

BOARD OF COUNTY COMMISSIONERS
APRIL 27, 2021
PLANNING CASE # PLN20-073 : SPRING CREEK RANCH PUD
MINOR PUD AMENDMENT
PUBLIC HEARING

PROJECT INFORMATION:

Location : Spring Creek Ranch PUD - Spring Creek Ranch Road & Blue Spruce Road

Project/Request: Minor PUD modification to adjust lot lines (combine Lot F with Lot AR, create new Lot J), rename lots, and revise the PUD development plan; Spring Creek Ranch PUD

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Lower Blue Planning Commission does not review minor PUD amendments.

RESOLUTION STATUS

Draft Resolution attached.

STAFF RECOMMENDATION:

Approval with 7 findings and one condition.

ATTACHMENTS:

1. Vicinity Map
2. Draft PUD language
3. Current Spring Creek Ranch Development Plans
4. Proposed Development Plan, Exhibit B
5. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners
FROM: Sid Rivers, Planner II
FOR: Meeting of April 27, 2021
SUBJECT: -073 - Spring Creek Ranch PUD - Minor PUD Amendment

APPLICANT: Thomas Cary

OWNERS: Lot AR Judith Anderson Trust
Lot F Judith Anderson Trust
Lot 3, Blk2 Leila Nayeem-Brashaw
Lot 2R, Block 3 Judith Anderson Trust

REQUEST: Minor PUD modification to adjust lot lines (combine Lot F with Lot AR, create new Lot J), rename lots, and revise the PUD development plan; Spring Creek Ranch PUD

PROJECT DESCRIPTION:

Location: Spring Creek Ranch Subdivision, Spring Creek Ranch Rd/Blue Spruce Rd

Legal Description: Lot AR, Spring Creek Ranch Sub., 23.20 acres
Lot F, Spring Creek Ranch Sub., 72.94 acres
Lot 3, Block 2, Spring Creek Ranch Resub., 5.0 acres
Lot 2R, Block 3, Spring Creek Ranch Sub., 36.30 acres

Existing Zoning: Spring Creek Ranch PUD

Existing Uses: Lot AR Vacant
Lot F Vacant
Lot 3, Block 2 Single-family residence
Lot 2R, Block 3 Single-family residence

Adjacent land uses:

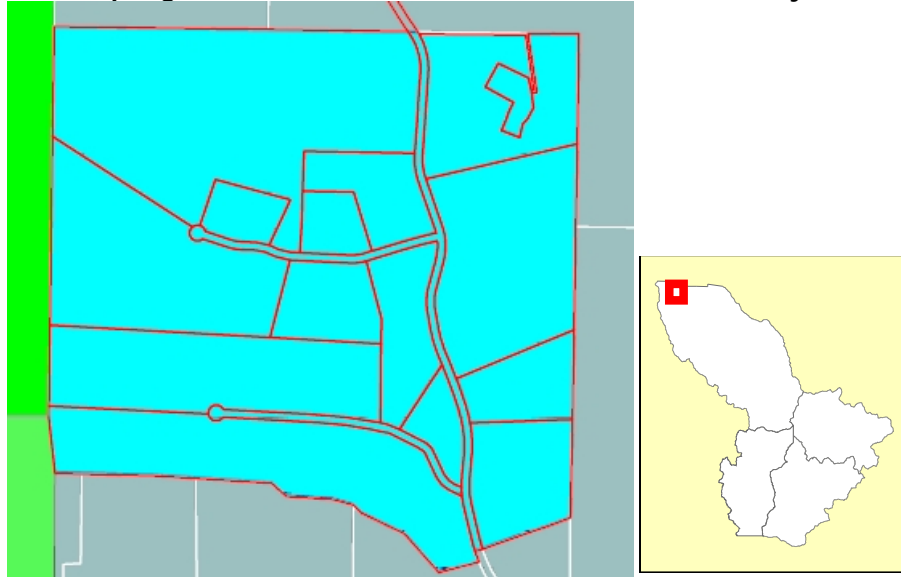
East: Lot 17, Shadow Creek Ranch Subdivision Replat, Zoned A-1
North: Shadow Creek Ranch, Open space and Common area, Zoned A-1
South: Lots 19, 20, 21 Shadow Creek Ranch, zoned A-1
West: Unplatted Government Lots, Zoned NR-2

BACKGROUND:

