



**RESOLUTION NO. 2017 - 34**

**BOARD OF COUNTY COMMISSIONERS  
OF THE  
COUNTY OF SUMMIT  
STATE OF COLORADO**

**A RESOLUTION APPROVING PLANNING CASE #PLN17-022, A MINOR PUD AMENDMENT TO ADD APPROXIMATELY 1.13 ACRES TO THE WESTERN SKY RANCH PUD, PARCEL BEING PORTIONS OF THE KENSINGTON TRACT B, M.S. 8271, THE THISTLE LODGE, M.S. 8271, THE VOLUNTEER LODGE M.S. 8271, AND THE INTREPID LODGE M.S. 8271 (Applicant: Timberline Partners, Danny Teodoru) and,**

**WHEREAS, Timberline Partners, Danny Teodoru on behalf of High Country Services, LLC, Danny Middleton has applied to the Board of County Commissioners for a minor PUD amendment to add approximately 1.13 acres to the Western Sky Ranch PUD, parcel being portions of the Kensington Tract B, M.S. 8271, The Thistle Lodge, M.S. 8271, The Volunteer Lodge M.S. 8271, and The Intrepid Lodge M.S. 8271; and,**

**WHEREAS, the Planning Department has reviewed the application and recommended that it be approved; and,**

**WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing held on May 9, 2017, with public notice as required by law and considered the evidence and testimony presented at the hearing; and,**

**WHEREAS, the Board of County Commissioners finds as follows:**

1. The proposed PUD modification is consistent with the efficient development and preservation of the entire PUD. Adding 1.13 acres to existing Lot 5, Filing #6 to the Western Sky Ranch PUD will not impede on any of the development goals associated with that PUD and thus the efficient development and preservation of the entire PUD will be maintained. In addition, the development standards set forth in the PUD will continue to be carried forward on to the newly configured Lot 5.
2. The proposed PUD modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest. Adding 1.13 acres to Lot 5 of the PUD does not have an adverse impact on adjacent property owners. The potential impacts associated with rezoning of the 1.13 acres to the PUD were reviewed through the Preliminary and Final Rezoning applications (PLN17-024 and PLN17-025). During these reviews, both Staff and the Upper Blue Planning Commission did not find that the rezoning would have a significant impact on adjacent property owners.
3. The proposed modification is not granted solely to confer a special benefit upon any person. The proposed change is a result of the applicant's intent to make Lot 5, Filing #6 of the Western Sky Ranch PUD larger and encompass an area that is better suited to accommodate a single family residential structure. The additional acreage being added to the PUD also has a community benefit in that by adding acreage without adding density only brings the PUD designation closer to the Upper Blue Master Plan Land Use Designation (LUD) closer to the envisioned Transition 10 land use category.
4. The proposed PUD modification is in general conformity with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, the Upper Blue Master

Plan, and the Joint Upper Blue Master Plan. Specifically the proposal does not result in an increase in density, provides a more suitable location for the proposed disturbance envelope, and has less potential for visual impacts.

5. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies because such policies were thoroughly and adequately reviewed through the rezoning of the 1.13 acre parcel from A-1 to the PUD (PLN17-024) and all applicable policies were sufficiently addressed.
6. The proposed PUD modification to add 1.13 acres to the Lot 5, Filing #6 of the Western Sky Ranch PUD and is a necessary step in the overall rezoning process for the PUD. Through the review of the preliminary rezoning of the 1.13 acre A-1 zoned property to the Western Sky Ranch PUD, it has been found that such rezoning is consistent with the public health, safety and welfare, as well as the efficiency and economy in the use of land and its resources because, without limitation; a.) adequate provisions for water and on-site wastewater treatment systems can be provided; b.) legal access exists via a County road; c.) utilities are available to serve the lot; and d.) disturbance will be limited to an established disturbance envelope.
7. The proposed PUD modification is not substantial and conforms to the intent and integrity of the original PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04 because, without limitation; a.) the PUD modification is not substantial and maintains the intent and integrity of the original PUD; b.) the PUD modification does not increase in the total number of units or floor area; c.) no new uses are requested, and d.) there is no significant decrease in the amount of open space or increase in visual impact.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO**, that a minor PUD amendment to add approximately 1.13 acres to the Western Sky Ranch PUD, parcel being portions of the Kensington Tract B, M.S. 8271, The Thistle Lode, M.S. 8271, The Volunteer Lode M.S. 8271, and The Intrepid Lode M.S. 8271 with the following conditions and as depicted in Attachment A is hereby approved.

1. Prior to the recordation of the resolution and the PUD, the resolution approving the Final Rezoning of the 1.13 acres zoned A-1 to the Western Sky Ranch PUD shall be recorded. This PUD amendment does not become effective until the recordation of the resolution approving such amendment.
2. Prior to approval of the subdivision exemption plat a site visit shall be conducted by the Open Space and Trails Department to confirm that no trails cross the subject property.

**ADOPTED THIS 9<sup>TH</sup> DAY OF MAY 2017.**



**COUNTY OF SUMMIT  
STATE OF COLORADO  
BY AND THROUGH ITS  
BOARD OF COUNTY COMMISSIONERS**

  
Karn Stiegelmeier, Chair of the BOCC

**ATTEST:**

  
Kathleen Neel, Clerk & Recorder