



PLANNING COMMISSION REGULAR MEETING

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

February 24, 2025 - 6:00 PM

AGENDA

Email public comments to: planning@cityofsalida.com

Members of the public please register for the meeting at:
https://zoom.us/webinar/register/WN_xjx49yp6TRKd4wWX5LzyUw

After registering, you will receive a confirmation email containing information about joining the webinar.

To watch live meetings: <http://www.youtube.com/@cityofsalidacolorado>

CALL TO ORDER BY CHAIRMAN – 6:00 PM

ROLL CALL

APPROVAL OF THE MINUTES

1. Approval of the Minutes of January 27, 2025.

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

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

2. The request is for a Minor Subdivision replat for the property known as Lot 1, Welch Replat and Subdivision, City of Salida, Chaffee County, Colorado into two separate lots.

The draft plat has not yet been submitted as requested by the Commission. Therefore, staff recommends that the public hearing be continued to the next regular meeting of March 24, 2025.

UPDATES

UNFINISHED BUSINESS

NEW BUSINESS

COMMISSIONERS' COMMENTS

ADJOURN

****An alternate can only vote on, or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of interest, the Chairman shall designate the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.**



PLANNING COMMISSION REGULAR MEETING

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

January 27, 2025 - 6:00 PM

MINUTES

Email public comments to: planning@cityofsalida.com

Please register for the Planning Commission meeting:
<https://attendee.gotowebinar.com/rt/1909092342220683277>

CALL TO ORDER BY CHAIRMAN – 6:00 PM

Meeting called to order at 6:05 PM.

ROLL CALL

A quorum of 6 Commissioners was present, plus two alternates.

1. Motion to approve the Minutes of December 10, 2024.

MOTION APPROVED 6-0.

UNSCHEDULED CITIZENS

None.

AMENDMENT(S) TO AGENDA

None.

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

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

2. The request is for a Minor Subdivision replat for the property known as Lot 1, Welch Replat and Subdivision, City of Salida, Chaffee County, Colorado into two separate lots.

Motion to continue the public hearing to the next regular meeting of February 24, 2025, with the requirement that a draft plat be available for review.

MOTION APPROVED 6-0.

UPDATES

Director and staff provided updates.

UNFINISHED BUSINESS

None.

NEW BUSINESS

COMMISSIONERS' COMMENTS

ADJOURN

The meeting was adjourned at 7:15 PM.

****An alternate can only vote on, or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of interest, the Chairman shall designate the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 27, 2025

AGENDA ITEM TITLE: 223 W Third Street Minor Subdivision

AGENDA SECTION: Public Hearing

REQUEST:

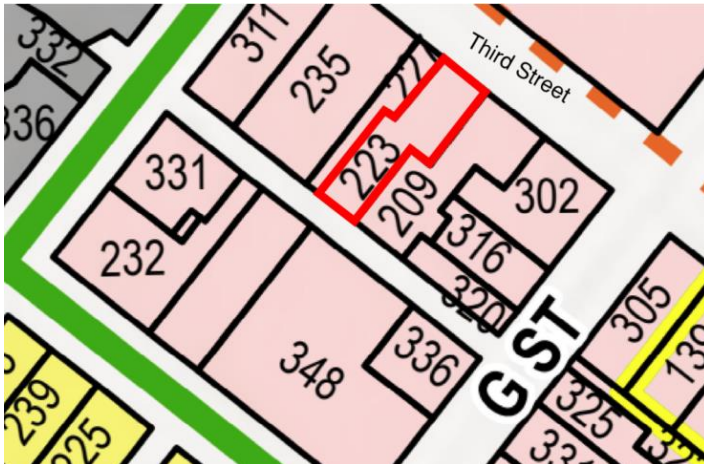
The request is for a Minor subdivision replat for the property known as Lot 1, Welch Replat and Subdivision, City of Salida, Chaffee County, Colorado into two separate lots.

APPLICANT:

The applicant is Conundrum Investment Trust, 223 W 3rd Street, Unit B, Salida, CO 81201.

LOCATION:

The subject property is described as Lot 1, Welch Replat and Subdivision, parcel number: 368132448318, located at 223 W. Third Street, Salida, CO 81201.



PROCESS:

A public hearing is conducted by the Planning Commission for the minor subdivision process, after publication of a public notice in a newspaper of general circulation, mailing letters to property owners within 175 feet and posting a sign on the property at least 15 days prior to the hearing. The Commission has the option to approve, approve with conditions, deny the application, or remand it back to the applicant with instructions for modification or additional information or action.

Approval of the minor subdivision shall constitute authorization to proceed with recording the plat and commencing with the Subdivision.

OBSERVATIONS:

1. This request is to subdivide Lot 1, Welch Replat and Subdivision Plat into two distinct lots with two distinct addresses.
2. This will be reversing a portion of a previous replat that combined two lots into one. (The applicant feels this was done based on a material misrepresentation of the property in a memorandum provided by the applicant; however, staff holds that since the previous replat was approved and recorded, and so much time has elapsed, that a new minor subdivision is warranted).

No subdivision plat meeting the requirements of Sec. 16-6-110 was included in the application, only an improvement survey plat which does not specify the exact dimensions of the newly proposed lots.

REVIEW STANDARDS

Conformance with Subdivision Review Standards (Section 16-6-120):

- 1) Conformance with the Comprehensive Plan. *The proposed subdivision carries out the purpose and spirit of the Comprehensive Plan and is compatible with surrounding land uses.*
- 2) Zone District Standards. *No draft subdivision plat was provided with the application to formally compare to zone district standards; however, the proposed subdivision is within the Central Business District (C-2) for which the underlying zone district standards are extremely permissive. .*
- 3) Improvements.
 - (i) Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.
Existing streets - n/a.

