

**UPPER BLUE PLANNING COMMISSION
SUMMARY OF MOTIONS**

June 24, 2010

COMMISSION MEMBERS PRESENT: Robin Theobald, George Gruber, Jim Just, Drew Goldsmith, David Nelson, Vince White-Petteruti, Michele Tonti

STAFF PRESENT: Lindsay Hirsh, Kristin Dean, Brad LaRochelle

Robin Theobald, Chairman, called the meeting of the Upper Blue Planning Commission to order at 5:35 p.m.

Approval of Summary of Motions: The Summary of Motions of the May 27th, 2010 Upper Blue Planning Commission was approved as amended.

APPROVAL OF AGENDA: Additions, Deletions, Change of Order

REGULAR AGENDA:

PLN10-053 Andrea Estates Preliminary PUD

A Preliminary Rezoning from A-1 to Andrea Estates PUD to allow for two existing 20 acre lots to be reduced to two approximately 5 acre lots in order to facilitate the conveyance of the remaining 30 acres to Summit County for open space purposes. The Andrea Estates PUD will allow for a single-family dwelling unit and associated uses on each of the 5 acre lots. The remaining 30 acres will be rezoned from A-1 to Open Space under separate application; Andrea Estates, Lot 1 and Lot 2

MOTION: Commissioner Goldsmith made a motion to recommend approval of Planning case # 10-053, a Preliminary Rezoning from A-1 to Andrea Estates PUD to allow for two existing 20 acre lots to be reduced to two approximately 5 acre lots in order to facilitate the conveyance of the remaining 30 acres to Summit County for open space purposes; Andrea Estates, Lot 1 and Lot 2 with the following findings and conditions:

Findings:

1. The proposed PUD is in general conformity with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, Upper Blue Master Plan, and the Joint Upper Blue Master Plan because, without limitation, density is not being increased beyond that which is already permitted, the rezoning will facilitate the County's acquisition of 30 acres for open space purposes, public access to the significant trails in the Golden Horseshoe Planning area will be increased and protected, access to the Backcountry will be enhanced, significant trails will be acquired through incentives and cooperation with the property owners of the subject property, the visual impact associated with Rac Jack Way will be reduced through the reclamation of such road back to a natural state, and the PUD will require that the single-family structures utilize colors and materials that blend with the natural environment.
2. The proposed PUD is consistent with the purpose and intent of the County's Zoning Regulations in that; a.) disturbance and building envelopes are required, density is limited to two single-family dwelling units; b.) accessory and conditional uses are allowed as set forth by the PUD; c.) height, lighting, colors and materials, fencing, and garage sizes are limited as permitted by the Summit County Land Use and Development Code ("Code"); and d.) the PUD will require revegetation of all disturbed areas.

3. Upon compliance with the provisions set forth in the PUD, the proposed PUD is consistent with the County's Rezoning Policies (Section 3200 et. seq.), because, without limitation; a.) water will be provided via approved well permits by the Office of the State Engineer; b.) on-site wastewater systems will be used for each lot; c.) access is secured across all intervening properties via County ROW and recorded access easements; d.) utilities are in place for Lot 1 and a utility easement along Rac Jack Way will allow for utilities to be installed to Lot 2; and e.) density is not being increased beyond which is currently permitted.
4. The proposed PUD is compatible with present area development, and will not have a significant, adverse effect on the surrounding area.
5. The proposed PUD is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources or otherwise promotes an overall public benefit to the community.
6. The proposal furthers the policies constituting the purpose and intent allowing for the establishment a of Planned Unit Development, as set forth in §12200.01 of this Code, because, without limitation; a.) the development relates to and preserves, to the extent practical, the natural features of the site and avoids areas having development constraints; b.) the designation of disturbance envelopes will allow for the preservation of forested areas; and c.) the proposed PUD ensures that development on the site reflects a logical land use pattern, in consideration of: compatibility with the site's natural features, natural topography and terrain, the amount of environmental disturbance that would result, avoidance of areas subject to environmental hazards and development constraints to the extent practicable, and the availability of services and infrastructure.

Conditions:

1. Prior to or concurrent with the recordation of the PUD, the Assessment Agreement between the Andreas and the Summit Estates Homeowner's Association as well as the Declaration of Covenants, Conditions, and Restrictions of Andrea Estates shall be amended to reflect the new legal description of Lot 1 and 2 Andrea Estates and other miscellaneous modifications and shall be recorded.
2. The building envelope on Lot 2 shall be depicted graphically on the plat and may be done so via an inset graphic on the plat.

Commissioner White-Petteruti seconded the motion which passed on a unanimous vote of 7-0.

