



**I. Call to Order**

Called to order at 5:00pm.

**II. Roll Call**

All Commissioners were present.

**III. Recognition of Chris Lubbers' Contributions to PZC**

Commissioner Lubbers left the meeting after being acknowledged for his service.

**IV. Additions & Amendments to the Agenda**

None.

**V. Conflicts of Interest**

Commissioner Bonidy disclosed a conflict with Item VII.

**VI. Consent Agenda**

- December 1, 2015 Meeting Minutes
- Findings of Fact and Record of Decision for Automobile Rental and Sales for Motion Autohaus, LLC Special Review Use located at Lot 18/19, Block 1, Benchmark at Beaver Creek (Dec 1, 2015 Decision)

*Action:* Commissioner Struve motioned to approve the consent agenda. Commissioner Barnes seconded the motion and all Commissioners were in agreement. The motion passed 6-0.

**VII. Continued Public Hearing: Case #SRU15001**

Land Use Application Type: Special Review Use for Bed and Breakfast  
Property Location: Lot 37 A & B, Block 2, Benchmark at Beaver Creek Subdivision  
Property Address: 228 W. Beaver Creek Blvd.  
Zoning: Residential Duplex (RD)  
Applicant: Todd Roehr  
Owner: Lot 37 -Mein Haus, LCC c/o Todd Roehr

Description: The Applicant is requesting approval of a special review use permit to operate a bed and breakfast at the subject properties.

Action: Applicant submitted a revised application to include 238 (Lot 38 A&B) W. Beaver Creek Blvd Duplex; therefore, this file is no longer active and no action was necessary.

#### **VIII. Work Session**

- Wildridge Development Standards
  - i. Duplex Splits
  - ii. Design Guidelines/Duplex Structures

Action: No action required. PZC agreed to revisit a draft final recommendation to Town Council at the next meeting.

Public comments were taken from the following members of the public: Gary McBride, Jeff Manley, Gary McBride, Rick Petrillo, Mike Farr, Dave Dantas, David Strandjord, Harry Greenberg, and Bruce Baca.

#### **IX. Meeting Adjournment**

The meeting was adjourned at 7:55pm.



To: Chairman Jim Clancy and Planning and Zoning Commission  
From: Matt Pielsticker, AICP, Planning Director  
Meeting Date: January 19, 2016  
Agenda Topic: Wildridge Standards

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### **Introduction**

At the November 17, 2015 meeting, the Avon Town Council continued Ordinance 15-11, an Ordinance drafted to create a new PUD amendment category for the Wildridge subdivision. The Ordinance addresses PUD Amendment applications specific to duplex properties proposing to develop as two separate lots with two single-family structures. The Ordinance was continued by Council until the January 26, 2016 meeting with direction to work with PZC on the eligibility and standards for this type of application.

The Commission met on January 5, 2016 to further discuss Ordinance 15-11; whereby several public comments were received. Staff was directed to produce a draft (updated) recommendation to Town Council. Based on the stated need of the Commissioners to have additional time to prepare a revised recommendation, and the chance that more public input will be taken at the January 27<sup>th</sup> Wildridge Public Open House, Staff will bring a continuance recommendation to the Council on January 26, 2016 meeting.

### **Staff Recommendation**

Review attached draft Resolution 16-01, and supporting documentation, during the January 19, 2016 work session. At the meeting provide edits, additions, deletions, and finalize draft Resolution 16-01 and Ordinance 15-11 redlines for Council consideration.

### **Attachments**

- A - Draft Resolution 16-01
  - o Ordinance 15-11 Redlines
- B - Written Public Comments
- C - Project Background and Lot Split Project Examples
- D - Wildridge Development Summary

## Exhibit A



### TOWN OF AVON, COLORADO PLANNING AND ZONING COMMISSION RESOLUTION 16-01 SERIES OF 2016

#### **A RESOLUTION RECOMMENDING TO THE AVON TOWN COUNCIL APPROVAL OF ORDINANCE 15-11, AS AMENDED; AN ORDINANCE TO CREATE A NEW PUD AMENDMENT CATEGORY FOR THE WILDRIDGE SUBDIVISION**

**WHEREAS**, the Avon Town Council and Planning and Zoning Commission held a special meeting on June 3, 2015, where interest was expressed in adopting additional review criteria for applications that propose to split a duplex lot into two single-family properties in the Wildridge Subdivision; *and*

**WHEREAS**, the Avon Town Council initiated an application (“Application”) to amend the text of the Avon Development Code (“ADC”) in accordance with Section 7.16.040 of the ADC; *and*

**WHEREAS**, the Avon Planning and Zoning Commission held work sessions to discuss revised regulations for lot splits in Wildridge on August 18, 2015, September 1, 2015, Public Hearing on September 29, 2015, and additional work sessions on January 5, 2016 and January 19, 2016, where additional public input was considered; *and*

**WHEREAS**, the Planning and Zoning Commission makes the following findings with respect to the Application and Ordinance 15-11:

