



STAFF REPORT

MEETING DATE: December 13, 2022

AGENDA ITEM TITLE: Smith-Johnson Minor Subdivision – Limited Impact Review

AGENDA SECTION: Public Hearing

REQUEST:

The request is for limited impact review approval to subdivide the lot known as Lot 5 of the Meadow West Subdivision into two (2) lots. The property is located in the Medium Density Residential (R-2) zone district.

APPLICANT:

The applicants are Jan Smith and Stephen Johnson, 1440 L Street, Salida, CO 81201.

LOCATION:

The subject property is known as the Smith-Johnson Minor Subdivision and is located at 1440 L Street, Salida, CO 81201 and is described as: Lot 5 of the Meadow West Subdivision, City of Salida, Chaffee County, Colorado.



PROCESS:

This application is a limited impact review process for a minor subdivision. The purpose of the limited impact review is to assure that the proposal, in adequate detail, is drawn and submitted according to the requirements of the Land Use Code.

A public hearing is conducted by the Planning Commission for the minor subdivision process, after public notice in a newspaper of general circulation and posting on the property 15 days prior. The Commission shall approve, approve with conditions, or 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) The site is zoned Medium Density Residential (R-2) and is not within any overlays.
- 2) The site is surrounded by Medium Density Residential (R-2) zone district. The surrounding land uses are residential in character. Directly west of the site along Holman Avenue is a multi-family structure containing four (4) dwelling units.
- 3) The site currently has one primary residence with an ADU. The ADU serves as an extension of the primary residence and system development fees for the ADU have been suspended by means of a recorded deed restriction (an accessory structure service charge suspension agreement).
- 4) The minor subdivision is required because the applicant is proposing two (2) lots on the existing parcel.



- 5) The maximum driveway width for a single-family home is twelve (12) feet, measured within City right-of-way line to the edge of pavement. The property currently has a non-conforming driveway access. Since the driveway is existing non-conforming, expansion of the paved access will not be allowed.

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

1. **Conformance with the Comprehensive Plan.** The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform to all of 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.

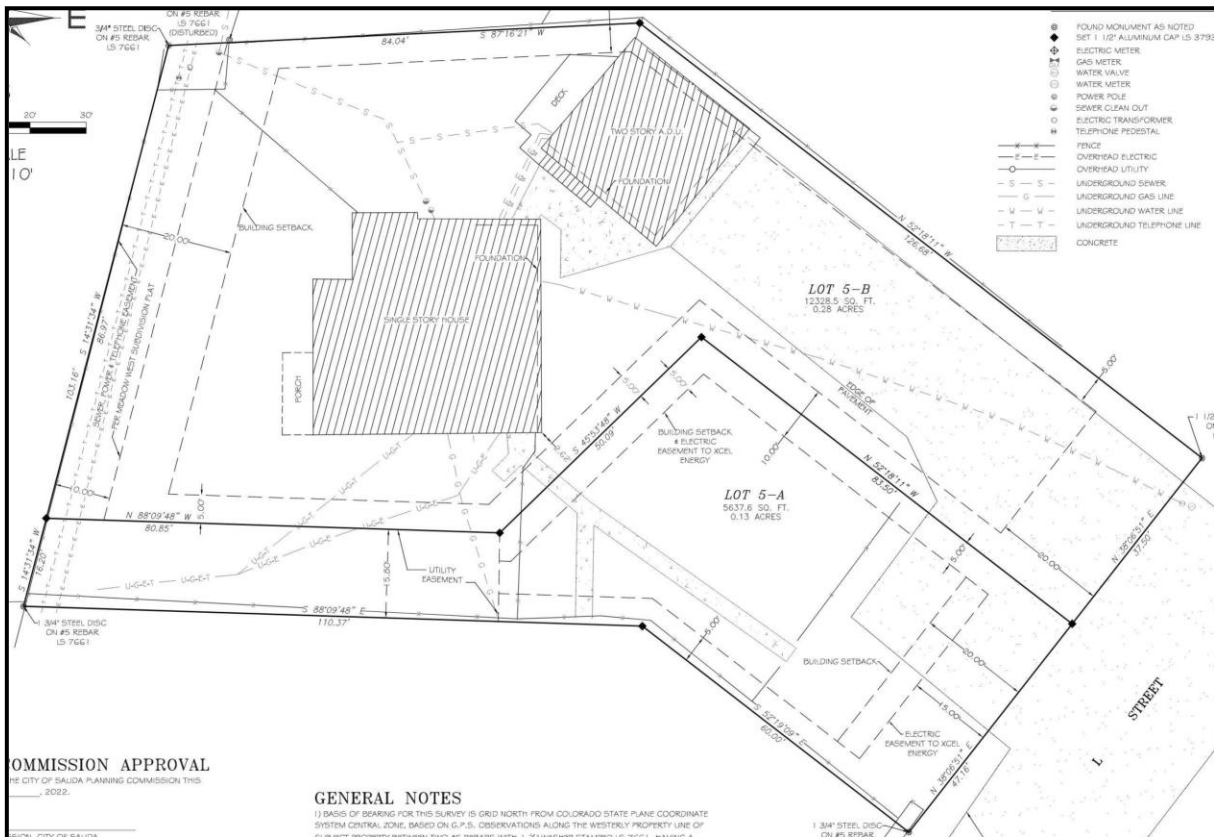
- The Comprehensive Plan identifies this area as medium density residential. Infill, redevelopment and maximizing the density allowances are encouraged in Chapter 3, Land Use and Growth. The proposed minor subdivision creates two (2) lots that encourages infill development.

