



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Kristi Jefferson - Senior Planner	February 15, 2022

ITEM

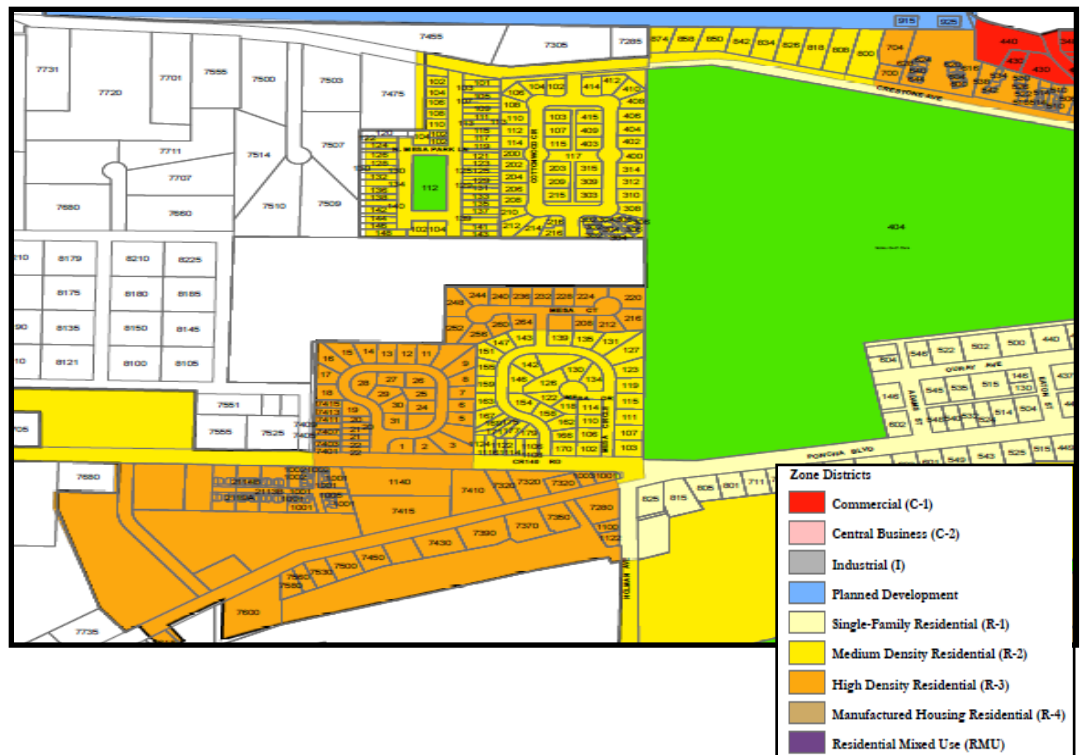
Ordinance 2022-03: First reading and setting a public hearing on proposed zoning of Medium Density Residential (R-2) for the 141 Annex Annexation.

BACKGROUND

The applicants submitted an application to zone the 141 Annex site located at 7543 C.R. 141, 7547 C.R. 141 and 7551 C.R. 141 as Medium Density Residential (R-2). The request was heard by the Planning Commission on December 14, 2021 and the Commission recommended approval of the request.

The applicants, Jeff Kriebel, Thomas Clegg and Wendell Winger submitted the complete application to annex and zone their properties on October 21, 2021.

SURROUNDING LAND USE AND ZONING: The site is currently zoned RES (Residential Zone District) in Chaffee County. The properties immediately to the north and south remain in Chaffee County and are also zoned RES. The properties to the east and west are within the city limits. The properties to the east are zoned High Density Residential (R-3) and the property to the west is the recently annexed Upchurch parcel that is zoned Medium Density Residential (R-2).





