

Staff Report

MINOR MODIFICATION



March 17, 2009 Planning & Zoning Commission meeting

Report date: March 13, 2009
Project type: Addition
Legal description: Lot 64, Block 3, Wildridge Subdivision
Zoning: PUD – 2 Units
Address: 4271 Wildridge Road West

Introduction

The applicant, Kyla Marsh, is proposing an addition to a single-family residence along Wildridge Road West in the Wildridge Subdivision. The proposed modification would add livable space on top of the existing garage. The proposed addition design utilizes stucco and wood siding on the exterior walls, and windows that plan to match the existing structure.

The application has been modified since the Commission's first review on March 3, 2009. The modifications include but are not limited to: Removal of the new pitched roof and its replacement with a flat roof, inclusion of a belly band, and the modifications of window sizes and locations.

Attached to this report are a Vicinity Map (Exhibit A), pictures of the existing structure (Exhibit B) and a reduced plan set (Exhibit C) containing existing/proposed floor plans and elevations.

Design Review Considerations

According to the Town of Avon Residential, Commercial, and Industrial Design Review Guidelines, Section 7, the Commission shall consider the following items when reviewing the design of this project:

1. The conformance with setbacks, massing, access, land use and other provisions of the Town of Avon Zoning Code.

- *Allowed use:* The proposed residential use is permitted given the duplex zoning.
- *Density:* The lot is zoned for a duplex, and the property retains the potential to convert into a two-unit building in the future.
- *Lot Coverage:* Since the project is not increasing the site coverage, the home and this proposal are in compliance as determined during the previous reviews for this property.



- *Setbacks*: The application is in conformance with the prescribed setbacks. The setbacks for the property are typical for Wildridge with a twenty-five (25') foot front yard setback, and ten (10') foot side and rear yard building setbacks.
- *Easements*: This property contains typical Utility, Slope Maintenance, Drainage and Snow Storage Easements. This application does not impede these easements.
- *Building Height*: The proposed modifications will increase the maximum height of the structure to thirty-four feet and eight and one quarter inches (34'-8.25"). This is under the maximum height of thirty-five feet (35') and complies with zoning. An improvement location certificate (ILC) would be required at framing to confirm compliance with this zoning standard.
- *Grading/Drainage*: There are no modifications to the existing grading and drainage for this property.
- *Parking*: This project requires three (3) spaces for the proposed single-family residence (three (3) per unit over 2,500 sq. ft). The applicant has provided a total of two (2) interior and at least one (1) fully functional exterior space.

2. The general conformance with Goals and Policies of the Town of Avon Comprehensive Plan, and any sub-area plan which pertains.

The project complies with the Town of Avon Comprehensive Plan.

3. Whether adequate development rights exist for the proposed improvements.

Adequate development rights exist for the property.

4. The Final Design plan is in general conformance with Sub-Sections A through D of the Residential, Commercial, and Industrial Design Guidelines.

A. Site Development:

- *Site Design*: This application complies with this subsection of the Design Guidelines due to the application not affecting the site design. The extent of the modifications are to the exterior of the building and overall height of the property.
- *Site Access*: Access to the site is provided with an existing driveway from Wildridge Road West. There are no planned modifications to the driveway.
- *Parking and Loading*: Adequate parking and turnaround currently exist on the property.
- *Site Grading*: There are no proposed modifications to the existing grading on the site.
- *Snow Removal and Storage*: There currently exists ample snow storage area on the site.



B. Building Design:

- *Building Materials and Colors:* The proposed materials and colors appear to comply with the Design Guidelines and match the existing structure. The applicant is proposing to utilize stucco on the entire exterior of the addition. The stucco will match the existing stucco, in both its color and application, on the residence. The applicant also plans on matching the window sizes, types, and colors to the existing residence.
- *Exterior Walls, Roofs, and Architectural Interest:* As proposed, the wall colors and materials should be compatible with the site and the surrounding buildings. The architecture of the addition will also match the existing structure as well as the surrounding properties. The proposed design does meet the requirements of the Design Guidelines and is compatible with the surrounding neighborhood.
- *Outdoor Lighting:* No new exterior lighting is proposed with this application.

C. Landscaping:

- *Design Character:* There are no modifications to the existing landscaping nor will any of the existing landscaping be damaged.
- *Irrigation/Watering:* There will be no modifications to the existing irrigation plan.
- *Retaining Walls:* Not applicable.