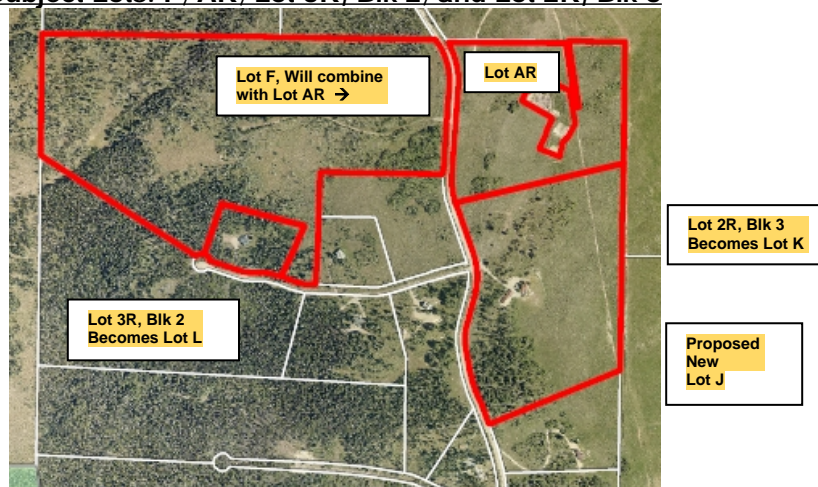
The Spring Creek Ranch Subdivision is located in the northern most portion of Summit County. These are large acreage lots ranging in size from 5 acres to 80 acres. The Spring Creek Ranch PUD is surrounded by A-1 and NR-2 zoned properties that generally exceed 70 acres in size. The Spring Creek Ranch PUD was originally approved December 17, 1979, and recorded under Reception Number 204557. The original plat was recorded on June 3, 1980, at Reception Number 207217. The Spring Creek Ranch PUD was most recently amended on September 18,

2018 (PLN18-060), and recorded at Reception Number 1180178. This PUD amendment adjusted lot lines and modified the development plan exhibits. Subsequently, a general subdivision exemption plat (PLN18-061) was approved and recorded at Reception Number 1182407.

Spring Creek Ranch PUD: Lots and Location in County



Subject Lots: F; AR; Lot 3R, Blk 2; and Lot 2R, Blk 3



The PUD permits the modification of the building envelopes and lot lines as long as they are in conformance with the development plan. The purpose of this PUD modification is to adjust lot lines (combine Lot F with Lot AR, create New Lot J), rename lots, revise the PUD development plan, and update the PUD language as needed.

The applicant intends to modify the lot lines between Lot 3, Block 2; F; AR; and Lot 2R, Block 3. The proposed lot combination, lot renaming, and lot line adjustments is described in the following table:

Existing Lot and Acreage	Resulting Lot and Acreage
Lot F = 72.94 acres + Lot AR = 23.20 acres	Lot AR = 85.98

Lot 3, Blk 2 = 5.0 acres	Lot L = 10.2 acres
Lot 2R, Blk 3 = 36.3 acres	Lot K = 32.21 acres
	Lot J = 8.05 acres

The PUD development plan will be updated with these lot modifications. The PUD language will be updated to reflect prior changes to the PUD, such as lot numbers and reception numbers. Additional PUD language will be updated as needed. For example, the fire district currently listed in the PUD is the Lake Dillon Fire Protection District, which will be updated to Summit Fire EMS FPD. The Home Owners Association has approved of this PUD modification request. The lot line adjustments, creation of new Lot J, and renaming of lots will be accomplished with a general subdivision exemption plat after the PUD modification has been reviewed and approved.

This PUD amendment shall be recorded prior to the recordation of any subdivision exemption plat to adjust the lot lines between parcels or rename parcels. The applicant has applied for a general subdivision exemption plat (PLN21-028) which will be reviewed by the BOCC as a new business item on a future agenda. A condition of approval has been added to this PUD modification application requiring the amended PUD to be recorded prior to the subdivision exemption plat approval.

This application has been determined to be a minor PUD amendment because; 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; c.) No new uses are requested; and, d.) There is no significant decrease in the amount of open space.

CRITERIA FOR DECISION

Section 12203.02 of the Summit County Land Use and Development Code (“Code”) states that the BOCC may approve a minor PUD modification zoning amendment only if the application meets all relevant County regulations and standards, and provided the BOCC makes the following findings:

- A. The proposed PUD modification is consistent with the efficient development and preservation of the entire PUD.
- B. 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.
- C. The proposed PUD modification is not granted solely to confer a special benefit upon any person.
- D. The proposed PUD modification is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
- E. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies.
- F. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- G. The proposed PUD modification amendment 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.

The Proposed PUD Modification is Consistent with the Efficient Development and Preservation of the Entire PUD

This PUD modification will not alter the compliance with any of the elements of the Spring Creek Ranch PUD. The PUD permits 14 units of residential density. The resulting lot line adjustments, lot combination, creation of a new lot, and lot renaming does not alter the 14 unit density for the Spring Creek Ranch PUD. The proposed lot configuration meets the requirements of the PUD for lot size and building envelope location. The subject lots will be modified with a separate general subdivision exemption application (PLN21-028).

