



## PLANNING COMMISSION REGULAR MEETING

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

Monday, September 28, 2020 - 6:00 PM

Please register for the Planning Commission Regular Meeting:

<https://attendee.gotowebinar.com/rt/1909092342220683277>

### AGENDA

#### CALL TO ORDER BY CHAIRMAN – 6:00 PM

#### ROLL CALL

#### APPROVAL OF THE MINUTES

1. Planning Commission minutes - DRAFT 06/22/2020

#### UNSCHEDULED CITIZENS

#### AMENDMENT(S) TO AGENDA

#### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |   |   |  |
|---|---|--|
| A. Open Public Hearing                  | D. Applicant's Presentation (if applicable) | G. Commission Discussion                 |
| B. Proof of Publication                 | E. Public Input                             | H. Commission Decision or Recommendation |
| C. Staff Review of Application/Proposal | F. Close Public Hearing                     |  |

2. Tres Litros Conditional Use Application

The applicant is requesting conditional use approval for a downtown street patio to be placed on E Street in front of Tres Litros Beer Company located at 118 N. E Street. The conditional use is subject to the review standards of Section 16-4-190 (r) of the Salida Municipal Code.

#### NEW BUSINESS

#### COMMISSIONERS' COMMENTS

#### ADJOURN

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Community Development Department at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2626 at least 48 hours in advance.*

**MEETING DATE:** Monday, June 22, 2020  
**MEETING TIME:** 6:00 PM  
**MEETING LOCATION:** City Council Chambers, 448 E. First Street, Suite 190, Salida, CO

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**Present:** Follet, Bomer, Mendelson, Denning, Kriebel, Walker, Dockery, Van Nimwegen, Jefferson, Almquist, City Administrator, Drew Nelson, City Attorney, Nina Williams

**Absent:** Chambers

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**AGENDA SECTION:**

- I. CALL TO ORDER BY Follet: - 6:05 PM**
- II. ROLL CALL:**
- III. APPROVAL OF THE MINUTES – March 23, 2020– Denning** made a motion to approve the minutes as written. **Kriebel** seconded the motion. All were in favor and the motion carried.
- IV. UNSCHEDULED CITIZENS – None**
- V. AMENDMENTS TO AGENDA - None**
- VI. PUBLIC HEARINGS –**
1. **Confluence Park Major Subdivision - Major Impact Review** – The application is for Major Impact Review approval for a minor subdivision for a 16.3 acre parcel located at the northeast corner of Highway 50 and Vandaveer Ranch Road. The proposed subdivision consists of 39 lots. The site is zoned Planned Development with the underlying districts of Residential Mixed Use (RMU), High Density Residential (R-3) and Commercial (C-1).
    - A. Open Public Hearing: 6:06 PM**
    - B. Staff Review of Application – Van Nimwegen** gave an overview of the application and pointed out that the applicant would like to build the roads in phases as shown in the packet materials. **Van Nimwegen** stated that staff supports the request with the following five (5) conditions.
      1. Make corrections to the improvement plans as outlined by the Public Works Director (Attachment 5).
      2. Developer to provide stamped grading plan showing building envelopes, base floodplain elevation and minimum floor elevations for lots within the floodplain.
      3. Add the following notes to the plat to describe the following fees prior to recording:
        - a. Open space fees in lieu are required at the time of issuing a building permit for Lots 13-38;
        - b. School site dedication fees in lieu (currently \$444.66) are required at the time of issuing building permits for residential units within Lots 2-38.

4. Developer shall enter into a subdivision improvement agreement that guarantees the construction of the public improvements that are required for the project, prior to the recording of the subdivision plat.
5. Coordinate with Xcel Energy on appropriate public utility easements to serve the site.

**Follet** asked if the applicant is required to loop the water in the first phase and **Van Nimwegen** confirmed that the water will be done in Phase I and explained that the street improvements are the only thing that will be phased. **Denning** asked if only half of Trenton Street will be constructed by the developer because at the last meeting she thought that the entire road would be constructed by the developer of Confluence Park. **Van Nimwegen** stated that the adjacent property owner and the developer of Confluence Park have an agreement for Trenton Road. He explained and most of the Road was shifted to the Confluence site so more than half will be completed but the remaining section of Trenton Road will be constructed by the adjacent owner when the parcel gets developed.

**C. Applicant's Presentation: Applicant's representative, Bill Hussey of Crabtree Group** explained the proposal and was available to answer questions. **Denning** asked about the park and when it will be completed. **Hussey** stated that the park has been dedicated to the City and the City will be responsible for park improvements.

**D. Public Input- Ned Suesse, 6953 C.R.105-** He explained that he is the adjacent property owner and had questions about Trenton Road but his questions have been answered tonight and his concerns were addressed.

**E. Closed Public Hearing – 6:20 PM**

**F. Commission Discussion –Follet** opened the Commission discussion. Commissioners all agreed that the request is straightforward and they have no concerns.

**G. Commission Recommendation:** A motion was made by **Bomer** to recommend the City Council approve the Confluence Park Major Impact review subject to the five (5) conditions recommended by staff.

**Kriebel** seconded the motion. With all in consensus the motion carried.

**Commissioner Follet recused himself from the meeting. Vice-Chair Bomer resumed the meeting.**

2. **Crestone Avenue Rezoning request - Major Impact Review** – request is to rezone Portion of Lot 4-6 Strip C of Eddy Brothers Addition (a City of Salida-owned property at the intersection of E. Crestone Ave and W. 3<sup>rd</sup> St) from Single-Family Residential (R-1) to Medium Density Residential (R-2).

**A. Open Public Hearing: 6:26 PM**

**B. Applicant's Presentation: – City Administrator, Drew Nelson** provided background on both the rezoning and right-of-way vacation requests. **Nelson** explained that in April 2019 the Salida City Council identified pursuing affordable

workforce housing opportunities as one of their primary goals at their annual retreat and was reaffirmed at their March 2020 retreat.

In the summer of 2019 the Council tasked staff to look at City owned properties to find suitable sites to use to partner with local nonprofits that operate in the housing realm in Chaffee County. In October of 2019 the Council reviewed the City owned properties assessment and directed staff to work on a proposal with the Chaffee Housing Trust for the E. Crestone and Third Street site.

The site assessment included information about utility proximity, ease of construction, existing infrastructure, legal issues and other features that made this site the most logical for infill development. Other sites have more significant issues such as the lack of utilities and streets or pre-existing uses that make them difficult to repurpose.

**Nelson** noted that the City has a history of partnering and sponsoring Chaffee Housing Trusts activities including working with them to lower costs to construct their units at Old Stage Road.

Tonight the City is presenting two applications, one for rezoning and the other to vacate a portion of the public right-of-way to accomplish the tasks set by the City Council.

**C. Staff Review of Application: Almquist** gave an overview of the rezoning application and explained that the rezoning application is separate from the right-of-way vacation application which is next on the agenda.

**Almquist** went through the four (4) review standards for map amendments and explained how this application to rezone the parcel from Single-family Residential (R-1) to Medium Density Residential (R-2) met all of the standards.

**Almquist** stated that staff is recommending that the Commission recommend approval of the major impact review application to City Council to rezone the parcel from Single-family Residential (R-1) to Medium Density Residential (R-2).

**Kriebel** asked if the parcel is rezoned would there be another application to deed the parcel to someone else. **Attorney Nina Williams** explained that in order to transfer property City Council has to approve an ordinance which requires two readings including a public hearing. **Bomer** asked for clarification that any development plans on the parcel would require further review by the Planning Commission separate from the transfer. **Williams** said yes but the transfer of the property should be done first then a development plan could be heard by the Commission. **Denning** asked if there are any development plans for just this parcel not including the parcel to be vacated and Almquist said no there are no plans for just this parcel because it is currently zoned (R-1). **Walker** wanted to be sure that the Commission would be voting on the rezoning and not the transfer of the parcel and Almquist said yes the application before the Commission is just for the rezoning of the parcel.

**D. Public Input- David Martin, 730 W. Third Street,** stated that the rezoning request is based on the assumption that the East Crestone Avenue vacation request will be approved. **Martin** said that Read McCullough stood at his front porch and told him that City Council has assured him that the project is going to go forward. He questioned who assured Mr. McCullough that the project would move forward. **Martin** explained that he went through past City Council meeting minutes and listened to tons of stuff and did not hear any assurances from City Council so why would Mr. McCullough make that statement to him unless someone from the City gave those assurances.

**Martin** restated that the rezone request doesn't have to happen because the next item on the agenda is the East Crestone vacation request which is a violation of Colorado State Statute 7:13 which states that City owned property that has utilities on it cannot be given away. **Martin** said that the Chaffee Housing Trust is offering, at their own expense, to relocate the sewer that is on East Crestone Avenue but they cannot do that because they do not own it.

**Martin** told the Commission that they have made decisions and violated so many things like the municipal code, state law and rent controls. He said that the City Attorney told City Council to ignore his emails because of ex parte contact. He said he is passionate about this because Read McCullough was on his front porch telling him what was going to happen. He stated that without due process this is not going to happen.

**Martin** said he wanted it to be clear that he is not the Realtor, David Martin and he does not want to hurt his business.

**Theresa Thompson, 804 W. Third Street,** explained that she just moved to Salida and asked if two units could be built on the existing parcel that is to be rezoned.

**Monika Griesenbeck,** said that she opposes the rezoning and vacation requests and she doesn't recall the City ever giving away city owned property.

**Bonnie McDonald, 929 Dodge Street,** stated that she is 100% behind affordable housing. She said that there are opportunities to make this a positive thing. She explained that she has three (3) pieces of property that is zoned correctly and she would look at maybe making a trade. McDonald suggested the City look at other locations for affordable housing.

#### **Online Public Comments:**

**Karen Karnuta, owns 750 W. Third Street,** supports the rezoning request because the property adjacent to this parcel is also zoned R-2.