5. The compatibility of proposed improvements with site topography, to minimize site disturbance, orient with slope, step building with slope, and minimize benching or other significant alteration of existing topography.

The design and building are compatible with the site topography. The proposed modifications do not affect the existing vegetation.

6. The appearance of proposed improvements as viewed from adjacent and neighboring properties and public ways, with respect to architectural style, massing, height, orientation to street, quality of materials, and colors.

While the building massing is altered with this proposal, the appearance of these improvements should not have any negative impact as viewed from neighboring properties or from the public way.

7. The objective that no improvement be so similar or dissimilar to others in the vicinity that monetary or aesthetic values will be impaired.

No monetary or aesthetic values will be impaired with this construction.

8. The general conformance of the proposed improvements with the adopted Goals, Policies and Programs for the Town of Avon.

The project is in general conformance with the Town's adopted goals and policies and is a use by right pursuant to the Wildridge Subdivision.



Staff Recommendation

Staff is recommending **APPROVAL** of this Minor Modification application for an addition to the Marsh residence on Lot 64, Block 3, Wildridge Subdivision.

Recommended Motion

"I move to **APPROVE** the Minor Modification application for an addition to the residence on Lot 64, Block 3, Wildridge Subdivision with the **FINDING** that the design is in conformance with the Town of Avon Zoning Code, Town of Avon Design Review Guidelines, and the project is hereby approved subject to the following **CONDITIONS** to be resolved prior to applying for a building permit:

- 1. Except as otherwise modified by this permit approval, all material representations made by the applicant or applicant representative(s) in this application and in public hearing(s) shall be adhered to and considered binding conditions of approval."*

If you have any questions regarding this project or any planning matter, please call me at 748-4023, or stop by the Community Development Department.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared Barnes".

Jared Barnes
Planner I

Exhibits:

- A: Vicinity Map
- B: Photos of the existing structure
- C: Reduced plan sets

Staff Report

Sketch Design



March 17, 2008 Planning & Zoning Commission meeting

Report date March 13, 2008
Project type Single Family Residence
Legal description Lot 59, Block 3, Wildridge Subdivision
Zoning PUD – 2 Units
Address 4340 June Point

Introduction

Millie Aldrich of Pure Design Studio, representing the owner of this Wildridge Subdivision property, has submitted a Sketch Design application for the demolition of an existing residence and the new construction for a single-family residence at the end of June Point.

The proposed residence totals approximately 5,100 square feet inclusive of garage area. The building exterior has cement boards, stone walls and stucco as predominate building materials, and the proposed residence contains two levels of living space. The main level contains a kitchen, offices, living/dining space, and the master bedroom, while the lower level contains two additional bedrooms, garages, and a media room.

Additional building materials include but are not limited to: standing seam metal roofing, steel and cable railings, steel beams, solar panels, metal awnings, and steel trellis.

Staff Comments

Based upon a preliminary review, this application appears to deviate from the Town of Avon Residential, Commercial, and Industrial Design Review Guidelines. Town Staff and the applicant are requesting that the Planning and Zoning Commission provide feedback on the following areas of discrepancy:

Building Materials and Colors

The intent of these guidelines is to provide architectural control to ensure that the architectural design of structures and their materials and colors are visually harmonious with the town's overall appearance, with surrounding development, with natural and existing landforms, and with officially approved development plans. These guidelines should represent the minimum standard to achieve this goal, without being so cumbersome as to not allow varied high-quality design that meets this intent.

Minimum requirements:

1. *The use of high quality, durable building materials is highly encouraged.*
2. *The following materials and wall finishes will not ordinarily be permitted on the exterior of any structure: asphalt siding, imitation brick, asbestos cement*

- shingles or siding, imitation log siding or plastic. Metal siding, concrete or concrete block will be permitted only with specific approval of the Commission. Each building must use a minimum of two materials.*
3. *Indigenous natural or earth tones required.*
 4. *All flues, flashing and other reflective materials shall be painted to match and/or appropriately contrast with adjacent materials. In some cases, physical screening may be required.*
 5. *Electric and other utility meters shall be attached to the main structure and screened to minimize contrast with adjacent materials.*

As stated above, the design proposes to utilize concrete boards on the exterior of the building. The design guidelines state that metal siding, concrete or concrete block will need specific Commission approval. Without intended colors and samples of its application, Staff cannot determine whether or not the exterior of the building will complement the surrounding structures.