Policy LU&G-1.2: Infill and redevelopment should be encouraged and will advance the objectives of this plan.

- The property has a detached single-family residence and an ADU located on one lot. Proposed Lot 5-A would be undeveloped. Approval of the subdivision would offer greater opportunity for infill.

Action LU&G-1.2a: Encourage projects to use maximum density allowances to make the best use of the available infrastructure.

- This subdivision proposal makes better use of available infrastructure than the single lot today. In the future, if proposed Lot 5-A is to be developed, one unit may be constructed on the property along with an ADU. If Lot 5-A is to be developed and an inclusionary unit is provided, the density would allow up to two (2) units along with an ADU. The proposed Lot 5-B has the density for up to three (3) units along with an ADU. If Lot 5-B is to provide an inclusionary unit, the density would allow up to four (4) units.
2. **Complies with the 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.



- The newly created lots are zoned Medium Density Residential (R-2). The lot size and lot frontage standard have been met. The minimum lot size in the R-2 zone district is 5,625 square feet and the minimum lot frontage is 37'-6".
- The subdivision meets the spirit of the Medium Density Residential (R-2) zone district allowing for a mix of residential building types from detached single-family dwellings to multi-family residences on smaller lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities.
- New development must comply with the zone district standards. In the R-2 zone district detached single-family residences are permitted as long as the applicant can meet the required Dimensional Standards.
- The maximum lot coverage for uncovered parking/access is 15% of the lot in the R-2 zone district. Proposed Lot 5-B will be over the maximum lot coverage for uncovered parking/access in the zone district. The Public Works Director stated, "Approving a variance for this seems to discourage community goals such as landscape/ tree canopy/ etc. It also increases runoff..." Per Section 16-8-20 (e)(7) exemption and conformity. Driveways which are to be repaved can be done to the previous width. The uncovered parking/access does currently meet the R-2 zone district standards for the entire subdivision site.

- The off-street parking requirement is one space for each unit. The current total driveway width on site is 56'-3" measured at the right-of-way. Lot 5-A has a proposed paved access to the right-of-way of 24'-1". Lot 5-B has a proposed paved access to the right-of-way of 32'-2". The total off-street parking spaces required for Lot 5-B is two (2) spaces, one for the primary residence and the other for the ADU. There is adequate space on each of the proposed lots to accommodate any required off street-parking.
 - There is no alley access to the proposed lots. As a condition of approval, staff recommends: Off street parking accessed from a local road must meet the driveway standards of Section 16-8-20(e) for any new residential unit.
- The existing primary residence on the proposed Lot 5-B meets the R-2 zone district dimensional standards created by the subdivision. The nonconforming garage/ADU permitted in 2011 was meeting the accessory side setback standards at the time of permit. The subdivision is not increasing the nonconformity of the structure.

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

- a. 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 street is suitable for the proposed subdivision.
 - There is currently no curb, gutter or sidewalks along L Street.
 - As a condition of approval, staff recommends a plat note be added: Per Section 16-8-20 (e)(13)(i) A detached sidewalk of at least five (5) feet wide, with a thickness of at least four (4) inches of concrete, shall be installed along local streets in a limited impact review, or as determined by The Public Works Director, a fee-in-lieu be paid at time of development.
- b. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.
 - Adequate water service is in place to serve the subdivision. Water and sewer service is already existing for proposed Lot 5-B. Proposed Lot 5-A sewer service will either have to be brought up L Street ROW extending the full length of the lot or additional survey/title work would be needed to determine if public access is available from the rear utility easement. Per section 16-8-50 private sewer service extending to a main will require a variance from The Public Works Director. Areas in the City with nonconforming subdivisions that are substantially built out have justification for a variance.

