



STAFF REPORT

MEETING DATE: October 24, 2022

AGENDA ITEM TITLE: Limited Impact Review - Shaken Roost Minor Subdivision

AGENDA SECTION: Public Hearings

REQUEST:

The request is for Limited Impact Review approval for a Minor Subdivision to subdivide the .95 acre parcel into three (3) lots at 77 Illinois Avenue and 620 Teller Street.

APPLICANT:

The applicants are Jamie and Joni Baker and Aaron and Hannah Peyrouse. Joni Baker will be representing the owners for the Limited Impact Review application.

LOCATION:

The legal description of the property is included in the application materials. This property is known as 77 Illinois Avenue and 620 Teller Street.

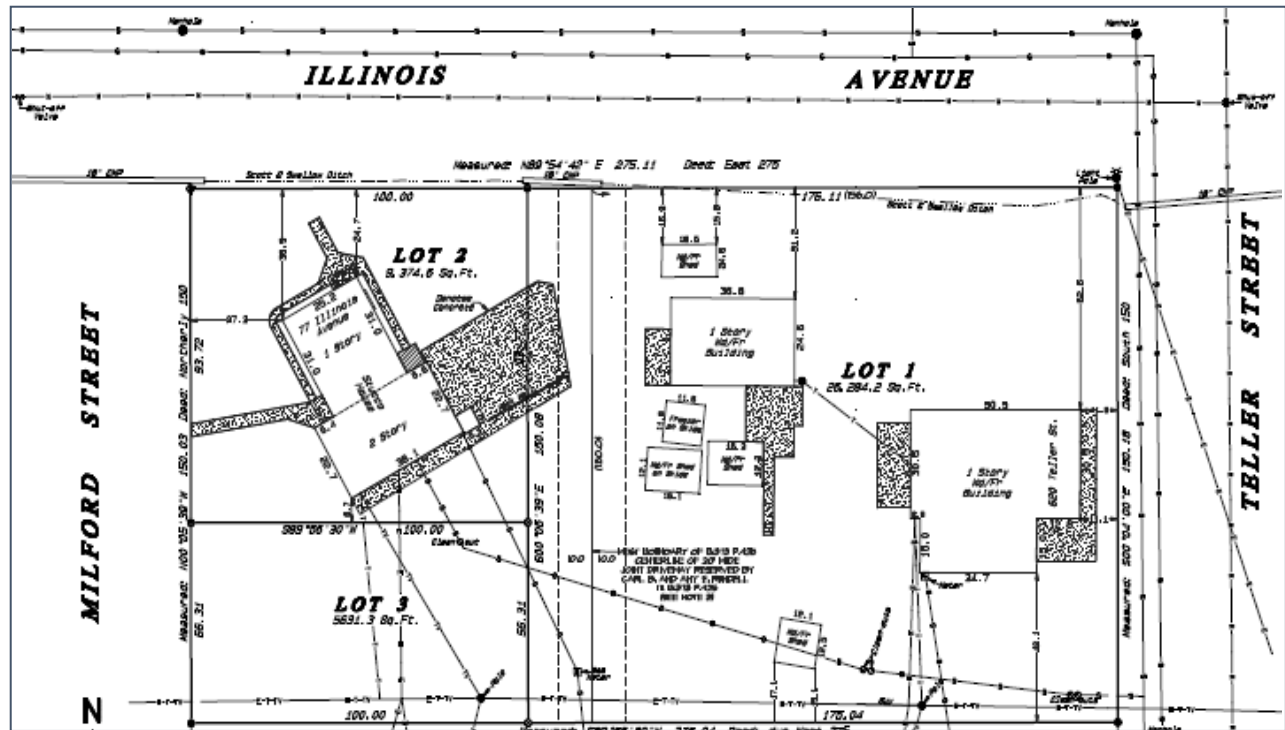


OBSERVATIONS:

- 1) The property is within the Commercial (C-1) zone district and properties surrounding this parcel are also located within the Commercial (C-1) zone district. The property is across the street from the Salida School District property and the remaining neighboring properties are mainly residential.

