



**PLANNING COMMISSION STAFF REPORT COVER SHEET**

<b>PUBLIC HEARING DATE</b> <b>June 29, 2020</b>	<b>PROJECT NAME</b> <b>Florida Road Mixed Housing Annexation and Planned Development</b>	<b>PROJECT STAFF</b> <b>Mark Williams</b>
<b>PROJECT NUMBER</b> <b>20-096</b>	<b>PROJECT TYPE</b> <b>Annexation, Initial Zoning &amp; Conceptual Development Plan</b>	<b>APPLICANT (PROPERTY OWNER)</b> <b>Stuart Wright, of Wright and Stevens (ML Cummins Real Estate, LLC, owners)</b>

**PROPERTY ADDRESS/LOCATION**  
Parcel #566521200091, west corner of Florida Road and Colorado Avenue

**PROJECT SUMMARY**

The applicant, Stuart Wright, represented by Tracy Reynolds, proposes to annex and develop what has been historically known as the Cummins property. The Cummins property is a 4.18-acre vacant lot at the western corner of the intersection of Florida Road and Colorado Avenue. The property is in an enclave of unincorporated La Plata County

The proposal requires the property to be annexed, and the development will be done as a Planned Development (PD). The annexation and first step of the PD review, the Conceptual Plan, will be done concurrently. The property will have an initial zoning of PD.

Up to 37 units are planned, with a mix of single-family homes, patio homes and townhouses. The developers will dedicate a public street through the project, which will connect Colorado Avenue to Ryler Drive. As discussed in more detail below, these street connections have been planned for ever since Ryler Park was developed in 1993. The project is subject to the City's Fair Share ordinance, and a Fair Share proposal will be created at the Preliminary Plan stage, after the bedroom count of the units is determined.



<b>CURRENT ZONING</b> <b>Unzoned (County)</b>	<b>CURRENT LAND USE</b> <b>Vacant</b>	<b>ADJACENT ZONING</b> <b>PD (Planned Development), EN-5B and EN-5C</b>	<b>COMPREHENSIVE PLAN LAND USE DESIGNATION</b> <b>Residential Medium Density</b>	<b>REQUIRED PUBLIC IMPROVEMENTS</b> <b>Street Construction and Improvements, utility extensions, detention.</b>
<b>SIZE OF PROPERTY</b> <b>4.18 acres</b>	<b>PROPOSED ZONING</b> <b>PD (Planned Development)</b>	<b>PROPOSED LAND USE</b> <b>Residential</b>	<b>PROPOSED DENSITY OR SIZE</b> <b>Approximately 8.9 units/acre</b>	<b>UTILITIES</b> <b>City of Durango</b>

**PROPERTY HISTORY**  
The property has never been developed. A large amount of fill is on the site. A detailed soils report will be required at the next stage of project review.

**COMPREHENSIVE PLAN COMPATIBILITY**  
The Future Land Use Map designates this property as Residential Medium Density. In the judgement of staff, the application meets the Comprehensive Plan.

**DESIGN GUIDELINES & LUDC COMPLIANCE**  
The project is subject to the Annexation requirements found in Section 6-3-11 of the Land Use and Development Code (LUDC). The Conceptual Development Plan Criteria can be found in Sec. 6-3-10-5C.4 and the subdivision criteria in in Div. 2-1-2.  
In the judgement of staff, the application is able to meets all of the applicable criteria.

STAFF RECOMMENDATION			
APPROVE	<b>APPROVE WITH CONDITIONS</b>	DENY	CONTINUE

RECOMMENDED MOTION

**Move to recommend approval of the proposed Florida Road Mixed Housing Annexation, Initial Zoning of PD and Conceptual Development Plan with the finding and conditions as outlined in the staff report.**

<b>ATTACHMENTS</b>	<input checked="" type="checkbox"/> STAFF REPORT	<input checked="" type="checkbox"/> CONTEXT MAP, ZONING MAP & SITE AERIAL	<input checked="" type="checkbox"/> APPLICANT NARRATIVE	<input checked="" type="checkbox"/> SUBMITTED PLANS
	<input checked="" type="checkbox"/> OTHER MAPS	<input checked="" type="checkbox"/> PUBLIC COMMENTS	<input type="checkbox"/> LUDC EXCERPTS	<input type="checkbox"/> OTHER: _____

## **PROJECT BACKGROUND**

This is a request from Stuart Wright of Wright and Stevens, represented by Tracy Reynolds of Reynolds Ash and Associates, for Annexation, Initial Zoning and Conceptual Planned Development approval for the land commonly known as the Cummins property. This 4.18-acre lot is at the western corner of the intersection of Florida Road and Colorado Avenue, south of the Ryler Park neighborhood and east of the Folsom Park neighborhood. The property is in a small enclave of unincorporated La Plata County. It has never been developed or annexed into the city limits.

