



PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 24, 2022

AGENDA ITEM TITLE: 1. Residences at Salida Bottling Company Planned Development; and
2. Residences at Salida Bottling Company Major Subdivision

AGENDA SECTION: Public Hearings

REQUEST / BACKGROUND:

This request has been continued from the December 14th Planning Commission meeting in order to allow time for submittal and review of the civil plans. All new items in this report are highlighted in blue. The applicant (Salida Bottling Company, LLC) is requesting a Major Impact Review for two actions related to a 0.60 ac. (26,112 SF) parcel at 323 West First Street, at the west corner of Hwy 291 and the Monarch Spur Trail (see subject property outlined below). The property is described as “Part of Lots 4 & 5, All of Lots 6-9, Block 19” and is split zoned, with the majority (76%) zoned Commercial (C-1) and the portion along the Spur Trail/ abandoned D&RG right-of-way (24%) zoned Industrial (I). The entire site is located within the Hwy 291 Established Residential Overlay. The requests are:

A. A Planned Development request for:

- increased density
- increased building height
- modification to how building height is measured
- increased number of building stories (over that allowed in the Overlay zone)
- decreased front setback
- modified Schedule of Uses
- decreased required parking for the proposed future commercial condominium (deviation only necessary for an eating or drinking establishment tenant)
- deviation from requirement to provide municipal water and sewer facilities within the PD
- deviation from requirement to pave the alley



The applicant is also requesting to create for-sale townhome lots (i.e. units with shared common walls where the owner owns the building and land underneath) plus an HOA outlot for the common area and private drive, resulting in deviation requests that apply specifically to the individual lots:

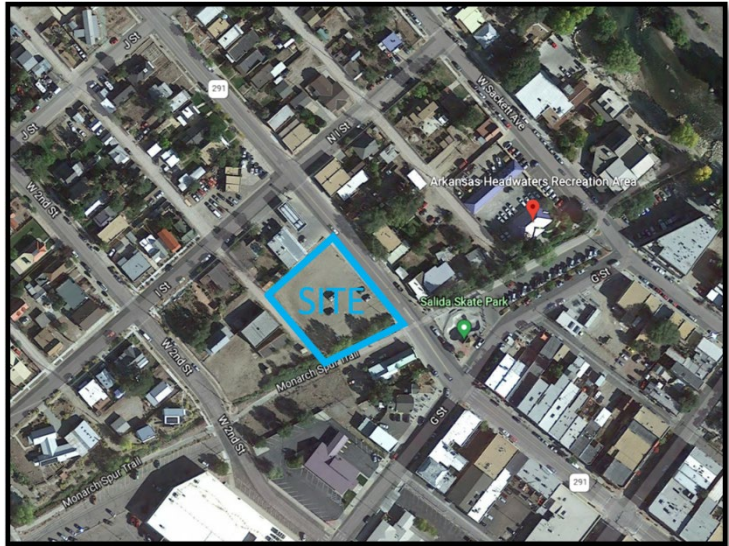
- lot frontage off of a private drive instead of public street
- decreased minimum landscape area
- decreased minimum lot size
- decreased setbacks
- decreased minimum lot frontage
- increased maximum lot coverage for uncovered parking/access on the HOA outlot
- increased lot coverage for structures

- B. A Major Subdivision to split the 0.6 acre parcel into 16 townhome lots and 1 outlot, with the intention of 1 townhome lot to be split in the future into 1 residential condominium and 1 commercial condominium. This will result in a total of 16 residential units, 1 commercial unit, and an HOA owned and managed outlot for the common areas and shared private access drive, landscaping, pedestrian access and some of the parking.

A. PROPOSED PLANNED DEVELOPMENT

A Planned Development is an overlay which allows flexibility in the underlying zoning district standards to "...permit the application of more innovative site planning and design concepts than may be possible under the application of standard zone districts."

The applicant is requesting Planned Development approval to a clustered, townhome development containing 16 residential units and a commercial unit on a 0.6 acre parcel. The applicant states, "sited adjacent to downtown, the plan's design emphasizes the pedestrian experience through walkable connections and an emphasis on the public realm."



View of site from 1st Street.

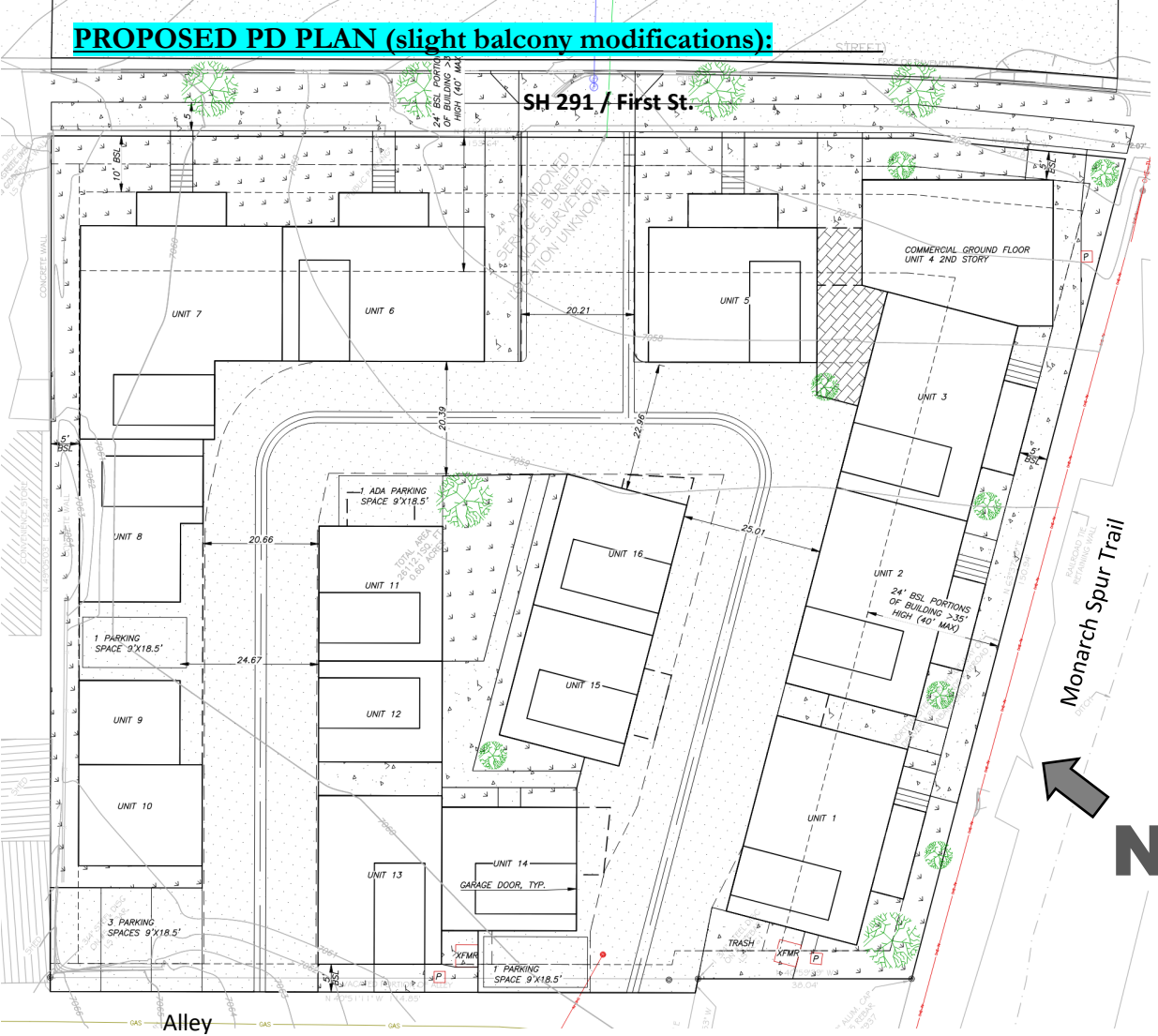
The lot is currently undeveloped. The applicant proposes that allowing the requested deviations to create 16 residential townhomes plus a commercial unit along 1st Street will create a transition between downtown and the surrounding residential area, and maximizes the use of existing infrastructure at the City center.

The 0.6 acre lot has 191 feet of frontage along State Highway 291. Under the Land Use Code standards, up to 10 units could be allowed given maximum density requirements and would require a public hearing for a limited impact review. The request for 16 units is a 60% increase in density.

