



Archuleta County
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MEMORANDUM

TO: Archuleta County Planning Commission

FROM: John C. Shepard, AICP; Planning Manager

DATE: July 24, 2019

RE: Bykota REI request for the Integrity Industrial Building Conditional Use Permit (CUP) on Parcel 222 Ridgeview Subdivision Amendment 2017-01, at 543 Navajo Trail Dr. (PLN19-299)

EXECUTIVE SUMMARY

Chris Smith, Integrity Industrial Park LLC, has applied for the **Integrity Industrial Building Conditional Use Permit (CUP)**, on Parcel 222 Ridgeview Subdivision Amendment 2017-01. The proposal will permit a new multi-tenant Light Industrial/Commercial (Mixed Use) building (PLN19-299) at 543 Navajo Trail Dr., Pagosa Springs, CO, owned by Bykota REI, LLC, and zoned Planned Unit Development (PUD).

REVIEW PROCEDURE

Archuleta County Land Use Regulations Section 3.1.6 Planned Unit Development (PUD) provides standards for the PUD district, a type of customized zoning district and subdivision. When countywide zoning was adopted in 2006, certain areas with pre-existing covenant controls were zoned PUD, with the Covenants, Codes & Restrictions in place at the time serving as the Development Plan.

Archuleta County Land Use Regulations Section 3.2.3 Conditional Use Permit (CUP) provides for Conditional Uses, which require review and evaluation with respect to their effects on surrounding properties and Archuleta County at large. With amendments adopted in June 2018, the Planning Commission is the primary decision-making body for most CUPs, following the Review Criteria in Section 3.2.3.4. Mixed Use is listed in Table 3 as a Conditional use in a Commercial zone—Table 3 has been used previously to determine appropriate review process in this PUD zone.

Public notice was published in the *Pagosa Springs Sun*, posted on site, and mailed to neighboring property owners as required by Section 2.2.3.



Building Site (7/17/19).

DISCUSSION

Ridgeview Subdivision Amendment 2017-01 was approved by the Board of County Commissioners in 2017, to split Parcel 2 of Ridgeview Subdivision Replat. Bykota REI, LLC, recently purchased the vacant eastern lot, Parcel 222, adjacent to Ace Hardware (which is also a Conditional Use) on Navajo Trail, north of US HWY 160. Applicant Integrity Industrial Park LLC, is planning to build a 14-unit multi-tenant industrial building for lease to Light Industrial and Commercial tenants. Applicant started commercial site development prior to permit approval, but suspended operations on notice by the Planning Department.

The *Archuleta County Community Plan* provides guidance for future development. The Future Land Use Map (2001) considers this area as appropriate for High Density Residential development. The area to the east, on Bastille and Navajo Trail, was designated for Light Industrial use but was zoned Commercial (C), not Industrial (I) in 2006. Ridgeview Subdivision is zoned Planned Unit Development (PUD). This tract was designated Commercial on the original plat, and in amendments to covenants in 2001. Setbacks are as stated for Pagosa Village Service Commercial Subdivision—25’ on a “major and arterial street” and 15’ on local streets. On the sides, the covenants state:

Setback from interior side lot lines—all buildings shall... provide side yard width of a minimum of 20% of the width of the lot on one side of the building and no setback on the opposite side line, but in no event need this exceed 30’ at any time. In any event, there shall be a minimum of 20’ between buildings...

Maximum building coverage is 50%. The site plan notes building coverage of 31%.

Table 3 of the *Archuleta County Land Use Regulations* includes a general Mixed Use land use in the OTHER category, along with Light Industrial, Building Contractors, Vehicle Major Repair, and Warehouse, all as Conditional Uses in a Commercial (C) zone.

- **Mixed Use Development:** The development of a lot, building, or structure with two (2) or more different uses including but not limited to, residential, office, manufacturing, retail, public, or entertainment.
- **Industrial, Light:** Uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products (except typical retail grocery food preparation), micro-brewery producing less than 15,000 barrels annually, pharmaceutical manufacturing, research and scientific laboratories, or the like, conducted entirely indoors.
- **Vehicle Major Repair, Servicing and Maintenance:** Any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.
- **Warehouse and Distribution:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Development Standards in Section 5 of the *Archuleta County Land Use Regulations* apply where not superseded by the covenants. In particular, the Site Development standards in Section 5.4 apply as a Commercial, not Industrial, site.



