

ORDINANCE NO. 2022-06
(Series 2022)

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A MAJOR IMPACT REVIEW FOR A 0.60 ACRE PARCEL LOCATED AT 323 WEST FIRST STREET AND LEGALLY KNOWN AS PART OF LOTS 4 & 5, ALL OF LOTS 6-9, AND PART VACATED ALLEY, BLOCK 19, SALIDA, CURRENTLY ZONED C-1 AND I, WITHIN THE HWY 291 ESTABLISHED RESIDENTIAL OVERLAY, TO PLACE A PLANNED DEVELOPMENT OVERLAY ON THE PROPERTY, AND APPROVE THE DEVELOPMENT PLAN AND 16-LOT MAJOR SUBDIVISION FOR RESIDENCES AT SALIDA BOTTLING COMPANY.

WHEREAS, the City of Salida Planning Commission conducted a public hearing on the planned development and major subdivision application for the subject property on February 8, 2022 and forwarded to the City Council its recommendation that the subject property be approved, with conditions, as a planned development overlay pursuant to the attached Residences at Salida Bottling Company development plan included as Exhibit A; and

WHEREAS, the City of Salida Planning Commission reviewed and recommended approval, with conditions, of a sixteen-lot subdivision (Residences at Salida Bottling Company) within the planned development overlay, illustrated on Exhibit B; and

WHEREAS, the project is consistent with the purpose, conditions and evaluation standards for planned development districts; and

WHEREAS, the proposals for the subject property are consistent with the policies and goals of the City's land use regulations and Comprehensive Plan, and will advance the public interest and welfare; and

WHEREAS, the City Council held a public hearing on the proposals on April 5, 2022 and May 3rd, 2022; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO as follows:

Section One

That the entirety of the property comprising Part of Lots 4 & 5, All of Lots 6-9, And Part Vacated Alley, Block 19, Salida to wit, the 0.60 acres, be and is hereby approved as a Planned Development Overlay with the attached development plan and a sixteen-lot subdivision (Residences at Salida Bottling Company) with the attached subdivision plat and conditions of approval, which is attached to this ordinance as Exhibit C.

Section Two

Upon approval by the City Council of the Final Development Plan for the Residences at Salida Bottling Company Planned Development it shall be considered a site specific development plan and granted a vested property right. The City Council is approving the vested property right subject to the terms and conditions contained in the development plan and this ordinance and

failure to abide by such terms and conditions may, at the option of the City Council, after a public hearing, result in the forfeiture of vested property rights.

Section Three

Upon approval by the City Council the applicant shall have one hundred eighty (180) days to submit a final Mylar of Exhibits A and B; and incorporating the conditions of approval attached as Exhibit C for the Mayor's signature and recordation.

Section Four

The City Clerk is hereby directed to undertake the following actions upon the adoption of this Ordinance:

1. Publish this Ordinance in a newspaper of general circulation in the City of Salida.
2. Following recording of the Mylar, the Clerk shall promptly amend the official city zoning district map to incorporate and reflect the planned development overlay of the subject property.

Section Five

This Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of any ordinance repealed or amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

Section Six

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of the Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Ordinance.

INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on March 15, 2022 and set for second reading and public hearing on the 5th day of April, 2022 and the 3rd day of May, 2022.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 3rd day of May, 2022.



CITY OF SALIDA

By: _____

Dan Shore, Mayor

ATTEST: _____

Erin Kelley

(SEAL)

City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 15th day of March, 2022 and **IN FULL**, after Final Adoption on the 3rd day of May, 2022.

By: Erin Kelley
City Clerk

EXHIBIT C:

Conditions of Approval for Residences at Salida Bottling Company Planned Development and Major Subdivision

1. The Inclusionary Housing (IH) Notes on the PD Plan and applicable Plat notes shall be modified as follows:

IH Note #1 & Plat Note #9:

A minimum of four (4) deed-restricted units shall be provided, if these units are for sale, one shall be no greater than 120% AMI, one no greater than 140% AMI (excluding studios), and two no greater than 160% AMI (excluding studios and 1 bedrooms)

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.

IH Note #2 & Plat Note #10:

Two (2) of the deed-restricted units shall be built and receive certificate of occupancy (CO) prior to the eighth (8th) market rate unit on the site receiving a CO; the average AMI of the first two units shall not exceed 140%.

IH Note #3 & Plat Note #11:

For any affordable unit(s) required to be built, the developer shall pay at the time of certificate of occupancy (CO) the applicable inclusionary housing fee-in-lieu for each non-inclusionary unit built prior to receiving CO for the affordable unit(s). Once the required affordable units have received CO, those fees-in-lieu shall be returned to the developer.

IH Note #4:

Occupants of any Inclusionary Housing Units shall not be responsible for homeowner's association assessments or dues beyond those fairly-priced specifically for utilities, trash services, and the like. Should the developer or HOA desire, they may renegotiate this condition with the Chaffee Housing Authority based upon the Authority's guidelines for such dues.

IH Note #5 & Plat Note #12:

Inclusionary housing units shall meet all other applicable inclusionary housing code requirements.

2. Building permits are required and the plan shall meet Building Department requirements.
3. An Operations and Maintenance manual shall be subject to review by the City and recorded with the Plat.

4. Applicant shall obtain necessary CDOT utility permits.
5. Applicant is required to pave and provide drainage improvements to alley, after construction, from I Street to the southeastern-most access drive.
6. There shall be no staging (i.e. phasing) of the infrastructure and public improvements. This includes that all private gas lines must be installed in a common trench at the same time, and no additional private gas lines can be installed after the initial installation. The Operations and Maintenance guide shall ensure compliance with all relevant State Statutes, including but not limited to, Statutes regarding the obligations and procedures for owners of underground facilities to locate and excavate those facilities. If the applicant does not agree to these conditions, then there shall be no private gas lines on site.
7. Applicant shall upsize the 4 inch 1st Street water main to 8 inches to meet anticipated fireflow requirements.
8. Applicant shall pave the south half of 1st Street where new water services are proposed.
9. Outstanding engineering comments must be addressed prior to approval of the SIA.
10. Applicant shall provide a stamped surveyor's confirmation demonstrating compliance with the Grading Plan submitted as part of the Civil Drawings. This documentation shall be provided after the foundation is backfilled.

