



## PLANNING COMMISSION STAFF REPORT

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**MEETING DATE:** November 27, 2023  
**AGENDA ITEM TITLE:** A. Flour Mill Planned Development; and  
B. Flour Mill Major Subdivision  
**AGENDA SECTION:** Public Hearing - **Continued from October 23, 2023**

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### **UPDATES (Highlighted):**

The Planning Commission held a public hearing on October 23, 2023 to consider the application for the proposed Flour Mill Planned Development and Major Subdivision at 6907 C.R.105. At that hearing Planning Commission continued the hearing and suggested the applicant address the following:

1. That the applicant meets with the surrounding neighbors to go over the proposal and bring back changes that might result from that meeting.
2. The timing of the required deed restricted units needs to be addressed.

The applicant informed staff that he met with some of the neighbors but that no change in plans resulted from those meetings. The applicant stated that he feels that he cannot compromise on density and wants to move forward with the proposal as submitted. Therefore, the applicant will provide a presentation regarding planned development to further explain the need to keep the planned development and major subdivision requests as originally submitted.

Staff has added the specific timing requirements of the deed-restricted units to the conditions of the Planned Development and the Major Subdivision.

### **REQUEST SUMMARY:**

Following approval of the Flour Mill Annexation of the 2-acre property into the City of Salida, and zoning of High-Density Residential (R-3) the applicant is requesting approval of a Major Impact Review for a Planned Development Overlay and Major Subdivision of the property located at 6907 C.R. 105. Land Use Code Sec. 16-3-120 allows for concurrent review of the applications.

The applicant is proposing a major subdivision of 14 lots and construction of 3 single-family, 3 duplex buildings and three multi-family buildings with 20 units in each. The proposal is for 9 for-sale residential units, 40 for-sale condominiums and 20 apartment rental units

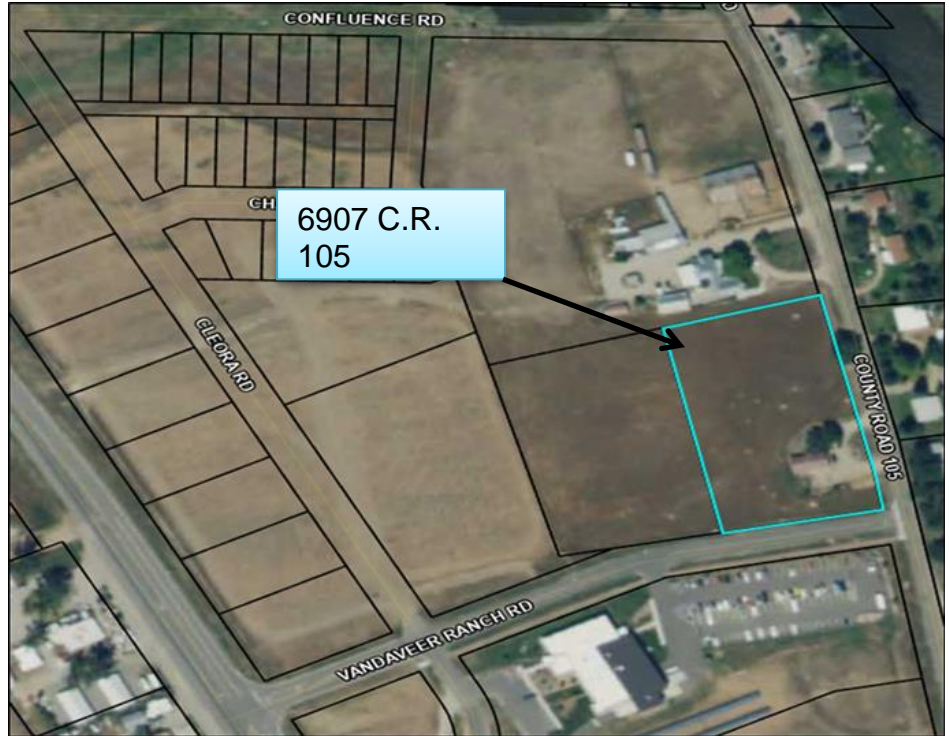
### **APPLICANT:**

The Biker Baker Holdings LLC, 815 G Street, Salida, CO 81201. The representative for the applicant is Rob Gartzman.

**SITE LOCATION:** The 2-acre parcel is located at 6907 C.R. 105.

**PROCESS:**

An application for a Major Impact Review must follow a two-step process. The Planned Development and Major Subdivision is considered a project requiring “major impact review.” These applications are being processed concurrently and must be reviewed by both the Planning Commission and then City Council at noticed public hearings. The request is first addressed by the Planning Commission



through a public hearing process. The Commission makes a recommendation of approval, approval with conditions, or denial of the request to City Council. The Commission may also remand the application back to the applicant for further information or amendment.