There is one single-family residence, a commercial building and several out-buildings on the .95 acre parcel.

- 2) The proposed subdivision will create three (3) lots from one (1) existing parcel. All three lots meet the minimum dimensional standard requirements of the Commercial (C-1) zone district.



- 3) The single-family residence located on Lot 2 is connected to the City's sewer and crossing all three of the proposed lots. Prior to recording the subdivision plat the sewer line serving the single family residence must be relocated to the sewer main in Illinois Ave.

- 4) The existing parcel is not connected to the City's water system, there is an existing well located on Lot 2 used for the residence and was also plumbed to the commercial building on the proposed Lot 1. As a condition of approval the applicants must install water service to the single-family residence on Lot 2.



The well can remain on Lot 2 and be used for irrigation only. The former owner of this property paid the system development fees for water service for 77 Illinois Avenue and 620 Teller Street.

- The Public Works Director is requiring that the connections be made to the water main on Illinois Avenue.

- 5) Proposed Lot 3 does not have public water or sewer available in Milford Street and will be required to have easements from Lot 2 for connection to services within Illinois Avenue. There is a blanket easement shown on the plat for all of the proposed lots but the Utility Companies and the Public Works Director require utility easements on each lot.

AND THE LOTS SHALL BE SUBJECT TO EASEMENTS FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE AND TELEVISION LINES WHICH CROSS ONE LOT TO PROVIDE SERVICE TO ANOTHER LOT OR ANOTHER PROPERTY, WHICH EASEMENTS SHALL BE OF SUFFICIENT WIDTHS TO OPERATE, MAINTAIN, INSPECT AND REPAIR SUCH LINES. THE APPROXIMATE LOCATIONS OF SAID UTILITY LINES ARE SHOWN HEREON, HOWEVER THE ACTUAL LOCATIONS OF SAID LINES SHALL CONTROL THE LOCATIONS OF THE EASEMENTS.

AND LOT 1 MAY BE SUBJECT TO THE RIGHTS OF THE OWNERS OF THE SCOTT & SHALLOW DITCH TO OPERATE, MAINTAIN, INSPECT AND REPAIR SAID DITCH PURSUANT TO COLORADO LAW RELATIVE TO DITCH RIGHTS.

- 6) Land Use Code Sec. 16-8-20 (13)(i) requires local streets to have a detached sidewalk of a least five (5) feet wide. Detached sidewalks are required to be separated by a distance of at least five and one half (5 ½) feet from the curb or street pavement edge.

- As a condition of approval the following plat note must be added prior to recording the subdivision plat:

That curb, gutter and sidewalks be installed along the entire frontage of the property prior to issuance of building permit for new structures on any lot. Or the Public Works Director may determine that payment for fee in lieu of the curb, gutter and sidewalk will be required.

At the time of development of each lot the Public Works Director shall review and approve the engineered design drawings prior to installation of the curb, gutter and sidewalk.

REVIEW AGENCY COMMENTS:

Finance Department: System Development fees for water were paid for on both 620 Teller Street & 77 Illinois Avenue in March 2020. Previous to the fees being paid these were sewer only utility accounts. Lot 1 has the right to a ¾" Commercial water and sewer tap and meter. Lot 2 has the right to a ¾" residential water and sewer tap as well as a meter. Further development of these properties will require system development fees (and meter fees) to be paid for each unit built.

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

Public Works Director, David Lady: Currently, there are multiple utility service encroachments on Lots 1 & 3. Lot 3 does not have any public water or sewer fronting the property. Plans for addressing these concerns will need to be submitted for review.

Salida School District Superintendent, David Blackburn: We will accept fees in lieu of land.