The applicant plans to develop up to 37 units with single-family houses, patio homes and townhouses. The proposed mix of housing types is specifically detailed and encouraged in the Land Use and Development Code (LUDC), thus the placeholder name for the project of Florida Mixed Housing. The development will be zoned Planned Development (PD), and the flexibility in the PD process will help facilitate the mix of housing types and allow a greater variety in the pricing. A variety in housing prices support the goals of the City of Durango Housing Plan.

The 2017 Comprehensive Plan designates the property as Medium Density Residential, which allows up to 11.99 units per acre, or a maximum of 50 units. With up to 37 units the maximum project density would be 8.85 units per acre. This property has been designated as Medium Density Residential since at least 1997, according to the 1997 Durango Comprehensive Plan.

The lot slopes downward from its high point at the Colorado-Florida intersection, dropping approximately 20 feet over a length of 670 feet, as shown on City GIS. Prior to these measurements an unknown amount of fill was dumped on the site, so the elevations do not reflect the natural, or original, grade. This is significant because building heights are measured from the natural grade. The applicant will need to identify the original grade at the next stage of the project, as the height of the houses on the west side of this project could impact the houses on Folsom Drive.

Mr. Wright would be required to build and dedicate to the City a new public street, with sidewalks and tree lawns on both sides, connecting Ryler Drive to Colorado Avenue through the project. The developer will build a dead-end street that could connect to any future development on the lot south of the Cummins property. The dead-end street will also have sidewalks and tree lawns. The Engineering Division has determined access onto the busier Florida Road, which is an arterial street, is less desirable than access onto Colorado, for reasons that are discussed below. In the City Engineer's opinion, access onto Colorado Avenue is safer than it is onto Florida even though it does not strictly comply with access spacing standards

Through access is better for new development because it is easier for access, snow plowing, refuse collection and emergency access. Having multiple outlets onto Colorado, rather than Florida, increases the safety for the thousands of people who use Florida Road daily, which is an important consideration for the City. To be sure, one additional access will not radically change Florida, but the City must view these access decisions on a citywide scale, and over the span of decades as multiple developments occur. City development codes and policies, fire codes, and general engineering standards are the reasons that staff has required access through Ryler Park and onto Colorado Avenue.

The area around the Cummins property has been growing over the last 25 to 30 years, with new development steadily growing denser than the original 1950s development. Ryler Park, Jameson Court, and Silverview, and even the redevelopment of Florida Road from a rural county road to a multiuse corridor all point to the increasingly urban nature of the Florida corridor. Development in the area ranges from the 1950s-era single-family homes on Folsom Drive, slightly denser development such as Ryler Park and Jameson Court, to the townhouses at Silverview. Ryler Park has a density of approximately 5.3 units per acre, Jameson Court is about nine per acre, and Silverview has 14 units on one acre.

Copies of the applicant's narrative, a conceptual site plan and an annexation map are attached to this report. Comments from the neighbors and the signed annexation petition are also included.

## REVIEW PROCESS

The applicant's submittal includes the application for **annexation, initial zoning and a Conceptual Plan PD**. Each of these three categories has its own set of requirements that must be met for the proposal to be approved. The overall review process follows the outline shown below and is described in greater detail in the following sections, but a brief overview of the process is provided here.

- First stage—the annexation, initial zoning and the Conceptual PD review.
  - Conceptual PD review, LUDC Sec. 6-3-10-5(C). The PD process occurs in three stages—conceptual, preliminary and final. The purpose of the Conceptual phase is to determine whether the development can occur, and the applicant must show that major features such as density, access and general code compliance can meet required standards. Preliminary plan reviews are more detailed and include the Annexation Agreement, detailed engineering plans, design and Fair Share compliance.
  - Annexation, LUDC Div. 6-3-11. Most annexation criteria are set by state statute. If the annexation request is shown to meet statutory requirements it may be approved by the City. The annexation analysis is done at the Conceptual phase, with subsequent annexation review being more procedural in nature.
  - Initial Establishment of Zones, LUDC Div. 2-1-2. This code section requires that the standards of resource protection, compatibility and public benefits, among other criteria, are shown by the applicant.
- Second stage—Preliminary PD review. If Council approves the Conceptual review, the applicant may return to the Planning Commission and City Council for the Preliminary review. The assurance of the Conceptual approval allows the developer to invest more heavily in creating project documents and plans. The round also has public hearings before Planning Commission and City Council.
- Third stage—Final PD review. This is a staff level review meant to finalize details and then have all documents and agreements signed at the end of the Final review.

