



PLANNING COMMISSION REGULAR MEETING

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

March 24, 2025 - 6:00 PM

AGENDA

Email public comments to: planning@cityofsalida.com

Please register for the Planning Commission meeting:
<https://attendee.gotowebinar.com/rt/190909234220683277>

1. DO NOT USE GotoWebinar

Register here: https://zoom.us/webinar/register/WN_xjx49yp6TRKd4wWX5LzyUw

Webinar ID: 926 3452 0444

CALL TO ORDER BY CHAIRMAN – 6:00 PM

ROLL CALL

APPROVAL OF THE MINUTES

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.

3. The request is to receive Limited Impact Review approval for a Drive-In Food or Beverage Facility use (also known as a drive-through restaurant) on the property known as 1002 E HWY 50, Salida, CO 81201.

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.**

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: March 24, 2025

AGENDA ITEM TITLE: 223 W Third Street Minor Subdivision

AGENDA SECTION: Public Hearing

REQUEST:

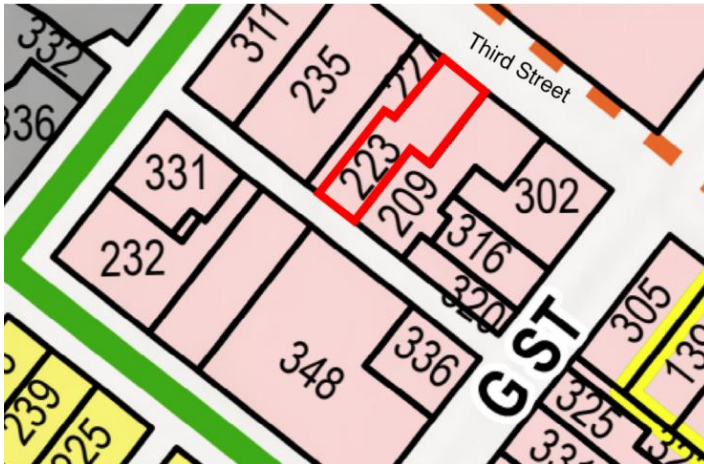
The request is for a Minor subdivision replat for the property known as Lot 1, Welch Replat and Subdivision, City of Salida, Chaffee County, Colorado into two separate lots.

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) The draft plat indicates the two existing units have separate water lines and separate sewer services.*
- c) A shared utility easement for city public utilities has been provided and will be recorded with the plat.*

- (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 or change of use if applicable.

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: Existing sidewalk in place. Separate sewer and water provided.

Xcel Energy: The overhead electrical line across the rear of 209 W. Third Street is likely a prescriptive easement. In any case, the service was in existence previously and is not affected by the Minor Subdivision plat.

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 response to an email from the Chaffee County Building Department, the Easement Agreement includes a provision addressing drainage issues as follows: “(d) to reduce rooftop or surface water, snow or ice drainage issues, including the right to install, maintain, and use gutters or other drainage management mechanisms draining to the rear of each unit in a manner that will not impact adjacent lots.”

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. 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.
2. A final plat shall be submitted for review and approval of staff prior to recording.

RECOMMENDED MOTION: “I make a motion to approve the Lot 1, Welch Replat and Subdivision as it meets/does not meet the review standards for a subdivision subject to the conditions recommended by staff.”

Attachments:

Proof of Publication
Easement Agreement with Draft Minor Subdivision Plat

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 following 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

WHEN RECORDED RETURN TO:

The Cranium Group LLC
225 W. 3rd Street
Salida, CO 81201
Attn: Benjamin A. Kahn, Esq.

MUTUAL ACCESS AND UTILITY EASEMENT AGREEMENT

This MUTUAL ACCESS AND UTILITY EASEMENT AGREEMENT (this “**Agreement**”) is entered into as of this ____ day of March, 2025 (the “**Effective Date**”), by the Conundrum Investment Trust (the “**Trust**”). The Trust is both the “**Grantor**” and the “**Grantee**” of this Agreement.

RECITALS

This Agreement is made with respect to the following facts:

A. WHEREAS, the Trust was the owner in fee simple of the real property commonly known as Lot 1 in the Welch Replat and Subdivision located in Chaffee County, Colorado; and

B. WHEREAS, Lot 1 in the Welch Replat and Subdivision had an address of 223 W. Third St. in Salida, Colorado and included two stand-alone street front buildings legally referred to as Unit A and Unit B; and

C. WHEREAS, prior to the Welch Replat and Subdivision, the Property consisted of two platted lots and Unit A had an address of 223 W. Third St. whereas Unit B had an address of 225 W. Third St.; and

D. WHEREAS, the Trust applied for and obtained approval for a minor subdivision called The Hamlet that legally divided the two Units into separate platted lots and restored the original addresses of 223 W. Third St. and 225 W. Third St.; and

E. WHEREAS, the Trust is the owner in fee simple of the real property commonly known as 223 W. Third St. and 225 W. Third St. in The Hamlet minor subdivision located in Chaffee County, Colorado, as more particularly described on **Exhibit A** (the “**Properties**”); and

F. WHEREAS, the Properties include the real property more particularly described on **Exhibit B** (the “**Easement Area**”); and

G. WHEREAS, the Minor Subdivision Plat for The Hamlet includes the Easement Area and is attached as **Exhibit C** to this Agreement (the “**Subdivision Plat**”); and

H. WHEREAS, the Trust has entered into this Agreement to memorialize certain mutual access and utility rights for the Properties with respect to the Easement Area and to comply

with a condition for approval of The Hamlet minor subdivision, as more specifically set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Trust agrees as follows:

1. Grant of Mutual Access and Utility Easement. The Trust hereby grants and conveys a mutual easement for the Properties in, over, through and across the Easement Area as outlined in the Subdivision Plat and more particularly described in Exhibit B: (a) to survey, install, construct, reconstruct, operate, maintain, control and use water, sewer, stormwater, electric, gas, internet and any other utility mains, lines and facilities, and all fixtures, devices and structures whatsoever necessary or useful in the operation of said utility mains, lines and facilities, including but not limited to buried cable, in, over, through, along, below and across the Easement Area; (b) to access the alleyway for trash and recycling purposes; (c) to ingress and egress over the Easement Area for utilities, waste disposal, and access, including the right to install, maintain, and use gates and all fences which now cross or shall hereafter cross the Easement Area; (d) to reduce rooftop or surface water, snow or ice drainage issues, including the right to install, maintain, and use gutters or other drainage management mechanisms draining to the rear of each unit in a manner that will not impact adjacent lots; and (e) to remove objects, structures or access barriers from the Easement Area. Except that, nothing herein allows for the removal of trees or landscaping within the Easement Area without mitigation and/or replacement of any damaged trees or other landscaping.

2. Binding Nature. The Easement granted by this Agreement is and will be an easement appurtenant to the Properties, however configured, utilized, subdivided, constructed upon or otherwise used, and shall burden and run with title to the entire Easement Area and, except as set forth herein, shall be binding upon and inure to the benefit of and be enforceable by the heirs, legal representatives, successors and assigns of the Trust. No term or provision of this Agreement is intended to be, nor will any such term or provision be construed to be, for the benefit of any person or entity other than the Trust or its successors in interest, and no other person or entity shall have any right or cause of action or be deemed a third-party beneficiary hereunder.

3. Legal Compliance. The Trust will file this Agreement as soon as possible after the City's approval of The Hamlet minor subdivision, in conjunction with the filing of the minor subdivision plat for The Hamlet.

4. Reservation. The Trust reserves the right to use and occupy the Easement Area for any purpose consistent with the limitations, rights and privileges established in this Agreement.

