

**SALIDA REGIONAL PLANNING COMMISSION**  
**September 29, 2010 6:00 PM**  
**MINUTES Approved October 20, 2010**

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**Planning Commissioners Present:** PT Wood, Ted Richardson, Greg Bayne, and Cheryl Brown-Kovacic

**Planning Commissioners Absent:** Dave Potts

**Staff Present:** Don Reimer, Dara MacDonald, Michael Yerman, Kim Antonucci

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The meeting was called to order at approximately 6:01 p.m.

Greg Bayne moved to approve the amended minutes of May 19, 2010; Brown-Kovacic seconded. All in favor. Motion carried unanimously.

Michael Wilbur- Introduced himself as the Colorado Springs Attorney. Spoke on the Amended IGA and Article 6.1.(d) and the ability of the City of Salida to comment on applications in the MPA. He stated that since the application is in the MPA and no regulations have been created that this application should follow County standards.

Don Reimer- Presented the Rusty Graves Cultural Heritage Museum commercial application. An explanation of the IGA process was given and the proper public notice was verified for the application. He summarized the staff report, standards, and prior applications from the applicant for a BBQ restaurant and motor cycle repair shop. He entered into record that the RPC had conducted a prior site visit. He spoke on the recommended findings. He also explained that the RPC could recommend the application be processed as submitted, or be processed with applying additional City standards. Any appeal of the RPC recommendation would go before the Board of County Commissioners. An appeal of his decision of this as a use by right would go before the County Board of Adjustment.

Wood- Questioned staff on the necessary frontage needed for the development.

Cheryl Brown-Kovacic – Questioned staff on the determination of a use by right and the fact that this is a “Community Service Structure.” She stated that they are traditionally public or non profit entities.

Reimer- Explained other uses by right in the Recreational zone.

Brown-Kovacic- Asked staff what criteria were for determining the primary use of the property.

Wood- Asked staff to review the special use permit process and what would denial would mean.

Reimer- Explained the process and possible consequences if the use was violated or expanded at the location.

Richardson- Asked if the determination by staff could be evaluated.

Reimer- Explained that the determination would go if the County Board of Adjustment.

Wood- Questioned the mine tailings and how they would be dealt with.

Reimer- Stated if there could be possible environmental effects these would be dealt with at the time of building permit.

Bill Smith (Applicant's representative) – He introduced the project team Sarah Whittington and Tom Pokorny. Gave a presentation of the proposed museum and the exhibits that would be in the museum. He showed the Commission what it would look like and the benefits it would have for the community. He included that there would be a gift shop and snack bar. He submitted the findings that support the applicant's ability for approval with conditions. He reviewed the IGA and how it could be applied to the application. He also presented State Statue 29-20-105. Intergovernmental Cooperation to be entered into the record.

Sarah Whittington- Explained the IBC Building codes and how the Museum use was classified. She explained that an incidental use is classified in the IBC and that under 750 sf of the use would be consider to be incidental.

Lana Hall- Explained that she is a biologist and expressed concern that this would have on the natural landscape of the corridor. She explained that she could see the top of S Mountain. She expressed concern over the access to Silverheels Road and she would be able to see lights on the site. She also expressed concerns on the Bear interface and the foot trail to Castle Gardens. She stated that the BLM closed this area to motor vehicular traffic. She stated that the BLM has not been notified of the new trail. She also expressed concerned about the photos being taken. She also respects Mr. Graves wants to earn an income but questions how this will be profitable as a museum.

Mary Ann Davidson- Feels that a commercial application near her property would diminish the property values of her property. She also has concerns for access and the need for a turn lane for west bound lane. She also expressed concerns on the use of the Silverheels Road and the extra expense to maintain the road. She is also concerned about the outdoor dinning and she does not agree that this is a use by right. She is also concerned that this is the third attempt to have a restaurant and the previous attempts were denied.

Jim Webster- Stated he appreciates the work of staff on the application. He does prefer that there would be no commercial development around the neighborhood.

He expressed that the IGA and current codes do not adequately address the application and by the code Museum. He questioned if a restaurant like the Hard Rock Café would qualify as a museum. He is concerned with the definitions and future determinations that this could set a precedent for. He is concerned with the road and how the road would be maintained and the current design ingress and egress. The road and the bend into the site and the steep hillside that would need to be cut would be a difficult egress. He questioned about the fifty feet that will be removed from the site.

Jim Miller (Salida)- Expressed that the City and County could place standards on the site. He expressed that the standards that should be used are the County standards.