Exterior Walls, Roofs, and Architectural Interest

The Town of Avon is not comprised of a singular and unified 'neighborhood' theme, however, it does contain several architecturally distinct neighborhoods. Within these neighborhoods exist a variety of exterior wall types that typify the type of design that is appropriate to our community.

Minimum requirements:

1. *Exterior wall colors should be compatible with the site and surrounding buildings. The appropriate use of predominantly indigenous building materials such as native stone, wood siding, and timbers is encouraged in our mountain community.*
2. *Projections such as deep eaves, overhangs, canopies, and other features that provide architectural interest are encouraged. Fenestration should be articulated on large exterior walls to break up massing. At a minimum, no single wall plane should exceed 70% of the elevation of any exposure. Breaks in the wall plane should form at least a 2-foot step/setback.*
3. *All roofs, except the flat portion thereof, shall have a rise of not less than 4-inches in 12-inches of distance. Primary roofs shall have a 4:12 minimum, and a 12:12 maximum. Secondary roofs shall have a 4:12 minimum, and metal roofs shall have a 3:12 minimum. There shall be no unbroken ridgelines allowed, except on pueblo roofs that are otherwise traditionally articulated.*
4. *Pitched roofs shall be oriented such that excessive snow and ice does not accumulate over, or drop onto pedestrian walkways, parking areas or drives. Special protection may be required for roofs so oriented. Overhangs are required on pitched roofs, and shall extend at least one and one-half feet from the point where the wall meets the roof.*
5. *Roofing materials should be durable, weather resistant and suitable for environmental conditions encountered in this area. Colors should be natural or earth tones. Large expanses of bright, reflective materials will not be acceptable; however, metal such as copper, cor-ten may be acceptable. Asphalt and fiberglass composition shingles must be of high quality and minimum weight of 300 pounds per square. Untreated shakes are not permitted.*

The proposed design also does not appear to comply with the minimum roof pitch of 4:12. The guidelines state that primary roofs shall have a minimum pitch of 4:12, while secondary roofs that are metal can have a 3:12 minimum. Also, without reviewing the colors of the roof, Staff cannot determine that the roof will not be too bright or reflective.

Although the Design Guidelines do not discuss solar panels, based on previous approvals and the general design standards, Staff does not view this design as compatible with the overall architecture of the building. The solar panels could be



reduced in pitch or the roof pitch could be greater so that the panels appear to be more compatible with the design.

It appears from the proposal that the design of the site and landscaping comply with the Design Review Guidelines. The applicant is proposing to keep a majority of the existing landscaping, but this will be further reviewed at a Final Design review level when a Construction Management Plan is available. Further details such as lighting, colors, landscaping specifications, and materials will be reviewed in detail with a Final Design application.

Design Review Considerations

The Commission and Staff shall evaluate the design of the sketch plan utilizing the specific Design Standards, and by using the following general criteria:

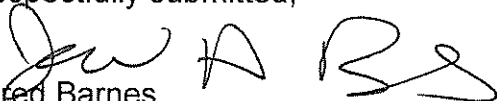
1. The conformance with setbacks, massing, access, land use and other provisions of the Zoning Code;
2. The general conformance with Goals and Policies of the Town of Avon Comprehensive Plan, and any sub-area plan which pertains;
3. Whether adequate development rights exist for the proposed improvements;
4. General conformance with Residential Development Sections A through D of the Town of Avon Residential, Commercial, and Industrial Design Review Guidelines;
5. The compatibility of proposed improvements with site topography, to minimize site disturbance, orient with slope, step building with slope, and minimize benching or other significant alteration of existing topography;
6. The appearance of proposed improvements as viewed from adjacent and neighboring properties and public ways, with respect to architectural style, massing, height, orientation to street, quality of materials, and colors;
7. The objective that no improvement be so similar or dissimilar to others in the vicinity that monetary or aesthetic values will be impaired; and
8. The general conformance of the proposed improvements with the adopted Goals, Policies and Programs for the Town of Avon.

The Commission will take no formal action on this sketch plan application. At the meeting, the applicant will receive guidance from the Commission and Staff to incorporate into a Final Design application. A full size (24" x 36") plan set will be available for the Commission's review at the March 17th, 2009 meeting.

If you have any questions regarding this project or any planning matter, please call me directly at 748-4023, or stop by the office of Community Development.