5. Warranty. The Trust warrants that it has good right, full power and lawful authority to enter into this Agreement. The Trust does not provide any other warranty with respect to the Easement Area, including any warranty of fitness for any utility, waste disposal, ingress, egress or access purposes or any other particular purpose. The Trust acknowledges and agrees that this Agreement and the Easement are subject to all taxes and other assessments, reservations in patents,

and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may affect the Properties, whether or not of record, any matters that a survey or inspection of the Properties would disclose, all zoning ordinances and regulations and any other laws, ordinances or governmental regulations restricting or regulating the use, occupancy or enjoyment of the Easement Area.

6. Headings. The captions and headings of any sections herein are not part of and in no manner or way define, limit, amplify, change or alter any term, covenant or condition of this Agreement.

7. Governing Law. This Agreement is governed by and construed in accordance with the laws of the State of Colorado. Any action brought to interpret or enforce this Agreement shall be brought in a court of competent jurisdiction in Chaffee County, Colorado.

IN WITNESS WHEREOF, the Trust hereby executes this Mutual Access and Utility Easement Agreement as of the Effective Date.

CONUNDRUM INVESTMENT TRUST:

BENJAMIN A. KAHN, TRUSTEE

STATE OF COLORADO)
) ss.
COUNTY OF CHAFFEE)

The foregoing instrument was acknowledged before me this _____ day of March, 2025, by Benjamin Kahn, as sole Trustee for the Conundrum Investment Trust.

Witness my hand and official seal. My commission expires: _____

Notary

EXHIBIT A**LEGAL DESCRIPTION OF PROPERTIES****223 W. Third St.**

Lot 1, The Hamlet Minor Subdivision Plat, 223 & 225 W. 3rd Street Subdivision
A Resubdivision of Lot 1 Welch Replat and Subdivision
City of Salida, County of Chaffee, State of Colorado

225 W. Third St.

Lot 2, The Hamlet Minor Subdivision Plat, 223 & 225 W. 3rd Street Subdivision
A Resubdivision of Lot 1 Welch Replat and Subdivision
City of Salida, County Of Chaffee, State of Colorado

EXHIBIT B**LEGAL DESCRIPTION OF EASEMENT AREA**

A mutual access and underground utility easement located within The Hamlet minor subdivision for the use and benefit of 223 W. Third St. and 225 W. Third St. in Chaffee County, Colorado, said easement being approximately three (3.0) feet wide, as more particularly described in the attached Easement Exhibit.

[See Attached]

EASEMENT EXHIBIT
LOT 1 WELCH REPLAT AND SUBDIVISION
CITY OF SALIDA, COUNTY OF CHAFFEE,
STATE OF COLORADO

EASEMENT DESCRIPTION

THE FOLLOWING IS A DESCRIPTION FOR AN ACCESS AND UTILITY EASEMENT. LOCATED ON AND ACROSS LOT 1 AND LOT 2, THE HAMLET MINOR SUBDIVISION PLAT, 223 & 225 W. 3RD STREET SUBDIVISION, A RESUBDIVISION OF LOT 1 WELCH REPLAT AND SUBDIVISION, CITY OF SALIDA, COUNTY OF CHAFFEE, STATE OF COLORADO

THAT PORTION OF LOT 1 AND LOT 2, THE HAMLET MINOR SUBDIVISION PLAT, 223 & 225 W. 3RD STREET SUBDIVISION, A RESUBDIVISION OF LOT 1 WELCH REPLAT AND SUBDIVISION, CITY OF SALIDA, COUNTY OF CHAFFEE, STATE OF COLORADO;

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 1, THE HAMLET MINOR SUBDIVISION PLAT, BEING MONUMENTED BY A 1 1/2" ALUMINUM CAP WITH ILLEGIBLE STAMPING AND BEING THE POINT OF BEGINNING, AND FROM WHICH THE NORTHERLY ANGLE POINT OF SAID LOT 1 BEING A 1 1/2" GREEN PLASTIC CAP ON NUMBER 5 REBAR STAMPED L.S. 38639 BEARS N37°44'38"E A DISTANCE OF 74.87 FEET;

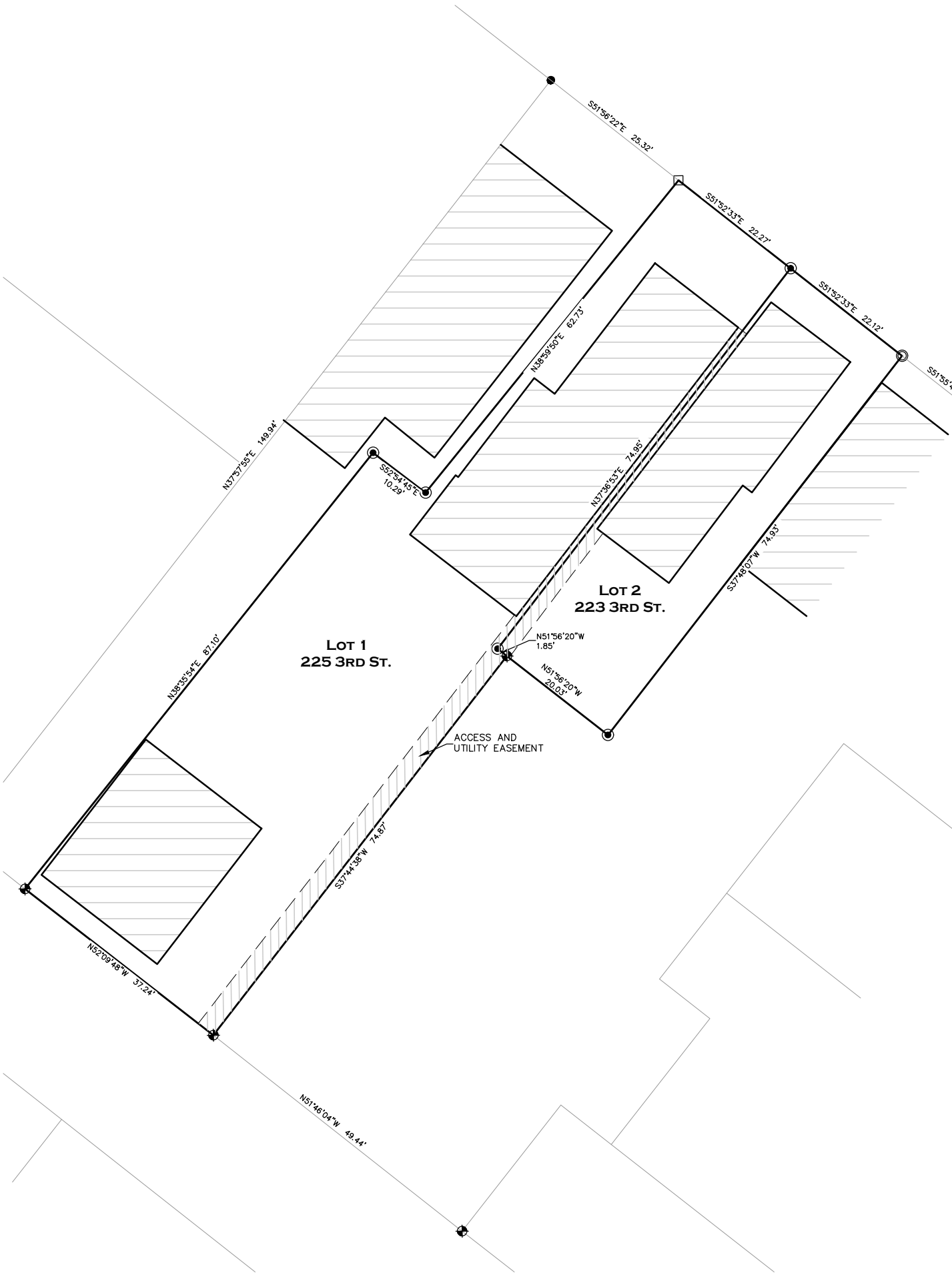
THENCE COINCIDENT WITH THE SOUTHERLY LOT LINE OF SAID LOT 1 N52°09'48"W A DISTANCE OF 3.00 FEET;
THENCE DEPARTING SAID LOT LINE N37°44'38"E A DISTANCE OF 80.64 FEET TO THE BUILDING LINE OF THE HOUSE ON LOT 1;
THENCE ALONG THE BUILDING LINE OF THE HOUSE ON LOT 1 S52°26'02"E, A DISTANCE OF 0.35 FEET TO THE BUILDING CORNER;
THENCE ALONG THE BUILDING LINE OF THE HOUSE ON LOT 1 N37°33'58"E, A DISTANCE OF 56.90 FEET;
THENCE DEPARTING SAID BUILDING LINE S52°26'02"E, A DISTANCE OF 1.68 FEET TO THE BUILDING LINE OF THE HOUSE ON LOT 2;
THENCE ALONG THE BUILDING LINE OF THE HOUSE ON LOT 2 S37°33'58"W, A DISTANCE OF 37.57 FEET TO THE BUILDING CORNER;
THENCE ALONG THE BUILDING LINE OF THE HOUSE ON LOT 2 S52°56'10"E, A DISTANCE OF 1.16 FEET;
THENCE DEPARTING SAID BUILDING LINE S37°03'50"W A DISTANCE OF 24.34 FEET TO THE SOUTHERLY PROPERTY LINE OF LOT 2, THE HAMLET MINOR SUBDIVISION;
THENCE ALONG THE PROPERTY LINE OF SAID LOT 2 N51°56'20"W A DISTANCE OF 0.42 FEET, TO THE SOUTHWESTERLY CORNER OF SAID LOT 2;
THENCE ALONG THE EASTERLY PROPERTY LINE OF SAID LOT 1 S37°44'38"W A DISTANCE OF 74.87 FEET, TO THE POINT OF BEGINNING.
SAID EASEMENT CONTAINS 363 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE:
I, KEVIN DEAN, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS SURVEY WAS PREPARED BY ME FROM NOTES OF AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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.

