

**TOWN OF AVON  
PLANNING & ZONING COMMISSION  
RESOLUTION No. 08-06**



**A RESOLUTION RECOMMENDING DENIAL TO TOWN  
COUNCIL OF THE PLANNED UNIT DEVELOPMENT (PUD)  
AMENDMENT APPLICATION FOR LOTS 21, 65A, 65B, TRACT  
Q, AND PARCEL TK-3, BLOCK 2, BENCHMARK AT BEAVER  
CREEK, TOWN OF AVON, EAGLE COUNTY, COLORADO**

**WHEREAS**, Pedro Campos of the Vail Architecture Group, representing the owner of the property, EAH, LLC, has applied for a PUD Amendment for Lots 21, 65A and 65B; Tracts Q & R; And Parcel No. TK-3, Benchmark at Beaver Creek Subdivision, pursuant to Section 17.20.110 of the Avon Municipal Code; as presented in the original application dated February 6, 2008; *and*

**WHEREAS**, Pursuant to the pertinent noticing procedures required by law, the Planning and Zoning Commission of the Town of Avon held public hearings on June 3, 2008, June 17, 2008, July 1, 2008, July 15, 2008, August 5, 2008, and August 19, 2008; at which time the applicant was given an opportunity to present their proposal for a new PUD and hear the feedback from both the Commission and members of the public, in addition to the written comments from Staff regarding this PUD request; *and*

**WHEREAS**, The Planning and Zoning Commission considered the following criteria when evaluating this application:

- 1. Conformance with the Town of Avon Comprehensive Plan Goals and Objectives.*
- 2. Conformity and compliance with the overall design theme of the town, the sub-area design recommendations and design guidelines of the Town.*
- 3. Design compatibility with the immediate environment, neighborhood, and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, character, and orientation.*
- 4. Uses, activity, and density which provide a compatible, efficient, and workable relationship with surrounding uses and activity.*

5. *Identification and mitigation or avoidance of natural and/or geologic hazards that affect the property upon which the PUD is proposed.*
6. *Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.*
7. *A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation that is compatible with the Town Transportation Plan.*
8. *Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.*
9. *Phasing plan or subdivision plan that will maintain a workable, functional, and efficient relationship throughout the development of the PUD. The phasing plan shall clearly demonstrate that each phase can be workable, functional and efficient without relying upon completion of future project phases.*
10. *Adequacy of public services such as sewer, water, schools, transportation systems, roads, parks, and police and fire protection.*
11. *That the existing streets and roads are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the proposed PUD.*
12. *That the PUD or amendment to PUD requested provides evidence of substantial compliance with the following public purpose provisions, as outlined in Section 17.28.085 of the Avon Municipal Code (as follows):*

*Zoning applications*

*The Town shall consider the following public benefit criteria when evaluating zoning applications:*

- (1) The application demonstrates a public purpose which the current zoning entitlements cannot achieve.*
- (2) Approval of the zoning application provides long-term economic, cultural or social community benefits that are equal to or greater than potential adverse impacts as a result of the changed zoning rights.*

*(3) The flexibility afforded in approval of the zoning application will result in better siting of the development, preserving valued environmental and cultural resources and increasing the amount of public benefit consistent with the community master plan documents.*

**WHEREAS**, Section 17.20.110(h) of the Avon Municipal Code states the following:

*It shall be the burden of the applicant to demonstrate that submittal material and the proposed development plan comply with each of the following design criteria or demonstrate that one (1) or more of them is not applicable, or that a particular development solution consistent with the public interest has been achieved; and*

**WHEREAS**, after holding a public hearing at their August 19, 2008 meeting, the Planning & Zoning Commission made the following findings with respect to the subject application:

1. The application fails to demonstrate compliance with the applicable twelve (12) principle PUD design criteria, as required by Title 17.20.110(h) of the Avon Municipal Code, and as further detailed in the meeting minutes from the August 19, 2008 hearing which are a part of the materials packet for the September 2, 2008 meeting.
2. The applicant has failed to prove to the Commission that the submittal material and the proposed development plan comply with each applicable PUD design criteria, or that a development solution consistent with the public interest is available for any given conflict with a specific criterion.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning and Zoning Commission of the Town of Avon, Colorado, hereby recommends that the Avon Town Council deny the PUD Amendment application for Lots 21, 65A and 65B; Tracts Q & R; And Parcel No. TK-3, Benchmark at Beaver Creek Subdivision, Town of Avon, Eagle County Colorado, with the findings set forth herein.

**ADOPTED AND REAFFIRMED THIS 2<sup>nd</sup> DAY OF SEPTEMBER 2008**

*Signed:*

\_\_\_\_\_

Date: \_\_\_\_\_

Chair

*Attest:*

\_\_\_\_\_

Date: \_\_\_\_\_

Secretary