

OBSERVATIONS:

1. The parcel was annexed into the City in 2021 as part of the Upchurch Annexation, which was a single parcel totaling 5.32 acres and at that time was zoned R-2.
2. The Annexation Agreement included stipulations regarding minimum lot size and single-family residential for the lots along the northern edge of the development – the 8 lots that back to CR 141D - which was in response to County neighbors immediately to the north of the site, and input from Chaffee County. There were no such stipulations put on Lot 15, which is located in the southwestern corner of the development and is directly across CR 140 from Angelview Development, zoned R-3. The applicant had expressed interest in zoning Lot 15 as R-3 during the annexation process; however, such a split-zoning was not possible at the time of Annexation and Zoning because the subdivision had not yet been platted.
3. At 15,718 square feet, the R-2 zoning of Lot 15 allows for 5 principal dwelling units. R-3 zoning would allow for 7 units. The applicant would like to construct 6 units, in the form of 3 duplexes.
4. The Inclusionary Housing Agreement for West End Subdivision requires the applicant to provide 5 built units of inclusionary housing, which covers the first 40 units in the subdivision. If more than 40 units are built, the unit over 40 would pay the fee-in-lieu. If 6 units are built on this lot, the proposed total number of units within the subdivision will be 44, requiring 5.5 IH units. By providing 6 built IH units on this lot instead of 5, the inclusionary housing obligation will be met up to a total of 48 units within the subdivision and no fee-in-lieu will be required.

REVIEW STANDARDS FOR MAP AMENDMENTS 16-4-210(c):

1. **Consistent with Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan.

The proposed amendment is consistent with The City of Salida Comprehensive Plan. The Comprehensive Plan, Chapter 6, Housing, states “New neighborhoods or infill homes should be compatible with community character with respect to density, design, and demographics. The city recognizes that the cost of infrastructure per household is reduced as density increases and dense housing should be encouraged to the extent possible without negatively impacting the character of existing neighborhoods.”

The location of Lot 15 is between the high density Angelview Condominiums and the medium density of the remaining West End Subdivision. Allowing R-3 density on Lot 15 balances compatibility with the surrounding community character while making better use of the land and infrastructure than R-2 zoning would allow.

2. **Consistency with Purpose of Zone District.** The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.

The proposed amendment is consistent with High-Density Residential (R-3). “The purpose of R-3 zone district is to provide for relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse, and apartment uses.” The provision of 3 duplexes on a 15,718 square foot lot is compatible with the intent of R-3.

3. **Compatibility with Surrounding Zone Districts and Uses.** The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.

The in-City zone districts closest to the subject property are zoned either R-2, Medium –Density Residential, or R-3, High-Density Residential. The R-3 properties consist of the Angelview development located across CR 140 from the subject property which is multi-family units, and Cochetopa Estates, located approximately 500 feet away to the east and is a mix of single-family and duplexes. The properties that are zoned R-2, Medium-Density Residential are the remaining lots of this development – West End Subdivision – which serve as a buffer to the single-family County lots to the north. Additionally, two nearby, existing single family residences have been annexed since the Upchurch annexation and are zoned R-2. Directly east of this site is a County property zoned RES, containing a single family home.

The current zoning allows for 5 units to be built on lot 15; the proposed amendment would allow up to 7 units to be built on lot 15 and would be compatible with existing zone districts, land uses, and mixed housing types and character of nearby properties within city limits. The applicant plans to construct 3 duplexes for a total of 6 units.

4. **Changed Conditions or Errors.** The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Official Zoning Map have occurred.

The applicant had expressed interest in zoning Lot 15 as R-3 during the annexation and zoning process; however, such a split-zoning was not possible at that time because the subdivision had not yet been platted.

RECOMMENDED FINDINGS:

The application is in compliance with the review standards for map amendments because this property is surrounded by both High Density Residential and Medium Density Residential zone districts.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

Fire Department – Assistant Fire Chief, Kathy Rohrich – Fire Department has no concerns at this time.

