

BOARD OF COUNTY COMMISSIONERS
April 9, 2019
PLANNING CASE # PLN19-015: LOT 4, LEWIS RANCH AT COPPER
GENERAL SUBDIVISION EXEMPTION - CLASS 6
NEW BUSINESS

PROJECT INFORMATION:

Location: Lot 4, Lewis Ranch at Copper, 1028 Beeler Place (CR1194)
Project/Request: General Subdivision Exemption to re-plat a building envelope; Lot 4,
Lewis Ranch at Copper 0.26 acres, zoned Copper Mountain PUD

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Ten Mile Planning Commission does not make a recommendation on General Subdivision Exemptions

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with 7 findings and two conditions

ATTACHMENTS:

- A Vicinity Map
- B Proposed Plat
- C Draft Resolution of Approval



STAFF REPORT

TO: Board of County Commissioners

FROM: Cody Horn; Planner I

FOR: Meeting of April 9, 2019

SUBJECT: PLN19-015, Lot 4, Lewis Ranch at Copper - General Subdivision Exemption

OWNER: Real Investments LLC

APPLICANT : Zach Nassar

REQUEST: A General Subdivision Exemption to re-plat the building envelope on Lot 4, Lewis Ranch at Copper, 0.26 acres, zoned Copper Mountain PUD

PROJECT DESCRIPTION:

Location: 1028 Beeler Place (CR 1194)

Legal Description: Lot 4, Lewis Ranch at Copper

Existing Zoning: Copper Mountain PUD

Total site area: 0.26 acres

Adjacent land uses:

- East:** Lot 5, Lewis Ranch at Copper
- West:** Lewis Ranch at Copper
- North:** Lot 3, Lewis Ranch at Copper
- South:** Lewis Ranch at Copper

BACKGROUND:

The Copper Mountain Resort was originally approved in 1971. In 1993 the PUD was amended to include three properties the Resort acquired from the US Forest Service via the Homestake Land Exchange. One of these properties, the West Parcel, was incorporated into the PUD and designated as the West Village Neighborhood. On November 2, 2000 the Final Plat for the Copper Mountain West Neighborhood Subdivision was approved, which created Lots 1 and 2. In 2001 the County approved a major amendment to the Copper Mountain PUD, which among other things established a 50 lot subdivision of the West Parcel that divided the approximately 104 acre property into 27 single family lots and 23 duplex lots, and Open Space Parcels A, B, and C. The re-subdivision plat was recorded on May 29, 2002 at Reception number 685418 and reflects the density increase of the PUD amendment and the establishment of the lots and building envelopes for the Lewis Ranch at Copper Neighborhood. Plat Note 5 on the Plat is very specific and provides, among other things, that "No Building Projections (as defined in the PUD) shall extend beyond the building envelopes."

Real Investments LLC, the owner of Lot 4, Lewis Ranch at Copper, has requested a General Subdivision Exemption for a modification of the existing building envelope. The request will

slightly adjust a portion of the building envelope from the north to the northwest and northeast sides of the lot to accommodate an architectural oversight related to a recently constructed single family home. There will be no change in the building envelope area as the modification will be an adjustment to the shape, not the size, of the building envelope.

The purpose of the re-plat is to address issues with the original architectural drawings, whereby the roof eaves were drawn overlapping the existing building envelope. Upon constructing the home per the approved drawings, the applicant became aware of a slight encroachment over the building envelope. These current encroachments do not exceed 11 inches. Foundation and height improvements location certificates were submitted to the Planning Department and show proper placement of the foundation. The home was constructed per plan. The encroachment appears to be an architectural oversight. The building envelope re-plat addresses this issue so the home will conform to Summit County Standards and Regulations and the Copper Mountain PUD.

CRITERIA FOR DECISION

8402.01: Criteria for Approval

The following criteria must be met for the BOCC to approve a general subdivision exemption:

1. The division of land created by the subdivision exemption is not within the purposes of **the State subdivision statutes (C.R.S. §30-28-133 et seq.)**.
2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.
3. The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).
4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or sub basin master plans.
5. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
7. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.

Not within the Scope of State Subdivision Regulations

This application is for a general subdivision exemption to re-plat the building envelope on the subject property in order to respond to architectural oversights in the building process and bring the property into compliance with the Summit County Land Use and Development Code and the Copper Mountain PUD. This proposed subdivision exemption will not create any additional building sites and is not within the purview of State Statutes.

Compliance with County Zoning Regulations

This request is in compliance with the Summit County Land Use Code and the requirements of the Copper Mountain PUD. The proposal will maintain the existing building envelope area while reallocating portions of the north end of the building envelope to the northwest and northeast sides of the building envelope.

Compliance with County Subdivision Regulations and Standards (Chapter 8)

The building envelope will be slightly modified while maintaining the current 5,000 s.f. size. 107 s.f. will be removed from the northern portion of the envelope and placed on the northwest and northeast portions of the building envelope. This modification will not adversely affect drainage, trails, fire protection, or any other regulation found within the subdivision regulations in Chapter 8 of the Land Use and Development Code.

Compliance with County Comprehensive Plan & Basin Master Plan

The proposal conforms to the applicable provisions of the Countywide Comprehensive Plan and the Ten Mile Master Plan. This subdivision exemption will not result in any new building sites, density, or land uses. The proposed building envelope avoids environmentally sensitive areas including steep slopes and wetlands.

Compatibility with Soil or Topographical Conditions

No portions of the existing or proposed building envelope will include slopes of 30% or greater. During the building permit review process, the Building Department reviewed and addressed all geotechnical conditions on the property.

Ad Valorem Taxes

The Treasurer's Office has confirmed that ad valorem taxes for the subject property for 2018 are due. The applicant has been informed that taxes shall be paid prior to recordation of the plat; this is included as a condition.

Compliance with Plat Standards and Suitable for Recordation

The plat has been drawn according to the standards in Chapter 8 of the Development Code; the County Surveyor has found that it is suitable for recordation.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN19-015; a General Subdivision Exemption to re-plate a building envelope; Lot 4, Lewis Ranch at Copper, 0.26 acres, zoned Copper Mountain PUD, with the following findings and conditions.

Findings:

1. This Subdivision Exemption is not within the purposes of the State Subdivision Statutes. This application will result in a re-plate of the existing building envelope and will not result in any additional building sites.
2. This application is in compliance with the Zoning Regulations found in the Land Use and Development Code and the Copper Mountain PUD.
3. This application is in compliance with the Subdivision Regulations found in the Land Use and Development Code; there will be no changes to drainage, trails, slopes, or fire protection.
4. The proposal is in general conformance with the advisory goals, policies, and provisions of the Countywide Comprehensive Plan or the Ten Mile Master Plan; this application will not result in any new building sites, lands uses, or affect any environmentally sensitive areas.
5. The applicant has provided evidence that there are no topographical hazards present on the site.
6. The Treasurer's Office has confirmed that all ad valorem taxes have not been paid for 2018. All taxes must be paid prior to recording of the new plat.
7. The General Subdivision Exemption plat has been drawn according to the standards found in the Land Use and Development Code and is suitable for recordation.

Condition:

1. 2018 taxes shall be paid prior to recordation of the plat.
2. The plat shall be recorded prior to certificate of occupancy for the work being performed.

ATTACHMENTS:

- A Vicinity Map
- B Proposed Plat
- C Draft Resolution of Approval