1. The code text amendments are desirable to respond to changed conditions in the Wildridge Subdivision.
2. The code text amendments are intended to mitigate the potential of negative impacts to adjacent properties by providing additional review criteria for lot split applications.
3. The code text amendments help to minimize or mitigate the potential impacts of developing two single-family homes on a duplex zoned property by incorporating added requirements such as increased building setbacks, and designated architectural massing with added requirements such as maximum building square footage.
4. The code text amendments provide added assurances to the community and adjacent existing development that compatibility with the neighborhood must be demonstrated with applications for duplex lot splits.
5. The code text amendments result in additional opportunities for public input when an application to add a single-family home to an existing lot with a single-family residence is processed as a Major PUD Amendment.
6. The code text amendment promotes the goals and policies of the Avon Comprehensive Plan for the Wildridge Subdivision , including and not limited to:
  - a. *Goal D.1: Ensure that development and redevelopment is compatible with existing and planned adjacent development and contributes to Avon’s community image and character.*
  - b. *Policy D.1.5: Update and enhance the Avon land use regulations so that development is subject to a thorough, rigorous set of development criteria.*

## Exhibit A

- c. *District 24 – Wildridge Residential District: Site buildings of varying sizes along the street to maximize sun exposure, protect views, be compatible with existing surrounding development, and break up building bulk.*
7. The code text amendments are in compliance with the review criteria for text amendments codified in Section 7.16.040(c), *Review Criteria*, as outlined herein.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning and Zoning Commission hereby recommends that the Town Council of the Town of Avon Approve the Application and Ordinance 15-11 (**Exhibit A**) as attached and amended.

**ACCEPTED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016**  
**AVON PLANNING AND ZONING COMMISSION**

**SIGNED:**

\_\_\_\_\_  
Jim Clancy, Chairperson

Exhibit A to PZC Resolution 16-01

TOWN OF AVON, COLORADO  
ORDINANCE 2015-11

AN ORDINANCE AMENDING AVON MUNICIPAL CODE  
TABLE 7.16-1 AND SECTION 7.16.060(h)(1) CONCERNING  
LOT SPLIT PUD AMENDMENTS TO WILDRIDGE PUD

WHEREAS, the Avon Town Council initiated an application (“Application”) to amend the text of the Avon Development Code (“ADC”) in accordance with Section 7.16.040 of the ADC;

WHEREAS, the Application would amend Sections 7.16.060(h)(1) *PUD Amendment Categories* and 7.16.060(h)(2) *Reviewing Authority* and Table 7.16-1, *Development Review Procedures*, in accordance with the Code Text Amendment;

WHEREAS, the Avon Planning & Zoning Commission held a public hearing on September 29, 2015, after publishing and posting notice as required by law, considered all comments, testimony, evidence and staff reports provided by the Town staff, considered such information prior to formulating a recommendation;

WHEREAS, the Avon Planning & Zoning Commission held additional work sessions on January 5, 2016 and January 19, 2016 to consider additional public comments, testimony, evidence and staff reports provided by Town Staff;

WHEREAS, after conducting the noticed Public Hearing and additional work sessions, PZC approved Resolution 16-01 and made the required findings to recommend approval of the application to the Town Council;

WHEREAS, the Town Council of the Town of Avon held ~~a~~ public hearinghearings on ~~November 17, 2015~~January 26, 2016, and February 9, 2016 after posting notice as required by law, considered all comments, testimony, evidence and staff reports provided by the Town staff prior to taking any action on the Application;

WHEREAS, pursuant to AMC §7.16.040(c), *Review Criteria*, the Town Council has considered the applicable review criteria for a Code Text Amendment and found the Application in compliance with the review criteria, and specifically finds that the text amendment is necessary or desirable to respond to changed conditions, new planning concepts or other social or economic conditions and promotes the health, safety and general welfare of the Avon community; and,

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply with state law, the Avon home rule charter and the Avon Development Code by setting a public hearing in order to provide the public an opportunity to

Ordinance No. 2015-11 – Minor PUD Amendment to Wildridge PUD

FIRST READING ~~–November 17–~~ January 26, 2015

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present testimony and evidence regarding the application and that approval of this Ordinance on first reading does not constitute a representation that the Town Council, or any member of the Town Council, supports, approves, rejects, or denies the proposed zoning or other matters in this Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO,** the following:

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2. Amendment to Table 7.16-1: Development Review Procedures and Review Authority.** Table 7.16-1, Development Review Procedures and Review Authority, of the ADC is amended to insert a new horizontal cell row adjacent to the category for Planned Unit Development, located below “Minor PUD Amendment” and above “Major PUD Amendment” and shall read “~~Minor~~Lot Split PUD Amendment ~~to~~for Wildridge PUD” together with a cell for “R” under the Director column; a cell for “H-~~DR~~” under the PZC column; and a cell for “AH-D” under the TC column, to read as follows:

<u>Minor</u> <del>Lot</del> Split PUD Amendment <del>to</del> <u>for</u> Wildridge PUD	R	H- <del>DR</del>	<u>AH-D</u>
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**Section 3. Amendment to Add a New Section 7.16.060(h)** is hereby repealed in its entirety and re-enacted to read as follows:

- (1) PUD Amendment Categories. Categories of PUD amendments are established and defined as follows for the purpose of determining the appropriate review procedure:
  - (i) Administrative Amendment. A proposed PUD amendment is considered administratively if it provides for the correction of any errors caused by mistakes that do not materially alter the substance of the PUD development plan as represented to the Town Council.
  - (ii) Minor Amendment. A proposed PUD amendment is considered minor if it meets the following criteria for decision and has been determined as such by the Director:
    - (A) The PUD amendment does not increase density, increase the amount of nonresidential land use or significantly alter any approved building scale and mass of development.
    - (B) The PUD amendment does not change the character of the development and maintains the intent and integrity of the PUD.

(C) The PUD amendment does not result in a net decrease in the amount of open space or result in a change in character of any of the open space proposed within the PUD.