- (ii) Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.
 - a) *Appropriate public utilities are available to serve the proposed properties.*
 - b) *To staff's knowledge, the two existing units have separate water lines and separate sewer services.*
 - c) *Per agency review of Xcel Energy, and as a condition of approval, the lot split necessitates dedication of an easement or relocation of a service line for electrical services prior to recording of the subdivision.*
- (iii) Phases. If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities and streets that are necessary for creating and sustaining a stable environment.
Existing developed lots - n/a.
- 4) Natural Features. *There are no significant effects on natural features.*
- 5) Floodplains. *n/a The properties are outside the 100-year floodplain.*
- 6) Noise Reduction. *n/a The properties do not border or contain a highway.*
- 7) Future Streets. *n/a The proposed minor subdivision does not require future streets.*
- 8) Open Space. *The proposed subdivision has fewer than 5 units; payment of a fee-in-lieu will be required for any new units.*
- 9) Common Recreation Facilities. *n/a This standard does not apply to this application.*
- 10) Lots and Blocks. *n/a The proposed subdivision does not modify the lots and blocks from the original plat.*
- 11) Architecture. *n/a This standard does not apply to the existing buildings.*
- 12) Codes. *The subdivision shall comply with all applicable City building, fire and safety codes for the proposed development. As a condition of approval, confirmation of building code and fire separation requirements between the structures is required prior to recording of the subdivision.*
- 13) Inclusionary housing. *Requirements will be met if any new units are created on the properties. As a condition of approval, a note to this effect is required to be included on the final plat.*

REVIEW AGENCY COMMENTS:

The Public Works Director, Fire Chief, Police Chief, Finance Department, Xcel Energy, Atmos Energy and Salida Public Schools were invited to comment on the subdivision plat application. The following comments were received in response to this request.

Finance Department: System development fees must be paid at the time of issuance of a building permit.

Salida Fire Department, Kathy Rohrich, Assistant Chief: Fire has no concerns with this subdivision.

Salida Police Department, Russ Johnson, Chief: No issues from PD at this time.

Public Works Director, David Lady: Provide a five foot wide sidewalk, or a fee-in-lieu equal to the construction cost of the sidewalk, at the discretion of the PW Director.

Xcel Energy: "Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **223 West Third Minor Subdivision** and has a concern with the lot split. It appears this minor subdivision has placed the electric *service* line in trespass, which needs to be resolved by either 1) an easement, or 2) relocating the line.

An application must be submitted via xcelenergy.com/InstallAndConnect in order to begin the process of either of these routes. It is then the responsibility of the Customer/Applicant to contact the Designer assigned to the project for approval of design details. The Designer will contact a Right of Way Agent should an easement be necessary."

Atmos Energy: No concerns from Atmos Energy.

Salida Public Schools: The district superintendent responded that they will accept the Fair Contribution to School Sites fee-in-lieu.

Chaffee County Building Department: In an email from Chad Chadwick dated 11/1/24 (attached), there were concerns about drainage from the individual units onto the adjacent lots if the subdivision is approved. Subsequent discussion noted that the concern could be allayed/reduced via the installation of gutters.

RECOMMENDED FINDINGS:

The purpose of the limited impact review process for a minor subdivision is to determine the compliance of the application with the review standards contained in Section 16-6-120.

1. The application complies with the comprehensive plan and the proposed subdivision shall carry out the purpose and spirit of the comprehensive plan and conform to all of the applicable objectives, guiding principles and recommended actions.

2. The applicant has complied with the review standards for subdivisions.

REQUIRED ACTIONS BY THE COMMISSION:

1. The Commission shall confirm that adequate notice was provided and a fee paid.
2. The Commission shall conduct a public hearing.
3. The Commission shall make findings regarding the proposed use in order to ensure the use is consistent with the Comprehensive Plan, conforms to the Land Use Code, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the minor subdivision application, subject to the following conditions:

1. Provide the following notes on the minor subdivision plat prior to recording:
 - a. Utility easements are dedicated to the public utility company for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.
 - b. Pursuant to Section 16-6-140, Fair Contributions to School Sites as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
 - c. New residential units constructed within the subdivision shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code. The applicants for building permits agree to provide an in-lieu fee at the rate in effect at the time of building permit application of any for any new residential units within the subdivision.
2. The applicant shall confirm with Xcel Energy the appropriate width and location of the utility easement within the property, or relocate utilities as necessary, and amend the subdivision plat if necessary prior to recordation.

3. In order to reduce potential issues related to drainage from the units with non-conforming side setbacks onto adjacent lots, the applicant shall install gutters onto each unit that will drain to the rear of each unit in a manner that will not directly impact adjacent lots. These gutters (or other drainage management mechanisms) shall be approved by staff prior to recording of the subdivision.
4. A final plat shall be submitted for review and approval of staff prior to recording.

RECOMMENDED MOTION: “I make a motion to (approve/deny/continue) the 223 W Third Minor Subdivision as it meets/does not meet the review standards for a subdivision (subject to the conditions recommended by staff).”

Attachments:

1. Proof of Publication
2. Application Materials
3. Email from Chad Chadwick 11.1.24

PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING BEFORE
THE PLANNING COMMISSION FOR THE
CITY OF SALIDA CONCERNING A LIM-
ITED IMPACT REVIEW APPLICATION
TO ALL MEMBERS OF THE PUBLIC
AND INTERESTED PERSONS: PLEASE
TAKE NOTICE that on Monday, January
27, 2025 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 follow-
ing link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The hearing is regarding a Limited Impact Review application submitted by Ben Kahn for approval of a minor subdivision to subdivide the parcel known as Lot 1 Welch Replat and Sub Blk 48 to the City of Salida, Chaffee County, Colorado, into two (2) lots. The property is located at 223 W Third Street, Salida, CO 81201.

Approval of the limited impact review application shall constitute authorization to proceed with recording the plat and commencing with the subdivision. Further information on the application may be obtained from the Community Development Department by calling (719) 530-2638.

*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.

Published in The Mountain Mail January
10, 2025



Street View / Posting

**GENERAL DEVELOPMENT APPLICATION**

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-539-4555 Fax: 719-539-5271

Email: planning@cityofsalida.com**1. TYPE OF APPLICATION** (Check-off as appropriate)

- | | |
|--|---|
| ☐ Annexation | ☐ Administrative Review:
(Type)_____ |
| ☐ Pre-Annexation Agreement | |
| ☐ Appeal Application (Interpretation) | |
| ☐ Certificate of Approval | ☒ Limited Impact Review:
(Type) <u>Minor Subdivision</u> |
| ☐ Creative Sign Permit | |
| ☐ Historic Landmark/District | |
| ☐ License to Encroach | ☐ Major Impact Review:
(Type)_____ |
| ☐ Text Amendment to Land Use Code | |
| ☐ Watershed Protection Permit | |
| ☐ Conditional Use | ☐ Other:_____ |

2. GENERAL DATA (To be completed by the applicant)**A. Applicant Information**Name of Applicant: Conundrum Investment TrustMailing Address: 223 W. Third St., Unit B, Salida, CO 81201Telephone Number: 303-377-7890 FAX: N/AEmail Address: ben@craniumgroup.comPower of Attorney/ Authorized Representative: Benjamin Kahn, Sole Trustee
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)**B. Site Data**Name of Development: The HamletStreet Address: 223 W. Third St., Units A & B, Salida, CO 81201Legal Description: Lot 1 Block 48 Subdivision Welch Replat (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

Sole Owner: Conundrum Investment Trust Sole Mortgagor: Collegiate Peaks Bank

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent Benjamin A. Kahn Date 12/18/2024Signature of property owner Benjamin A. Kahn Date 12/18/2024



LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

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

An application is meant to highlight the requirements and procedures of the Land Use Code. With any development application, it is the responsibility of the applicant to read, understand, and follow all of the provisions of the Land Use Code.