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

1. Consistent with Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan.
 - The Comprehensive Plan includes the goals that new projects should complement the neighborhood's mass and scale; be focused within the Municipal Services Area (MSA) and be developed at maximum densities to make the best use of available infrastructure.
 - The zoning of R-2 would be consistent with the zoning found in the adjacent Upchurch Annexation and would continue the regular pattern of zone district application.
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.
 - Per the land use code, the purpose of the Medium-Density Residential (R-2) zone district is: "to provide for residential neighborhoods comprised of detached single-family dwellings, duplex dwellings, and multi-family residences on smaller lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities."
 - The parcels being annexed are developed with single-family residences on each lot. Staff supports the request to zone the subject property as Medium-Density Residential (R-2).
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 zoning classification of Medium Density (R-2) is consistent and compatible with the zoning of the adjoining Upchurch property which is also at the edge of the MSA.
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.



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- The proposed zoning is occurring because of the requirement to zone the property when annexed into the City in accordance with Section 16-4-50 of the Land Use and Development Code.

PLANNING COMMISSION RECOMMENDATION

A public hearing with the Planning Commission was held December 14, 2021 and the Commission recommended Council approve the proposed zoning of the site as Medium-Density Residential (R-2).

STAFF RECOMMENDATION

Staff recommends approval of the proposed zoning of the 141 Annex Annexation site as Medium Density Residential (R-2).

SUGGESTED MOTION

A council person should make the motion to “approve Ordinance 2022-03 on first reading and set the second reading and public hearing for March 1, 2022.”

Attachment: Ordinance 2022-03
Application materials

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 03
SERIES OF 2022**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL
PROPERTY KNOWN AS THE 141 ANNEX ANNEXATION AS MEDIUM DENSITY
RESIDENTIAL (R-2) ZONE DISTRICT**

WHEREAS, on October 20, 2021, representatives of 141 Annex Annexation (the “Owners”), filed a General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 2.06 acres (inclusive of public right-of-way) located at 7543 C.R. 141, 7547 C.R. 141 and 7551 C.R. 141, Salida, in the County of Chaffee, State of Colorado, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, by Ordinance No., Series of 2022 the City of Salida annexed the 141 Annex Annexation to the City; and; and

WHEREAS, Petitioner has filed an application to zone the Property within the Medium Density Residential (R-2) zone district, and on December 14, 2021 the City of Salida Planning Commission considered the zoning application for the Property and recommended that the City Council zone it as Medium Density Residential (R-2); and

WHEREAS, as required by the Salida Municipal Code, the public hearing on the zoning application for the 141 Annex Annexation was held on March 1, 2022 at a regularly scheduled meeting of the Salida City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property described on Exhibit A is hereby zoned Medium Density Residential.
3. Promptly following adoption of this Ordinance, the City Administrator shall cause the terms of this Ordinance to be incorporated into the Official Zoning Map of the City pursuant to Section 16-4-210 of the Salida Municipal Code. The signed original copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Chaffee County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Salida Land Use Regulations, SMC §16-1-10, et seq., to implement the provisions of this Ordinance.

INTRODUCED ON FIRST READING, on February 15, 2022, ADOPTED and set for second reading and public hearing on the 1st day of March, 2022.

CITY OF SALIDA, COLORADO

Dan Shore, Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2022, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2022.

City Clerk/Deputy City Clerk

EXHIBIT A

The territory comprising 2.06 acres, more or less, (inclusive of public right-of-way), and being described as follows:

Lots 1, 2 and 3, 141 Annex Minor Subdivision located in the SE1/4 SW1/4 of Section 31, Township 50 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, together with a portion of Chaffee County Road 141 lying adjacent to said lots, all being more particularly described as follows,

Beginning at the southwest corner of Lot 1 of 141 Annex Minor Subdivision per plat filed under Reception no. 447958, Chaffee County, Colorado;

Thence north 01°12'40" East 124.48 feet to the Northwest corner of said lot 1;

Thence continuing North 01°12'40" East 57.0 feet to a point on the South boundary of Lot 7, Block 2, Shavano Vista Subdivision, being a point on the Northerly boundary of Chaffee County Road No. 141;

Thence South 88°47'30" East along said Northerly County Road boundary, 452.43 feet, more or less, to the present City of Salida corporation line as described in City of Salida Ordinance Number 1978-1 recorded January 27, 1978 in Book 414 at Pages 432 and 433 of the Chaffee County records;

