



STAFF REPORT

MEETING DATE: March 28, 2022

AGENDA ITEM TITLE: A. Green Heart Planned Development; and
B. Green Heart Minor Subdivision

AGENDA SECTION: Public Hearings

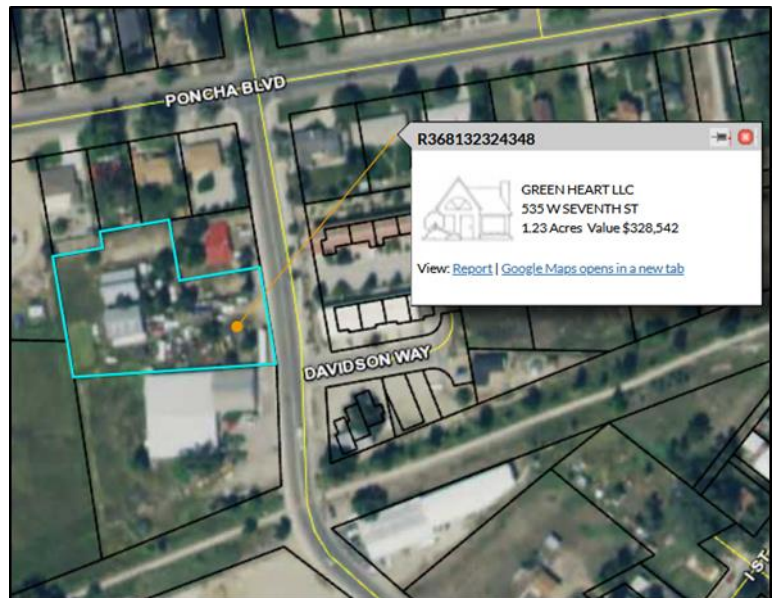
REQUEST:

The request is for approval of a Major Impact Review for a Planned Development Overlay and Minor Subdivision for the 1.23 acre parcel located at 535 W. Seventh Street. The parcel is zoned Single-Family Residential (R-1).

The requests are:

A. Major Impact Review approval of a Planned Development Overlay to allow a private road to serve as access for the proposed minor subdivision. The request is also to apply the Medium Density Residential (R-2) zone district dimensional standards for Lots 3 and 4 fronting Seventh Street. All other dimensional standards are anticipated to be met.

B. Approval of a Minor Subdivision to subdivide the above described 1.23 acre property into 4 residential lots.

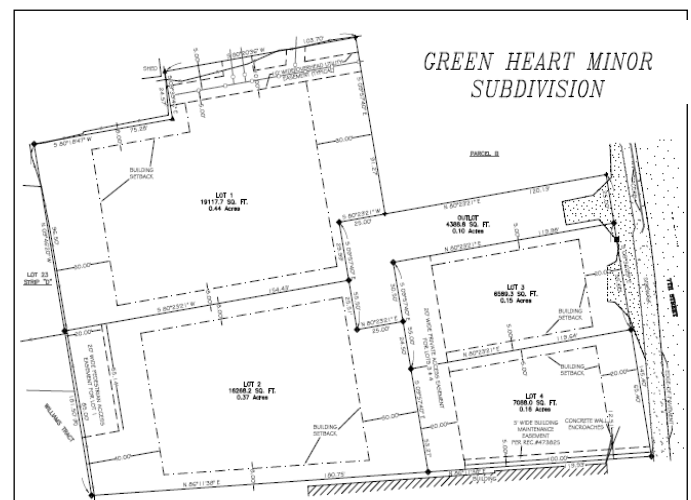


APPLICANT:

The applicant is Green Heart LLC, 834 H Street, Salida, CO 81201. The representative for the applicant is Andy Riemenschneider.