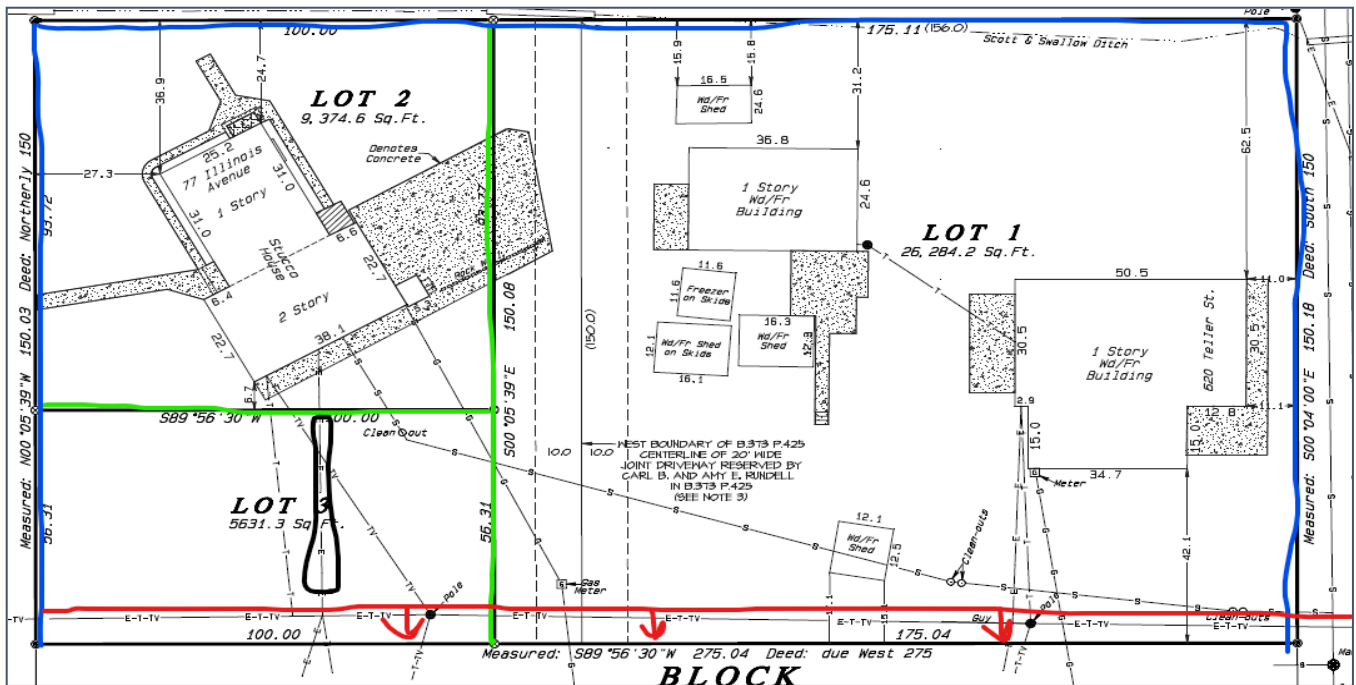
Atmos Energy, Dan Higgins: Atmos Energy objects to this subdivision until the gas service line and fuel run serving the existing residence on lot 2 are accounted for appropriately. Please advise the developer to contact Atmos Energy to make said arrangements.

Excel Energy, Sterling Waugh: Xcel requests 10' front lot easements or 10' easements on property lines adjacent to a road, not alley. Below in blue.

5' side lot easements, 5' rear lot easements, excluding the alley property line. Below in green.

Property line near alley have an easement that has the existing power line in it and south so we have the legal right to serve any new loads to the south. Below in red.