### **A. Planned Development Process**

The applicant is seeking to develop the property as a planned development in compliance with LUDC Division 6-3-10, *Planned Development*. A PD zone approval constitutes a rezoning and an agreement between the City and owner of the PD property for development in accordance with specific conditions.

This first stage is conceptual but detailed enough to allow Planning Commission and City Council an opportunity to evaluate the general development concept and to identify issues needing further scrutiny in future reviews. It is appropriate for the Commission and Council to make decisions regarding the feasibility of the proposed development and to provide guidance or establish conditions for future stages of review. With conceptual approvals for density, access and infrastructure at this stage, the applicant receives the assurances needed to invest in detailed engineering and design work, and the City can approve a plan that complies with City development standards.

LUDC Section 6-10-3-5(C)(5) states that at the CDP stage a 'design density,' or maximum allowable density, will be established. The establishment of this number does not commit the City to the design density number, and a lower density may result as the review process moves forward. The CDP also establishes the general layout and design concept for the property in question. The subsequent application for preliminary development plan (PDP) approval shall demonstrate consistency with design density, the general layout, and design concepts presented during the CDP review.

A CDP application is required to provide the following information, as stated in Section 6-3-10-5(C)(2):

1. *A conceptual development plan that shows the various existing and proposed types of land uses, depicting their relationship to each other and to surrounding uses. This plan should take the form of a "bubble" map, which locates proposed types of uses in an approximate fashion, including tentative circulation diagrams*

and anticipated buffers or screening, rather than building footprints or precise street layouts.

Development Standards - The applicant has provided a site plan with the layout, proposed detention and access, so it is more detailed than a bubble map. The mixed housing concept is drawn from LUDC Division 3-2-2-2, *Housing Palette*, a section of the LUDC that is useful for infill development. The housing palette has a menu of options that allow flexibility in siting, density, height, open space and dimensional standards such as setbacks. To buffer the existing houses in the existing neighborhoods from proposed higher density development along Florida Road, the project will use lower density single-family and patio home standards for the areas adjacent to Ryler Park and the Folsom Drive neighborhoods. At the Preliminary Plan review the applicant will present a more refined concept, although the current proposal is already detailed.

Staff recommends more restrictive single-family height standards and not the height standards contained in the housing palette, which allows houses of up to 34 feet. The adjoining EN-5 zoning areas allow 29 feet in height (measured from the natural grade) and that should be the maximum height for the single-family and patio home portions of this project. Whether 29 feet or a lower height is ultimately approved is a discussion more suited for the Preliminary Plan review, but guidance can be given at this point.

The housing palette standards allow for smaller rear yard setbacks, and the houses adjacent to the Folsom neighborhood would be allowed to have 20-foot rear setbacks. In EN-5 zoning, these rear setbacks would be 30 feet. Staff suggests requiring the larger rear setbacks. A complete set of dimensional standards will be required as part of the Preliminary Plan review.

This Conceptual Plan (CPD) plan complies with the Residential Medium Land Use future land use density. New development on the Florida Road corridor tends to be medium and high density residential, as planned for in the Future Land Use map. The future land use for the areas directly adjacent to the Cummins' property is lower density on the Future Land Use map, although Ryler Park is built to medium density standards.

Access. The access analysis is lengthy and there is a lot of material to cover. This section is divided into two parts, with discussions for connecting to Ryler Drive to the north, and for the Colorado Avenue and potential Florida Road accesses. Background on the Florida and Colorado access decision is included as an attachment to the report.

Access – Ryler Park Drive. Two points of access are planned for the project, from an extension of Ryler Drive and near the intersection with Colorado Avenue. When the Ryler Park subdivision was platted in 1993 it was approved with a requirement that the lot at the south end of Ryler Drive, Tract E, be used as future right-of-way to ensure street connectivity. Ownership of Tract E was transferred to the City in 1993. The plat note reads "Florida Road Development hereby offers Tract E for dedication to the City of Durango for the purpose of public road right-of-way...per the terms of the Annexation Agreement."

