



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Bill Almquist - Community Development Director	June 7, 2022

### **ITEM**

Request for the City Council for the City of Salida, Colorado Granting a Timeline Extension for the Submittal of Building Permit Application for Building A of the Salida Crossings Planned Development and Adjustment of Construction Schedule (Public Hearing)

### **BACKGROUND**

Salida Crossings is a 3-building, 122-unit mixed-use project approved via a Planned Development process which allowed additional density and building height in exchange for 30 affordable deed restricted units, greater setbacks, and street improvements. The PD was originally approved by the City Council through the adoption of Ordinance 2018-04 on March 20, 2018. Prior to the ordinance becoming effective, citizens submitted a referendum petition protesting the ordinance. On June 6, 2018, the City Council upheld their decision to approve the Planned Development; and a Special Ballot Question was set for a special election on September 25, 2018. The ballot measure passed to uphold the Ordinance, and the election results were certified by City Council on October 16, 2018, which is now the effective date of Ordinance 2018-04.

Since that date, the applicant has submitted two separate allowed requests to Planning Commission to extend various benchmark start dates for the project, due to a variety of factors including financing hiccups related to the referendum delay, COVID delays, personal health issues, transfer of ownership, labor shortages, etc. Most recently, in September 2021, the applicant requested an extension to the completion of the entire project by October 5<sup>th</sup>, 2023. Planning Commission unanimously granted the extension with the following condition:

- *If a building permit application for the project's first building (Building A) is not submitted and paid for within six months of the proposed schedule's first benchmark (foundation work on Building A, slated for October 15, 2021), or April 15, 2022, the applicant shall be required to return to City Council for a comprehensive review of the Planned Development, per the authority of Sec. 16-7-110 of the Salida Municipal Code. At such a review, City Council may extend the time for completion of the PD, may revoke approval for the uncompleted portion of the PD, or require that the PD be amended. Meeting said deadline in no way exempts the project from other requirements of the section in regards to progress substantially in conformity with the newly approved development schedule.*

The original foundation permit application for Building A was submitted to the County by the development group in October 2021, but those permits were not officially issued until April 2022. The applicant was unable to submit a building permit application for Building A prior to the April 15 deadline, triggering the need to return to City Council for a review of the Planned Development in order to receive an additional time extension, per Sec. 16-7-100(b).



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It should be noted that the latest approved development design shifted a large number of the required affordable housing units into the project's first phase, Building A, allowing for the construction of those affordable units in a more expedient manner. The developer also amended the PD plans to provide space for a day care which, per the conditions of the approved PD, also allowed for a slight reduction in the overall number of parking spaces on the site. The approved parking spaces will be located around the perimeter of the site as well as in some locations adjacent and between the buildings. These amendments were approved administratively in March 2021 as an insubstantial modification consistent with the criteria of Sec. 16-7-150(c) of the Land Use Code. The most recent approved site plan is attached to this document.

### **EVALUATION CRITERIA**

Though there are no modifications currently proposed (the applicant is asking for a time extension request only), Sec. 16-7-150(a)(2) provides general criteria for granting such an extension: "No substantial modification, removal, or release of the provisions of a PD Development Plan by the City shall be permitted except upon a finding the City Council, following a public hearing upon notice as required by this Chapter, that the modification, removal, or release is:

- (i) Consistent with the efficient development and preservation of the entire PD;
  - Staff finds the request is consistent with the efficient development and preservation of the entire PD.
- (ii) Does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PD or the public interest; and
  - Staff finds the request does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PD or the public interest.
- (iii) Is not granted solely for a special benefit upon any person.
  - Staff finds the request is not granted solely for a special benefit upon any person.



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### **RECOMMENDED FINDINGS**

That the timeline extension request is in conformance with Section 16-7-150(a)(2)(i), (ii), and (iii).

### **STAFF RECOMMENDATION**

Staff recommends that City Council approve the timeline extension request with the following condition:

- The applicant shall submit building permit applications for Building A by October 14<sup>th</sup>, 2022. Such applications shall be submitted substantially complete along with all required fees. If applications and fees are not received by said date, the applicant shall be required to return to City Council once again for a review of the time limits of the Planned Development, per the authority of Sec. 16-7-110 of the Salida Municipal Code. At such a review, City Council may extend the time for completion of the PD, may revoke approval for the uncompleted portion of the PD, or require that the PD be amended. Meeting said deadline in no way exempts the project from other requirements of the section in regards to progress substantially in conformity with the newly approved development schedule.