Respectfully submitted,


Jared Barnes
Planner I

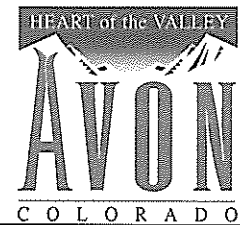
Attachment

- A. Vicinity Map
- B. Reduced Plan Sets

Staff Report

PUD Amendment

March 17, 2009 Planning & Zoning Commission Meeting



Report date: March 13, 2009
Project type: Planned Unit Development (PUD) Amendment, Preliminary Plan for Subdivision
Legal description: Lot 1, Lot 2, Lot 3, Lot 4, Wildwood Resort Subdivision
Current zoning: Planned Unit Development (PUD)
Address: NA (No addresses assigned)

I. Introduction

The applicant, Zehren and Associates, along with Jay Peterson, representing the owner of the property, Tanavon Corp, are proposing to amend the existing Wildwood Resort PUD Plan and Guide documents; and to further subdivide the existing Wildwood Resort Subdivision, Lots 1, 2, 3, and 4 and to create two new Lots.

This application was heard by the Planning and Zoning Commission at their February 17, 2009, and March 3, 2009 meetings. Since those meetings, the Town has verified that the future construction of a round-a-bout and associated improvements at the intersection of Nottingham Road and Swift Gulch will not impact the proposed PUD development on Lot 1A of this submittal. Staff has met with the applicants on several occasions to address the comments received by the Engineering Department.

Changes to the PUD have occurred since the first meeting, including the lowering of building heights for Lot 1A, Lot 1B, and Lot 2. The maximum allowable building height for Lot 1A has been lowered from 50' to 45', and the allowable architectural projections from 60' to 50'. The maximum allowable height for the residential units on Lot 1B and Lot 2 has also been lowered by two feet from 44' to 42'. The maximum height for Lot 3 (GRNSS) was also reduced from 45' to 38'.

Staff has prepared two resolutions for the consideration by the Planning and Zoning Commission. These resolutions (#09-05 & #09-06) are attached to this report as Exhibit C for your review. Resolution #09-05 recommends approval of this application to the Town Council, and Resolution #09-06 recommends approval of the concurrent Preliminary subdivision application to the Town Council.

The subject property is located on the northeast corner of Nottingham and Buck Creek Roads, is presently zoned as the "Wildwood Resort SPA" (Specially Planned Area), and is platted as



the Wildwood Resorts Subdivision. The proposed amendments would modify the existing approved land uses, and would modify the existing platted lot configurations.

The southern most lot, currently platted as Lot 1, would be split into two lots: Lot 1A and Lot 1B. A new Fire Station and separate administration building are proposed for Lot 1A with the administration building located at the corner of Nottingham and Buck Creek Roads. Lot 1B would include eleven (11) residential units in either a single-family, duplex, or three unit building configuration. Further to the north, Lot 2 is proposed for the remaining thirty-one (31) whole ownership residential units, also in either a single-family, duplex, or three unit structure mix. All of the residential units on these lots are proposed to be a maximum of 2,700 square feet of gross floor area.

The applicant is proposing to construct a campus for the Gore Range Natural Science School on Lot 3, the northern most property in the subdivision. The uses proposed for this lot are consistent with the uses allowed in the Government, Park, and Employee Housing (GPEH) zone district. Lot 4 is to remain open space, and will likely be used for a future round-a-bout project at the intersection of Swift Gulch and Nottingham Roads. Lot 5 is to be used for a Montessori school or other similar early education facility, and also for an associated office use.

The current allowed uses for the development site are detailed in the governing zone document, Ordinance No. 85-4, Series of 1985 and are referenced below in Section II of this report. In addition to what is outlined above, the applicant is proposing to further define and modify the allowed uses that are detailed in the governing ordinance and the accompanying plat.

II. Background

In 1985, Section 36, Inc., a Colorado corporation, and Wildridge Development Company, a Colorado partnership, applied to the Town of Avon for certain amendments to the Zoning District Map and Zoning Code, and these amendments were eventually approved by Ordinance No 85-4, which is attached to this report as Exhibit A. Pursuant to Ordinance No 85-4, the Town of Avon Zoning District Map was amended to permit the "following uses" on Lots 1, 2, 3 and 4 of the Wildwood Resort Subdivision, respectively, in addition to specifying restrictions for Tracts "AA" and "BB":

150 hotel, motel and/or lodge (accommodation) units, together with accessory uses and related commercial uses as allowed in the NC (Neighborhood Commercial) zone district, to be located on Lot 1, Wildwood Resort.

Private park and recreation and related commercial uses including clubhouse building for indoor and outdoor sports activities and customary support facilities: swimming pools, tennis courts, archery range, restaurant/lounge, pro shop and other similar activities or services to be located on Lot 2, Wildwood Resort.

50 residential multiple family dwelling units, together with accessory uses, located on Lot 3, Wildwood Resort.

The only uses permitted on Lot 4, Wildwood Resort, shall be open space, drainage, landscaping and signage.

The only allowed uses permitted on Tract AA, Wildwood Resort shall be snow storage, landscaping, drainage, signage and open space.



The only allowed uses permitted on Tract BB, Wildwood Resort shall be snow storage, landscaping, parking, drainage, signage and open space.

These permitted uses are also listed "for information purposes only" on the final plat. The final plat was approved by the Avon Town Council on April 9, 1985, establishing the Wildwood Resort as an SPA (Specially Planned Area). Accordingly, the Wildwood Resort's current development rights exist as explicitly listed within Ordinance No. 85-4 and detailed upon the corresponding plat. Any proposed amendments involving additions or changes to the uses listed in Ordinance No. 85-4, and the reconfiguration of the subdivided lots depicted on the corresponding plat, constitute a fundamental rezoning of the subject property.

Section 17.20.110(j)(1) of the Town of Avon Municipal Code specifically states, with regard to "precise or specific" development plans, "...terms, conditions, and agreements contained within those PUDs shall continue to be binding upon the applicants thereof and the Town". It is evident that the precise or specific terms of the Wildwood Resort development plan as a whole remain binding on both the Town and the developer as approved by the Town in the form of Ordinance No. 85-4 and the corresponding Wildwood Resort final plat.

IV. Surrounding Land Uses

The existing land use and zoning for the surrounding properties are as follows:

- North: Trails / Open Space
- South: Vacant Building, Coastal Mart, Vacant Land / Neighborhood Commercial Zoning
- West: Low Density Residential / Open Space
- East: Open Space, Commercial / Open Space

V. Referral Comments

The subject application is a noticed public hearing with written notice provided to property owners within 300' of the subject property. To date, Staff has received no public comments regarding the applicant's request. In addition to the required public notice, Staff has transmitted the application material to the following agencies, with their comments summarized below:

Eagle River Fire Protection District

Comments were received from Carol Gill-Mulson, Deputy Chief of the District. According to her comments, revisions have been made to better accommodate ladder trucks in the residential areas. Additionally, hydrant locations have been discussed in a preliminary manner.

Colorado Department of Wildlife

While the DOW acknowledges the lesser impact of this amendment proposal, they cited impacts to winter range habitat for mule deer migration. They recommend enhancement projects to replace the loss of winter range, and closing access to the power line road that may be accessible from the east side of the property.

The DOW takes exception to the stream setback requests due to the negative impacts that these encroachments present. There is no clear rationale for the requested setback variances, and their letter states that the PUD does not provide any mitigation for the impacts to wildlife.



Eagle County School District Comments

To date, staff has not received a response to our request for comments.

Eagle River Water and Sanitation District

To date, staff has not received a response to our request for comments.

Colorado Department of Transportation

To date, staff has not received a response to our request for comments.

Eagle County Planning Department

Staff has received comments from the Planning and Engineering Departments of Eagle County and they are attached hereto.

Eagle County Health Services District

To date, staff has not received a response to our request for comments.

ECO Trails

Staff was contacted via e-mail by Ellie Caryl, the Eagle Valley Trails Coordinator. Ellie had no comments on the subject application. She requested clarification that this project will not inhibit the Buck Creek Trail, located further to the North, and this was confirmed.

United States Forest Service

To date, staff has not received a response to our request for comments.

In addition to the agency referral comments summarized above, and attached hereto, the Public Works and Transportation Department and Engineering Department comments are attached to this report for your review and consideration. Please refer to Exhibit B for their updated comments. As stated above, no public comments have been received in response to the Public Notice mailed to all property owners (or associations) within 300' of the subject property.

VI. PUD Design Criteria

According to the Town of Avon Zoning Code, Section 17.20.110, the following criteria shall be used as the principal criteria in evaluating a PUD. 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 or more of them is not applicable, or that a particular development solution is consistent with the public interest.

Included in the applicant's binder is a detailed response to the following criteria:

1. Conformance with the Town of Avon Comprehensive Plan's Goals and Objectives.

The areas within the Comprehensive Plan that offer policy direction relative to the proposed land uses are the Future Land Use Plan, the District special area policies, and the General Goals and Policies of the Plan.

The Future Land Use Plan designates the proposed site by the delineation of each existing, platted lot as follows: Lot 1 is *Neighborhood Commercial*; Lot 2 is *Residential - low density*; and Lot 3 is designated for *Civic/Public* land uses.

The *Neighborhood Commercial* land use designation is described as follows: *These areas are intended to provide neighborhood-focused retail and service uses (such as markets, childcare, restaurants, and cafes) that are conveniently located near and connected with*

surrounding residential neighborhoods. Staff suggests that both the Existing and Future Land Use maps be amended if this application is approved so that the proposed mix of land-uses on this property can be accurately depicted.

Residential low-density calls for a maximum density of 7.5 dwelling units per acre. This proposal contemplates a density consistent with that density, and therefore is in conformance with the Comprehensive Plan's Future Land Use Plan designation.

The *Civic/Public* land use designation, which Lot 3 currently falls into under the Town of Avon Comprehensive Plan, does contemplate school uses within these areas, but also includes the following language: "*Each proposed public use should be evaluated separately in terms of its land area and topographical constraints, as well as its compatibility with adjacent uses*".

The subject property is also located within *District 13: Nottingham Road Commercial District* under the Town of Avon Comprehensive Plan, which designates the area as a secondary commercial district and contains specific planning principles to be applied for this area. This application adheres to the following *District 13: Nottingham Road Commercial District* planning principles:

- *Limit Access points on Nottingham Road to simplify traffic movements*
- *Limit building heights to that which is compatible with the existing surrounding development.*
- *Development intensity and activity should diminish when traveling north on Buck Creek Road.*

There are several Goals and Policies contained in the Comprehensive Plan which can be applied to this property. Staff is in agreement with the majority of the Goals and Policies highlighted in the applicant's binder, with a particular emphasis on the following:

Goal C.1.6 – *Include sufficient land for public uses such as schools, recreation, community facilities (such as childcare), and government services near the people who use them.*

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.*

Goal H.4.3 – *Require use of innovative and environmentally friendly appliances and building techniques including water conservation approaches for new and existing development.*

Goal J.2.5 – *Develop neighborhood and community-based childcare facilities and include youth in the programming of community or public facilities.*

2. *Conformity and compliance with the overall design theme of the town, the sub-area design recommendations and design guidelines of the Town.*

With respect to establishing and maintaining a design theme, this submittal is clearly in conformance with the 'theme' and level of quality established with recent Town of Avon projects, and is consistent with the overall design theme of the Town.



While the level of detail varies depending on which portion of the project you are reviewing, the conceptual architectural studies generally comply with the Design Guidelines of the Town. A more detailed review will follow with the standardized Sketch and Final Design review processes.

3. Design compatibility with the immediate environment, neighborhood, and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, character, and orientation.

There has been a deliberate attempt to not only respond to the topography and constraints of the site, but to the greater design of the immediate environment and adjacent properties. One deliberate departure to this response to the natural environment is the proposal to encroach upon the setback from the live stream in a small portion of the development.

The 6,726 square foot "Mountain Discovery Center", part of the GRNSS campus, is requesting the permittance of an encroachment into the Town's standard 30' setback from the mean annual high water mark of Buck Creek.

The east end of the building would encroach between 20' – 25' lineal feet into said setback. An at grade porch would also encroach into this setback. Please refer to either Sheet C2.1 or Sheet C2.5 of the J&K Plan Set for a detailed view.

The Avon Municipal Code defines "Stream Lot Setback" as:

"a thirty-foot strip of land measured horizontally from the mean annual flood high water mark on each side of any live stream located within the boundaries of a proposed subdivision and shall be protected in its natural state, with the exception that footpaths, bridges, irrigation structures, flood control and erosion protection devices may be constructed thereon...Underground utilities may be located in such protected area, provided that there is no practical alternative location for such utilities, that the plans are approved by the Town Council through its designated representative and that all construction scars are revegetated."

On Sheets C2.1 and C2.5 you will also find a building encroachment, to a lesser extent than the Discovery Center, for a portion of the 1,233 square foot Learning Studio building. It is understood that these encroachments were intentional in the effort of the property owner to bring students closer to the living river environment.

As mentioned above, the architectural designs are compatible with the neighborhood and adjacent properties. The scale of development has been significantly decreased compared to the existing entitlements, especially at the southern end of the PUD with the elimination of the 150 unit hotel building.

The building heights proposed with this submittal are as follows:

Lot 1A (Fire House)	45 feet; 50 feet for architectural projection
Lot 1B (11 Townhomes)	42 feet
Lot 2 (32 Townhomes)	42 feet
Lot 3 (GRNSS Campus)	38 feet
Lot 4 (Open Space)	N/A
Lot 5 (Montessori School)	35 feet

These building heights should be generally compatible with the surrounding properties and are appropriate for buildout. While this site is surrounded by lower building heights (35'

maximum), the buffer space between development and the orientation of the structures appears to be compatible with the immediate environment and neighborhood.

At the first hearing, the Planning and Zoning Commission suggested the implementation of lower building heights for Lot 1A, Lot 1B, Lot 2, and Lot 3. And while the building heights are still generally higher than those of the neighboring properties, this property not only acts as a gateway to other neighborhoods in the Town, but also affords the opportunity to make an architectural statement that is typical with civic/public buildings.

4. *Uses, activity, and density provide a compatible, efficient, and workable relationship with surrounding uses and activity.*

The uses and density with this master planned development provide a compatible, efficient, and workable relationship with surrounding uses and activities. The density has been reduced from current approvals, and the intensity of use has also been diminished with the elimination of the hotel.

The surrounding uses and activities include Swift Gulch and Buck Creek Roads, Pizza Hut, the Goodyear building, and two gas station/convenience stores. There are also two vacant Neighborhood Commercial (NC) zoned parcels immediately south of the proposed Fire Station lot on Nottingham Road.

The surrounding lands to the east, west, and north are primarily open space in nature.

5. *Identification and mitigation or avoidance of natural and/or geologic hazards that affect the property upon which the PUD is proposed.*

The Preliminary Geotechnical Study, as required by the Subdivision Code, is provided in the Appendices sections of the applicant's binder. The soils report provided prepared by HP Geotech identifies sever soil stability issues and construction challenges, as well as identifies the need for a geologic hazards report. A Geologic Hazard report has been submitted and is now part of the record.

After a preliminary review of the Geologic Hazard report document, there are potential hazards associated with development. However, there are no hazards that cannot be avoided or otherwise mitigated.

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.*

The general site plan layout produces a functional development; and while the building footprint locations are conceptual in nature, the final building locations and designs will be governed by the Town's adopted design review process. According to the Development Plan, final building locations will be permitted to move a reasonable distance (up to 5') and as long as the intent of the PUD is maintained, provisions are included to allow Staff approval for minor PUD amendments.

As mentioned, Staff has determined that future potential round-a-bout construction at Nottingham/Swift Gulch Roads will not be impeded by the construction of the fire station hub building, or vice a versa.

The Planning and Zoning Commission should consider the Division of Wildlife's comments with respect to limiting disturbances and encroachments into the 30' live stream setback. The GRNSS buildings that are currently depicted as encroaching this setback should be reviewed in detail. Perhaps the discussion should be framed around the acceptable level of encroachment that the Commission feels appropriate, if any.

The existing open space lot (Lot 4) remains as open space. This is an appropriate designation given the future potential need for the Town to use this parcel for Town infrastructure. Tracts AA and BB are likewise unaffected by the subject application.

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.*

The internal vehicular circulation system is functional. According to the applicant, one key internal pedestrian connection is being added immediately adjacent to Buck Creek Lane connecting to Nottingham Road through Lot 1A. This improvement will provide better pedestrian connectivity through the project. The Engineering Department will require an improved crosswalk with ADA ramps across Swift Gulch Road to the east of the project across Lot 4.

8. *Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.*

The applicant has made significant efforts to optimize and preserve the natural features of the property. The development plan avoids natural stands of trees to the extent possible, and some of the outdoor spaces will be protected due to the wetlands and other associated development constraints. There are several easements old and new that will naturally restrict development in large portions of the property. Landscape plans will be reviewed in detail during the standard design review process.

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.*

A construction phasing plan is included in the applicant's binder. Please refer to Sheets CE.1 – CE.4 of the "Preliminary Construction Plans", prepared by J&K, Inc. The plan for Phase I is to construct traffic control measures, retaining walls associated with Buck Creek Lane, utilities necessary to serve the Gore Ranch Natural Science School (GRNSS), and the GRNSS campus in its entirety.

All forty-two (42) "townhome" units, and associated utility improvements, would be constructed as part of Phase II of this development. The phasing demonstrates that each phase can be workable, without relying upon completion of future project phases.

It became clear at the first hearing with the Planning and Zoning Commission hearing that phasing for Lots 1A and 3, the fire station hub and Gore Range Natural Science School, will depend on available funding and construction could begin as early as 2010.

10. *Adequacy of public services such as sewer, water, schools, transportation systems, roads, parks, and police and fire protection.*

Some of the appropriate public service entities have submitted letters stating that they are willing and able to service the areas subject to this amendment. While the water demand of this proposal appears to be less than that of the current entitlements (118.6 SFE), this will be certified and tracked through the building permit process. It is important to note that this submittal does not contain evidence of approval by utilities for water and sewer services, as required by the Avon Municipal Code.

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.*



The internal street, Buck Creek Lane, is designed to meet the Town of Avon Standards and Specifications. Surrounding the property are three public Rights-of-Way: Buck Creek Road (west), Nottingham Road (south), and Swift Gulch Road (east). A Revised Traffic Impact Study prepared for Tanavon Corporation by Kimley-Horn and Associates can be found in the Appendices of the applicant's binder.

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:

A. The application demonstrates a public purpose, which the current zoning entitlements cannot achieve.

There is a public purpose inherent with educational facilities which are not currently possible with the existing zoning. By relocating a regional fire station onto the property from the Town Core, the Town's long-term Town Center West Implementation plans will continue to evolve and be made possible.

B. 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.

The approval of this zoning application should not cause any adverse impacts to the long term economic, cultural or social well being. There are cultural and social community benefits inherent with the construction of an improved/expanded Fire Station, GRNSS, and Montessori (or similar early education) school.

C. 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.

This zoning application will undoubtedly increase the amount of public benefit the property can offer over current entitlements. While cultural resources are preserved and enhanced with educational land-uses, the impact on environmental resources must be reviewed carefully.

VII. Staff Recommendation

Staff is recommending that the Town of Avon Planning and Zoning Commission hold a public hearing in accordance with Section 17.12.100 of the Avon Municipal Code, and recommend **CONDITIONAL APPROVAL** of this application to the Avon Town Council by approving **Resolution 09-05**, subject to the following conditions:

1. The final form and content of the Buck Creek PUD Development Plan shall be reviewed and found acceptable by Staff prior to Council review;
2. The property owner shall satisfactorily address the comments outlined in the Engineering Department's Memo, dated March 11, 2009, the timing of which depends on the specific comments.
3. The property owner shall dedicate to the Town, at the time of Final Plat approval, the necessary road right-of-way along Nottingham Road and Swift Gulch Road, along with associated easements, required for the construction of the Swift Gulch round-a-bout;

4. The property owner shall demonstrate that the site meets or exceeds the minimum 20% snow storage requirement and associated snow storage easements prior to the issuance of building permit;
5. The property owner, or representative, shall process a Comprehensive Plan Amendment application to update the Future Land Use Map to better reflect this PUD Amendment application and associated Land-Uses. This application must be submitted within 90 days of PUD approval.
6. The Town is entitled to use, at it's sole and absolute discretion, any and all water rights for the entire site, which are in excess of the minimum water necessary to serve the proposed uses;
7. Except as otherwise modified by this approval, all material representations made by the applicant or applicant representatives in this application and in public hearings shall be adhered to and considered binding conditions of approval.

Staff's recommendation is based on the determination that the Twelve (12) PUD Design Criteria outlined in Section VI of this report have either been met, or will be met with the implementation of the recommended conditions of approval.

If you have any questions regarding this project or any planning matter, please call me at 748-4413, or stop by the Community Development Department.

Respectfully submitted,



Matt Pielsticker
Planner II

VIII. Report Attachments

Exhibit A: Ordinance No. 85-4, Series of 1985 / Wildwood Resorts Subdivision Plat (1985)

Exhibit B: Referral Comments

Exhibit C: Resolution #09-05 & Resolution #09-06