A commercial component is proposed to be included in the development; Unit 4 at the corner of Hwy 291 and the Spur Trail is planned to be condominiumized into one ground-floor commercial unit and one second-level residential unit. This is the only planned commercial unit at this time, however the planned development does not restrict additional commercial uses on the site as long as they are allowed per the PD schedule of uses and can meet the parking requirements. Frontage onto a private access drive rather than a public street is necessary to achieve the clustered townhome plan. Four of the units will have public street frontage while the remaining 12 would have frontage off of the internal private drive.

Section 16-7-40 PD Development Plan Evaluation Criteria, (5) Residential Density, specifically states "...clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls...whether or not providing for separate

ownership of land and buildings.” This proposal is for clustered buildings with shared common walls, and will be platted for individual townhome ownership. To achieve the desired architectural character, the requested density, and to create zero-lot line townhome lots, a number of deviations are requested. These are detailed in the Planned Development Standards section of the report. For clarity, this report discusses deviation requests based on the C-1 zone only. The Dimensional Standards tables still contain the Industrial zoning requirements for reference.



**Architectural
Rendering:**



THE CITY OF SALIDA COMPREHENSIVE PLAN:

Generally, zoning should be consistent with the community's comprehensive plan. The following policies and actions are most applicable to the proposal:

LAND USE & GROWTH:



Policy LU&G-I. 1: New development in the city shall make the most appropriate use of the land using design standards that enhance and complement the historic built environment of the city.

The proposed architectural design (previous page) is complementary to the historic architecture of the Salida Bottling Works, formerly located on this site.

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

323 West 1st Street is a vacant lot surrounded by existing development and infrastructure.

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

The proposed project is requesting changes to the underlying dimensional standards in order to increase the residential density allowed on the site—16 units instead of the 9 townhomes or 10 multi-family units that would be allowed without a planned development.

HOUSING:

Policy H-I.2: The character of existing neighborhoods should be protected.

This is a transitional area between historic downtown, industrial, Highway 291 Commercial, and residential uses. The character of the development is in line with the character of the existing neighborhood by providing historically relevant and complementary architecture, enhancing the streetscape and pedestrian experience of the area, and providing a commercial space along with residential density appropriate to its location adjacent to downtown.

Action H-1.2.a: Design and construction standards should be reviewed so that infill development in existing neighborhoods is compatible with the valued character features.

The applicant is not requesting any deviations from design and construction standards. The City of Salida does not have architectural design standards that apply to this location, however the proposed architecture is intended to complement the existing, historic downtown in its building form, materials, and details. The siting of the building frontages as well as the architecture are meant to relate to the Salida Bottling Works building that was formerly on this site.

Action H-II.3.d: When affordable housing units are provided, ensure the city has a mechanism or partner organization to keep track of and enforce the deed restrictions or land ownership arrangements to ensure the housing remains attainable in the long-term for low and moderate income residents.

The Chaffee Housing Authority was recently formed to work with developers and help pair them with eligible individuals and families and to administer deed-restrictions on units. The CHA is still in the process of creating administrative guidelines and preparing the organization to handle such arrangements.

If the affordable units are constructed prior to the CHA being fully-operational, the City (or another organization) will be able to work with the developer on these requirements before such responsibilities are transferred to the CHA.

PLANNED DEVELOPMENT EVALUATION CRITERIA:

Section 16-7-40 (b) of the City of Salida Land Use and Development Code states “the PD Development Plan shall meet the following criteria...unless the applicant can demonstrate that one or more of them is not applicable or that another practical solution has been otherwise achieved.” The applicant’s requests and staff’s comments are listed below.

With an underlying zoning of C-1, several of the deviations requested are logistical in nature, in order to accommodate clustered, for-sale townhomes. Therefore the deviations have been separated into 2 categories: those requested as part of the overall development of the lot (think of these as deviations that would be necessary even if the lot were not subdivided into individual townhome lots), and the deviations that are requested in order to accommodate subdividing the buildings into separate townhome lots.

1. Minimum dimensional standards: As discussed earlier, the Code encourages Planned Developments to accommodate clustered, shared common wall building types. Staff supports the increased density to accommodate the urban, clustered housing development style. The dimensional standards of C-1, the underlying zone, were not designed to accommodate this development type, so it leads to several deviation requests listed in the “PD/Townhome Lots” column below. The request to decrease the front setback of Unit 4, the corner unit which will have ground for commercial and second floor residential, will enhance the urban, pedestrian-oriented nature of that corner and more closely match the setback of the buildings across 1st Street.

The Hwy 291 Established Residential Overlay provides additional criteria regarding front setback. The Overlay recommends that front setbacks should be within 5 feet of historic setbacks along Hwy 291. The proposed setback deviation for Unit 4 allows a closer match to the setbacks of the historic buildings across Hwy 291.

Below are the details of the applicant’s request; deviations that reduce minimums or increase maximums are highlighted. (Note: the deviations to the height standards are addressed under paragraph 8. Maximum Height).

Dimensional Standards	C-1	I	PD/Site as whole	PD/ Individual Lots	Notes
Min. lot size (sq. ft.)	5,625 5,063 3,750	5,625	N/A	350	
Density (Min. lot sq. footage per principal dwelling unit)	2,800 2,450	2,800	1,632	N/A	
Min lot size (sq. ft.)—attached units	2,800 2,520	2,800	N/A	350	
Min. lot frontage	37'-6" 25'	37'-6"	N/A	16'	Townhome lot frontage is measured on 1 st Street or interior access easement

Dimensional Standards	C-1	I	PD/Site as whole	PD/ Individual Lots	Notes
Min. lot frontage—attached units	20'	20'	N/A	16'	28' is narrowest residential building footprint facing 1 st Street.
Max. lot coverage: structures (additive coverage for structures + uncovered parking cannot exceed 90% except C-2)	60% 66%	60%	66%	100%	This does include covered balconies. Additive coverage for structures and uncovered parking/access for the entire site will not exceed 90%
Max. lot coverage: uncovered prkg/access (additive coverage cannot exceed 90% except in C-2)	60%	30%	60%	80%	80% is for the HOA lot which is mainly vehicle access, with some landscaping.
Min. landscape area	10%	10%	10%	0%	
Min. setback from side lot line for a primary bldg.	5'	5'	5'	0'	
Min. setback side lot line for detached accessory bldg.	3', 5', or 10'	3', 5', or 10'	N/A	N/A	No accessory buildings allowed.
Min. setback from rear lot line: principal bldg.	5' ²	5' ²	5'	0'	
Min. setback from rear lot line: accessory bldg.	5'	5'	N/A	N/A	No accessory buildings allowed.
Min. setback from front lot line	10'	10'	5'	0'	Unit 4 building only at 5'. All other buildings along 1st Street have 10' porch front setback and 15' building front setback to 1st Street.

2. Trails: A sidewalk will be provided along Hwy 291. No other trails or sidewalks are required. The site is adjacent to the Monarch Spur Trail with sidewalk.
3. Ownership and Maintenance: The development will have a homeowner's association to maintain the outlot, which includes the private drive, pedestrian walkways, a common area, and some parking spaces. Staff notes that HOA assessments have the potential of putting a disproportionate burden upon owners of deed-restricted affordable units within such HOAs, sometimes leading to their inability to afford mortgage payments. In order to ensure the long-term viability of deed-restricted units within the HOA, the applicant has included the following note to the Planned Development document: Occupants of any deed-restricted units shall not be responsible for any assessments nor dues beyond those fairly-priced specifically for utilities, trash services, and the like.
4. Water and Sewer: Section 16-7-40 (b) (4) of the Land Use Code states: "The developer shall provide municipal water and sewer facilities within the PD as required by the City." The applicant is requesting a deviation from this requirement in order to provide private water and sewer lines beyond the connection within Hwy 291:

Standard:	Request per the PD
Lots must have direct access onto a public street, which typically reserves 32 feet for public utilities.	To provide private water and sewer in a utility easement as narrow as 20 feet in locations.
Developer shall provide municipal water and sewer facilities within the PD.	To provide multiple individual private water lines in a common trench with a minimum offset of 4 feet from building foundations and no offset, or in locations underneath, overhanging balconies.