(iii) ~~Minor Lot Split~~ Amendment to Wildridge PUD. A proposed PUD Amendment to the Wildridge PUD to permit a lot split of a duplex lot into two lots is considered a ~~Minor Lot Split~~ Wildridge PUD amendment if it meets the following criteria for decision and has been determined as such by the Director:

(A) The proposed duplex lot split is located in the Wildridge PUD Subdivision on a vacant, undeveloped lot or a lot which will be redeveloped as a condition of the lot split.

(B) The proposed minor PUD amendment meets the criteria for a Minor Amendment in Section 7.16.060(h)(1)(ii).

(C) The minor PUD amendment proposes to split one lot permitting a residential duplex dwelling into two lots permitting one detached single-family-residential dwelling on each lot.

(iv) Major Amendment. A PUD amendment that is not classified as an administrative ~~amendment~~, minor amendment or ~~minor Lot Split PUD~~ amendment to Wildridge PUD is considered a major amendment. A PUD amendment to split a duplex lot in the Wildridge PUD with an existing single family structure shall be processed as a Major Amendment.

(2) Reviewing Authority.

(i) Administrative Amendments. The Director shall review and render decisions on Administrative Amendments. A decision of the Director may be appealed to the Council pursuant to Section 7.16.160, Appeal.

(ii) Minor Amendments. The general procedures set forth in Section 7.16.020, General procedures and requirements, shall apply to minor PUD amendment applications. The PZC shall review all minor PUD amendment applications and shall provide a recommendation to the Town Council after conducting a public hearing. The Town Council shall review and render a final decision, through a resolution, on a minor PUD amendment application after conducting a public hearing.

(iii) ~~Minor Lot Split~~ Amendments to Wildridge PUD. The general procedures set forth in Section 7.16.020, General procedures and requirements, shall apply to ~~Minor Amendment Lot Split Amendments~~ to Wildridge PUD applications. The PZC shall review all Lot Split Amendments to Wildridge PUD amendment applications and shall provide a recommendation to the Town Council after conducting a public hearing. The Town Council shall review and render a final decision, through a resolution, on a qualifying Lot Split Amendments to Wildridge ~~minor~~ PUD

~~Amendment~~ amendment application after conducting a public hearing. ~~A decision of the PZC may be appealed to the Council pursuant to Section 7.16.160, Appeal.~~

(iv) Major Amendments. The general procedures set forth in Section 7.16.020 shall apply to major PUD amendment applications. All major PUD amendment applications shall be processed as preliminary PUD and final PUD applications.

(3) Review Criteria. The PZC and Council shall review a PUD amendment according to the same approval criteria listed above for a preliminary PUD development plan.

(4) Additional Review Criteria. The PZC shall review a ~~minor amendment~~ Lot Split Amendment to the Wildridge PUD application according to the following criteria in addition to the review criteria for a preliminary PUD development plan:

(i) The application results in less total site coverage and contains restrictions on building envelopes when deemed appropriate to minimize site disturbance;

(ii) Driveway disturbance is minimized and a shared driveway curb cut is utilized when feasible and when a shared driveway curb cut would reduce site disturbance;

(iii) Areas not appropriate for development are designated on the PUD plan;

(iv) The proposed development of the site avoids disturbance of slopes greater than 30% or reduces potential disturbance of slopes greater than 30% compared to the existing PUD designation; and,

(v) The PUD plan incorporates requirements and/or restrictions as deemed appropriate to minimize or mitigate impacts to properties in the vicinity, including but not limited to:

(A) enhanced landscaping;

(B) increased building setbacks (i.e. greater than 20' separation between buildings);

(C) designated building footprints; and,

(D) designated architectural massing, including but not limited to maximum building square footage designation."

**Section 4. Codification of Amendments.** The codifier of the Town's Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Avon Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not

substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 5. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 6. Effective Date.** This Ordinance shall take effect thirty days after final adoption in accordance with Section 6.4 of the Avon Home Rule Charter.

**Section 7. Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 8. Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

**INTRODUCED, APPROVED, PASSED ON FIRST READING AND ORDERED POSTED** on ~~November 17, 2015~~ January 26, 2016 and a public hearing on this ordinance shall be held at the regular meeting of the Town Council on ~~December 8, 2015~~ March 8, 2016, at 5:00 P.M. in the Council Chambers, Avon Municipal Building, One Lake Street, Avon, Colorado.

\_\_\_\_\_  
Jennie Fancher, Mayor

Published by posting in at least three public places in Town and posting at the office of the Town Clerk at least seven days prior to final action by the Town Council.

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Debbie Hoppe, Town Clerk

\_\_\_\_\_  
Eric Heil, Town Attorney

**Ordinance No. 2015-11 – Minor PUD Amendment to Wildridge PUD**

**FIRST READING** ~~–November 17–~~ January 26, 2015

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**INTRODUCED, FINALLY APPROVED, AND PASSED ON SECOND READING, AND  
ORDERED PUBLISHED BY POSTING on ~~December 8, 2015~~ March 8, 2016.**

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Jennie Fancher, Mayor

Published by posting by title in at least three public places in Town and posting by title at the office of the Town Clerk.