Dollar General, 21 Seminole Dr.

- Sec. 5.2.1.1 notes that a CDPS General Permit for Stormwater Discharges Associated with Construction Activities is required from Colorado Dept. of Public Health and Environment (CDPHE) any time one (1) acre or more is disturbed. No permit was provided with the application.
- Measured drawings of the building have been provided. Plans note pre-fabricated metal siding, which was common prior to Land Use Permits but is not allowed by Sec. 5.4.1.4 of the Land Use Regulations, with partial stucco on the front of the building. A façade treatment on the street side has been permitted on other structures since adoption of the Land Use Regulations. For example, staff approved a Use by Right Site Plan in 2011 for Dollar General, two doors to the east, with a brick & stucco front façade and half-brick on the sides.
- Sec. 5.4.2.6 Outdoor Storage—Any outdoor storage would need to be enclosed by a fence, barn, landscaping, wall, or other screening. None is shown on the site plan.
- Section 5.4.3 Landscape Requirements—a minimum of 15% of developed commercial sites shall be landscaped. The Site Plan notes 19% landscape. If the Rock Landscaping Wall shown on the Site Plan (Detail C-4 on full engineering plans) require a building permit as a retaining wall, then it must meet setbacks as stated above which would not be a problem, but the 10' or 20' Utility Easement on the Amended Plat would have to be vacated prior to construction.
- All outdoor lighting must meet Section 5.4.4 “dark sky” requirements.
- Section 5.4.5 Parking— Parking is located at the side and rear, as suggested for non-residential buildings. Applicant has not documented how parking requirements were calculated (to be shown on Site Plan). No parking is permitted on County roads. The first ADA parking space must be a Van space to US Dept. of Justice standards. The plan as presented only provides 26 parking spaces for 14 units, which would limit the number of employees to less than 2 per tenant. A typical standard for Industrial space calls for at least 1 parking space per employee on each shift, plus guest parking (approx. 1 per 10 employees) and accommodation of trades vehicles stored on-site.
- Parking lot landscaping is also required by Sec. 5.4.5.4(5), with 1 tree for each 5 parking spaces in tree islands. This would further reduce the number of parking spaces provided for tenants. Applicant has completed a Pre-Application Conference to request Variance from this dimensional standard.
- Section 5.4.6—Screen dumpster from the public road (PLPOA requirement as well).
- Section 5.4.7 Vision Clearance Area—required Sight Distance Triangles must be shown at the driveways (10'x50' for a Collector).

A sign permit will be required for wall signs shown on building renderings, and for any tenant signs visible off the property.

Other property in the area has been developed over time. Holiday RV South on the corner with Bastille Drive was granted a Conditional Use Permit in 2016, but is in violation of the conditions of approval. BWD Office & Contractors Yard CUP was approved in 2018, with conditions including parking lot landscaping. The adjacent lot to the west on Navajo Trail is vacant, with the lot to the east and rear occupied by Ace Hardware, which received a CUP in 2005. This

property also fronts on a section of Navajo Trail that failed last winter, but County Road & Bridge is not requiring a traffic study, nor that Applicant improve the road (see review comments below).

Conditional Use Permit Review Standards

A Conditional Use is a use allowed in a zoning district only when the Applicant can demonstrate how they will mitigate any potential impacts on the community. The Planning Commission's review criteria in Section 3.2.3.4 include:

- (1)** The relationship and impact of the use on the development objectives of Archuleta County.
- (2)** The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.
- (3)** The effect of the use upon traffic, with particular reference to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, sidewalks and parking areas.
- (4)** The effect of the use upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
- (5)** The adequacy of the design features of the site to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, landscaping and buffering, lighting, etc.
- (6)** The effect of the use upon the natural resources and wildlife habitat areas.
- (7)** Such other factors and criteria as the Planning Commission and the Board of County Commissioners deems applicable to the proposed use.