1. PROCEDURE (Section 16-3-80)

A. Development Process (City Code Section 16-3-50) Any application for approval of a development permit shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with this Code. The development plan shall include the following, as further specified for each level of review on the pre-application checklist:

1. Pre-Application Conference (Limited Impact and Major Impact Review Applications)
2. Submit Application
3. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
4. Public Notice
5. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
6. Public Notice
7. Hearing Conducted by City Council (Major Impact Review)

☒ **B. Application Contents** (City Code Section 16-3-50)

☒ 1. A General Development Application

☒ 2. A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;

☒ 3. A brief written description of the proposed development signed by the applicant;
See attached Memorandum and Exhibits.

☐ 4. Special Fee and Cost Reimbursement Agreement completed. **major impact only* N/A

☒ 5. Public Notice.

- 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) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
- c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.

- ☐ 6. Developments involving construction shall provide the following information: **N/A**
- (i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:
 - a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
 - b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
 - c. Parking spaces;
 - d. Utility distribution systems, utility lines, and utility easements;
 - e. Drainage improvements and drainage easements;
 - f. Roads, alleys, curbs, curb cuts and other access improvements;
 - g. Any other improvements;
 - h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and
 - i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.
 - (ii) 24" x 36" paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:
 - a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
 - b. Plans and profiles for sanitary and storm sewers; and
 - c. Profiles for municipal water lines; and
 - d. Street plans and profiles.
 - (iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Section 16-3-40(a)(3).

- ☐ 7. Any request for zoning action, including review criteria for a requested conditional use (Sec. 16-4-190) or zoning variance (Sec. 16-4-180); **N/A**

☐ 8. Any subdivision request including a plat meeting the requirements of Section 16-6-110; N/A

☐ 9. Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following: N/A

(i) A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the plat conforms with all applicable dimensional standards and off-street parking requirements.

(ii) A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

(iii) A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

(iv) Engineering specifications for any improvements.

(v) A plan for erosion and sediment control, stabilization and revegetation.

(vi) A traffic analysis prepared by a qualified expert, including projections of traffic volumes to be generated by the development and traffic flow patterns, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

(vii) A storm drainage analysis consisting of the following:

(a) A layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.

(b) The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.

(c) The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.

(viii) Evidence of adequate water supply and sanitary sewer service - Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of

water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

(ix) An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.

(x) A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

(xi) A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The applicant shall submit, at least in summary or outline form, any agreements as may be required by Section 16-2-70, relating to improvements and dedications.

(xii) If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.

(xiii) If applicable, a report shall be submitted identifying the location of the one-hundred-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a one-hundred-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

(xiv) If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

(xv) A landscape plan, meeting the specifications of Section 16-8-90.

(xvi) If applicable, a description of how the proposal will comply with the standards of any of the overlays.

(xvii) A site plan for parks, trails and/or open space meeting the requirements of Section 16-6-110 below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.

(xviii) All development and subdivision naming shall be subject to approval by the City. No development or subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County;

☐ 10. An access permit from the Colorado Department of Transportation; and N/A

☐ 11. A plan for locations and specifications of street lights, signs and traffic control devices. N/A

2. REVIEW STANDARDS (If necessary, attach additional sheets)

See attached Memorandum and Exhibits.

The application for Limited or Major Impact Review shall comply with the following standards.

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

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

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.

4. **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.

5. **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.

6. **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.



223 W. Third St. Units A/B
Salida, Colorado

MEMORANDUM

To: John Armstrong
 From: Benjamin Kahn
 Date: 12/18/2024
 RE: 223 West Third Street Units A/B – Lot 1 Welch Replat and Subdivision (the “Property”)
 Schedule Number R368132448318

The Trust contacted the City regarding separating the two Third Street units as a legal matter and submitted a proposed plat amendment to the City for administrative review on October 10, 2024. The Trust is now resubmitting the proposal as a minor subdivision subject to a limited impact review, as directed by the Planning Department. (See §16-3-70(b).)

To be clear, *no* development or construction will occur with respect to this minor subdivision application. Indeed, the Property always has had two residences (previously platted separately as 223 and 225 W. Third St.) and already has separate water taps/meters, sewer services and utilities (as Units 223A and 223B).

If the application is granted, the Property will just again consist of two separate lots with two distinct addresses subject to an appropriate utility and ingress/egress easement. The City should treat this Memorandum and the related Exhibits as the Trust’s minor subdivision development plan.

I. History of the Property

The Trust previously outlined the history of the Property in a plat amendment Memorandum dated October 10, 2024, which is incorporated herein. (See CIT Memorandum (10/10/2024).)

In short, the proposed replat and subdivision sought to reduce three lots on Third Street to two lots. (See Welch Replat & Subdivision Survey (4/17/2007)). The Welch Replat & Subdivision process involved Lots 6, 7 and 8 which at the time were 223, 225 and 227 West Third Street. Pursuant to the Welch Replat & Subdivision survey, the applicant proposed modifying the lot lines between Lots 6, 7 and 8 as they existed to create a new Lot 1 and Lot 2 that would be 223 and 227 West Third Street. (Id.)

As a result of that process, 223 West Third Street remained as the address for the new Lot 1 and 227 West Third Street remained as the address for the new Lot 2 – but the address of 225 West Third Street disappeared.

All told, the prior owner seriously misled the applicable authorities during the Welch Replat & Subdivision process in 2007. In particular, the applicant pretended that there was *one* “single level brick house” on Lots 6 and 7 even though there were always *two* single level brick houses in fact.

II. The Trust’s Ownership

The Trust previously addressed its ownership of the Property in the plat amendment Memorandum dated October 10, 2024, which is incorporated herein. In sum, it turned out the Property consisted of two physically separate residences that had been illegally patched together during the replat and subdivision process prior to the Trust’s ownership. (See CIT Memorandum (10/10/2024).)

In coordination with the County, the Trust restored the two original residential footprints and then upgraded the roofing, plumbing, and electrical systems for the two residences through a permitted process. The Trust did not expand the two original residences in any way. The County Assessor records reflect separate homes of 658 sf and 1060 sf at the Property.

