

PLANNING COMMISSION REGULAR MEETING

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

January 12, 2021 - 6:00 PM

MINUTES

Email public comments to: publiccomment@cityofsalida.com

Please register for the Planning Commission meeting:

<https://attendee.gotowebinar.com/register/7256115246685999119>

CALL TO ORDER BY CHAIRMAN – 6:00 PM

ROLL CALL

PRESENT

Chairman Greg Follet

Vice-Chair Francie Bomer

Commissioner Dori Denning

Commissioner Judith Dockery

Commissioner Giff Kriebel

Commissioner Doug Mendelson

Commissioner Michelle Walker

Commissioner-Alternate Suzanne Copping

Commissioner-Alternate Dave Haynes

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 |

1. Holman Court Planned Development and Major Subdivision:

The applicant, Holman Court, LLC, is requesting two actions related to a 1.72 ac. (74,780 s.f.) parcel just west of Holman Avenue. The property is described as: Lot 2 of the Ambrose Subdivision and is zoned Medium Density (R-2). The two requests are:

A. Major Impact Review to approve a Planned Development for the subject property to eliminate public street frontage requirements for 8 residential lots (and future divisible lots). The request also includes amendments to the maximum lot coverage for parking/access as well as minimum landscape area.

B. A Major Impact Review to approve an 8-lot major subdivision (and future divisible lots) off of the newly created Holman Court.

A. Open Public hearing: 6:03 pm

B. Proof of Publication

C. Staff review of applications -Almquist gave an overview of the major impact review application for the Holman Court Planned Development and stated that staff supports the request with six (6) recommended conditions.

Almquist gave an overview of the major impact review application for the Holman Court Major Subdivision and stated that staff supports the request with eight (8) recommended conditions, including one condition that the PD and subdivision be reduced to just 7 lots and that the private drive be platted separately from the lots instead of being created as an easement across all the lots.

Walker asked for clarification of future divisible lots. **Almquist** explained that the applicant will be constructing duplexes on each of the lots and in order to sell them as individual units a subdivision exemption duplex conversion is required. A duplex conversion will create a property line between the common walls of the duplex units.

Copping asked if this application is approved would a precedent be set. **Almquist** said no and explained that Planned Development Overlays are negotiated agreements for what could be done with a development site. A planned development overlay does not set a precedent because applicants apply for deviations from the underlying zone district for their particular request.

Mendelson stated that he thinks that developers should design their projects within the City code requirements.

D. Applicant's presentation: Dave LaRochelle was present and available to answer questions that the Commission may have. **Bomer** asked LaRochelle if he was intending on renting the affordable units or selling them. **LaRochelle** said that they will rent the affordable units. **Dockery** asked what the plan is for the affordable units if the development goes from 8 lots to 7 lots. **LaRochelle** said that they will have one affordable unit and pay the fee in lieu for the remainder of the units built.

Kriebel stated that if the owner rents the affordable unit then he should be required to pay the HOA fees for the unit not the leaser. **LaRochelle** said that he would pay the fees as the owner of the unit. **Almquist** explained that the HOA fees would be different if the units were sold and not rented. He suggested that the condition regarding HOA fees be amended to add "unless it were to be rented by the developer and in which case if it were ever to change hands or be sold after that point to an income-eligible buyer, the assessment would go away". If the deed-restricted units were ever to be sold, they would have to be sold at an affordable rate to somebody who qualified.

Denning asked if the proposed duplexes will be single story or two story. **LaRochelle** said that the units will be two-story about 25' to the top of the roof.

E. Public Input: Chaffee County Director of Housing, Becky Gray explained that she's been in discussions with the applicant regarding strategies around qualifying tenants to meet the income eligibility as well as the HOA dues. She encouraged the Commission to keep any of the HOA dues associated with the affordable units to just

the utilities. She stated that deed restrictions are tricky to manage and keep track of and having additional HOA fees that might change over time could add additional scrutiny and administrative costs.

F. Close Public Hearing: 6:44 p.m.

G. Commission Discussion: **Follet** opened Commissioners discussion. **Follet** stated that his concern is each lot owning a portion of the road, although it is a private road, in the future it could become a public road. He said that he likes the idea of eight lots with two affordable units but understands the need to reduce the number of lots and take the private road out of the lot areas. **Follet** asked about connectivity and **Almquist** explained that he had received a comment from a neighbor about the lack of pedestrian access between the Riverbend apartments and Highway 50. **Almquist** further explained that the City has an 8' shared use path planned for the west side of Holman Avenue.

Bomer stated that she likes the idea of having two affordable units for this property but doesn't like the idea of going outside the R-2 zone district requirements for parking and landscaping. She said when something is built on narrow lots landscaping is really important. **Bomer** agreed that condition #2 regarding the HOA fees needs to be amended for the Planned Development. She said that the owner of the affordable rental units should pay all of the HOA fees until such time as the units are sold and then it would revert back to the utilities only for the affordable units. **Bomer** stated that she is in favor of going with 7 lots instead of 8 lots to give each of the lots more green space.

Almquist clarified that the eight lot configuration has zero public street frontage. The seven lot configuration as proposed would have street frontage onto a private road.