### **SUGGESTED MOTION**

A Council person should move to “grant the timeline extension request for the Salida Crossings Planned Development, with the new construction schedule, subject to the condition recommended by City staff.”

#### **Attachments:**

Application and Narrative for Timeline Extension Request

Current Salida Crossings Planned Development Site Plan

Administrative Review Approval for Salida Crossings Planned Development (3/12/21)

Proof of Publication for Public Hearing



## GENERAL DEVELOPMENT APPLICATION

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

### 1. TYPE OF APPLICATION (Check-off as appropriate)

- |  |   |
|--|---|
| <input type="checkbox"/> Annexation                      | <input type="checkbox"/> Administrative Review:<br>(Type) _____                               |
| <input type="checkbox"/> Pre-Annexation Agreement        |   |
| <input type="checkbox"/> Variance                        | <input type="checkbox"/> Limited Impact Review:<br>(Type) _____                               |
| <input type="checkbox"/> Appeal Application              |   |
| <input type="checkbox"/> Certificate of Approval         | <input checked="" type="checkbox"/> Major Impact Review:<br>(Type) <u>Planned Development</u> |
| <input type="checkbox"/> Creative Sign Permit            |   |
| <input type="checkbox"/> Historic Landmark/District      | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> License to Encroach             |   |
| <input type="checkbox"/> Text Amendment to Land Use Code |   |
| <input type="checkbox"/> Watershed Protection Permit     |   |
| <input type="checkbox"/> Conditional Use                 |   |

### 2. GENERAL DATA (To be completed by the applicant)

#### A. Applicant Information

Name of Applicant: BV Investments LLC  
Mailing Address: 401 Whitewing lane, Murphy TX 75094  
Telephone Number: 972-897-1763 FAX: \_\_\_\_\_  
Email Address: ash\_gajera@yahoo.com  
Power of Attorney/ Authorized Representative: Duane Cozart  
(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: Salida Crossings  
Street Address: 1520 E Hwy 50, Salida, CO. 81201  
Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_ (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)

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 Duane Cozart Date 5/20/22  
Signature of property owner Carly Date 5/20/22

## Salida Crossings Narration

Bill Almquist-Community Planning Director  
Drew Nelson-City Administrator  
City Council Members  
Mayor-Dan Shore

The project known as Salida Crossings has had an interesting year and some set backs due to personnel problems. These issues manifested as of Jan 7<sup>th</sup> of this year and took a couple of months to resolve these issues (March 15<sup>th</sup>, 2022).

As soon as we were ready to break ground on April 1<sup>st</sup>, I received a phone call from Bill Almquist reminding me that we need to have a complete permit for the entire structure, not just for the foundation, to be at the building department for review as April 15<sup>th</sup> was our deadline for that final set of drawings to be submitted.

Our plan was for the updated engineered drawings for the site to be reviewed by David Lady at the city and start the offsite work and the onsite work (about 5-6 weeks of work). Then start the foundation work, and at the same time we would be waiting the 8-10 weeks for the Architect and MEP engineers to finalize the architectural drawings for submittal. Well, with the deadline only a couple of weeks away and we need 10 weeks to submit, we knew that we could not have the drawings ready in time for submittal.

As such, we are here to ask permission for modification to the PD with only an adjustment of time frame to accommodate the plans to be updated. We have the updated engineering for the site from the civil engineer and the new CDOT submittal ready for review immediately. We can have crews here by the 30th of June to start excavation while we are waiting on the Architectural plans to be updated and approved by the Building Dept at the County.