ACCESS AND UTILTY EASEMENT - LOT 1 & LOT 2, THE HAMLET MINOR SUBDIVISON		CENTRAL ROCKIES LAND SURVEYING, LLC 7405 HWY 50 W. SUITE 130 SALIDA, COLORADO 81201 719-850-1802
ADDRESS: 223/225 WEST 3RD ST	DRAWN BY: KLD	
LOCATION: CITY OF SALIDA COUNTY OF CHAFFEE, STATE OF COLORADO EASEMENT AREA: 363 SQUARE FEET±	DATE: 02/28/2025	
	JOB NAME: THE HAMLET MINOR SUBDIVISION	
	JOB No.: 24-009	

EASEMENT EXHIBIT
LOT 1 AND LOT 2, THE HAMLET MINOR SUBDIVISION
CITY OF SALIDA, COUNTY OF CHAFFEE,
STATE OF COLORADO



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.

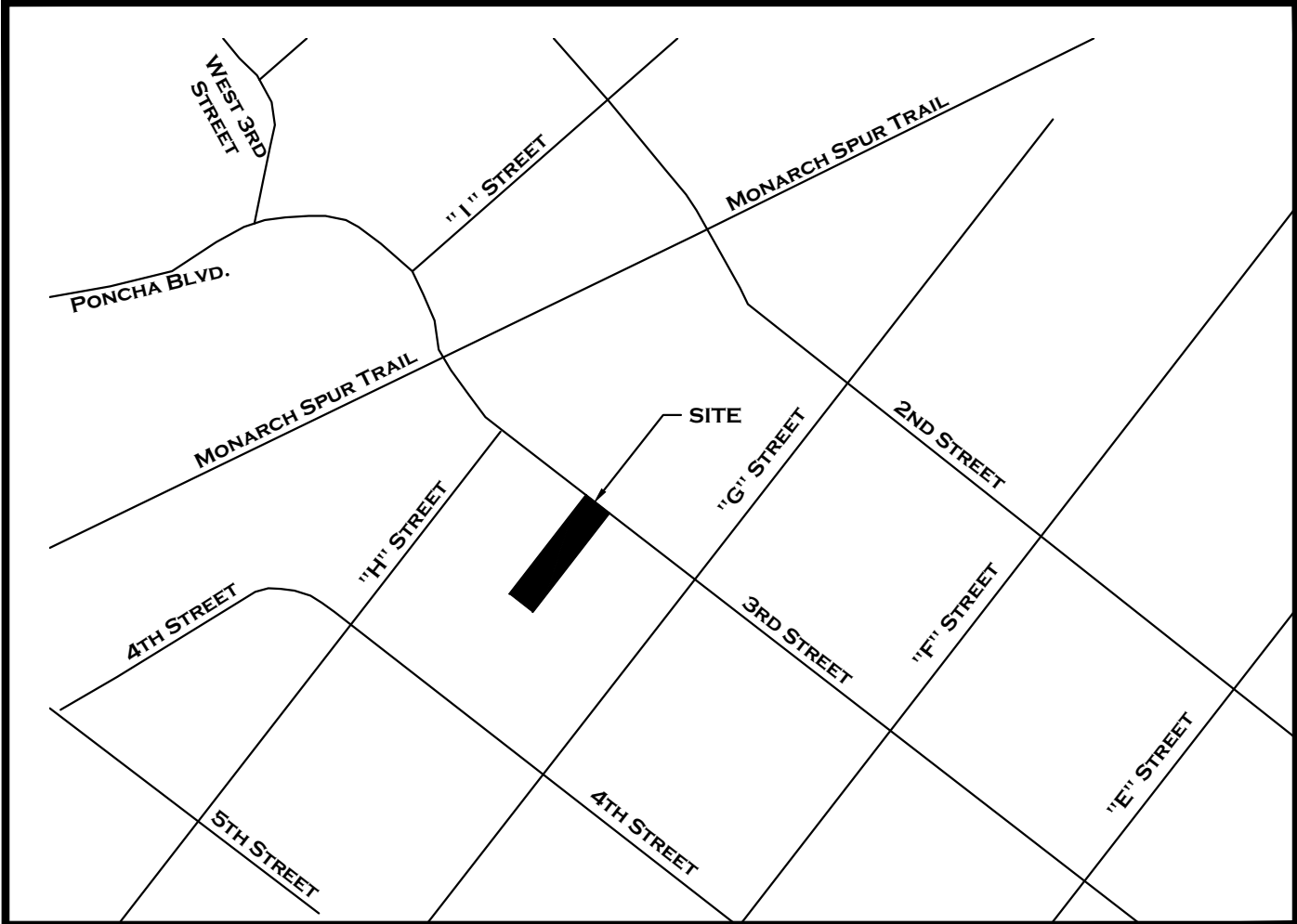
ACCESS AND UTILITY EASEMENT - LOT 1 & LOT 2, THE HAMLET MINOR SUBDIVISON			CENTRAL ROCKIES LAND SURVEYING, LLC 7405 HWY 50 W. SUITE 130 SALIDA, COLORADO 81201 719-850-1802
ADDRESS: 223/225 WEST 3RD ST	DRAWN BY: KLD		
LOCATION: CITY OF SALIDA COUNTY OF CHAFFEE, STATE OF COLORADO EASEMENT AREA: 363 SQUARE FEET±	DATE: 02/28/2025		
	JOB NAME: THE HAMLET MINOR SUBDIVISION		
	JOB No.: 24-009		

