

AGENDA BRIEF

MEETING: Town Council - 21 Jul 2022 **FROM:** James Dickhoff, Planning Director

PROJECT: Planned Development Overlay Zoning for 500 and 600 W. U.S. Hwy 160

ACTION: Town Council action

PURPOSE/BACKGROUND:

Application: Pagosa Views Planned Development Zoning Application

Property Location: 500 and 600 West US Highway 160

<u>Property Owner:</u> April L Owens <u>Applicant:</u> Village Care Partners, LLC <u>Representative:</u> Carl Bommarito

<u>Current Zoning:</u> Rural Transition – (R-T)

Proposed Zoning: Planned Development Overlay District (OPD) with MU-C (Mixed-Use Corridor) base zoning

ATTACHMENTS:

PD 2022-01 Pagosa Views Staff Report for TC 07.21.22

9-REVISED PROJECT NARRATIVE, 7-10-22

1-Site Plan-letter

2-Phase Plan-letter

3-Workforce Housing Narrative

4-Land Use Summary

5-Management & Operations

6-Housing to be Offered

7-Architectural Styles

8-Differences Between Submittals

10a-Conceptual Viewsheds -letter

RECOMMENDATIONS:

Move to Approve the Pagosa Views SKETCH Planned Development Overlay District Zoning application with the following conditions to be submitted in the Final Planned Development Overlay Zoning application and Inclusions into the Draft Planned Unit Agreement:

- 1. Provide an update on the status of the water and sanitation modeling and identified infrastructure improvements.
- 2. Provide an update from LaPlata Electric Association, Black Hills Natural Gas, and Communication utility providers regarding ability to serve the development and infrastructure improvement needs.
- 3. Provide an update on the status of the traffic study and discussions with CDOT for Hwy 160 access.
- 4. Provide any proposed plan revisions.
- 5. Include at least the following into the Draft Planned Development Agreement:
- a. Deed restricted workforce housing units and proportionate distribution of AMI categories for both rental and ownership units for each project phase.
- b. Prohibition on short term rentals for residential units.
- c. Prohibition of outdoor storage of personal items.

- d. Open Space acreage dedications.
- e. Local road network and Hwy intersection improvements in compliance with Access Control Plan.
- f. Town to Pagosa Lakes Commuter Trail installation.
- g. Tree preservation requirements.
- h. Public access to amenities.
- i. Allowance for up to 12 residential units per acre for gross residential acreage.
- j. Design standards including at least height allowances and setbacks.
- k. Specify allowable uses that include: up to # of Single Family Residential units, # of Residential Condominium Units, # of Residential Apartment Units, 144 Lodging Cabins and square feet of Commercial business space.
- I. Project Phasing Plan and inclusion of public facilities in each phase.
- m. (Plus others as determined by the Town Council)

Move to Continue consideration of the Pagosa Views Planned Development with ... [specific guidance to the applicant]to [specify a date and additional requests as applicable]

Move to Deny the Pagosa views Sketch Planned Development Overlay District Zoning application, finding the conceptual sketch plan does not meet the intent of the Planned Development approval criteria, [include specifics in the motion]

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<u>Representative:</u> Carl Bommarito

Current Zoning: Rural Transition – (R-T)

<u>Proposed Zoning:</u> Planned Development Overlay District (OPD)

with Mixed-Use Corridor (MU-C) base zoning

<u>Public Notifications:</u> Provided in compliance with LUDC Section 2.3;

revised notices mailed to property owners on June 20, 2022

Public Hearings: Planning Commission June 28 and May 24 and Town Council July 21, 2022

Project Description:

The Applicants REVISED Project Narrative (dated 7/10/22) is attached.

This 80-acre¹ vacant property is located along Highway 160 west of the Pagosa Springs Elementary School and their adjacent athletic fields; the northeast corner of the property is an existing residence owned by the current property owner, who is not party to this proposal, however, has provide permission for the applicant to submit development applications for their proposed development. The applicant proposes:

- a. Rental and ownership residential units homes at all price points and sizes from 340 SF to 1,900 SF with a total of 445 residential dwelling units (445 units on 44 acres = 10 units per acre) that include:
 - 3-4 story attached dwelling units:
 - * 252 Apartment units which will be owned, operated, leased, managed, and maintained by the developer.
 - * 133 Condominium units s will be managed by an HOA established for the condo units. Condominiums will not be allowed as short-term rentals (STRs) with the prohibition being formalized in the Codes Covenants and Restrictions (CC&Rs), and also incorporated in the PUD Agreement.
 - Single-family homes, 60 for ownership.
 - 10% of the proposed residential units will be allocated for workforce housing (through deed-restrictions) for income levels between 40%-120 of Area Median Income (AMI) as annually defined and by the Colorado Housing Finance Authority (CHFA) and accepted by the Town. 27 units are proposed to be incorporated into phase 1, 25 units in phase 2, and 26 units in phase 3. Workforce units will be equally allocated for 40%-60% of AMI, 60%-80%, 80%-100% and 100%-120% of AMI categories.
- b. A 10-ft paved public trail, as a segment for the Town to Pagosa Lakes commuter Trail.
- c. Clubhouse, which will include a bistro and bar that will be open to the public.
- d. Indoor pickleball facility and 8 outdoor pickleball courts both open to the public.
- e. Lap pool, sitting pool and hot tubs (open to the public)
- f. Splash pad for children, along with a playground and other shared amenities such as BBQ gazebos, horseshoe pits

¹ The application states 79-80 acres; the Assessor's data shows 88.92 acres which does not appear to be accurate.

- h. Outdoor theater (open to the public)
- i. Removal of as few trees as possible
- j. The project will be managed by a 5-member real estate development team; a master HOA will be established at a future time to govern the completed project.
- h. Cabin lodging business (144 units) for nightly and weekly rental which will be owned, managed and operated by the developer. These are not for sale individually and shall remain owned and managed by the developer.
- i. Village level commercial once residents are established, the plan includes operating some village-level commercial uses including specialty retail, restaurants, and office spaces.

Development Application Processes

This initial Sketch Planned Development (PD) application is the first and initial application process, intended to provide the applicant the opportunity to present their conceptual development proposal to the Town for initial concept approval consideration. This is in no way a final plan consideration. If approved, the applicant can then have some certainty that the Town Council supports the conceptual plan, and then can begin substantial investments in infrastructure planning that will include at least: Traffic study and Roadway design for Town Approval and CDOT Access Permit application; Water infrastructure design for district inclusion consideration and approval by Pagosa Area Water and Sanitation District (PAWSD); Sanitation design for district Inclusion consideration and approval by the Pagosa Springs Sanitation General Improvement District (PSSGID); Storm drainage study and drainage facilities; as well as Electricity, NATURAL Gas and communications infrastructure. The developer is responsible for paying for all infrastructure improvements to serve their development.