The new time frame for the project is below:

Building A	Start	End
Excavation onsite and offsite	6/30/22	8/31/22
Foundation	8/15/22	9/15/22
Steel Erection	9/21/22	11/30/22

Exterior Dry-in	11/15/22	12/31/22
Exterior Stucco/Stone	1/2/23	2/2/23
MEP Interior	12/1/22	2/14/23
Drywall, Paint	2/1/23	3/2/23
Trim, Cabinets, Flooring	2/22/23	4/12/23
Elevator trim	2/24/23	3/2/23
Final Grade, Concrete	3/15/23	4/1/23
MEP finishes	3/15/23	5/1/23
Final Inspection		5/15/23

Buildings B and C will be submitted for review with the city and the County on or about March 2023. These building will be erected at the same time and should be finished by May 2024.

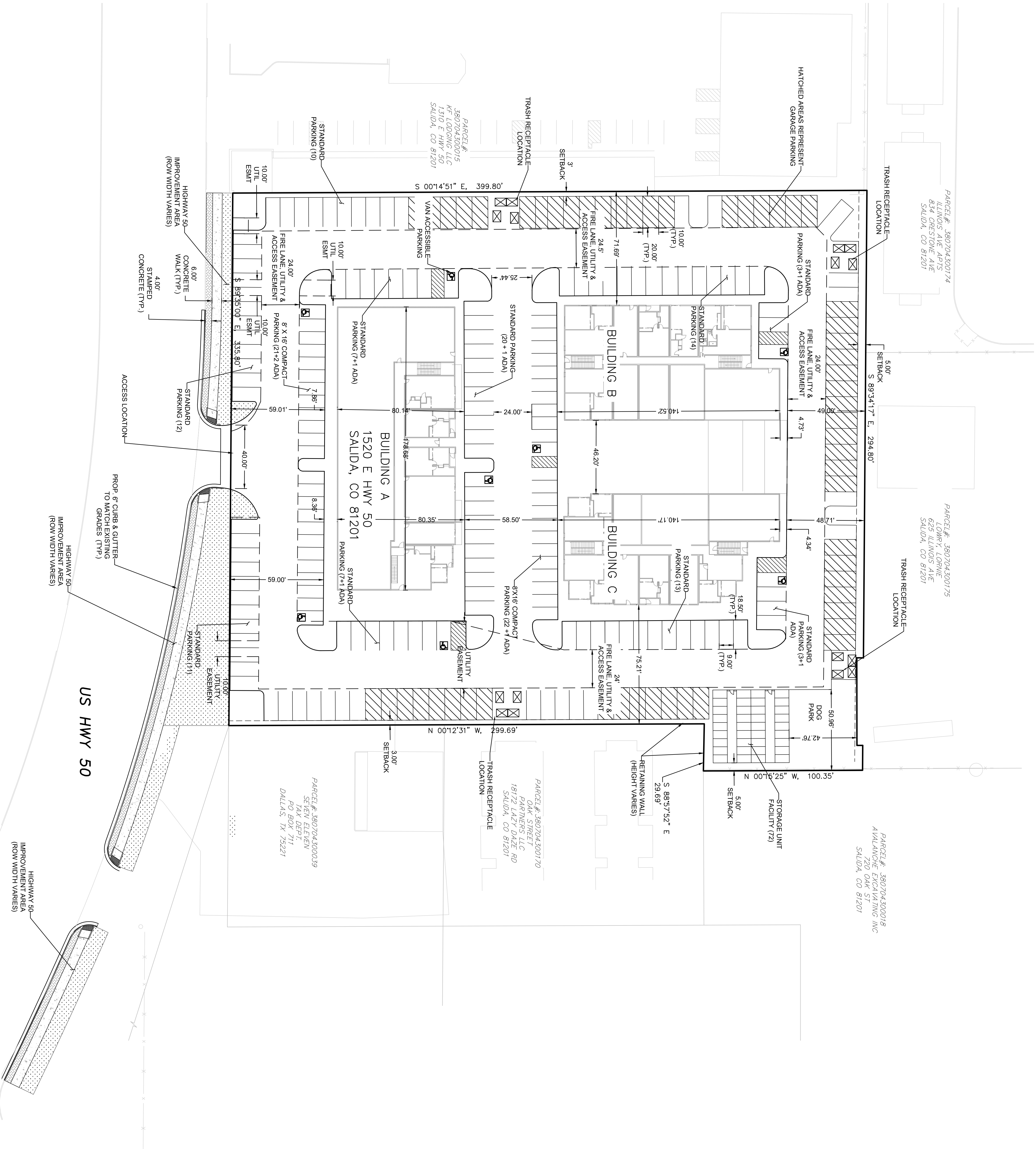
We feel confident moving forward that the problems of the past are the past, and we are ready to proceed, just as we were March 15<sup>th</sup>, 2022.