EXHIBIT C

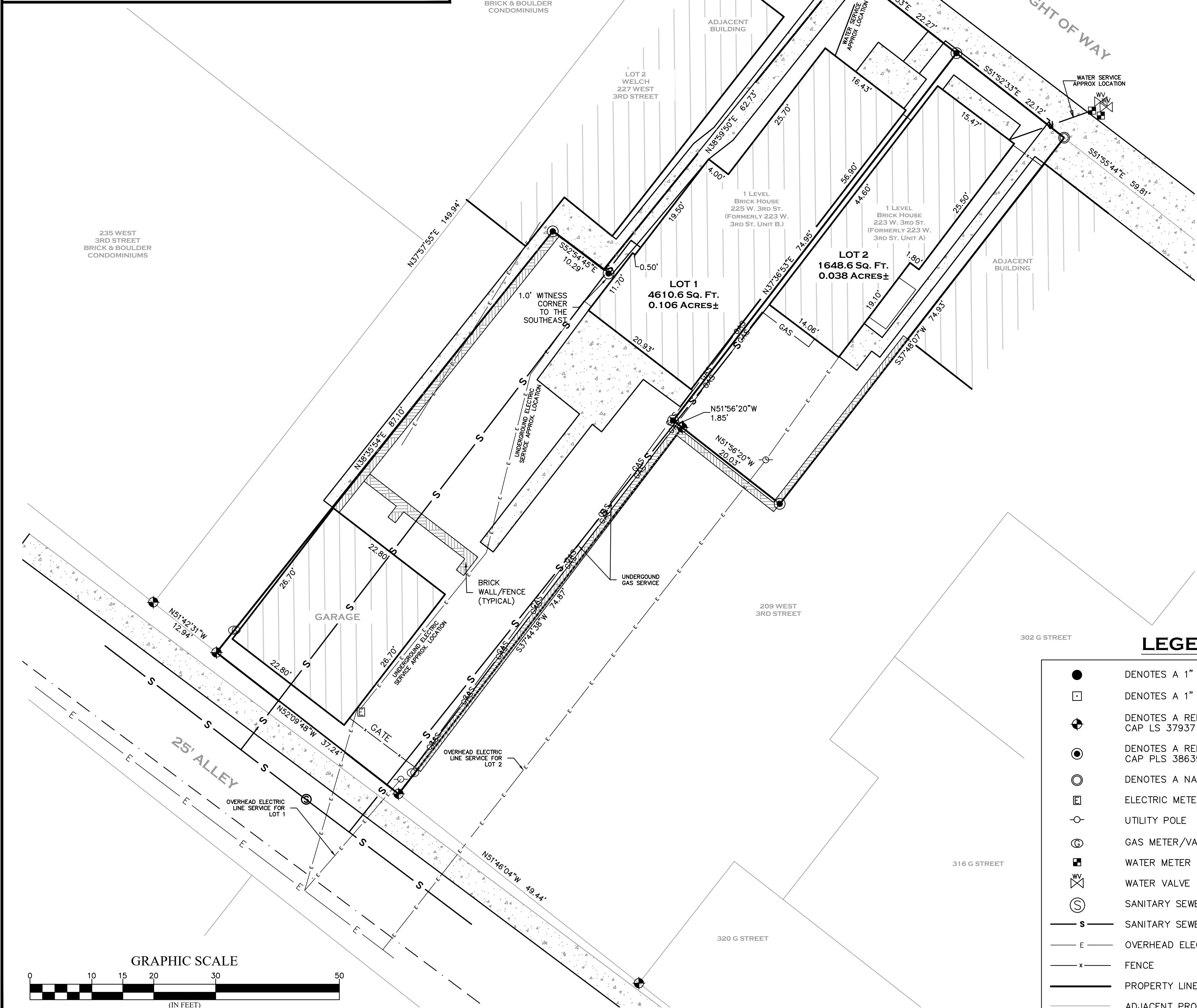
THE HAMLET MINOR SUBDIVISION PLAT

[See Attached]

MINOR SUBDIVISION PLAT
THE HAMLET - 223 & 225 W. 3RD STREET SUBDIVISION
A RESUBDIVISION OF LOT 1 WELCH REPLAT AND SUBDIVISION
CITY OF SALIDA, COUNTY OF CHAFFEE, STATE OF COLORADO



VICINITY MAP
SCALE 1:60



LEGEND

- DENOTES A 1" IRON ROD
- DENOTES A 1" WASHER LS 37937
- ⦿ DENOTES A REBAR WITH 1.5" ALUMINUM CAP LS 37937
- ⦿ DENOTES A REBAR WITH GREEN PLASTIC CAP PLS 38639
- ⦿ DENOTES A NAIL & WASHER PLS 38639
- ⦿ ELECTRIC METER
- ⦿ UTILITY POLE
- ⦿ GAS METER/VALVE
- ⦿ WATER METER
- ⦿ WATER VALVE
- ⦿ SANITARY SEWER MANHOLE
- S— SANITARY SEWER LINE
- E— OVERHEAD ELECTRIC LINE
- X— FENCE
- P— PROPERTY LINE
- A— ADJACENT PROPERTY LINE

CERTIFICATION OF DEDICATION AND OWNERSHIP

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING ALL OF THE OWNER(S), MORTGAGEE(S) AND LIEN HOLDER(S) OF CERTAIN LAND IN THE CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

LOT NO. 1, WELCH REPLAT AND SUBDIVISION
LOCATED WITHIN LOTS NO. 6, 7 AND 8 IN BLOCK NO. 48
PER PLAT RECORDED APRIL 18, 2007 AS RECEPTION NO. 366064
CITY OF SALIDA, CHAFFEE COUNTY, COLORADO.
CONTAINING 0.144 ACRES, MORE OR LESS.

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS, BLOCKS, OR TRACTS AS SHOWN ON THIS PLAT. UNDER THE NAME AND STYLE OF "THE HAMLET - 223 & 225 W. 3RD STREET MINOR SUBDIVISION", AND DO HEREBY DEDICATE TO THE CITY OF SALIDA AS PUBLIC ROADS, THE STREETS AND ROADS AS SHOWN ON SAID PLAT. THESE BEING 3RD STREET AND AN ALLEYWAY. THE UNDERSIGNED HEREBY FURTHER DEDICATE TO THE PUBLIC ALL UTILITY EASEMENTS ON THE PROPERTY AS DESCRIBED AND AS SHOWN HEREON. THE UNDERSIGNED HEREBY FURTHER DEDICATE TO THE PUBLIC UTILITIES THE RIGHT TO INSTALL, MAINTAIN AND OPERATE MAINS, TRANSMISSION LINES, SERVICE LINES AND APPURTENANCES TO PROVIDE SUCH UTILITY SERVICES WITHIN THIS SUBDIVISION OR PROPERTY CONTIGUOUS THERETO. UNDER, ALONG AND ACROSS PUBLIC ROADS AS SHOWN ON THIS PLAT AND ALSO UNDER, ALONG AND ACROSS UTILITY EASEMENTS AS SHOWN HEREON.

EXECUTED THIS _____ DAY OF _____, 2025.

OWNER _____ MORTGAGEE(S) / LIENHOLDER(S) _____

COUNTY OF CHAFFEE)
STATE OF COLORADO)

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025, BY _____.

WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

CERTIFICATE OF STREET AND UTILITY MAINTENANCE

PUBLIC NOTICE IS HEREBY GIVEN THAT NEITHER THE DEDICATED PUBLIC ROADS NOR THE PUBLIC UTILITIES SHOWN ON THIS PLAT WILL BE MAINTAINED BY THE CITY OF SALIDA UNTIL AND UNLESS THE SUBDIVIDER CONSTRUCTS THE STREETS, ROADS AND UTILITIES IN ACCORDANCE WITH THE SUBDIVISION AGREEMENT, IF ANY, AND THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE OF THE RECORDING OF THIS PLAT, AND APPROVAL OF THE CITY HAS BEEN ISSUED TO THAT EFFECT. WHEN THE CITY APPROVES A STREET OR UTILITY FOR MAINTENANCE, THE STREET OR UTILITY SHALL BECOME PUBLIC IN ALL SENSES OF THE WORD AND THE SUBDIVIDER HAS NO FURTHER OBLIGATIONS IN REGARDS TO THAT PARTICULAR STREET OR UTILITY.