The existing residences already conform with Sections 16-4-100 and 16-4-190 of the Salida Municipal Code as the two structures each have their own services and utilities including municipal water and sewer. This is consistent with their history as two residences on Lots 6 and 7, located at 223 and 225 West Third Street.

III. The Trust’s Plat Amendment Application

The Trust subsequently submitted a plat amendment application to the City as outlined in the Memorandum dated October 10, 2024. (See CIT Memorandum (10/10/2024).)

The plat amendment application included everything necessary to divide the Property into two lots with addresses of 223 and 225 W. Third Street. In particular, the application Exhibits included a Survey reflecting the location of the two residence on the Property (Survey (5/17/2024)); a draft of the proposed division of Lot 1 (Draft Lot 1 Division (9/6/2024)); a draft Access and Utility Easement (Draft Access and Utility Easement (7/9/2024)); and, a a draft Survey reflecting the proposed Access and Utility Easement (Draft Survey with Easement (9/4/2024)).

The Trust incorporates the plat amendment Exhibits herein and as part of its minor subdivision development application. The Easement and updated Survey can be finalized and filed in conjunction with the City’s approval of the proposed minor subdivision and do not require modification for the purpose of this application or any limited impact review.

IV. Minor Subdivision Limited Impact Review

The Salida Municipal Code has a specific process for evaluating minor subdivision applications through limited impact review. (Compare §16-6-30 with §16-3-40(a)(2)(iv).)

To proceed with a minor subdivision, an applicant must meet certain requirements. (See §16-3-50.) Here, the Trust already has satisfied those minor subdivision requirements or they are

moot because the layout and configuration of the residences has been constant since 1905 and the Trust does not intend to engage in any development or construction efforts moving forward.

To wit, the Trust already has met the meeting, survey, summary and easement requirements outlined in the Code. (§§16-3-50(1)-(2), -70(a).) The minor subdivision application does not involve *any* development or construction. And the remaining minor subdivision requirements are applicable only to developments involving construction (§16-3-50(3)) or are otherwise inapplicable (See §§16-3-50(4)-(8).)

The *only* requirement outstanding with respect to the Trust's minor subdivision application is the submittal of fifteen (15) copies of this Memorandum, the plat amendment Memorandum, and the Exhibits at least four (4) weeks before the Planning Commission meeting at which it is to be reviewed. (§16-3-80(b).) These are all digital files and it is not clear to the Trust what Department or Agency review would accomplish in this situation, *i.e.*, where the existing residences have not changed since their construction in 1905 and the application amounts to a benign lot reconfiguration. (§16-3-80(c).) The Trust is wary of wasting City resources but can provide fifteen (15) copies of the involved materials to the Planning Department upon request.

Here, the Trust's proposed minor subdivision meets the requirements and limited impact review standards of the Salida Municipal Code. Accordingly, the Planning Commission should approve the proposed minor development so the Trust and the City can finalize and file the related Survey and Easement. (§16-3-80(d)(1).) The Trust does not need a development permit thereafter, as there is no construction or development involved with respect to this minor subdivision application. (See id.)

V. Conclusion

Approval of the Trust's proposed minor subdivision is consistent with the original subdivision and the SDHD overlay. Granting the minor subdivision application as proposed will restore the originally platted 223 and 225 W. Third Street locations.

The Property already is divided in practice into two parcels with two residences and has been for over a century. No further construction or development will occur as part of this minor subdivision application. Instead, the proposed minor subdivision simply imposes an appropriate easement and allows the City, the County and the Trust to treat the two homes and lots separately for ownership, assessment, accounting, taxation and addressing purposes.

Accordingly, the Planning Commission should approve the development proposal subject to a condition that the Trust and the City cooperate to finalize the related Survey and Easement. The Trust and the City can then work together to coordinate any associated filing and addressing needs with the County.

The Trust has almost completed a significant project within the City. By restoring the two original residences without any garish expansion or modern veneer, the Trust has helped preserve part of the history and quaint character of downtown Salida in a highly visible location.



223 W. Third St. Units A/B
Salida, Colorado

MEMORANDUM

To:

From: Benjamin Kahn

Date: 10/10/2024

RE: 223 West Third Street Units A/B – Lot 1 Welch Replat and Subdivision (the “Property”)
Schedule Number R368132448318

I am in receipt of the City’s letter dated January 6, 2022 verifying that the Property is in the Central Business (C-2) zone district.

The purpose of this Memorandum is to straighten out any confusion or anomalies regarding the Property. The City should treat this letter as a request and application for amended plat approval pursuant to Section 16-6-50 of the Salida Municipal Code.

In short, the City is under the incorrect impression that this Property is a single unit parcel and that the Trust somehow created two distinct units on site. Further, the City is under the incorrect impression that the Property has two water taps and meters but only one sewer service for a single unit.

The Trust therefore would like to amend the existing plat as outlined below. The Trust purchased the Property in 2017, and the Property had two residences, water taps/meters and sewer services already (223A and 223B). Indeed, the City has billed the Trust for two water taps and two sewer services for over seven years.

I. History of the Property

It is easy to understand why local government is confused, because the prior owner seriously misled the applicable authorities during the Welch Replat & Subdivision process in 2007.

The Welch Replat & Subdivision process involved Lots 6, 7 and 8 which at the time were 223, 225 and 227 West Third Street. Pursuant to the Welch Replat & Subdivision survey, the applicant proposed modifying the lot lines between Lots 6, 7 and 8 as they existed to create a new Lot 1 and Lot 2 that would be 223 and 227 West Third Street. In short, the proposed replat and subdivision sought to reduce three lots on Third Street to two lots. (See Welch Replat & Subdivision Survey (4/17/2007)).

During that process, the applicant narrowed and recharacterized the original Lot 8 as Lot 2 in the replat and subdivision; expanded the Lot 7 yard on the NW boundary with Lot 8; carved off a portion of Lot 6 to create a new boundary line consistent with an encroaching building on Lot 5; and, combined the reconfigured Lots 6 and 7 into Lot 1 in the replat and subdivision. (Id.)

In the process, the original Lot 8 got smaller as the new Lot 2. And while the shape of the combined original Lots 6 and 7 took a jog, the overall combined size of the original Lots 6 and 7 barely changed as the newly configured Lot 1. (Id.)

Further, 227 West Third Street remained as the address for the new Lot 2 and 223 West Third Street remained as the address for the new Lot 1 – but the address of 225 West Third Street that had applied to the original Lot 7 literally fell off the map.