Subsequent development applications include:

- <u>Final PD Overlay District application</u> to Rezone to PD overlay district, including a final PD Agreement that formalizes the specific uses and design considerations for the development, that is recorded and runs with the property and obligates all future owners in succession to the terms of such agreement.
- <u>Major Subdivision, Sketch and Preliminary applications</u> required for each future phase of the development.
- Major Subdivision, Final application: this must occur prior to any lots being sold and concurrent with an executed Development Improvement Agreement (DIA) that has secured construction bonding for all commonly owned private improvements and any required public improvements. Final plats may be recorded "as built" for attached units or "as platted" for individual lots and multiple plat recordings are anticipated. This ensures the developer has the funding secured to complete all required improvements in each specific project phase and protects the Town in case of a default.
- Major Design Review (MDR), Sketch and Final applications for each component of each phase to
 ensure compliance with the Town's and approved PD Agreement's site and building design
 standards. Ideally, the design standards established for the OPD will perform to the level of the
 current standards, or better. MDR typically runs concurrently with Major Subdivision
 applications.

Pre-Application Conference:

On March 10, 2022 the applicant conducted the required Pre-Application conference with Town Staff to present their concept plan and to seek information from staff in regards to allowable uses of the property, development standards and required development application processes. Staff reviewed the

LUDC requirements and direction from the Comprehensive Plan regarding the subject parcel regarding the vision to rezone to the R-22 district. Staff also reviewed utility providers contacts, traffic study and CDOT Hwy 160 access permit, and other infrastructure requirements including water, sanitation, roads and trails as well as open space and park requirements.

Staff Review

In preparing staff's review, we referenced the adopted Land Use and Development Code LUDC, as well as the following documents:

- The adopted 2018 Comprehensive Plan (Town's Future Vision Plan)
 https://pagosasprings.civicweb.net/filepro/documents/21229/?preview=21230
 identified this property as an area of change (AOC #9) to be rezoned to R-22, (22 residential units per acre) on the future zoning map. AOC #9 identified:
 - 1) Change from R-T to R-22 zoning,
 - 2) The change is intended to support higher residential density close to Town, and additional density will help support the investment in infrastructure to support such new development.
 - 3) This area is also recommended to be included within the Put Hill Overlay District (ODPH). The Putt Hill Overlay District is intended to help preserve the open space appearance and preserve trees along the highway frontage.
- The 2017 Smart Growth America 101 report and Fiscal Implications report accepted by the Town of Pagosa Springs,

https://pagosasprings.civicweb.net/filepro/documents/12175/?preview=12177, https://pagosasprings.civicweb.net/filepro/documents/12175/?preview=65992

helped inform portions of the 2018 Comprehensive plan and provided many considerations for crafting a vision for Pagosa Springs' future development, and included the following considerations:

- a. "Look for opportunities to increase affordable housing within and connected to downtown including for Millennials and an aging population along with the complementary services required to meet daily needs"
- b. And generally identified the need to encourage density around core areas of the community to reduce sprawl encourage walkability and take advantage of existing infrastructure.
- The adopted Access Control Plan which indicates a local road network through this property
 that will eventually provide connectivity between uptown and downtown providing local traffic
 networks and reducing the need to use Hwy 160. The ACP also looks to reduce the number of
 accesses to Hwy 160 to help ensure free flowing traffic patterns.
- The adopted Town to Pagosa Lakes Trail Master Plan indicates a non-motorized commuter trail on this property along the Hwy 160 corridor that will eventually help provide pedestrian connectivity between uptown and downtown.

LUDC Article 3, Zoning

The proposed project is located within the Rural Transition (R-T) district, which allows .5 to 2 units per acre, or 45-180 units by right). The applicant is applying for a Planned Development Overlay Zoning with Mixed Use Corridor (MUOC) base zoning to allow *site specific considerations for allowed uses and development standards that vary from the base R-T zoning standards.* Staff has reviewed this application under the LUDC provision for sketch/concept Planned Unit Development (PD) Overlay District.

3.3.3. RURAL TRANSITION (R-T)- EXISTING ZONING:

The R-T district is intended primarily for detached single-family residences (and duplexes and patio homes if clustered). The district is intended to provide a transition between Town neighborhoods and the R-A (Agricultural/Residential) district on large parcels of land with population densities higher than the R-A district, but lower than the R-6 district. Landowners may develop large lot single-family res identical, or cluster residential units on smaller lots to conserve space, views, agriculture or equestrian land, and other natural features. Clustering should occur near the edges of property close to existing or planned development. Density can range from one unit per two acers, to up to two units per acre, with more density being allowed proportionately with increased dedication of land for conservation purposes.

The features of the MU-C district most pertinent to this proposal are <u>underlined</u>. While this area was identified for R-22 zoning in the Future Land Use Map in the 2018 Comprehensive Plan, staff supports the applicant's request for MU-C zoning as a better transition from the downtown core to a highway corridor with residential as well as commercial uses, within the PD Overlay and accompanying agreement.

3.3.3 MIXED-USE CORRIDOR – (MU-C) The MU-C district is intended to allow for the <u>vertical or horizontal mixing of uses</u>, including some high-density residential, along major highways. Commercial uses are appropriate including retail offices, <u>hotels</u>, and <u>tourism-related businesses</u>. The district is <u>intended to promote gradual development and redevelopment of existing commercial corridors to become more vibrant and attractive mixed-use areas that also contain some housing</u>, offices, and light trade.

3.5.1. PLANNED DEVELOPMENT OVERLAY (OPD) - APPLICANTS PROPOSED RE-ZONING:

The Planned Development (OPD) Overlay District is enacted pursuant to the Planned Unit Development Act of 1972 as amended, §§ 24-67-101, et seq. C.R.S. The district is intended to:

- A. Allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood;
- B. Permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community; and
- C. Encourage the preservation of critical environmental resources, provide above average open space and recreational amenities (as applicable), include exceptional and innovative design, and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

2.4.2.D.3 (a) PLANNED DEVELOPMENT OVERLAY DISTRICT APPROVAL CRITERIA.