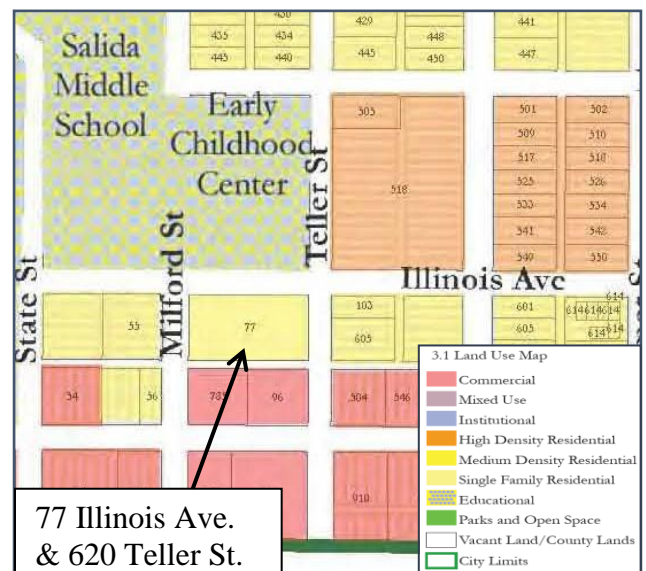
Relocate existing services into utilities to easements. Below in black.



SUBDIVISION REVIEW STANDARDS: (Section 16-6-120)

- 1. Comprehensive Plan.** The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform to the Plan's applicable objectives, guiding principles and recommended actions. It shall be designed to be compatible with surrounding land uses and to protect neighbors from undesirable noise, glare and shadows, and shall not cause adverse effects on their privacy, solar access and views.

The Comprehensive Plan identifies this area as medium density residential. Infill, redevelopment and maximizing the density allowances are encouraged in Chapter 3, Land Use and Growth.



Policy LU&G-I.2: Infill and redevelopment should be encouraged and will advance the objectives of this plan.

- The property has the commercial building and several storage buildings located on Lot 1 and a single-family residence located on Lot 2. The remaining parcel is undeveloped. Approval of the subdivision would offer greater opportunity for infill.

Action LU&G-I.2a: Encourage projects to use maximum density allowances to make the best use of the available infrastructure.

- In the future, the owners will be constructing townhomes on Lot 1 and will utilize maximum residential density allowed.

2. **Zone District Standards.** The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for those uses.

- This property is located within the Commercial (C-1) zone district. According to the Land Use Code Article 16-4-80: The purpose of the Commercial (C-1) district is to provide for commercial and service businesses in a pattern that allows ease of access by both vehicles and pedestrians. Typically, residential uses are conditional within a C-1 zone district. Areas designated Commercial (C-1) are located primarily along the City's main entrance corridors. Residential uses require administrative or limited impact review approval.
- Lot 1 contains an existing commercial building and several storage buildings, Lot 2 contains the existing single-family residence and Lot 3 is vacant. All of the structures on the proposed lots meet the dimensional standards.
- The limited impact review application does not include development plans, but future development will require that the C-1 zone district dimensional standards be met.



3. **Improvements.** The proposed subdivision shall be provided with improvements which comply with Article VIII and landscaping which complies with Section 16-8-90 of this Chapter.

- Streets.** Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.
 - The existing streets are suitable to meet the proposed minor subdivision.
- Utilities.** Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.
 - It is unclear whether the commercial building on Lot 1 has connections to City utilities as none were shown on the plat. The applicants have stated that all utilities for the commercial building will be disconnected and the building will be tore down in the future. Currently, Lot 1 is paying monthly water and sewer service charges for ¾" Commercial tap.

- Lot 2 is connected to the City's sewer system. The existing sewer connection to the residence on Lot 2 must be disconnected and a new connection for both water and sewer made to the water and sewer mains in Illinois Avenue. Currently, Lot 2 is paying monthly water and sewer service charges for ¾" single-family residential tap.
- None of the buildings on the .95 acre parcel are connected to the City's water system. On Lot 2 there is an existing well that is used for the residence and also plumbed to the commercial building on Lot 1.
- As a condition of approval the applicant must install water service to the single-family residence on Lot 2 and the water service line must be shown on the plat.

➤ The Public Works Director is requiring that the connections be made to the water main on Illinois Avenue.

- Water and sewer are located in Illinois Avenue for future development. Depending on future development plans on each of the lots water and wastewater system development fees, according to Chapter 13, will be required based on the proposed use.

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.