Why was all this done? According to the applicant’s widow in 2017 at the point of sale, the applicant did this so he could sell the original Lot 8 as a smaller Lot 2; sell a portion of the original Lot 6 to the owner of Lot 5 to resolve an encroachment dispute and create some liquidity; continue to raise his family in the two residences on Lots 6 and 7 without any net yard or lot size loss; avoid the problem of cutting off Lot 6 access to the alley; and, avoid paying property taxes on the original Lots 6 and 7 by combining them into Lot 2.

To obtain the City’s approval to combine Lots 6 and 7 into Lot 2, the applicant engaged in a major misrepresentation. In particular, the applicant pretended that there was one “single level brick house” on Lots 6 and 7. This was never true.

II. The Trust’s Ownership

As it turned out, the Property consisted of two physically separate residences that had been illegally grafted and stuccoed together during the replat and subdivision process prior to the Trust’s ownership. Imagine two existing homes connected in front and back with gypsum board, and then covered entirely in stucco and paint to obscure the connections. To get from one house to the other, the prior owner’s family used a makeshift U-shaped breezeway connecting the back doors behind the two houses. As a result there was an approximate 50’ x 3’ gap between the two houses that was capped on the ends and invisible from the street, but open to the elements above and totally inaccessible.

After providing notice to the County, the Trust removed the flimsy physical connections between the two residences and completed any exterior stucco demolition and internal finish work. The Trust then pulled permits and upgraded the roofing, plumbing, and electrical systems for the two units in coordination with the County.

The existing residences already conform with Sections 16-4-100 and 16-4-190 of the Salida Municipal Code as the two structures each have their own municipal services including water and sewer. This is consistent with their history as two residences on Lots 6 and 7, located at 223 and 225 West Third Street; the existence of two water taps/meters and two separate sewer services on site; and, the City’s own municipal service billing history with respect to the Property.

The County already recognizes that the Property has two distinct units. In particular, the County Assessor records reflect separate units of 658 sf and 1060 sf at the Property.

III. The Trust's Proposed Plat Amendment

With that said, the Trust now needs to amend the plat to restore the two units to two legal properties with two distinct addresses. Because this is a unique situation – *i.e.*, undoing that portion of an illegal subdivision that combined two lots into one based on a material misrepresentation – the Trust believes that the most applicable provision of the Salida Municipal Code is the one that applies to plat amendments. (See §16-6-50 (Amended Plats)).

In particular, the Trust seeks to amend the plat to restore the two lots and addresses that were once associated with the Property. The Trust has secured and filed a survey reflecting the location of the two units on the Property. (Survey (5/17/2024)). The Trust also prepared a draft of the proposed plat amendment and division of Lot 1. (Draft Lot 1 Division (9/6/2024)). And, the Trust has prepared a draft Access and Utility Easement and secured a draft survey reflecting the proposed Access and Utility Easement. (Draft Access and Utility Easement (7/9/2024); Draft Survey with Easement (9/4/2024)). The Easement and updated Survey can be finalized and filed in conjunction with the City's approval of the proposed plat amendment.

IV. Administrative Review

The Salida Municipal Code has a specific process for amending plats through administrative review. To amend a plat, an applicant must meet certain requirements: (1) the proposed amendment “will result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, or the reconfiguration, division or aggregation of existing platted lots” (§16-6-50(a)); (2) the proposed amendment will be “used to correct errors on a subdivision plat” (id.); and (3) the proposed amendment is limited to actions affecting no more than ten (10) lots within a subdivision (id.). The City *must* approve the proposed plat amendment if the proposed lot line adjustment:

- does not result in the creation of additional lots, non-conforming lots, or unbuildable lots (§16-6-50(b)(1) – (3));
- does not change the location of remaining lot lines in the subdivision (§16-6-50(b)(5));
- provides for appropriate easements (§16-6-50(b)(4); and
- satisfies the requirements of involved utility companies (id.).

Accordingly, the Salida Municipal Code includes both the requirements for a plat amendment and the standards for administrative review of any plat amendment proposal or application. Likewise, the Chaffee County Land Use Code has a process for plat amendments and corrections as exemptions to additional subdivision requirements. (Chaffee County LUC §5.2.3.)

Here, the Trust's proposed plat amendment meets the requirements and administrative review standards of the Salida Municipal Code. (Compare Survey (5/17/2024) with Draft Lot 1 Division (9/6/2024)). The Trust's proposal meets the requirements for a plat amendment because it will add, reconfigure and/or divide existing platted lots in a subdivision; is limited to less than ten lots; and, is designed to correct manifest error on a subdivision plat. (Compare §16-6-50(a) with

Draft Lot 1 Division (9/6/2024)). Pursuant to Section 16-6-50(b) of the Code, the City must approve the proposed plat amendment because it does not result in the creation of additional lots (the proposed lots existed prior to the Welch Replat as Lots 6 and 7) (see Draft Lot 1 Division (9/6/2024)); does not impact the lot lines for Lot 2 (the only other lot in the Welch Replat) (id.); provides for appropriate access and utility easements (see Draft Access and Utility Easement (7/9/2024); Draft Survey with Easement (9/4/2024)); and, satisfies the requirements of involved utility companies (see Two Unit Utility Bill Exemplars).