The Planned Development and Major Subdivision must be adopted by ordinance by the City Council, heard at 1st Reading and 2nd Reading with a public hearing at the second reading.

**BACKGROUND AND DETAILS OF REQUEST:**

**A.** Major Impact Review approval of a Planned Development Overlay for the following deviations from Table 16-F Dimensional Standards:

- **Street frontage:** Lots 11 and 12 will have frontage off of a private parking lot and not a public street.
- **Maximum density:** With the inclusionary housing provided within the development the R-3 zone district requires 2,100 square feet of lot area per dwelling unit. For the overall site the density allowance is 41 units and the request is for an allowed density of 69 units.
- **Maximum height allowed:** The maximum height allowed for primary buildings is 35'. The Applicant is requesting a deviation from the height requirement from 35' to 38' for the condo/apartment buildings on Lots 10, 11 & 13 to allow for architectural elements to conceal mechanical systems.

- **Minimum lot size:** In the R-3 zone district the minimum lot size is 5,063 square feet and the applicant is requesting the minimum lot size of 2,470 square feet for Lots 1, 2, 4 and a minimum lot size of 2,000 square feet for Lot 3.
- **Minimum lot frontage for the single-family and Laundromat lots:** The minimum lot frontage in the R-3 zone district is 37.5' and the applicant is requesting a minimum lot frontage of 36' for Lots 1, 2 and 4 and a minimum lot frontage of 28' for Lot 3.
- **Minimum setbacks:** The required front and rear setbacks for primary structures in the R-3 zone district are 20' from front property line and 20' from the rear property line and the required side yard setbacks are 5'. The applicant is requesting the minimum front and rear setbacks as shown in the table below in green. No deviations from the side yard setbacks are requested.

		Duplex Lots & Laundry facility Lot	Single-family Lots	Condominium/Apartment Lots
<b>Zone District R-3</b>		Lots 3, 5, 6, 7, 8, 9 & 10	Lots 1, 2 & 4	Lots 11, 12 & 13
Required front setback	20 feet	12'	12'	5'
Required rear setback principal building	20 feet	5'	5'	10'

- **Maximum Lot Coverage for structures:** The maximum lot coverage for structures in the R-3 zone district is 50% and the applicant is proposing lot coverage for structures of 64% for Lots 10, 11 and 13.
- **Maximum Lot Coverage for uncovered parking/access:** The maximum lot coverage for uncovered parking in the R-3 zone district is 25%, Lot 14 is the parking lot for the entire development and the applicant is requesting 73% coverage for uncovered parking/access for this lot only.
- **Minimum Landscape area:** The minimum landscape requirement is 30% in the R-3 zone district and Lot 14 is proposed to have a minimum landscape area of 27%. The proposed landscape area for the overall site is 45%.

It appears all other dimensional and parking requirements can be met by the development.

- B. Approval of a Major Subdivision to subdivide the above-described property into 12 residential lots, one (1) lot for a laundromat and one (1) lot for the HOA maintained parking lot.

## 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 not be possible under the application of standard zone districts."

The applicant is requesting Planned Development approval to allow deviations from Table 16-F Schedule of Dimensional Standards as outlined above.

## **THE CITY OF SALIDA COMPREHENSIVE PLAN**

Generally zoning should be consistent with the community's comprehensive plan. The following Policies, Actions and Principles apply to the Flour Mill Planned Development proposal:

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

- The 2-acre property only has a single-family residence (to be removed). Approval of the planned development overlay would allow for infill rather than the mostly vacant lot.

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

- The proposed project is maximizing density by requesting a 68% increase in the allowed residential density.

