



STAFF REPORT

MEETING DATE: May 28, 2024

AGENDA ITEM TITLE: Winger Minor Subdivision – Limited Impact Review

AGENDA SECTION: Public Hearing

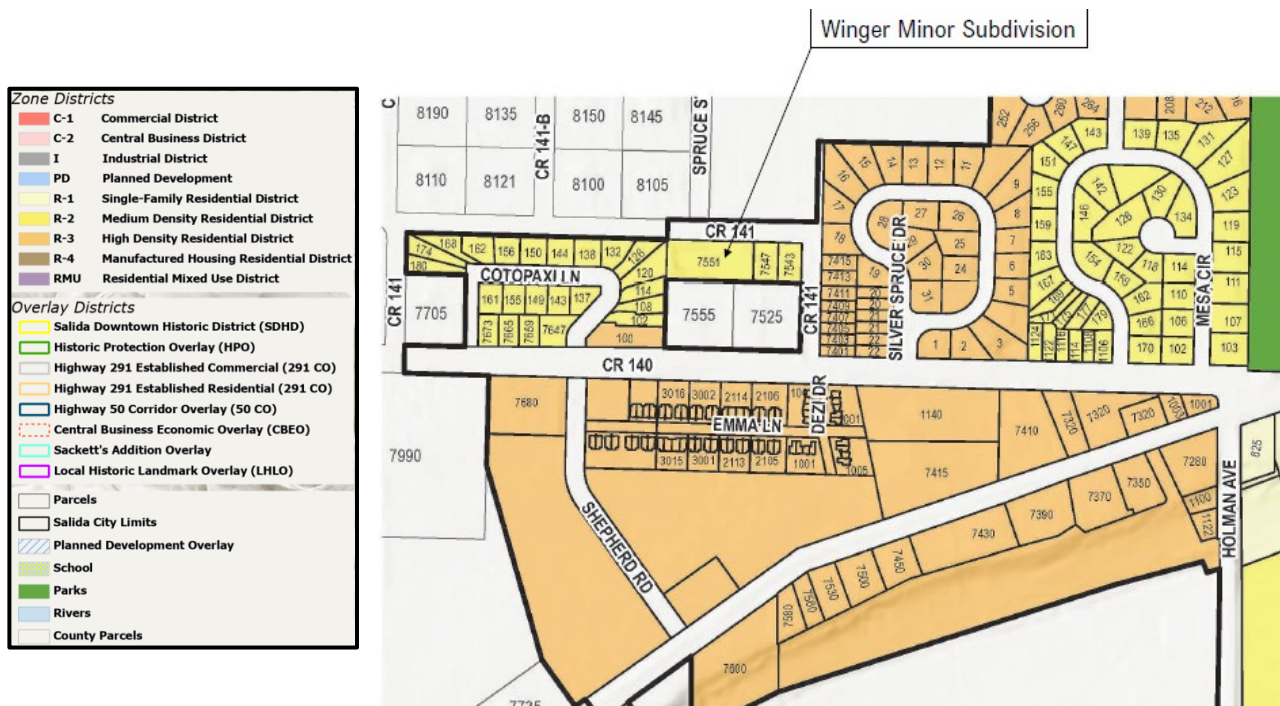
REQUEST:

The request is for limited impact review approval to subdivide the lot known as Lot 1 of the 141 Annex Minor Subdivision into four (4) residential lots. Lot 1A includes an existing residence. The site was annexed and zoned Medium Density Residential (R-2) on March 1, 2022.

APPLICANT:

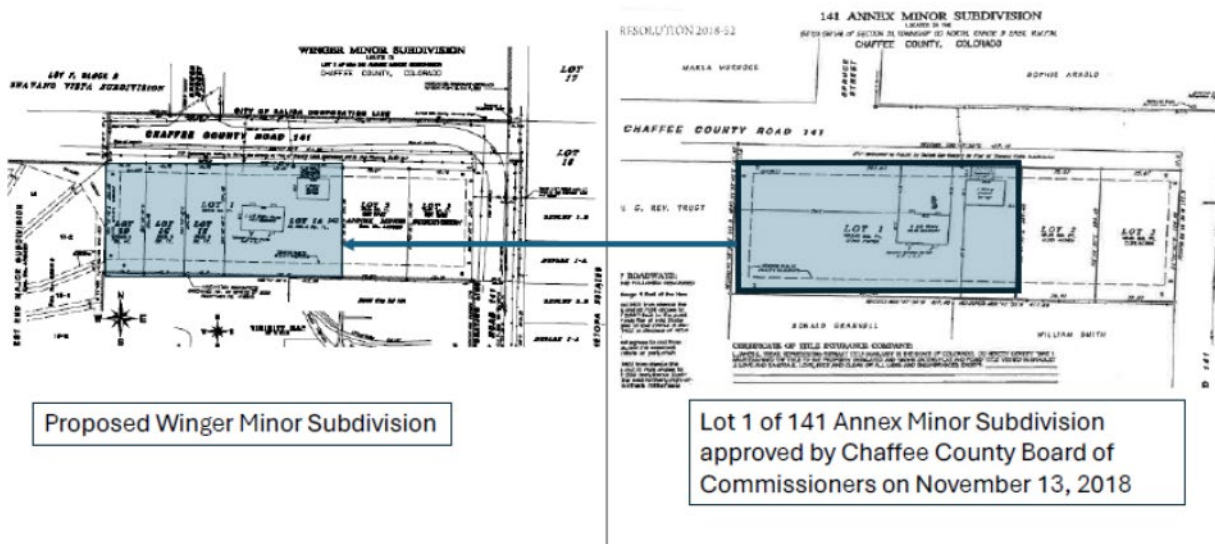
The applicant is Wendell D. Winger, who resides at 7551 County Road 141 which is Lot 1A of the proposed minor subdivision.