The civil plans have undergone initial review by Public Works staff with the assistance of JVA Consultants, and subsequent engineering review is underway. The application will not proceed to City Council until City staff determines that comments from the Civil Plan review have been adequately addressed. It is possible that the engineering review may determine that the private utilities and easements as proposed may be detrimental to the health, safety and welfare of the future residents, and therefore public utilities must be provided. If that is the result, municipal facilities will be required to meet the requirements of Public Works. The recommended condition of approval is:

- The application shall proceed to City Council once the Civil Plans review is deemed complete. If the engineering review results in the determination that municipal facilities shall be provided, the utility plan and easements will need to meet the requirements of Public Works.

It is also possible that the resolution to issues that may arise from the civil plans review may impact the PD Plan request. If those impacts substantially change the PD request, as determined by the Director, the applicant will be required to return to Planning Commission for a recommendation.

The deviation request to provide private water and sewer services rather than the required municipal water and sewer facilities has implications that affect the health, safety, and welfare of the future residents of this development. In lieu of a public street containing public utilities, the applicant is proposing a minimum 20 foot access and utility easement to accommodate private water and sewer service, as well as gas or electric (these services alternate use of the easement). See the Utility Plan on Page 8 of the Civil Drawings for details. Water service for those units not fronting First Street is proposed in a common trench containing individual water lines for each unit, up to 12 lines.

In order to waive the requirement for direct access onto a public street and the requirement for municipal water and sewer facilities, staff recommends ensuring that the private wet utilities being requested by the applicant can be reasonably serviced and replaced in a timely manner as necessary in the future. Staff has analyzed what the minimum requirement to do so would be, and has determined that a utility easement must extend a minimum of 5 feet from the edge of a wet utility line to allow for timely and reasonably appropriate equipment access, and that no structures, foundations, or architectural features may be located within a utility easement. This is not currently reflected on the plat and utility plan submitted on January 18. One exception that staff is able to support is to allow eaves, at a minimum height of 20 feet above grade and a maximum depth of 20 inches, to encroach into a utility easement. There is a possibility the applicant may design balconies to be easily removable, in which case those could be allowed to encroach in a utility easement.

Based on this review, staff recommends the following conditions of approval regarding water and sewer:

- The sewer main and common trench for water lines must be within a utility easement. The easement must extend a minimum of 5 feet from the edge of utilities. No structures,

foundations, or architectural features may be located within a utility easement with two exceptions:

- a. Eaves, a minimum of 20 feet above grade and a maximum depth of 20 inches,
- b. Balconies, if they are designed to be removable.

5. Residential Density: The allowable density for this lot, based on C-1 zoning and lot size, is 10 units based on lot size and would require a public hearing for a limited impact review. The PD Development Plan requests density for 16 townhome units located around a private drive. Each unit has designated parking and ample access to light and air. Unit 4 is planned to be further subdivided into a residential condominium on the 2nd floor and a commercial condominium on the ground floor. A small common open space area is proposed in the center. The proposed density is appropriate for the lot size and location, and provides a better utilization of vacant land surrounded by existing infrastructure close to downtown.
6. Relationship to the Subdivision Regulations: The provisions of these regulations concerning a Planned Development will not eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in state statutes and the ordinances and regulations of the City.
7. Improvement Standards: The deviations requested specifically from the Design Standards of Article VIII of the Land Use and Development Code are as follows:

Sec 16-8-20 – Road, driveway and sidewalk standards. (a) Access to Roads. All lots and developments shall have direct access to a public street: See item 4. Water and Sewer above regarding deviation from this requirement and its effect on the utilities. As for the effect on vehicular access, the townhome lots in this proposed development will have access to a public street via an HOA owned and maintained private access easement, which will provide a single access to Hwy 291, and two access points to a public alley.

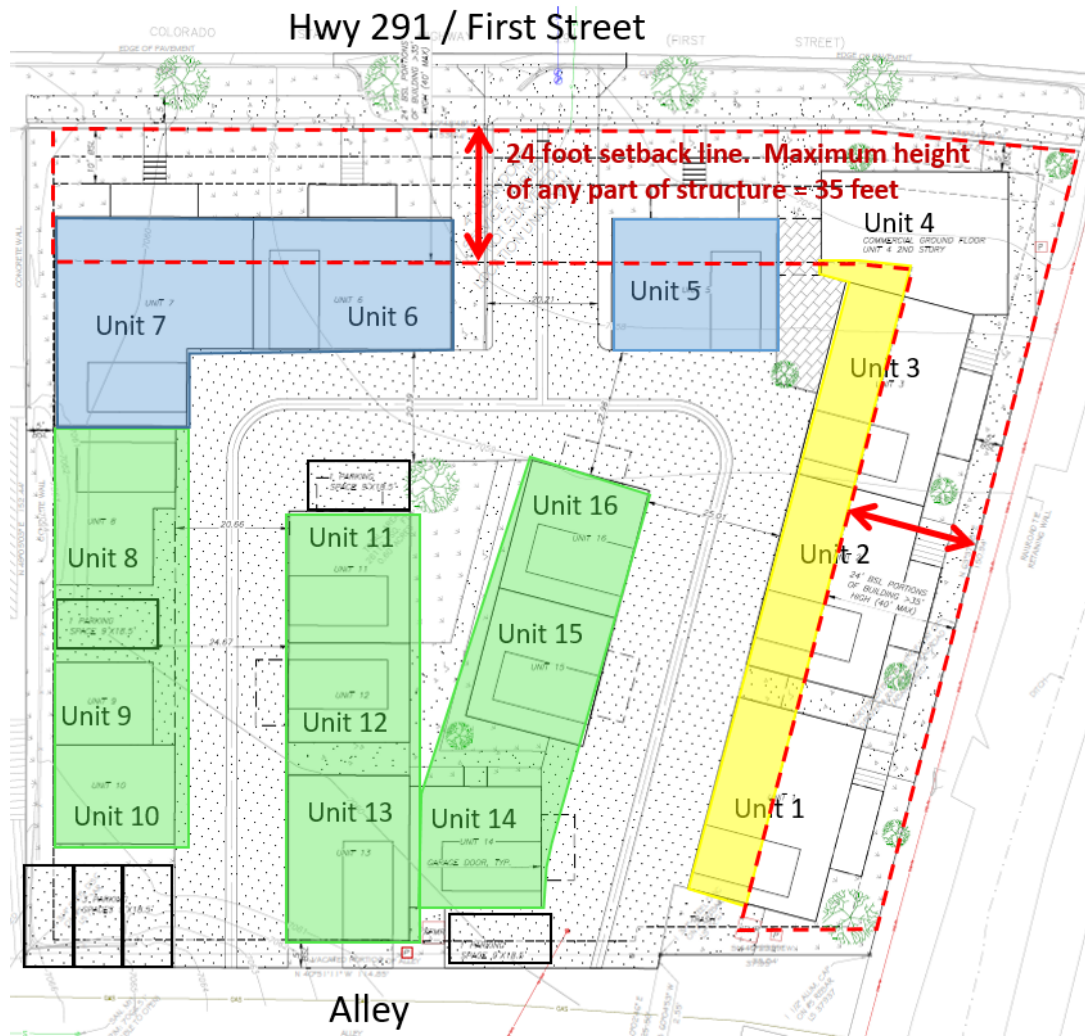
Sec 16-8-80 – Off-street parking standards: The required amount of parking will be provided for all 16 residential units and the commercial unit. Three parking spaces will be dedicated to the Unit 4 commercial condo, planned to be 700-725 sf. For the uses allowed, 3 parking spaces meets the requirement for office (1/400sf) and retail sales (1/250sf), and is one short of the requirement for an eating and drinking establishment (1/200sf). The applicant is requesting a deviation should an eating or drinking establishment tenant be located in that space. Staff supports this request. There is street parking along Hwy 291 adjacent to the commercial space and this is a pedestrian-friendly location adjacent to the Spur Trail. Any future residential business uses or commercial uses allowed on site must go through Administrative Review to determine if parking requirements can be met. This is a deviation that is more strict than the underlying zone district, C-1.

The applicant's request per the PD Development Plan:

Standard:	C-1	I	PD/Site as whole	PD/ Individual Lots	Notes
Parking spaces, min.	19 or 20	19 or 20	19	1 / 3	1 per residential unit meets code for inclusionary housing development with site analyzed as a whole. 3 spaces for 700 square foot commercial.

All other improvements shall meet design standards required in Article VIII.

