

BOARD OF COUNTY COMMISSIONERS
MARCH 31, 2020 (Continued from FEBRUARY 25, 2020 Meeting)
PLANNING CASE #19-097: CLASS 6 – BLUE SKY ESTATES II – FINAL REZONING OF A
2.23-ACRE LOT ZONED RURAL ESTATES (RE) TO R-1 TO ACCOMMODATE TWO
SINGLE-FAMILY LOTS.
PUBLIC HEARING

PROJECT INFORMATION:

Location: 0122 Ski Hill Road

Project/Request: Blue Sky Estates II –Final rezoning of a 2.23 acre lot zoned Rural Estates (RE) to R-1 to accommodate two single-family lots.

ISSUES:

None

RESOLUTION STATUS:

Resolution attached for the BOCC's consideration.

STAFF RECOMMENDATION:

Approval with four findings and four conditions.

ATTACHMENTS:

Attachment A: Draft Resolution with Rezoning Exhibit A



PLANNING DEPARTMENT

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Frisco, CO 80443

STAFF REPORT

TO: The Board of County Commissioners (“BOCC”)
FROM: Lindsay Hirsh, Senior Planner
FOR: Meeting of March 31, 2020 (Continued from the February 25, 2020 Meeting)
SUBJECT: PLN19-097: Class 6: Blue Sky Estates II – Final rezoning of a 2.23 acre lot zoned Rural Estates (RE) to R-1 to accommodate two single-family lots.
APPLICANT: Chris Hawkins, Alpine Planning, LLC
OWNER: 122 Ski Hill, LLC
REQUEST: Final rezoning of a 2.23 acre lot zoned Rural Estates (RE) to R-1 to accommodate two single-family lots.

PROJECT DESCRIPTION

Location: 0122 Ski Hill Road
Legal Description: Lot 2, Blue Sky Estates
Proposed Use: Residential
Other Uses: Accessory to Residential – 1 (R-1)
Total site area: 2.23 acres
Adjacent land uses:
 East: Ski Hill Road/Discovery Sub #1 (zoned R-2)
 West: USFS lands (zoned NR-2)
 North: Lot 1, Blue Sky Estates, (zoned RE)
 South: Ski Hill Road

Background:

The subject property is located on the south side of the Peak 7 Neighborhood as indicated on the map on the following page. The property contains 2.23 acres and is currently zoned RE (Rural Estate) which has a minimum lot size of 2 acres. The property has approximately 430 feet of frontage onto Ski Hill Road on its eastern border. Based on the submitted topographical survey, the property has an average grade of approximately 14%. The property is relatively devoid of trees due to extensive blow down.

This Final Rezoning (PLN19-097) application is being concurrently reviewed with the preliminary rezoning request (PLN19-096) and the preliminary plat (PLN19-098) and the final plat (PLN19-099). The preliminary rezoning and plat applications were heard and recommended for approval by the Upper Blue Planning Commission (“UBPC”) on January 23, 2020. All four applications were to be heard by the BOCC at their meeting of February 25, 2020 however they were all continued to the March 31, 2020 meeting.

DISCUSSION:

No Substantial Changes from the Approved Preliminary PUD Zoning

This Criterion for Decision requires the BOCC to make a finding that the proposed final PUD zoning has not substantially changed from the approved preliminary PUD zoning, and the applicant has complied with conditions that had to be met prior to final zoning approval. The preliminary rezoning request approval by the BOCC had the following conditions:

1. Prior to the recordation of the final rezoning, the applicant shall obtain one TDR for the additional lot being permitted by the rezoning from RE to R-1.
2. Prior to the issuance of a building permit, if deemed necessary by the Summit County Engineering Department a wetlands delineation shall be submitted that indicates that no soil disturbance will be located within 25 feet of any identified wetland.
3. No earth disturbing activities or snow storage shall be conducted or located on adjacent USFS lands.
4. Prior to the recordation of the final plat, the proposed plat shall be amended to illustrate a 100 foot separation from the property line along Ski Hill Road and the building envelope.