**Action LU&G-I.2c:** 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.

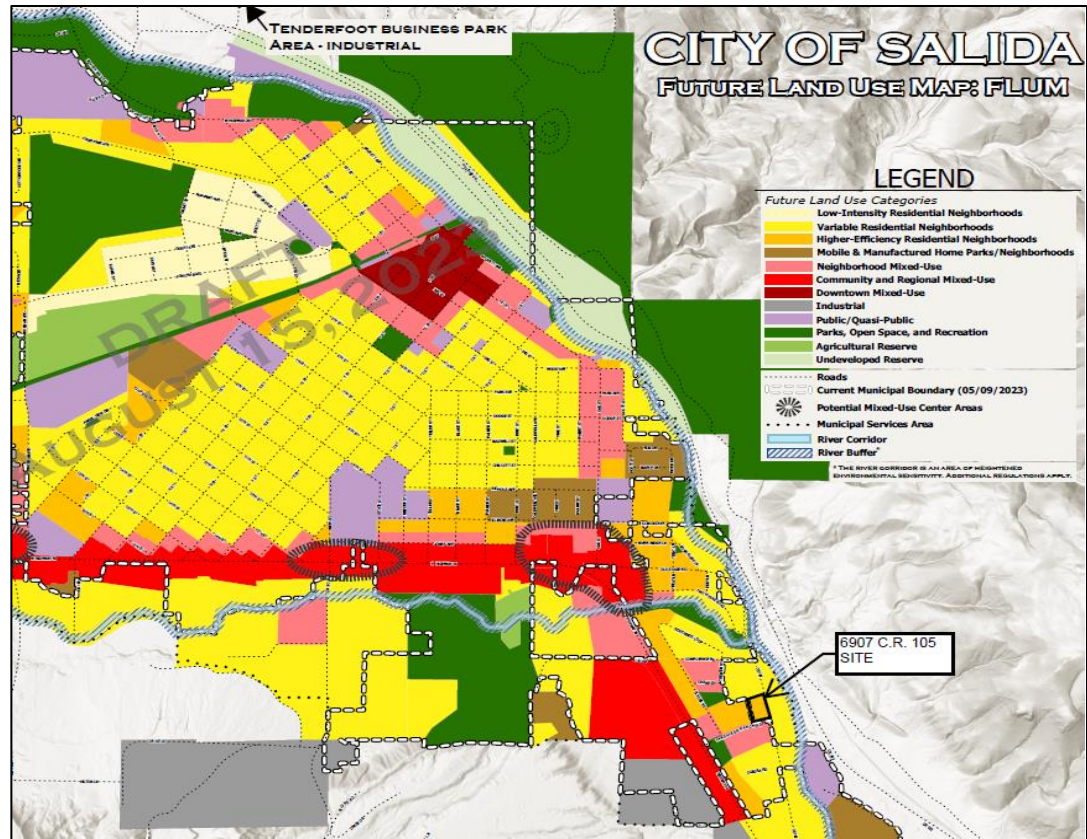
- The majority of housing types in this specific area are single-family homes to the north and east of the Flour Mill property, and apartment buildings, income restricted LIHTC apartment buildings with 48 units and market-rate apartments with 32 units.
- With the proposal the applicant will have a variety of housing types providing rental housing for occupants affordable to people making 80%-100% AMI and the applicant is proposing the for-sale units to sell to occupants earning at or below 120% AMI.

**Policy H-II.1:** Promote new development projects that contain a variety of housing, including affordable units. See above.

**Action H-II.3.d:** When affordable housing units are provided, ensure the city has a mechanism or partner organization to keep track of and enforce the deed restrictions or land ownership arrangements to ensure the housing remains attainable in the long-term for low and moderate income residents. The Chaffee County Housing Authority will be charged with qualifying residents for the deed restricted units and enforce the standards.



The Comprehensive Plan Future Land Use Map shows the 6907 C.R. 105 property as Higher-Efficiency 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. The PD is a negotiated zone district. While there may be no fixed lot size or lot widths, the Planning Commission and City Council require minimum dimensional standards, including setbacks and space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light and air between buildings and to ensure that the PD is compatible with other developments in the area.
  - In addition to the request to eliminate the public street frontage requirement for Lots 11 and 12, the applicant is also requesting to increase the density 68% for the overall site, reduce the required minimum lot size for Lots 1-4, reduced minimum front and rear setbacks for all lots. Below is the requested table of dimensional standards for the Flour Mill PD.

	R-3	overall site	SF attached	SF detached	laundromat	condo/apartment lots	HOA lot
lot #	Requirement		Lots 5,6,7,8,9&10	Lots 1, 2 & 4	Lot 3	Lots 11, 12 & 13	Lot 14
min lot size	5063 s.f.	87133	n/a	2470	2000	7300	39532
density (min s.f. of lot area per dwelling unit)	2100 s.f.	1263	2310	2470	n/a	365	n/a
min lot size attached	2160 s.f.	n/a	2310	n/a		n/a	n/a
min lot frontage	37.5'	n/a	n/a	36	28	n/a	n/a
min lot frontage attached	15'	n/a	34	n/a		n/a	n/a
max lot coverage: structures	50%	24%	43%	40%	30%	64%	0
max lot coverage: uncovered parking/access	25%	36%		0		0	73%
min landscape area	30%	45%	40%	40%	40%	36%	27%
side setback primary building	5'	5	5	5	5	5	n/a
side setback detached accessory building	3'/5'/10'	5	5	5	5	5	n/a
rear setback principal building	20'	5	5	5	5	10	n/a
rear setback accessory building	5'	n/a	5	5		5	n/a
front setback	20'	5	12	12	12	5	n/a
max building height primary	35'	35	25	25		35	n/a
max building height detached accessory building	25'	n/a	25	25		25	n/a
parking spaces required	69	76	n/a	n/a		n/a	76