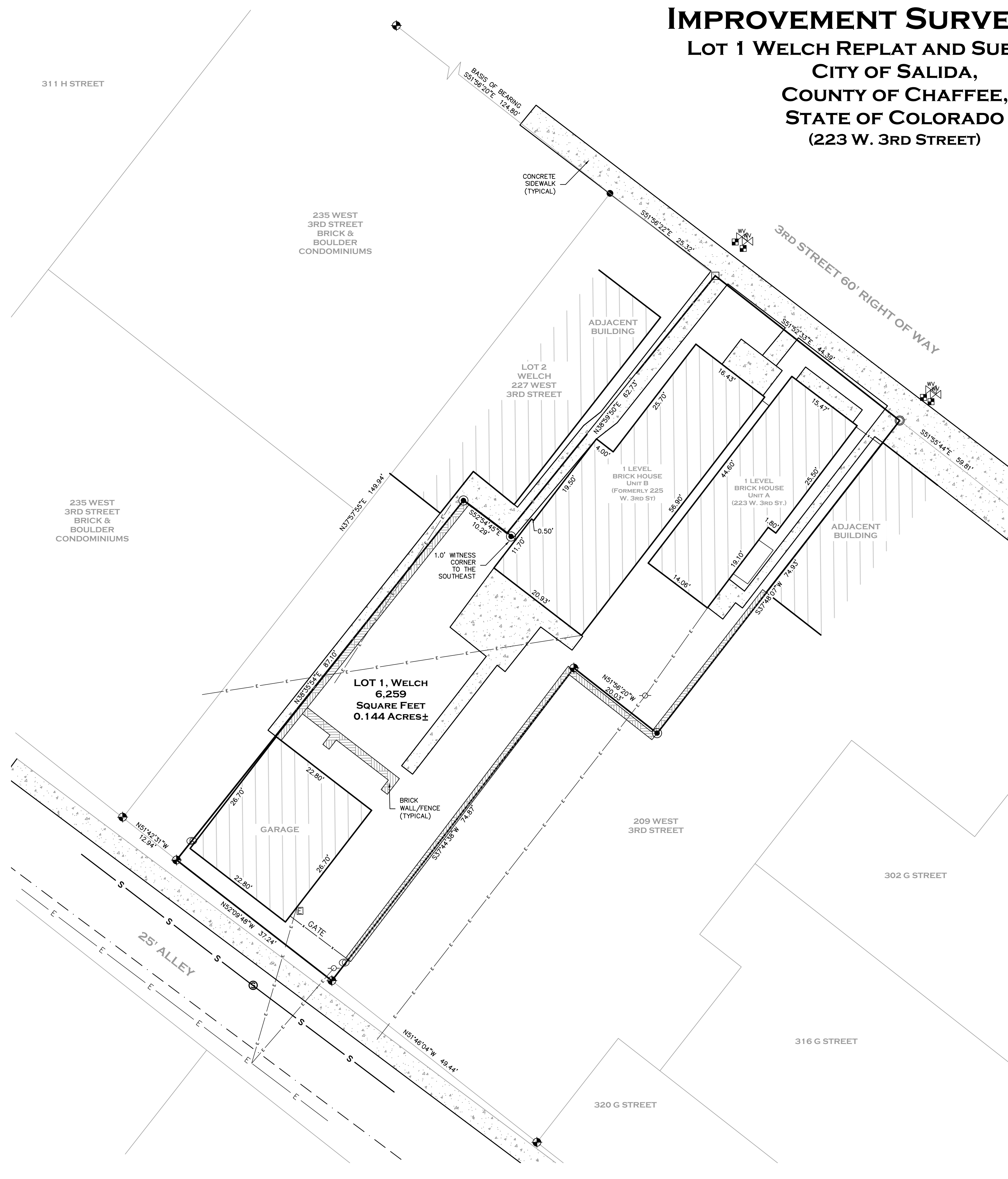
V. Conclusion

Undoing Lot 2 of the Welch Replat and allowing for the reestablishment of Lots 6 and 7 as proposed is consistent with the original subdivision and the SDHD overlay. Amending the subdivision plat in this way will restore the originally platted 223 and 225 W. Third Street locations.

In this case, the original application for the Welch Replat was premised on an incorrect survey; the boundaries of the subdivision will not change; the number of originally approved parcels or lots will not increase; there will be no impact on adjacent landowners or other properties; the proposal impacts only one lot within the subdivision; the existing building envelopes and structures will not change; the proposal accounts for any access, easement and utility needs; and, the parcels are already divided in practice.

Under such circumstances, the City must grant the proposed amendment through administrative review pursuant to the Salida Municipal Code. In conjunction with the City's approval of the proposed plat amendment, the Trust and the City can work together to finalize and file the Easement and the updated Survey.

IMPROVEMENT SURVEY PLAT
LOT 1 WELCH REPLAT AND SUBDIVISION
CITY OF SALIDA,
COUNTY OF CHAFFEE,
STATE OF COLORADO
(223 W. 3RD STREET)



LEGAL DESCRIPTION

LOT 1, WELCH REPLAT AND SUBDIVISION, COUNTY OF CHAFFEE, STATE OF COLORADO.

SURVEYOR'S NOTES:

- 1) SURVEY DATE: MAY 16, 2024
- 2) BASIS OF BEARING: THE SOUTHWESTERLY ROW LINE OF WEST 3RD STREET, ASSUMED TO BEAR S 51°56'20" E BETWEEN 2 FOUND MONUMENTS AS SHOWN HEREON. SAID BEARING WAS TAKEN FROM THE RECORDED PLAT OF THE WELCH REPLAT AND SUBDIVISION, RECEPTION NO. 366064
- 3) LINEAL UNITS: US SURVEY FOOT.
- 4) STREET ADDRESS: 223 WEST 3RD STREET, SALIDA, COLORADO
- 5) UTILITIES ARE SHOWN APPROXIMATELY AND SHOULD BE FIELD VERIFIED PRIOR TO EXCAVATION. ONLY ABOVE GROUND UTILITIES ARE SHOWN ON THIS MAP. ADDITIONAL UTILITY EASEMENTS MY BE PRESENT OR ACQUIRED ON THE SUBJECT PROPERTY. ONLY RECORDED OR PLATTED EASEMENTS ARE SHOWN.
- 6) CENTRAL ROCKIES LAND SURVEYING, LLC DOES NOT WARRANT OR CERTIFY TO THE INTEGRITY OF ANY DIGITAL DATA SUPPLIED IN CONJUNCTION WITH THIS MAP AND SURVEY.
- 7) THIS PROPERTY IS SUBJECT TO THE CHAFFEE COUNTY LAND USE CODE. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL SETBACKS AND EASEMENTS.
- 8) THIS SURVEY DOES NOT CONSTITUTE A TITLE OF OWNERSHIP SEARCH BY CENTRAL ROCKIES LAND SURVEYING, LLC.

I, KEVIN L. DEAN, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT WAS CREATED BY ME AND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY PERFORMED BY ME AND IS TRUE AND ACCURATE TO BEST OF MY KNOWLEDGE.