Police Department – Chief Russ Johnson – No issues from PD.

Public Works Department – Director, David Lady – No comments from Public Works have been received as of the date of this staff report.

STAFF RECOMMENDATIONS:

Staff recommends the Planning Commission recommend the Council approve the proposed re-zoning request.

RECOMMENDED MOTION:

“I make a motion to recommend the City Council approve the rezoning of the subject site from Medium-Density Residential (R-2) to High-Density Residential (R-3) as it meets the review standards for map amendments.”

Attachments:

Application for Re-zoning

Proof of publication



GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-530-2626 Fax: 719-539-5271

Email: planning@cityofsalida.com

1. TYPE OF APPLICATION (Check-off as appropriate)

- ☐ Annexation
- ☐ Pre-Annexation Agreement
- ☐ Appeal Application (Interpretation)
- ☐ Certificate of Approval
- ☐ Creative Sign Permit
- ☐ Historic Landmark/District
- ☐ License to Encroach
- ☐ Text Amendment to Land Use Code
- ☐ Watershed Protection Permit
- ☐ Conditional Use

- ☐ Administrative Review:
(Type) _____
- ☐ Limited Impact Review:
(Type) _____
- ☒ Major Impact Review:
(Type) Re-Zone
- ☐ Other: _____

2. GENERAL DATA (To be completed by the applicant)

A. Applicant Information

Name of Applicant: SGP LLC

Mailing Address: 901 North Pennsylvania St Denver CO 80203

Telephone Number: (512)826-6152 FAX: _____

Email Address: toryup@gmail.com

Power of Attorney/ Authorized Representative: _____
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

Name of Development: West End Subdivision

Street Address: TBD CR 140

Legal Description: Lot 15 Block _____ Subdivision West End (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent: Tory Upchurch Date: 7/5/22
Signature of property owner: _____ Date: _____



LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

An application is meant to highlight the requirements and procedures of the Land Use Code. With any development application, it is the responsibility of the applicant to read, understand, and follow all of the provisions of the Land Use Code.

1. PROCEDURE (Section 16-3-80)

A. Development Process (City Code Section 16-3-50) Any application for approval of a development permit shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with this Code. The development plan shall include the following, as further specified for each level of review on the pre-application checklist:

1. Pre-Application Conference (Limited Impact and Major Impact Review Applications)
2. Submit Application
3. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
4. Public Notice
5. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
6. Public Notice
7. Hearing Conducted by City Council (Major Impact Review)

☒ **B. Application Contents** (City Code Section 16-3-50)

☒ 1. A General Development Application

☒ 2. A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;

☒ 3. A brief written description of the proposed development signed by the applicant;

☐ 4. Special Fee and Cost Reimbursement Agreement completed. **major impact only*

☐ 5. Public Notice.

- a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
- b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
- c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.

- ☐ 6. Developments involving construction shall provide the following information:
- (i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:
 - a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
 - b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
 - c. Parking spaces;
 - d. Utility distribution systems, utility lines, and utility easements;
 - e. Drainage improvements and drainage easements;
 - f. Roads, alleys, curbs, curb cuts and other access improvements;
 - g. Any other improvements;
 - h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and
 - i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.
 - (ii) 24" x 36" paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:
 - a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
 - b. Plans and profiles for sanitary and storm sewers; and
 - c. Profiles for municipal water lines; and
 - d. Street plans and profiles.
 - (iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Section 16-3-40(a)(3).

- ☐ 7. Any request for zoning action, including review criteria for a requested conditional use (Sec. 16-4-190) or zoning variance (Sec. 16-4-180);

- ☐ 8. Any subdivision request including a plat meeting the requirements of Section 16-6-110;
- ☐ 9. Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following:

(i) A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the plat conforms with all applicable dimensional standards and off-street parking requirements.

(ii) A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

(iii) A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

(iv) Engineering specifications for any improvements.