- 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, including the Salida Ridge affordable apartment buildings.
  - The proposal is less compatible with the adjoining property at 6906 Vandaveer Ranch Road which contains the 32 single-story Magpie apartments on a similar size parcel. That developer chose to construct single story, however the zone district allows for 35’ height and density would have allowed for 36 units.
2. **Trails.** Reasonable effort must be made to connect to nearby recreation trails, parks and public open space such that green corridors define and connect urbanized areas. Any trails identified for the area in the City’s Comprehensive Plan or Parks Master Plan must be included in the PD.
- Staff is recommending as a condition of approval that the right-of-way dedication along C.R. 105 be at least 30’ from centerline to accommodate an 8’ separated bike/ped trail along CR 105, consistent with adjacent property requirements.
  - The planned development plat is showing a dedication of 31’ along the C.R. 105 right-of-way.

- When the adjoining property at 6906 Vandaveer Ranch Road was annexed into the city, the annexation agreement required them to include a ten (10) foot wide public pedestrian access maintained between the site and adjoining properties on the east and west, at the north end of the site.



- The Flour Mill Planned Development includes an eight (8) foot wide public pedestrian access connecting to the adjoining 6906 Vandaveer Ranch Road property. Staff is recommending a condition of approval that this pedestrian access trail be the same 10' width as the adjoining property for pedestrian connections.
- 3. Ownership and Maintenance.** No PD shall be approved unless the City Council is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives, parking or other common assets to ensure maintenance of such areas.
    - The owners will have a homeowner's association to maintain Lot 14 within the development.
  - 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 civil engineering plans that include designs for private HOA maintained water and sewer services to serve the interior of the

site. The plans are being reviewed by the Public Works Director and the City Engineering Consultants.

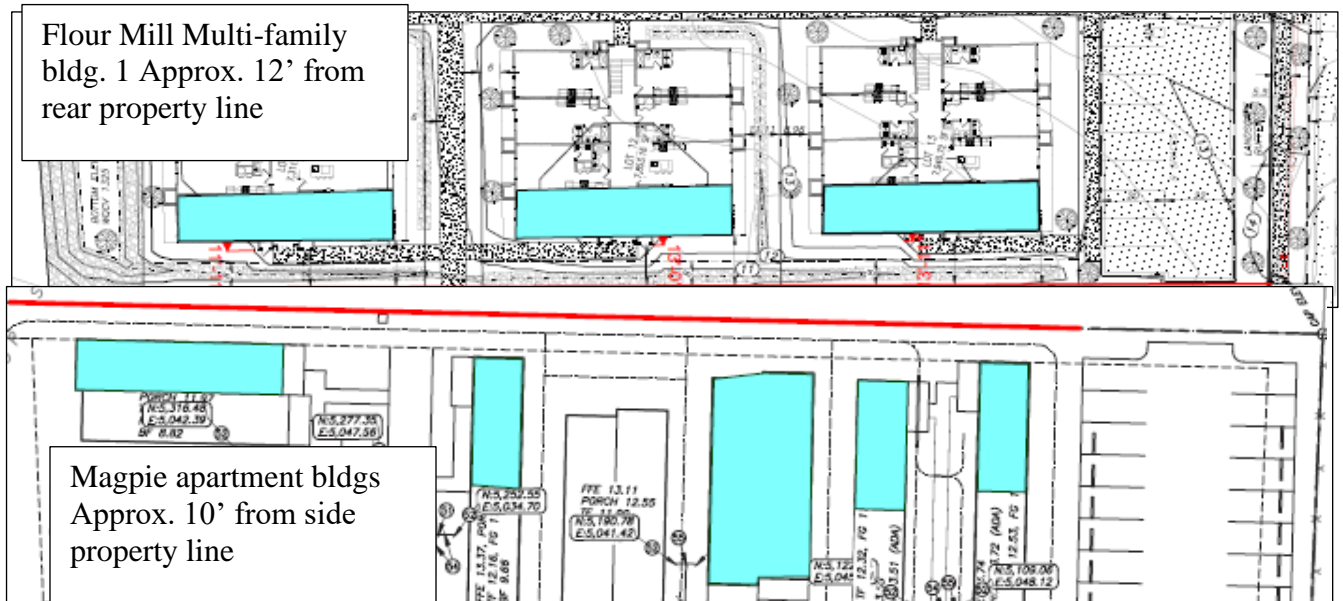
- Staff is recommending a condition of approval that the civil plans be approved by the Public Works Director and City Engineering Consultants prior to second reading and public hearing with City Council.
5. Residential Density. Density shall be limited as required by the Planning Commission and City Council upon consideration of the overall development plan, individual characteristics of the subject land and surrounding uses. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas, encourage pedestrian access and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings. In high-density development, housing will be designed to provide adequate privacy between dwelling units.
- The R-3 zone district requires 2,100 square feet of lot area per dwelling unit with the inclusionary housing being provided within the development. For the overall site the density allowance is 41 units and the request is for an allowed density of 69 units. The request is an approximate 68% increase in density ( $69 - 41 = 28$ ) ( $28/41 = 68\%$ ).
6. Relationship to the Subdivision Regulations. The provisions of these regulations concerning Planned Developments are not intended to 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 14-lot major subdivision to be reviewed concurrent with this planned development application.
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. Deviations may be incorporated only with the approval of the Planning Commission and City Council as a part of its review of the Overall Development Plan for a PD and shall conform to acceptable engineering, architectural and planning principles and practices. If a deviation from the improvement standards is not specifically addressed and approved under the Overall Development Plan, the improvement shall comply with all improvement standards of this Chapter.
- Sec 16-8-20 – Road, driveway and sidewalk standards. (a) Access to Roads. All lots and developments shall have direct access to a public street: Lot 11 and Lot 12 in this proposed development will have access to a public street via the HOA owned and maintained parking lot which is Lot 14. All other improvements shall meet design standards required in Article VIII.