Reimer- Entered into the record written comments staff had received for the public record.

Wood- Closed the public hearing.

Wood- Asked staff to see the past resolution for the denial of the past application. He made the recommendation that this should be continued to allow staff the time to address the definitions and the codes that were provided.

Reimer- Explained the determination that was made by staff

Bayne- Expressed that the County standards should be applied for the application.

Richardson- Agrees with Greg but is confused with County standards. He is worried about the excavation of the road and site.

Reimer- Spoke to the recommendations from the County that are in the staff report.

Richardson- Ask for standards on lighting and parking and egress.

Reimer- Stated that the Fire Department reviewed the egress for the application.

Richardson- Has concerns that visitors will block the access to the property. He asked the applicant's representative about the egress to the property

Tom Pokorny- Explained that the Fire Department had approved the egress.

Brown-Kovacic- Asked if there was an agreement for the maintenance of the road.

Jim Webster- Stated that there is a very open agreement and there is no defined agreement.

Mary Ann Davidson- Added that the BLM requires the road be maintained to their standards.

Brown-Kovacic- Asked about drainage.

Bill Smith- Stated that a drainage plan would be submitted.

Brown-Kovacic- Asked about the revenues from the museum.

Bill Smith- Explained that he has submitted a building permit and the application materials for that application. He stated that does not need to be submitted.

Brown-Kovacic- Asked about the interpretation and how the museum would be run.

Richardson- Asked if an entry fee into the Museum would be required of everyone.

Bill Smith- Stated that a fee would be collected from everyone at the door.

Brown-Kovacic- Asked about the design of the building.

Tom Pokorny- Explained that the southwest architecture would fit the area and the applicant enjoys the architectural style.

Reimer- Explained that the zoning determination has been made. That his decision could be appealed to the Board of Adjustment. If the applicant wishes to appeal recommendation on the standards it would be appealed by the BOC.

Richardson- Asked about the requirements in the County for signage.

Wood- Expressed concern about the law requirements and the ability for the Board to make a decision.

Wood- Made a motion to continue the public hearing to the next regularly schedule meeting to add clarification to the issues brought up by the applicant's representatives including the IGA, IBC codes and definitions of a community service building.

Bayne- Seconded the motion.

Reimer- Stated that further clarification of a use by right couldn't be given.

Wood- Asked for a clearer staff report.

The RPC voted Wood was in favor. Brown-Kovacic, Bayne, Richardson were against.

Richardson- Suggest that the application undergo further review by the Board of Adjustment.

Brown-Kovacic- Made a motion that that this determination of staff for this application as a "Use by right" be reviewed by the Board of Adjustment Wood-Seconded. Wood and Brown-Kovacic were in favor. Bayne and Richardson were against.

Richardson- Asked City staff to explain the Standards of the City.

Yerman- Explain the City standards that were applicable to site similar to the City C-1 zone.

Brown-Kovacic- Expressed that an agreement needs to worked out between the applicant and neighbors regarding use and maintenance of the access road.

Richardson- Made the motion to allow the application be processed by the County and the City Lighting 16-7-70 and Signage 16-8 standards of the Salida Municipal Code be applied to this application. Bayne Seconded the Motion.

Brown-Kovacic- Asked about the maintenance of the road and a possible agreement.

RPC Voted- Richardson and Bayne voted in favor. Wood and Brown-Kovacic opposed.

Wood- Stated he does not have enough information to process this application.

Brown-Kovacic- Does not feel that the IGA can be applied.

Richardson- Does not like the access.

Wood- Expressed concern on the previous application that was denied by the BOC.

Jerry Mallet- Explained the previous Board of County Commissioners were concerned with the commercial development and the view shed.

Brown-Kovacic- Asked if a standard could be applied for access to the property.

Rusty Graves- Access the agreement could be reworked but he has legal access and that is all he needs for a building permit. But, he would work with the other users of Silverheels Road to improve the access agreement.

Richardson- Made the motion to allow the application be processed by the County and the City Lighting 16-7-70 and Signage 16-8 Standards of the Salida Municipal

Code as recommended by staff be applied to this application. Bayne Seconded the Motion. Richardson, Bayne, Brown-Kovacic approved. Wood- opposed

Yerman- Staff is working on zoning for the MPA and will have a draft map for the RPC review at the next meeting on October 20<sup>th</sup>.

Wood made the motion to adjourn and was seconded by Greg Bayne; the meeting was adjourned at 8:53 p.m.