**Dani Cook,** said that she lives and works fulltime in Salida and has had nothing but difficulties trying to buy housing in town. **Cook** explained that it is becoming less feasible for her to own a home in Salida since the prices keep going up. She fully supports both the rezoning and the vacation requests.

**E. Closed Public Hearing – 7:11 PM**

**F. Commission Discussion –Bomer** opened the Commission discussion. **Dockery** stated that she agrees with the rezoning request because of the location and it is adjacent other R-2 zoning. Commissioners agreed that this location is appropriate for the Medium Density (R-2) zone district.

**G. Commission Recommendation:** A motion was made by **Kriebel** to recommend the City Council approve the Major Impact review to rezone a Portion of Lot 4-6 Strip C of Eddy Brothers Addition (a City of Salida-owned property at the intersection of E. Crestone Ave and W. 3rd St) from Single-Family Residential (R-1) to Medium Density Residential (R-2).

**Mendelson** seconded the motion. With all in consensus the motion carried.

**3. Crestone Avenue Right-of-Way Vacation request - Major Impact Review –** The request is to vacate 7,710.7 square feet (.18 ac) of the East Crestone Avenue right-of-way, for the purpose of consolidating the two adjoining City of Salida-owned properties into one contiguous site.

**A. Open Public Hearing: 7:17 PM**

**B. Staff Review of Application – Almquist** gave an overview of the major impact review application and explained that the right-of-way to be vacated is between M Street and East Crestone Avenue and along Third Street. **Almquist** said that the general purpose is to make the entire area available for an affordable housing site per the direction of City Council.

**Almquist** explained that the sewer line that is currently within Crestone Avenue will be relocated into M Street at the cost of the developer. He stated that staff has been working with Chaffee Housing Trust on different street configuration options. The street configuration for option 1 is that M Street would be closed, not vacated, just closed and the end of East Crestone would be a cul-de-sac. The street configuration for option 2 keeps M Street open with a four way intersection. **Almquist** stated that both options are conceptual and require engineering no matter which option is chosen.

**Almquist** went through the review standards for right-of-way vacation and explained how the application meets the standards.

**Almquist** stated that staff is recommending that the Commission recommend approval of the major impact review application to City Council to vacate .18 acres of East Crestone Avenue and recommend either Street Configuration Option 1 or Option 2, as identified in the staff report.

**Mendelson** asked if a vacation of this type ever happened in Salida before. **Almquist** said yes that street vacations or partial street vacations have happened in the past. **Walker** questioned the traffic counts and feels that the counts have been understated by staff's analysis. **Walker** also asked for clarification of the proposed street configurations since the staff report said that the City does not like acute angles and discourages cul-de-sacs and wanted to know why this is an exception for the City.

**Kriebel** asked what happens if this right-of-way is vacated and the project does not happen. **Almquist** explained that if the vacation is approved the entire site is the City's property and will remain the City's if the affordable project does not happen.

**Kriebel** asked City Attorney, Nina Williams to explain State Statute 7-13. **Williams** explained that the statute is for a future ordinance for the transfer of property. When a city or town transfers real estate they need to transfer by an election of the voters or by an ordinance. **Williams** explained further that they can do it by ordinance if the property was not held for governmental purpose or park purpose. **Williams** stated that in this case since this is a vacant lot the property can be transferred by ordinance which requires two readings and a hearing before City Council. This state statute does not apply to tonight's applications.

**Williams** said that the statute that applies to vacation of right-of-ways is 43-2-302 plus the section in the Municipal Code. She clarified that the triangle property to be vacated, if approved, has not been used for governmental purposes therefore no election is required. She explained that streets are regulated by a different section of the Colorado Revised State Statutes. **Williams** stated that prior to moving forward with this application all of the state statutes were looked at very carefully to make sure an election would not be required.

**Denning** stated that there seems to be a lot of opposition to the vacation request and asked when the street configuration option #2 was proposed and Almquist said fairly recently.

**Mendelson** asked if the meeting could be continued since the Commission has a lot of questions. **Williams** explained that the Commission will need to make the determination whether to continue or not after the public hearing. He said that when he was reading through the packet he thought that some of the property was going to be privately donated but it looks like it is all public property and Almquist said yes both parcels are City owned property.

**Walker** asked if there were other city owned property less complicated than this one where utilities would not need to be relocated and move a major road.

**Administrator Nelson** explained that all of the city sites were evaluated a lot of them were much more complex than this property.

### **C. Applicant's Presentation:**

**D. Public Input- David Martin, 730 W. Third Street,** stated that staff does not have a complete traffic study as far as the number of vehicles going up and down East Crestone. **Martin** explained that he did a traffic count and there were about 200 cars in a four hour period on busy days prior to Covid19 and nobody has accurate numbers as of this point because of Covid19. He said that the sheriff's department uses East Crestone all of the time.

**Martin** said that he understands that street vacations happen but asked how often street vacations happen that closes entrances. He stated that his opinion is State

Statute 7-13, that he brought up earlier, applies because there are public utilities within the Crestone Avenue right-of-way and the City cannot give that away by ordinance. **Martin** expressed frustration because he feels that there are other city sites available for affordable housing that are easier and safer but staff has not been tasked with pursuing them. He asked the Commission to consider the fact that the land is to be given away, impact traffic, public utilities within the right-of-way, etc.

**Michelle Parameter, 730 W. Third Street**, opposes the vacation of right-of-way request. She stated that she bases her decisions on facts and data, not emotions. **Parameter** agrees that we need affordable housing and the East Crestone Avenue vacation opposition is not anti-affordable housing. She explained that there is already affordable housing on East Crestone Avenue. **Parameter** commends the Confluent affordable housing project and Habitat for Humanity. She said that this opposition is about making decisions not based on emotions or egos.

**Parameter** stated that you cannot use affordable housing as an excuse to ignore public safety, fiscal responsibility and ethics. She said that there are many reasons why tonight's meeting should not have happened. The Council approved to begin the vacation application based on a draft survey that overlapped with private property. The survey changed within the application because there is a different survey now.

**Parameter** explained that the public notice signs did not tell the truth about what was being requested and there wasn't anything in the notice about the utilities being relocated or that the street would be vacated. She said that people in Salida do not know what vacation means they think it means go up to the mountains and play on the boat. She stated that there was no notarized affidavit of the posting of the public notice which is a checkbox on the application. **Parameter** said that the City is about as transparent as the Arkansas in late May. **Parameter** feels that the City is feeding on the public's emotion and not looking at the facts.

**Parameter** stated that the Mayor wanted to find, not create, shovel ready property for affordable housing. She said that East Crestone Avenue is not shovel ready because they need to move a perfectly good sewer line.

**Parameter** said that the cost estimate is incorrect because it did not include the labor hours of city staff, attorney fees, cost of the most recent paving of East Crestone Avenue, cost of the sewer line and the cost of a traffic study. She stated that the franchise fee is for all of Salida not for the use of this pet project. She said that the City should not vacate to donate the right-of-way because affordable housing cannot trump public safety and fiscal responsibility.

**Willie Dominguez, 110 E. Crestone Avenue**, agrees with what people have been saying and has concerns with the access and egress of East Crestone Avenue. He said that he's lived in his house since 1983 and has never seen an accident on that acute angle. **Dominguez** asked if all services have been thought about like snowplowing and trash service. He said that there are times that he needs to bring trailers to his house and with the proposed vacation he will not be able to get the trailers to his house.



**Dominguez** stated that he used to think that citizens mattered and his opinion matters but it doesn't seem like it does anymore which is frustrating. He said that Ms. McDonald offered land and there are other sites where the city can get more affordable housing units instead of the few houses proposed to be shoved here. **Dominguez** said that he is opposed to the right-of-way request because it just doesn't make sense.

**Treva Dominguez, 110 E. Crestone Avenue**, loved Ms. McDonald's ideas and said that she also liked the idea of having just two units on the existing parcel. She said that if they did two units on the parcel the street wouldn't need to be vacated and the sewer wouldn't have to be relocated. **Dominguez** stated that vacating Crestone Avenue and giving away land does not benefit the majority. She said that she is all for affordable housing but at this location it does not benefit the majority.

**Dominguez** stated that she doesn't feel like she's being heard and asked if this was a done deal and wondered if she is wasting her time here.

**Theresa Thompson, 804 W. Third Street**, explained that she has only lived at her residence for three weeks but wanted to voice her opposition to the vacation request. She explained that there is a lot of traffic on Crestone Avenue, M Street and W. Third Street. **Thompson** stated that she does not agree with the argument on acute angles. She said that she came here from Florida because it was a busy State and she wanted to get out of there. She explained that she watched development go awry in terms of precedent. She stated that she would go to community meetings and developers would talk the Planning Commission into doing things that would set a precedent and every developer after that would use it against them because a precedence had already been set.

**Thompson** said that she is not against affordable housing but this is a complicated way of going about getting affordable housing especially having to vacate a road and relocate a sewer line. She can't believe that this is the least complicated site on the list of City owned properties.

#### **Online Public Comments:**

**Karen Karnuta, owns 750 W. Third Street**, supports the vacation of Crestone Avenue but is not in support of vacating M Street. **Karnuta** stated that she supports all of the neighbors who are against this project and she understands that it is not a perfect project. She said that being able to provide even 5 affordable housing units is greatly needed and would be everything to those families who can live, work and raise their families in our community.

**Dani Cook**, said that she is in favor of the vacation request and the realignment of M Street option. She said that providing affordable housing is a more appropriate use of the land since it is currently an eyesore. She said that there are several people on the Chaffee Housing Trusts wait list and the need is for five affordable housing units not just two.