8. Maximum height. The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts. In no case shall a building exceed the maximum height requirement if the deviation shall result in:
- a. Adverse visual impacts on adjacent sites or other areas in the vicinity, including extreme contrast, interruption of vistas or scale that is disproportionate to surrounding development or natural features.
    - The maximum height requirement in the R-3 zone district is 35' and the applicant is requesting a deviation from the height requirement from 35' to 38' for the condominium/apartment buildings on Lots 11, 12 & 13 to allow for architectural features and to conceal mechanical systems behind a parapet wall. The proposed parapet wall will be 36' and the architectural features will be 38'. The mechanical systems shall be concealed by the parapet wall.



- b. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view.



- The Magpie Apartments are 10' from their side property line and the Flour Mill Multi-family buildings are approximately 12' from their rear property line.
  - There shouldn't be loss of air circulation for adjacent properties but with 22' between the Flour Mill condominium/apartment buildings and the adjacent single story Magpie apartment buildings to the west there may be some shadowing in the morning.
- c. Inability to provide adequate fire protection using equipment currently in use by the Fire Department.
- The Fire Department has no concerns with the proposal.



9. Gross Building Floor Area. The gross building floor area of uses other than residential may be limited as required by the City Council upon consideration of the Overall Development Plan, individual characteristics of the subject land and surrounding uses.

- The only other use proposed within the Flour Mill Planned Development is a laundromat on Lot 3 to serve occupants of the development.

**10. Permitted Uses.** A PD may include any permitted principal or accessory uses by right and conditional review uses allowed in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted.

- The applicant is requesting the following deviations from table 16-D Schedule of Uses.

FLOUR MILL SCHEDULE OF USES			
N = Not Permitted P = Permitted AR = Administrative Review	R-3 Zone District	Flour Mill Planned Development	Standards <sup>1</sup>
<b>Residential Uses</b>			
Accessory buildings and structures.	P	P	Sec. 16-4-190(c)
Accessory dwelling units	AR	AR	Sec. 16-4-190(c)
Duplex dwelling units	P	P	
Residential (3 - 4 units)	AR	P	
Residential (5 - 19 units)	AR	P	
Residential (20 or more units)	MR	P	
Single-family dwelling units	P	P	
Short-term Rental Units	AR	N	Sec. 16-4-190(g)
<b>Laundromat (Lot 3)</b>		<b>P</b>	<b>Standards<sup>1</sup></b>
<b>Notes:</b>			
<sup>1</sup> The standards referenced herein are in addition to all other applicable standards of this Land Use Code.			

**11. Transportation design.** The PD shall provide interconnected transportation networks designed to disperse and reduce the length of automobile trips, connect to adjacent roadways and enhance the greater transportation pattern of the City and surrounding area.

- The development has two entrances with one access off C.R. 105 and the second access off Vandaveer Ranch Road and should not have major impacts on the traffic in the area.
- The applicant submitted the following summary of trip generation for the 69 units.

The Flour Mill																
Summary of Trip Generation																
Land Use	ITE Code	Intensity	Rate	Daily Trip Ends	AM Peak-Hour Trip Ends						PM Peak-Hour Trip Ends					
					Rate	Total	In		Out		Rate	Total	In		Out	
							%	Trips	%	Trips			%	Trips	%	Trips
Single Family Detached Housing	210	9 DU	9.57	86	0.75	7	25%	2	75%	5	1.01	9	63%	6	37%	3
Apartments	220	20 DU	6.65	133	0.51	10	20%	2	80%	8	0.62	12	65%	8	35%	4
Condominiums/Townhouses	230	40 DU	5.81	232	0.44	18	17%	3	83%	15	0.52	21	67%	14	33%	7
<b>Total</b>				<b>452</b>		<b>35</b>		<b>7</b>		<b>28</b>		<b>42</b>		<b>28</b>		<b>15</b>



12. Development Standards. The PD may deviate from the Development Standards described in this Chapter only if the reasons for such deviations are well-documented and are necessary for realizing the purposes described in the objectives of development. Any variation from the development standards of this Chapter must be specifically addressed and approved in the Overall Development Plan. If an area of development (parking, landscaping, illumination, fences, signs, etc.) is not specifically addressed and approved under the Overall Development Plan, the area of development shall meet or exceed the standards of this Chapter applying to that area of development.