The Town Council may approve rezonings to the PD overlay district and the associated concept plans, and the Planning Commission may recommend approval, if the rezoning meets all of the criteria for general rezonings in Section 2.4.2.C.2. and also the following additional criteria:

(i)The PD addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Land Use Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments; and

(ii)The PD rezoning and concept plan is consistent with the PD purpose statement in Section 3.5.1.

(b) Conditions of Approval

The following shall be standard conditions of the approval of all PD applications:

(i) The development standards set forth within the applicant's submitted Concept Plan shall be deemed to be incorporated within the action of the Town Council in its approval of the application for PD except as modified herein. All future development within the boundaries of the PD overlay district shall comply with the terms of the approved Concept Plan.

(ii) The requirements of the general zoning district(s) in which the property is located shall

(ii) The requirements of the general zoning district(s) in which the property is located shall remain applicable within the PD overlay district except as modified within the approved Concept Plan and as may be further modified by the Town Council in its approval of the application for PD.

(c) Protests Any owner of property affected by a proposed amendment to the Official Zoning Map may protest the amendment pursuant to the statutory requirements of <u>CRS Section 31-23-305</u> (which effectively states that rezoning requires a favorable vote of two-thirds of [Town Council] to become effective.

<u>Colorado Revised Statutes § 24-67-102 (1):</u> The Planned Unit Development (PUD)Act of 1972, revised in 2016, In order that the public health, safety, integrity, and general welfare may be furthered in an era of increasing urbanization and of growing demand for housing of all types and design, the powers set forth in this article are granted to all counties and municipalities (for various reasons stated in the Statute regarding efficiency of land use, public health, conservation, flexibility of design, etc.).

LUDC Article 4. Allowable Uses

The 2018 Comprehensive Plan identifies this property in the Area of Change/Future Zoning Map to be rezoned to R-22 (high-density residential) which allows attached (multi-family) dwellings. Planning staff believes the appropriate avenue to consider the proposed development is under a Planned Development Overlay (OPD) District (LUDC sections referenced above) that would contain allowances for: multifamily and single-family residential units utilizing varying densities based on the land that would preserve trees which honors the intent of the Putt Hill Overlay, avoid terrain challenges, provide for some smaller scale, less intense commercial uses, all in accordance with an eventual PUD Agreement. As indicated above, the AOC contemplated rezoning of this area to R-22, however the intent is likely better suited to a MU-C to recognize the highway frontage and associated visibility, to accommodate lodging units and a mix of dwelling types. Limited commercial is being proposed, and MU-C would allow for some commercial uses in the future.

The 80 acres proposal includes an acreage breakdown of:

9.10 acres: Open Space/trails/Preservation

19.7 acres: Roadways

2.75 acres: Clubhouse and Amenities:

40.45 acres: 445 residential dwelling units = 11 units per acre, below that considered in R-22.

8 acres: Lodging Cabins

LUDC Article 5, Dimensional Requirements

The PD overlay district allows for the consideration of PD-specific dimensional standards. <u>Setbacks:</u> Staff recommends considering minimum separation distances between lodging cabins uses and residential uses; particularly through buffering or terrain changes. The specified setbacks in the respective districts are listed below; Staff recommends utilizing clustering, buffering or other techniques within the development for establishing internal setbacks. In addition, the Comprehensive Plan contemplates this property to be within a Putt Hill Overlay District which would support additional buffering features (preserving significant tree cover, placing roads and structures further from the highway, locating roads internally, rather than visible from Highway 160, etc.) Staff recommends using the guidance from the Draft LUDC revision for the setback along with Hwy corridor for the contemplated Putt Hill Overlay District which contemplates an 80' front setback along the Hwy 160 corridor with buildings allowed at 40' setback, resulting in a meandering setback to help preserve trees and natural terrain while providing commercial building exposure from Hwy 160.

Clustering residences and landscaping treatments, use of open space and similar provisions support a reduction in the setbacks specified as follows:

<u>Front Setback:</u> 25 feet (R-T); 40/20 ft (MU-C); **Staff recommends using the Comp Plan and** anticipated revised LUDC as guidance for along Hwy 160 corridor, thus 80' setback with buildings allowed at 40' setback.

<u>Side setback:</u> 10 ft (R-T); 5 ft (MU-C) <u>Rear setback:</u> 10 ft (R-T); 5 ft (MU-C)

<u>Building Height</u> allowances should be established with higher maximums for higher densities near the center of the property, to preserve views and to aid in buffering near the boundaries of the property. The LUDC specified height limits for the zone districts are:

Building Height: 28 ft (R-T); 35 ft (MU-C)

<u>Landscaping</u> should be provided throughout the development, including in small spaces adjacent to individual dwellings, to buffer between residential and non-residential uses, and along the highway. Staff generally supports the current 15% minimum specified in the LUDC for the overall site. Landscaping minimum of 15% of the total site is specified in the LUDC.

<u>Density:</u> a variety of densities based on the location within the development are supported through a Planned Development Overlay District (PDO) and should be specified in the Planned Development (PD) agreement to guide subsequent phased planning and build out. Localized densities may exceed the allowed density provided that the overall density does not exceed that allowed.

Utilizing creative design and clustering options provide support for increased density, as does the provision of restricted workforce housing units.

The LUDC allows the following densities by zoning district:

Density: from .5 by right, up to 2 du/acre with a clustering option) (R-T); 16 du/acre (MU-C). Applicants proposed residential density is 445 units on 40.45 acres = 11 units per acre. The Final PD Agreement and land use map shall specify locations and areas and list proposed maximum dimensions (setbacks, buffer areas, landscape minimums, density maximums, building types and heights, and other dimensional features).

LUDC Article 6, Development and Design Standards

Below are sections of the LUDC that should be incorporated into the consideration of the Planned Unit Development Agreement:

6.2 Flood Damage Protection Regulations:

The property is not within a mapped FEMA floodplain, however, it is part of the upper West McCabe Creek drainage and will need consider the historic drainage volumes through the property.

6.3.1 Construction Erosion Control:

The project requires a Colorado Storm Water Management Plan Permit and the installation of "Best Managements Practices" (BMPs) shall be installed for storm water erosion control during construction activities and maintained in place as function erosion control structures until re-vegetation has been reestablished to a minimum of 70%. *CO SWMP required for duration of construction*.