8. Maximum Height: The applicant is requesting a deviation from the maximum building height of 35 feet in C-1 to allow some of the structures to be a maximum of 40 feet. The applicant is also requesting a deviation to the maximum number of stories allowed in the Hwy 291 Existing Residential Overlay District, which is limited to 2 stories. However the limitation to 2 stories does not explicitly restrict the allowed building height to anything less than 35 feet. The request is to allow 3 stories for the green and blue buildings, plus rooftop access structures in certain locations.



The Overlay District states: “New infill development shall be similar to the size and scale of buildings adjacent to the development. The design of buildings shall look appropriate to and compatible with their surroundings and shall not exceed 2 stories.” The size of the building footprints is compatible with surrounding buildings. The design of the buildings, as previously noted, is intended to be complementary to Salida’s nearby historic buildings, including buildings formerly on this site.

The applicant has proposed a minimum 24 foot setback along Hwy 291 and the Monarch Spur Trail for any part of a building that exceeds 35 feet in height. This is shown by the **red dashed line** below. Staff recommends the following condition of approval:

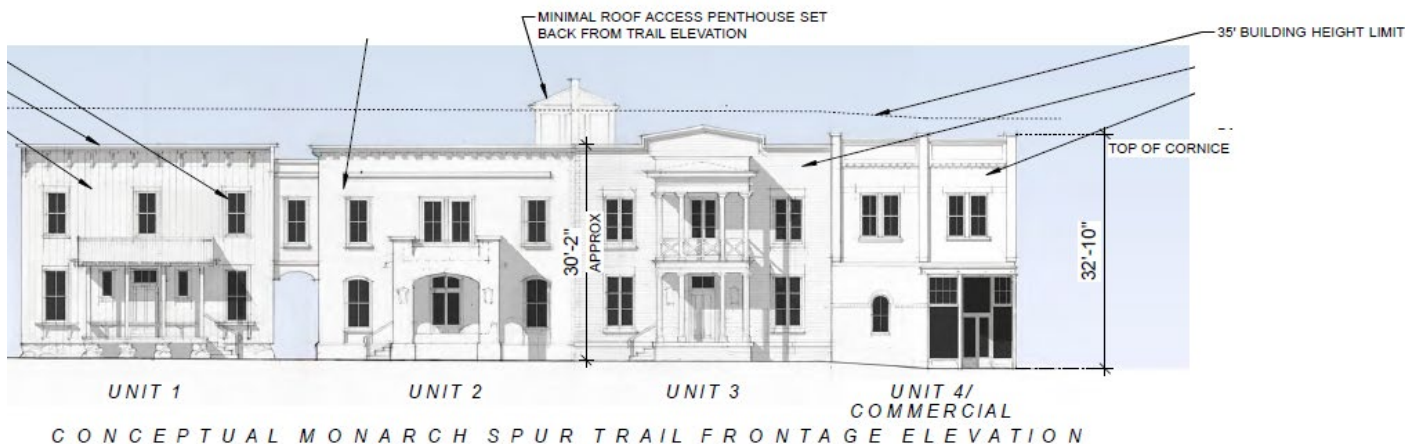
- On Units 1-7, no portion of the building nor architectural appurtenances can exceed 35 feet in height within 24 feet of the property line along Hwy 291 or the Monarch Spur Trail.

Units 1-4 (illustrated below and in yellow on the site plan). Units 1-4 are proposed at the allowed 2 stories for the majority of the structures. A deviation is requested for the portions of Units 1-4 shown in yellow on page 8, in which the applicant is requesting the ability to locate a rooftop access

structure, limited to 100 sf per unit, with a maximum height of 40 feet to the highest point of the structure.

Staff recommends that the request be limited to the minimum necessary to allow rooftop access and only where it will not potentially obstruct prominent view corridors from downtown. Therefore staff recommends that rooftop access on Units 2 & 3 be allowed only as one combined structure at a total of 100 sf for the two units, and recommends that no rooftop access structure be allowed on Unit 4 due to the higher visibility of that location from downtown and the potential obstruction of prominent viewsheds. Unit 1 would be limited to a single, 100 sf maximum, rooftop access structure. The recommended condition of approval is:

- Units 1-3 are allowed a rooftop access structure that cannot exceed 40 feet in height at its highest point. It may be up to 100 square feet on Unit 1. Units 2 & 3 are allowed a shared rooftop access structure up to 150 square feet (in total, not per unit). Shared structure can be greater than 150 square feet only if required by the Building Official, and shall be limited to the minimum required square footage. No rooftop access structure is allowed on Unit 4.

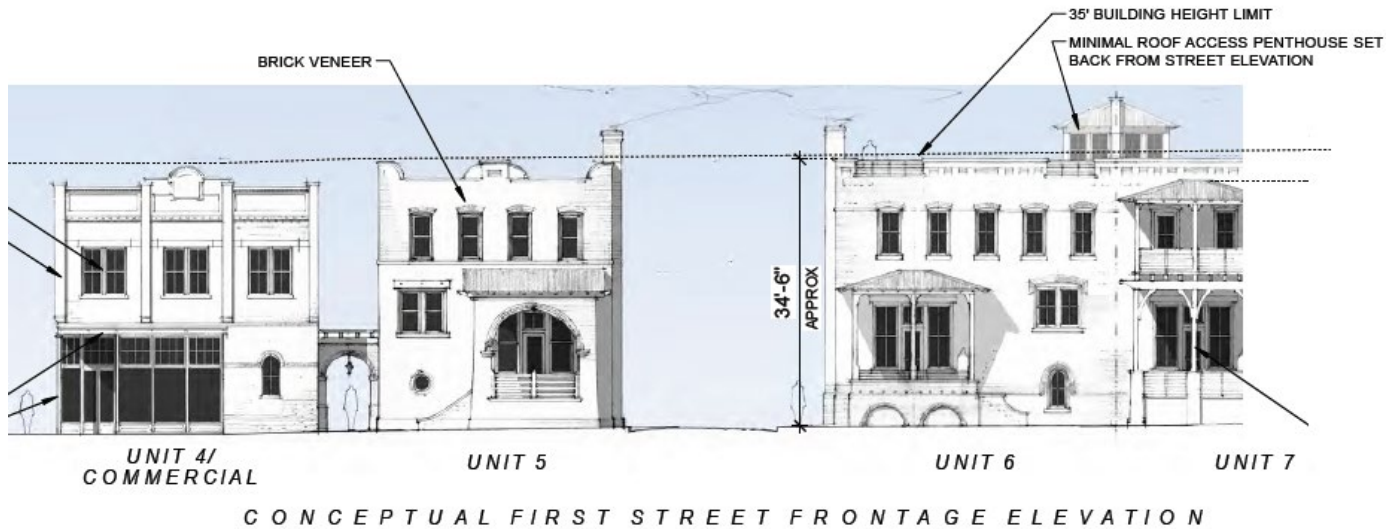


➤ **Units 5-7** (illustrated below and in blue on the site plan). The applicant is requesting a deviation to allow Units 5-7 to be 3 story buildings. The proposed maximum height of the 3 stories is 35 feet, which does not require a deviation. However, a deviation is requested to allow a rooftop access structure, limited to 100 sf per unit, to be a maximum of 40 feet at its highest point. Additionally, the applicant has requested an allowance for chimneys up to 40 feet.

