch or movie nights. The applicant does not understand the permit process and why they have to pay a fee for each event category instead of making the Sherman market one event. **Kenny** would like to note that this is on private property so it should not be charged the same way as the farmers' market.

**Haynes** wanted more clarification on movie nights and what time they are occurring?

**Kenny** plans to keep it within curfew and sound ordinance. Would like further clarification from the commission on that process.

**Mendelson** asks if you have a written agreement with the Bank of the West?

**Bomer** says that there was a letter from the Bank of the West confirming the parking.

**Walker** mentions it is also not in her packet.

E. Public Input – None

F. Close Public Hearing - 6:57pm

G. Commissioner Discussion –

**Haynes** has concerns on the sound variance.

**Bomer** mentions that the other thing to consider is that there are residents that live close by.

**Jefferson** says the sound permit goes until 10 pm.

**Bomer** says that Haynes point is well taken, if they want to show a movie and it is still light out, it may be hard to see.

**Walker** asks whether this is controlled by the permitting process then?

**Bomer** states that the commission sets the boundaries and then when they apply for the permit, that's when they pay and make it official.

**Walker** asks whether in the permit does it clarify that it ends at 10pm

**Jefferson** states that the amplified sound permit ends at 10pm.

**Bomer** and **Haynes** ask whether that is across the city.

**Williams** clarifies that the permit is based on the code.

**Bomer** asks if a venue presents an amplified sound permit, can they extend it with permission and does it go through commission?

**Jefferson** says that the city administrator can extend it

**Mendelson** points out whether we want competition that moves money away from the Steamplant.

**Haynes** asks will they charge for the movies?

**Mendelson** believes they should provide more detail on the movies.

**Kriebel** says that the steampunk has movies on Friday night and the market has movies on Saturday so not sure that it is competition. I think we need to stick to the 10pm shut down of Amplified noise.

**Bomer** tries to clarify the different events that are happening.

**Kenny** is happy to clarify the movies. They will not be charging and thought from 9-10pm that it would be dark enough to show a child's movie.

**Bomer** wanted to make sure the commission understood.

**Almquist** says that the alcove will get darker quicker than other areas.

**Bomer** asks that the plan for the movies is to go from 9-10pm and mainly things that are kid friendly

**Kenny** states that in the permit process, we had to send out information to everyone explaining their intention and the surrounding residents did not have push back

**Bomer** asks whether the food trucks are one day a week. Is that one food truck or multiple?

**Kenny** says that they have not had a lot of interest in food trucks. They just thought to include it in case it would be approved. There would be no generators, the Sherman Market has power and they will not dispose of grey water in the area.

**Bomer** asks whether it would be in the market flat?

**Kenny** says that the food truck may be in the artisan market but may not.

**Haynes** has a question to add onto that. Most food trucks do have generators on them.

**Shank** answers that the food vendors that she has been in communication with have been more food carts with plugs.

**Bomer** wonders whether we should specify food carts in the conditions.

**Almquist** states that the conditions say no generators

**Bomer** would like to make the distinction between a cart and a truck.

**Kenny** asks whether they could have a generator?

**Bomer** says the applicant can ask but there is a displeasure of generators.

**Dockery** is not totally clear on the fees. How do they collect them and whether it is each time?

**Bomer** clarifies that the fees are not part of the purview today.

**Almquist** states that they would be able to apply for fee waivers. Planning requires the level of information that they have provided so the Commission has all the details. This logically seemed to be the best way to break out events so the code does require that the Multiple Vendor Permits are applied at each event. The Planning Commission can make a decision that the Sherman Market is one singular event. Almquist says that the commission would have to split out the flexibility.

**Bomer** asks whether we can shrink the event categories?

**Haynes** says that it sounds like the pop up markets are singular.

**Bomer** argues that the artisan/pop up could be combined along with pumpkin patch/tree sales.

**Walker** likes that there are many of them because there are rules regarding each grouping of events

**Kriebel** proposes that we allow for one permit however, I would say that we do limit the pop ups to one a month. The pop ups must be consistent with the other events that are specific.

**Bomer** wonders whether we can be that specific with this review?

**Kenny** states that the artisan market, the pumpkin patch and the tree are primary and all the rest are secondary.

**Bomer** believes that it would personally be okay if one permit that would encompass artisan market, pumpkin patch, trees and food carts.

**Copping** has a question about the length of the permit itself. Is it for one year?

**Dunleavy** clarifies that it is for the dates specified for the applicants which are June through December 18th.

**Copping** asks the question because there is a temporal nature to this. If pieces of it are not found to be working this year, you can improve next year.