Walker asked if they would have to comply with architectural standards for a public street. **Almquist** stated that they do not have to meet the City street standards for a public road.

Denning stated that she agrees with everybody and said that as a City we are trying to increase density but we don't want to sacrifice the look and feel of a development to increase that density too much and she is in favor of the proposed seven lots instead of eight.

Mendelson said that the inclusionary housing requirement is at least 12 ½ percent and the developer could still build two affordable units on the seven lots. **Bomer** asked the applicant if he is willing to provide 2 affordable units with the seven lots. **LaRochelle** said that he hadn't figured out if he could provide 2 affordable units on seven lots but he thinks it could be doable instead of paying the fee in lieu for all units built after the first eight units are built. He said that he will provide the two affordable units within his development if the Commission recommend approval to the City Council.

H. Commission Recommendations:

Holman Court Planned Development motion:

A motion was made by **Vice-Chair Bomer** to recommend the City Council approve the Major Impact review – Holman Court Planned Development, subject to the conditions recommended by staff and amended in the following ways and **adding condition # 7:**

1. The applicant shall revise development plans and preliminary plat to show just 7 lots abutting a separate, platted private drive—each of which can meet all dimensional standards of the R-2 zone district—and, if possible, increase the width of the common open space area. Parking requirements for each lot can be satisfied along the private drive in front of each lot and/or at the rear of each building.
2. ~~Owners~~ **Occupants** of any deed-restricted affordable units within the homeowners association shall not be responsible for any assessments nor dues beyond those fairly-priced specifically for utilities, trash services, and the like.
3. Each lot shall have at minimum one tree located between the private drive and the front of the proposed units. In addition, the applicant will provide as many trees within the **common** open spaces ~~of Outlet 1~~ as will result in a total of at least 16 across the entire development site.
4. **Two affordable housing units shall be constructed in the seven lot proposal.** Both affordable units shall be built and receive certificate of occupancy (CO) prior to the tenth unit on the site receiving certificate of occupancy. ~~If the total number of units intended to be built within the PD is reduced below 16, then only one affordable unit shall receive CO (prior to the ninth unit) and the developer will have the choice of either building a second affordable unit next or paying the Inclusionary Housing fee in lieu for all units built beyond the affordable unit, prior to each receiving CO.~~
5. For any affordable unit(s) required to be built through the PD, the developer shall pay the applicable Inclusionary Housing fee-in-lieu for each unit built prior to receiving certificate of occupancy for those units. Once the required affordable unit(s) has received certificate of occupancy, those fees-in-lieu shall be returned to the developer. This shall be added as a plat note.
6. The applicant shall erect a visible barrier/fence [with entry point(s)] around the perimeter of the common open space area and provide reasonable facilities such as picnic tables, benches, children's playground equipment, etc., to encourage the area's use.

7. As required under Section 16-6-120(11), No residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street.

The motion was seconded by Commissioner Dockery.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Denning, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker

Holman Major Subdivision motion:

A motion was made by **Vice-Chair Bomer** to recommend the City Council approve the Major Impact review – Holman Court Major Subdivision, subject to the conditions recommended by staff and amended in the following ways:

1. Each lot shall have at minimum one tree located between the private drive and the front of the proposed units. In addition, the applicant will provide as many trees within the **common** open spaces of ~~Outlet 1~~ as will result in a total of at least 16 across the entire development site.
2. The applicant shall show the hydrant at the west end of the development equal with the end of the water main, prior to final approval. The bump out(s) shall be adjusted as needed to accommodate this adjustment.
3. The applicant shall show gas/electric and other “dry” utilities on the outside of the “wet” utilities, prior to final approval.
4. **Two affordable housing units shall be constructed in the seven lot proposal.** Both affordable units shall be built and receive certificate of occupancy (CO) prior to the tenth unit on the site receiving certificate of occupancy. ~~If the total number of units intended to be built within the PD is reduced below 16, then only one affordable unit shall receive CO (prior to the ninth unit) and the developer will have the choice of either building a second affordable unit next or paying the Inclusionary Housing fee in lieu for all units built beyond the affordable unit, prior to each receiving CO.~~
5. For any affordable unit(s) required to be built through the PD, the developer shall pay the applicable Inclusionary Housing fee-in-lieu for each unit built prior to receiving certificate of occupancy for those units. Once the required affordable unit(s) has received certificate of occupancy, those fees-in-lieu shall be returned to the developer. This shall be added as a plat note.
6. A plat note shall be added that states that “Fees-in-lieu for Open Space and for Fair Contributions to Schools shall be required prior to certificate of occupancy for all units.”
7. The construction plans shall be signed and stamped for final review.

8. After approval of a SIA, Owner to coordinate product submittals and preconstruction meeting with Public Works prior to initiation of work.

The motion was seconded by Commissioner Kriebel.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Denning, Commissioner Dockery, Commissioner Dockery, Commissioner Mendelson, Commissioner Walker

COMMISSIONERS' COMMENTS: City Attorney, Nina Williams gave an overview of quasi-judicial and Ex Parte Communications.

ADJOURN: With no further business to come before the Commission, the meeting adjourned at 7:47 p.m.