ATTEST:

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Debbie Hoppe, Town Clerk

## Exhibit B

**From:** [Beverly McBride](#)  
**To:** [Avon Council Web](#); [Brian Garner](#)  
**Subject:** Fw: Avon Council Considers Change of Process for Wildridge PUD Amendment  
**Date:** Monday, November 16, 2015 6:32:58 AM

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To the Members of the Avon Town Council:

Please accept the following comments re: Proposed Ordinance 2015-11 (hereinafter, the "Pro.Ord.") up for its first reading on November 17, 2015:

While we applaud the stated desire to define criteria for proposed amendments to the Wildridge PUD, the stated desires and the Pro.Ord. are not consistent. Some of the problems may be corrected by simple rewording; others are significantly inconsistent with the stated intent and not in the best interests of development in Wildridge.

Problems that can be corrected by rewriting include:

1. One of the criteria listed for allowing a PUD change in Section 7.16.040(c)(4) is "changed conditions." However, the Pro.Ord. has a finding in the next to last "Whereas" clause stating that the amendment is in response to "changed conditions." This is also incorporated within the body of the Pro.Ord. (Section 1.) This adopting ordinance should not state that circumstances have changed. That issue needs to be looked at as a criteria; not as a given fact. For example, if the U.S. suddenly finds itself at war in Syria and again in Iraq, the Avon area could presumably be in or near a military area where duplex and multi-family housing would be significantly needed. No ordinance should decide a criteria in advance.
2. Language in new section 7.16.060(h)(i)(ii)(A) defines an application as "minor" if it does not increase the amount of nonresidential land use. By implication, the language appears to be saying that an application will be deemed "minor" if it does increase the amount of residential land use. It would be less ambiguous if "minor" were defined as not increasing commercial, service or professional uses in a residential area.

Significant Problems that Should NOT Be Adopted:

3. The Pro.Ord. treats lot splits as a "minor" amendment. (Section 3.(1)(iii)(C))  
Even though it currently is a "minor" designation, it is inconceivable that a split of a lot could be treated as a "minor" event. A lot split affects owners beside, in front of, behind, at an angle, up and down the hills and those just driving past. The designation of "minor" wrongly tells residents it is not so much of a change that they need to look into it. People need to be appropriately told when a lot is to be split. The incorrect designation of "minor" has been adamantly objected to during previous lot split hearings. NOW is the time to provide that a lot split is not defined as "minor."  
The "Summary" provides that lot splits are of great concern and a reason for adding more criteria. To continue them as "minor" is altogether wrong. Wildridge is a platted subdivision with subdivision rules and regulations and is governed by existing zoning. It is inappropriate to create additional lots through "minor" splits. The

## Exhibit B

practice of granting lot splits, in general, should be prohibited let alone considered "minor." The true effect of the lot splits that have occurred and may be considered is the replatting of an existing platted subdivision and should receive careful scrutiny by Council as the "major" exercise it is.

4. Of equal concern is the proposal that the decision of the PZC will not automatically go to City Council for a final determination! This is absolutely unfair and an abdication of Council's duties. The PZC is not elected; the residents of Wildridge will be deprived of the right to exercise the balance of control built into our democratic system of government. Council has a role because they have a far more comprehensive view of the totality of the City, are responsible to the citizens and should be able to add wise heads to the decision. Absolutely do NOT cut out an automatic final decision by City Council!

While this Pro.Ord. may be well intentioned, it needs reworking. There is no emergency. Please send it back for additional work consistent with these comments.

Thank you,  
Gary and Beverly McBride  
P.O. Box 6543  
5156A Longsun Lane  
Avon, Colorado 81620  
419-509-5032  
bevjmcbride@yahoo.com

----- Forwarded Message -----

**From:** Town of Avon Community Development <listserv@civicplus.com>

**To:** bevjmcbride@yahoo.com

**Sent:** Friday, November 13, 2015 4:26 PM

**Subject:** Avon Council Considers Change of Process for Wildridge PUD Amendment

Notify Me



## Avon Town Council to Consider Change of Process for Wildridge PUD Amendments

For Immediate Release | November 13, 2015  
Contact: Brian Garner, Town Planner  
970-748-4423 | [bgarner@avon.org](mailto:bgarner@avon.org)

## Exhibit B

Avon, CO— The Avon Town Council, at its November 17<sup>th</sup> meeting, will consider changes to the Avon Development Code pertaining to PUD amendments within the Wildridge Subdivision. Recent development within the Wildridge subdivision has prompted a number of discussions with Town Council and the Planning & Zoning Commission regarding the adequacy of current development regulations. Of particular concern are PUD amendment applications that result in lot splits and change the building type from a duplex (or more attached units) to single-family-detached units. Council and PZC indicated interest in adopting additional review criteria for review of lot split PUD Amendments to improve mitigation of potential impacts to affected properties and to codify best practices incorporated in past lot split PUD amendment approvals.

Among the changes, a new category of review criteria specific to minor PUD amendment applications that result in lot splits in Wildridge is prescribed to better address the specific needs of that environment. PUD amendment proposals will need to address specific site characteristics unique to the Wildridge neighborhood to demonstrate that a development proposal is not more impactful than development proposed under the existing site allowance. The language is intended to provide the Planning & Zoning Commission with ample discretion to review proposals on a site-by-site basis.

Most notable of the proposed code text revisions is a change in the review and final decision that is now proposed to be completed by the Planning & Zoning Commission, rather than Town Council, for applications to amend the Wildridge PUD. However, applications that propose significant deviation from the Wildridge PUD (i.e. zone change from residential to commercial) will continue to be a Town Council consideration and approval process. A proposed minor amendment to the Wildridge PUD will be considered by the PZC only if it meets the established criteria for decision by the PZC and has first been determined as such by the Director.