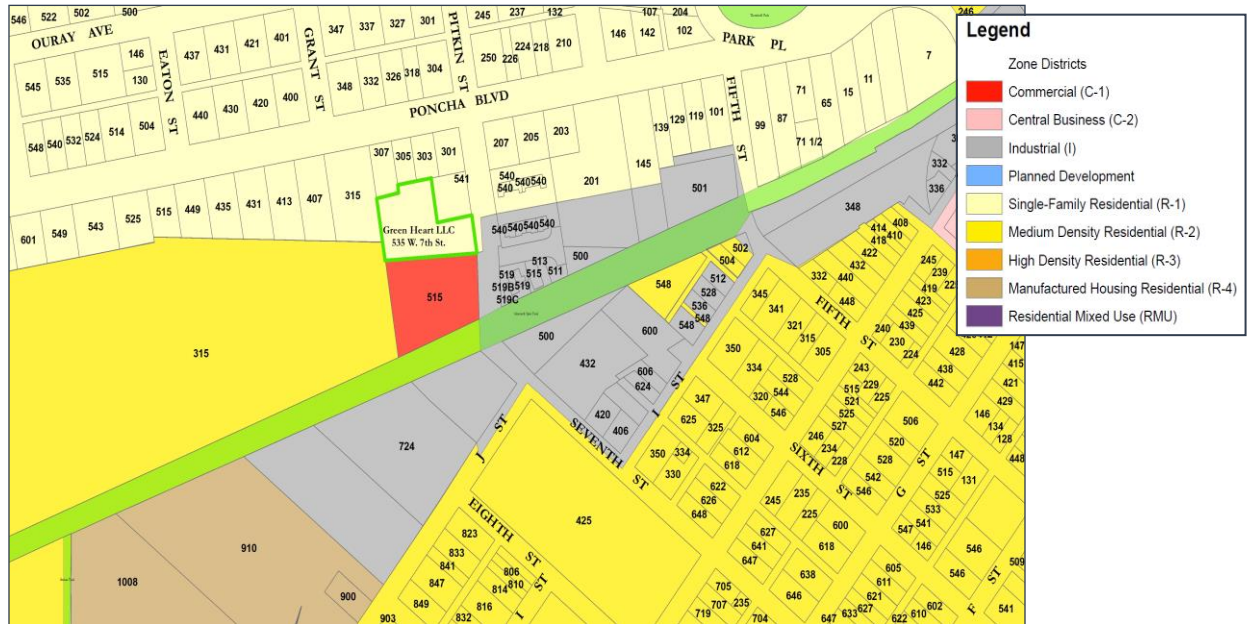
LOCATION:

The subject property is known as Parcel A, Green Heart Boundary Line Adjustment, City of Salida, Chaffee County, Colorado. This property is also known as 535 West Seventh Street.



OBSERVATIONS:

1. The property is within the Single-Family Residential (R-1) zone district. The properties surrounding this parcel are located within the Single-Family Residential (R-1), Medium-Density Residential (R-2), Industrial (I) and Commercial (C-1) zone districts.



2. The applicant is requesting deviations from Table 16-F Schedule of Dimensional Standards to be allowed zero public street frontage for 2 of the lots (Lots 1 and 2) fronting a private drive. The applicant is also requesting to deviate from the Single-family (R-1) zone district dimensional standards for proposed Lots 3 and 4. The request for Lots 3 and 4 is to be allowed to meet the Medium Density Residential (R-2) zone district dimensional standards.
3. The private road is shown on the plat as an out-lot. This is not considered an “out-lot” but a private road so the plat will need to be updated to remove “out-lot” and have the private road named.
4. Since this property is within the (R-1) zone district, the applicant is currently restricted to 1 single-family residence. The applicant could subdivide the parcel in half and meet all of the (R-1) zone district standards with 2 single family residences but, with the size of the parcel, they would like to have 2 additional lots for local families to be able to build on and live here.
5. A conceptual review with City Council and Planning Commission occurred on November 15, 2021.

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 allow 4 residential lots with two of the lots (Lots 1 and 2) having zero public street frontage but oriented off of a private drive. The other deviation request is for approval to apply the Medium Density Residential (R-2) zone district dimensional standards for the two proposed lots (Lots 3 and 4) fronting Seventh Street. All other dimensional standards are anticipated to be met.

THE CITY OF SALIDA COMPREHENSIVE PLAN

Per Section 16-7-20 of the Salida Municipal Code, a planned development constitutes a zoning classification and is established by overlaying the designation upon land within an existing or newly created zone district. Generally zoning should be consistent with the community's comprehensive plan. The following Policies, Actions and Principles are most applicable to the proposal:

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

The 1.23 acre property is vacant. There are existing utilities within West Seventh Street to serve the property. Approval would offer greater opportunity for infill than just 1 or 2 units.

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

The applicant is requesting changes to the underlying dimensional standards in order increase the residential density. Allowed density not being exceeded, but allows for additional lots.

Action LU&G-I.2e: Focus new development in the Salida area within the Municipal Services Area to ensure adequate provision of services and limit sprawl development around the city.

The site is within the MSA.

Policy H-I.1: Provide a mix of housing types and densities throughout the city to address a variety of incomes and lifestyles.

The majority of housing types in this specific area are single-family, along with multi-family condominiums across the street. The applicant has stated that lots 1 and 2 will be developed with single-family residential units and lots 3 and 4 have the potential of up to two residential units on each lot which will allow a mix of housing types and would likely provide housing for the "missing middle".