Sincerely Submitted

Duane Cozart  
Owner's Representative

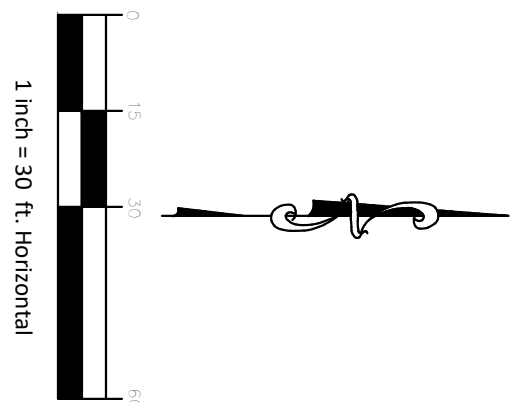
Kanti (Ken) Gajera  
Managing Partner  
BV Investments LLC  
A Colorado Corporation





LEGEND:

- 8600- EXISTING CONTOURS
- 8600- PROPOSED CONTOURS
- PROPOSED STORM SEWER W/INLET AND FES
- PROPOSED WATER LINE W/FIRE HYDRANT
- FUTURE WATER LINE W/FIRE HYDRANT
- PROPOSED SANITARY SEWER W/MANHOLE
- FUTURE SANITARY SEWER W/MANHOLE
- DRAINAGE FLOWLINE
- PROPOSED BOUNDARY LINE
- PROPOSED TRACT
- PROPOSED EASEMENT LINE
- PROPOSED ROAD CENTER LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB & GUTTER
- EXISTING TRASH ENCLOSURE
- EXISTING LIGHT POLE
- EXISTING STORM SEWER MANHOLE
- EXISTING INLET
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING UTILITY POLE
- EXISTING UNDERGROUND WATER LINES
- EXISTING UNDERGROUND GAS LINES
- EXISTING UNDERGROUND SANITARY SEWER LINES
- EXISTING OVERHEAD UTILITY LINES
- EXISTING FENCE
- PROPOSED PUBLIC SIDEWALK
- 20'X10' SINGLE GARAGE PARKING (65 UNITS)
- STANDARD PARKING = 128 STALLS
- COMPACT PARKING = 44 STALLS
- TOTAL PARKING = 227 STALLS (8 ADA)
- 16 TRASH RECEPTACLES



SALIDA CROSSINGS  
CITY OF SALIDA, COLORADO

FINAL DEVELOPMENT PLAN  
SITE PLAN

SCALE SEE SHEET  
DESIGNED BY: J.P.  
DRAWN BY: J.P.  
CHECKED BY: C.D.

NOT FOR  
CONSTRUCTION



No.	REVISIONS	DATE	BY
1	PER CITY COMMENTS	2/6/2018	JP
2	PER CITY COMMENTS	8/9/2019	JP
3	PER CITY COMMENTS	4/8/2020	JP



March 12, 2021

Salida Crossings 134, LLC  
Attn: Duane Cozart  
1208 N. C Street  
Salida, CO 81201

Re: Completeness and Administrative Review of an Insubstantial Modification of the  
Salida Crossings Planned Development

Dear Mr. Cozart:

Staff has reviewed your submittal for the above described administrative review. We certify that the application for the Insubstantial Modification of the PD for Salida Crossings, located at 1520 E. Hwy 50 is complete. The request is deemed in compliance with Section 16-7-150 (c) of the Salida City Code because it promotes the terms, purposes and conditions of the original PD Development Plan and does not:

1. Change the land use or development concept;
2. Increase residential density or building coverage of nonresidential uses;
3. Increase the permitted height of buildings;
4. Realign major circulation patterns or change functional classification of the street network;
5. Reduce amount of open space or common amenities; and
6. Involve significant changes which involve policy questions or issues of overriding importance to the community.