LOCATION:



BACKGROUND:

The proposed minor plat divides Lot 1 of 141 Annex minor subdivision into four lots. The City of Salida adopted a pre-annexation agreement with the owner on December 4, 2018 which required the developer to extend utilities and pay water and sewer system development fees; pay Fair Contribution to School Site fees; provide inclusionary housing and annex the site to Salida when possible. The 141 Annex Minor Subdivision was approved by Chaffee County subject to utilities being provided by Salida. The improvements were made, and the city adopted a reimbursement agreement in 2020 which allows the city to recoup for the developer the prorated amount of those costs if property owners to the north connect.



The area was annexed by Salida and zoned R-2 on March 1, 2022. A new annexation agreement was adopted then which required Salida to provide water and sewer services; Fire and Police protection and maintain the streets, roads and public utilities. The agreement requires to developer to provide current fees for Fair Contribution to school sites and meet the current Inclusionary Housing Requirements that are in effect when a building permit is submitted.

PROCESS:

A public hearing is conducted by the Planning Commission for the minor subdivision process, after public notice in a newspaper of general circulation, mailing letters to property owners within 175 feet and posting a sign on the property 15 days prior to the hearing. The Commission have the option to approve, approve with conditions, deny the application, or remand it back to the applicant with instructions for modification or additional information or action.

Approval of the minor subdivision shall constitute authorization to proceed with recording the plat and commencing with the Subdivision.

OBSERVATIONS: This section is intended to highlight concerns raised by staff to assist the Commission in doing the same. Additional concerns or questions may arise after a presentation by the applicant.

- 1) Through the pre-annexation agreement the site was allowed to develop prior to annexation at the standards that Salida had in effect at that time. The subsequent annexation requires today's requirements for development of the three vacant lots, which includes Lot 1 which is the subject of the proposed plat. Lot 1A has an existing residence.
- 2) The site is zoned R-2 which would allow single-family residences on the three new vacant lots (1B – 1C). Lot 1A could be redeveloped into five residences. This is consistent with development in the surrounding Salida neighborhoods.

Lot #	R-2 Requirements			Winger Minor Subdivision		
	Min Lot Area (SF)	Lot Area per Unit (SF)	Lot Frontage (detached)	Lot Area (SF)	Lot Frontage	Expected Units
1A	5,625	3,125	37.5 feet	16,365.5	131.47 feet	1*
1B	5,625	3,125	37.5 feet	5,626.5	45.2 feet	1
1C	5,625	3,125	37.5 feet	5,625.5	45.2 feet	1
1D	5,625	3,125	37.5 feet	5,625.5	45.2 feet	1

*The home at 7551 CR 141 was constructed in 1995. R-2 requirements would allow up to five units.

- 3) Per the annexation agreement, new development is to meet the current Inclusionary Housing requirements. If the fee-in-lieu option is chosen, today the fee is \$10.87 per square foot for each new unit.
- 4) Each lot will have separate connections to the City water and sewer services. Each unit will be metered individually.
- 5) Xcel Energy has commented on the utility easement on the south side of the subdivision, stating it could be reduced to 8-10 feet wide versus 16 feet that is proposed.

SUBDIVISION REVIEW STANDARDS: (Section 16-6-120)

1. **Conformance with the Comprehensive Plan.** The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform to all of the Plan's applicable objectives, guiding principles and recommended actions. It shall be designed to be compatible with surrounding land uses and to protect neighbors from undesirable noise, glare and shadows, and shall not cause adverse effects on their privacy, solar access and views.