The Comprehensive Plan Land Use Map shows the Green Heart LLC property as Single Family Residential.



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.

- (1) Minimum dimensional standards. In addition to the request to eliminate the public street frontage requirement, the applicant is also requesting to apply the Medium Density Residential (R-2) zone district dimensional standards (shown below) for the two proposed lots that front Seventh Street.

➤ The requested deviations will not impact the property’s ability to provide adequate access and fire protection, to ensure proper ventilation, light and air between buildings and should be compatible with other developments in the area.

Table 16-F Schedule of Dimensional Standards	(R-1) REQUIREMENTS	(R-2) REQUIREMENTS	Lots 1 and 2 Proposed REQUIREMENTS	Lots 3 and 4 Proposed REQUIREMENTS
Dimensional Standards				
Min. lot size (sq. ft.)	7,500	5,625	7,500	5,625
Density (Min. lot sq. footage per principal dwelling unit)	3,750	3,125	3,750	3,125
Min lot size (sq. ft.)—attached units	NA	3,125	NA	3,125
Min. lot frontage	50'	37'6"	Fronting Private Road	37'6"
Min. lot frontage—attached units	NA	20'	NA	20'
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	35%	40%	35%	40%
Max. lot coverage: uncovered parking/access (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2) 5	10%	15%	10%	15%
Min. landscape area	55%	45%	55%	45%
Min. setback from side lot line for a primary bldg.	8'	5'	8'	5'
Min. setback from side lot line for a detached accessory bldg.	3', 5' or 10'	3', 5' or 10'	3', 5' or 10'	3', 5' or 10'
Min. setback from rear lot line: principal bldg.	30'	20'	30'	20'
Min. setback from rear lot line: accessory bldg.	5'	5'	5'	20'
Min. setback from front lot line: principal bldg.	30'	20'	30' for Lot 1 40' for Lot 2	20'
Max. building height for a primary bldg.	35'	35'	35'	35'
Max. building height for a detached accessory bldg.	25'	25'	25'	25'

- (2) Trails. The closest trail near this property is the Monarch Spur Trail. There are existing sidewalks along Seventh Street that provides connection to the trail.
- (3) Ownership and Maintenance. The development will have a homeowners association to maintain the private drive and the rear access drive.
- (4) Water and Sewer. The developer shall provide municipal water and sewer facilities within the PD as required by the City.
 - The applicant has provided improvement plans that include designs for sewer and water services to serve the interior of the site. The plans have been reviewed by the Public Works Department and the City Engineers JVA their comments are included at the end of this section and attached to the staff report.
- (5) Residential Density. The allowable density for Lots 1 and 2, given the R-1 zoning, is 2 residential units. The allowable density for Lots 3 and 4 is 4 residential units if the PD is approved. The building setbacks are shown on the subdivision plat and the units will be spaced in conformance with standard setback requirements, adequate privacy is provided. This criterion is satisfied.
 - The applicant is only requesting an increase in density for Lots 3 and 4 and the proposed density is compatible with the surrounding neighborhood. Because of the 20' rear access easement the applicant may restrict these two lots to single-family. One ADU would be allowed on any lot, consistent with code.
- (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. The applicant submitted a 4 lot minor subdivision to be review concurrent with this planned development application. This criterion is satisfied.
- (7) Improvement Standards. The PD may deviate from the Design Standards described in Article VIII of this Chapter, including specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards, only if the reasons for such deviations are well documented and are necessary for realizing the purposes described in the objectives of development.
 - The only deviation the applicant is requesting from in Article VIII is to be allowed a private road to meet the lot frontage requirement and to provide access for all of the lots created with the minor subdivision.
- (8) Maximum height. The applicant is not requesting a deviation to maximum height standards. This criterion is not applicable.
- (9) Gross Building Floor Area. There are no uses proposed other than residential. This criterion is not applicable.