Furthermore, the project as defined in the revised development plan will still deliver the same amount of units, workforce units, possible uses, and minimum parking requirements as presented to the City Council and approved in the original development plan. It is the determination of the Administrator that you may move forward with the requested changes as modified or conditioned by staff below. Should there be any further proposed modifications, staff reserves the right to revisit this determination for "insubstantial modifications." The insubstantial modifications consist of:

- Removing the underground parking and replacing it with surface parking between Building A and Buildings B & C. (The overall useable common open space area is partially relocated with the inclusion of a shaded green space/dog park area in the NW corner of the site. Total landscaping area/greenery is not impacted).
- Reducing the total number of parking spaces to 225 spaces (allowed minimum with the inclusion of a daycare), with the daycare open space located between Buildings B & C instead of adjacent to the parking lot. (See condition below)



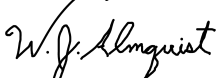
- Constructing single-car garages in-lieu of “covered” parking on the site.
- Slightly reducing the overall square footage of each building (A, B, and C).
- Deleting 3BD units and adding studios to the market rate mix of units.
- Shifting the locations and relative percentages of affordable units between buildings to facilitate transfer of a portion of the property to an affordable housing developer/administrator: minimum 24 affordable units in Building A (as opposed to 10 prescribed in previous development plan), 3 affordable units in Building B (as opposed to 10), and 3 affordable units in Building C (as opposed to 10). It is noted that such possible adjustments were anticipated, and flexibility was intentionally included in the wording of the original condition. (See condition below)
- Providing outdoor storage units for those residents without garage storage, in the northwest portion of the site. (See condition below)
- Provide new color schemes, to be reviewed by Community Development staff.
- Delaying the payment of fees (including system development fees, open space fees, Fair Contributions for Public School Sites fees, and off-site improvement reimbursement fees) until CO for each pertinent building. (See condition below)

The approval is conditioned upon the following requirements:

- You shall provide evidence in the form of a letter of support/interest for the daycare site from a state-certified daycare provider prior to receiving any building permit approval. Certificate of occupancy for the building will not be issued for that building without a signed contract with such a provider.
- The affordable units shall be interspersed evenly throughout the floors of each building.
- The final location and design of the storage units shall be reviewed and approved by Community Development staff in order to ensure consistency with the spirit of the original development plan and to limit potential impacts on surrounding properties.
- The off-site reimbursement fees for improvements to Highway 50 right-of-way/pedestrian area (work done by the City as part of a larger improvement project) shall be paid in full prior to CO for the first building.
- You shall provide an updated estimate of public improvement costs (Exhibit B of the development agreement) and construction schedule (Exhibit C of the development agreement), prior to recordation.

Please feel free to contact me if you have any questions.

Sincerely,



Bill Almquist

Community Development Director

Cc: Drew Nelson, City Administrator

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING  
BEFORE THE CITY COUNCIL  
FOR THE CITY OF SALIDA  
CONCERNING A  
PLANNED DEVELOPMENT  
MODIFICATION APPLICATION**

**TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE** that on May 17, 2022 at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida City Council at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado on an application submitted by and on behalf of BV Investments, LLC for a modification (time-extension) for the Salida Crossings Planned Development. The 3.15 acre property is located at 1520 E. Highway 50 and legally described as "A portion of the SW ¼ of the NW ¼ or the SW ¼ Section 4, Township 49 North, Range 9 East of the New Mexico P.M. County of Chaffee, State of Colorado".

Interested persons are encouraged to attend the public hearing in person or online at <https://attendee.gotowebinar.com/rt/1909092342220683277>. Further information on the application may be obtained from the Community Development Department, (719) 530-2634.

\*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 in-person or via the above GoToWebinar link so your comments can be made part of the record.

Published in The Mountain Mail April 29, 2022

NOTICE TO THE PUBLIC REGARDING BURNING THIS CAMP GROUND  
THIS CAMP GROUND IS LOCATED IN THE MOUNTAIN AREA, A  
FIREHazard AREA, AND IS SUBJECT TO BURNING DURING THE WINTER MONTHS.  
IT IS REQUESTED THAT YOU DO NOT BURN ANYTHING IN THIS AREA.

