

**PLANNING STAFF REPORT
M E M O R A N D U M**

**AN ADDENDUM TO THE TWIN BUTTES STAFF REPORT
DATED JUNE 23, 2008**

TO: DURANGO PLANNING COMMISSION

FROM: PLANNING STAFF

DATE: JULY 7, 2008

**RE: AGENDA ITEM V.A.
Twin Buttes Annexation and Conceptual Development Plan**

BACKGROUND

This Staff Report Memorandum has been prepared as a supplement to the Twin Buttes staff report dated June 23, 2008, and presented to the Planning Commission that evening in public hearing. Staff had alerted the Planning Commission that, because no action was proposed to be taken at the June 23 meeting, some additional information would be presented the Commission prior to the July 7 continued public hearing.

The additional information was to include a Planning Commission level *Annexation Impact Report* (which is attached, and has also been provided in pdf format to the Commission digitally), as well as a *Traffic Impact Analysis Update* that the Director of Public Works had asked the development team to complete prior to action on the conceptual development plan. The Traffic Impact Analysis Update is also attached to this memorandum, minus its appendices, and was also digitally distributed to the Planning Commission in pdf format on Wednesday July 2.

Also attached to this Staff Report Memorandum is a proposed *Revised List of Conditions and Findings*, to be applied to any favorable action on the Twin Buttes proposal. These conditions are an updated list to those included in the June 23 Staff Report, reflecting some additional conditions that are based upon public comment letters as well as a Planning Commissioner request.

ANALYSIS

Annexation Impact Report

The Annexation Impact Report constitutes an analysis of the annexation in accordance with State Statutory requirements. As has been previously noted, the City Council will receive a Fiscal Impact Analysis, essentially a City Council requested supplement to the Annexation Impact Report. It is Staff's understanding that the applicant is contemplating whether to provide voluntarily an Economic Impact Report for the Council's consideration, as well as an Environmental Impact Report. Whether these two latter reports are to be made a part of the public record for the Council hearing remains to be determined. However, the City Manager announced at the July 1 City Council meeting that the City will engage the services of an independent consultant to review the Fiscal Impact Report to be submitted by the applicant to the City. In sum, there will be a thorough fiscal impact analysis completed for this project relative to its impact on the City; however, that is a matter within the Council's purview, not the Planning Commission's.

Traffic Impact Study Update

This is a summary of the information contained in this update. As noted, the Original Twin Buttes Traffic Study focused on three site access locations. The Director of Public Works subsequently informed the applicant that the project's traffic study should be expanded to address four off-site (non-project) intersections: SH 160 and Wildcat

Canyon Road, SH 160 and Tech Center Drive, SH 160 and SH 550 (Doubletree) and SH 550 and College Drive, as well as Highway 160 West roadway level of service.

Analysis periods for these intersections included weekday morning (AM) and weekday afternoon (PM) peak hours, and the analysis years include 2008, 2015, and 2030.

The analysis explored what impact the Twin Buttes project would have on these intersections and whether there were minor improvements or major improvements that would be warranted for these intersections.

The Update summarizes that the major solutions to overall system deficiencies based upon existing traffic are best suited to appropriate state and local governments to identify and implement the major solutions identified.

The Public Works Director informed Planning Staff that the applicant will be asked to contribute a proportionate share contribution to the major system intersection deficiencies should this project be approved at conceptual plan stage and move on to future review stages.

The Update also recommends that Twin Buttes create and implement a Transportation Demand Management (TDM) Program, that addresses public transit, walking, biking, carpooling, car-sharing, community vehicles and other activities and incentives designed to reduce the project's traffic impacts. All these are described more fully in the attached pages out of the Traffic Impact Analysis Update.

There is one additional Comprehensive Plan Policy that is applicable to this Traffic Analysis Update. It is Policy 13.1.12, which reads as follows:

“Traffic congestion is projected to exceed adopted levels of service on 160/550, Camino Del Rio and North Main. For these facilities:

- (1) Conduct periodic reviews of road segment and intersection levels of service (LOS) that account for existing traffic and approved, but un-built development;
- (2) Approvals of development that would impact intersections with substandard LOS for which practical improvements have been identified should be linked to commitments to fund these improvements;
- (3) Minimize the impacts of City development approvals that would deteriorate the LOS through traffic reduction measures or design features;
- (4) Rezoning or land use map amendments that increase traffic generation on the corridor over existing future land use or zoning designations should be avoided; and
- (5) Coordinate with CDOT and La Plata County to manage traffic in these constrained corridors.