6.3.2 Site Drainage / Drainage Analysis:

The applicant has provided a preliminary conceptual grading plan indicating two areas for detention facilities. A drainage study and grading plan shall be provided with either the Final Design Review or the PD Overlay (final rezoning) application. Drainage facilities will be required to be completed with their associated development areas or phases and specified in the PUD Agreement. "On-site storm water detention is required for runoff that represents the difference between the 100-year historic and developed storm runoff and shall limit the rate of runoff from the site to the 100-year historic flow rate". To be submitted with Final Major Design OR PD Overlay Rezoning (and PD Agreement) Review Application.

6.3.3 Snow Storage:

LUDC 6.3.3: "Adequate space for snow storage shall be provided. For planning purposes, one (1) square foot of snow storage space is generally necessary for each two (2) square feet of area to be cleared". Snow storage areas have not been identified on the site plan and shall be provide at Final DR application. Snow storage areas shall provide a route for this drainage to reach the drainage detention facility. To be submitted with Sketch and/or Final Major Design Review Application.

6.3.4 Sanitary Sewer and 6.3.5 Potable Water: The development will connect to Pagosa Area Water and Sanitation District facilities for water and sewer. The applicant is considering if a private package plant for sewer would be more effective, however, initial cost estimates may indicate it would not be cost-effective or timely. Both the water and sewer modeling details were submitted to the respective districts the early part of June and the applicant must await upgrade requirements from the districts before a final design can be completed. The applicant provided a conceptual utility plan which generally indicates connections. The applicant shall provide a master utility plan and verification from all utility providers regarding availability of service. Written confirmations from utility providers to be submitted with the Final PD Rezoning Application; designs for required upgrades will be required prior to subdividing.

6.4 Sensitive Area Protection: The proposed development appears to include potential scattered wetland areas. An updated wetland delineation report shall be provided by and prepared by an environmental consultant to determine the boundaries of the onsite wetlands. Protection of any identified wetlands shall be required during construction and during revegetation of the site, thus a plan

shall also be submitted demonstrating how these areas will be protected. Additionally, Pagosa Skyrocket and other listed endangered plants and animal specifies may be present, thus requiring an environmental consultant's analysis and report. The environmental assessment has been contracted. The Environmental Assessment and plans for any recommended mitigations shall be submitted with Sketch and/or Final Major Design Review Application.

6.6. - ACCESS AND CIRCULATION 6.6.1. PURPOSE

The purpose of this Section is to support the creation of a highly connected transportation system within the town in order to provide options for mobility, including vehicles, transit users, bicyclists, and pedestrians; increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; and mitigate the traffic impacts of new development.

This property is within the Hwy 160 corridor and included in the area of the Access Control Plan (ACP) adopted by TOPS, Archuleta County and CDOT. The ACP contemplates conceptual local road network routes for the creation of local road networks and limiting the points of access to Hwy 160, generally to improve the local road network system and reduce the need to widen Hwy 160 through Town. The conceptual plan includes a proposed roundabout aligning with 14th Street, consistent with the ACP. This would provide the primary access to the development. A second access is proposed to S. 10th Street. A traffic study is required to ensure a full understanding of the traffic impacts and resulting required improvements the developer will need to provide. A CDOT Access Permit will be required and will need to include the impacts at Hwy 160 and 10th Street. Staff suggests the applicant work with staff to determine the best local roadway network alignment that supports free flowing traffic for future connectivity to the west in the future. Staff is comfortable with the conceptual alignment to 10th Street.

6.6.2 (B.) Residential development of more than 100 units shall be required to provide vehicular access to any adjacent public streets, and a **minimum of** two street access points, unless deemed impractical by the Director. There are only two likely and logical access points, as proposed, to this development although the applicant is encouraged to work with adjacent property owners to plan for future connections with eventual subsequent development. Applicant is also required to work with the Pagosa Fire Protection District for ensuring appropriate emergency accesses.

6.6.2 (C.) Connections to Vacant Land: where new development is adjacent to land likely to be developed in the future, all access ways, streets, trails in the development's proposed street system shall continue through to the boundary lines of the area as determined by the Director, to provide for the orderly subdivision and development of such adjacent land [in the future]. The concept plan includes 3 locations where the roadway may be connected to adjacent land in the future; two on the west adjacent to the Stanger property and one to the south, the Putnam Homestead property. Staff requests the applicant work together to determine the best future connections. Also, staff suggests the applicant provide in their traffic study a larger map that helps explain how the future connectivity will benefit neighboring properties.

The internal roadway system is in initial concept at this time. Cul-de-sacs and dead-end roads are highly discouraged (E.) and road segment lengths are subject to Pagosa Fire Protection District regulations.

A detailed traffic study and access plans are required to be submitted with the Preliminary Major Subdivision application, including a CDOT Access Permit application and status. All private and public roads must comply with Town roadway design standards, including street/sidewalk lighting.

6.6.5. SIDEWALKS, MULTI-USE PATHWAYS, AND TRAILS

A. Intent.

1. The intent of the standards for sidewalks, multi-use pathways, and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians. Any person who seeks approval of a development activity generating pedestrian or bicycle traffic shall provide sufficient pedestrian traffic improvements as defined in this Land Use Code, including portions of collector or regional street improvements. The improvements shall facilitate or mitigate the pedestrian traffic generated by the development and allow convenient pedestrian access through or across the development, and join with pedestrian ways on adjacent properties. Applicant shall submit with their Final PD application and Major Subdivision application processes their planned sidewalk/trail pedestrian facilities and connections throughout the development, including crosswalks and any on-street bicycle lanes as applicable; consistent with all provisions of LUDC section 6.6.5. This includes the proposed 10' public trail to accommodate the Town to Pagosa Lakes commuter trail alignment along the Hwy 160 corridor.

6.8.4. BUILDING DESIGN: Since the applicants provided "Possible" Building Elevations are not certain at this time, each proposed phase and structure will be required to be reviewed for consistency with the executed PD Agreement and current LUDC Design Guidelines at the time each phase is being contemplated for development, during the Major Design Review application processes for each project phase.

2.4.2.D.3 PLANNED DEVELOPMENT OVERLAY DISTRICT CONCEPT APPROVAL CRITERIA.