The request for 3 stories along 1st Street will allow for the accommodation of the proposed historically relevant architectural design that is unique for new construction. It is a design that, when viewing from 1st & F Street, reads as an extension of the historic downtown. The primary structure will be a maximum of 35 feet in height, which is allowed in the Overlay District. Therefore staff supports the request for 3 stories. Staff recommends that the rooftop access request be limited to the minimum necessary and only where it will not potentially obstruct prominent view corridors from downtown. For this reason, staff recommends that no rooftop access structure be allowed on Unit 5 and that rooftop access on Units 6 & 7 be allowed only as one combined structure at a total of 100 sf. The recommended condition of approval is:

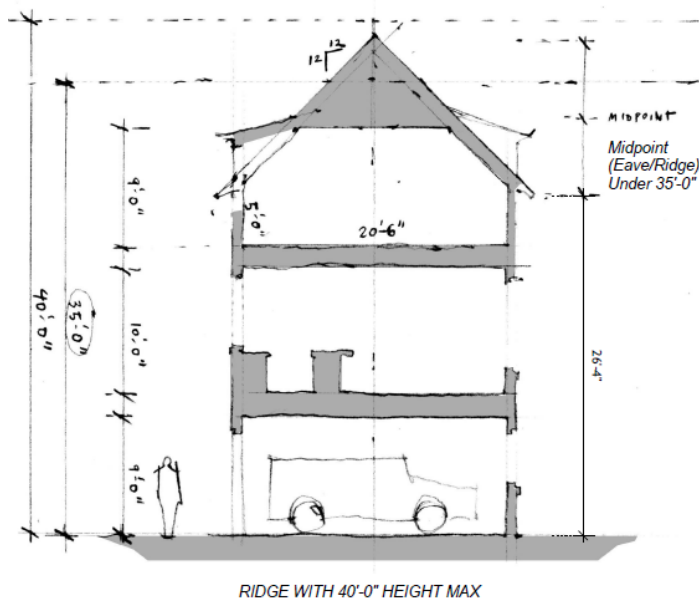
- Units 5-7 can be a maximum of 3 stories and 35 feet in height with the exception of chimneys and a rooftop access structure on Units 6 & 7. Units 6 & 7 are allowed a shared rooftop access structure that cannot exceed 40 feet in height at its highest point, and can be up to 150 square feet (in total, not per unit). Shared structure can be greater than 150

square feet only if required by the Building Official, and shall be limited to the minimum required square footage No rooftop access structure is allowed on Unit 5. Chimneys shall not exceed 40 feet.



Concept of Unit 6 illustrating a portion at 2.5 story and a portion at 3 story

Units 8 -16 (building section below, and shown in green on page 8). The applicant has requested a deviation to Units 8-16 to be 3 stories, and a deviation to allow 40 feet in height. As shown in the illustration below, the allowance for 40 feet would be to accommodate the peak of the gabled roof. These units do not front Hwy 291, are separated from the property to the south by an alley, and are adjacent to a gas station to the west. Staff supports the request for 3 stories off of Hwy 291. If the building height deviation to 40 feet is approved, staff recommends conditioning it to only accommodate a gabled roof and not a flat roof.



Example of rooftop decks on the gabled roof portion of the site, potentially Units 8-16.

The conceptual rendering below shows potential rooftop decks on this portion of the site. Specific details were not provided for these decks. Staff recommends that no portion of the deck (including railings, shade structures, etc) shall exceed 35 feet in height. This condition will ensure that a person standing on the deck will not be visible above a 40-foot peaked roof.



If the height deviations are approved, staff recommends the following condition of approval:

- Units 8-16 can be a maximum of 3 stories. They can be a maximum of 40 feet in height only to accommodate the peak of a gabled roof. No part of a rooftop deck, including railings or covers, can exceed 35 feet.

The Code states that increases in maximum height are allowed through a PD, but shall not result in:

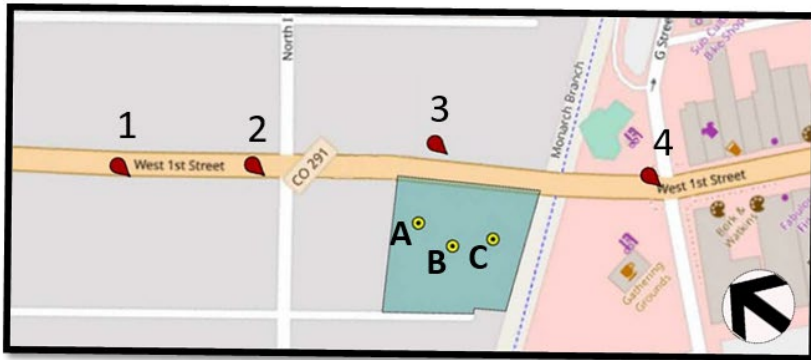
- Adverse visual impacts on adjacent sites or other areas in the vicinity, including extreme contrast, interruption of vistas or scale that is disproportionate to surrounding development or natural features.
- Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view.
- Inability to provide adequate fire protection using equipment currently in use by the Fire Dept.

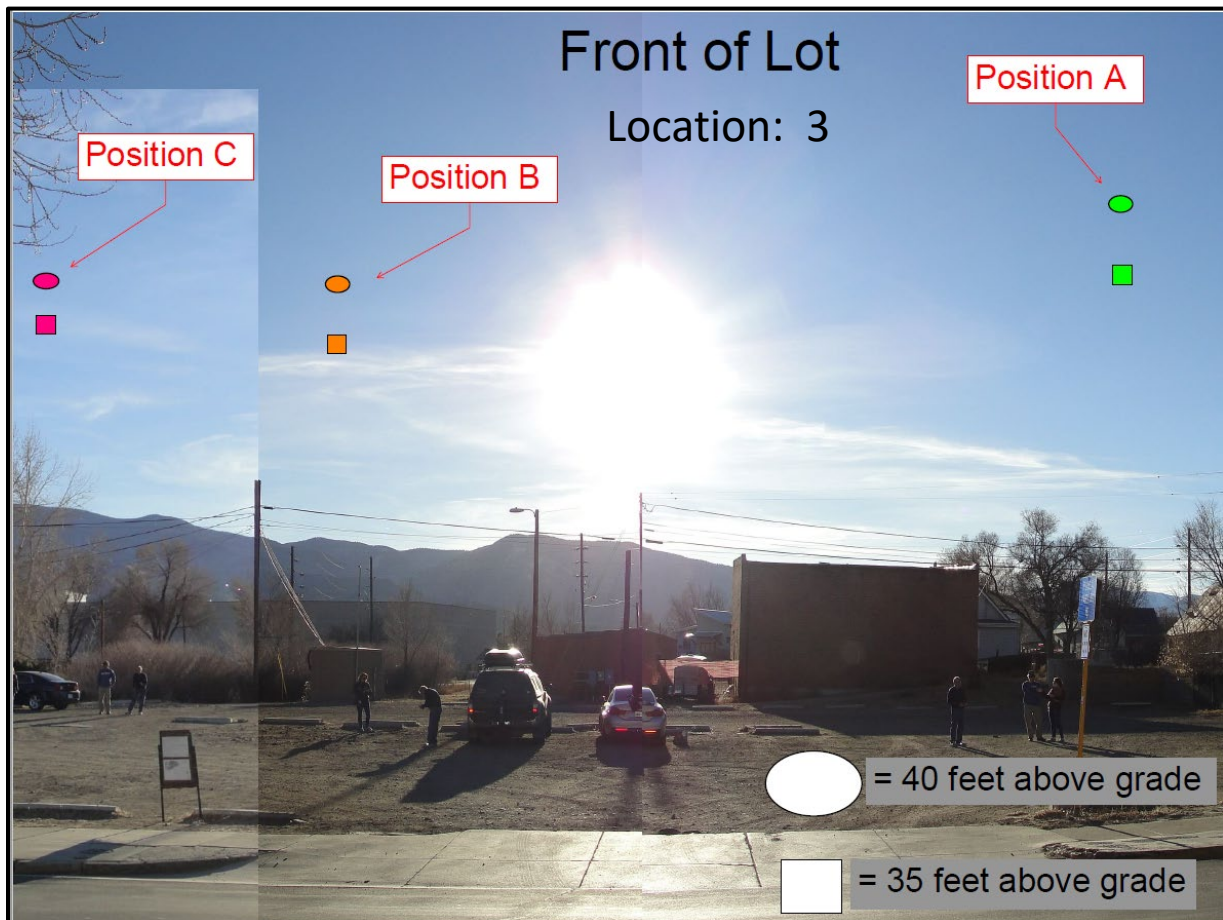
To determine the impact of the request on views of the Sawatch Range from the intersection of 1st and F Street, the applicant has provided a view corridor study. The corridor study illustrates that the development, and the requested height deviations, will be visible. However, being visible alone does not make the visual impacts “adverse”. From this vantage point, it does not interrupt the mountain vista. It provides visual continuity of the downtown architecture and urban density as it transitions to a more residential use.

VIEW CORRIDOR STUDY: View from 1st Street, just west of F Street



PHOTO STUDY: 35 feet and 40 feet at 3 Different Positions on the Site and 4 Different Locations Along on 1st Street.