Comment: While Durango will not preclude development due to traffic congestion in these constrained corridors, it may require site designs to address access and safety concerns, and/or contributions to fund needed intersection or other capacity improvements.

A number of possible expansions to 160/550 are identified in the 2030 Trip study, all of which provide some degree of relief for congestion when measured against post 2030 conditions. A dedicated corridor for mass transit separate from 160/550 is another alternative, one that would be unaffected by the level of congestion on the highway system. The City should work with CDOT and La Plata County to explore the full range of transportation options that provide solutions over the long term. Such improvements would provide the basis for revising this policy.

For sub-item (2) above, where conditions warrant, the City may require one or more developers to fund proportionate shares of the costs of the improvements. The intent of this policy is to link the timing of development to the availability of all funds for required improvements.

The Comprehensive Plan clearly anticipated that traffic impacts, and congestion, were contemplated and essentially unavoidable on SH Highways 160, 550, Camino del Rio and North Main.

The Public Works Director's recommendation that the applicant fund proportionate shares to the costs of the needed intersection improvements to these congested highways is in keeping with this Comprehensive Plan policy. This issue is referenced in the June 23 Staff report on page 7 and page 19

Staff does recommend the inclusion of an additional condition of approval on this topic, as follows:

New Recommended Condition

“The project shall contribute a proportionate share to the costs of the needed intersection improvements for the Doubletree and College Drive intersections for SH 550 as well as to the proposed Tech Center Drive signalization. These contributions shall be determined based on final approved land uses and traffic generated by the development and shall be addressed in the final PD/Annexation Agreement.”

Planning Staff does not generally get into the details of Traffic Impact Studies. The Commission should anticipate that the City's Engineering Staff will be present to discuss and explain any issues related to this topic at the hearing.

Amended Conditions of Approval

Finally, attached is an amended list of the recommended conditions of approval. As always, the Planning Commission has the ability to amend or add on to this list as it so chooses following the close of public testimony.

VI. ALTERNATIVE ACTIONS -- CONCEPTUAL DEVELOPMENT PLAN

A. Recommend approval of Twin Buttes PD conceptual development plan as submitted subject to the following findings and conditions:

Findings:

The proposal complies with the annexation requirements of the City of Durango and State Statutes and is in general conformance with the goals, objectives and policies of the Durango Comprehensive Plan and the PD review criteria of the Land Use and Development Code.

Conditions:

- 1) Future plan submittals shall be in general conformance with the conceptual development plan and in accordance with City development regulations. The approved residential density at the conceptual plan stage shall be considered a “design density” and shall be as indicated on the conceptual plan for the total project (maximum 595 total units).
- 2) The road standards proposed in the Twin Buttes submittal will have to be approved by LUDC text amendment, to be submitted if City Council approves the Conceptual Plan submittal, prior to Preliminary Plan submittal or review.
- 3) The preliminary plan submittal shall include a description of potential uses for the non-residential areas. Specific non-residential uses to be allowed shall be identified in the PD Agreement.
- 4) Prior to Preliminary Plan submittal, the developer and City staff shall negotiate design/development standards to be applied to this project. Said standards shall be submitted as part of the preliminary plan submittal, shall reflect/complement the existing character of the community, and shall address, at a minimum, lot sizes, setbacks, building heights, architectural styles, materials, colors, etc.
- 5) Preliminary plan submittals shall address the full project area and comply with all requirements of the LUDC including, but not limited to, the following:
 - master utility, road, and drainage plans for the entire project (the City Engineer shall be consulted about the anticipated level of detail of these submittals prior to preliminary plan submittal)
 - subdivision plan showing the location of proposed lots, public land areas and streets
 - a cultural resource survey of the entire project site, including recommendations for treatment of any identified cultural resources
- 6) A detailed wildfire deterrence plan has been submitted as a part of the conceptual submittal. Information on how the applicant intends to comply with the recommendations will be required at the Preliminary Plan stage.
- 7) The preliminary plan submittal shall include a master storm drainage plan for the entire project. Project drainage design shall be in accordance with City storm drainage design standards and shall assure that off-site properties experience no adverse impacts from site runoff/drainage. All on-site drainage improvements shall be the developers’ responsibility. In addition to the storm drainage master plan, a Storm Water Management Plan (SWMP) and Colorado Department of Public Health and Environment (CDPHE) permit application will be required with the Preliminary Plan submittal. The proposed storm drainage system, which uses a biofiltration system, depends on an alternative to standard City cross-sections being adopted through an LUDC text amendment. If the text amendment is not approved, current City standards shall apply.