PLN10-055 Andrea Estates A-1 to OS

A Preliminary Rezoning from A-1 to OS for 30 acres that are presently portions of Andrea Estates Lot 1 and Lot 2 to facilitate the conveyance of the 30 acres to Summit County for open space purposes. The remaining 10 acres are being rezoned from A-1 to the Andrea Estates PUD under separate application; Andrea Estates, Lot 1 and Lot 2

MOTION: Commissioner Tonti made a motion to recommend approval of Planning case # 10-055, a Preliminary Rezoning from A-1 to OS for 30 acres that are presently portions of Andrea Estates Lot 1 and Lot 2 to facilitate the conveyance of the 30 acres to Summit County for open space purposes; Andrea Estates, Lot 1 and Lot 2 with the following findings and conditions:

Findings:

1. The proposed PUD is in general conformity with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, Upper Blue Master Plan, and the Joint Upper Blue Master Plan because, without limitation, the rezoning will facilitate the County's acquisition of 30 acres for open space purposes, public access to the significant trails in the Golden Horseshoe Planning area will be increased and protected, access to the Backcountry will be enhanced, significant trails will be acquired through incentives and cooperation with the property owners of the subject property, and the visual impact associated with Rac Jack Way will be reduced through the reclamation of such road back to a natural state.
2. The proposal is consistent with the purpose and intent of the County's Zoning Regulations because rezoning the subject 30 acres to OS and the acquisition of the property by the County will ensure that the intent of the OS Zoning District is met on the property by fostering extensions to existing undeveloped open space lands, providing a buffer to developed areas, protecting view corridors, providing access to trails, trailheads, and National Forest areas, and allowing passive recreation uses including trails.
3. The proposal is consistent with the County's Rezoning Policies because, the acquisition of the property by the County and the subject rezoning to OS will ensure that all natural features of the property are protected from development.
4. The proposed rezoning is compatible with present area development and will not have a significant, adverse effect on the surrounding areas because, without limitation; a.) the proposed rezoning to OS will ensure that the 30 acres are not developed; and b.) the County's purchase of the property will also protect a valuable in-holding into Open Space property, thereby facilitating land management of the area. The property is surrounded by USFS lands and County Open Space property, where these open space qualities are emphasized.
5. The proposal is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources in that there will be no additional impacts from development and the subject property will be utilized for public open space purposes.
6. The proposed rezoning is justified because, without limitation; a.) the parcel is surrounded by Open Space and U.S. Forest Service lands and the County's purchase of the 30 acres would protect a valuable in-holding into Open Space property, thereby facilitating land management of the area; b.) the County's purchase of the property would provide the opportunity to reclaim the highly visible road cut (Rac Jack Way) built through the property to access the recently County-purchased mining claims at the top of the hill; c.) the property is highly visible from several points in the Upper Blue Basin and the rezoning will protect the property from development and subsequent visual impacts; d.) the property contains several recreational trails identified in the Golden Horseshoe planning process.

Conditions:

1. It is recommended that Plat Note No. 6 of the associated subdivision exemption plat be amended to allow motorized access across Galena Gulch Road.

Commissioner Goldsmith seconded the motion which passed on a unanimous vote of 7-0.

PLN10-058 Lot 25, Discovery Subdivision

A review of an accessory apartment associated with a single family residence on .5 acres in the R-2 zoning district; Lot 25, Discovery Subdivision #1.

MOTION: Commissioner Goldsmith made motion to approve Planning case # 10-058, a review of an accessory apartment associated with a single family residence on .5 acres in the R-2 zoning district; Lot 25, Discovery Subdivision #1 with the following findings:

Findings:

1. The accessory apartment in conformance with all of the regulations included in Section 3809.03 of the Summit County Land Use and Development Code. The size, design, number of bedrooms, location, and proposed use of the apartment are in compliance with this Section. The applicant has submitted a restrictive covenant, which will be recorded with the property, which limits the use in compliance with the Code. The accessory apartment is in compliance with other zoning regulations including but not limited to setbacks, height, snow storage, and exterior lighting.
2. The accessory apartment is in harmony and compatible with surrounding land uses and the neighborhood, and will not create a substantial adverse impact on adjacent properties or on services and infrastructure. The proposed parking, location and design of the accessory apartment will help to minimize impacts on the neighborhood and will maintain the single family character of the subdivision.
3. The accessory apartment will not result in excessively high activity levels in the neighborhood. The maximum number of persons residing in the apartment will be two, minimizing increased traffic and impacts to the neighborhood.

Commissioner Tonti seconded the motion which passed on a unanimous vote of 7-0.

PLN10-067 Lot 2, Discovery Subdivision

A review of an existing conditional use permit for an accessory apartment on Lot 2, Discovery Subdivision (Planning Case 91-111) on .5 acres in the R-2 zoning district; Lot 2, Discovery Subdivision # 1.

MOTION: Commissioner Just made a motion to continue Planning case # 10-067, a review of an existing conditional use permit for an accessory apartment on Lot 2, Discovery Subdivision (Planning Case 91-111) on .5 acres in the R-2 zoning district; Lot 2, Discovery Subdivision # 1, until the August 26th, 2010 meeting of the Upper Blue Planning Commission.

Commissioner Gruber seconded the motion which passed on a unanimous vote of 7 – 0.

DISCUSSION:

None

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Kristin Dean
Senior Planner