The following is the dimensional standards table summarizing the applicant's deviation requests for height and building stories:

Standards	C-1	I	PD/Site as whole	PD/Individual Lots	Notes
Max. building height for a primary bldg.	35'	35'	40'	40'	Portions of buildings over 35' shall be setback 24' minimum from 1 st St and Monarch Spur property lines Height measured from finished floor or average post-construction grade around building perimeter, whichever is lower.
Max. building height for a detached accessory bldg.	25'	25'	N/A	N/A	None allowed.
Maximum number of stories per Hwy 291 established	2	2	3	3	Lots 1-4: 2 story building; Limited Rooftop Access Lots 5-7: 3 story building; Limited Rooftop Access Lots 8-16: 3 story.

Article I of the Land Use Code defines the measurement of building height as follows: *the distance measured on a vertical plane from the average preconstruction or post-construction grade around the perimeter foundation of a building or structure, whichever is lower, to the highest point on the roof surface of the building or structure.*

The applicant is requesting a deviation from how building height is measured, requesting to use the following formula: Height shall be measured from [either] finished floor or average post-construction grade around building perimeter, whichever [provides a] lower [base elevation].

Staff has reviewed the Grading Plan, Sheet 4 of the Civil Plans, which provides finished floor elevations (FF), and finished grade (FG & FS), overlaid on the current topography. This request will result in the units 10 & 13 at the very western corner being approximately 1.5 feet taller than would be allowed using the Code definition, units 8, 9, 12, & 14 being between 6 inches to 1 foot taller than allowed by Code, and the remainder of the buildings being very close to the same height. This request impacts the buildings that are least visible from 1st Street. However, staff's analysis is based on each individual unit. Buildings with multiple units have up to a foot difference between units for this baseline calculation. Therefore, if approved, staff recommends modifying the request in the following condition of approval:

- The measurement of building height shall use the lower base elevation of either the finished floor or the average post construction grade around building perimeter on a multi-unit building shall apply either on a unit by unit basis, or if that is impractical, then the lowest measurement of finished floor or post-construction finished grade for the entire building shall be used.

9. Gross Floor Area: Currently one 700-725 sf commercial unit is proposed. Staff recommends that potential additional commercial uses not be restricted, leaving open the possibility of future commercial uses on the site. The limited allowable commercial uses on the Schedule of Uses and the parking requirements, which will be evaluated during the administrative review of any commercial use, will limit the potential type and square footage of commercial that can be accommodated.
10. Permitted Uses: The PD Development Plan Proposed Schedule of Uses, with deviations from C-1 highlighted, is included here. Staff supports the requested deviations and the proposed uses, and recommends the following note be added to the Planned Development:
 - Uses not specified in the Use Table shall default to the underlying C-1 Zone requirements, with the following exceptions:
 - i. All Permitted uses that require parking shall undergo Administrative Review (AR).
 - ii. The following Permitted & AR uses in C-1 are not consistent with the intent of the Planned Development and would require a PD Amendment in order to be permitted:
 1. Commercial Lodging
 2. Clubs Operated by and for Members
 3. Mobile Home and Recreational Vehicle Sales and Services
 4. Automobile Sales Service and Repairs

Residential Uses	C-1	I	PD	Standards ¹
Accessory buildings and structures.	P	P	P	Sec. 16-4-190(c)
Multiple principal residential structures	P	P	P	Sec. 16-4-190(b)
Accessory dwelling units	AR	AR	AR	Sec. 16-4-190(c)
Duplex dwelling units	P ³	LR ³	P	
Residential (3—4 units)*	AR ³	AR ³	AR	
Residential (5—19 units)	LR ³	LR ³	AR	
Residential (20 or more units)	MR ³	MR ³	MR	
Single-family dwelling units	AR ³	AR ³	AR	
One or more dwelling units on the same site as a commercial or industrial use	LR	LR	AR	
Residential Business Uses	C-1	I	PD	Standards ¹
Day care, home	P	P	P	Sec. 16-4-190(f)

Home Occupations	P	P	P	Sec. 16-4-190(g)
Home Businesses	P	P	AR	Sec. 16-4-190(g) AR to allow for review of required parking.
Short-term rental units	AR	AR	AR	Sec. 16-4-190(q) Subject to STR regulations in effect at time of STR license application.
Commercial, Personal Service and Office Uses	C-1	I	PD	Standards¹
Eating and drinking establishments	P	LR	AR	AR to allow for review of required parking.
Professional offices	P	LR	AR	AR to allow for review of required parking.
Retail sales and rental establishments	P	LR	AR	Sec. 16-4-190(m) AR to allow for review of required parking.

11. Transportation Design: The development provides direct access to State Highway 291, which is designed to support the anticipated additional traffic generated by the proposed number of units. Secondary access will be provided via the rear public alley. Public Works requires an access permit from CDOT for access onto Hwy 291, which has been obtained, and is requiring that the applicant upgrade the alley with paving and drainage improvements. The applicant is requesting a deviation to this requirement to not pave the alley, which staff does not support per Land Use Code Section 16-8-80 (e)(1) which requires that parking areas and access drives for 5 or more required parking spaces be paved. The Fire Department has required compliance with Fire Code Section 503.2.1. regarding Fire Apparatus Access Roads. The development provides safe and adequate pedestrian access within the site and to nearby amenities. As conditions of approval, staff recommends:
- Applicant is required to pave and provide drainage improvements to alley, from I Street to the southeastern-most access drive.
 - Fire Department approval of the plans is required.
12. Development Standards: See Item 7 above.
13. Energy Efficient Design: The construction of new buildings will have to meet the energy reducing standards of the building codes. The compact design of the townhomes should also contribute to energy efficiency.
14. Variety in Housing Types: Fifteen townhomes and one residential condominium are proposed, all for-sale units. They range in size from approximately 800 -1400 square feet and from 1-3 bedrooms. Given the small size of the planned development and the architectural character proposed, staff feels this is sufficient variation that still allows for a cohesive character.

The applicant has proposed providing 2, 80% AMI deed-restricted affordable housing units as part of the 16-unit development. This is equal to the percentage required by the Inclusionary Housing standards of Article 13 of the Land Use Code. Applicant has noted on the Planned Development that both affordable units shall be built and receive certificate of occupancy (CO) prior to the eighth market rate unit receiving a certificate of occupancy.

Some of the deviations to the dimensional standards requested by this PD are to allow:

- A 60% increase in the density allowed on this site,
- An increase in the number of stories allowed, effectively increasing the square footage of 67% of the units.
- A 14% increase in the maximum height allowed on more than half of the buildings.
- The creation of for-sale townhome lots whose individual dimensional standards deviate significantly from the Code.

These deviations directly result in added value to the applicant in the form of:

- more units to sell,
- larger units to sell,
- units with unique amenities, such as the rooftop access,
- and fee-simple lots to sell, rather than condominiums.

The Code requires 12.5% of units be deed-restricted at 80% AMI; this equate to 2 units for this development. A Planned Development is a negotiated process. Given the deviations requested, staff feels that at least one additional deed-restricted unit is justified. One additional unit is one additional unit for perpetuity; it is important and significant over time to the workforce of Salida.

In determining the recommended % AMI, staff recommends utilizing a formula closer to what was discussed with Planning Commission at the January 11th work session for a revised IH ordinance. Those revisions recommend adjusting AMI targets to provide housing to a wider variety of income levels that are not currently provided in market-rate housing, and differentiates AMI levels based on whether the unit is for sale or for rent. The revised ordinance also proposes raising the required percentage of IH units to 1 out of 6 units, or 16.67%. According to a 2020 Chaffee County Income Level analysis prepared by the Housing Authority, over 26% of Chaffee County's workforce is in the 81% - 100% AMI range. Another 19% are in the 101% - 120% AMI range. Together these two groups represent 45% of the local workforce that under the current IH ordinance:

- earn too much to qualify for traditional deed-restricted housing,
- earn enough to potentially own and maintain a home, and have some down-payment savings,
- and for whom there is nothing available at for-sale market rates (see maximum sale prices below).

Staff feels this is an ideal project to request an adjustment to the proposed ordinance, rather than the current ordinance. This adjustment would increase the number of required built IH units to 3 (16.67% of 16 = 2.67 units) will add missing middle housing as well as blend the disparity of incomes between the market rate owners and the deed-restricted owners within the project. As a condition of approval:

➤ A minimum of 3 deed-restricted units shall be provided, if these units are for sale, they shall span the AMI requirements of 100%, 120%, 140%, and 160% with the average never going above 140% AMI. No AMI level shall be repeated.