First reading of the ordinance and a public hearing on this date will be followed by a second reading and final action scheduled for the December 8<sup>th</sup> regular meeting. If you have questions or would like more information, please contact Brian Garner, Town Planner at (970)748-4023 or [bgarner@avon.org](mailto:bgarner@avon.org).

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## Exhibit B

### Matt Pielsticker

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**From:** Dominic Mauriello <dominic@mpgvail.com>  
**Sent:** Monday, January 04, 2016 12:35 PM  
**To:** Matt Pielsticker  
**Cc:** Allison Kent  
**Subject:** Wildridge Development Standards

Hi Matt and Planning and Zoning Commissioners:

I noticed that the Wildridge Development Standards are on the agenda again for discussion on January 5. I have a conflict and cannot attend the meeting but would like to participate in the discussion. If this item could be discussed again in the future meeting before becoming final, that would be greatly appreciated.

Below are some comments and suggestions based on the proposed language and what triggers a Major PUD Amendment:

- Today, a major amendment and a minor amendment for a lot split have exactly the same process: PZC recommendation and Town Council final approval. I realize the PZC recommended a process by which a minor amendment could be approved by the PZC but perhaps it would be easiest to allow the Town Council the final approval authority and eliminate this new set of criteria which makes an application more complicated.
- I am not sure I understand the ultimate issue. 90% of the applications for lot splits that have come through the process have ultimately been approved by the PZC and the Town Council. In the last 10 years, there has been two applications that were controversial. Neither was approved. It seems to me the Town is spending a lot of time trying to fix something that is not broken.
  
- The minimum lot size of 1-acre seems rather limiting and its not clear whether that's the existing lot that must be 1-acre or the resulting two lots, each with one acre;
- The maximum unit size is also very limiting and somewhat arbitrary. A larger one-acre lot can support a greater floor area than a smaller lot. Perhaps this should be a sliding scale based upon the lot area. A one-acre lot should be able to support two homes of 7,500+ sq. ft. total (3,750 each)
- I am not sure why a 60/40 split is important. This concept has not achieved any sort of goal or positive community outcome in the 50 years it has existed in Vail other than making one owner pay more for snow removal on a shared driveway. It adds a layer of regulation without any real measurable outcome. I would recommend eliminating this requirement.
- Building envelopes:
  - Is an actual plat application required or will a diagram like we have done previously suffice? This is added expense to only find out the application is denied for the split.
  - 1,800 sq. ft. will almost never work - again this should be reflective of the lot area. The smallest possible is probably in the 2,500 sq. ft. range with the need for a garage
  - Some lots today have 40% slopes as the existing condition, so this limit probably does not work.
- Compatibility. Are we talking the average size of the two split lots or the original lot? I am not sure average lot size really allows one to find compatibility since lots can be of varying shapes and sizes. There are some huge, steep lots that have been developed next to smaller less steep lots. In these cases the lot sizes were more reflective of buildability. This kind of standard might work in a traditional

## Exhibit B

neighborhood, on the valley floor, developed in a typical grid system but its not very applicable to a mountainous subdivision like Wildridge which has hugely variable lot sizes. I would change this measure of compatibility. Just because a few land owners decided not to build a duplex should not have a bearing on what another neighbor can develop.

I hope this assists in your deliberations.

Thanks,

**Dominic F. Mauriello, AICP**

**Mauriello Planning Group, LLC**

PO Box 4777

2205 Eagle Ranch Road

Eagle, Colorado 81631

970-376-3318 cell

[www.mpgvail.com](http://www.mpgvail.com)

## Exhibit B

### **Matt Pielsticker**

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**From:** Rick Petrillo <poohcaso@gmail.com>  
**Sent:** Monday, January 04, 2016 9:28 PM  
**To:** Thad Pryor; Kim & Rudy Vulpe; Henry Rischitelli; marto@vail.net; Mitch Chambers; Jacob Brege; Mike Farr; skibunny@earthlink.net; Beverly McBride; isom@vaillaw.com  
**Cc:** Matt Pielsticker  
**Subject:** Planning and Zoning Commission meeting

There is a meeting tomorrow night for the Planning & Zoning Commission of Avon.

The topics of discussion that effect Wildridge are:

- 1) The rezoning of vacant lots. Currently vacant lots zoned for single family and duplex homes in Wildridge would be rezoned to allow two single family structures to be built.
- 2) On lots where there is an existing single family home, the commission is proposing that the owner would be allowed to sub divide the lot and build an additional smaller single family home on the lot.

In my opinion this will ruin view corridors, crowd Wildridge and most importantly destroy our property values along with the peacefulness of living up here. Apparently, the commission now sees a need for affordable housing in Wildridge. Currently, we have affordable housing in Wildwood and the town of Avon. Wildridge is not the place to create additional affordable housing.

I would encourage you to do the following. Pass this email along to all Wildridge residents, attend the meeting tomorrow night at 5:30 at the town offices and compose an email to Matt Pielsticker. His email address is: [mpielsticker@avon.org](mailto:mpielsticker@avon.org) and is copied on this email. If you do send an email, please cc me as I will be attending the meeting tomorrow night.