**Ken Matthews, Vice-Chairman of the CHT Board**, gave an overview of what the Chaffee Housing Trust has done so far in Chaffee County and explained that all of

the units that have been provided are at 60-70% area median income. He stated that providing five or six units is not going to solve the affordable housing needs but we have to start somewhere. **Matthews** said that he is in favor of the vacation request because it is the only way this property could be developed in an affordable way because they could not build just two units and keep them affordable. **Matthews** is also in favor of the M Street realignment option.

**E. Closed Public Hearing – 8:39 PM**

**F. Commission Discussion –City Attorney, Nina Williams** explained to the Commission that they should be evaluating and considering the review standards of Land Use Code section 16-6-130 when they are discussing evidence. **Bomer** opened the Commission discussion and reminded Commissioners that they are discussing and voting on the right-of-way vacation request and not on the merits of Chaffee Housing Trust.

**Kriebel** stated that a lot of the discussion was based on the Chaffee Housing Trust's plan and there is no reason to vacate this parcel without that plan. He said that he does not know enough about CHT's plan to make an informed decision and vote on the application.

**Mendelson** agrees with Commissioner Kriebel and said that more data is needed to make an informed decision. **Mendelson** said that if this application is approved he would like to see a condition added that if the land is vacated it has to be dedicated to an affordable housing project. **Mendelson** stated that the street configuration that he thinks is best is Option 2 the realignment of M Street.

**Denning** stated that at this point she is not in favor of the vacation but appreciates the work that everybody has done. She said that she is in favor of affordable housing but this plan seems disruptive and she wants to be mindful of the people who live in this neighborhood.

**Walker** said she doesn't feel that this is the appropriate place for affordable housing. She wondered if there was another site that would be more efficient for everybody.

**Dockery** said that she is in favor of option 2 for the street realignment because nobody wants to see a street closure like what is being proposed in Option 1. **Dockery** stated that she thinks that everybody is concerned with the vacation of the street without knowing for sure what is going to happen once it is vacated.

**Bomer** agreed and said that it is difficult to approve vacating a street with the sewer needing to be relocated without knowing for sure if it is going to be feasible for the city to do that. **Bomer** asked if it is possible to approve the application with a condition that the vacated parcel be used only for an affordable housing development. **City Attorney, Nina Williams** explained that a vacation of right-of-way is a very particular and it would be difficult to condition a vacation request. She stated that vacating a right-of-way deeds the property to the adjoining property owners and in this case the city is the adjoining property owner. Williams said that the reason the city is requesting the right-of-way vacation is for affordable housing. **Williams** suggested that the Commission add

a condition that they will only accept a limited impact review application on the vacated parcel as long as it was for affordable housing. **Mendelson** questioned if a condition cannot be added on the approval how they will be guaranteed that the parcel is developed for affordable housing. **Administrator, Drew Nelson** explained that City Council directed staff to work on this vacation of right-of-way for this parcel specifically for affordable housing.

**Williams** explained that the Commission can make a recommendation to the City Council that the parcel is used for affordable housing but it cannot be a condition of approval.

**Denning** asked if the vacation is approved would Crestone Avenue no longer be used as a road. **Williams** said that if the vacation request is approved after two readings with City Council then technically it is no longer a right-of-way but would probably remain open until development plans were approved. **Bomer** clarified that a potential motion could say that the Commission recommends City Council restricts the vacated parcel for affordable housing and until such time that the development plan is approved the road can continue to be used for vehicle traffic. **Williams** said yes the Commission can make that recommendation but they need to understand that the ordinance will not have the recommendation on it.

**Dockery** said that if they delay voting on the vacation then they will also delay the project.

- G. Commission Recommendation:** A motion was made by **Kriebel** to recommend denial of the Major Impact review to vacate 7,710.7 square feet (.18 ac) of the East Crestone Avenue right-of-way, for the purpose of consolidating the two adjoining City of Salida-owned properties into one contiguous site.

**Denning** seconded the motion.

**Roll call vote:**

**Kriebel, Denning** and **Walker** voted in favor of the motion for denial.

**Bomer, Mendelson** and **Dockery** voted against the motion for denial.

**Williams** explained that since there was not a majority of quorum present for voting for the motion the motion fails. She said that they can keep deliberating and make another motion.

**Bomer** stated that even though they do not have all of the facts she understands the decision in not wanting to approve the vacation request but she also understands the need to move forward for affordable housing. She said that she'd like to hear a motion with the recommendation that the vacated property be restricted to affordable housing and the street continue to be used for vehicular traffic until development plans are reviewed and approved.

**Kriebel** stated that the City has the right to do what they are doing but they haven't done a very good job the way they've done it. **Walker** said that the neighbors and the public are very upset and asked if there has been any missteps.

**Read McCullough** explained that affordable housing is not an easy process but the key is making the numbers work. He said that they have gone as far as they could in the process to come up with numbers to tell them that this project is viable, including the changes that need to be made to the sewer line.

**McCullough** stated that the Commission's decision tonight is critical in moving the process forward but there are other decision making points in the future that could halt the project if it is felt that this is a bad project. **McCullough** said that there have been a number of letters to the editor in the Mountain Mail that are not factual and a lot of misinformation is out in the public. He clarified some of the misinformation regarding the affordable housing that was sold in the Two Rivers Development.

**McCullough** explained that he has had conversations with Bonnie McDonald regarding her properties and they are all unaffordable for Chaffee Housing Trust. **Walker** asked if Chaffee Housing Trust could build two units on the existing parcel that is being rezoned. **McCullough** said that they have not considered that option so he would not be able to give an honest answer as to what the numbers look like but scaling is an important part of providing affordable housing.

A motion was made by **Kriebel** to recommend the City Council approve the Major Impact review to vacate 7,710.7 square feet (.18 ac) of the East Crestone Avenue right-of-way with the following recommendations:

That the vacated parcel is subject to the use of affordable housing.

The road use will continue for vehicular traffic until project approval.

The Commission would like to recommend Option #2 for the road realignment.

**Mendelson** seconded the motion.

**Roll call vote:**

**Bomer, Kriebel, Mendelson and Dockery** voted in favor of the motion for approval with recommendations.

**Denning and Walker** voted against the motion for approval with recommendations.

With a vote of four (4) to two (2) the motion carries.

**VIII. UNFINISHED BUSINESS-**

**IX. NEW BUSINESS- None**

**X. COMMISSIONER'S COMMENTS-**

**XI. ADJOURN:** With no further business to come before the Commission, the meeting adjourned at 9:22 pm.

## PLANNING COMMISSION STAFF REPORT

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**MEETING DATE:** September 28, 2020

**AGENDA ITEM TITLE:** 2. Conditional Use – Downtown Street Patio at 118 North E Street

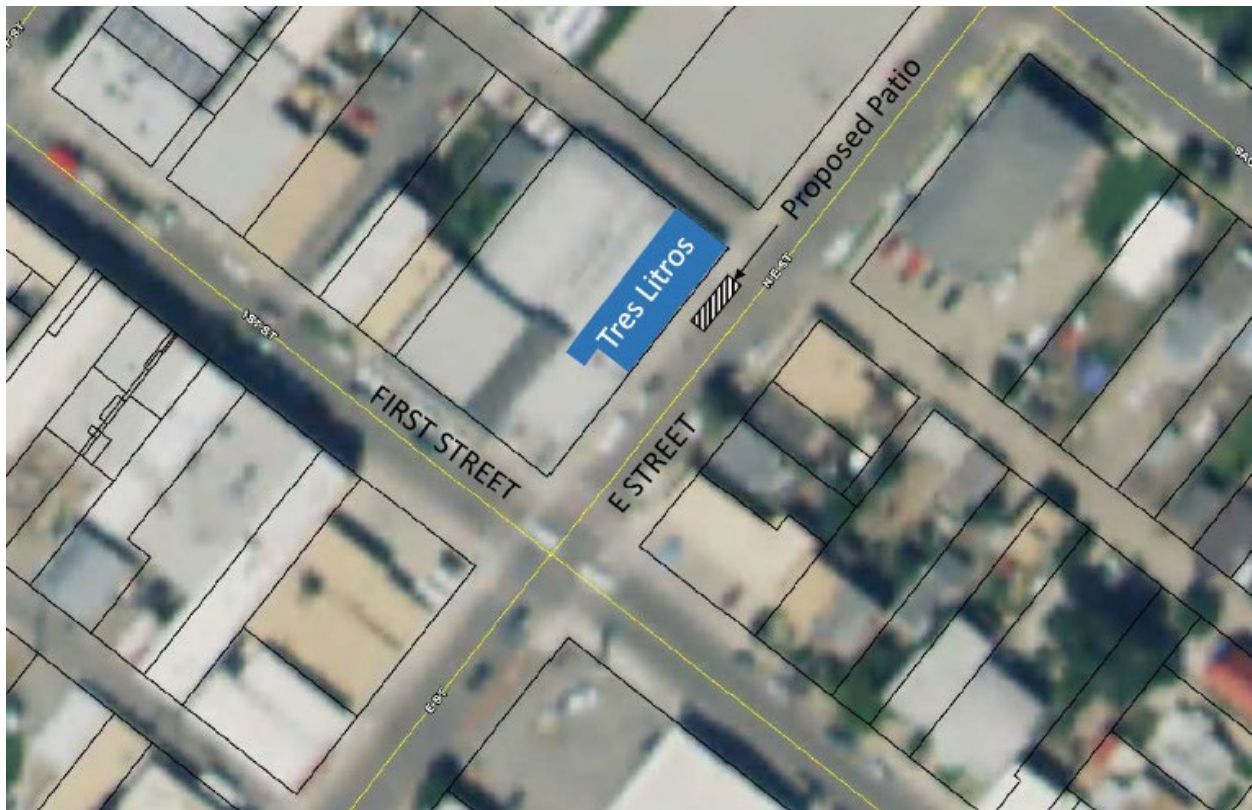
**STAFF:** Glen Van Nimwegen, Community Development Director

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**REQUEST / BACKGROUND:**

The applicant is requesting conditional use approval for a downtown street patio to be placed in E Street in front of Tres Litros Beer Company located at 118 N. E Street. The conditional use is subject to the review standards of Section 16-4-190 (x) of the Salida Municipal Code.