If these units are for rent, a minimum of one-half of the units shall be at 80% AMI, and no unit shall exceed 100% AMI. If a for-rent unit converts to for-sale, its AMI shall adjust accordingly.

15. Fiscal Impacts: The private drive, utility easements, and common areas are to be owned and maintained by the homeowners association. The City will provide the police and fire protection and serve the project with water and sewer through public mains. Water and sewer tap fees will help offset long term costs of expanding those systems. The Fair Contributions for Public School Sites fees will be required per residential unit to help offset impacts on the school district, and open space fees will be required for each unit.

16. Higher Levels of Amenities: The project provides a common open space area. This would not be a requirement of the underlying zone district. The project also provides a higher quality architectural design than required by Code as the underlying zone district has no architectural design standards, and a design that creates a cohesive neighborhood that complements the historic architecture of Salida. As a condition of approval:
 - Final architectural plans shall substantially conform to the architectural character and design as submitted as part of the PD application. Applicant is encouraged to provide brick facades on the units facing 1st Street to provide visual continuity with the several brick historical buildings along 1st Street in the historic district.
17. Physical Conditions or Objective of Development: The development provides a design that creates a cohesive neighborhood that complements the historic architecture of Salida.
18. Effect on Adjacent or Nearby Development: Immediately adjacent uses consist of a gas station, an industrial warehouse site, a duplex, a single family home, and a ditch and public trail corridor. These uses are all zoned either C-1 Commercial or Industrial. Nearby uses within the block and across the highway are residential uses: single-family, duplex and multi-family properties, as well as commercial uses and a skate park.

This project provides appropriate continuity of downtown architecture and urban density, transitioning to residential use. The residential on this site and the inclusion of a commercial unit would blend with the existing adjacent and nearby development. The development will utilize the alley as one of its vehicular access points, and the applicant will be responsible for improving the alley. Given the wide variety of existing uses in the area, the proximity to downtown, and the primarily residential nature of the proposal, there is no reason to believe that nearby or adjacent properties will be detrimentally affected.

EVALUATION STANDARDS FOR MINOR PLANNED DEVELOPMENTS

Section 16-7-40(d) states that “In addition to the above evaluation standards in Subsection (a) of this Section that apply to all PD applications, the following standards or requirements shall govern the application of a minor planned development and shall be utilized by the Planning Commission and the City Council in evaluating any minor PD plan:

1. Staging of Development: There shall be no staging of development in a minor PD. There shall be no staging (also called ‘Phasing’ in the Code) of infrastructure or public improvements. In the application, the developer states: “Phasing shall not be restricted within the development”. Staff is not clear on what this means, however because this is a minor PD, staging (i.e. phasing) is not allowed. Staff recommends the following condition of approval:
 - There shall be no staging (i.e. phasing) of the development of infrastructure and public improvements.
2. Types of Uses: A minimum of 25% of the floor area of the project is recommended for non-residential, commercial uses. Less than 5% of the floor area is planned for non-residential uses. Having additional ground floor commercial along Hwy 291 would be fiscally beneficial and provide a greater mix of uses and activity to the site. However, given the parking requirements that come with commercial uses, removing buildings to accommodate cars would be detrimental to the character of this proposed development and detract from the urban, pedestrian, and historically-referential design. Staff finds the current proposal is an acceptable balance of commercial and residential.
3. Public Places. Public gathering places should be provided to reinforce community identity and support civic engagement. There are no public gathering places proposed in the development, and

given the size it would not be practical. The site is across the street from a public skate park and adjacent to a community trail. There is a small common open space proposed within the development, which would promote social interaction and engagement in a private gathering space for residents of the development, and a patio/courtyard area as part of the commercial space.

4. Economic Opportunity: The PD provides a unique economic opportunity or provides a service, industry, or housing type that will benefit the City and would not be possible under the existing zone districts or dimensional standards of the City. Townhomes are challenging to construct within most of Salida's zone districts because of the standards for minimum lot size, street frontage, and other requirements. This PD will allow the applicant to create numerous residential units on a site that, given the depth of the site and likely access restrictions along Hwy 291, would likely not develop as residential without the ability to increase the density and an allowance for frontage on a private road. Housing in this location will offer easy access to downtown businesses as well as potential housing for downtown workforce.
5. Open Space: A Minor PD is not required to provide a dedication of open space on the site, however, it is required that any PD contribute to meeting the goals for open space through a negotiated fee-in-lieu of open space or other contribution. No open space is dedicated through this development. The applicant acknowledges that required open space fees-in-lieu will be paid at time of building permit for each unit and has already noted this on the PD Development Plan.

B. MAJOR SUBDIVISION PLAT REVIEW

A major subdivision requires a recommendation from the Planning Commission and final approval by the City Council. The applicant is requesting that the Planning Commission recommend approval of a 16-lot residential subdivision, along with an outlot to be commonly-owned by the homeowners' association. The applicant plans to construct multiple residential buildings containing a total of 16 units, with the shared common wall on the platted property lines. After foundations are poured, the applicant will do slight lot line adjustments where necessary to align the lot lines with the shared common walls. The proposed subdivision must comply with the following standards:

1. Comprehensive Plan. The proposed subdivision is consistent with the Comprehensive Plan as detailed on pages 3 and 4 of this report. Staff finds that the development's use and design is compatible with surrounding land uses and will not create unreasonable adverse effects on neighboring properties.
2. Zone District Standards. The proposed subdivision and ultimate development of the lots will comply with the planned development standards outlined in this report, and where no deviation is requested, it will comply with the Land Use Code and the underlying C-1 zoning.
3. Improvements. The applicant will be required to comply with Code Section 16-2-60, Subdivision improvements agreements and development improvements agreements. Review of the civil drawings will be completed prior to City Council meetings.

Public Works has noted the following which staff recommends as conditions of approval:

- Upsizing of the 4-inch water main in 1st St. anticipated to meet fireflow requirements.
- Pave south half of 1st Street where new water services are proposed.

Public Works noted to refer to JVA engineering review for additional requirements pertaining to plan. Some of JVA's comments have been incorporated into the conditions of approval discussed throughout this report, however, please note that JVA's review of the Civil Plans and the applicant's request for deviations from City Standards is still ongoing, and as such, additional comments and

recommended changes will be forthcoming. Some of the comments may require the proposed plan to change.

A landscape plan has been provided with sufficient details and notes to ensure compliance with Section 16-8-90. No new public streets are proposed. Atmos Energy, Xcel Energy, and Salida Utilities have provided comments; please refer to the Referral Agency Comments section for those specific comments. Both Excel and Atmos have provided site specific comments. The developer has been working with the utilities to adequately service the project, but Atmos and Excel are concerned about the ramifications that come with smaller than standard easements and, for Atmos, because the developer is proposing private gas lines, there is a concern about the inability to locate this gas line in the future.

Regarding phasing, because this is a minor PD, phasing is not allowed and the staff recommends the following condition of approval:

➤ There shall be no staging (i.e. phasing) of the infrastructure and public improvements.

4. Natural Features. The site is relatively flat and void of any trees. Staff is unaware of any extraordinary natural features on the site.
5. Floodplains. This property does not reside in the floodplain. This standard does not apply.
6. Noise Reduction. This property borders State Highway 291. In this location, it is known as First Street and is a single lane in each direction with on-street parking on each side. As such, the speed and noise level are not equivalent to typical highway noise and additional setbacks or landscaping are not being requested by staff, nor would they be practical in this location next to the downtown business district.
7. Future Streets. As addressed above in Paragraph 3. Improvements; there are no new streets.
8. Parks, Trails and Open Space. No public open space dedication is proposed nor desired within this development due to its small size. A fee-in-lieu for open space for each unit constructed on the property must be paid at time of building permit. This is already noted on the Plat.
9. Common Recreation Facilities. The private open space identified on the site plan will be easily and safely accessed by residents of the development. It is located internal to the development and will not impact any adjoining properties.
10. Lots and Blocks. This is a clustered townhome development with an internal private access drive for vehicular access. This is the type of development encouraged by the Land Use Code in a Planned Development, but as such, typical lot and block requirements are not applicable nor practical to this type of development.
11. Architecture. The architectural concept proposed for this site is intended to complement the historic architecture of downtown and the previous historic structure on this site. It meets or exceeds the architectural requirements of the Code.
12. Codes. The subdivision will comply with all applicable City building, fire and safety codes for the proposed development.
13. Inclusionary Housing. An Inclusionary Housing Agreement is required as part of the Subdivision Improvement Agreement and Development Improvement Agreement. See Item 14. Housing Variety, Under Planned Development Evaluation Criteria for staff's recommended condition of approval regarding provision of inclusionary housing.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

Salida Fire Department: Kathy Rohrich, Fire Plan Review responded that the applicant will need to comply with section 503.2.1 regarding fire apparatus access roads, and “We will follow up with fire sprinkler plans for commercial occupancy and include Colorado Division of Fire Prevention and Control.” Therefore, as a condition of approval:

Salida Public Works Department: Public Works Director, David Lady, submitted the following comments: Refer to JVA engineering review for additional requirements pertaining to plan. Upsizing of the 4-inch water main in 1st St. anticipated to meet fireflow requirements. Pave south half of 1st Street where new water services are proposed.