The Town Council may approve rezonings to the PD overlay district and the associated concept plans, and the Planning Commission may recommend approval, if the rezoning meets all of the criteria for general rezonings in Section 2.4.2.C.2. and also, the following additional criteria:

(i)The PD addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Land Use Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments; and

The application proposes a concept for a master planned community that includes a unique blend of residential units, lodging, commercial businesses, and associated amenities including pickleball courts, outdoor theater, park space, and swimming pool. The application also includes public benefit through the preservation of trees, local road network for compliance with the access control plan, open space dedication, and workforce housing units to be built in each phase. The workforce

housing units serving 40-120% of AMI with a proportional number provided in each phase will be incorporated and formalized into the PD Agreement. The proposal includes 78 workforce units, with 27 of those (34.6% of the total) in Phase 1, 25 units (32%) in Phase 2, and the balance of 26 units (33%) in Phase 3. For reference, "workforce" rents for studio and 1-bedroom units (including utilities) range from \$576 (40% AMI) to \$1,851 (120% AMI). Ownership units are also proposed which can be formalized for affordability in perpetuity. The applicant also proposes the investment in water and sewer infrastructure to serve the development, that will also ultimately improve those infrastructure networks.

(ii)The PD rezoning and concept plan is consistent with the PD purpose statement in Section 3.5.1. **3.5.1. PLANNED DEVELOPMENT OVERLAY (OPD):**

The Planned Development (OPD) Overlay District is enacted pursuant to the Planned Unit Development Act of 1972 as amended, §§ 24-67-101, et seq. C.R.S. The district is intended to:

- A. Allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood; A more detailed and expanded concept map has been submitted with the revised application and shows the internal intended land uses and street alignments. Suggest the applicant provide proposed specific dimensional and design standards to be considered for inclusion into the final PD Agreement, to help demonstrate full compliance with this statement. Staff finds the proposed concept generally complies.
- B. Permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community; and as presented in the concept and narrative, a variety of housing types is provided among lodging and some small-scale commercial uses, thus generally complies. Staff suggests details on commercial use types and scales including design standards be included in the PUD Agreement.
- C. Encourage the preservation of critical environmental resources, provide above average open space and recreational amenities (as applicable), include exceptional and innovative design, and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. As presented in the concept plan and accompanying narrative, and conceptual building elevations, this generally complies with the inclusion of public recreational amenities (trails, lap pool, pickle ball), tree preservation goals, and dedicated open space. More information on the internal road system and utility extensions should be provided as they become available and incorporated into the PUD Agreement as applicable.

The Planning Commission considered the conceptual PUD Overlay District zoning application on May 4, 2022 and continued their consideration on June 28, 2022 and approved, 3-2, a motion for Town Council to Approve the Pagosa Views Planned Development Overlay District Zoning application with the following conditions to be submitted to staff for the draft PUD Agreement and prior to the Final PD Rezoning application submittal:

- 1) Along with the concept plan map, include descriptions of each of the type of uses including specific design standards to be applied to various construction types and uses, which will be incorporated into the PD Agreement and will run with the land;
- 2) Base zoning be changed from Rural Transition (R-T) to Mixed-Use Corridor (MU-C);
- 3) Include a detailed phasing plan for the entire development including numbers and types of units;
- 4) Add to the details of the proposed workforce housing description: types and sizes of units, along with

- the varying AMI levels to be served, recommend a more proportional distribution of the 80 workforce housing units among the 3 phases to avoid more than half the units being constructed in the last phase;
- 5) Provide a more functional local roadway network that supports free flowing traffic from the west and through the development to 10th Street;
- 6) Provide results from the water and sewer modeling and planned infrastructure improvements;
- 7) Draft the PD Agreement, that should include the general and specific elements as listed above and:
 - a. Prohibition of short-term rentals;
 - b. Prohibition of outdoor storage of personal items;
 - c. Preliminary construction and phasing schedule that outlines the timing for provision of all elements including workforce housing units, public and private amenities, roads, infrastructure, landscaping, maintenance, housing units, lodging units, amenities, etc. and whether roads and amenities are public or private.
- 8) Details on the management and operating structure for the varying portions of the development.

Alternative Actions:

Move to Approve the Pagosa Views SKETCH Planned Development Overlay District Zoning application with the following conditions to be submitted in the Final Planned Development Overlay Zoning application and Inclusions into the Draft Planned Unit Agreement:

- 1. Provide an update on the status of the water and sanitation modeling and identified infrastructure improvements.
- 2. Provide an update from LaPlata Electric Association, Black Hills Natural Gas, and Communication utility providers regarding ability to serve the development and infrastructure improvement needs.
- 3. Provide an update on the status of the traffic study and discussions with CDOT for Hwy 160 access.
- 4. Provide any proposed plan revisions.
- 5. Include at least the following into the Draft Planned Development Agreement:
 - a. Deed restricted workforce housing units and proportionate distribution of AMI categories for both rental and ownership units for each project phase.
 - b. Prohibition on short term rentals for residential units.
 - c. Prohibition of outdoor storage of personal items.
 - d. Open Space acreage dedications.
 - e. Local road network and Hwy intersection improvements in compliance with Access Control Plan.
 - f. Town to Pagosa Lakes Commuter Trail installation.
 - g. Tree preservation requirements.
 - h. Public access to amenities.
 - i. Allowance for up to 12 residential units per acre for gross residential acreage.
 - j. Design standards including at least height allowances and setbacks.
 - k. Specify allowable uses that include: up to # of Single Family Residential units, # of Residential Condominium Units, # of Residential Apartment Units, 144 Lodging Cabins and square feet of Commercial business space.
 - I. Project Phasing Plan and inclusion of public facilities in each phase.
 - m. (Plus others as determined by the Town Council)

Move to Continue consideration of the Pagosa Views Planned Development with ... [specific guidance to the applicant] to [specify a date and additional requests as applicable]

Move to Deny the Pagosa views Sketch Planned Development Overlay District Zoning application, finding the conceptual sketch plan does not meet the intent of the Planned Development approval criteria, [include specifics in the motion]

General Development Information (Project Narrative: revised 7/10/22)

We are proposing to create a mixed-use master planned community along Highway 160 about 1 mile west of downtown Pagosa Springs. The growing popularity and absolute beauty of the Pagosa Springs area is what piqued our interest in developing a mixed-use community in southern Colorado. We currently have the subject property in escrow and our goal is to secure Town Council approval, project funding and then commence infrastructure construction by the 4th quarter of 2022. The site is 79-80 acres, hilly, and covered in beautiful ponderosa pine trees. Removal of as few trees as possible is our goal when developing this property. The Town "general plan" and desire for this property is a higher density, primarily due to the location of the property, being so close to the downtown employment core. From this location residents would easily be able to walk or ride a bike into the downtown area. Our project goal to create mixed residential densities, including several multi-family buildings. The multifamily buildings are the best path to providing "workforce housing" for the residents of Pagosa Springs. Our recent Market Study, prepared by Prior & Associates out of Denver, indicates is a tremendous need for market-rate rental apartments and affordable "workforce housing" units, as define by the town of Pagosa Springs. We are prepared to offer 10% of our total residential dwellings as "workforce housing", which is expected to equate to 80+/- dwellings of both "rental" and "for-sale" housing. The proposed residential uses for this property would include; 3/4-story condo's, 3-story apartments and, 1-story homes and Cabins. In conjunction with the mix of residential dwellings an 8-acre section of the project will be a Lodging business consisting of nightly and weekly "tinyhouse" rentals and some glamping units. Some of the roadways and drives throughout this mixed-use community will be paved private roads, to be maintained by the developer and eventually the master HOA, while other roads would be public roadways. At this time, we have not selected a name for this community so, for now we will refer to it as "Pagosa Views, a lifestyle community". The first public hearing in front of the P & Z commission was held in May and P & Z voted to approve our project development plan. Several residents expressed their opinions of this project, as did the P & Z commission. All of the concerns expressed by the public and by the P & Z members were noted and

numerous revisions have been made to the original Pagosa Views site plan and business plan.

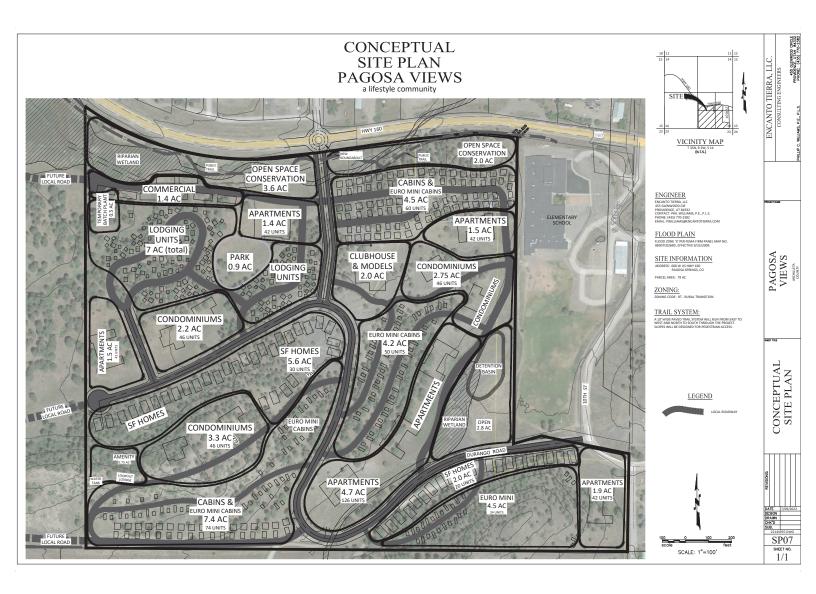
Water & Sewer; the current capacity of the sanitary plant and the water plant has been a major topic of discussion. That said, our development team has been working hand-in-hand with both utility Districts to determine the cost of expanding these utility Districts in order to accommodate the proposed Pagosa Views development. The developer has paid the "districts" to cover the expense of performing sewer & water "modeling" reports, needed in order to determine the cost related to expanding these utility plants. The cost to expand capacity will be paid by the developer over the next 1-8 years.

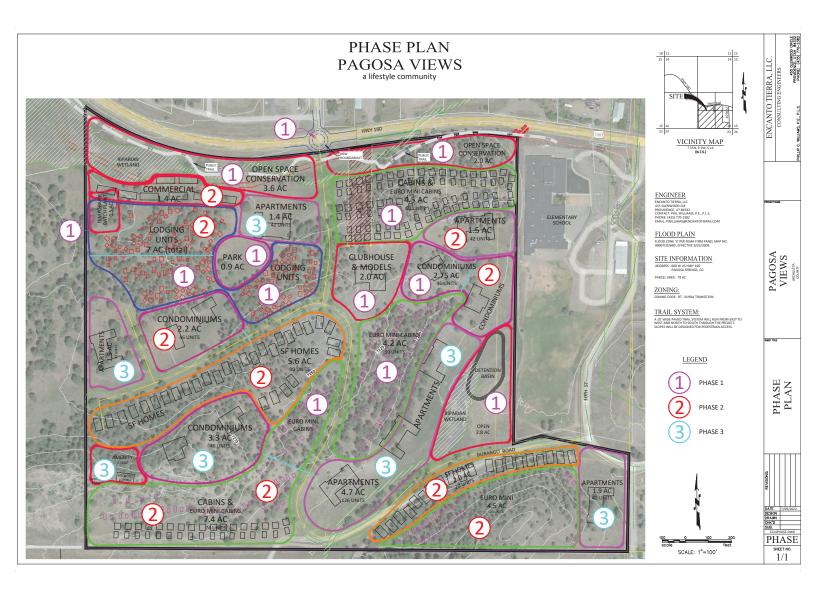
MIXED-USE, Rental and For-Sale Dwellings: this project is projected to consist of approximately 47% rental units and 53% for-sale units. The "for sale" housing product will range in prices from \$180,000 to \$640,000. That said, the majority of the for-sale dwellings will be in the \$280,000 to \$490,000 price range. Our goal is to build, rent and/or sell 80 to 110 dwelling/units per year. We have a track record of selling 800-1200 dwellings per year in the large market areas. Our attached and detached dwelling unit sizes contemplated for the Pagosa Views marketplace will range in sizes from 340 sq feet up to 1900 sq feet.

PAGOSA VIEWS AMENITIES (indoor & outdoor): this project is planned to be rich in Amenities, such as:

- A 10-ft wide paved walking & bicycle trail system (available to everybody)
- A 7,000 sq foot Clubhouse (with fitness rm, game rm, meeting rm, and a Bistro that will offer beer and wine beverages
- An indoor pickle ball facility (open to the public)
- Outdoor pickle ball courts (open to the public)
- An indoor "lap pool" and 5-6 outdoor hot tubs
- kids "splash pad" and a playground
- Several BBQ Gazebos, Horseshoe pits, etc.
- An outdoor theater for movies & events (open to the public)

In closing, we believe the beauty and lifestyle of Pagosa Springs is why people are attracted to this southern Colorado town. The knowledge and experience of our development team will just help those people that are not familiar with Pagosa Springs discover it. FYI, there is a five-member developer/owners team involved in creating, selling and operating this development project. Three of the five will be on-site full-time, living in Pagosa Springs until the project has been completed.





Pagosa Views: Workforce Housing Commitment

As the developers of the Pagosa Views mixed-use development we are committed to making Pagosa Springs a more affordable place to live, work and raise a family. That is why we are prepared to integrate "workforce housing" into our entire residential development project. Ten percent of the dwellings sold and leased will qualify as workforce housing as per the 2021-2022 Town of Pagosa Springs written guidelines. The Pagosa Views "Land Use Summary" which has been provided to Town's planning department and the Town's Water District outlines how the project is being built in 3 phases. Workforce rental and for-sale dwellings will be included in all 3 phases, beginning in 2024 when the project will be opening for business. All workforce housing dwellings will be the same size and materials as the "market rate" dwellings and integrated into and throughout the entire development. We commit to work in a spirit of cooperation with Town officials to identify and select those residents of Pagosa Springs that are qualified to participate in this program. This public/private sector partnership shall be ongoing through the completion of the project and beyond. Thus, once the developer has completed the project and turns the completed community over to the master HOA, the master HOA shall continue management and oversight of the workforce housing. The delivery schedule of housing units is as follows:

PHASE-ONE (2023-2025)

- ➤ (7) WF Condo Units (for-sale or for rent)
- (20) WF Euro mini-Cabins (for-sale or for rent)

PHASE-TWO (2026-2028)

- > (7) WF Apartment Units (for rent)
- ➤ (6) WF Condo units (for-sale or for rent)
- > (12) WF Euro mini-Cabins (for-sale or for rent)

PHASE-THREE (2029-2031)

- > (25) WF Apartment Units (for rent)
- ➤ (1) WF Euro mini-Cabins (for-sale or for rent)

Workforce Housing shall be distributed in the various AMI income categories:

- AMI segment of 40-60%......26%
- AMI segment of 60-80%......26%
- AMI segment of 80-100%......26%
- AMI segment of 100-120%......22%

Pagosa Views Land Use Summary

		Phases		
	One	Two	Three	
Description	2023-2025	2026-2028	2029-2031	Total
Apartments: (6) 42-unit Buildings	0	42	210	252
Apartment Breakdown: Market Rate		36	182	
Workforce Apartments		7	25	
Condominiums: (6) 23-Unit Buildings	18	69	46	133
Workforce Condo's	7	6	0	
Large Single Family Homes	0	48	12	60
Cabin-homes: Single Family	59	39	0	98
Euro-Mini Cabins 1 Toilet, 1 Shower, 2 Sinks in each	80	52	0	132
Workforce mini-cabins	20	12	1	
dging Business: (144 nightly rental Units) et, 1 Shower, 1 Sink per Unit, no kitchens	60	64	20	
Equivalent Units (EU)	72			72
			Equivalent Units	747

Land Use Breakdown	Acres
Preservation / Trails/ Open Space	9.10
Circulation and Roadways	19.70
Clubhouse and Amenitites	2.75
Apartments	10.90
Condominiums and Townhomes	9.15
Various Cabins	20.40
Lodging Business	8.00
Total Acres	80.00

7/9/2022 Page 21 of 30 747 EU's Land Use doc.xlsx

Management and Operating Structure for the Pagosa Views Mixed-use Residential Community

The Pagosa Views development project will be managed and operated by a team of five experienced real estate owners/developers. They are as follows; Carl Bommarito, Peter Lesio, Phil Williams, Lyndon Hansen and Andrew McFarland. Two of the five principals will be living on the project site as it is being developed. The other three partners will be on site on a regular basis, as needed. The clubhouse facility, bistro café, sales/leasing office and the pickleball courts will be operated by the developers and their staff. Every sector of this planned community will be governed by CC & R's and fall within the master HOA, including the Architecture Review Board. We believe our biggest challenge when creating a project of this magnitude will be maintaining construction pace at the same pace as sales and leasing. Finding and keeping skilled construction labor appears to be a challenge in every Colorado mountain town. Two larger Farmington contractors will be teamed up to lead the construction effort. They will be utilizing some local sub-contractors if available and, many sub-contractors from adjacent cities and towns.

Management of the various sectors in Pagosa Views will be as follows: **Apartments**: One of the five project principals currently owns and self manages over 800 apartment units. He will hire a local experienced apartment manager and oversee all aspects of apartment leasing, maintenance and management.

Condominiums: A local property manager will be hired to oversee HOA operations. This person will oversee the daily maintenance and management of all the condominium buildings. According to the local Pagosa Springs realtors, the main concern of potential condo buyers is the cost of HOA fees. The fees at many existing condo complexes can be as high as \$400-\$500 per month due to years of facility neglect. We have now completed our operating cost/analysts and determined that our average monthly condo HOA fee will be \$165 in comparison.

Community Clubhouse: Within our community Clubhouse there will be a fitness room, sales/leasing center, lap pool, kids splash pad, social lounge, pickleball courts and a Bistro-Café. Since the developers' offices will also be located inside

the Clubhouse, one of the five project principals will oversee Clubhouse staff and operations.

Lodging Business: The nightly /weekly rental vacation units will be owned, managed and operated by the project development team. Lodging units will consist of family cabins, couples' cabins, 12-bunk treehouses and couples glamping units. The treehouses and glamping units are only for warmer weather use. Common hotel software will be used to take reservations and manage the daily operations. Since lodging is a 24/7 business, three local Pagosa residents will be hired to manage, oversee and operate the lodging sector of the Pagosa Views community.

Retail/Restaurants/Sm. Office Village: In 2026 we plan to open and operate commercial spaces along the Hwy 160 corridor. The theme and design of this commercial village will be consistent with the theme and design of the entire Pagosa Views community. One of our development team principals will be in charge of the leasing, management and operations. As with the apartment buildings and the lodging units, the commercial-retail village will be within its own LLC structure and accounting general ledger, as at some point in the future it will likely be sold to a local Pagosa Springs business-person.

Pagosa Views Summary of Housing to be Offered

Within the proposed master planned community of Pagosa Views we plan to offer housing "for-sale" and "for rent" in all sizes and in all price ranges. We also plan to restrict short term rental of all dwellings owned by individuals, utilizing a restrictive covenant within our Master HOA documents. No rentals in periods of less than 30-days will be permitted within the residential areas of the Pagosa Views community. "Workforce Housing" dwellings, rental and "for-sale" will be integrated throughout the entire community. Below is a summary of our various housing products.

Cabin Homes: Two models will be offered for sale, both are just under 1,000 sq feet in size, with tall ceilings and exposed roof trusses. Both models will be 2-bedroom and 1.5 bathrooms. A detached 2-car garage is included with every cabin home. \$380,000 to \$430,000 is the expected price range, based on the current cost of construction materials.

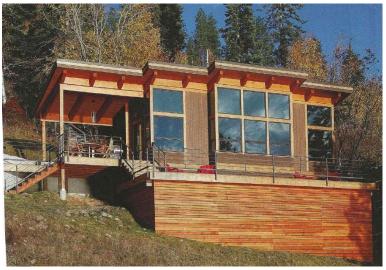
Larger Homes: Four models will be offered for sale in the 1360 to 1890 sq foot range. All will have 3-bedrooms, 2-bathrooms and 2.5 car garages. Two models will be designed for families with kids and two models will be luxury homes with exposed wood trusses, high-end kitchen appliances, 8-foot doors and more. \$480,000 to \$630,000 is the expected price range.

Condominiums: Each condo building will be a combination of 3 and 4 stories in height. The condo units will range in size from 652 sq feet to 1,888 sq feet. Buyers will be able to choose from (1 ea.) 1-bedroom model, (3 ea.) 2-bedroom models and (1 ea.) 3-bedroom model. Each condo building will be equipped with stairs, an elevator, a rooftop 6-person hot tub, a 5 x 5 storage room per unit and a covered bicycle ramada. All units will have oversized balconies and covered parking for two vehicles per unit. \$275,000 to \$419,000 is the expected price range, except for the large 3-bedroon unit which will likely be priced around \$650,000.

Euro-Mini Cabins: Two models will be offered "for-sale" or on a 3-year Lease term. Both of the Euro Cabins are approximately 340 sq feet, 1-bedroom, 1-bathroom and a nice but smaller kitchen. Both models will have a large outdoor

deck, however, no covered parking or garage. Each Euro Cabin will have a 10 X 10 foot storage room within a storage building on the Pagosa Views property. This 10 X 10 storage room will be provided at no additional cost to each occupant of a Euro Cabin. \$159,000 to \$179,000 is the expected price range for the Euro Cabins. We are expecting tremendous demand for the Euro-mini Cabins.

Apartments: Apartment buildings will not exceed 3-stories in height; thus, they will not have elevators. Each apartment building will have a covered bicycle ramada and a covered BBQ ramada for all residents to utilize. Each apartment unit will be provided with a 5 X 10 foot storage room, at no cost to the resident, within a storage building close to the apartment building. Apartment units will be offered in various sizes, from studios up to 3-bedroom units. Apartment units will likely range in prices from \$590 (WF) up to \$1,850 per month.



POSSIBLE CABIN DESIGN



POSSIBLE MINI-EURO CABIN DESIGN





POSSIBLE CONDOMINIUM DESIGN



POSSIBLE CONDOMINIUM DESIGN





POSSIBLE APARTMENT DESIGN



POSSIBLE 3 BR HOME DESIGN



POSSIBLE APARTMENT DESIGN

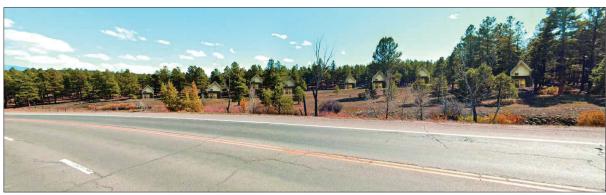
Major Differences between Submittals 7/09/2022

Below are bullet points outlining the major differences between this and the last submittal. We have included the questions and topics of concern that we heard in the last P & Z hearing, followed by our responses.

- A Local Roadway Network is now shown on the site plan.
- A separate Phase Plan is now provided.
- A Management & Operations Structure document is now provided.
- Workforce Housing is needed: we will allocate 10% of all our units as workforce housing. An entire detailed outline of how workforce housing will be followed and accomplished has been provided to the town's Planning Director.
- Save the trees: we agree 100% with all the residents that were concerned about the loss of the Poderosa Pine trees. In that regard, we have removed all of the large footprint townhomes and replace them with single-family homes, which will be situated in various positions in between the trees. This applies to all of the cabins, each will be situated in between the trees, thus the lots throughout the project will all be somewhat different in size.
- Trail System: a 10-foot wide, previously approved <u>public</u> trail system along the south side of Hwy 160 is now shown. Additional trail systems throughout the entire project are forthcoming.
- Comments from the hearing requested that our project amenities be open to the public: therefore, our indoor lap pool and indoor pickle-ball courts will be available to the public at a small fee. The Bistro restaurant/bar inside of the clubhouse will also be available to the public.
- The total number of possible dwelling units was a concern for many people at the hearing. Therefore, the R-22 zoning is no longer being requested. A zoning that allows a minimum of 12 units per acre is acceptable, in conjunction with an overall MU-C zoning for the entire 79 acre property. Thus allowing for the use the "lodging and retail commercial" business.
- A CDOT traffic study and an Environmental Study will be ordered after the Town Council hearing. Both of these studies are very expensive and we are prepared to secure both of these studies upon Town Council approval of the PUD and rezoning. We are also prepared to live by what is being recommended by the consultants of the two studies.

- Citizens expressed concern over existing water and sewer capacity. We met with both utility entities are currently working on capacity & model studies to determine if utility line or plant expansions are needed in order to accommodate this large project. We acknowledge that there will be a cost that we will have to absorb if either utility plant needs to expand. At this time, we have provided both utility Districts with a Land Use Summary which shows them how many dwelling units are being built and when these dwelling units would be coming on line. We are now awaiting the water and sewer model results currently being prepared by Plummer & Associates, Inc.
- We have revised the dwelling unit count down from over 1000 units to 747 equivalent units.

CONCEPTUAL VIEWSHEDS PAGOSA VIEWS



HWY 160 AT 15TH ST, LOOKING TO THE SOUTHEAST
THERE ARE OVER 50 SMALL DWELLINGS IN THIS ILLUSTRATION. HOWEVER MANY
ARE CONCEALED DUE TO TREE THICKNESS.

PAGOSA VIEWS

CONCEPTUAL VIEWSHEDS



HWY 160 AT 14TH ST, LOOKING TO THE SOUTH-SOUTHEAST
THERE ARE 7 MULTI-STORY BUILDINGS IN THIS ILLUSTRATION. MANY
ARE CONCEALED DUE TO TREE THICKNESS.

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