- (10) Permitted Uses. The proposed residential use is a use by right within the existing zone district. The applicant is not requesting deviations within the R-1 zone district Table 16-D Schedule of Uses. The size of the development site is not large enough to justify the requirement of any other uses such as commercial, recreational, or educational amenities.
- (11) Transportation design. The development provides direct access to West Seventh Street, a collector street, which is designed to support the anticipated additional traffic generated by the proposed number of units. The Fire and Public Works Departments have no concerns regarding the private road. The development also provides safe and adequate pedestrian access from the development to nearby trails and schools. This criterion is satisfied.
- (12) Development Standards. As mentioned above, the applicant is requesting deviation from the requirement to have frontage for all lots onto a public street and is proposing to have 2 lots with frontage from the proposed private road and access for all lots from the private road.
- (13) Energy Efficient Design. The construction of new buildings will be required to meet the energy standards of the building codes.
- (14) Variety in Housing Types. The applicant is proposing a minor subdivision of 4 lots and will be constructing a single-family residence on Lot 1 and on Lot 2. Lots 3 and 4 have the potential to have up to two units constructed on each lot so there should be a variety of housing in this planned development.
- (15) Fiscal Impacts. The private drive and utilities are to be maintained by the homeowners association. The City will provide police and fire protection and serve the project with water and sewer through public mains. Water and sewer system development fees will help offset long term costs of expanding those systems. The fees for Fair Contributions for Public School Sites 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. There are no private or public parks or recreational areas proposed within the planned development.
- (17) Physical Conditions or Constraints: The size of the lot, depth of the lot, existing private drive access, and the standard requirement for frontage on a public street are the primary physical conditions or constraints that would warrant a departure from the standard regulation requirements.
- (18) Adjacent and nearby developments. Staff has not found that there are any detrimental effects on the neighborhood as this property is across the street from several condominiums.
 - The applicant has stated that the property was purchased with the intent to build two single-family residences for their personal families as requested by the previous owner of the lot. They are also wanting to provide the 2 lots fronting Seventh Street that locals could afford to build and live here.

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.

The applicant does not indicate any phasing of the development of infrastructure for this project.

(2) Types of Uses: A minimum of 25% of the floor area of the project is recommended for non-residential, commercial uses.

The applicant is not proposing any non-residential uses, nor are any recommended given the property’s zone district and location.

(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, nor would one be warranted given the location of the development and proximity to Longfellow Elementary School and Thonhoff Park.

(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.

Given the size of this parcel and the existing R-1 zoning it is challenging to have additional density because the standards for street frontage, and other requirements of the zone district. This PD will allow the applicant to create additional lots for up to 6 residential primary units on the 4 proposed lots. This would be done by eliminating the requirement for public street frontage, and allowing access via a private road along with allowing the dimensional standards of the R-2 zone district for Lots 3 and 4.

(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 or required through this development. The applicant acknowledges that required open space fees-in-lieu will be paid at the time of building permit submittal for each residential unit.

B. MINOR SUBDIVISION PLAT REVIEW

A minor subdivision requires limited impact review but the subdivision could not be achieved without Planned Development Overlay approval so the applications will be reviewed concurrently as Major Impact Review as required in Land Use Code Sec. 16-7-30. The Planning Commission will make recommendations to City Council for the Planned Development and Minor Subdivision.

The applicant is requesting that the Planning Commission make a recommendation of approval of the 4-lot residential subdivision, along with a private road to be commonly-owned by the homeowners association. The residential lots vary in size and the applicant intends to construct single-family residences on Lots 1 and 2 meeting the R-1 zone district standards. The intent is for Lots 3 and 4 to meet the R-2 zone district standards, if the Planned Development Overlay is approved. The proposed subdivision must comply with the following standards:

1. Comprehensive Plan.

The proposed subdivision is consistent with the Comprehensive Plan, which promotes diverse residential housing and access to nearby trails and schools. Staff finds that the development 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 underlying R-1 zone district for Lots 1 and 2, with the exception of public street frontage. The applicants are requesting to apply the R-2 zone district dimensional standards for Lots 3 and 4 with the Planned Development. Deviations to such standards have been requested through the concurrent Planned Development application.

3. Improvements.

The proposed subdivision shall be provided with improvements which comply with 16-2-60 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 adequate to carry anticipated traffic generated by future development of this subdivision.
- The 25' private road is adequate for the proposed 4 lots. Lots 3 and 4 will not have access from Seventh Street. Both lots will be required to use the 20' private access easement at the rear of the lots as shown on the subdivision plat.

b. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.

- Water and sewer are available in Seventh Street for Lots 3 and 4 and the applicant will install water and sewer lines in the private road to serve Lots 1 and 2.

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 site is relatively flat but has several trees. The applicant intends on saving as many of the trees as possible. 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 is does not border a highway. This standard does not apply.

7. Future Streets.

As discussed in the report for the PD, a future private road is planned off of Seventh Street. There is no need for a public street connection within this property. The proposed private drive will provide access to the property. All other required access and utility easements are provided through this development.

8. Parks, Trails and Open Space.

No public open space dedication is proposed nor desired within this development. The Monarch Spur Trail, Thonhoff Park and Longfellow Elementary School is very close to the subject property and public access to any open space would not be reasonable. The applicant (or future homeowners) will be required to pay a fee-in-lieu for open space at the time of building permit submittal for each unit constructed on the property.