CITY OF SALIDA PLANNING COMMISSION APPROVAL

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION THIS _____ DAY OF _____, 2025.

CHAIRMAN

CITY ADMINISTRATOR APPROVAL

THIS PLAT IS APPROVED BY THE SALIDA CITY ADMINISTRATOR THIS _____ DAY OF _____, 20____.

CITY ADMINISTRATOR

TITLE CERTIFICATE.

I, _____, AN ATTORNEY AT LAW DULY LICENSED TO PRACTICE BEFORE THE COURTS OF RECORD IN THE STATE OF COLORADO, CERTIFY THAT I HAVE EXAMINED TITLE TO THE PROPERTY DESCRIBED HEREIN AND THAT IN MY OPINION TITLE TO THE ABOVE DESCRIBED REAL PROPERTY IS HELD BY _____.

SIGNED THIS _____ DAY OF _____, 20____.

ATTORNEY AT LAW

CLERK AND RECORDERS CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, ON THIS _____ DAY OF _____, 2025
UNDER RECEPTION NUMBER _____

CHAFFEE COUNTY RECORDER

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. SANITARY SEWER COULD NOT BE VERIFIED IN THE FIELD - SHOWN LOCATION IS AN ESTIMATE BASED ON INFORMATION PROVIDED BY CLIENT. ALL SUBSURFACE UTILITIES SHOWN ARE BASED ON THE BEST FIELD INFORMATION AVAILABLE. LOCATES, POTHOLES OR EXCAVATION OF SUBSURFACE UTILITIES WILL NEED TO BE COMPLETED TO DETERMINE EXACT LOCATIONS. 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 CITY OF SALIDA 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 REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION, THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

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.

INCLUSIONARY HOUSING

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.

FAIR CONTRIBUTIONS TO SCHOOLS

PURSUANT TO SECTION 16-6-140, FAIR CONTRIBUTIONS TO SCHOOL SITES AS MAY BE AMENDED, AT THE TIME THAT NEW 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 PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR ANY NEW RESIDENCE ON ANY LOT WITHIN THE SUBDIVISION.

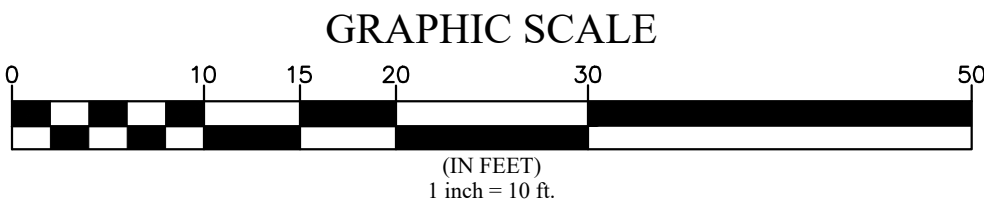
UTILITY EASEMENTS

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. UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS EASEMENTS 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 GRANTEEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEEES, 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.

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

DRAWN BY: KLD
DATE: 03/19/2025
JOB NAME: THE HAMLET MINOR SUB
JOB No. 24-009





PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 24, 2025
AGENDA ITEM TITLE: 1002 E HWY 50 Drive-In Restaurant – Limited Impact Review
AGENDA SECTION: Public Hearing

REQUEST:

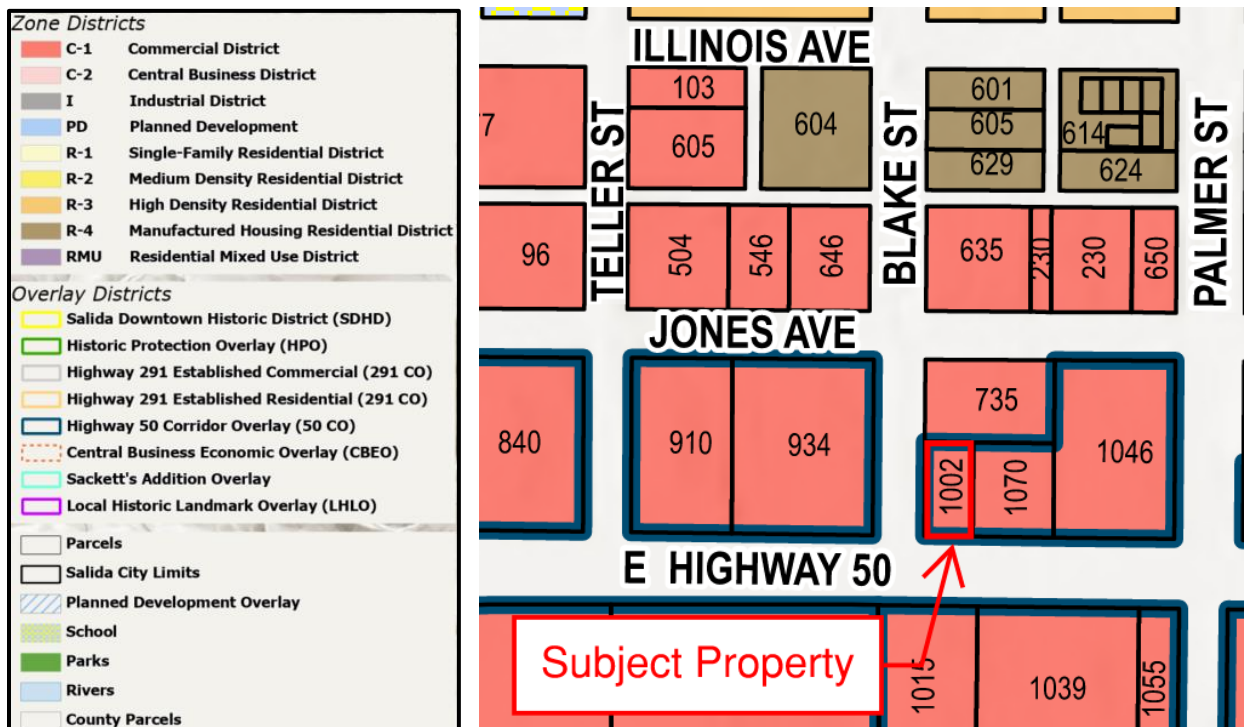
The request is to receive Limited Impact Review approval for a Drive-In Food or Beverage Facility use (also known as a drive-through restaurant) on the property known as 1002 E HWY 50, Salida, CO 81201.

APPLICANT:

The applicant is Kyle Buskist, 325 W Park Ave, Salida CO 81201.

LOCATION:

The subject property is known as 1002 E HWY 50, City of Salida, Chaffee County and contains .16 Acres. The property is zoned as C-1, Commercial, and is within the Highway 50 Corridor Overlay District (50 CO).





PROCESS:

Per the Salida Municipal Code Definitions: *Drive-in facility* means an establishment which provides such products and services as, but not limited to, food, beverages or financial services, to customers in vehicles. Per Sec. 16-4-150. Schedule of uses and review process, Table 16-D, a Drive-In use within the C-1 zone district requires a Limited Impact Review procedure.

Limited Impact Reviews are for those land uses which are generally compatible with the permitted uses in a zone district, but require site-specific review of their location, design, intensity, density, configuration, and operating characteristics. Limited Impact Reviews may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts.

The Salida Municipal Code, Chapter 16, specifies that Limited Impact Review applications be reviewed by the City of Salida Planning Commission at a public hearing after fifteen days public notice.

OBSERVATIONS:

1. The property is located within the Commercial District (C-1) and is within the Highway 50 Corridor Overlay (50 CO). Properties surrounding this parcel are also located within the C-1 zone district and within the 50 CO.
2. The purpose of the Commercial (C-1) zone district is to provide for commercial and service businesses in a pattern that allows ease of access by both vehicles and pedestrians. Areas designated Commercial (C-1) are located primarily along the City's main entrance corridors.