The recommendation to have access as a through street is also based on adopted City codes, policies and established engineering standards. The City adopted its Multi-modal Master Plan in 2017, and Policy Objective 1 of the plan is Connectivity. The emphasis on increasing connectivity in Durango is further explained in the multimodal plan:

*"The multimodal network should provide continuous, direct routes and convenient connections between destinations, including homes, schools, parks, employment centers, medical facilities, shopping areas, public services, recreational opportunities and transit stops."*

The 2017 Durango Comprehensive Plan also address connectivity in the Transportation section of the Plan:

*Policy 17.2.8: Maximize connectivity between streets to increase travel options. Durango uses AASHTO, or American Association of State Highway and Transportation Officials, standards for its traffic safety standards. AASHTO standards require a cul de sac or through street for streets with 200 average daily trips for vehicles, or ADTs. AASHTO assigns 10 ADTs for a single-family house and slightly less for townhouses. With approximately 35 total units, ADTs will be more than 300, and enough to warrant the through-street standard.*

LUDC 4-2-2-10 does not allow dead-ends or turn arounds, unless they are cul-de-sacs that meet City standards for length, number of units and diameter.

Based on the policies and objectives of the Durango Multi-Modal Plan, the 2017 Durango Comprehensive Plan and AASHTO standards, staff recommends that access to the site be completed as a through street.

The Durango Fire Protection District has requested, in a letter dated May 5, 2020, ungated through access onto Ryler Drive. Fire Marshall Karola Hanks, in her response to the City's request for review comments for the site plan as submitted, wrote that "Ryler shall be a through street to the adjoining development to the north and not gated." DFPD will accept dead end streets with cul-de-sacs or suitable turn around areas but prefers ungated through access when possible.

Colorado Avenue and Florida Road Access. The City Engineer believes that access onto Colorado Avenue is a better option than access onto Florida, despite the limitations of the Colorado intersection. Placing access onto the lower volume street is a long-established traffic safety principle and one that the City adheres to when possible. Florida Road is a minor arterial, with far more traffic than Colorado Avenue, which is classified as a local street because it carries less traffic. Access onto Florida would be too close to the Florida-Colorado intersection LUDC Sec. 4-2-2-7, meaning access onto Florida would be creating a noncompliant situation on one of Durango's highest volume thoroughfares.

The spacing of the proposed street intersection with Colorado Avenue (from Florida Road and Miller Drive) also does not comply with Sec. 4-2-2-7. The City Engineer has decided that the minimum standards for intersection spacing can be reduced for this property, a decision under his purview as granted through LUDC Sec. 6-2-2-3(D). The following factors influenced this decision:

- The preferable configuration would be a looped connection through to Miller Drive, however existing houses prevent this connection.
- Due to the size of the property, a cul-de-sac would likely restrict the property to 20 units or require a gated emergency access onto Colorado (at the same location of the proposed intersection). Neither of these options are desirable to the City or to prospective developers.
- Most turns onto Colorado from the proposed subdivision are expected to be right turns out, so left-to-left turn conflicts will likely be limited.
- An engineering standard for right-turn conflict overlap (from Miller Drive right-turns to Road TBD right turns) is 100 feet for 30 mph speeds; the proposed configuration would provide 175 feet of spacing.
- Speeds are limited for most traffic movements at the intersection. No matter what turn a vehicle is making, it will likely be reduced as the vehicle will either be approaching a stop sign or coming out of a 90-degree turning movement.
- Stopping sight distance for 25-mph speeds (posted) is 165 feet the spacing from the proposed intersection is approximately 175 feet from Miller and 145 feet from Florida. As the speeds are expected to be less than posted (see above), the stopping sight distance should be adequate for the potential conflict of vehicles pulling out of the new proposed intersection.
- Stacking may become an issue during the morning rush. However, the stacking should primarily be on Colorado for vehicles merging onto Florida and pose an inconvenience rather than a hazard.

- There is the potential of adding dedicated left and right turn lanes from Colorado onto Florida. This could potentially help traffic flow and reduce the conflicts added by a new intersection onto Colorado. Engineering is currently discussing the potential of this as a requirement for this subdivision.