**Dockery** asks if we approve all of these and they decide it's not feasible, they don't have to apply for the permit, right?

**Almquist** says that it is right.

**Dockery** believes that commission should give them all of them then the applicant can choose not to apply for one or multiple.

**Kriebel** counters that on the other hand from a cost standpoint, all these events could be separate but what seems to be the base of it is the artisan market. Wonders if the commission has one permit for A,C,D and includes non amplified entertainment and a food cart during that time.

**Bomer** thinks they could include F with one pop up a month.

**Almquist** says that food carts are part of markets already. A food cart could be included in the artisan market and would not need to be separated.

**Walker** presumes that staff made the categories because it was the most efficient way to get them permitted and hesitates to combine them.

**Dunleavy** says that these are basically the categories that the applicant presented. It is due to the temporal nature of it. With the multi vendor event permit, the applicant provides who all the vendors will be with the sales tax license. The timeline and categories help us to accurately track all the new/different vendors with current sales tax licenses.

**Walker** asks whether that is a good reason to keep the pop ups separate.

**Dunleavy** says that if it is a pop up with different vendors then planning would need all of that information. If we do the limitation of one pop up per month, we would need to be able to administratively track that as well and the permit is a process that allows that.

**Kriebel** asks about the process of how the multiple vendor permit works for the applicant and vendors.

**Dunleavy** clarifies that the process is now based on what happens at the farmers' market. The applicant submits the permit with all the vendors they know with the sales tax license prior to the event, if anyone changes last minute then the applicant will send an amended vendor list. It is not practical to wait until December and have the applicant tell us who was here in May and what their sales tax number is.

**Bomer** wonders if there was a compromise between what she is hearing.

**Dockery** advocates for keeping all the events for the organizer to pick and choose which multiple vendor permits they are interested in.

**Kriebel** thinks that he has no problem leaving them there and believes that we are making too big a deal about the administrative issues of combining.

**Bomer** hears a consensus to leave it as staff has outlined and reviewing the conditions of approval. Reviews the conditions and wants to seek clarification on condition number 5.

**Almquist** refers to requirements from the Chaffee County Building Department and the building code.

**Bomer** wants to have clarification that it means a permanent or semi-permanent structure. Asks for clarification on what stacking of lines means.

**Dunleavy** explains that it is in reference to the queueing of lines.

**Mendelson** has several comments. He mentions that he drove by the lot and wants to note that it is a confined space and not very large. Mendelson wonders about the logistics of the market, has concerns about the food trucks, believes it is the wrong venue and not conducive for any of these activities.

**Bomer** clarifies that they have had Sherman markets in years past and those concerns have not come up before.

**Mendelson** believes we should only allow food carts and wants more clarity on “streets” in number 4 of the conditions.

**Copping** wonders since it is a confined space, is there an occupancy limit or should there be an occupancy limit?

**Almquist** states that Fire did not have any comments about that specifically probably bc there is access to both to First street and the alley from the internal yard

**Bomer** points out the conditions on the public health guidelines.

**Kriebel** believes the condition should be “must remain compliance with Chaffee County Public Health Orders”

**Walker** presumes that when there is a permit given there is a capacity limit.

**Almquist** clarifies that for an outdoor vendor permit there is no capacity limit.

*Conversation about dimension and size of Sherman Market*

**Walker** asks when planning issues the permits there is no occupancy rules with the permits

**Almquist** says that it is not specific to this, an outdoor event. The Commission can make a condition about how the market must comply with fire code and occupancy.

**Walker** notes about fixing number five to write “a permanent structure” greater than 30 inches.

**Almquist** clarifies one thing given the discussion about various events that planning commission is in consensus that those events need to be confined to the dates/times that are in the application.

**Dunleavy** further clarifies that when we talk about the application, we are talking about the dates/times that staff has talked with the applicant about. We should change it per agreement with staff.

**Bomer** highlights the blue changes in the powerpoint.

**Dunleavy** mentions the times that have changed as well, 8pm for the market and 10pm for movies

**Bomer** says instead of 1-4pm it is 1-8pm for the market and movies at 9-10pm.

**Kriebel** makes a motion that we approve the schedule/dates and times as amended and with the recommended conditions of approval: Number 1-5 as is and #6 Kriebel would state that the applicant must maintain compliance with public health orders including the occupancy limits for that space. Numbers 7-8 are fine. Number 9 should read “food carts” not food trucks and food carts are allowed one day per week as approved by staff.

Discussion between **Kriebel** and **Walker** about whether it should read public health order or fire code on number 6. Agreed on wording “maintain compliance with Chaffee county public health orders including the fire code occupancy limits for that space.



**Dockery** seconds

**Haynes** mentions that this Market is more enclosed than outside.

**Bomer** asks whether the change in the motion satisfies Haynes.

**Haynes** agreed.

H. Commission Action -

Motion made by Commissioner Kriebel, Seconded by Commissioner Dockery.

Voting Yea: Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel,  
Commissioner Walker, Commissioner-Alternate Copping

Voting Nay: Commissioner Mendelson, Commissioner-Alternate Haynes

## UPDATES

**Almquist** would like to bring inclusionary housing fees in lieu, updates and changes to the next regular meeting. Would like to pull the specific fee language out of the code and put it in the fee schedule. Planning commission will have a joint work session with the City council at 5pm on June 1st, in regards to an upcoming planned development. There are a lot of planned developments, annexations and major subdivisions etc coming to the commission. **Almquist** encourages everyone to remember the ex-parte communication rules that we have gone over because there will be a lot going on. **Almquist** wanted to provide an update on the east crestone and third project. As of this weekend, the M st and 3rd st realignment was completed and opened. He believes it looks good and mentions that the engineers could add on an additional sidewalk on the north side of M st. The transfer of the property to the Chaffee County Housing Trust happened today. The Chaffee County Housing Trust will break ground this summer and plans to get people in by the beginning of next.

**Kriebel** asks how much money did the city spend on the reconstruction?

**Almquist** says that water and street work was about \$150-200,000 but wants to confirm with Public Works.

**Bomer** thought that Chaffee County Housing Trust paid for the water line.

**Almquist** clarifies that Chaffee County housing trust paid for the sewer line which was part of the transfer. The largest part of the cost was the street reconfiguration and the sewer realignment.

**Williams** reminded the commission that most of their proceedings are quasi-judicial. **Almquist** mentioned ex-parte communications but also it includes pre-judging an application. The commission will decide what is in front of you, the testimony in front of you and the evidence in the record. Please refrain from saying you visited a site or seen this and that. That is not proper.

**Kriebel** mentions that he has a problem with that. If that is true, then we should have site visits as part of these meetings because you can get a sense of something in a site visit that you cannot see on a screen.

**Bomer** states that her understanding was that it was fine to drive by a site by themselves and not with another commissioner.

**Williams** states that the problem is to imply the basis of your decision was because you drove by something instead of the packet handed to the commission. The commission needs to judge what is in front of them instead of saying that they saw one time at the property.

**Walker** states that in this instance they would not have known the particulars of the property without driving by it.

**Williams** clarifies that she is referring to comments that have been made and wants the commission to look at the factors given to you. Wants to remind commission to pre-judgement. *Conversation about ex-parte communications and objectiveness.*

**Mendelson** has a question for the staff. Mendelson admits that he has a bone to pick with the east crestone 3 car garage and fencing. Can they do that in lieu of putting in the vegetation that was required?

**Almquist/Jefferson** are still in conversation with the property owner on the trees.

**Almquist** has not received the Certificate of Occupancy yet due to these conversations.

### **COMMISSIONERS' COMMENTS**

**Mendelson** has a question for staff. Mendelson admits that he has a bone to pick with the east crestone 3 car garage and fencing. Can they do that in lieu of putting in the vegetation that was required?

**Almquist/Jefferson** are still in conversation with the property owner on the trees.

**Almquist** has not received the Certificate of Occupancy yet due to these conversations.

**Mendelson** has a question for all the commissioners. This is the third time I have downloaded an agenda that was incomplete. Has anyone else had this trouble?

**Bomer** has a suggestion for staff that when you send us the emails with the packet, can we put in the number of pages that are in the packet?

**Haynes** has no comment

**Copping** has no comment

**Walker** has no comment

**Dockery** has no comment

**Kriebel** has a question about food trucks and whether they have changed the rules on where they can be located?

**Almquist** confirmed that they have changed the rules since the Planning Commission discussed it a few years back. Almquist reviewed the difference between food trucks on private v. public property.

**Mendelson/Bomer** confirms that the council meeting will be on Tuesday, June 1 at 5pm.

**Bomer** observes that there are 8 women in this room tonight doing business.

**Bomer** makes a motion to adjourn and **Walker** seconds

**ADJOURN** With no further business to come before the Commission, the meeting adjourned at 7:48 p.m.