- As a condition of approval, staff recommends: Provision of sewer service for proposed Lot 5-A will need to be resolved to the satisfaction of the Public Works Director, which may require a subdivision improvement agreement for public improvements.
- The current gas line for the existing primary residence runs across the property to the south (1450 L Street). Atmos has requested that this subdivision would be a good opportunity to protect the private service gas line to the primary residence by either trenching a new line to be completely on the property or a minimum 5' exclusive gas line easement be recorded.
- As a condition of approval, staff recommends: An exclusive gas service line easement must be recorded or replacement of the gas service line is to be completely on the property prior to recording the plat.
- c. 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.
- There will not be phases with this development.
- 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. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.
 - There are no major natural features located within this subdivision.
- 5. **Floodplains.** Tracts of land or portions thereof lying within the one-hundred-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.
 - 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. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.
 - 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.

➤ No future streets are anticipated if this should be resubdivided in the future.

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. Plat note #6 states: As required under Section 16-6-120(8)(ii) in the Salida Municipal Code, a payment in lieu of the parks, trails and open space dedication shall be paid by the owner of either Lot 5-A or Lot 5-B, within this subdivision, prior to the issuance of building permit for any new residence on such lot.

- As a condition of approval, staff recommends the plat note be modified to "...shall be paid by the owner of each lot within this subdivision, prior to the issuance of building permit for any new residence on such lot."

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.

➤ This development does not include any common recreation facilities.

10. **Lots and Blocks.**

- a. **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.

➤ The proposed lots follow the City grid pattern.

- b. **Frontage.** Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot and should provide consolidated access points to the maximum extent feasible.

➤ This standard has been met.

c. Right angles. Side lot lines shall be approximately at right angles or radial to street lines.

➤ This standard has been met.

d. Double frontage lots. Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lot which abuts such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

➤ Double frontage lots are not proposed.

e. “T” intersections. The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a “T” intersection.

➤ There will not be any building areas facing a “T” intersection.

f. Solar energy.

➤ The existing unit on proposed Lot 5-B will have unabated solar exposure from the south and west. Proposed Lot 5-A will have excellent solar exposure from the south and east.

11. Architecture.

➤ This standard applies to residential subdivisions of five lots or more.

12. Fair Contributions for Public School Sites.

➤ Any new residential units built on the lots will be required to pay the fee in lieu at the time of building permit application. Plat note #5 states: As required under Section 16-6-140 of the Salida Municipal Code, 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 the issuance of building permit for any new residence on such lot.

13. Inclusionary Housing. – 16-13-20 – Minor subdivisions are required to include at least sixteen and seven-tenths (16.7) percent of the total number of residential dwelling units pursuant to requirements set forth in this Article.

➤ All 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. Plat note #7 states: As required under Section 16-6-30 of the Salida Municipal code, the subdivision must meet the requirements of Article XIII, Inclusionary Housing.

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

Finance Department: “1440 L Street is classified as Residential with Restricted ADU and has a water/sewer utility account.”

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

Salida Police Department, Russ Johnson, Chief: “No issues from PD at this point.”

Public Works Director, David Lady: “I have no concerns.... However, in this location I would recommend fees in lieu for this frontage (sidewalks). Due to the non-conforming nature of the neighborhood and built out status, granting a variance to extend a private sewer service across the adjacent lot would be supported. It would, however, be the applicants’ responsibility to obtain all easements and agreements necessary from the adjacent property owner to have legal connection to the sewer main.”

Excel Energy, Christopher Moffett: “Xcel energy would like all set backs on this to be declared easements. Especially around the new lot.” When asked about the front yard easement they came back with: “15’ is best”.

Atmos Energy, Dan Higgins: “The service line that serves 1440 L St. crosses the neighbor’s lot (1450 L St.). An easement is not in place for that line but needs to be, or the line needs to be relocated.”

Salida School District Superintendent, David Blackburn: “The district will accept fees in lieu of land.”

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. A plat note be added, Per Section 16-8-20 (e)(13)(i) A detached sidewalk of at least five (5) feet wide, with a thickness of at least four (4) inches of concrete, shall be installed along local streets in a limited impact review, or as determined by The Public Works Director, a fee-in-lieu be paid at time of development.
2. Provision of sewer service for proposed Lot 5-A will need to be resolved to the satisfaction of The Public Works Director, which may require a subdivision improvement agreement.
3. An exclusive gas service line easement must be recorded or replacement of the gas service line is to be completely on the property prior to recording the plat.
4. Off street parking accessed from a local road must meet the driveway standards of Section 16-8-20(e) for any new residential unit.
5. Plat note #6 regarding open space fees needs to be modified as, "... shall be paid by the owner of each lot within this subdivision, prior to the issuance of building permit for any new residence on such lot."

RECOMMENDED MOTION: "I make a motion to approve the Smith-Johnson Minor Subdivision as it meets the review standards for a subdivision, subject to the conditions recommended by staff."

Attachments:

1. Application for Minor Subdivision
2. Smith-Johnson Minor Subdivision Plat
3. Agency Review
4. Proof of Publication