- The applicant is requesting a deviation from the landscape standards for Lot 14 in order to meet the parking requirements for the entire development. The development will meet the remaining standards of Article VIII.

13. The PD provides for design that is energy-efficient and reduces the amount of energy consumption and demand of typical development.

- The construction of new buildings will be required to meet the energy standards of the building codes.

14. Where residential uses are proposed, the PD shall provide for a variety in housing types and densities, other facilities and common open space.

- The applicant is proposing a major subdivision of 14 lots and will be constructing 3 single-family, 3 duplex buildings and three multi-family buildings with 20 units in each. The proposal is for 9 for-sale residential units, 40 for-sale condominiums and 20 apartment rental units.



Example: Duplex residences



Example: Single-family residence





Multi-family Condominium/apartment buildings with 20 units in each building



3-D renderings of proposed development



- 15.** The fiscal impacts of the PD have been satisfactorily addressed and the City or special district will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, or it shall be shown that adequate measures have been developed to effectively mitigate such impacts.
- Utility easements, common areas and Lot 14 are to be owned and maintained by the homeowner's 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 (except the deed restricted units) to help offset impacts on the school district, and open space fees will be required for each unit.
- 16.** Higher levels of amenities than would be achieved by using established zone districts, including open spaces, parks, recreational areas, trails and school sites, will be provided to serve the projected population.
- There are no private or public parks or recreational areas proposed within the planned development. The applicant has agreed to provide trail access connecting to the pedestrian trail within the 6906 Vandaveer Ranch Road development.
  - The applicant will be required to construct an 8' trail along C.R.105.

17. There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.

- The only constraint the property presents is the need to be redeveloped.

18. The adjacent and nearby developments will not be detrimentally affected by the proposed PD and approval period.

- Immediately adjacent uses consist of single-family and multi-family residences. The single-family residences to the north and east are zoned Residential within the County and the properties to the south and west are zoned High-density residential (R-3) or Planned Development.
- The proposed residential units on this site would blend with the existing adjacent and nearby Salida Ridge apartments and the Magpie apartment buildings. Given the variety of residential properties in the area, and the primarily residential nature of the proposal, the adjacent properties should not be detrimentally affected.
- Staff has received letters from both adjoining neighbors who are not in support of the proposal. The letters are attached to the staff report for the Commission to consider.

### **Evaluation Standards for Major Planned Developments.**

Section 16-7-40(c) - In addition to the above evaluation standards, the following standards or requirements shall govern the application of a major planned development and shall be utilized by the Planning Commission and the City Council in evaluating any major PD plan:

(1) Staging of Development. Each stage within a PD shall be so planned and so related to the existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PD or its surroundings at any stage of the development.

- The applicant is proposing to build the development in three (3) phases.

1. The first phase includes the street and sidewalk improvements, water and sewer infrastructure and the single-family and duplex units.
2. The second phase includes partially completing Lot 14 parking lot, the two condominium buildings containing 20 units in each and at the end of phase 2 the applicant will build the laundry facility.
3. The third and final phase will be the completion of the 20-unit apartment building and completion of Lot 14, parking lot.

(2) Parks, Trails and Open Space. Each major planned development 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 are developed and preserved as the community grows.

- There are no parks, open space or recreation facilities in the development, and given the size of the lot it would not be practical. The City has a 1.24-acre park located in the Confluent Park Planned Development near this property.
- The applicant acknowledges that required open space fees-in-lieu will be paid at time of building permit for each unit and has already noted this on the major subdivision plat.

(3) Civic Engagement. Civic buildings and public gathering places should be provided to reinforce community identity and support civic engagement.

- No civil buildings or public gathering places are proposed within the development.