- 8) The Preliminary Plan submittal shall include detailed plans for improvements for the two access points leading into the site from Highway 160. Said improvements are to be substantially as presented in the conceptual plan submittal, with modifications as required by City staff. Verification of adequate ROW for the road improvements must be provided at the Preliminary Plan stage and the developer shall be responsible for acquiring any additional ROW needed to accommodate the proposed improvements.
- 9) The developers shall be responsible for the installation of all required public improvements determined necessary to serve the development, including any off-site utility and/or street or traffic improvements. Anticipated public improvements include, but are not limited to, utilities, Highway 160 West improvements, streets, trails, drainage facilities, etc. All public improvements shall meet City development standards.
- 10) An amount for an in-lieu payment to the Durango 9R school district will be determined by the school district, as developable space at the site is limited. The amount will be determined before the final plan approval.
- 11) Specific park amenities proposed and responsibilities for maintenance will be clarified as part of the Preliminary Plan submittal.
- 12) If it is the intent of the developer for the City to accept the parks identified in the Concept Plan, all of which are smaller than 5 acres, discussions should occur with the City Parks and Recreation Department regarding the proposed amenities, maintenance responsibilities, and design standards prior to any park site plans being developed.
- 13) The type and location of the trails, associated way-finding and interpretive signage, as well as maintenance responsibilities will need further clarification in during the Preliminary Plan submittal.
- 14) Prior to Preliminary Plan submittal, the developer shall provide more details on how the recommendations of the Draft Wildlife Management Plan will be implemented. The goals and policies of the Wildlife Plan which are to be implemented at Twin Buttes should be addressed in the Preliminary Plan submittal.
- 15) The Colorado Division of Wildlife has requested the following, which has been made into two conditions of approval: "If the City approves the Twin Buttes development, the CDOW advocates using the Draft Wildlife Management Plan as the guiding document for the project.
- 16) The CDOW recommends Lightner Creek Ranch, LLC provide full disclosure to all new and potential residents that the Village Areas are within a known human-mountain lion conflict area and a fall concentration area for black bear.
- 17) The Preliminary Plan shall include a plan to address limiting wildlife access to garbage refuse and trash receptacles.
- 18) The Preliminary Plan submittal shall include clarification of the dedicated open space areas as to who will own/maintain the open areas and what improvements may be accommodated.
- 19) Provisions for addressing affordable/attainable housing within the project shall be incorporated into the Annexation/PD Agreement, with 16% of the units (95 total) to be provided. Applicant shall work with the City and Regional Housing Alliance staff to provide more definition of the types of units and what income groups are targeted as part of the Preliminary Plan submittal.
- 20) Future construction within the PD shall contribute to the City's major street improvement impact fee fund in accordance with the City's adopted major street

impact fee ordinance, unless otherwise specifically agreed to in the Annexation/PD Agreement.

- 21) Maximum building heights within the PD shall be thirty-five (35) feet, unless otherwise allowed by specific action taken by the Planning Commission and City Council.
 - 22) The new water storage facility will be constructed in accordance with the Hillside Design Guidelines, Section 10-13 of the Land Use and Development Code, in order to minimize any visual obtrusiveness in the water tank design.
 - 23) The covenants for Twin Buttes shall require wildlife-resistant dumpsters and or/trash enclosures to be centrally and conveniently located, away from natural bear cover and travel routes. If wildlife-resistant poly container curbside collection is adopted, a dusk-to-dawn requirement that no cans be placed out overnight, and no cans set out before 6 a.m. the morning of collection.
 - 24) The applicant shall ensure that wildlife-resistant containers or dumpsters are provided during construction phases for food refuse generated by workers, in addition to standard containers for disposal of construction waste materials.
 - 25) As requested by the United States Bureau of Land Management, integrate Chapter 2.0, Wild Fire Mitigation, of the Draft Twin Buttes Forest Management Plan into the Twin Buttes development.
 - 26) The project shall contribute a proportionate share to the costs of the needed intersection improvements for the Doubletree and College Drive intersections for SH 550 as well as to the proposed Tech Center Drive signalization. These contributions shall be determined based on final approved land uses and traffic generated by the development and shall be addressed in the final PD/Annexation Agreement.
 - 27) All verbal and graphic representations of the applicants or their agents shall be deemed conditions of approval.
- B. Recommend denial of the proposed Twin Buttes Conceptual Development Plan with specific reasons and findings stated.
- C. Continue consideration of the Twin Buttes Conceptual Development Plan to a date certain with specific directions to staff and/or the applicants.

RECOMMENDED ACTION

By motion, Alternative Action A or C above.