REVIEW STANDARDS – Limited Impact Review (Section 16-4-110):

1. **Consistency with Comprehensive Plan.** The use shall be consistent with the City's Comprehensive Plan.
 - Staff response: The proposed use is consistent with the City's Comprehensive Plan to provide commercial uses along the HWY 50 Commercial Corridor.
2. **Conformance to Code:**
 - **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 V.
 - Applicant Response: Will follow all codes and zoning standards.
 - Staff Response: The applicant is renovating and changing the use of an existing structure. The side setback along Blake Street is 4'-6" and therefore is existing nonconforming. The rest of the setbacks are compliant. The building lot coverage, parking and access coverage, and landscape requirements are met. The building height is well below the required maximum.
 - **Site development standards.** The parking, landscaping, sign and improvements standards.
 - Parking standards and minimum requirements are met. Landscaping requirements are met and will be further confirmed at building permit stage. Existing marquee sign within the right-of-way and sidewalk will be removed to improve accessibility. Existing pole sign will be used. Any additional new signs will be reviewed for compliance upon submittal. Additional requirements are outlined within the Highway 50 Corridor Overlay below.
 - **Sec. 16-5-60. - Highway 50 Corridor Overlay (50 CO)** The purpose of the Highway 50 Corridor Overlay (50 CO) is to establish standards for the efficient, well-ordered and safe development of one of the primary entrances to the City which is also one of its major highways. A combination of landscape and architectural standards and provisions for pedestrian and vehicle access will provide for attractive and functional development while allowing continued commercial growth within this corridor.
 - A change of use on the property makes the review standards within the 50 CO applicable to this project.
 - Access. Vehicular access. Vehicular access to the property shall be obtained using curb cuts which are shared with other properties whenever feasible and provided for with appropriate easements. Curb cuts shall meet the Colorado Department of Transportation's "Highway Access Code." The provisions of Highway 50 Corridor Overlay (50 CO) shall be complied with in addition to, and to the extent not in conflict with, the State Highway Access Code. Any

access onto the highway requires approval from the Colorado Department of Transportation.

1. Staff response: CDOT will not allow a curb cut off HWY 50, therefore a curb cut will be used along Blake Street. Curb cuts cannot easily be shared with adjacent properties. Curb cuts shown on the site plan have been approved by Public Works.
- Sidewalks. Sidewalks shall be provided within the Highway 50 Corridor Overlay (50 CO). Sidewalks fronting Highway 50 shall be detached sidewalks with a width of six (6) feet. The parkway located between the curb or travel lane and the sidewalk shall be four (4) feet wide. A sidewalk design may be modified, with approval from the Administrator, if attaching to an existing sidewalk that does not meet this standard or if the existing site development is such that the standard sidewalk and parkway width requirements would adversely affect existing required parking or would not fit between the road edge and front of an existing building. When extraordinary conditions prohibit the installation of the sidewalk, a fee-in-lieu may be allowed. Installation of improvements within the Colorado Department of Transportation's right-of-way requires approval via a Utilities/Special Use permit from the Colorado Department of Transportation.
1. Staff response: The development proposes the reuse of an existing structure. It would not be appropriate to change the sidewalk layout at this time. The proposed site plan is supported by staff.
- The parkway located between the curb or travel lane and the sidewalk shall be four (4) feet in width. The parkway shall be stamped, colored concrete as proposed in the Highway Corridor Improvement Plan or as approved by the Public Works Director.
1. Staff response: as the sidewalk will not be detached, there will be no parkway proposed as part of this development. Pedestrian sidewalk is already in place at the corner. Curb cut is not being requested to be redone along Blake Street, however landscape requirements will be brought up to code.
- Lighting. Streetlights shall be installed in the parkway. The streetlights shall meet the model and specifications identified in the Highway Corridor Improvement Plan. Approximate streetlight locations are shown in the Highway Corridor Improvement Plan. Exact locations will be subject to the approval of the Public Works Director.
1. Staff response: there is already an existing to remain streetlight at the corner of the property.
- Building Setbacks. To create a consistent image throughout the corridor, new construction should be developed in a manner that

complements the historic pattern of buildings being located close to the highway.

1. Staff response: no new construction is proposed.

- Landscaping Standards. The minimum landscape area applicable to any property in the Highway 50 Corridor Overlay (50 CO) shall be that required in the underlying zone district. At a minimum, this landscaping shall be located along the road frontages identified herein and shall also be located within and around the parking areas, as described in Section 16-8-90

1. Staff response: the underlying zone district landscaping requirements are met, and the landscaping is located along HWY 50 as required.

- Highway frontage buffer. There shall be an average of one (1) tree planted per thirty (30) feet of the property's highway frontage adjacent to the highway. These trees shall be planted on the subject property, along the property's frontage adjacent to the highway, and may be clustered.

1. Staff response: two trees will be proposed in the new landscape area along HWY 50 which meet the requirements of the code.

- Side road buffer. If the subject property is a corner lot, there shall also be an average of one (1) tree planted per forty (40) feet of the property's side road frontage. These trees shall be planted in a minimum four-foot-wide landscape strip along either side of the pedestrian path. These trees shall be planted on the subject property, along the property's frontage adjacent to the side road and may be clustered.

1. Staff response: the Planning Director has waived this requirement as the reuse of the existing structure and site limitations would make this requirement nearly impossible to meet.

- Storage Areas. Storage areas shall be visually screened from pedestrian paths and the highway, using a fence, wall, trees or large shrubs. Storage areas include, but are not limited to, outside storage areas, open areas where machinery or heavy equipment is parked, loading docks and trash receptacles.

1. Staff response: trash receptacles are screened appropriately with the use of a fence.

- Architectural Standards do not apply as no new construction is proposed.

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.
 - Applicant Response: Commercial property on HWY 50, just like surrounding buildings. Converting back to a drive through restaurant.
 - Staff Response: The use is appropriate and compatible with the character of the neighboring uses.
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.
 - Applicant response: All surrounding buildings are commercial use. Restaurant will close at 10 pm. So no more idling cars after 10. Staff will park a block away where there is “curbed parking” to help with parking on the premises. This is a fast-food concept. We will be getting food out as quickly as possible to keep cars moving forward and out of the drive-thru. Have made multiple edits to site plan to mitigate the best use of the site.
 - Staff Response: The applicant team, planning staff, and public works staff have met several times including on-site and via correspondence regarding the proposal. There have been multiple iterations of the site plan to refine the design to find the layout which will best serve all parties. The vehicle entrance to the property has been pushed as far away from the HWY 50 intersection as is feasible. CDOT has also denied the request for any curb cut usage along HWY 50, which is the primary driver for the parking and drive through lanes being accessed off Blake Street only.
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.
 - Applicant Response: See above.
 - Staff Response: See above. No unusual business use or hours are proposed for this commercial use. The existing building will be utilized.
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.
 - Staff Response: Public facilities are already in place that will be adequate for the new development.
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.

- Staff Response: The use will not cause significant deterioration to the listed resources or environment.

REVIEW STANDARDS APPLICABLE TO PARTICULAR USES

Drive-in Facility (Section 16-4-190-L)

1. Circulation. Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by striping, pavement markings or barriers.
 - Staff Response: Drive-through lanes are adequately separated from parking access, meeting dimensional requirements as well as physical barrier separation of a raised curb.
2. Minimize Impacts. Drive-through lanes shall be designed and located to minimize impacts on adjoining properties, including screening or buffers to minimize noise impacts. A fence, wall or other opaque screen of at least six (6) feet in height shall be provided on all sides of the site that are located adjacent to property that is zoned for or occupied by residential uses.
 - Staff Response: Response to locating drive through lanes can be found above in "Traffic." The site is not adjacent to any residential zones or uses and therefore a fence is not required.