This minor PUD modification application will also update the development plan for the PUD to reflect the proposed lot configuration. The Spring Creek Ranch Development Plan exhibits have been included in the packets; currently there are four (4) exhibits. The original development plan has been modified by adding additional Exhibits to the PUD. This application will replace Exhibit B, C-1, C-2 and C-3 with one revised, up to date, Exhibit B.

Additional proposed PUD language modifications act as housekeeping items to update the PUD to current development standards, such as updating Lot names and the fire district name. There are no proposed changes to the permitted uses or setback standards within the PUD.

All single-family residences and access are evaluated with the building permit application. Access will not change as part of this request.

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

This minor PUD amendment will not affect the use of the lots or the adjacent lots in the area. The Spring Creek Ranch subdivision consists of large-acreage lots. The lots to the east and south of the subject parcels are located in the Shadow Creek Subdivision and are over 70 acres in size. The lot to the west is an unplatted parcel zoned NR-2. Allowing for the alteration of lot lines between Lot 3, Block 2; F; AR; and Lot 2R, Block 3 will not affect the neighboring properties. A new Development Plan, Exhibit B, has been added to the draft PUD which reflects the revised development plan for the subject lots.

The Proposed PUD Modification is not Granted Solely to Confer a Special Benefit Upon Any Person

This PUD modification will not solely benefit any one person. The owners of any lot can modify their lot lines or building envelopes, provided that the modification is in general conformance with the PUD's Development Plan and the standards outlined in the PUD. This application proposes to amend the Development Plan to conform with the proposed lot line adjustments, and renaming of lots. The current development plan for the PUD consists of four (4) exhibits that have been added to modify the original development plan over the years. The new development plan will include all of the previous PUD modifications in one comprehensive map (development plan). This development plan will be Exhibit B in the revised PUD.

The Proposed PUD Modification is in General Conformance with the Goals, Policies/Actions and Provisions of the Summit County Countywide Comprehensive Plan and any Applicable Basin Master Plans

Conformance with the Countywide Comprehensive Plan

Land Use Element, General Land Use, Goal C.: Maintain the current level of density in Summit County.

Conformance with the Lower Blue Master Plan

Land Use, Goal B., Policy/Action 2.2: Require that all new subdivisions and subdivision exemptions include disturbance envelopes for all lots to limit overall site disturbance and to avoid impacts.

This minor PUD amendment does not alter the approved density for the PUD. The subject lots remain large acreage lots, with one unit of permitted single-family density associated with each lot. There is no increase in density. A specific building envelope will be platted for the new Lot J meeting the requirements of the PUD.

The Proposed PUD Modification is Consistent with the Purpose and Intent of the County's Zoning Regulations and Rezoning Policies

During the original PUD zoning review process, as well the general subdivision exemption review processes, it was found that the Spring Creek Ranch PUD and Subdivision complies with the standards of the Development Code and rezoning policies. No new roads will be created as a result of this application. While a new lot (Lot J) will be created, Lot F will be extinguished when it is combined with Lot AR. The resulting density remains at 14 units as permitted in the PUD.

The Proposed PUD Modification is Consistent with Public Health, Safety and Welfare, as Well as Efficiency and Economy in the Use of Land and its Resources

This PUD modification does not compromise any health or safety standards. This PUD modification will continue the efficient use of the subject parcels and will not alter the amount of land available for open space or agricultural use, and will not negatively impact adjacent property owners.

The Proposed PUD Modification Amendment 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

This PUD modification is minor in nature, maintains the intent of the original Spring Creek Ranch PUD, does not increase the number of units in the PUD, meets the standards of the PUD, does not change the permitted uses of the PUD, or decrease the amount of open space within the Spring Creek Ranch PUD.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN20-073, A Minor Amendment to the Spring Creek Ranch PUD to adjust lot lines (combine Lot F with Lot AR, create new Lot J), rename lots, and revise the PUD development plan, with the following findings and condition:

FINDINGS:

1. The proposed PUD modification is consistent with the efficient development and preservation of the entire Spring Creek Ranch PUD. The modification will comply with the standards as listed in the PUD, and does not result in any additional density or uses.
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 Spring Creek Ranch PUD or the public interest.
3. The proposed PUD 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 Land Use elements pertaining to density in the Summit County Countywide Comprehensive Plan, and the Lower Blue Master Plan.

5. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies. This amendment does not allow for additional units within the PUD.
6. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
7. The proposed PUD amendment is not substantial and conforms to the intent and integrity of the original Spring Creek Ranch PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

CONDITION:

The PUD modification shall be recorded prior to the recordation of any plat for the subject lots.