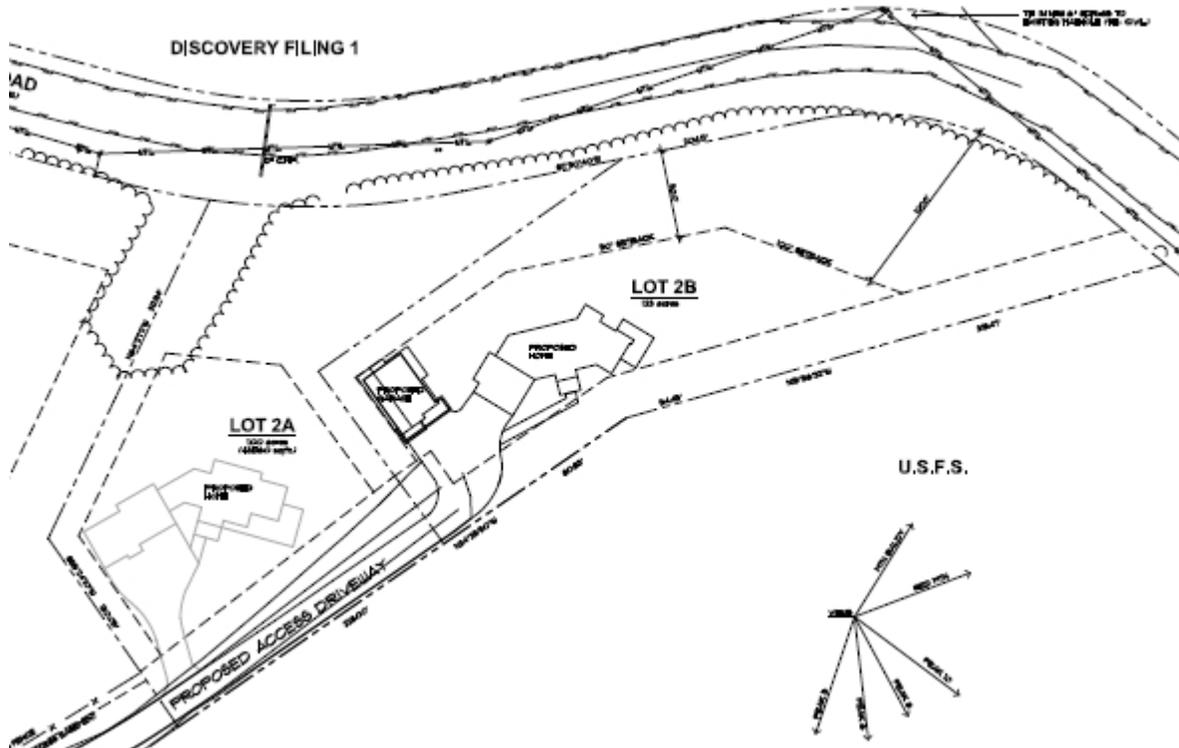
Staff has included the first condition of approval in the recommended conditions associated with the final rezoning request. As stated in the preliminary rezoning staff report, the applicant is aware of this requirement and is intending to purchase and/or acquire through private party transactions necessary TDRs to fulfill this condition. There are currently TDR's available in the Upper Blue TDR bank and they are currently \$92,590 per development right. It should be noted that the TDR price has recently been recalculated. The previous price was \$85,000. The applicant has requested that he be allowed to purchase the TDR for \$85,000, which was the price of a TDR at the time his application for the rezoning was submitted. Unfortunately, as the TDR program is jointly operated with the Town of Breckenridge pursuant to an IGA, it is not within the scope of this application nor within the authority of the Planning Department to decide. The IGA sets forth the terms under which TDRs are to be sold and provides for an annual update of the price and the methodology for doing so. The applicant also has the option to acquire a TDR from the private market.

The second condition regarding wetlands is in response to an Engineering Department referral comment of the potential to disturb off-site adjacent wetlands in a ditch along Ski Hill Road associated with utility installation and staff believes conditioned appropriately. As stated in the preliminary plat staff report, this issue was brought up at the Upper Blue Planning Commission meeting and the associated condition was agreed upon by both the Engineering Department and the applicant.

The third condition was based on a referral comment from the USFS and the proposed condition is simply to solidify/document that all grading or snow storage needs to be conducted on the subject property and not on the adjacent USFS lands.

Lastly, regarding the fourth condition, Subdivision regulations allow establishment of more limited disturbance envelopes at time of subdivision application review if there are concerns such as development constraints or another reason to limit disturbance. Staff supports the applicant's decision to use building envelopes for the two proposed lots however does believe that the proposed building envelopes can be further reduced that are adjacent to Ski Hill Road. The applicant understands Staff's concern regarding this issue and has agreed to pull the

proposed building envelopes that abut Ski Hill Rd. on proposed Lot 2B up the hill by 100 feet as represented below. Staff has added a condition of approval to address this change.



Final Evidence of Adequate Water, Sewer, Access, Utilities

The subject application includes verification that the property has adequate water, sewer, access, utilities and other required infrastructure to serve the intended use as per Table 3-4 Services Matrix of the Code.

Taxes Have Been Paid

The County Treasurer's Office has verified that all ad valorem taxes have been paid for the subject property for years prior to the year in which approval is under consideration.

PUD Suitable For Recordation

The rezoning have been reviewed by the County in accordance with the requirements of the Code and upon compliance with the acquisition of the required TDR, the zoning amendment is suitable for recordation.

Preliminary PUD

No change has occurred in the rezoning application that would result in an inability to make the findings required for approval of preliminary PUD zoning.

Staff Recommendation

Staff recommends that the BOCC approve PLN19-097, a final rezoning of a 2.23 acre lot zoned Rural Estates (RE) to Residential (R-1) to accommodate two single-family lots with the following findings and conditions:

Findings:

1. The proposed final zoning is consistent with the approved preliminary zoning, and the

criteria related thereto, and the applicant has complied with any conditions that had to be met prior to final zoning amendment approval.

2. The applicant has provided final evidence of adequate water, sewer, access, utilities and other required infrastructure.
3. The applicant has provided certification from the County Treasurer's Office that all ad valorem taxes applicable to the proposed zoning amendment for years prior to the year in which approval is under consideration have been paid.
4. No change has occurred in the rezoning applications that would result in an inability to make the findings required for approval of preliminary zoning.

Conditions:

1. Prior to the recordation of the final rezoning, the applicant shall obtain one TDR for the additional lot being permitted by the rezoning from RE to R-1.
2. Prior to the issuance of a building permit, if deemed necessary by the Summit County Engineering Department a wetlands delineation shall be submitted that indicates that no soil disturbance will be located within 25 feet of any identified wetland.
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ATTACHMENTS

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