## **MAJOR SUBDIVISION PLAT REVIEW**

A major subdivision requires a recommendation from the Planning Commission and final approval by the City Council. The applicant is requesting that the Planning Commission recommend approval of the 13-lot residential subdivision, 1 lot for laundry facility and 1 lot for parking to be commonly-owned by the homeowners association. The proposed subdivision must comply with the following standards:

1. Comprehensive Plan. The proposed subdivision is consistent with the Comprehensive Plan as detailed on pages 3 and 4 of this report which promotes diverse residential housing (including affordable for-sale and rental units) and access to nearby trails. Staff finds that the development is compatible with surrounding land uses and should not create unreasonable adverse effects on neighboring properties.
2. Zone District Standards. The applicant is requesting exemptions from the public street frontage for 2 of the 14 lots, minimum lot size, density and the multi-family units be allowed as a use by right. 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.
  - b. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.
  - c. Phases. The applicant is proposing three phases within the planned development request.



4. Natural Features. 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. Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. This property does not border a highway right-of-way.
7. Future Streets. Future streets are not proposed for this development.
8. Parks, Trails and Open Space. No public open space dedication is proposed within this development with the exception of Trail connections. The applicant will be required to pay a fee-in-lieu for open space at the time of building permit submittal for each residential 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.
11. Architecture. The architectural concept proposed for this site is intended to complement the surrounding neighborhood. It meets or exceeds the architectural requirements of the Code.
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 Any application brought under planned development and major subdivision sections of this code are required to include at least sixteen and seven tenths (16.7) percent of the total number of residential dwelling units as affordable dwelling units, pursuant to requirements set forth in Article XIII.
  - The inclusionary housing requirement for this property is 11 deed restricted units and the applicant will exceed the required number of deed restricted units.
  - The applicant is committed to legally deed restricting 50% of the units within the development. The IH requirements will also be included in the Flour Mill Annexation agreement and the Subdivision Improvement and Inclusionary Housing Agreement.
  - The applicant is requesting to deed restrict one (1) of the for-sale residential units in phase 1, fourteen (14) of the for-sale condominiums in phase 2 and the remaining 20 rental units in phase 3.

## **RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:**

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

- **Salida Fire Department**: Assistant Fire Chief, Kathy Rohrich, responded “Fire Department has no concerns at this time.”
- **Salida Police Department**: Police Chief, Russ Johnson, responded “No issues from PD at this time.”
- **Salida Parks and Recreation Department**: Director Diesel Post, responded “Thanks for sharing. I do not see any mention of open space or fee-in-lieu. I know that Rob mention to the planning commission that Confluent park was so close and that that would the park that this neighborhood would use, he will still need fee-in-lieu and probably some trail connections.”
- **Public Works Department and City Engineering Consultants**:
- **Salida Finance Department**: Staff Accountant, Renee Thonhoff, responded 6907 C.R. 105 has a sewer/water utility account. System development fees would need to be paid upon further development.
- **Salida School District**: Superintendent David Blackburn, responded “We will accept fees in lieu of land.”
- **Xcel Energy**: Response is attached
- **Chaffee County Planning Director**, No response received

## **A. PROPOSED PLANNED DEVELOPMENT**

**If the Commission recommends that City Council approve the Flour Mill Planned Development Overlay, staff recommends the following conditions and plat notes:**

1. The applicant shall provide fifty (50) percent of the units within the development as permanently deed-restricted. Because the applicant is exceeding the required number of inclusionary housing units and targeting levels below the range specified in the code, Land Use Code Sec. 16-13-60(2) creating parity across the levels of affordability is waived. The following plat notes must be added to the planned development plat and the major subdivision plat regarding the timing of the deed-restrictions.
2. Phase 1 (Single-family and Duplex homes) - A certificate of occupancy must be issued for one (1) single-family unit meeting the for-sale Inclusionary Housing deed restriction, prior to issuance of certificate of occupancy of the 6th market rate for-sale unit in Phase 1. The average sales price of the affordable housing unit shall not exceed a price affordable to households earning one hundred forty (140) percent AMI for Chaffee County.

3. Phase 2 (First Condominium building) - Seven (7) out of the 20 condominium units must be permanently deed restricted meeting the parameters of the for-sale Inclusionary Housing policy, prior to certificate of occupancy of the first condominium building in Phase 2. A certificate of occupancy will not be issued to each individual condominium unit but to the entire building. The average sales price of the affordable housing unit (studios) shall not exceed a price affordable to households earning up to one hundred (100) percent AMI for Chaffee County.
4. Phase 2 (Second Condominium building) - Seven (7) out of the 20 condominium units must be permanently deed restricted meeting the parameters of the for-sale Inclusionary Housing policy, prior to certificate of occupancy of the second condominium building in Phase 2. A certificate of occupancy will not be issued to each individual condominium unit but to the entire building. The average sales price of the affordable housing unit (studios) shall not exceed a price affordable to households earning up to one hundred (100) percent AMI for Chaffee County.
5. Phase 3 (Apartment building)- All 20 rental units in the apartment building will be permanently deed-restricted meeting the Inclusionary Housing parameters for rental units, prior to certificate of occupancy of the apartment building in Phase 3. At least fifty (50) percent of all provided units shall be priced affordable to households earning up to eighty (80) percent of the AMI for Chaffee County. Studio units rented above eighty (80) percent AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.
6. That new residential dwelling units constructed on the property shall meet the requirements of Land Use Code Sec. 16-6-140, Fair Contributions to Public School Sites, at the time of issuance of a building permit.
  - The deed restricted units are exempted from paying the fees in lieu of Fair Contributions for Public School sites.
7. Fees in lieu of open space shall be provided, in an amount then in effect, at the time of issuance of a building permit for new residential units constructed on the property.
8. The applicant must meet the requirements of the Public Works Director and City Engineering Consultants prior to second reading and public hearing of the Ordinance.
9. That the pedestrian access trail on the western side of the property be the same 10' width as the adjoining property for pedestrian connections.
10. At the time of development, the applicant is required to pay \$8,851.61 for the Confluent Park pressure reducing valve reimbursement agreement recorded at reception #470651.