- The proposed subdivision is consistent with the Future Land Use Map adopted last August which designates the area as Variable Residential Neighborhoods. Infill, redevelopment and maximizing the density allowances are encouraged in Chapter 3, Land Use and Growth of the comprehensive plan. The proposed minor subdivision creates four (4) lots that are compatible in size with other lots in the area.
 - New development should complement the neighborhood's mass and scale. The allowed residential development is compatible with the surrounding land uses.
2. **Complies with the Zone District Standards.** The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for those uses.
- The newly created lots are zoned Medium Density Residential (R-2) and meet the zone district standards.
 - The off-street parking requirement that must be met is one space for each unit.
 - Lots 1B through 1D can only be developed as single-family homes. Lot 1A has an existing unit, but could be redeveloped in the future for up to five units. The redevelopment would have to be in accordance with the R-2 standards.
3. **Design Standards.** The proposed subdivision shall be provided with improvements which comply with Article VII and landscaping which complies with Section 16-8-90 of this Chapter.
- a. Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.
 - The existing streets are suitable for the proposed subdivision. Public Works staff is recommending a sidewalk be added along the frontage, or the applicant pay a fee-in-lieu of constructing the sidewalk.
 - b. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.
 - Adequate utilities are in place to serve the development. Each unit will have separate utilities. Final inspections are required with Public Works prior to Certificate of Occupancy.
 - Xcel Energy has commented on a possible reduction in the width of the southern utility easement.

- c. **Phases.** If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities and streets that are necessary for creating and sustaining a stable environment.'
 - There will not be phases with this development.
- 4. **Natural Features.** The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.
 - There are no major natural features located within this subdivision.
- 5. **Floodplains.** Tracts of land or portions thereof lying within the one-hundred-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.
 - The property is not located within the 100-year floodplain.
- 6. **Noise Reduction.** Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.
 - This subdivision does not border a highway right-of-way.
- 7. **Future Streets.** When a tract is subdivided into lots or parcels which are intended for future re-subdivision, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connectors for such re-subdivision.
 - This subdivision is not intended for future re-subdivision., though Lot 1A could be redeveloped.
- 8. **Parks, Trails and Open Space.** Each subdivision, minor or major, or condominium project with five (5) units or more, shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces is developed and preserved as the community grows.

- This subdivision has only four infill lots.

9. **Common Recreation Facilities.** Where a development is proposed to contain common recreation facilities, such facilities shall be located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

- This development does not include any common recreation facilities.

10. **Lots and Blocks.**

- a. **Pattern.** The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.

- The proposed lots do follow the existing subdivision grid pattern and are appropriate for the type of development that will be constructed.

- b. **Frontage.** Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot and should provide consolidated access points to the maximum extent feasible.

- The lots front on a local street.

- c. **Right angles.** Side lot lines shall be approximately at right angles or radial to street lines.

- This standard has been met.

- d. **Double frontage lots.** Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lot which abuts such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

- There are no double frontage lots proposed.

- e. **“T” intersections.** The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a “T” intersection.

- There will not be any building areas facing a “T” intersection.
- f. Solar energy. For purposes of protecting and enhancing the potential of utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.
- The lots are laid out as allowed by the infill parcel with the long access oriented north/south. However, this layout does provide southern solar access for each of the lots within the proposed subdivision and does not block solar access from surrounding lands.

11. **Architecture.**

- The minimum standard is the same building front elevation cannot be repeated more than every fifth lot or directly across the street. There are no new lots across the street that are a part of this subdivision. This will be added as a note to the plat.

12. **Codes.** The subdivision shall comply with all applicable City building, fire and safety codes for the proposed development.

- It will comply with all applicable building, fire and safety codes.

13. **Inclusionary Housing.**

- The inclusionary housing requirements, in this case most likely providing the fee-in-lieu option, will be assessed at the time of building permit submission. A note is recommended be added to the plat (Condition # 1d.).

REVIEW AGENCY COMMENTS: The Public Works Director, Fire Chief, Police Chief, Finance Department, Xcel Energy, Atmos Energy and Salida Public Schools were invited to comment on the subdivision plat application. The following comments were received in response to this request.

Finance Department: System development fees must be paid at the time of issuance of a building permit.

Salida Fire Department, Kathy Rohrich, Assistant Chief: Fire has no concerns with this subdivision.

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

Public Works Director, David Lady: Provide a five foot wide sidewalk, or a fee-in-lieu equal to the construction cost of the sidewalk, at the discretion of the PW Director.

Xcel Energy: Their correspondence suggested adding proposed subdivision note #1a. and possibly reducing the 16-foot-wide utility easement along the south property line to eight or 10 feet. This will be partly determined if Atmos Energy (natural gas) needs within that space. Staff is suggesting condition #2 be added to the approval to figure this out prior to the plat being recorded.

