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Kathleen Neel – Summit County Recorder

2 Pages

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RESOLUTION NO. 2022-12

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

A RESOLUTION APPROVING PLANNING CASE PLN21-055, A MAJOR AMENDMENT TO THE MILLER PUD TO ADD ADDITIONAL SQUARE FOOTAGE (2,800 SQ. FT. TOTAL) TO THE 4 PERMITTED TOWNHOME UNITS (700 SQ. FT. EACH) LOCATED ON LOT 6, MILLER PUD; and,

WHEREAS, the applicant has applied to the Board of County Commissioners for a Major PUD Amendment to the Miller PUD; and,

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

WHEREAS, the Snake River Planning Commission has reviewed the application at a public hearing on September 16, 2021 and on October 21, 2021 and on a unanimous vote recommended that the BOCC approve the subject request; and,

WHEREAS, the Board of County Commissioners has held a public hearing, with public notice as required by law, on March 8, 2022, and has considered all relevant testimony and evidence; and,

WHEREAS, the Board of County Commissioners finds as follows:

1. The modification is consistent with the efficient development and preservation of the entire PUD due to the fact that no additional units, uses or development standards (setbacks, height, etc.) are being requested to be changed, thus the proposed request is consistent with the efficient development and preservation of the entire PUD.
2. The 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. The requested additional square footage can be considered minimal in nature with minimal impacts on the surrounding area primarily due to the fact that no additional units are being proposed and none of the permitted development standards are changing (i.e. height, setbacks, and building materials). With regards to an increase in mass and bulk, the applicant has provided floor plans and elevation drawings to illustrate what could be built under the existing PUD permitted square footage allowance and what is being proposed. Based on these drawings and a comparison between the 1,400 sq. ft. units and the proposed 2,100 sq. ft. units, both appear to be able to accommodate 3 stories and the additional square footage mostly adds to the depth of the units and not necessarily the width.
3. The modification is not granted solely to confer a special benefit upon any person.
4. The proposed PUD modification is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and the Snake River Master Plan. Specifically with regards to meeting the Land Use and Visual Impact related goals and policies.
5. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning

Regulations and the Miller PUD. The PUD amendment is consistent with all the applicable development standards (i.e. permitted uses, parking, setbacks, height, etc.) that are listed in the PUD. In addition, the application will result in the utilization of the County's TDR regulations.

6. The proposed PUD modification is consistent with the County's Rezoning Policies.
7. The proposal is consistent with the policies constituting the purpose and intent allowing for the establishment of Planned Unit Development, as set forth in §12200.01 of this Code, as well as the policies supporting the purpose and intent of allowing a Major PUD Modification Zoning Amendment, per §12202.01 of this Code.
8. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources because, without limitation: a.) adequate provisions for central water and wastewater treatment is; b.) legal access exists via a County road; c.) additional site disturbance will be negligible.
9. The applicant has provided evidence of adequate water, sewer, access, utilities and other required infrastructure to serve the intended use.
10. The proposed changes to the PUD Designation are prepared and suitable for signature by the Chairman upon approval of the requested amendment by the BOCC.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT a Major PUD Amendment to the Miller PUD to add additional square footage (2,800 sq. ft. total) to the 4 permitted townhome units (700 sq. ft. each) located on Lot 6, Miller PUD is approved with the following condition.

1. Prior to the recordation of the subject PUD designation, the applicant shall obtain the required TDRs for the proposed addition of 2,800 sq. ft.
2. The PUD shall be amended to reduce the building height from 50 feet to 40 feet for Lot 6.

ADOPTED THIS 8TH DAY OF MARCH 2022.

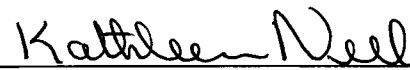


**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**



Camara Pogue, Chair

ATTEST:



Kathleen Neel, Clerk & Recorder