(v) A plan for erosion and sediment control, stabilization and revegetation.

(vi) A traffic analysis prepared by a qualified expert, including projections of traffic volumes to be generated by the development and traffic flow patterns, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

(vii) A storm drainage analysis consisting of the following:

(a) A layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.

(b) The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.

(c) The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.

(viii) Evidence of adequate water supply and sanitary sewer service - Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of

water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

(ix) An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.

(x) A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

(xi) A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The applicant shall submit, at least in summary or outline form, any agreements as may be required by Section 16-2-70, relating to improvements and dedications.

(xii) If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.

(xiii) If applicable, a report shall be submitted identifying the location of the one-hundred-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a one-hundred-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

(xiv) If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

(xv) A landscape plan, meeting the specifications of Section 16-8-90.

(xvi) If applicable, a description of how the proposal will comply with the standards of any of the overlays.

(xvii) A site plan for parks, trails and/or open space meeting the requirements of Section 16-6-110 below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.

(xviii) All development and subdivision naming shall be subject to approval by the City. No development or subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County;

☐ 10. An access permit from the Colorado Department of Transportation; and

☐ 11. A plan for locations and specifications of street lights, signs and traffic control devices.

2. REVIEW STANDARDS (If necessary, attach additional sheets)

The application for Limited or Major Impact Review shall comply with the following standards.

1. **Consistency with Comprehensive Plan.** The use shall be consistent with the City's Comprehensive Plan.

Our intent is provide more inclusionary housing options which is consistent with the City of Salida's Comprehensive Plan.

2. **Conformance to Code.** The use shall conform to all other applicable provisions of this Land Use Code, including, but not limited to:

- a. **Zoning District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district, and any standards applicable to the particular use, all as specified in Article 5, Use and Dimensional Standards.

Our request is to rezone Lot 15 to R3 which will allow us to build 6 inclusionary housing units. Currently under R2 Zoning, we are limited to a minimum sq. footage per principal dwelling unit of 3125 sq ft. R2 Zoning would allow for a minimum square footage per unit of 2400 sq ft would would allow us to add an additional unit.

- b. **Site Development Standards.** The parking, landscaping, sign and improvements standards.

We will follow the same site development standards we have agreed to for the West End

3. **Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

The density on Lot 15 under R3 zoning would allow us to add 6 total units. This would be similar density as the triplexes and duplexes being built in the West End Subdivision as well as the Angel View Condominiums on CR 140.

- 4. Nuisance.** The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

We will follow the same guidelines we are following and have agreed to in the Annexation Agreement for West End Subdivision.

- 5. Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

There will be no additional need for public facilities and no service deficiencies associated with this request.

- 6. Environment.** The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

We will follow the same guidelines we are following and have agreed to in the Annexation Agreement for West End Subdivision.

Information for Major Impact Review (Re-Zoning) Application: WestEnd Development

PREPARED BY: Tory Upchurch, SGP LLC

Address: 901 North Pennsylvania St Denver CO 80203

Prepared for: City of Salida Planning Commission

PURPOSE OF REPORT: Tory Upchurch of SGP LLC is submitting applications to the City of Salida for a Major Subdivision/ Major Impact Review. This narrative report provides development information of the Subdivision and explains how the project meets the city's review standards and code.

BASIC SITE INFORMATION: General Description: The 5.32 acre site is located on the west boundary of Salida. The property sits north of CR 140 or Airport Rd., south of CR 141 or Ouray Ave., and east of Pinion Dr. It is currently raw and empty land. The AngelView Condominium Development is located across Airport Rd to the south. The property is zoned R2 and has been subdivided into 24 lots.



WRITTEN NARRATIVE

WestEnd Subdivision: Re-Zone Request

Purpose and Objective and Statement of Planning Objectives: Our request is to re-zone Lot 15 to R3 to allow for additional density and the ability to add one additional inclusionary housing unit. .