9. Common Recreation Facilities.

This development does not include any common recreation facilities.

10. Lots and Blocks.

The size, shape, and orientation of the lots are appropriate to the design and location of proposed subdivision and type of development contemplated. This standard is met.

11. Architecture.

This standard applies to residential subdivisions of five lots or more.

12. Codes.

The subdivision will comply with all applicable City building, fire and safety codes for the proposed development.

13. Inclusionary Housing. Land Use Code Sec. 16-13-20 Minor and major subdivisions; and condominium plats of five (5) units or greater must meet the requirements of Article XIII.

- Approval of the minor subdivision carries the responsibility to meet the affordable housing requirements.
- The applicant has indicated that they intend to meet the Inclusionary Housing standards by paying the fees in lieu, staff recommends the following conditions of approval:

- A plat note must be added that all new residential dwelling units constructed on the Property shall meet the inclusionary housing requirements of Chapter 16, Article XIII of the Salida Municipal Code. The applicants volunteer and agree to provide an in-lieu fee at the rate in effect prior to issuance of certificate of occupancy of any new residential dwelling units on any of the lots, unless an IH unit is provided.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

Requests to referral agencies and the comments received are as follows:

- Salida Fire Department: Kathy Rohrich, Fire Plan Review responded “Fire has no concerns at this time. They may have to trim up those pine trees for the fire truck to make it through.”
- Salida School District: David Blackburn, Superintendent responded “I have no concerns. We will accept the fees in lieu of land.”
- Salida Utilities: Renee Thonhoff, Staff Accountant stated “Currently there are no water or sewer utilities on the property located at 535 W. Seventh Street. Upon development system development fees will need to be paid for all residences.”
- Atmos Energy: Dan Higgins responded: “There is gas service onto this lot so prior to demo the line will have to be retired. Any future development is subject to Atmos Energy main Extension Contract arrangements to be service by natural gas.”
- Salida Public Works Department: Public Works Director, David Lady, submitted the following comments: “I don’t have any comments to add. Technically Lots 1 and 2 do not front public right-of way but I understand you will be documenting that on your end. There is a driveway cut and utility services proposed per our standard details.”
- JVA Engineering Consultants: JVA Inc. has reviewed Green Heart Planned Development documents submitted through email dated March 1, 2022 for conformance with the City of Salida Code of Ordinances (Code), and City of Salida Design and Construction Standards. Upon review, we are providing conditions that need to be met prior to recommendation of planning commission. Additionally, we have provided comments for informational purposes to consider on engineering plans for future Subdivision Improvement Agreement (SIA) review and approval. Redlined documents for reference are attached to this letter.

(JVA’s full review and comments are attached to the end of the staff report).

STAFF RECOMMENDATIONS:

A. PROPOSED PLANNED DEVELOPMENT

Staff recommends the Planning Commission recommend the Council approve the Green Heart Planned Development application, subject to the condition listed below:

1. Applicant agrees to give a preference to current Chaffee County residents or workforce for Lots 3 and 4 on the Property, to the extent permitted by law. Such marketing and vetting shall be the Applicant’s responsibility, with guidance provided by City staff and the Chaffee Housing Authority. The applicant will need to show a good faith effort to find local residents to purchase the property.
2. Access to all of the lots must be off of the private road. No access will be allowed off of Seventh Street for any of the lots.

B. MINOR SUBDIVISION PLAT REVIEW

Approval of the Minor Subdivision is subject to the Green Heart Planned Development becoming effective and the following additional conditions of approval:

1. A name for the private road be added to the plat and “out-lot” removed.
2. The applicant must meet the requirements of the Public Works Director and City Engineering Consultants
3. A plat note shall be added that states that “Fees-in-lieu for Open Space shall be paid at the time of building permit submittal of any residential units.”
4. The following plat note must be added: “New residential dwelling units constructed on the Property shall meet the inclusionary housing requirements of Chapter 16, Article XIII of the Salida Municipal Code. The applicants volunteer and agree to provide an in-lieu fee at the rate in effect prior to issuance of certificate of occupancy of any new residential dwelling units on any of the lots, unless an IH unit is provided”.

RECOMMENDED MOTIONS:

- A. “I make a motion to recommend the City Council approve the proposed Green Heart Planned Development subject to the conditions recommended by staff,” and
- B. “I make a motion to recommend the City Council approve the Green Heart Minor Subdivision, subject to the conditions recommended by staff.”

Attachments:

Agency review comments
Planned Development Plat
Green Heart Minor Subdivision
PD Application Materials
Proof of Notice