KEVIN L. DEAN, PLS 38639
COLORADO PROFESSIONAL LAND SURVEYOR



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

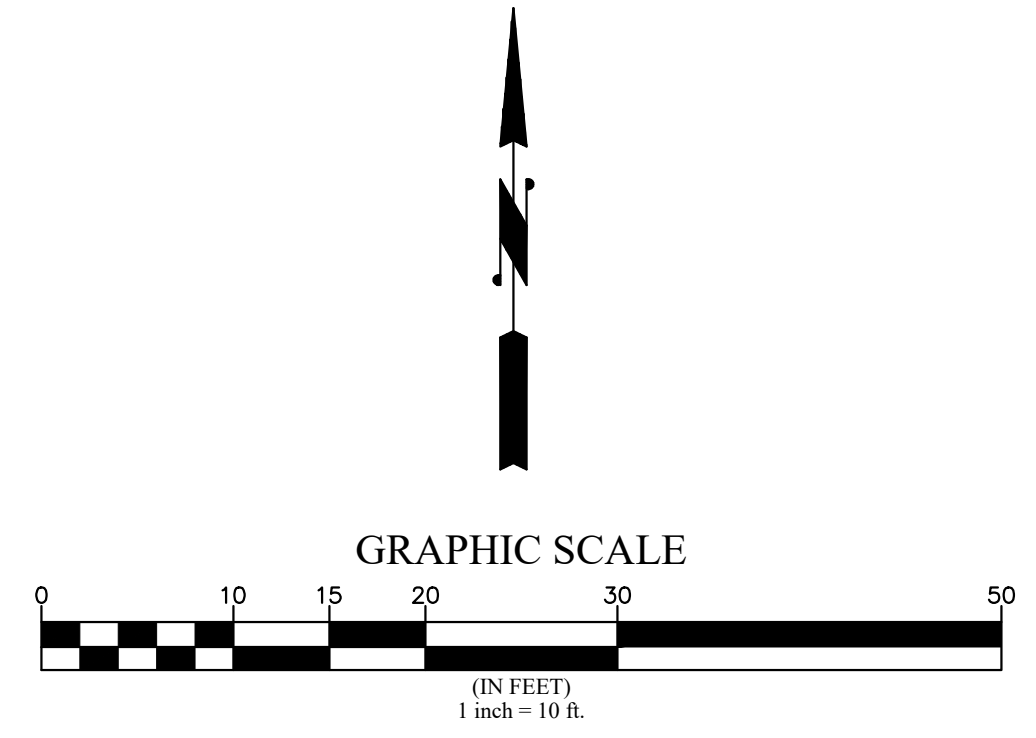
CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, AT _____, M.
ON THIS _____ DAY OF _____, 2024 UNDER RECEPTION NUMBER _____

CHAFFEE COUNTY RECORDER

LEGEND

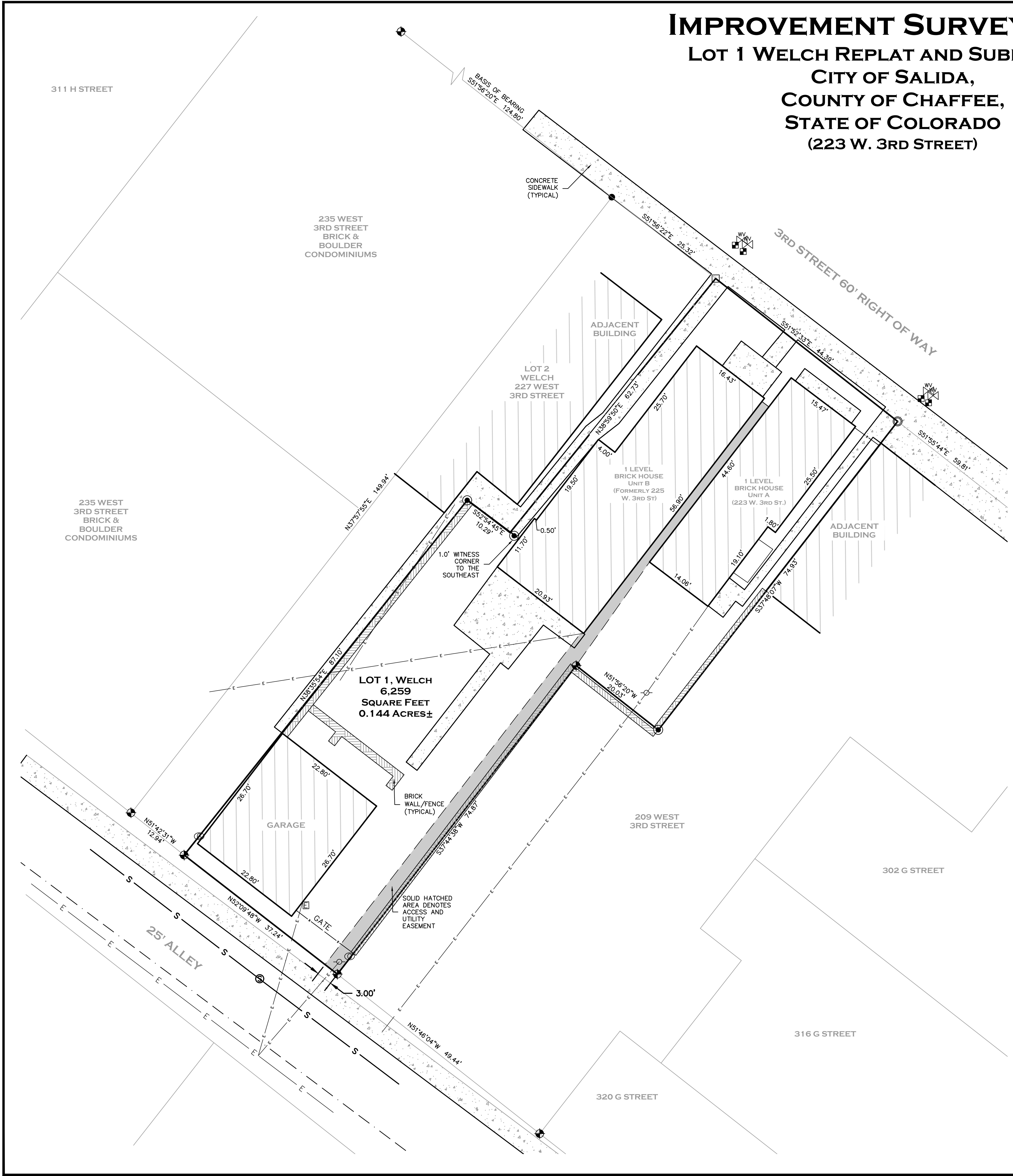
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- ⊙ UTILITY POLE
- ⊙ GAS METER/VALVE
- ⊙ WATER METER
- ⊙ WATER VALVE
- ⊙ SANITARY SEWER MANHOLE
- S— SANITARY SEWER LINE
- E— OVERHEAD ELECTRIC LINE
- X— FENCE
- — — PROPERTY LINE
- — — ADJACENT PROPERTY LINE



**CENTRAL ROCKIES
LAND SURVEYING, LLC**
7405 HWY 50 W. SUITE 130
SALIDA, COLORADO 81201
719 - 850 - 1802

DRAWN BY: KLD
DATE: 05/17/2024
JOB NAME: LOT 1 WELCH REPLAT & SUB ISP
JOB No. 24-004

IMPROVEMENT SURVEY PLAT
LOT 1 WELCH REPLAT AND SUBDIVISION
CITY OF SALIDA,
COUNTY OF CHAFFEE,
STATE OF COLORADO
(223 W. 3RD STREET)



LEGAL DESCRIPTION

LOT 1, WELCH REPLAT AND SUBDIVISION, COUNTY OF CHAFFEE, STATE OF COLORADO.