- Lot 15 is 15,718 sq ft. R2 Zoning has a minimum square footage per dwelling unit of 3125 sq ft, which limits us to 5 units on Lot 15. R3 Zoning would decrease the minimum square footage per dwelling unit to 2400 sq ft allowing us to build an additional unit on the lot.

Inclusionary Housing Obligations: Per our negotiated Annexation Agreement, we “shall meet the affordable housing requirement of 12.5% of all future units built.” Thus, given that we are proposing to build 43 units, we were building five (5) affordable housing units in a manner that complies with the requirements of the Inclusionary Housing ordinance. We would now like to build an additional unit for the following reasons:

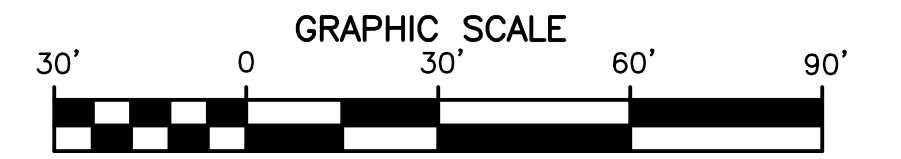
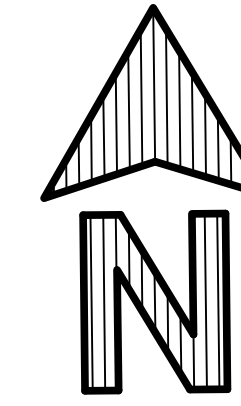
- More affordable housing is a good thing.
- We do not want to underutilize Lot 15.
- 6 Units will allow us to build 3 duplexes which we feel will blend in to the neighborhood more effectively

As a part of the Annexation Agreement, SGP agreed to build all the affordable units according to the following:

“The first of such built inclusionary housing units shall receive certificate of occupancy (“CO”) prior to the eighth (8th) unit on the Property receiving CO or, if provided via multi-family housing, the first of such required inclusionary housing units shall receive CO prior to the twelfth (12th) unit on the Property receiving CO, and the last of such required units shall receive CO prior to the 24th unit on the Property receiving CO. The number of units required to be physically built will be specified within the subdivision improvement agreement or development agreement, based upon the 12.5% City Code requirement.”

After we planned out the timing WestEnd, we found it more efficient to include all six units in Phase 1 of our development which should be completed by May 2023.

WEST END SUBDIVISION LAYOUTS



PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE
THE PLANNING COMMISSION AND CITY
COUNCIL FOR THE CITY OF SALIDA
CONCERNING A REZONE APPLICATION
TO ALL MEMBERS OF THE PUBLIC
AND INTERESTED PERSONS: PLEASE
TAKE NOTICE: that on July 25th, 2022 at
or about the hour of 6:00 p.m., a public
hearing will be conducted by the City of
Salida Planning Commission at City
Council Chambers, 448 East First Street,
Suite 190, Salida, CO and online at the
following link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The hearing is regarding an application to
rezone Lot 15, West End Major Subdivision,
a 15,718 square foot lot located at the
northeast corner of County Road 140 and
Cotopaxi Lane. The general purpose of the
application is to consider the applicant's
request to rezone the property from R-2 to
R-3.

Any recommendation by the Planning
Commission for the Rezone shall be
forwarded to the City Council for review
and a public hearing scheduled for August
16th, 2022 at or about the hour of 6:00 p.m.
at City Council Chambers and online at the
following link: <https://attendee.gotowebinar.com/register/6382995264411204366>.

Interested persons are encouraged to attend
the public hearing. Further information on
the applications may be obtained from the
Community Development Department, (719)
530-2631.

*Please note that it is inappropriate to
personally contact individual City Councilors
or Planning Commissioners, outside of
the public hearing, while an application is
pending. Such contact is considered ex
parte communication and will have to be
disclosed as part of the public hearings
on the matter. If you have any questions/
comments, you should email or write a letter
to staff, or present your concerns at the
public meeting in person or via the above
GoToWebinar link so your comments can be
made part of the record.

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