REVIEW AGENCY COMMENTS: The Public Works Director, Fire Chief, Police Chief, Finance Department, Chaffee County Planning & Director of Development Services, Public Service Companies, and CDOT were invited to comment on the application. The following comments were received in response to this request.

Finance Department: No response was received.

Salida Fire Department, Kathy Rohrich, Assistant Chief: No concerns at this time.

Salida Police Department, Russ Johnson, Chief: No concerns at this time.

Public Works Director, David Lady: Final engineering plans to be submitted for review and approval.

Chaffee County Planning & Zoning: No response was received.

Chaffee County Director of Development Services: No response was received.

Colorado Department of Transportation, Dan Roussin: The primary access for this property is Blake Street. This property does have a curb cut on Highway 50 which needs to be removed. CDOT will need an access permit for the closure of the access. The landowner will need to fill out an access permit. The access permit will allow the landowner to work within the CDOT right of way.

Xcel Energy, Donna George: Please be aware PSCo owns and operates existing underground electric distribution facilities for streetlighting along the south property line.

The property owner/developer/contractor must complete the application process for any new electric service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted by the Designer. As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

RECOMMENDED FINDINGS: The purpose of limited impact review process is to determine the compliance of the application with the review standards contained in Section 16-4-110.

1. The application complies with the comprehensive plan and the proposed drive-in use shall carry out the purpose and spirit of the comprehensive plan and conform to the applicable objectives, guiding principles and recommended actions.
2. This application complies with the standards and uses of the C-1 zone district.
3. The complies with city codes for the proposed drive-in development.

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: Based upon the observations, review standards, and findings outlined above, staff recommends the Planning Commission approve the Limited Impact Review application for the Drive-In Food or Beverage Facility use located at 1002 E HWY 50.

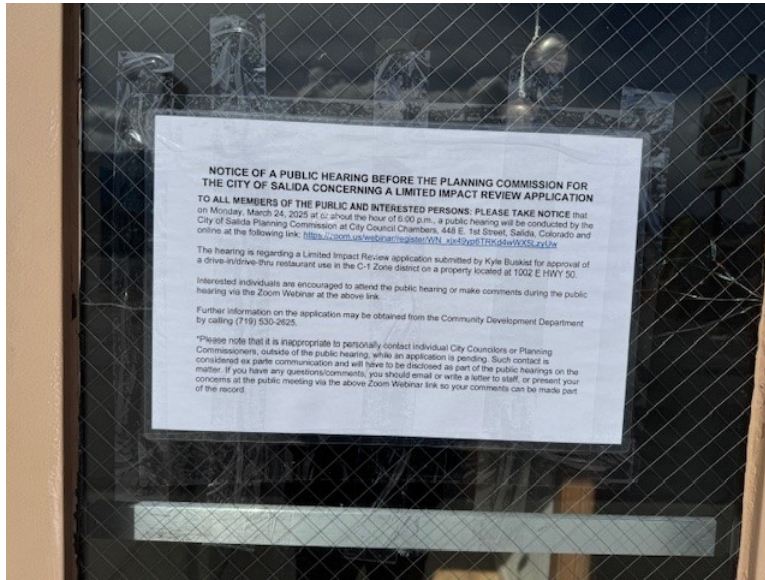
RECOMMENDED MOTION: "I make a motion to approve the Drive-In Food or Beverage Facility use at 1002 E Hwy 50 as it meets the Limited Impact Review Standards."

Attachments:

- Proof of publication
- Application materials
- Site Plan

Proof of Publication:

Site Posting:



Mountain Mail Publishing:

PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING BEFORE
THE PLANNING COMMISSION FOR THE
CITY OF SALIDA CONCERNING A LIMITED
IMPACT REVIEW APPLICATION
TO ALL MEMBERS OF THE PUBLIC AND
INTERESTED PERSONS: PLEASE TAKE
NOTICE that on Monday, March 24, 2025 at
 or about the hour of 6:00 p.m., a public hear-
 ing will be conducted by the City of Salida
 Planning Commission at City Council Cham-
 bers, 448 E. 1st Street, Salida, Colorado and
 online at the following link: https://zoom.us/join/wn_xjx49yp6TRKd4wWX-5LzyUw
 The hearing is regarding a Limited Impact
 Review application submitted by Kyle Bus-
 kist for approval of a drive-in/drive-thru
 restaurant use in the C-1 Zone district on a
 property located at 1002 E HWY 50.
 Interested individuals are encouraged to at-
 tend the public hearing or make comments
 during the public hearing via the Zoom Webi-
 nar at the above link.
 Further information on the application may
 be obtained from the Community Develop-
 ment Department by calling (719) 530-2625.
 *Please note that it is inappropriate to per-
 sonally contact individual City Councilors or
 Planning Commissioners, outside of the pub-
 lic hearing, while an application is pending.
 Such contact is considered ex parte commu-
 nication 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
 Zoom Webinar link so your comments can be
 made part of the record.
 Published in The Mountain Mail March 7,
 2025.



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;
- ☒ 4. Special Fee and Cost Reimbursement Agreement completed. **major impact only*
- ☐ 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:

(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);

- ☒ 8. Any subdivision request including a plat meeting the requirements of Section 16-6-110;
- ☒ 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:

(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

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

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

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.

Happy to be compliant.

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.

Will follow all codes & zoning standards.

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

no problem

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.

Commercial property on Hwy 50, Just like Surrounding buildings. Converting back to a drive thru restaurant.

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.

All surrounding buildings are commercial use. Restaurant will close @ 10. So no more idling cars after 10. Staff will park a block away where there is "curbed parking" to help w parking on the premises. This is a fast food concept. We will be getting food out as quickly as possible to keep cars moving forward & out of the drive-thru, have used

multiple edits to site plan to mitigate the best use of the site.

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.