Thence South 00°55'39" West along said present corporation line, 396.51 feet to a point on the Upchurch Annexation Boundary (Reception 472071), from whence a 5/8" rebar with a 1 1/2" aluminum cap stamped LS 16117 at the Southwest corner of Lot 4-A of the boundary line adjustment and replat of a portion of Cochetopa Estates per plat recorded at reception No. 309631 of said county records bears South 78°49'01" E 21.92 feet;

Thence North 78°49'01" West along said Upchurch Annexation Boundary, 37.54 feet to the Southeast corner of the tract of land described at Reception No. 389150 of said County records;

Thence North 01°09'12" East along the East boundary of said tract, 208.52 feet to a 5/8" rebar with a 1" aluminum cap stamped 1776 marking the Northeast corner thereof;

Thence North 88°47'30" West 1.95 feet to a 5/8" rebar with a 1 1/2" aluminum cap stamped 16117 at the SE corner of Lot 3 of said 141 Annex Subdivision;

Thence continuing North 88°47'30" West along the South boundary of said 141 Annex Subdivision, 415.26 feet to the point of beginning.

Also known by the following addresses:

7543 County Road 141, Salida, CO 81201

And assessor's schedule or parcel number: 368131300073

7547 County Road 141, Salida, CO 81201

And assessor's schedule or parcel number: 368131300072

7551 County Road 141, Salida, CO 81201

And assessor's schedule or parcel number: 368131300071



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)

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Appeal Application | |
| <input type="checkbox"/> Certificate of Approval | <input checked="" type="checkbox"/> Major Impact Review:
(Type) <u>Zoning</u> |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> License to Encroach | |
| <input type="checkbox"/> Text Amendment to Land Use Code | |
| <input type="checkbox"/> Watershed Protection Permit | |
| <input type="checkbox"/> Conditional Use | |

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

A. Applicant Information

Name of Applicant: Wendell Winger / Dan Clegg / Jeff Kriebel

Mailing Address: See Annexation Petition

Telephone Number: _____ FAX: _____

Email Address: See Annexation Petition

Power of Attorney/ Authorized Representative: NA
(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: Winger / Clegg / Kriebel Annexation
7551 CTRY RD 141 7547 CTRY RD 141 7543 CTRY RD 141

Street Address: SALIDA, CO 81201

Legal Description: Lot See Annexation Pet Block _____ Subdivision _____ (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: Wendell Winger Date: SEP 20, 2021

Signature of property owner: Thomas W. Clegg Date: 9-20-2021

General Development Application Form

9/20/2021



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
4. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
5. Public Notice
6. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
7. Public Notice
8. Hearing Conducted by City Council (Major Impact Review)

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

☐ 1. A General Development Agreement completed.

☐ 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; *(See Attached)*

☐ 4. Special Fee and Cost Reimbursement Agreement completed.

☐ 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 notarized affidavits for proof of posting the public notice.

☐ 6. Applications for Limited Impact Review must submit six (6) copies of application materials and applications for Major Impact Review must submit twelve (12) copies of application materials.

☐ 7. 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).

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

☐ 9. Any subdivision request including a plat meeting the requirements of Section 16-6-110;

☐ 10. 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 drainage ways 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;

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

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.

Each lot has single family
homes compatible with the R2
zone district.

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.

Existing uses do not create
nuisances.

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.

See City of Solida, Colorado
Resolution No. 52 (Series 2018). City of
Solida water & sewer lines are installed
in the right-of-way in front of
the three subject properties.

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.

No adverse environmental impacts with the existing uses.

Item 3. "Limited Impact & Major Impact Submittal Requirements"

This petition meets the requirement of the Pre-Annexation Agreement --CITY OF SALIDA, COLORADO, RESOLUTION NO. 52 (Series of 2018). Comporting with the city's review standards is discussed in the Pre-Annexation Agreement. City water and sewer facilities are installed in the right of way on Count Road 141 in front of the property proposed for annexation. The petitioner proposed that the annexation be zoned R-2 in accordance with the city's comprehensive plan and consistent with the existing development of surrounding properties.