**Applicant:** Jonas Harlow, owner of building located at 148 E. First Street, which includes the recently opened Tres Litros Beer Company.



**Surrounding Land Use and Zoning:** Central Business District (C-2) and Commercial (C-1) districts. Land uses within the proximity include retail and residential.





b. Site development standards. The parking, landscaping, sign and improvements standards.

A: Downtown Street Patios are allowed through approval of a conditional use as a way to enliven the outdoor environment and promote economic vitality while protecting residents, businesses and visitors. The Code includes detailed standards for the use. Those standards are discussed in Section B of this report.

- (3) **Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

A: Section 16-4-190 (r) includes detailed standards for the use. Those standards are discussed below. The use has been allowed on a temporary basis due to recently adopted COVID-19 emergency protocols. These were enacted by Council to increase social distancing by allowing commercial businesses and restaurants to temporarily expand into the adjacent public right-of-way. There have been no complaints from surrounding businesses or residents about Tres Litros' temporary outdoor space.

- (4) **Traffic.** The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

A: The standards included in Section 16-4-190 (r) address parking, traffic and sight distances. The proposed location is not within an existing on-street parking space as it is the driveway for the previous auto maintenance business.

- (5) **Nuisance.** The operating characteristics of the use shall not create a nuisance, and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare and similar conditions.

A: The purpose of the specific review standards for downtown street patios is to ensure they do not become a nuisance or impact surrounding properties. As mentioned in (3), there have been no complaints since temporary patio allowed. The brewery is open until 10 pm on weekdays and 11 pm on weekends.

- (6) **Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

A: The proposed use will not negatively impact existing facilities.

- (7) **Environment.** The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

A: The use will not negatively impact the environment.



**Prior to Tres Litros; circa 2012**

**B. 16-4-190 (r) REVIEW STANDARDS FOR DOWNTOWN STREET PATIOS:**

Section 16-4-190 (r) sets standards, but allows modifications by the approving body, the Planning Commission. Below is an evaluation of how the proposal meets, does not meet or exceeds the standards:

- a. Downtown Street Patios will be allowed year-round for businesses that are open year-round. If the business is not open year-round the patio shall be removed from the right-of-way from October 1 to May 1 of each year. It shall be the responsibility of the business owner to remove snow from the street on all sides of the patio that cannot be reached by city snow plows, within 24 hours of a storm event.

A: The applicant is keeping the business open year-round. Staff is recommending that snow removal be a condition of the approval.

- b. Patios shall not exceed a size of eight (8) feet by twenty (20) feet within the roadway. The structures may extend over the sidewalk up to one (1) foot. Any proposed roof or covers shall be shown as a part of the application. Patios cannot obstruct access to city infrastructure such as water meters, curb shut-offs, manholes and tree grates.

A: The proposed patio is 9 feet by 27 feet. One foot of the width will be up on the curb, so the width will meet the standard. No water meters or curb shut-offs will be covered by the patio.

The length of the patio exceeds the standard by seven feet. Staff recommends the Planning Commission approve the additional length because it will not reduce parking and is in a scale appropriate to the business frontage on E Street. Currently there is no parking in the street adjacent to the main garage door opening to the business. There are four spaces between First Street to the northeast and the Tres Litros' front door. The proposed patio will not eliminate any spaces on E Street. The business has 87 feet of frontage on E Street. Staff believes the additional length is justified as it does not impact parking and is only one-third of the business' frontage.

- c. Ramps for accessibility shall be integral to the design and not present an obstacle within the sidewalk.

A: Staff has found that the use of temporary ramps that can be moved have been the most effective on F Street. In addition, we are stipulating the patio not be installed until the curb cut



for the previous driveway is replaced by vertical curb and the existing sidewalk be flattened to better accessibility in this area. The city will perform the work.

- d. Patios shall not be located at intersections of streets or alleys in such a way as to block appropriate sight triangles.

A: The proposed location will be setback a minimum of 10 feet from the edge of the building at the alley. The Public Works Director has determined there is appropriate visibility around the patio.



**Tres Litros Today**

- e. Once there is one (1) Downtown Street Patio established within a block to include both street frontages, an additional patio may only be allowed through the conditional use process if the additional review standard to Section 16-4-110 (d) is met:

- 8. Additional Downtown Street Patio per Block. The additional patio will allow vehicle movements in the street; pedestrian passage and not overly restrict parking within the block. It shall be the applicant’s responsibility to provide justification that the additional patio meets this standard.

A: This is the only patio within the block.

- f. The location of the patio must be in proximity to the front door of the business being served within an existing parking space.

A: The patio is directly outside of front door and roll-up garage door in conformance with this standard. There are no parking spaces in this location.

- g. Signage is not allowed on the patios except for customer menus and signage approved by the city for public purposes.

A: There is no signage proposed on the patio.

- h. Use of the patios shall be for retail food and beverage establishments and retail establishments that serve specialty foods and beverages (e.g. ice cream shops, coffee houses, and bars/distilleries/brew pubs) located within buildings in the downtown. Alternative uses may be considered through the conditional use process if an additional review standard to Section 16-4-110(d) is met:

9. Alternative Uses for Downtown Street Patios. The alternative use meets the intent of the Downtown Street Patio program by enlivening the outdoor environment and promotes economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors and by meeting the Siting and Use Standards above. The alternative use should have a high customer turnover; be an attraction; provide interest to pedestrian level views; and allowing the use al fresco adds to the intrinsic value of the use.

It shall be the applicant’s responsibility to provide justification that the alternative use meets this standard.

A: The patio is to serve the Tres Litros Beer Company, which is an allowed use for downtown street patios.

- i. The applicant shall reduce the impact on parking in the downtown by providing a minimum of one (1) off-street parking space for customers or employees. The parking space shall either be owned or leased within the C-2 district. Verification shall be provided with the application. This requirement may be met by providing a fee-in-lieu of the parking space in an amount equal to and in addition to the lease amount as provided in the revocable license agreement. Proceeds will be dedicated to parking purposes for the downtown.

A: The proposed patio does not eliminate any existing on-street parking within the E Street right-of-way.

- j. Installation of the Downtown Street Patio shall be approved by the Community Development Department.

- k. A Downtown Street Patio may not be combined with encroachment permits for use of sidewalks in accordance with Section 11-4-20 of the Salida Municipal Code.

A: There are no other encroachments that have permitted.

- l. The initial approval of a Downtown Street Patio shall be for one (1) year. After review by the approving body after the initial period, the conditional use permit may be renewed for longer periods.

A: Staff recommends the conditional use be approved for one year, then the applicants must return and repeat the process for an extension which could be for a longer interval.

**RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:**

- Salida Fire Department: Doug Bess, Fire Chief, responded “No concerns.”
- Salida Police Department: Lieutenant Russ Johnson responded “Looks good to me.” Staff also inquired if there have been any complaints regarding the existing temporary outside space. There have been none.

- Salida Public Works Department: Public Works Director David Lady has been working with the applicant regarding the best location for the patio and the changes to the concrete walkway in front of the overhead garage door. His review comments have been incorporated into the staff recommendation.

**STAFF RECOMMENDATION:**

Staff recommends the conditional use for the downtown street patio to be located in front of Tres Litros Beer Company at 118 N. E Street be approved subject to the conditions listed below.

**RECOMMENDED MOTIONS:**

“I make a motion to approve the conditional use for the downtown street patio to be located in front of Tres Litros Beer Company at 118 N. E Street, as submitted, subject to the following conditions:

1. It shall be the responsibility of the business owner to remove snow from the street on all sides of the patio that cannot be reached by city snow plows, within 24 hours of a storm event.
2. The patio may be 9 feet by 27 feet, with one foot of the width on top of the curb and sidewalk. The location of the patio must not restrict access to the existing tree grate. The location shall be a minimum of ten feet southwest of the alley and allow four on-street parking spaces on the northwest side of E Street as approved by staff.
3. The patio may not be installed until the City completes the installation of new vertical curb and sidewalk in front of the garage door.
4. Use of the patio shall not exceed 10 pm on weekdays and 11 pm on weekends.
5. The conditional use is approved for one year from the date of approval. After re-review by the Planning Commission, the conditional use permit may be renewed for longer intervals.
6. Approval of a revocable license agreement is required prior to installation of the patio.

Attachments:

- Application
- Section 16-4-190 (r)
- Proof of publication



**CONDITIONAL USE APPLICATION & ADMINISTRATIVE CONDITIONAL USE**

448 East First Street, Suite 112  
Salida, CO 81201  
Phone: 719-530-2626 Fax: 719-539-5271  
Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

**A. TYPE OF CONDITIONAL USE REQUESTED** (Refer to Schedule of Uses in Article IV of the Land Use Code)

Residential Zone Districts (Table 16-D): \_\_\_\_\_

Or

Commercial/Industrial Zone Districts (Table 16-D): Central business (C-2)

**B. DEVELOPMENT PROCESS** (City Code Section 16-4-110)

1. Pre-Application Conference. Optional.
2. Submit Application.
3. Staff Review. Schedule Hearing, if required. Forward Report to Applicant and Planning Commission, if required.
4. Public Notice Provided For Hearing.
5. Public Hearing Conducted by Planning Commission and Action Taken.