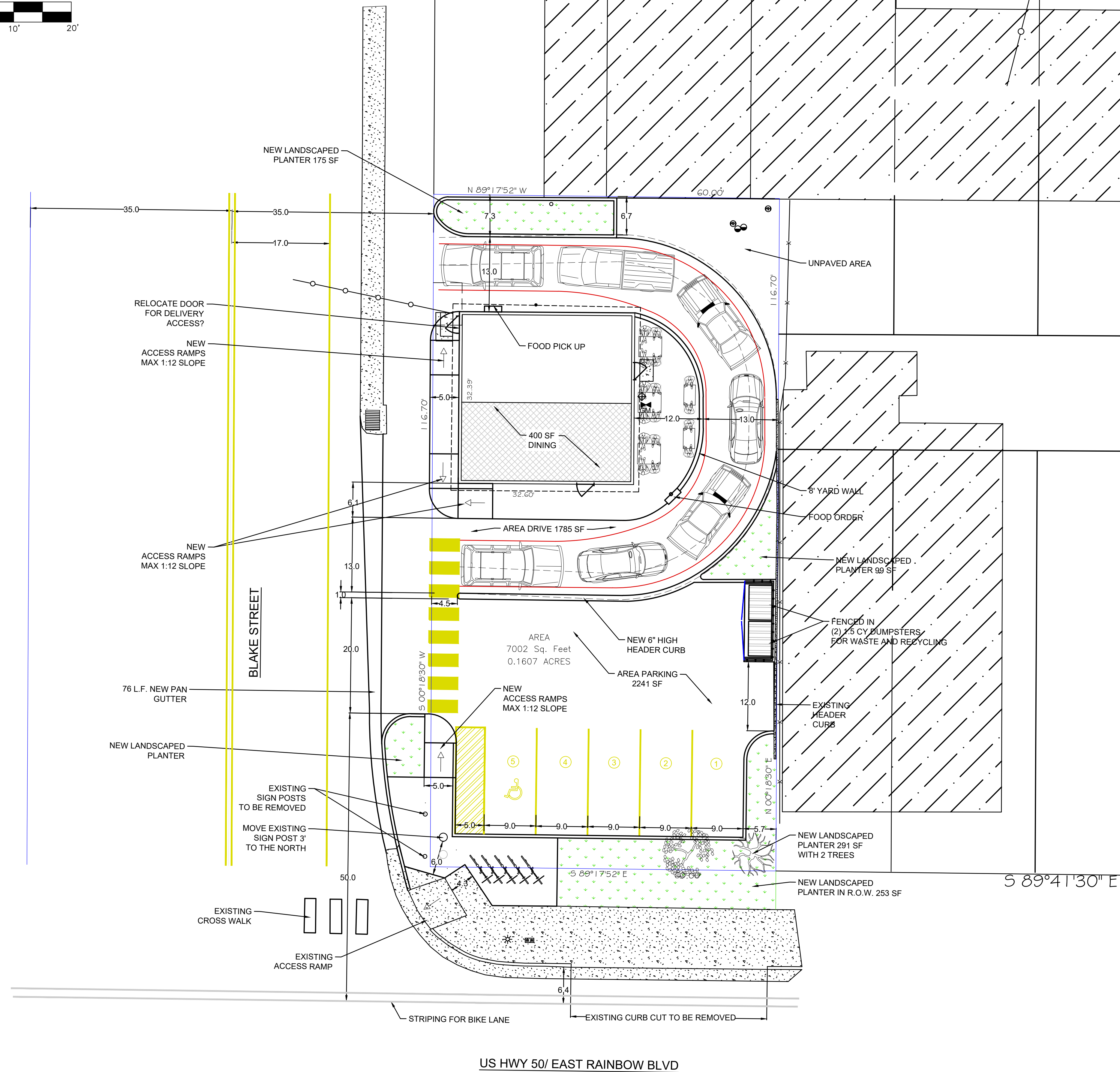
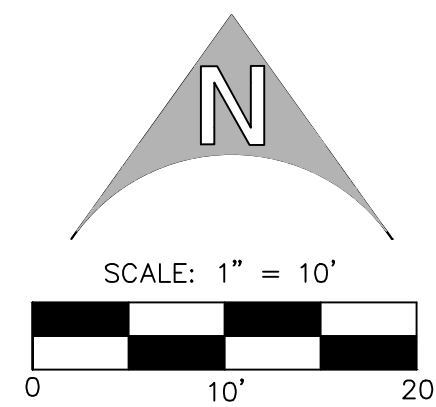
Absolutely,

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.

No problem,

To whom it may concern:

I am purchasing 1002 East HWY 50, to open up a Chicken Finger Restaurant. The menu will include fresh, never frozen hand battered chicken fingers, French fries, Texas toast, cole slaw, a salad, sodas, and slushies with a variety of dipping sauces. This will include a small dining room, a small patio, take out, and a drive-thru. The proposed development will be a full remodel inside and out converting it back into a drive-thru restaurant. (it was a burger drive thru way back when). Development will take about 8-12 months. In addition to the remodel I will also be covering the cost to take out the curb cut and reinstall the concrete for the sidewalk on 50. As well as adding a small sidewalk on the Blake street side. Please see the siteplan.



US HWY 50/ EAST RAINBOW BLVD

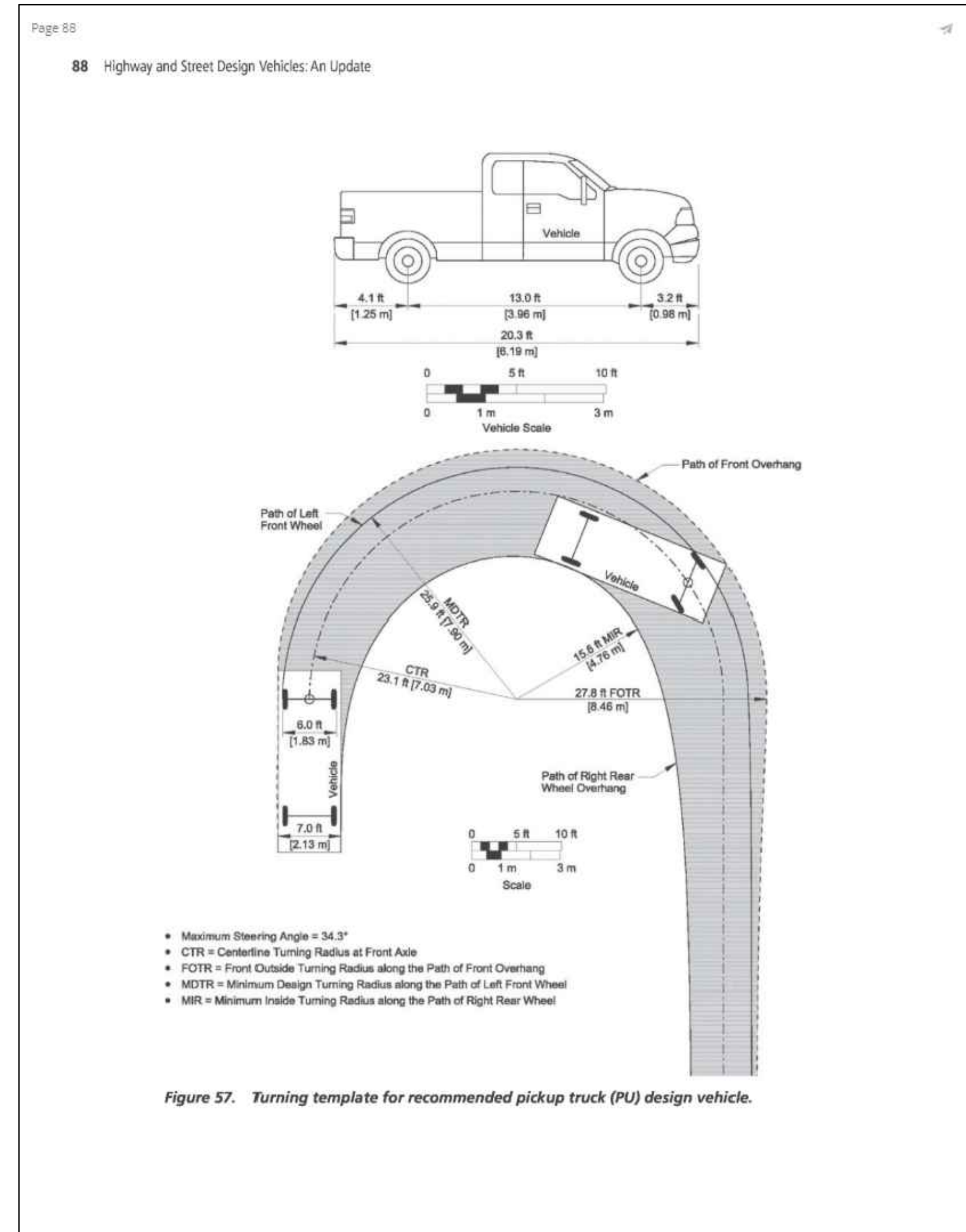


Figure 57. Turning template for recommended pickup truck (PU) design vehicle.

- Maximum Steering Angle = 34.3°
- CTR = Centerline Turning Radius at Front Axle
- FOTR = Front Outside Turning Radius along the Path of Front Overhang
- MDTR = Minimum Design Turning Radius along the Path of Left Front Wheel
- MIR = Minimum Inside Turning Radius along the Path of Right Rear Wheel

NOTE: SITE LAYOUT BASED ON A SITE SURVEY COMPLETED BY LANDMARK SURVEYING FEB 3, 2025

DESIGN DEVELOPMENT - NOT FOR CONSTRUCTION

1" = 10'

2/21/2025

Title:
SITE PLAN

RESTAURANT AT 1002
EAST HWY 50

SALIDA, COLORADO

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