A traffic study will be required at the Preliminary Plan phase, along with other detailed engineering studies. Engineering is requesting the traffic study at the Preliminary phase as the density and unit count could change from the current proposal. A traffic study will show how many ADTs will be expected to be generated by the proposed development and should include information related to peak morning and evening traffic as well as to the direction of travel (how many vehicle trips will be heading north on Colorado Ave, south on Florida Road, traveling through Ryler Drive or Miller Drive, etc..).

The study will include information the project engineer feels is important to understanding how the proposed development may impact or influence current traffic volumes or patterns. The study should also explain whether the data may warrant any new traffic control improvements. City Engineering has historical traffic counts for the areas surrounding the proposed development and will share these with the engineer upon request.

Sidewalks – A portion of the 10-foot mixed use trail on Florida is on the Cummins property. The property lines will be adjusted so that the trail is all in City right-of-way. A sidewalk will be built to on the west side of Colorado Avenue where none currently exists.

Open Space – The site plan shows the site complies with the open space requirements for new developments as required by LUDC Sec. 2-4-2-1, *Residential and Mixed-Use Neighborhood Types and Minimum Parcel Areas*. Internal open space will include play areas for the residents and water detention. The City encourages new developments to make multi-purpose detention areas that serve as both water treatment and aesthetically pleasing open space.

2. *Designations of proposed lighting zones within the PD (see Section 4-3-2-2, Lighting Zones), along with written justification for the proposed light zones in each area.*

The lighting zone will be Lighting Zone 1, in accordance with LUDC Section 4-3-2-2. Standards for this zone are rarely applied and are not expected to be applied in this project, as the standards are not applied to one- and two-family units.

3. *A map of physiographic information that includes soil types, slope and topography (at 10-foot intervals or less), geology, vegetation, water rights and availability, and the availability of sewerage and solid waste disposal services.*

One of the key aspects of this development is the depth of the fill dirt that has been dumped on-site, with most of it likely to be on the north and west sides. The LUDC requires that building heights be measured from natural grade, not the level of fill. Staff proposes that as a condition of approval at Preliminary Plan review, the applicant will submit a geotechnical and soils report to identify the depth of the fill. A determination will be made of the elevation of the natural grade. The LUDC standard for measuring the height of a structure requires the measurement to be taken from the original or natural grade, therefore finding the elevation of the natural fill has an impact on the existing neighbors. The original fill height will be determined during the Preliminary Plan phase and this height will be incorporated into the dimensional standards for the development.

The applicant has performed a preliminary physiographic investigation to evaluate fill height and soil type. The soils are identified by La Plata County GIS as alluvium soils, a common soil type in Durango. The site has access to sewerage and waste disposal services.

4. *Proposed phasing of the development, if any, and a general indication of the expected schedule of development.*

Project improvements and construction are to be structured to allow construction in one phase. The applicant will begin installation of infrastructure for the entire site after receiving final approval. This installation will include utilities, roads and sidewalks. The applicant may build some of the units but plans to sell the lots for other builders to develop. It is impossible in the current economic situation to predict how quickly the lots will sell and how quickly the new units will be built, but the site will have all necessary improvements and approvals for a complete build out at the time of the final approval.

5. *The projected impacts that build-out of the proposed PD zone will have on community facilities (e.g., schools, fire, police, utilities, streets, etc.), and what measures, if any, are included in the proposed development to address those impacts.*

The applicant has submitted review documents to all required reviewing agencies, including the Durango Fire Protection District, La Plata Electric Association and to the City of Durango for drainage and water utility reviews. LPEA has no issues with the project at this time but will need more detail on utilities at the PDP phase to complete its review. Engineering is evaluating a drainageway through the site and will issue final requirements for storm water conveyance and treatment in the Preliminary Plan review.

According to the City Utilities Department the existing sewer in Folsom Place (to which the proposed development will connect) is flat, which can affect flow. Starting at the traffic circle at Florida Road and Riverview Drive through Island Cove and to the Island Cove lift station the main narrows to 6 inches. At the Preliminary phase, the developer may need to perform studies of the sewer flow and capacity to evaluate potential correction or mitigation of these existing issues.

Storm water will be detained and treated before leaving the site, in accordance with Federal and state laws. The laws require that the development must not cause an increase in downstream runoff, but that water leaves the Cummins property at the established historic rate.

## **B. Annexation**

Annexations require public hearings before both the Planning Commission and City Council in accordance with state statutes. The Planning Commission reviews the request in a public hearing and forwards the item to City Council with a recommendation. As part of the annexation process, the applicant and the City will enter into an Annexation Agreement that will identify conditions and requirements, described below, for approval. The initial zoning of the property is Planned Development (PD). The application appears to meet all requirements for annexation.

Annexation Eligibility - Annexations must comply with state statutory eligibility requirements, including the following:

- **Contiguity** – Per state statutes, the perimeter boundary of an area to be annexed to a municipality must be at least one-sixth (about 16%) contiguous with the existing City limits. Well over 70% of the property being annexed is contiguous with the city limits.
- **Community of Interest** – The area proposed for annexation lies within the City's designated annexation area and is capable of being integrated into the City. Thus, a community of interest can be found to exist.
- **Mileage Limitation** – The area proposed for annexation meets the State's requirement of not being more than three miles from the existing City limits.
- **Plan in Place** – The City has an adopted Comprehensive Plan in place which addresses the general developability and annexability of this area of the community. This satisfies the statutory requirement that a plan is in place for the area to be annexed prior to annexation consideration.
- **Petition** – An annexation petition meeting the State requirements and including a draft annexation agreement outlining any conditions developed as part of the current Planning Commission review will be submitted for acceptance by City Council prior to Council initiating its annexation review should this proposal move ahead. The applicant

has submitted an annexation petition signed by the property in accordance with state statutes. The statutes are specific about the requirement about the owner signing. The applicant, Stuart Wright, has an option to buy the land, but is not authorized to sign on the owner's behalf.

- **Serviceability** – A determination needs to be made as to whether the property and the development proposed for annexation, is or can reasonably be serviceable with City utilities and other City services. All police and utility service, and road access can be provided.
- **Water/Sewer Service** – Water and sewer service are adjacent to the proposed project and are available to serve the development site.
- **Access** – Legal street access will be provided onto Colorado venue and Ryler Drive.
- **Police/Fire Service** – Police services will be readily available to the proposed annexation area. All requirements of the Uniform Fire Code will need to be met in future project design and building construction.
- **Other City Services:** Refuse collection and other City services will be readily available to this proposed annexation area.

Comprehensive Plan Considerations - In addition to the land use classification and recommendations, the Comprehensive Plan also includes the following general annexation policy statements:

- ◆ Annex contiguous urban development that meets City standards;
- ◆ Any future development within the City's planning area shall be in accordance with the development standards of the City;
- ◆ Any development annexed must meet minimum levels of public improvement and site development standards as determined by City Council on recommendation by the City Engineer and City Planning Commission;
- ◆ Major infrastructure facilities must be in place prior to or concurrent with development when they are necessary to serve that development, to protect other uses, or to protect the integrity of the infrastructure;
- ◆ Use annexation agreements to ensure that annexation areas comply with City plans and standards; and
- ◆ Annex all land within the urbanized and urbanizing areas when it satisfies the City's annexation policies.

The annexation proposal appears to meet these annexation policies. The development falls within the residential density planned for the site.

Several dedications, improvements and conditions of approval will be required for this project and will be memorialized in the Annexation Agreement. The conditions relate to right-of-way dedication and work to be done in the right-of-way, and to the conditions of future development on the site. Site drainage improvements will need to be approved, along with the timing of the construction and any bonding requirements. An investigation of the fill depth needs to occur and will be a condition of approval.

Annexation agreements provide detailed regulation and the assignment of responsibilities in the project. This level of detail is not required at the conceptual stage and will be provided during the preliminary review.

### **C. Initial Zoning of PD**

The criteria for evaluating a proposed Initial Zoning are found in LUDC Sec. 2-1-2-6. Below each criterion is a response from staff. City Council may approve an application for rezoning when it finds the following criteria are met.

#### **A. Resource Protection Policy.**

1. *It is the policy of the City not to rezone property in a manner that would create or facilitate the creation of development rights or entitlements that would either:*
  - a. *Reduce the level of protection for significant natural resources that exist on the parcel proposed for development; or*
  - b. *Expose additional people or personal property to unmitigated natural hazards that are present on the parcel proposed for development (e.g., fire, flood, or landslide-prone parcels).*

This proposal does not reduce the level of protection for significant natural resources that exist on the parcel or expose the public to unmitigated natural hazards.

*Compatibility and Public Benefits. All applications for rezoning shall meet the following criteria:*

- 1. The proposed zone is in conformance with the Comprehensive Plan;*

The future land use designation for this property is Residential-Medium Density in the 2017 Comprehensive Plan. The description of this Future Land Use Category states the following, "Single family residential lots smaller than 6,000 SF. Other dwelling types, including duplexes, triplexes, patio homes, apartments and townhomes are permitted." The developer has proposed a mix of single-family, patio homes and townhouses. Lot sizes range from roughly 6,700 to 1,100 square feet for some of the townhouse lots. The proposal meets the requirements.

- 2. The proposed zone will provide a benefit (or degree of benefit) to the community or immediate area that cannot be provided in the existing zone, and which is sufficient to offset potential adverse impacts of the proposed zone, if any;*

The proposed zoning provides additional housing on an existing vacant property, which aligns with the goals of the City of Durango Housing Plan. This type of infill housing is beneficial for the community. Staff does not believe adverse impacts will arise from the propose PD zoning.

- 3. The proposed zone would not cause an LI zone to directly abut an EN, RL, or RM Zone, or a CR zone to directly abut an EN or RL zone, unless (in either circumstance) there is sufficient land area on the parcel proposed for rezoning to provide a required standard buffer, as set out in Section 4-6-3-5, Zone Boundary Bufferyards; and*

This requirement does not apply.

- 4. Adequate public facilities are available to serve development in the proposed zone; or the proposed zone would limit demands upon public facilities more than the existing zone; or reasonable assurances are provided that adequate facilities will be made available to serve new development by the time the new development places demands on the facilities.*

At the Conceptual Plan stage of review, the applicant and staff must determine that public facilities will be adequate to serve the project. Utility, traffic and service plans are refined at the Preliminary stage and multiple studies will be required at this stage. The biggest facilities challenges are sewer capacity, drainage and traffic analysis. At the Preliminary stage, the City is likely to require a capacity study of the downstream sanitary sewer system. A traffic study will also provide more information on traffic flows. At this stage, public facilities appear to be adequate for the development.

### **Additional Issues**

Traffic Speed on Florida - The traffic speed on Florida has been brought up in relation to this project. Florida Road is an arterial, which accounts for the speed limit of 35 MPH. To adequately assess whether the speed should be changed requires updating traffic counts or doing a traffic study. In general however, the following points are relevant:

- As mentioned, Florida Road is an arterial and arterials generally have higher speeds and volumes
- The speed does is reduced to 30 mph closer to the lower volume streets at 3rd and 14<sup>th</sup>
- Artificially reducing speeds and signing them for lower speeds can have several negative effects including making them less safe. Other effects include making the behavior of the majority unlawful and causing antagonism towards enforcement.

More in-depth discussion is provided in an attachment to this document, in a brochure published by CDOT.

Fair Share - This project is subject to the Fair Share Ordinance for the provision of affordable housing. The Fair Share Ordinance applies to for-sale residential developments with at least four units or lots, including subdivisions. The Fair Share financial obligation is determined by applying a formula in the Fair Share Administrative Manual with housing cost and income numbers provided to the City by the HomesFund. The amount of the fee-in-lieu payment, the option which the applicant has chosen to use to fulfill the Fair Share obligation, is based on the average (predominant) bedroom count in the development. The applicant has not yet determined what the average bedroom size will be, and that information will be provided at the Preliminary Plan stage. Staff and the applicant will prepare a Fair Share proposal form for review by the Commission at the Preliminary Plan stage.

Construction Activities – Some of the neighbors expressed concern about impacts from construction activity, specifically noise and traffic. Staff has added a condition of approval to address these concerns. Construction crews will need to be sensitive to the neighbors to the north and west of the Cummins property. Staff recommends that construction hours be limited from 7 a.m. through 6 p.m. Monday through Saturday.

Platting Process - The project's single-family lots will be platted individually. The townhouses and likely the patio homes will be on lots with multiple units. For example, the three townhouses nearest to Colorado Avenue may share one lot. This 'master' lot will be platted as part of the annexation process, just like the single-family lots. The individual townhouses will not be platted until they are under construction, a process known as as-built platting. As-builts require, at a minimum, that the foundation and common walls of the units to be finished. The plats allow the sale of the unit to occur. As-built platting has been used in Durango for decades and is a standard process performed at that staff level.

Individual ownership of land in patio home and townhouse development is restricted to the ground underneath the units and sometimes decks, walkways or other common features next to the unit. The balance of the land in each master lot will be shared by the different owners as described on the overall plat to be done during project review. The townhome lots would be in common ownership and managed through small owners associations of three to five owners. A master association will govern the entire site Florida Housing site, including the single-family homes, meaning there will be multiple owners associations. The developer must submit all covenants for review at the Preliminary Plan stage.

Review by Others – This submittal has been reviewed by the City of Durango, utility providers and the Durango Fire Protection District (DFPD). All comments and conditions from these bodies have been forwarded to the applicant. The utility providers and DFPD have no objection to the project as proposed.

### **Public Comment**

City staff received numerous comments regarding the development, mostly from Ryler Park residents but from Folsom Drive residents as well. Staff has compiled the comments and attached them to this report, with a summary of the comments below.

The Ryler Park residents are primarily concerned with traffic from the new development coming into their neighborhood. Other concerns included impacts from construction activity, the density of the project, building a wall between the Florida project and Ryler Park and design considerations.

*Staff note:* Some of the comments mentioned the streets in Ryler Park are narrow and not suitable for additional traffic. Ryler Drive and Miller Drive were both built to City standards.

Staff also received comments from the Folsom Drive neighbors, who expressed concern over two things. First is the height of the houses that would be on the west side of the Florida Housing project, where the elevation was raised due to the dumped fill dirt. Second, residents were concerned about being downstream from the new project, which could increase runoff and sanitary sewer problems.

Any comments received after the staff report has been finalized will be provided to Planning Commission at the June 29 hearing.

### **SUMMARY**

Based on review of the submitted materials and an initial analysis, staff believes this project complies with adopted land use standards and would provide a needed housing in a well-designed neighborhood. The developer plans to build up to 37 units that can tie-in to existing utilities adjacent to the site. The applicant will build a street to provide access to the project. A variety of improvements will be required to ensure the project's impacts are properly accounted for.

Staff is requiring access from Ryler Drive and from Colorado Avenue. These two access points are more compliant with City codes, policies, and two access points are preferred by the Fire code.

At the following Preliminary Plan stage, more detailed engineering, site design, soils analysis and a Fair Share proposal will be provided to the City for review and analysis. The applicant will also provide more detailed design and dimensional standards.

### **ALTERNATIVE ACTIONS – CONCEPTUAL DEVELOPMENT PLAN**

- A. Recommend approval of Florida Road Mixed Housing Annexation, Initial Zoning of Planned Development and Conceptual Development Plan with findings that the project is in general conformance with the conceptual development plan and its conditions of approval, and subject to the following conditions:
1. At the Preliminary Plan phase, the following items, along with all other required application materials, will be required:
    - a. More detailed engineering plans including, but not limited to, a geotechnical report to assess the soils and fill on-site, water quality and detention, a traffic study of the Colorado Avenue intersection and Ryler Drive usage, and utility studies.
    - b. A Fair Share proposal to comply with their affordable housing obligation.
    - c. Detailed design and dimensional standards for all units to be built on the property.
    - d. Draft covenants to be comprised of master covenants for the entire 4.18-acre site, and any covenants for smaller townhouse or patio homeowners associations.
  2. Construction activities shall account for the existing neighbors through the following actions: construction hours should be limited to 7 a.m. through 6 p.m., Monday through Saturday; construction crews shall park personal and work vehicles on the Florida Housing project site; and the applicant shall submit a truck-routing plan for construction activities at the Preliminary Plan stage to minimize truck traffic through the Ryler Park neighborhood.
  3. The units bordering the Ryler Park and Folsom Park neighborhoods will be built to dimensional standards that are compatible with the existing bordering neighborhoods. The units along Florida Road may be denser and taller than the other parts of the project and will be regulated by LUDC townhouse standards.
  4. All future submittals by the applicant shall be in conformance with adopted city standards, regulations, plan goals, ordinances and building and fire codes.
  5. All verbal and graphic representations of the applicants or their agents shall be deemed conditions of approval.
- B. Recommend denial of the Florida Road Mixed Housing Annexation, Initial Zoning of Planned Development and Conceptual Development Plan with specific reasons and findings stated.

- C. Continue consideration of the Florida Road Mixed Housing Annexation, Initial Zoning and Conceptual Development Plan to a date certain with specific directions to staff and/or the applicants.

**RECOMMENDED ACTION**

Recommend Alternative 'A'

*Attachments:*

Site Survey

Plan Set

Topographical Survey

Ryler Park plat

Annexation Petition

Applicant Narrative

Public Comments

CDOT Road Speed Brochure