**C. APPLICATION CONTENTS** (City Code Section 16-3-60 for Admin. Conditional Use or 16-3-80 for Conditional Uses)

1. **General Development Application**
  2. **Conditional Use Application**
  3. **Site Plan.** A site plan of the subject property, showing existing and proposed features, buildings, roads, alleys, utilities, etc. which are relevant to the review of the application. The application will also indicate conformance with any applicable development standards for the proposed conditional use. **The copies shall only be accepted on 8½" x 11", 11" x 17" or 24" x 36" paper.**
  4. **Surrounding Land Use.** Current land use of properties on all sides of the property and across the street(s) and alley.
  5. **Public Notice- Conditional Use Applications requiring public noticing.**
    - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
    - b) Applicant is responsible for posting the property and mailing public notice to adjoining property owners. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
    - c) The applicant must submit notarized affidavits for proof of posting and mailing of the public notice.
  6. **Other Information.** Staff may request additional information as deemed necessary to evaluate the impacts of the conditional use application
  7. **Vicinity Map.** 8 ½" x 11" map showing parcel's location in the City.
  8. **Application Fee** \$800.00, cash or check made out to City of Salida. (\$400 application fee + \$400 retainer for attorney's fees) or \$250.00 for **Administrative Conditional Use application.**
  9. **Special Fee and Cost Reimbursement Agreement completed.**
- After staff review, ten (10) copies are required of all application materials for conditional use applications - unless requirement waived by staff.**

**D. REVIEW STANDARDS** (If necessary, attach additional sheets)

An application for conditional use approval shall comply with the following standards.

**1. Consistency with Comprehensive Plan.** The use shall be consistent with the City's Comprehensive Plan.

This project is consistent with the comprehensive plan in that it will contribute to the vibrancy of downtown.

**2. Conformance to Code.** The use shall conform to all other applicable provisions of this Land Use Code, including, but not limited to:

a. Zoning District Standards. The purpose of the zone district in which it is located, the dimensional standards of that zone district, and any standards applicable to the particular use, all as specified in Article 5, Use and Dimensional Standards.

Section 16-4-190(r) of the Salida municipal code states the requirements for downtown street patios.

b. Site Development Standards. The parking, landscaping, sign and improvements standards.

The above code requires standards or as approved by the planning commission.

**3. Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

The use of this portion of the building has changed from a diesel mechanic shop to a brewery / taproom. The result is a more vibrant neighborhood with pedestrian traffic etc. No parking spaces are sacrificed as we are using the existing location of a vehicle ramp.

4. **Traffic.** The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

The Patio will not impede traffic or parking, in fact it will improve accessibility of the existing sidewalk.

5. **Nuisance.** The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

The brewery closes at 10:00 on weekdays and 11:00 on weekends. We are not a "late night" establishment and have not received any noise complaints with our existing outside seating.

6. **Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

The site is served by city utilities

7. **Environment.** The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

The patio should have no impact on the environment.

**E. APPLICATION FOR MULTIPLE PRINCIPAL BUILDINGS** City Code Section 16-4-190 (b)

A conditional use application for multiple principal buildings shall meet the following requirements. The application shall explain or show graphically how these requirements are met.

- 1. **Scale.** The entire site, including all proposed, structures, shall be of a scale that is compatible with the surrounding and nearby properties. Scale shall mean the proportional relationship of the principal buildings to each other and to the neighborhood including but not limited to height, mass, setbacks and orientation.
- 2. **Parking and Access.** Required parking shall be provided on the site for all buildings and uses on the site. Access should be consolidated to reduce curb cuts and shall be provided through alleys where available.
- 3. **Provision of Adequate Services.** Each principal structure shall have its own municipal services including water and sewer in accordance with Chapter 13, Municipal Utilities.

**F. APPLICATION CONTENTS FOR MOBILE HOME PARK OR RECREATIONAL VEHICLE PARK** – City Code Section 16-4-190 (d)

A conditional use application for a mobile home park or recreational vehicle park shall contain the following materials:

- 1. **Minimum Contents.** The minimum contents required in a conditional use application, and;
- 2. **Site Plan.** A site plan at a scale of one inch equals one hundred feet (1" = 100'), or such other scale as is approved by the Administrator or his or her designee, showing:
  - a. **Site Dimensions.** Site dimensions and boundaries.
  - b. **Utilities.** The location, size, and use of all utilities, utility easements, and other site improvements, such as lighting and trash disposal, proposed to be constructed within the park.
  - c. **Roads.** The location, width, and proposed standards for roads, sidewalks, and other paths.
  - d. **Spaces.** The location, size, classification, and designated use of all mobile home or recreational vehicle spaces.
  - e. **Common Areas.** The location and size of parking lots and spaces, recreation and open space areas and proposed landscaping improvements to the same.
  - f. **Buildings and Accessory Structures.** The location, size, and height of buildings and accessory structures and a description of the proposed use of those buildings and structures, including the location and floor plan of proposed service buildings.
- 3. **Grading and Drainage Plans.** Grading and drainage plans showing and describing the existing



and proposed means of handling on-site drainage.

- **4. Utilities.** A written description of the general manner in which water supply, sewage disposal, electric supply, natural gas, storm water drainage, telephone, street lighting, cable television (if appropriate), and trash collection services will be provided to the park.

**G. APPLICATION FOR A DAY CARE, SMALL, LARGE AND ADULT** City Code Section 16-4-190 (f)

A conditional use application for day cares shall meet the following requirements. The application shall explain or show graphically how these requirements are met.

1. **Parking.** A day care facility, small, large, or adult, shall provide one (1) off-street parking space per nonresident employee. This space shall be provided in addition to any parking required for other uses of the property.
2. **Drop-off/Pickup Area.** One (1) designated off-street drop-off/pick-up space shall be provided per each four (4) children at a large day care facility and for every four (4) clients at an adult day care. The space shall be available during operating hours for loading and unloading of children or clients.
3. **Outside Area – Fence.** The required play or recreation area shall not be located in the property's front yard.
4. **State Codes.** The day care facility shall comply with all applicable state codes.
5. **Hours of Operation.** The hours of operation for the day care may be restricted in residential neighborhoods to limit adverse impacts of noise and traffic on neighboring properties.

**H. APPLICATION FOR A HOME BUSINESS** City Code Section 16-4-190 (g)

A conditional use application for a home business shall meet the following requirements. The application shall explain or show graphically how these requirements are met.

1. **Use Subordinate.** The use of a dwelling for home business shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character. The use shall not exceed thirty percent (30%) of the total structure's square footage.
2. **Activity Conducted Indoors.** All on-site activities associated with a home business shall be conducted indoors. Materials and equipment used in the home business shall be stored in a building.
3. **Employment.** A home business shall be conducted by persons residing on the premises and no more than three (3) employees residing off-premises.
4. **Patrons.** A home business may serve patrons on the premises, provided that all other standards are met.
5. **Parking.** One (1) off-street parking space shall be required for each employee residing off-premises. These spaces shall be provided in addition to the parking required for the principal residential use of the property.



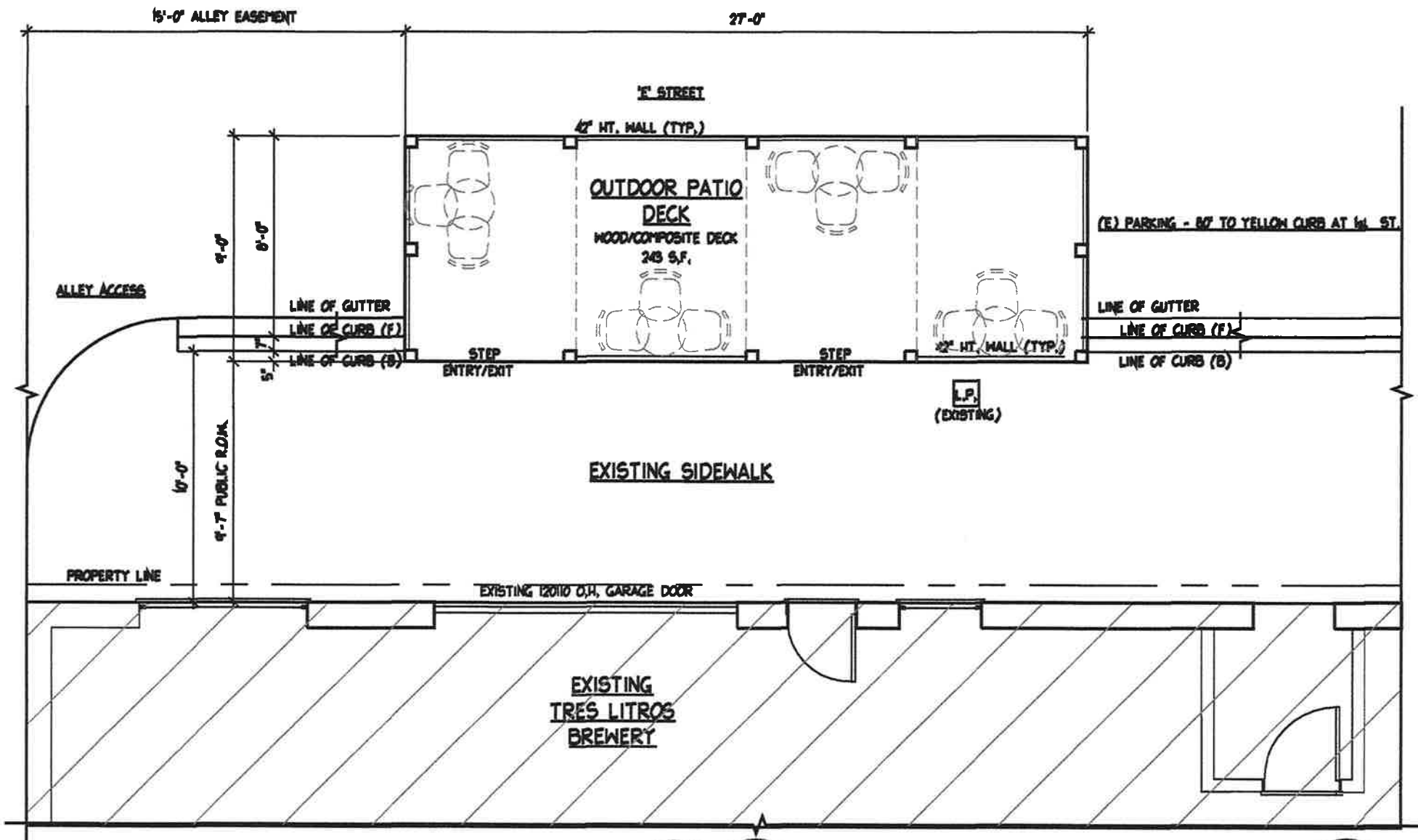
- 6. **Sales.** Incidental sale of supplies or products associated with the home business shall be permitted on the premises. A home business whose primary activity is retail sales shall be prohibited, except if the function of the home business is catalogue sales. An appropriate sales tax license shall be obtained and maintained during the course of business.
- 7. **Nuisance.** A home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.
- 8. **Codes.** The building shall comply with all applicable City building, fire and safety codes for the particular business.
- 9. **Advertising.** No outdoor advertising of the home business shall be permitted, except as provided in the sign code.