Atmos Energy: No concerns at this time.

Salida Public Schools: The district superintendent responded that they will accept the Fair Contribution to School Sites fee-in-lieu.

RECOMMENDED FINDINGS: The purpose of the limited impact review process for a minor subdivision is to determine the compliance of the application with the review standards contained in Section 16-6-120.

1. The application complies with the comprehensive plan and the proposed subdivision shall carry out the purpose and spirit of the comprehensive plan and conform to all of the applicable objectives, guiding principles and recommended actions.
2. The applicant has complied with the review standards for subdivisions.

REQUIRED ACTIONS BY THE COMMISSION:

1. The Commission shall confirm that adequate notice was provided and a fee paid.
2. The Commission shall conduct a public hearing.
3. The Commission shall make findings regarding the proposed use in order to ensure the use is consistent with the Comprehensive Plan, conforms to the Land Use Code, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the minor subdivision application, subject to the following conditions:

1. Provide the following notes on the minor subdivision prior to recording:
 - a. Utility easements are dedicated to the City of Salida for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers,

as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.

- b. Pursuant to Section 16-6-140, Fair Contributions to School Sites as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
 - c. Per Section 16-6-120 (11) of the Salida Municipal Code, no residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street. Mirror images of the same residential façade shall not count as two distinctly different facades.
 - d. New residential units constructed within the subdivision shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code. The applicants for building permits agree to provide an in-lieu fee at the rate in effect at the time of building permit application of any for any new residential units within the subdivision.
 - e. Per Section 16-8-20 (e)(13)(i) A detached sidewalk of at least five (5) feet wide, with a thickness of at least four (4) inches of concrete, shall be installed along local streets in a limited impact review, or as determined by The Public Works Director, a fee-in-lieu be paid at time of development.
2. The applicant should confirm with Xcel Energy and Atmos Energy the appropriate width of the utility easement along the south property line and amend the subdivision plat if necessary prior to recordation.
 3. Water and sewer system development fees are due at the time of issuance of a building permit.

RECOMMENDED MOTION: “I make a motion to approve the Winger Minor Subdivision as it meets the review standards for a subdivision, subject to the conditions recommended by staff.”

Attachments:

1. Proof of Publication
2. Application Materials

3. Winger Minor Subdivision Plat

PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING BEFORE
THE PLANNING COMMISSION FOR
THE CITY OF SALIDA CONCERNING A
LIMITED IMPACT REVIEW APPLICATION
TO ALL MEMBERS OF THE PUBLIC
AND INTERESTED PERSONS: PLEASE
TAKE NOTICE that on Tuesday, May 28,
2024 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 E. 1st Street,
Salida, Colorado and online at the following
link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The hearing regarding a Limited Impact Review application submitted by Wendell D. Winger for approval of a minor subdivision to subdivide the parcel known as Lot 1, 141 Annex Subdivision, into four (4) lots. The property is located at 7551 County Road 141, Salida, CO 81201.

Interested individuals are encouraged to attend the public hearing or make comments during the public hearing via GoToWebinar at the above link.

Approval of the limited impact review application shall constitute authorization to proceed with recording the plat and commencing with the subdivision. Further information on the application may be obtained from the Community Development Department by calling (719) 530-2638.

*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 via the above GoToWebinar link so your comments can be made part of the record.

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GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-539-4555 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) _____

☒ Other: Minor Sub-division

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

A. Applicant Information

Name of Applicant: Wendell D. Winger

Mailing Address: 7551 County Road 141, Salida, CO 81201

Telephone Number: 719-207-2805 FAX: _____

Email Address: dwrightwinger@msn.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: Winger Minor Subdivision

Street Address: _____

Legal Description: Lot 1 Block 141 Annex Minor Subdivision 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)

See attached deed. NONE

See electronically provided insurance policy.

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 _____ Date _____

Signature of property owner Wendell D. Winger Date April 28, 2024

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.

The property is zoned and the zoning is consistent with the Comprehensive Plan. The proposed subdivision is consistent with sub-division regulations and zoning code.

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.

Proposed subdivision meets land development code requirements. Chapter 16 Solid Municipal Code.

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

Not applicable

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.

Proposed use is in compliance with the comprehensive plan.

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.

Not applicable.

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.

City water and sewer are installed and operating on the street to the north of the subdivision - CR 141. There is a fire hydrant at the northwest corner of the proposed subdivision.

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.

Not Applicable

LOCATED IN
LOT 1 of the 141 ANNEX MINOR SUBDIVISION
CHAFFEE COUNTY, COLORADO

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.