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

Salida Utilities: Renee Thonhoff, Senior Accountant, stated “The property located at 323 West First Street is currently a commercial property with one 3/4" commercial tap (water \$8,512 & sewer \$7,808). Upon development, system development fees will be required for each unit (15).” [Note: the existing commercial tap will cover Unit 4, both the commercial and residential condo, leaving 15 remaining residential SDFs. Deed-restricted units will pay the “Legally-Restricted Affordable Housing” rate and the remainder will pay the “Residential Single-Family” rate].

Chaffee County Building Department: There has not been a response at the time of this writing.

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

Atmos Energy: Dan Higgins & Mark Cristelli met with the developers and provided staff with the following summary of that meeting:

“I expressed my concerns and we discussed some options. I have advised Eric and Bill [H.] as of this morning based on that conversation what Atmos will do to serve the subdivision. Their requested design for gas main won’t work for us FYI. I notified them that Atmos will install a meter manifold on the Southern side of building 1 and they will pipe to that manifold with privately owned lines to the units they desire to serve.”

And Atmos has provided the following general comments for subdivisions with reduce width utility easements:

“Streets/ROWs being too small to adequately accommodate buried facilities safely leads to design options that include utility providers not being willing to install underground utilities in them. Subsequently the only way they will serve these subdivisions is by providing service to the edge of the property and builders have to install private utilities to each unit within. There are several reasons I believe this is unwise.

- Private utilities are not located by the utility providers and private locate firms don’t exist that I’m aware of in Chaffee County which leaves other buried facilities at great risk of third party damage.
- The design and layout of the privately owned utilities could easily become a hodgepodge free-for-all and therefore excavation and maintenance will be extremely difficult and the addition of each individual unit will make the problem continually worse.
- Several other less than desirable scenarios can easily be imagined if subdivisions proceed with privately owned utilities serving them like this one.”

Xcel Energy: Sterling Waugh responded “For this project, Xcel has the very bare minimum needed to serve them power. The customer will need at least a 2 hr firewall on all walls 10’ or closer to the transformer locations. There cannot be any doors within 20’ of the transformer locations. Operating windows should be 10’ away from the transformer. The transformer locations have electric only

easements, so telecoms cannot be in that easement as it stands. I would suggest they change the electric only to public utility easement.

It does not have the normal easements that Xcel would prefer. This would also make it very difficult to create a loop or install any power needs to HWY 291, ie a street light or stop light.

If every lot had this bare minimum set up we would have to put more pad mount equipment in the ROW, so this should not be a trend. Also this type of development makes it almost impossible to do any future undergrounding of existing utilities without stacking electric on other utilities which is bad practice and dangerous.”

STAFF RECOMMENDATIONS:

Staff recommends the Planning Commission recommend approval of the requests to City Council with the following conditions:

A. PROPOSED PLANNED DEVELOPMENT & MAJOR SUBDIVISION PLAT REVIEW

A Recommendation of Approval of the Planned Development and Major Subdivision Plat to City Council is subject to the following conditions of approval:

1. The application shall proceed to City Council once the Civil Plans review is deemed complete. If the engineering review results in the determination that municipal facilities shall be provided, the utility plan and easements will need to meet the requirements of Public Works.

It is also possible that the resolution to issues that may arise from the civil plans review may impact the PD Plan request. If those impacts substantially change the PD request, as determined by the Director, the applicant will be required to return to Planning Commission for a recommendation.

2. The sewer main and common trench for water lines must be within a utility easement. The easement must extend a minimum of 5 feet from the edge of utilities. No structures, foundations, or architectural features may be located within a utility easement with two exceptions:
 - a. Eaves, a minimum of 20 feet above grade and a maximum depth of 20 inches,
 - b. Balconies, if they are designed to be removable.
3. The following notes be added to the PD Development Plan regarding building height and story allowances, and any appropriate adjustments be made to the Dimensional Standards to align with these requirements:
 - a. On Units 1-7, no portion of the building nor architectural appurtenances can exceed 35 feet in height if within 24 feet of the property line along Hwy 291 or the Monarch Spur Trail.
 - b. Units 1-3 are allowed a rooftop access structure that cannot exceed 40 feet in height at its highest point. It may be up to 100 square feet on Unit 1. Units 2 & 3 are allowed a shared rooftop access structure up to 150 square feet (in total, not per unit). Shared structure can be greater than 150 square feet only if required by the Building Official, and shall be limited to the minimum required square footage. No rooftop access structure is allowed on Unit 4
 - c. Units 5-7 can be a maximum of 3 stories and 35 feet in height with the exception of chimneys and a rooftop access structure on Units 6 & 7. Units 6 & 7 are allowed a shared rooftop access structure that cannot exceed 40 feet in height at its highest point, and can be up to 150 square feet (in total, not per unit). Shared structure can be greater than 150 square feet only if required by the Building Official, and shall be limited to the minimum required square footage. No rooftop access structure is allowed on Unit 5. Chimneys shall not exceed 40 feet.

- d. Units 8-16 can be a maximum of 3 stories. They can be a maximum of 40 feet in height only to accommodate the peak of a gabled roof. No part of a rooftop deck, including railings or covers, can exceed 35 feet.
 - e. The measurement of building height shall use the lower base elevation of either the finished floor or the average post construction grade around building perimeter on a multi-unit building shall apply either on a unit by unit basis, or if that is impractical, then the lowest measurement of finished floor or post-construction finished grade for the entire building shall be used.
4. Uses not specified in the Use Table shall default to the underlying C-1 Zone requirements, with the following exceptions:
 - i. All Permitted uses that require parking shall undergo Administrative Review (AR).
 - ii. The following Permitted & AR uses in C-1 are not consistent with the intent of the Planned Development and would require a PD Amendment in order to be permitted:
 1. Commercial Lodging
 2. Clubs Operated by and for Members
 3. Mobile Home and Recreational Vehicle Sales and Services
 4. Automobile Sales Service and Repairs
 5. Applicant is required to pave and provide drainage improvements to alley, from I Street to the southeastern-most access drive.
 6. Fire Department approval of the plans is required.
 7. A minimum of 3 deed-restricted units shall be provided, if these units are for sale, they shall span the AMI requirements of 100%, 120%, 140%, and 160% with the average never going above 140% AMI. No AMI level shall be repeated.
 If these units are for rent, a minimum of one-half of the units shall be at 80% AMI, and no unit shall exceed 100% AMI. If a for-rent unit converts to for-sale, its AMI shall adjust accordingly.
 8. Final architectural plans shall substantially conform to the architectural character and design as submitted as part of the PD application. Applicant is encouraged to provide brick facades on the units facing 1st Street to provide visual continuity with the several brick historical buildings along 1st Street in the historic district.
 9. There shall be no staging (i.e. phasing) of the infrastructure and public improvements.
 10. Upsizing of the 4-inch water main in 1st St. anticipated to meet fireflow requirements.
 11. Pave south half of 1st Street where new water services are proposed.

RECOMMENDED MOTIONS:

- A. "I make a motion to recommend the City Council approve the proposed Residences at Salida Bottling Company Planned Development subject to the conditions recommended by staff," and
- B. "I make a motion to recommend the City Council approve the Major Subdivision for Residences at Salida Bottling Company, subject to the conditions recommended by staff."

Attachments:

Proof of Publish

Table of Proposed Dimensional Standards & Schedule of Uses

Public Comment Letter

Residences at Salida Bottling Company PD & Major Subdivision Application Materials