## B. PROPOSED MAJOR SUBDIVISION

**If the Commission recommends that City Council approve the Flour Mill Major Subdivision staff recommends the following conditions:**

1. The following plat notes to be updated on the Major Subdivision Plat prior to recording the subdivision:
  - a. As required under Section 16.6.140 of the Salida Municipal Code, a payment in lieu of land dedication for Fair Contributions for Public School Sites shall be paid prior to issuance of a building permit for any new residence constructed.
    - The deed restricted units are exempted from paying the fees in lieu of Fair Contributions for Public School sites.
  - b. As required under Section 16-6-120(8), Parks, Trails and Open Space of the Salida Municipal Code, a fee in lieu shall be provided for open space prior to the issuance of a building permit for any new residence constructed.
2. The applicant must meet the requirements of the Public Works Director and City Engineering Consultants prior to second reading and public hearing of the Ordinance.
3. Prior to recordation of the subdivision plat, developer shall enter into a Subdivision Improvement and Inclusionary Housing agreement that guarantees the construction of the public improvements that are required for the project and that Article XIII Inclusionary Housing of the Land Use Code requirements are met.
4. The applicant shall provide fifty (50) percent of the units within the development as permanently deed-restricted. Because the applicant is exceeding the required number of inclusionary housing units and targeting levels below the range specified in the code, Land Use Code Sec. 16-13-60(2) creating parity across the levels of affordability is waived. The following plat notes must be added to the planned development plat and the major subdivision plat regarding the timing of the deed-restrictions.
5. Phase 1 (Single-family and Duplex homes) - A certificate of occupancy must be issued for one (1) single-family unit meeting the for-sale Inclusionary Housing deed restriction, prior to issuance of certificate of occupancy of the 6th market rate for-sale unit in Phase 1. The average sales price of the affordable housing unit shall not exceed a price affordable to households earning one hundred forty (140) percent AMI for Chaffee County.
6. Phase 2 (First Condominium building) - Seven (7) out of the 20 condominium units must be permanently deed restricted meeting the parameters of the for-sale Inclusionary Housing policy, prior to certificate of occupancy of the first condominium building in Phase 2. A certificate of occupancy will not be issued to each individual condominium unit but to the entire building. The average sales price of the affordable housing unit (studios) shall not exceed a price affordable to households earning up to one hundred (100) percent AMI for Chaffee County.



7. Phase 2 (Second Condominium building) - Seven (7) out of the 20 condominium units must be permanently deed restricted meeting the parameters of the for-sale Inclusionary Housing policy, prior to certificate of occupancy of the second condominium building in Phase 2. A certificate of occupancy will not be issued to each individual condominium unit but to the entire building. The average sales price of the affordable housing unit (studios) shall not exceed a price affordable to households earning up to one hundred (100) percent AMI for Chaffee County.
8. Phase 3 (Apartment building)- All 20 rental units in the apartment building will be permanently deed-restricted meeting the Inclusionary Housing parameters for rental units, prior to certificate of occupancy of the apartment building in Phase 3. At least fifty (50) percent of all provided units shall be priced affordable to households earning up to eighty (80) percent of the AMI for Chaffee County. Studio units rented above eighty (80) percent AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.

**POTENTIAL MOTIONS:**

- A. "I make a motion to recommend Council (approve, approve with conditions, deny or continue the hearing to a date certain) the proposed Flour Mill Planned Development subject to the conditions recommended by staff," and
- B. "I make a motion to recommend Council (approve, approve with conditions, deny or continue the hearing to a date certain) the Flour Mill Major Subdivision, subject to the conditions recommended by staff."

Attachments:

Proof of Publication  
Agency review comments  
Letters received from neighboring property owners  
Letters of support of the project  
PD Application Materials  
Planned Development Plat  
Flour Mill Major Subdivision