AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Request to Change Designation of RNQ-1 Quadraplex

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Owner requests change in designation of RNQ-1 (Quadraplex Lot) to RNSF – (Single-Family Lot)

Fiscal Impact:

Submitted by: Neal Starkebaum **Submitter's Email Address:** nstarkebaum@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 7/13/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/14/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 7/19/2016

Revised April 2015

Gunnison County Community Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

July 11, 2016

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Neal Starkebaum** NS
Assistant Director

SUBJECT: **Steven Jennings, Owner**
Lot RNQ-1, Skyland River Neighborhood
Request to change designation of RNQ-1 (Quadraplex Lot) to RNSF – (Single-Family Lot)

Steven Jennings is the owner of Lot RNQ-1, Skyland River Neighborhood. The lot is designated as a RNQ lot – River Neighborhood "Quadraplex Lot". "Quadraplex Lot" designation in Skyland River Neighborhood is solely for the construction of two, three, or four residential units. Two lots were designated as RNQ lots on the Skyland River Neighborhood plat. Mr. Jennings requests a change in the designation of Lot RNQ-1 to RNSF – Single-Family Lot, which pursuant to the Covenants, would allow for the construction of only one single-family residence.

Two townhomes were constructed on the adjacent Lot RNQ-2, in 2007 (Lily Townhomes). Mr. Jennings owns Unit B of Lily Townhomes (Lot RNQ-2). He indicates that he has no plans to develop Lot RNQ-1, at this time, but is still required to pay water availability fees for four units. He understands that the change would only allow one single-family residence being constructed on the lot, in the future. The change in designation would, however, provide him relief from paying water availability fees for four units.

The request is supported by the Skyland Community Association (see attached letter from Michael Billingsly, Skyland Association Manager – June 7, 2016) and the River Neighborhood Association (see attached letter from Sarah Huckins, River Neighborhood Board Member - May 19, 2016).

The reduction in the number of units allowed on this lot to one single-family residence would decrease potential future traffic and parking issues in the Skyland River Neighborhood, which have been problematic in the neighborhood.

Attachments:
LUC Application
Skyland Community Association approval letter
River Neighborhood Association approval letter
Skyland River Neighborhood Plat & Aerial
Skyland River Neighborhood – Amended Covenants
Board Resolution

GUNNISON COUNTY, COLORADO
ADMINISTRATIVE REVIEW PROJECT
LAND USE CHANGE PERMIT APPLICATION

GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING OFFICE
221 N. WISCONSIN ST, STE D., GUNNISON, CO 81230
TELEPHONE: 970-641-0360 FAX: 970-641-8585
Website: http://www.gunnisoncounty.org/planning.html **Email:** planning@gunnisoncounty.org

DATE RECEIVED BY PLANNING OFFICE.: ____/____/____
APPLICATION FEE PAID- DUE AT SUBMITTAL ($265): ____/____/ N/A

Additional fees will be assessed according to the Gunnison County Land Use Change Fee Schedule

APPLICANT. (If the applicant is not the owner of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process.):

MAILING ADDRESS: 47 Alpine Court

CITY:	**STATE:**	**ZIP:**
Crested Butte	CO	81224

PHONE (day):	**(evening):**
303-261-6585	Same
FAX: N/A	**E-MAIL ADDRESS:** steven.d.jennings1@gmail.com

PROPERTY OWNER (If other than applicant, a notarized letter from the property owner consenting to this application, must be submitted. If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.):

NAME: Steven D Jennings

MAILING ADDRESS: 47 Alpine Court

CITY:	**STATE:**	**ZIP:**
Crested Butte	CO	81224

PHONE (day):	**(evening):**
303-261-6585	Same
FAX: N/A	**E-MAIL ADDRESS:** steven.d.jennings1@gmail.com

PRIMARY CONTACT PERSON and AUTHORIZED REPRESENTATIVE (The person the Planning Department should contact regarding scheduling of meetings and information for this application. A **NOTARIZED LETTER** from the property owner authorizing the representative must be submitted.)

NAME: Steve Jennings

Revised 1-7-2015

MAILING ADDRESS: 47 Alpine Court		
CITY: Crested Butte	STATE: CO	ZIP: 81224
PHONE (day): 303-261-6585	(evening): Same	
FAX: N/A	E-MAIL ADDRESS: steven.d.jennings1@gmail.com	

As needed to provide complete information, submit the following on separate sheets attached to this application:

PROPERTY LOCATION and LEGAL DESCRIPTION OF PROPERTY:

1. **Legal Description.** Cite lot and block or tract numbers, mining claim or homestead references; attach copy of deed and/or metes and bounds description(s). Lot RNQ-1 Skyland River Neighborhood recorded Jan 3, 1997 Reception # 473132
2. **Property Address.** 38 Alpine Court, Crested Butte, CO 81224
3. **Common Description (include mileage from highway or County road, or other recognized landmarks).**

STATUS OF PARCEL AS A LEGAL LOT. If the parcel on which the land use change is proposed is smaller than 35 acres, the Department may also request the applicant to supply information sufficient to document that the subject was legally created.

NOTIFICATION TO COUNTY IF FEDERAL PERMITS ARE REQUIRED FOR PROJECT. When an EA or EIS or other state or federal action or permit is required, and that requirement is known by the applicant, the applicant shall notify the County of that requirement when the application is first submitted for review.

☐ **EA or EIS is known by the applicant to be required**
☒ **EA or EIS is not known by the applicant to be required**

PROJECT DESCRIPTION. Describe in detail what the applicant wants to do on the parcel, including new uses, division of land, adjustment of boundaries, expansion of existing uses, number of units, estimated amount of new traffic, new structures to be constructed, proposed phases and a description of off-site resources and haul routes (including those used by vehicles related to construction) necessary to accomplish the project. If the proposed land use change is a subdivision, identify the use of each lot (single family residence, duplex, commercial, etc.):

I want to change the parcel from the current Quadraplex lot, to a Single Family Lot. I received approval from both the Skyland & River Neighborhood HOA's and have attached their approval documents. This change will reduce potential traffic. I have no plans in mind to sell or build on this lot. My main purpose is to change my water availability fee from four to a single tap fee.

PROJECT DESIGN. As applicable, all elements of the project design, pursuant to the individual sections of Article 13: *Project Design Standards*; the staff will advise the applicant which of these requirements apply to a specific application:
SECTION 13-103: *General Site Plan Standards and Lot Measurements.*
SECTION 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
SECTION 13-105: *Residential Building Sizes and Lot Coverages.*
SECTION 13-107: *Installation of Solid-Fuel-Burning Devices.*
SECTION 13-108: *Open Space and Recreation Areas.*
SECTION 13-109: *Signs.*

SECTION 13-110: *Off-Road Parking and Loading.*
SECTION 13-111: *Landscaping and Buffering.*
SECTION 13-112: *Snow Storage.*
SECTION 13-113: *Fencing.*
SECTION 13-114: *Exterior Lighting.*
SECTION 13-115: *Reclamation and Noxious Weed Control.*
SECTION 13-116: *Grading and Erosion Control.*
SECTION 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff.*
SECTION 13-118: *Water Impoundments.*
SECTION 13-119: *Standards to Ensure Compatible Uses.*

PRESENT LAND USE; identify present land uses and locations and sizes of structures that exist on the property:

Present Land USE is as a vacant lot and have no Plans to change land use, no plans to sell or build any structures

IDENTIFY PREVIOUSLY-APPROVED USES. List Land Use Change Permits and/or subdivision approval have been previously approved for the property, and the year in which they were approved.

No list of Land Change Permits have been submitted since I purchased the property & am not aware of any prior to my purchase

CHARACTERISTICS and CURRENT CONDITION OF LAND. List physical characteristics and conditions of the land, including streams, irrigation ditches, ponds, soils, roads, vegetation, geologic hazards, any work that has been done to clear the property, etc.)

Current condition of land is as vacant property and no changes have been made since it was purchased

AFFECTED LANDOWNERS. List all landowners and land uses that are within 500 feet of the boundaries of the entire parcel on which the land use change is proposed, including all properties separated from the parcel by a road or would be adjacent if the road did not exist. The best-available, most current information of this listing of current owners is in the Gunnison County Assessor's Office:

AFFECTED OWNER NAME	PARCEL LOCATION RELATIVE TO PROPOSED LAND USE CHANGE PARCEL	CURRENT LAND USE ON ADJACENT PARCEL
Joseph Hersh	14 Alpine Court, CB	Vacant
Rick & Randi Ross	19 Alpine Court, CB	Home Owner - Full time
Mike & Wendy Cieslak	33 Alpine Court, CB	2nd Home

May 19, 2016

Skyland Community Association
350 Country Club Road
Suite 112
Crested Butte, CO 81224

Re: River Neighborhood Association's Approval to only allow a Single Family Home to be built on the RNQ-1, 38 Alpine Court property.

To: Gunnison County Commissioners
Skyland Community Association Board of Directors

The board of the River Neighborhood HOA has approved the request to only allow a Single Family Home to be built on the property of RNQ-1, 38 Alpine Court. We understand that this approval requires both the approval of the Skyland Community Association's Board and for the Gunnison County Commissioner's to provide a Resolution indicating that only a Single Family Home can be built on this plat from this point going forward.

If you have any questions regarding this approval please contact me.

Thank you.

Sarah Huckins
Board Member
River Neighborhood Association, Board of Directors

SKYLAND COMMUNITY ASSOCIATION
350 Country Club Drive, Suite 112
Crested Butte, Colorado 81224
(970) 349-7411

November 10, 2015

Gunnison County Community Development
221 N Wisconsin St., Suite D
Gunnison, CO 81230

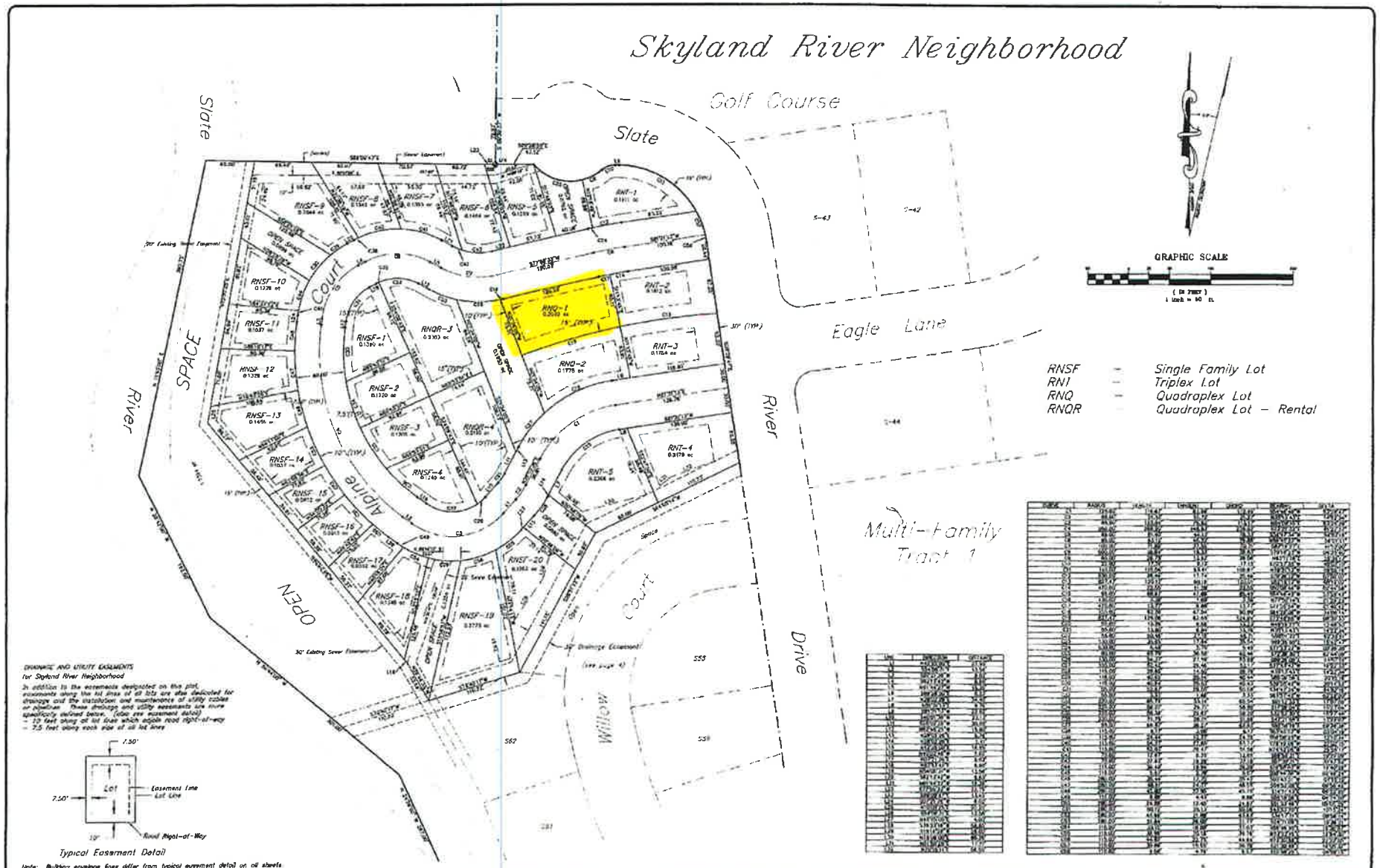
Re: Skyland River Neighborhood Covenant Changes

The Skyland Community Association Board has approved the proposed changes to the River Neighborhood Covenants. The proposed changes to the River Neighborhood Covenants include language allowing the building of Single Family units on Duplex, Triplex, and Quadruplex lots. The new language will in no way limit what can be built on said lots, but rather give more flexibility. The language changes will be incorporated into Sections 2.13, 2.26, 2.27, 2.31, 3.5, 3.6, and 3.7. The River Neighborhood Homeowners Association will be responsible for amending the Covenants as stated in Section 11.2. Should you need any further information, please feel free to contact me.

Sincerely,

Michael Billingsley
Association Manager
Skyland Community Association

Skyland River Neighborhood



SCHMUESER GORDON MEYER INC.
118 W. 6th Street, Suite 200
Glenwood Springs, Colorado 81601
(970) 945-1004 (FAX 945-5948)
Aspen, Colorado (970) 925-8727

Amended Plat - Skyland

Gunnison County, Colorado

Job No. 921850
Drawn by: SE
Date: 25Sep96

3 of 5

479132

Skyland River Neighborhood

Scale = 1:1700

Monday, July 11, 2016

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1 of 3 R 15.00 D 0.00 N 0.00 Gunnison County

AMENDMENTS TO SPECIAL COVENANTS OF

SKYLAND RIVER NEIGHBORHOOD

1. **RECITALS**. The following recitals apply to these Amendments to Special Covenants of Skyland River Neighborhood.

1.1 Special Covenants of Skyland River Neighborhood ("Special Covenants") were recorded in the Gunnison County, Colorado records on January 3, 1997 as Reception No. 473134.

1.2 Section 11.2 of the Special Covenants provide for amendment "upon the written consent by the Owners of 75% or more of the Lots and Units in Skyland River Neighborhood and by the Board of Directors of the Skyland Community Association."

2. **AMENDMENT TO SECTION 2.26**. Section 2.26 is modified to read as follows:

Section 2.26 **"Quadraplex Lot"** shall mean a Lot so designated within Skyland River Neighborhood which shall be used solely for two, three or four Single-Family Residential Units with one Garage for each Unit and one additional parking space for each Unit.

3. **AMENDMENT TO SECTION 2.27**. Section 2.27 is modified to read as follows:

Section 2.27 **"Quadraplex Lot – Rental"** shall mean a Quadraplex Lot within Skyland River Neighborhood designated for Tenant occupancy which shall be used solely for two, three or four Single-Family Residential Units, with two parking spaces for each Unit, and a storage area for each unit.

4. **AMENDMENT TO SECTION 7.1**. Section 7.1 is modified to read as follows:

Section 7.1 **Dogs**. Dogs are prohibited from Triplex Lots and Quadraplex Lots. The Owner of a Lot and the Owner of a Unit within a Duplex Lot may keep and maintain one dog subject to the following conditions:

7.1.1 Any dog shall be confined to the Lot or Unit or attached to a leash or other suitable control device.

7.1.2 The Owner shall at all times be personally liable and responsible for all actions of any dog and any damage caused by the dog.

7.1.3 No dog shall create a nuisance nor noise problem within Skyland River Neighborhood.

7.1.4 The Owner of a dog shall be personally responsible and liable for the cleanup of any excrement left by a dog within Skyland River Neighborhood or Skyland, Initial Filing.

5. AMENDMENT TO SECTION 8.8. The first sentence of Section 8.8 is modified to read as follows:

Section 8.8 Maintenance of Units. The Association shall have final responsibility to enforce all requirements pertaining to the maintenance, upkeep, appearance, repairs and condition of the exterior of all Buildings situate on any Single Family, Duplex Lot, Triplex Lot, or Quadraplex Lot within Skyland River Neighborhood and the lawns, yards, and Landscaping thereon.

6. MISCELLANEOUS.

6.1 Except as modified hereby, the Special Covenants are reaffirmed and ratified.

6.2 Skyland Community Association hereby certifies that these Amendments to Special Covenants of Skyland River Neighborhood were adopted in compliance with the provisions of Section 11.2.

SKYLAND COMMUNITY ASSOCIATION, a Colorado non-profit corporation

By: _____
Jim Zid, President

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 16-___

A RESOLUTION
CHANGING THE DESIGNATION OF LOT RNQ-1 QUADRAPLEX LOT
SKYLAND RIVER NEIGHBORHOOD
TO RNSF – SINGLE FAMILY LOT

WHEREAS, the owner of Lot RNQ-1, Skyland River Neighborhood, requests a change in the designation of the lot from RNQ "Quadraplex Lot" to RNSF – "Single Family Lot", solely for the use of one single-family residence; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is informed of the following:

1. The *Amended Plat of Portions of Skyland* was approved by the Board of County Commissioners on December 24, 1996, recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 473132, January 3, 1997.

2. The Board of County Commissioners approved the *Special Covenants of Skyland River Neighborhood*, recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 473134, January 3, 1997. The Covenants designated uses on each individual lot, including RNQ-1, as a "Quadraplex Lot", which shall be used solely for the development of four single-family units.

3. The Board of County Commissioners approved the "Amendments to Special Covenants of Skyland River Neighborhood", Board Resolution #2002-33, June 18, 2002. Part of the amended covenants modified the definition of "Quaraplex Lot" to be used solely for two, three or four single-family units. The amended Covenants are recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 521552, June 28, 2002.

4. The owner does not wish to construct any residential units on the property at this time.

5. The owner has indicated that he is required to pay water availability for four units, due to the "Quadraplex Lot" designation and the designation to RNSF will provide relief.

6. The request is supported by the Skyland Community Association, noted in a letter from Michael Billingsly, Association Manager, dated June 7, 2016.

7. The request is supported by the River Neighborhood Association, noted in a letter from Sarah Huckins, Board Member, dated May 19, 2016.

NOW, THEREFORE, BASED ON THE FINDINGS SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the request is approved.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this 19th day of July, 2016.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Commissioner

_____
Jonathan Houck, Commissioner

Attest:

_____
Deputy County Clerk