**I. APPLICATION FOR A GROUP HOME** City Code Section 16-4-190 (h)

A conditional use application for a group home shall meet the following requirements. The application shall explain or show graphically how these requirements are met.

- 1. **Neighborhood Density.** A group home shall not be located closer than seven hundred fifty (750) feet to another group home.
- 2. **Health and Safety Codes.** The group home shall comply with all applicable local, state or federal health, safety, fire and building codes.

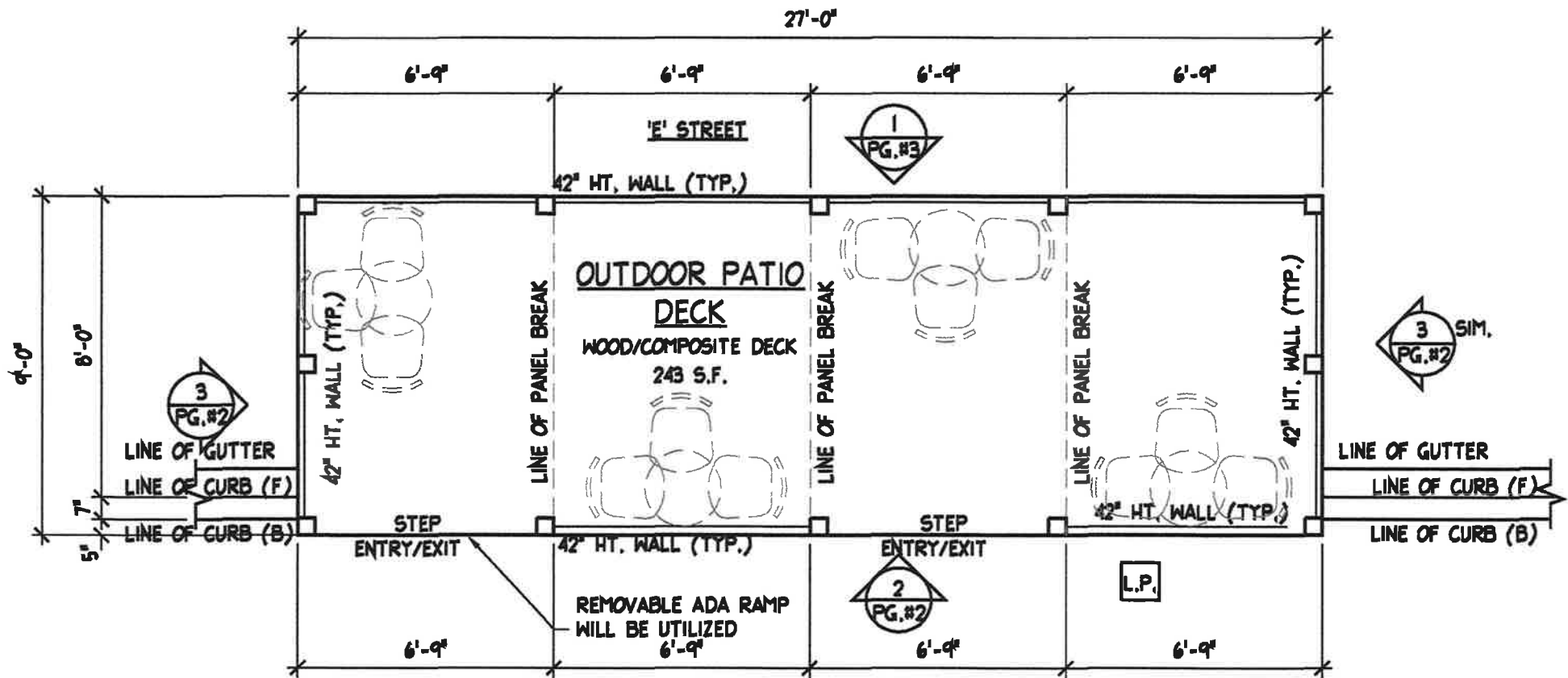






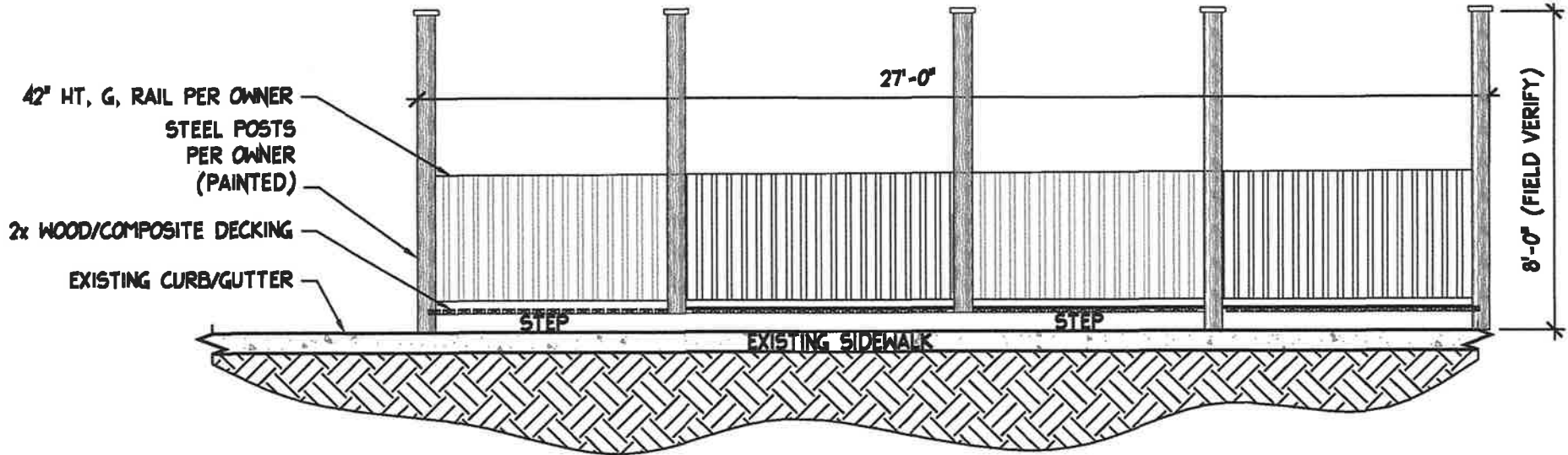
**0** **SITE PLAN**  
**PG. #0** **SCALE: N,T,S,**

**PG. #0**

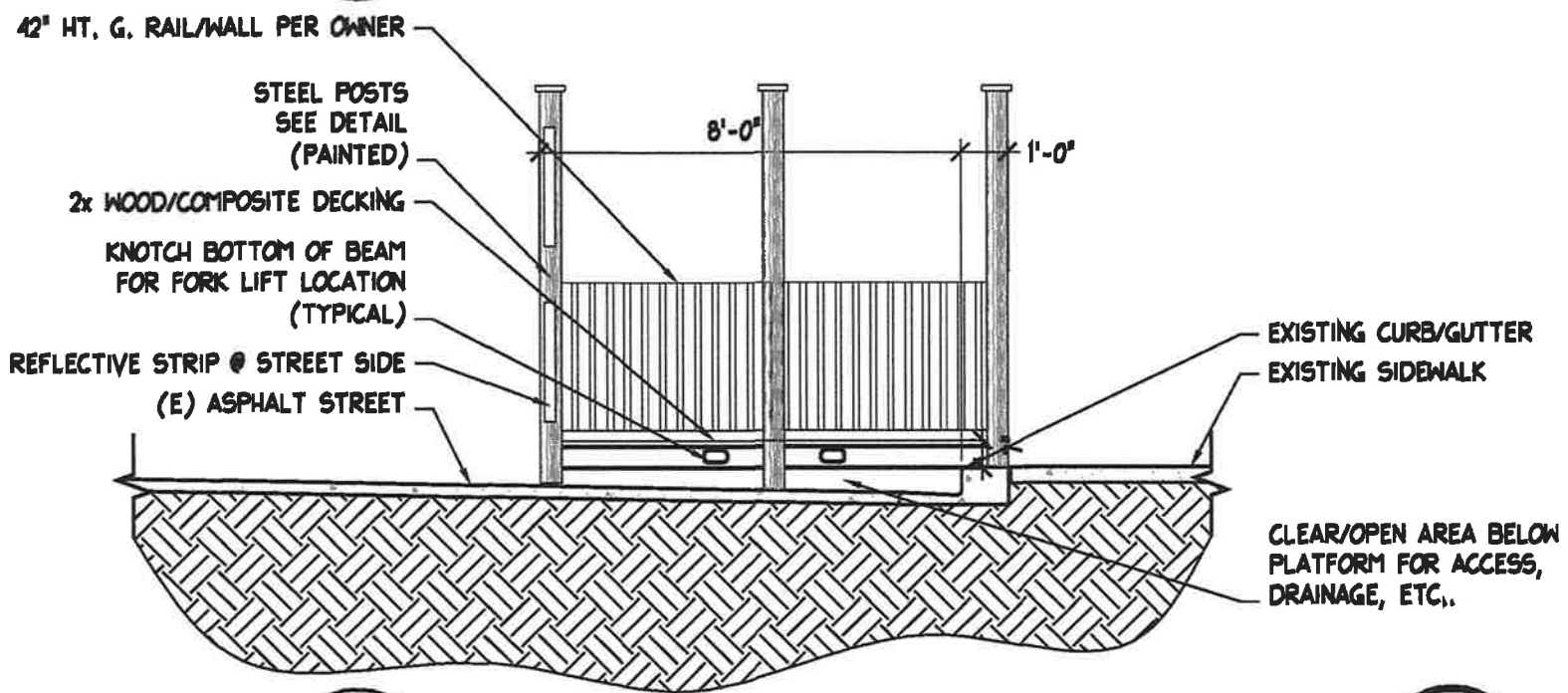


1 OUTDOOR PATIO PLATFORM PLAN  
PG. #1 SCALE: 1/4" = 1'-0"

PG. #1

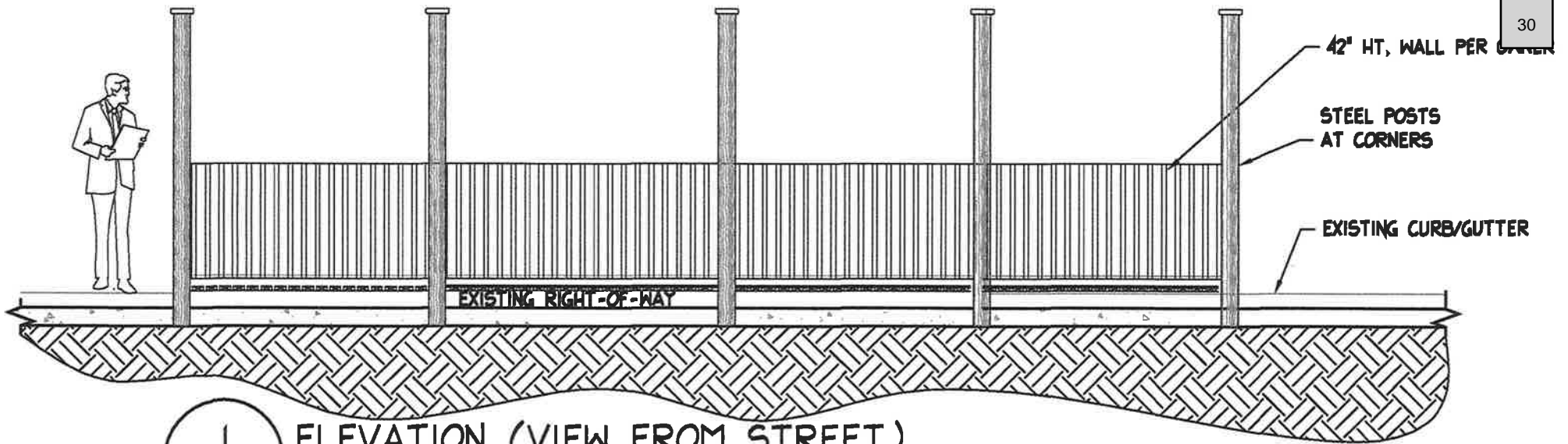


**2** ELEVATION (VIEW FROM SIDEWALK)  
 PG. #2 SCALE: 1/4" = 1'-0"

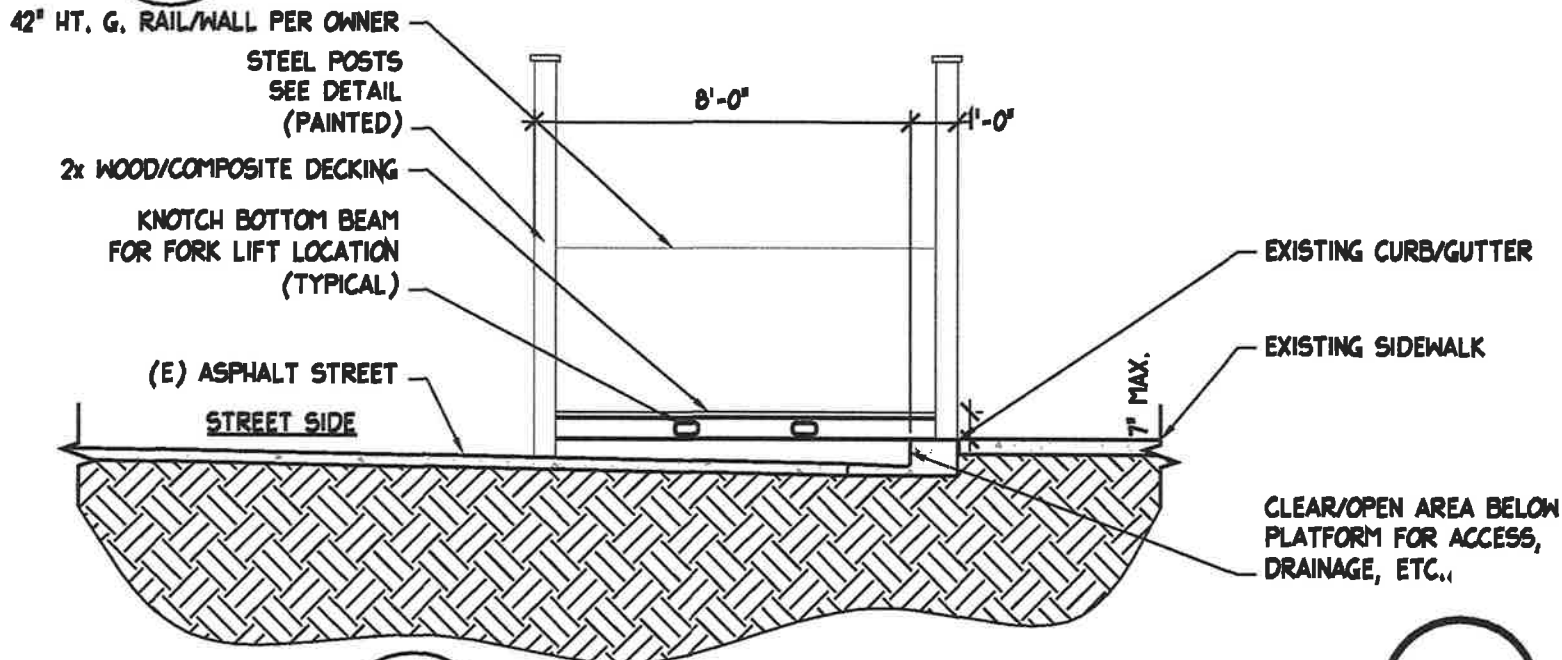


**3** ELEVATION (SIDE VIEW)  
 PG. #2 SCALE: 1/4" = 1'-0"

PG. #2



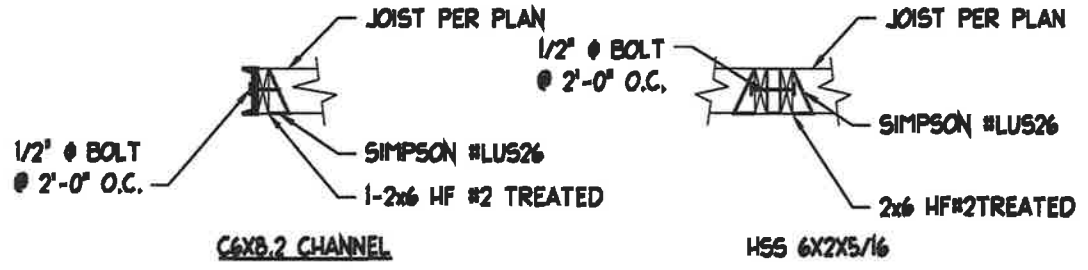
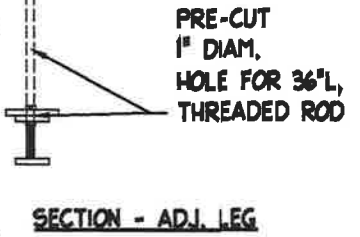
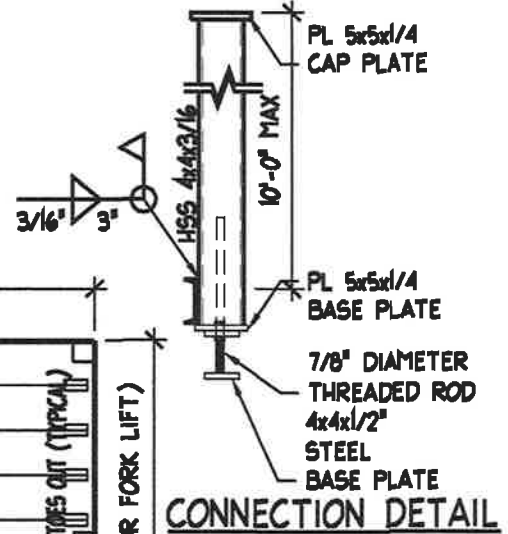
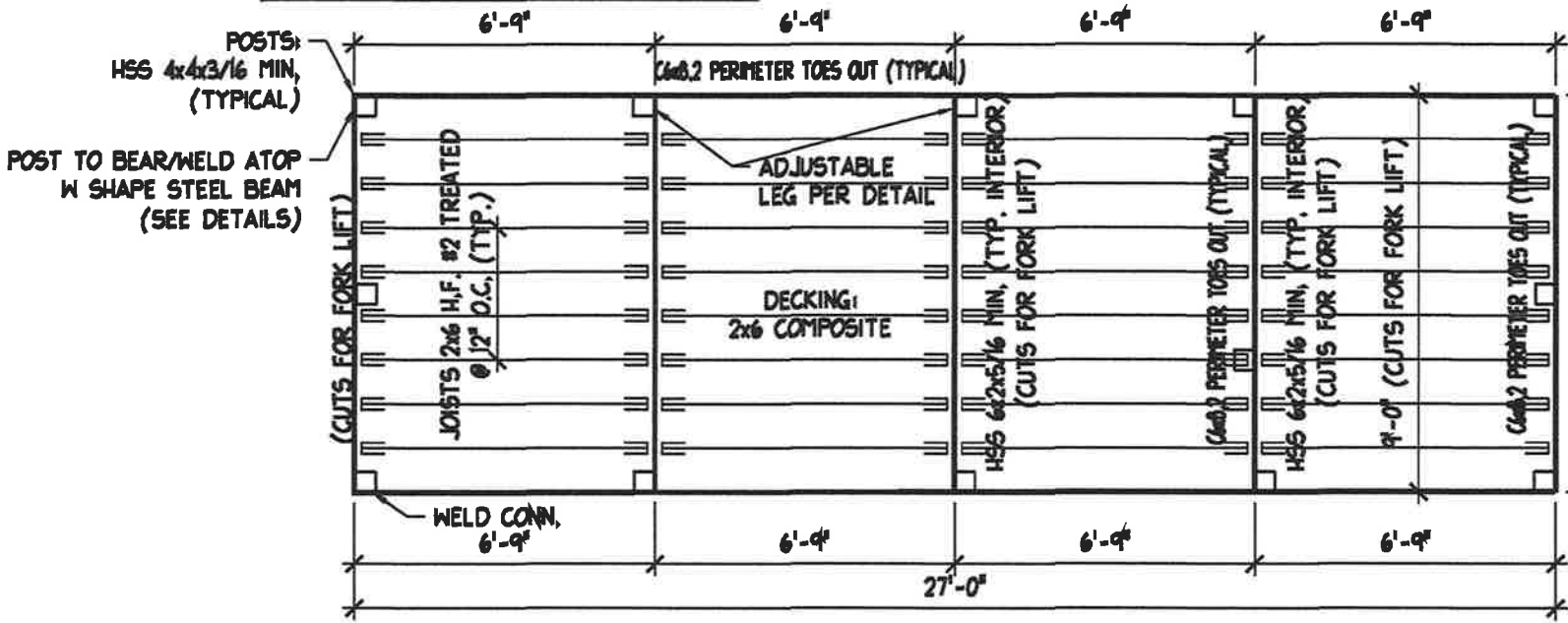
**1** ELEVATION (VIEW FROM STREET)  
 PG. #3 SCALE: 1/4" = 1'-0"



**2** SECTION  
 PG. #3 SCALE: 1/4" = 1'-0"

PG. #3

**NOTE:**  
 100 P.S.F, L.L. (FOR MOVABLE SEATS)  
 DECKING: 2x TREX OR EQUIV, (LAID FLAT)  
 JOISTS: 2x6 D.F.L, #2 @ 12" O.C.  
 POSTS: HSS 4x4x3/16 MINIMUM  
 SECURE DECKING TO C6x8.2  
 W/ ITW BUILDDEX #1042057  
 FASTENAL #132086 (TEK 4 SCREW)



PG. #4

SCALE: N.T.S

Sec. 16-4-190. - Review standards applicable to particular uses.

- (a) Uses in Zone Districts. Certain uses are important to the character and functions of the City, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed. Those uses which require such additional standards are identified in the "Standards" column of Table 16-D, Schedule of Uses. The standards for each of these uses follow below.
- (r) Downtown Street Patios. The downtown street patio program allows the use of public street right-of-way in the downtown for outdoor dining and retail activities. Downtown is defined as that area zoned Central Business (C-2) and generally within the boundaries of Fourth Street, the Monarch Spur Trail, D Street and the Arkansas River. The purpose of this policy is to enliven the outdoor environment and promote economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors. These requirements are for applications for patios submitted after March 20, 2018.
  - (1) Siting and Use Standards. A downtown street patio will be allowed with approval of a conditional use permit, issuance of a revocable license and all applicable fees are paid. The use permit shall be subject to the conditions below or as modified by the approving body:
    - a. Downtown street patios will be allowed year-round for businesses that are open year-round. If the business is not open year-round the patio shall be removed from the right-of-way from October 1 to May 1 of each year. It shall be the responsibility of the business owner to remove snow from the street on all sides of the patio that cannot be reached by City snow plows, within twenty-four (24) hours of a storm event.
    - b. Patios shall not exceed a size of eight (8) feet by twenty (20) feet within the roadway. The structures may extend over the sidewalk up to one (1) foot. Any proposed roof or covers shall be shown as a part of the application. Patios cannot obstruct access to City infrastructure such as water meters, curb shut-offs, manholes and tree grates.
    - c. Ramps for accessibility shall be integral to the design and not present an obstacle within the sidewalk.
    - d. Patios shall not be located at intersections of streets or alleys in such a way as to block appropriate sight triangles.
    - e. Once there is one (1) downtown street patio established within a block to include both street frontages, an additional patio may only be allowed through the conditional use process if the additional review standard to Section 16-4-110(d) is met:
      - 8. Additional Downtown Street Patio per Block. The additional patio will allow vehicle movements in the street; pedestrian passage and not overly restrict parking within the block.

It shall be the applicant's responsibility to provide justification that the additional patio meets this standard.
  - f. The location of the patio must be in proximity to the front door of the business being served within an existing parking space.
  - g. Signage is not allowed on the patios except for customer menus and signage approved by the City for public purposes.
  - h. Use of the patios shall be for retail food and beverage establishments and retail establishments that serve specialty foods and beverages (e.g. ice cream shops, coffee houses, and bars/distilleries/brew pubs) located within buildings in the downtown. Alternative uses may be considered through the conditional use process if an additional review standard to Section 16-4-110(d) is met:



9. Alternative Uses for Downtown Street Patios. The alternative use meets the intent of the downtown street patio program by enlivening the outdoor environment and promotes economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors and by meeting the siting and use standards above. The alternative use should have a high customer turnover; be an attraction; provide interest to pedestrian level views; and allowing the use al fresco adds to the intrinsic value of the use.

It shall be the applicant's responsibility to provide justification that the alternative use meets this standard.

- i. The applicant shall reduce the impact on parking in the downtown by providing a minimum of one (1) off-street parking space for customers or employees. The parking space shall either be owned or leased within the C-2 district. Verification shall be provided with the application. This requirement may be met by providing a fee-in-lieu of the parking space in an amount equal to and in addition to the lease amount as provided in the revocable license agreement. Proceeds will dedicated to parking purposes for the downtown.
- j. Installation of the downtown street patio shall be approved by the Community Development Department.
- k. A downtown street patio may not be combined with encroachment permits for use of sidewalks in accordance with Section 11-4-20.
- l. The initial approval of a downtown street patio shall be for one (1) year. After review by the approving body after the initial period, the conditional use permit may be renewed for longer periods.

(2) Revocable License Required. Business owners who receive conditional use approval for downtown street patios will have to enter into a revocable license agreement with the City, as approved by the City Council, prior to installation of the patio.

(Ord. No. [2014-05](#), 5-6-2014; Ord. No. [2017-07](#), § 2, 4-18-2017; Ord. No. [2018-07](#), § 2(Exh. A), 3-20-2018; Ord. No. [2019-13](#), § 6, 9-6-2019; ; Ord. No. [2019-17](#), § 2(Exh. A), 12-3-2019; Ord. No. [2019-18](#), § 5, 12-20-2019)

# Legal Notice

CPAXLP

**PUBLIC NOTICE  
NOTICE OF A PUBLIC HEARING BEFORE  
THE PLANNING COMMISSION FOR  
THE CITY OF SALIDA CONCERNING A  
CONDITIONAL USE APPLICATION FOR A  
DOWNTOWN STREET PATIO**

**TO ALL MEMBERS OF THE PUBLIC AND  
INTERESTED PERSONS: PLEASE TAKE  
NOTICE** that on Monday, September 28,  
2020 at or about the hour of 6:00 p.m., a  
public hearing will be conducted by the  
City of Salida Planning Commission at  
City Council Chambers, 448 E. 1st Street,  
Salida, Colorado and online at the following  
link: [https://attendee.gotowebinar.com/  
rt/1909092342220683277](https://attendee.gotowebinar.com/rt/1909092342220683277)

The hearing is regarding a conditional use  
application submitted by Jonas Harlow for  
a Downtown Street Patio for the Tres Litros  
Beer Company located at 118 N. E Street.  
The applicant wishes to receive approval  
of the conditional use for the outside patio  
consistent with Section 16-4-190 (r) of the  
Salida Municipal. Tres Litros is a tenant  
within the southeast corner of the building  
owned by the applicant at 148 E. 1st Street.  
The site is zoned C-2, Central Business  
District.

Interested individuals may make comments  
during the public hearing in person (abiding  
by social distancing standards) or via  
GoToWebinar at the above link. Comments  
may also be submitted via email ahead of  
time to [glen.vannimwegen@cityofsalida.com](mailto:glen.vannimwegen@cityofsalida.com)  
by 12:00pm on September 28. Further  
information on the application may be  
obtained from the Community Development  
Department by calling (719) 530-2631. To  
review the City's social distancing policy  
and other regulations, please visit: [https://  
cityofsalida.com/covid-19info/](https://cityofsalida.com/covid-19info/)

Published in The Mountain Mail September  
11, 2020