Finally, before acting on the application, the Planning Commission must make necessary findings under Section 3.2.3.5:

- (1)** That the proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (2)** That, if required by the proposed use, there are adequate and available utilities and public services to service the proposed use, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to, sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3)** That the proposed use will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, etc.

This application was referred to local utilities for review, as provided in Section 2.2.5. Comments were combined for the concurrent Amended Plat. Those received prior to preparation of this staff report include:

- County Engineering states that “All driveways and parking areas shall meet the Archuleta County Road and Bridge Design Standards adopted by resolution #2005-40 (May 2, 2017), Section 27.1.7. Navajo Trail is a collector and each driveway shall be a minimum 25 feet from property line to the edge of the driveway.” While typically only one driveway is permitted, Applicant will be able to have two driveways for this project if the Site Plan is revised for required separation distance.
- County Engineering will also require certification before occupancy of the structure that improvements were completed according to approved plans, and that positive drainage is provided on the road frontage.
- The Town of Pagosa Springs Planning Director offered support for the project, and encouraged the County to ensure the project complies with required paved parking, landscaping treatments, and metal siding maximums, as well as noting the site has a large area of impervious surface. [Note: Only 15% landscaped area is required.]
- Pagosa Lakes Property Owners Association (PLPOA) has approved the project as presented. Where previously PLPOA required higher building standards than the Archuleta County Land Use Regulations (see for example the Dollar Store above), the ECC has apparently relaxed their expectations in this area.
- Pagosa Fire Protection District and LPEA offered no objections.
- The Building Dept. noted the retaining wall as presented may need a building permit.
- The project was referred to CDOT, since the site fronts on HWY 160, with no comment offered before preparation of this report.

RECOMMENDATION AND FINDINGS

Based on evidence provided, if the Planning Commission concludes that the Applicants have met the goals and objectives of the Land Use Regulations, then staff would recommend **the Planning Commission find that:**

- A. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and
- B. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission approve the Bykota REI request for the Integrity Industrial Building Conditional Use Permit (CUP) on Parcel 222 Ridgeview Subdivision Amendment 2017-01, at 543 Navajo Trail Dr. (PLN19-299), **with the following conditions:**

1. Applicant shall update the site plan, for approval by Planning and Engineering staff.
2. Applicant shall provide an approved CDPS General Permit for Stormwater Discharge from Colorado Dept. of Public Health and Environment (CDPHE), or proof of waiver, prior to further site work.

3. Applicant shall provide plans for a façade treatment on the building front, meeting Section 5.4.1 Development Standards.
4. If the retaining wall shown on plans requires a building permit, then Applicant will need to apply to Vacate that portion of the utility easement prior to application for a building permit for that structure.
5. After construction, positive drainage shall be provided by the applicant on all project roads frontages. Applicant shall request the Engineering Department complete an inspection for positive drainage before occupancy of the site.
6. After construction of the building and before occupancy of the building, the Engineering Department will require a signed and sealed letter from a professional engineer stating that improvements were built according to the approved design engineer's report (dated June 24, 2019) and will work appropriately in accordance with County Standards.
7. This CUP authorizes uses meeting the OTHER Mixed Use category in Table 3 of the *Archuleta County Land Use Regulations*. Applicant or Property Owner shall be responsible for Change of Use applications for each tenant before they occupy the structure, with documentation as Light Industrial, Building Contractors, Vehicle Major Repair, Warehousing or any Use by Right as defined by the Land Use Regulations, and allocation of parking spaces.

PROPOSED MOTION

I move to recommend Approval to the Board of County Commissioners, of the request for the Integrity Industrial Building Conditional Use Permit, with the Findings A and B, and conditions #1-7 of the Staff Report.

ATTACHMENTS.

- Attachment 1: Area Maps
- Attachment 2: Review Comments
- Attachment 3: Applicant Narrative
- Attachment 4: Building Plans
- Attachment 5: Site Plans (6/24/19)