Thank you,

Rick Petrillo  
970.376.0052

## Exhibit B

**Matt Pielsticker**

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**Subject:** FW: Planning and Zoning Commission meeting

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**From:** Jackie Work [mailto:jackie.work@mountainci.net]

**Sent:** Tuesday, January 05, 2016 11:36 AM

**To:** 'Kim Vulpe'

**Cc:** 'Thad Pryor'; 'Kim & Rudy Vulpe'; 'Henry Rischitelli'; marto@vail.net; 'Mitch Chambers'; 'Jacob Brege'; 'Mike Farr'; skibunny@earthlink.net; 'Beverly McBride'; isom@vaillaw.com; Matt Pielsticker; 'Rick Petrillo'

**Subject:** RE: Planning and Zoning Commission meeting

Hi Kim. I understand your and Rick's concerns. Les and I have been doing our research on the lot splitting. As you know we've been doing a bit of carefully planned building in Vail and Wildridge. From our research and what we've observed from the new build and resale markets, we believe the lot splitting actually serves Wildridge residences well by providing a better mix of different sized homes, and introducing more single family into the neighborhood. Wildridge has a lot of very large and older duplexes giving the appearance of a very dense neighborhood due to their sheer mass. The problem with the existing zoning is that it allows for too many duplexes which create a much bigger mass structure on a property. Avon is being progressive in trying to alleviate some of this on lot sizes that are larger by reviewing the lot splitting as a positive to the community, and at the same time help to alleviate the problem of fewer residential housing, which is a big problem in Vail.

The idea of lot split is to provide an efficiency to the land use and providing a more open feel. The town of Avon Planning has a stringent review process with criteria with the purpose of breaking up the bulk and mass of potential development. The Planning department reviews the application with the goal of addressing most of these goals.

- The application results in less total site coverage
- The application contains restrictions on building envelopes to reduce site disturbance.
- The application contains limitations to livable area for each home.
- The application has height limitations more than what is required by code.
- The driveway disturbance is minimized by a shared driveway curb cut is utilized when feasible and when a shared curb cut would reduce site disturbance.
- The application has increased building setbacks
- The application has enhanced landscaping to provide more than landscape minimums.

Remarkably, what we've learned from building in Wildridge is that view corridors **are not** protected by the town code, **BUT** the planning department encourages the input of the neighbors and interaction with the planning process. As a recent example, we had two neighbors to our Wildridge lot development (where we split one large lot zoned for a **10,000 plus sq ft** duplex) complain based on view restriction. We were able to show the town and the neighbors that by carefully designing the two homes, and careful placement on the lot, the mass of the two structures was actually LESS than if we had designed and placed a duplex on the lot. It actually allowed for unrestricted views between the houses, which would not have happened if we planned for the allowed duplex. We also worked with the neighbours and shifted the homes to minimize view impact. The Town was very encouraging on this process, and our neighbours have given their approval.

On the projects that we have presented to the town, we have presented 3D images to demonstrate the positives of the creation of the broken up masses to the views and to the overall effect on the neighbors. This is an affirmation that the process of the Town of Avon's planning review is working to preserve the goals of the community. I understand the concern of those who are speaking out, that there will be two large homes where there was planned to have one large duplex. This is not allowable under the current review process. The Current Zoning does only **minimally limit the size of**

## Exhibit B

**the duplex** that can be built or where it can be built within the setbacks. The split is helping to control light and air, the massing and size of the development to occur while still meeting the real estate demands of the community.

The result in splitting duplex lots is not increasing the planned density in Wildridge or diminish home values. Most people if given the choice, for the same price, or even slightly more, would rather buy and live in a small detached home than a duplex; especially if the driveway is shared. This has been proven when looking at days on market home sales. As for housing values, we can argue this until the cows come home. For evidence, look at the resale value and length of time on the market of all the older duplexes in Wildridge. The duplex you and Rudy built with your friends is still for sale, and it is a beautiful duplex!

Newer and renewing neighborhoods housing values are higher, because people are more demanding now if interior and exterior looks and finishes. Wildridge is an aging neighborhood with many odd looking older homes and duplexes. New construction and renovations do not drive down land values. It's cheaper to build a duplex than two single families, but if they don't sell as fast, or are not valued as high by the buyer, that cost has to be factored in. And not many people can get financing to build their own home, or even a duplex to keep one half for themselves and sell the other side.

Some may argue that there are still buildable lots not developed. Believe me, we've looked to buy whatever is available to build on. Of those that people were willing to sell, the lots are so steep in grade that the cost of construction do not make them viable as a spec build in the current markets. It will be interesting to see if the Builder who is doing the duplex on the top of Wildridge on the north side is able to get his money out of it once it sells.

I think the town of Avon is very cognisant of the issues, and are trying to seek a balance. They will make sure they address issues through the land application and stringent design and approval processes they have in place. Compared to the processes and lack of design review boards on our projects here in Ontario, I think Avon and even Vail, have actually come up with an accessible process and common sense approach.

~Jackie Boris-Work

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**From:** Kim Vulpe [<mailto:vailbum@comcast.net>]

**Sent:** Tuesday, January 05, 2016 1:09 AM

**To:** Jackie Work <[jackie.work@mountainci.net](mailto:jackie.work@mountainci.net)>; Marcie Glowacki <[marcieglowacki@yahoo.com](mailto:marcieglowacki@yahoo.com)>; Jill Palazzo <[jillgems@aol.com](mailto:jillgems@aol.com)>

**Subject:** Fwd: Planning and Zoning Commission meeting

## Exhibit C Wildridge Lot Splits & Development Standards

### Background

Since the original platting of the Wildridge Subdivision, there has been a steady trend toward single-family development; either in the form of a single-family structure constructed on a duplex zoned property, or in several cases zoning amendments and corresponding subdivisions to create new single-family lots. Several examples of this type of development have been processed and/or constructed over the years, including the following:

- Wildridge Acres – A Resubdivision of Lot 13, 14, 15, Block 2, Wildridge
- Foxx4 – A Resubdivision of Lot 2, Block 5, Wildridge
- Beaver Creek Point – A Resubdivision of Lot 111, Block 1, Wildridge
- Grandview – A Resubdivision of Lot 45, Block 2, Wildridge
- Longsun - A Resubdivision of Lot 42, 43, Block 4, Wildridge
- Saddleridge – A Resubdivision of Lot 47, 48, Block 1, Wildridge
- O’Neal – A Resubdivision of Lot 10, 11, Block 2, Wildridge
- Western Sage – A Resubdivision of Lot 54, 55, 89, Block 4, Wildridge
- Dry Creek – A Resubdivision of Lot 4, Block 2, Wildridge
- Gandorf – A Resubdivision of Tract B, Block 1, Wildridge
- Minervini – A Resubdivision of Lot 15, 16, Block 4, Wildridge
- Wildridge Point – Lot 1, 2, 3, A resubdivision of Lots 33 & 34, Block 4, Wildridge
- June Creek Point – A Resubdivision of Lot 25, Block 2, Wildridge
- Gasperlin PUD – Lot 10, Block 3, Wildridge
- 4290 Wildridge – A Resubdivision of Lot 26, Block 3, Wildridge
- 5151 Longsun – A Resubdivision of Lot 48, Block 4, Wildridge
- 4250 Residences – A Resubdivision of Lot 21, Block 3, Wildridge

A number of discussions with Town Council and PZC questioning the adequacy of current development regulations resulted from some recent proposals. Notably, the review of an application for six (6) single family residences on Lot 38/39, Block 4, Wildridge suggested that there could be a need to address this type of replatting and zoning change. While that application was ultimately denied based upon conflicts with the review criteria, it prompted a joint work session with Town Council and PZC on June 3, 2015 to further discuss the subdivision. At that meeting Council and PZC indicated interest in adopting additional review criteria for duplex lot split PUD Amendments to help mitigate potential impacts, and to codify best practices incorporated in past lot split PUD amendment approvals.

Additional direction from the joint work session with Council and PZC included:

- “Coast to Coast Duplex” - Review the duplex design standards and recommend Development Code amendments to address this undesirable structure design.
- Covenants – Do not pursue re-establishment of covenant restrictions such as maximum building square footage cap.
- Development Standards – Review 1980 Design Guidelines and determine possible elements that may benefit from incorporation into the Development Code (i.e. steep slope, massing).

- Accessory Dwelling Units – First, work with water district to determine appropriate standards. Explore ways to streamline process for existing units and evaluation a Conditional Use permit process (i.e. Silverthorne).

### **Lot Splits & Ordinance 15-11**

Among the changes shown in Ordinance 15-11, a new category of review criteria specific to minor PUD amendment applications that result in lot splits in Wildridge is prescribed to better address the specific needs of that environment. PUD amendment proposals would need to address specific site characteristics unique to the Wildridge neighborhood to demonstrate that a development proposal is not more impactful than development proposed under the existing site allowance. The language is intended to provide PZC (and ultimately Council) with ample discretion to review proposals on a site-by-site basis. After initial review of the Ordinance by Council on November 17, 2015, the Ordinance was referred back to PZC for further review and consideration.

Based on Council’s direction, PZC again reviewed Ordinance 15-11, previous drafted language for lot splits from 2010, and considered public input from several residents in the Wildridge Community.

### **Public Input**

At the January 5, 2015 PZC meeting several comments were fielded for duplex lot split regulations. The following members of the public spoke before PZC: Gary McBride, Jeff Manley, Gary McBride, Rick Petrillo, Mike Farr, Dave Dantas, David Strandjord, Harry Greenberg, and Bruce Baca. The public raised concerns with Ordinance 15-11 as drafted, and generally supported keeping the process as it exists today with Council making the final determination in all instances of re-subdivisions in Wildridge. Other comments included:

- Minimum square footages may be more appropriate than maximum square footages in order to maintain consistency with neighboring development.
- Some recent lot splits look crowded because the homes are too close together.
- No interest in working class homes (i.e. 5151 Longsun Lane)
- The process seems to be working today, and these applications do not change density
- Perhaps a minimum width of new structures should be considered to ensure compatibility.
- Looks like we are headed in the right direction with draft language.
- Adjacent properties must be taken into consideration with lot splits.
- The regulations may benefit builders more than citizens.
- Perhaps there should be a distinction between upper and lower Wildridge for these matters.

### **2010 Lot Split Language**

In addition to considering public comments, PZC reviewed the 2010 draft language that was part of Title 7, *Development Code* hearings. During the drafting of Development Code, Town Staff worked toward a set of standards to address the same circumstance of a duplex lot being split into two single-family lots and structures. Below in *blue text* is the 2010 code language (never adopted), referenced for consideration. After a review of these previously drafted regulations by the Commission, they found that the majority of the old draft language was simply too restrictive. The draft language did not appear to be necessary to ensure sensitive development, except for the requirement to provide building separation as identified in Section 3(ii) below.

*Wildridge Duplex PUD Amendment Criteria. The purpose of this section is to establish criteria for the review of duplex subdivisions which propose to break-up*

the bulk and mass of potential duplexes on duplex lots in the Wildridge Subdivision and by creating two (2) single-family homes of a limited size which result in two (2) smaller structures, rather than one (1) large monolithic structure and which are sited with adequate separation between the two buildings. A proposed subdivision of a duplex lot which does not meet the criteria in this section must follow the “Major PUD Amendment” process.

1. **Minimum Lot Size:** one (1) acre.
2. **Maximum Unit Size:** The two proposed single-family homes shall not be of a combined gross floor area greater than 6,000 sq. ft. and shall be configured in a primary/secondary arrangement with the primary structure comprising at least sixty-percent (60%) of the total floor area and the secondary structure comprising a maximum of forty-percent (40%) of the total floor area.
3. **Building Envelopes:** Any request to build two (2) single family homes on a lot platted and zoned for a duplex must be accompanied by a Duplex Subdivision Plat depicting two (2) separate building envelopes which meet the following standards:
  - (i) are each no greater than 1,800 sq. ft. in area,
  - (ii) are at least twenty (20) feet apart,
  - (iii) conform to setbacks,
  - (iv) are sized, configured, and located in a manner consistent with surrounding development,
  - (v) respond to natural contours to minimize site disturbance,
  - (vi) and avoid steep slopes which exceed thirty percent (30%) grade where practical and in no case include steep slopes which exceed forty percent (40%) grade.
4. **Compatibility:** The newly proposed single-family lots shall be compatible with the average size of the ten (10) closest lots to the subject property; and, shall be configured and placed on the lot in a manner which responds to the natural topography without causing excessive grading and site disturbance.
5. **Access & Easements:** A single access easement shall be located and depicted on the proposed Duplex Subdivision Plat in accordance with §7.28.030, AMC.

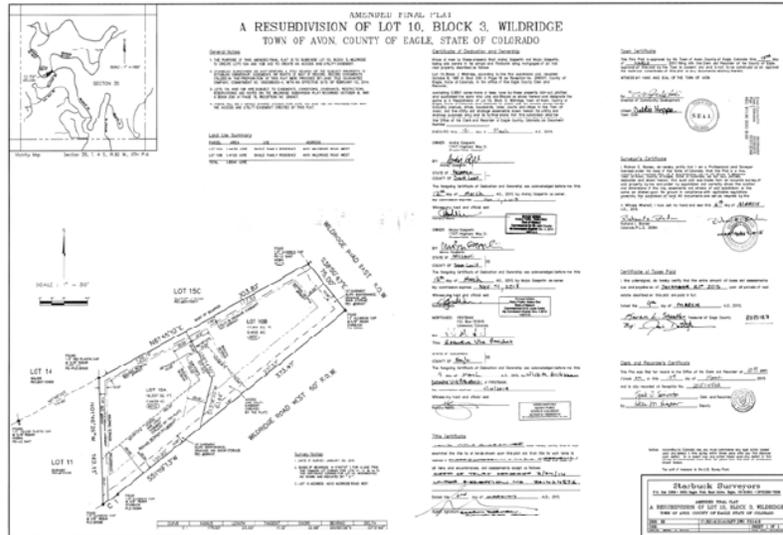
### **Model PUD Lot Splits**

Ordinance 15-11 represents an improvement in the lot split PUD amendment process, with additional criteria and structure added to the process. There are several advantages, including:

- Additional review criteria which add up-front direction to property owners, applicants, and Town Staff.
- Reduced massing, where appropriate and compatible with neighboring developments, to address wall-effect of some “coast to coast” duplex patterns.
- Potential for smaller building footprints, where compatible with homes in the vicinity.
- Reduced building heights if warranted to address adjacent existing development.
- Transparent, thorough process with Public Hearings at PZC and Town Council that give time to work with adjacent property owners when needed.

Recent projects that embody the spirit of Ordinance 15-11 and the enhancement of sensitive planning principles listed above include:

- Gasperlin Residences on Lot 10, Block 3, Wildridge. This project divided a duplex lot into two single-family lots, each with a building footprint limited to 2,900 sq. ft. for each lot. The livable area was limited for each property, and by splitting the duplex into two properties, the views of the neighboring existing development above the project were carefully taken into account and preserved to a larger degree. As can be evidenced with the project nearing the end of construction, the layout of the project is responsive and compatible with neighboring development.



- 4250 Residences at Lot 21, Block 3, Wildridge. Again, this project split a duplex lot into two single-family lots. The review process included ample time to address neighboring concerns (primarily views), as well as the massing of the development as it relates to other construction in the area. In addition to shifting the placement of the proposed buildings during the review process, the building heights were reduced (i.e. from 35' to 30' and 33' respectively) and floor area maximums were added to provide assurance the units will be compatible when constructed.



### Duplex Design Standards

Currently, no codified development standards exist to prevent a “coast-to-coast”, or “setback to setback” duplex design. PZC discussed this topic to identify concerns and determine if additional

standards could be crafted to address this less desirable building form. At this time PZC has no recommended changes to the existing Duplex design standards. The existing standards require a unified, coordinated design of a duplex structure with compatible materials and colors. The existing standards do not address the monolithic, linear nature of duplex structures that were built in the 1990s and 2000s in upper Wildridge.

### **Wildridge Design Guidelines**

At the November 17, 2015 Council meeting, some Council members requested that PZC reconsider adopting parts or the entire design guidelines for the Wildridge subdivision. The PZC reviewed the design guidelines and ultimately determined that the guidelines were not necessary based on the adequacy of the existing Title7: Development Code, design standards. In particular, all development in the Town must adhere to existing steep slope requirements and grading/retaining wall standards. There is a noted exception to the driveway orientation standard of 90 degrees perpendicular for these steep properties to allow for angled driveway entrances in order to reduce site disturbance for driveway access.