- The applicants do not have development plans with this Minor Subdivision.

4. **Natural Features.** The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic.

- There are no major natural features located within this subdivision

5. **Floodplains.**

- The property is not located within the 100-year floodplain.

6. **Noise Reduction.** Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise.

- This subdivision does not border a Highway right-of-way.

7. **Future Streets.** When a tract is subdivided into lots or parcels which are intended for future resubdivision, such lots or parcels shall be arranged so as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

- The applicants may request approval of a Major Impact Review for re-subdivision of Lot 1 in the future but future streets will not be required.

8. **Parks, Trails and Open Space.** Each subdivision, minor or major, or condominium project with five (5) units or more, shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces is developed and preserved as the community grows.
- The applicants have not proposed dedication of land for parks and open space with this subdivision application. With any new residential development the applicant will be required to pay the fee-in-lieu of open space per residential unit.
9. **Common Recreation Facilities.** Where a development is proposed to contain common recreation facilities, such facilities shall be located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.
- There are no development plans with this application.
10. **Lots and Blocks.** Pattern - The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.
- This subdivision does not create a new grid.
11. **Architecture.** This standard applies to residential subdivisions of five lots or more.
- This standard does not apply to this subdivision.
12. **Fair Contributions for Public School Sites (16-6-140).**
- With any new residential development the applicant will be required to pay the fair contributions for Public School Sites at the time of building permit submittal for each residential unit.
13. **Inclusionary Housing Requirement –**
- As a condition of approval, a plat note must be added that future residential development must meet the current requirements of Article XIII of the Salida Municipal Code regarding Inclusionary Housing which may require deed restricted affordable housing and/or fees-in-lieu.

RECOMMENDED FINDINGS: The purpose of the limited 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) This application complies with the standards and uses of the C-1 zone district.
- 3) The applicant has complied with all city codes for the proposed minor subdivision.

RECOMMENDED ACTION:

Based upon the observations, review standards, and findings outlined above, staff recommends the following:

The Commission approve the Limited Impact Review application to subdivide one (1) parcel into three (3) lots at 77 Illinois Avenue and 620 Teller Street, subject to the conditions listed below:

Prior to recording the Shaken Roost Minor Subdivision the following conditions must be met:

1. The City Administrator's signature block must be removed.
2. The sewer line serving the single family residence must be relocated to the City's sewer main in Illinois Ave.
3. The well located on Lot 2 and plumbed to the commercial building must be disconnected from the residence and the commercial building. The applicant will need to install water service to the single-family residence on Lot 2. Future development will be required to connect to the water main in Illinois Avenue.
4. All utilities to the commercial building on Lot 1 must be disconnected.
5. Utility easements must be added to the plat and requirements of all utility companies must be met.
6. A plat note be added with the following language; The Public Works Director may determine that curb, gutter and sidewalks be installed along the entire frontage of the property prior to issuance of any building permits. Or that payment for fee in lieu of the curb, gutter and sidewalk will be required.

Public Works Director shall review and approve engineered design drawings prior to installation of curb, gutter and sidewalk.

7. A plat note be added with the following language – "Pursuant to section 16-6-120 (8), Parks, Trails and Open Space, of the Salida Municipal Code, as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, either by further subdivision or building permit approval, land dedication and/or fees-in-lieu for parks, trails and open space in the amount then in effect shall be payable to the City prior to issuance of building permits."

8. A plat note be added with the following language “Pursuant to Section 16-6-140 a payment in lieu of land dedication for fair contributions for public school sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residential unit on such lot”.
9. A plat note be added that future residential development must meet the Inclusionary Housing requirements of Article XIII of Salida Municipal Code which may require deed restricted affordable housing and/or fees-in-lieu.

RECOMMENDED MOTION: “I make a motion to approve the Shaken Roost Minor Subdivision as it meets the Subdivision Review Standards, subject to the conditions recommended by staff.

Attachments: Proof of publication
Review agencies responses
Minor Subdivision Application
Plat
Copy of plat with notes