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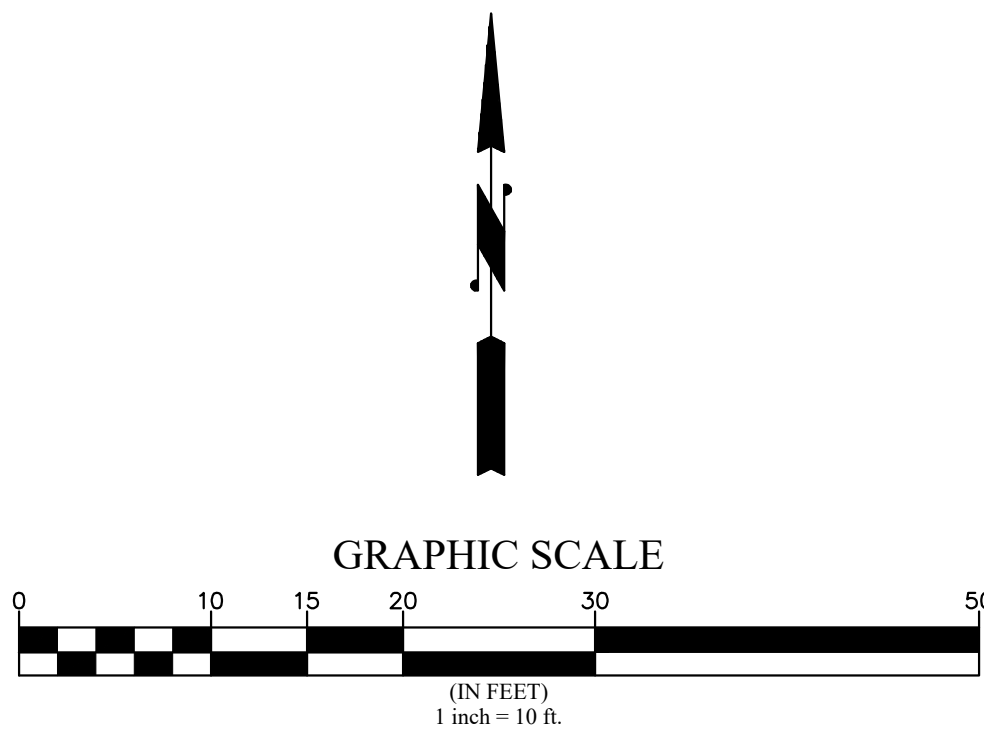
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7405 HWY 50 W. SUITE 130
SALIDA, COLORADO 81201
719 - 850 - 1802

DRAWN BY: KLD
DATE: 09/04/2024
JOB NAME: 209 3RD ST & 302 G ST - ISP
JOB No. 24-004

IMPROVEMENT SURVEY PLAT

LOT 1 WELCH REPLAT AND SUBDIVISION

CITY OF SALIDA,
COUNTY OF CHAFFEE,
STATE OF COLORADO
(223 W. 3RD STREET)

LEGAL DESCRIPTION

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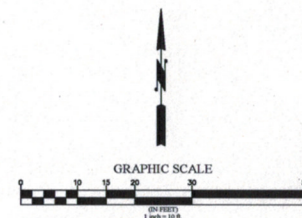
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719-850-1802

DRAWN BY: KLD
DATE: 09/04/2024
JOB NAME: 209 3RD ST & 302 G ST - ISP
JOB NO. 24-004

Re: Peculiar Plat and re-plat request building questions: 223 W Third Street

From Chad Chadwick <cchadwick@chaffeecounty.org>
Date Fri 11/1/2024 11:34 AM
To John Armstrong <John.Armstrong@cityofsalida.com>
Cc Bill Almquist <bill.almquist@cityofsalida.com>

Good morning,

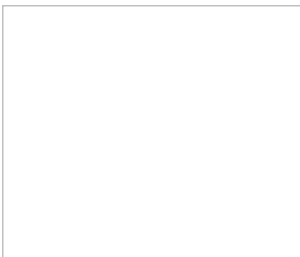
I was wondering where this ended up. Obviously the houses are much closer to each other then we would allow under current building codes without fire assemblies at the wood framed roof structures. However as they are existing buildings that is the way it is. I think the only concern from a building standpoint is the drainage from the roofs. Looking at these it appears one house will dump water directly onto the foundation and or wall of the other. That being said, given the age of the structures It appears that water damage has not been a large problem although the raw brick was just uncovered and some damage could happen there over time.

As this is not a building permit concerning the houses and gutters are not actually required by the building code it will be the property owners responsibility to maintain the drainage from the roof. Normally with new builds we try to ensure that roof drainage does not go onto another property. I'm not sure that will be possible with this situation if the houses ever get sold separately.

The property does have an open roofing permit which I will bring to the owners attention, The recent electrical permit is closed.

In a nutshell, it's not an ideal situation, however from the building department standpoint given the existing nature of the structures there is not much we can do about it. If the replat of the property is approved. Hope this helps, thank you and have a spectacular day.

Chad Chadwick
Chaffee County Building Safety Department
Chief Building Official
OWTS Program Manager
Combination Plans Examiner/ Combination Inspector
Phone: 719-530-5618
Cell: 719-221-2252



On Thu, Oct 31, 2024 at 3:50 PM John Armstrong <John.Armstrong@cityofsalida.com> wrote:

Hey Chad,

Sorry in advance to rope you into this one. We received a request to have a re-platting done that we are still trying to figure out. The question for you is:

- The two separate buildings were stickered together and has since been removed. Is there any outstanding on the side of the building department requirements/has this been resolved?

See attachments for further details on the history/request they are making.

Regards,

32



John Armstrong
*Planning Technician, Community
Development Department*

john.armstrong@cityofsalida.com
P: 719-530-2638
448 E First St, Ste 112, Salida, CO 81201
cityofsalida.com

Find up-to-date information direct from the City at: www.cityofsalida.com and www.facebook.com/CityofSalida

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq