



AGENDA BRIEF

MEETING: Planning Commission - 28 Jun 2022

FROM: Cindy Schultz, Senior Planner

PROJECT: Pagosa Views Planned Development Zoning Sketch Application - 600 W. U.S. Hwy 160

ACTION: Recommendation to Town Council

PURPOSE/BACKGROUND:

Application: Pagosa Views Planned Development Zoning Sketch Application

Property Location: 500 and 600 West US Highway 160

Property Owner: April L Owens

Applicant: Village Care Partners, LLC

Representative: Carl Bommarito, Phil Williams

Current Zoning: 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 REVISED Staff Report](#)

[1-Site Plan](#)

[2-Workforce Housing Narrative](#)

[3-Land Use Summary](#)

[4-Differences Between Submittals](#)

[5-Architectural Styles](#)

[6-Narrative Pagosa Views 6-13-2022](#)

TOWN COUNCIL GOALS & OBJECTIVES:

Workforce Housing

RECOMMENDATIONS:

A. Move to forward a recommendation to Town Council for initial approval of the 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/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 PD Agreement, including general and specific elements as listed above and proposed inclusions for:
 - 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.
 - d. (Plus others as determined by the Planning Commission).
- 8) Details on the management and operating structure for the varying portions of the development.

B. Move to Continue discussion of the Pagosa Views PUD with ... [specific guidance to the applicant] to [specify a date and additional requests as applicable]

C. Move to recommend to Town Council to Deny the Sketch Concept 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]

Application: Pagosa Views Planned Development Zoning Application

Property Location: 500 and 600 West US Highway 160

Property Owner: April L Owens

Applicant: Village Care Partners, LLC

Representative: Carl Bommarito

Current Zoning: Rural Transition – (R-T)

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

Public Notifications: Provided in compliance with LUDC Section 2.3; revised notices mailed to property owners on June 20, 2022

Project Description:

The applicant's revised the proposal and modifications to the original staff report will be signified by shaded text.

This 89-acre¹ vacant property is located along Highway 160 west of the Pagosa Springs Elementary School and their adjacent 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 property is currently zoned Rural Transition (R-T) and the 2018 Comprehensive Plan identified this area be rezoned to R-22, with a Putt Hill Overlay District to help preserve the open space appearance and preserve existing trees the highway frontage. The applicant has revised their request to MU-C (Mixed-Use Corridor) rather than R-22 (High-Density Residential) which more appropriately fits their needs while at the same time not allowing as many housing units. The density does not reach what would be allowed under either rezoning district with the overall density (747 units over 89 acres) is 8.4 units per acre.

The Planning Commission and Town Council's consideration for re-zoning to a Planned Development Overlay and/or base zoning district is discretionary.

Applicants REVISED Project Narrative, attached, states that the project will include:

- a. Rental and ownership homes at all prices and sizes 440 SF to 2,200 SF:
 - 3-4 story attached dwellings (252 apartments and 133 condos)
 - 2-story townhouses
 - Single-family homes 60
 - Includes 10% targeted workforce housing, providing 80 deed-restricted units (reduced from 100 units) available at rents/mortgages established by CHFA and accepted by the Town; 16 units in phase 1, 22 units in phase 2, 42 units in phase 3. Workforce units will be available to those making between 40% and 120% of AMI.
 - every dwelling will have either garage or a covered parking structure/space
- b. A year-round 150-170 lot luxury RV resort, eventually an RV subdivision where lots are sold and operated as rentals by owners
- c. A "pitch and putt" golf course (smaller scale, shorter distances for recreational golf)

¹ The application states 79-80 acres; the Assessor's data shows 88.92 acres.

- d. A 10-ft paved public trail
- e. Private clubhouse, which will include a bistro and bar that will be open to the public.
- f. Indoor pickleball facility and 8 outdoor pickleball courts (both open to the public)
- g. Lap pool, sitting pool and hot tubs (open to the public)
- h. Splash pad for children, along with a playground
- i. BBQ gazebos, horseshoe pits
- j. Outdoor theater (open to the public)
- k. Removal of as few trees as possible (changed dwelling footprints to minimize tree removal, from attached townhomes to detached units)

Development Application Processes

The steps to final approval are outlined below; applications may be reviewed concurrently with other applications, or some will come in subsequent applications or phases. Staff will provide guidance to the applicant depending on their plans for moving forward with different elements in this process.

The consideration of Planning Commission at this time is the Sketch Planned Unit (PD) Overlay District Rezoning.

Future applications include:

- Final application to Rezone to PD, including the final PD Agreement; if PC and TC approve the final PD plan and the land use plans for the development staff will draft the PD Agreement which will be recorded and requires the property owner/developer to complete the phases or sections of the plan approved during this land use entitlement process. This is the overall concept plan or master planning process that happens up front from which all future plans must follow and owners/developers are obligated.
- Major Subdivision, Sketch and Preliminary: this may occur sooner or later, depending on the PD agreement and overall plan, and may occur for multiple phases.
- Major Subdivision, Final: this must occur prior to any lots being sold and concurrent with an executed Development Improvement Agreement (DIA) that has secured 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.
- Design Review, Sketch and Final applications review for compliance with the design standards that will be established for the PD Overlay District area unless the developer wishes the future development be subject to the Town's design standards in effect at the time of application. 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.

Staff Review

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 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: as 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 residential, 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 acres, to up to two units per acre, with more density being allowed proportionately with increased dedication of land for conservation purposes.

3.2.6. TOWN RESIDENTIAL – HIGH DENSITY (R-22) – COMPREHENSIVE PLAN PROPOSED ZONING:

The R-22 district allows the broadest range of residential types, including single-family residences, duplexes, patio homes, and apartments. The district is intended for locations closer to commercial centers and near downtown, and may serve as a transition between commercial centers and lower-density residential neighborhoods. The district should have pedestrian-oriented, connected local streets and sidewalks, as well as accessibility to parks, open space, schools, and other civic activities. Additional private recreational amenities, such as tot lots or garden/courtyards, should be provided in apartment or townhome complexes. The maximum density is twenty-two (22) units per acre.

The features of the MU-C district most pertinent to this proposal are underlined.

3.3.3 MIXED-USE CORRIDOR – (MU-C) The MU-C district is intended to allow for the vertical or horizontal mixing of uses, including some high-density residential, along major highways. Commercial uses are appropriate including retail offices, hotels, and tourism-related businesses. The district is 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, 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 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 [CRS Section 31-23-305](#) (which effectively states that rezoning requires a favorable vote of two-thirds of [Town Council] to become effective).

Colorado Revised Statutes § 24-67-102 (1): 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 current R-T district zoning does not allow for RV parks or attached (multi-family) dwellings and would require a conditional use permit for the proposed pitch and putt golf course and proposed townhouses. 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 and townhouses, but not RV Parks or golf courses. However, the Comprehensive Plan does identify the desire to allow camping in close proximity to Town. Planning believes the current 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, townhome and single-family residential units as well as the RV park resort and pitch and putt golf course. 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.

LUDC Article 5, Dimensional Requirements

The PD overlay district allows for the consideration of PD-specific dimensional standards.

Setbacks: Staff recommends considering minimum separation distances between lodging (not RV) 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 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:

Front Setback: 25 feet (R-T); ~~15 ft (R-22)~~; 40/20 ft (MU-C); **Staff recommends using drafted LUDC as guidance for along Hwy 160 corridor, thus 80' setback with buildings allowed at 40' setback.**

Side setback: 10 ft (R-T); 5 ft (R-22, MU-C)

Rear setback: 10 ft (R-T); ~~10 ft (R-22)~~ 5 ft (MU-C)

Building Height 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 (R-22)~~ 35 ft (MU-C)

Landscaping 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.*

Density: 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) ~~22 du/acre (R-22)~~.

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 Planning Commission's consideration of the Planned Development Overlay District re-zoning application:

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 re-established 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 species may be present, thus requiring an environmental consultant's analysis and report. **The environmental assessment has been contracted.**

The EA and plans for 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 in the future from the west and through the development 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 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 and approved under the executed PD Agreement and current LUDC Design Guidelines at the time each phase is being contemplated for development.

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, open space dedication, trails, local roadway network inclusion, and pickle ball courts. The revised application includes general phasing plans and workforce housing units to be built in each phase. The workforce housing units will be incorporated into the PD Agreement, and staff commends the applicant on including units available to those with incomes as low as 40%

of AMI, and furthermore recommends including more of the workforce units in Phases 1 and 2. The proposal includes 80 workforce units, with 16 of those (20% of the total) in Phase 1, 22 units (27.5%) in Phase 2, and the balance of 42 units (52.5%) in Phase 3. For reference, "workforce" rents for studio and 1-bedroom units range (including utilities) range from \$576 (40% AMI) to \$1,851 (120% AMI).

(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. Applicant should 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, and 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, this generally complies.**
- 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, accompanying narrative, and conceptual building elevations, this generally complies with the inclusion of public recreational amenities (trails, lap pool, pickle ball) and dedicated open space. More information on the internal road system and utility extensions should be provided.**

The following items were previously recommended by staff and submitted with the revision in June 2022:

1. A more detailed concept plan that includes the current conceptual plans for each specific development component.
2. Conceptual phasing plan for the entire development. This will aide in understanding how the project will move forward.
3. Details of the proposed workforce housing unit inclusion, to include at least: types and sizes of units, varying AMI levels to be served, exact number of units and provisions for inclusion into each phase. Staff believes this is an important component of considering rezoning to a Planned Development Overlay District. Staff recommends the applicant provide an equal percentage of workforce housing units in the 60-80%, 80-100%, 100-120% and 120-140% AMI ranges and provide their inclusion in each phase of the development. **Staff suggests provision of a range of unit types and sizes that will accommodate a variety of dwelling needs; and provision of more workforce units in the first phase.**

The following items remain outstanding considerations which staff recommends the Planning Commission consider at least the following conditions in their determination for a recommendation to Town Council:

1. A more functional local roadway network that supports free flowing traffic from the west and through the development to 10th Street. Staff wants to ensure that the proposed local roadway

network will function appropriately when future connectivity is provided from neighboring developments. Ultimately, the applicants Major Subdivision application process will require the construction and dedication of the Town to Pagosa Lakes commuter trail and the local roadway network with associated pedestrian facilities. *The applicant is in process of undertaking a traffic study; findings and recommendations from the study shall be considered for inclusion in the Final PUD application.*

2. Dimensions of proposed open space area which are included on a photography layer to better understand the full impact of such public dedication. *Photo layer was provided with the revision. Much of the area in the proposed conservation areas (4.7 of the 6 acres) is without trees but is riparian wetlands. It remains a priority to ensure preservation of existing trees as the application states.* This is an important component of the contemplated Putt Hill Overlay District contemplated in the Comprehensive Plan.
3. ~~Provide a more compatible location for the non-RV camping spaces. The proposed location of the Glamping component seems very close to existing residential uses. It would seem more appropriate to include the glamping closer to the RV park. Additionally, staff suggests the consideration of including regular camping spaces. *RV spaces have been removed from the proposal.*~~
4. Expected and/or proposed inclusions into a Planned Development Agreement. It would be best to understand now, if there are other considerations the applicant would like the Town to consider for allowances or prohibitions within the Final PD Agreement that will run with the entire land and will guide all future developments.
5. Inclusion of the following into the PD Agreement: Prohibition of short-term rentals; Prohibition of outdoor storage of personal items; (plus others as determined by the Planning Commission). Now is the time to discuss operational items the Planning Commission deems important to include in the Final PD Agreement.
6. Details on the management structure for the varying portions of the development. How will the differing portions of the development be managed, i.e., CC&R's, STR prohibitions, snow removal, maintenance, etc.

Staff anticipates the PUD agreement drafted by the applicant for Town review to address, at a minimum, the following items, which may be detailed in accompanying exhibits to the PUD Agreement:

1. Underlying zoning; outlines of allowed land uses and densities and their general location shown on an accompanying PUD map
2. Public improvements: detailed descriptions of all the public improvements with timing/phasing plans for each or portion of each improvement.
3. Public improvements acceptance and warranty that covers construction of improvements at least two years post-construction, including water and sewer improvements, road improvements, trails and sidewalks.
4. Private improvements: detailed descriptions of private improvements that will be operated by the developer and timeline for these specified improvements, such as private roads and walkways.
5. Dimensional standards: features such as height allowances, setbacks which may be more or less stringent than allowed by the underlying zoning district; in the case of conflict with Town standards, the more stringent shall govern.
6. Design standards: specific elements and standards that will govern design performance and appearance of applicable structures by type or land use category; in the case of conflict with the Town standards, the more stringent shall govern.

7. Inclusions of both private and public amenities, including timelines or phasing for required public amenities such as the public trail alignment.
8. Mutual process for the Town and Developer to review applications; a mutual process to provide to consider amendments to the PUD agreement.
9. Other standard features to be included in the PUD agreement, not specific to this project.

In summary, Staff has no additional concerns regarding the Planning Commission approving this conceptual Planned Development Overlay District zoning application, with the conditions outlined in this staff review, and weighing and incorporating public comment in light of the approval criteria, and the recommended conditions of approval below, along with any additional considerations as deemed appropriate by the Planning Commission.

Alternate motions:

Move to forward a recommendation to Town Council for initial approval of the 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/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 the 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 PUD Agreement, including general and specific elements as listed above and proposed inclusions for:
 - 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.
 - d. (Plus others as determined by the Planning Commission).
- 8) Details on the management and operating structure for the varying portions of the development.

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

Move to recommend to Town Council to Deny the Sketch Concept 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]

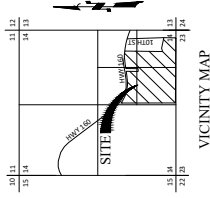
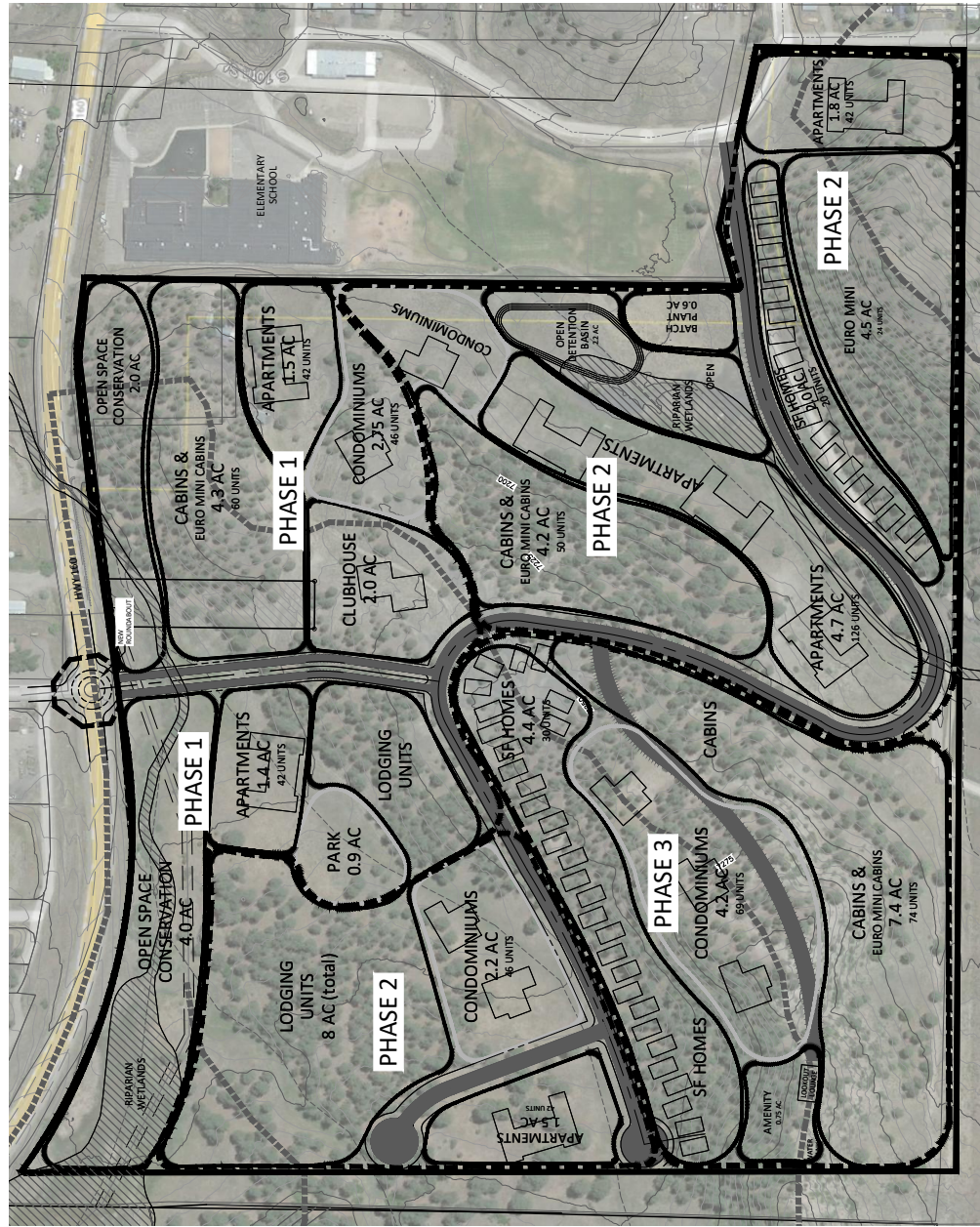
Attachments:

Revised conceptual site map

Revised narrative

Description of changes from Initial proposal and Revised proposal

CONCEPTUAL SITE PLAN PAGOSA VIEWS a lifestyle community



ENGINEER
ENCANTO TERRA, LLC
465 GLENWOOD CIR
PAGOSA SPRINGS, CO 81453
PHONE: (970) 770-2322
WWW.ENCANTOTERRA.COM

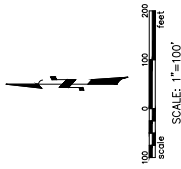
FLOOD PLAIN
ENCANTO TERRA, LLC
465 GLENWOOD CIR
PAGOSA SPRINGS, CO 81453
PHONE: (970) 770-2322
WWW.ENCANTOTERRA.COM

SITE INFORMATION
ADDRESS: 4000 W. SHAWY LOOP
PAGOSA SPRINGS, CO
PARCEL ABR: 79AC
ZONING: R-1
ZONING CODE REF: RESIDENTIAL TRANSITION

TRAIL SYSTEM:
A 10' WIDE PAVED TRAIL SYSTEM WILL RUN FROM EAST TO WEST THROUGH THE CENTER OF THE DEVELOPMENT. MOST OF THE TRAIL WILL BE BUILT FOR BICYCLISTS AND JOGGERS.

CONCEPTUAL SITE PLAN VIEWS

NO.	DATE	BY	DESCRIPTION
1	05.13.2022	PH	PRELIMINARY
2	05.13.2022	PH	REVISED
3	05.13.2022	PH	REVISED
4	05.13.2022	PH	REVISED
5	05.13.2022	PH	REVISED
6	05.13.2022	PH	REVISED
7	05.13.2022	PH	REVISED
8	05.13.2022	PH	REVISED
9	05.13.2022	PH	REVISED
10	05.13.2022	PH	REVISED



ENCANTO TERRA, LLC
CONSULTING ENGINEERS
PHILIP C. WILLIAMS, P.E., P.L.S.
465 GLENWOOD CIR
PAGOSA SPRINGS, CO 81453
PHONE: (970) 770-2322

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)

- (2) WF Condo Units (for-sale or for rent)
- (14) WF Euro mini-Cabins (for-sale or for rent)

PHASE-TWO (2026-2028)

- (8) WF Apartment Units (for rent)
- (2) WF Condo units (for-sale or for rent)
- (12) WF Euro mini-Cabins (for-sale or for rent)

PHASE-THREE (2029-2031)

- (32) WF Apartment Units (for rent)
- (10) 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**

Description	Phases			Total
	One	Two	Three	
	2023-2025	2026-2028	2029-2031	
Apartments: (6) 42-unit Buildings	0	42	210	252
<i>Apartment Breakdown: Market Rate</i>		36	182	
<i>Workforce Apartments</i>		6	32	
Condominiums: (6) 23-Unit Buildings	18	69	46	133
Workforce Condo's	2	2	0	
Large Single Family Homes	0	48	12	60
Cabin-homes: Single Family	59	39	0	98
Euro-Mini Cabins	80	52	0	132
<i>1 Toilet, 1 Shower, 2 Sinks in each</i>				
<i>Workforce mini-cabins</i>	12	12	10	
Lodging Business: (144 nightly rental Units)	60	64	20	144
<i>et, 1 Shower, 1 Sink per Unit, no kitchens</i>				(72 EU)
Equivalent Units (EU)	72			

Equivalent Units **747**

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

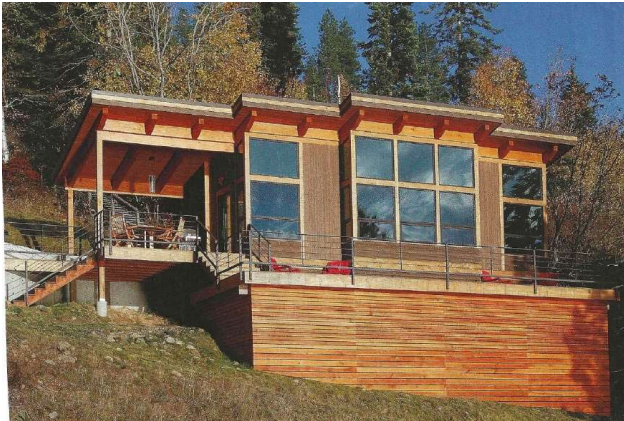
**Major Differences between Submittals
6/13/2022**

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 initial P & Z hearing, followed by our responses.

- 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: there will be a 10-foot wide, illuminated public trail system that passes through the project and throughout the entire project.
- 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.
- Several people were concerned about the RV park being located adjacent to the elementary school playground. Unknown RV'ers coming in every day made many mothers very concerned about the safety of the children. Since there is no other location flat enough to build an RV park on this property, we removed the RV park completely. On the other side of our property, we will request "lodging" zoning in order to own and operate a nightly rental business of "mini euro cabins".
- 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 12 units per acre is acceptable, in conjunction with an MUC zoning for 8-8.5 acres in order to accommodate a nightly rental "lodging" business.
- A CDOT traffic study has been requested and an Environmental Study has also been requested. 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.

- Last but not least is the concern over water and sewer capacity at the two Districts. 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. Based on a recent Board meeting held by the utility Boards, it was concluded that the Sanitary District is currently operating at 100% full capacity and trying to service our Pagosa Views residential development would place horrible burden on the current sanitary/sewer system. Therefore, we just yesterday made a decision to fund, construct, operate and maintain our own on-site sewer treatment plant. The cost will be several million dollars; however, it may be the only way to assure that our Pagosa Views development has non-interrupted sewer services for the next decade and beyond. At some point in the future the current Pagosa Sanitary District may wish to incorporate our project sewer treatment plant into their master sanitary system and, we will be open to that request if it should come about.
- We have revised the dwelling unit count down from over 1000 units to 747 equivalent units.



POSSIBLE CABIN DESIGN



POSSIBLE MINI-EURO CABIN DESIGN



POSSIBLE CABIN DESIGN



POSSIBLE CONDOMINIUM DESIGN



POSSIBLE CONDOMINIUM DESIGN



POSSIBLE 3 BR HOME DESIGN



POSSIBLE APARTMENT DESIGN



POSSIBLE APARTMENT DESIGN

**General Development Information
(Project Narrative: revised 6/13/2022)**

We are proposing to create a mixed-use residential community along Highway 160 about 1.2 miles west of downtown Pagosa Springs. The growing popularity and absolute beauty of the Pagosa Springs area is what piqued our interest in developing a residential community in southern Colorado. We currently have the property in escrow and our goal is to secure Town Council approval, project funding and commence infrastructure construction by late summer. 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 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 multi-family buildings are the best path to providing "workforce housing" for the town of Pagosa Springs. We are told that there is a tremendous need for workforce housing and we are prepared to offer 10% of our entire development as "workforce housing", which is expected to equate to 80 dwellings of both "rental" and "for-sale" housing. The proposed uses for this property would include; 3/4-story condo's, 3-story apartments, 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 "tiny-house" 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. Several residents expressed their opinions of this project, as did the P & Z commission. The P & Z members pointed out their concerns and asked that we address these concerns in a second P & Z hearing.

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 initial P & Z hearing, followed by our responses.

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- We have revised the dwelling unit count down from over 1000 units to 747 equivalent units.

MIXED-USE, Rental and For-Sale Dwellings: this project is projected to consist of approximately 55% rental units and 45% for-sale units. The “for sale” housing product will range in prices from \$240,000 to \$630,000. That said, the majority of the for-sale dwellings will be in the \$300,000 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 a very large market. Our attached and detached dwelling unit sizes contemplated for the Pagosa Views marketplace will range in sizes from 300 sq feet up to 2000 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)

WHERE WILL OUR BUYERS COME FROM: often times where home buyers come from can depend on where the marketing dollars are focused. Historically, new home buyers that have purchased in the Pagosa Springs area have come in from adjacent States. Based on our marketing plan and marketing expenditures, we believe the buyers for this project will come from:

- Local area and Colorado.....16%
- Arizona & New Mexico.....10%
- Texas & Oklahoma.....50%
- California.....17%
- Balance of Country.....7%

In closing, we believe the beauty and lifestyle of Pagosa Springs is why people are attracted to this 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 of this development project. Three of the five will be on-site full-time, living in Pagosa Springs until the project has been completed.