AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Request; Adagio Properties LLC

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Crested Butte South Block 6 Subdivision One; .4-acre 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 db 2/12/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 2/12/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 2/12/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 2/19/2019

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

February 12, 2019

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

FROM: **Neal Starkebaum, Assistant Director**

SUBJECT: **Adagio Properties LLC – Crested Butte South Block 6 Subdivision One**
Planning Commission Recommendation

The Planning Commission unanimously recommended approval of the Adagio Properties LLC, Crested Butte South Block 6 Subdivision One, on February 1, 2019.

Attachments:
Planning Commission Recommendation
BOCC Resolution

TO:	**Board of County Commissioners**
FROM:	**Planning Commission**
SUBJECT:	**Planning Commission Recommendation Crested Butte South Block 6 Subdivision One N1/2 Block 6, Crested Butte South, Filing No. 2 LUC-2018-00040**
DATE:	**February 1, 2019**
PREPARED BY:	**Neal Starkebaum, Assistant Director**
APPLICANT:	**Adagio Properties LLC 760 Horizon Drive Grand Junction, CO 81506**
REPRESENTED BY:	**Clark Atkinson**

At its regular meeting of February 1, 2019, Alternate members Daniel Spivey and Diego Plata were seated and the Planning Commission unanimously approved the following Minor Impact Recommendation, as amended, moved by Vince Rogalski and seconded by Jack Diani:

PROJECT SUMMARY:
Adagio Properties, LLC, represented by Clark Atkinson, request the subdivision of a .44-acre lot from 6.27-acres, described as the Northern ½ Block 6, Crested Butte South, Filing 2, as shown as Lots 1 and 2, on the plat to be titled "Crested Butte South Block 6 Subdivision One". The future development of the lot would include a mixed residential/commercial use building; consisting of three residential units on the second floor and a commercial dental clinic on the first floor. Approval of the future development of the lot resides with the CB South Property Owners Association (POA) Board, pursuant to the *Crested Butte South Special Area Regulations*, and the *CB South Covenants and Restrictions*. Block 6 is designated for commercial use, with discretionary residential use, by approval of the CB South POA. Central water and sewer for the new lot will be provided by the CB South Metro District. Access will be via a driveway, from Gillaspey or Elcho Avenues, or both.

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION:
The CB South POA Board of Directors, approved the subdivision request, as noted in a letter of December 17, 2018, and approved a variance to the CB South lot dimension standards, as noted in a letter of January 17, 2019.

CRESTED BUTTE SOUTH SPECIAL AREA: The Board of County Commissioners adopted Resolution 2008-38, September 2, 2008, establishing the *CB South Special Area* and *CB South Special Area Regulations*. Development on lots within CB South is subject to the *Special Area Regulations* and *the CB South Covenants and Restrictions*. Subdivision of land within CB South is not addressed within the *Special Area Regulations* and follows the requirements of the *Land Use Resolution*.

LOCATION:
The property is located in Crested Butte South, legally described as 6.27-acres in the North Portion of Block 6, Crested Butte South, Filing 2.

SURROUNDING LAND USES:
West – Residential; Doubletop Condos, Residential/Commercial; Alpengardner
Northeast –residential lots
South – Pioneer Plaza Commercial Townhomes lots (vacant)

IMPACT CLASSIFICATION: Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, and other submittal documents informing this Recommendation include, but are not limited to:

- Minor Impact Land Use Change Application
- Subdivision Plat – prepared by Stephen L. Jessoe, PLS, dated December 27, 2018, submitted January 18, 2019
- CB South POA Board of Directors, approving the subdivision request, letter of December 17, 2018
- CB South POA Board of Directors, approving a variance to CB South lot dimension standards, letter of January 17, 2019
- Ronnie Benson, District Manager, CB South Metro District, letter submitted with application
- Marlene Crosby, Public Works Director, email of January 25, 2019

MEETING DATES:
The Planning Commission held meetings on the following dates:

- November 16, 2018 Work Session
- January 18, 2019 Work Session
- February 1, 2019 Joint Public Hearing/Work Session

SITE VISIT:
The Planning Commission determined that a site visit was not necessary, as they were familiar with the property and neighborhood.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on February 1, 2019. At that time, two members from the public were present and written public comments were received from:

- Mary Haskell, email of January 17, 2019, supporting the application
- Greg and Ashleigh White, email of January 8, 2019, noting concerns with the addition of more residential units in CB South, as unnecessary and the value of commercial development far outweighs the development of residential units.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:
Comments were received from the following agencies:

CB South Metro District. Ronnie Benson, District Manager, (undated letter submitted with application), notes:

> *This letter is to act as a Will Serve Letter for water and wastewater services referencing the subdivision of a 0.4-acre parcel from the northern Block 6, Filing 2, Crested Butte South. This property is expected to be utilized to construct a 5,000 square foot commercial space with 3 additional residential units above for approximately 10,000 square feet total. The Crested Butte South Metropolitan District has infrastructure, resource availability, and treatment ability for said structure at this time.*

Gunnison County Public Works Department: Marlene Crosby, Public Works Director, email of January 25, 2019 notes:

> *As we discussed when we met, it appears that an Access Permit is the best approach for this lot. (Driveway from street) The standard access permit conditions will apply when the applicant applies for a permit.*

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 9-508: Keeping of Livestock not on an Agricultural Operation.
No livestock is allowed on the property.

Section 10-102: *Locational Standards for Residential Development.*
The request meets the primary residential density standard. The proposed subdivision is located within an existing population area or within a municipal three-mile area. Crested Butte South is an identified population center, within the CB South Special Area.

Section 10-103: *Residential Density.*
Residential development within the N1/2 Block 6, CB South is permitted, subject to the *Crested Butte South Special Area Regulations,* the *Covenants and Restrictions* of CB South, and approval by the CB South POA.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
The property contains no floodplain, according to County mapping.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
The property is not within a geologic hazard area, according to County mapping.

Section 11-105: *Development in Areas Subject to Wildfire Hazards.*
The property is in a low wildfire hazard area, according to County mapping.

Section 11-106: *Protection of Wildlife Habitat Areas.*
The property is in the center of existing residential/commercial development in Crested Butte South. No additional impacts to wildlife have been identified.

Section 11-107: *Protection of Water Quality*.
No water bodies are located on the property.

Section 11-108: *Standards for Development on Ridgelines.*
The property is not located on a ridgeline.

Section 11-109: *Development that Affects Agricultural Lands.*
There are no agricultural lands affected by the request.

Section 11-110: *Development of Land beyond Snowplowed Access*.

The property is not located beyond snowplowed access.

Section 11-111: *Development on Inholdings in the National Wilderness.*
Not applicable.
Section 11-112: *Development on Property above Timberline.*
Not applicable.

Section 12-103: *Road System*.
The lot will be accessed via a driveway from Gillaspey or Elcho Avenue. Marlene Crosby, County Public Works Director provided comments noting that she had reviewed the application and the standard access permit conditions would apply.

Section 12-104: *Public Trails*.
There is no public trail existing or proposed on the lot.

Section 12-105: *Water Supply*.
The water supply will be provided by the CB South Metro District. Ronnie Benson, District Manager, CB South Metro District, provided a "Will Serve Letter".

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Wastewater connection and treatment will be provided by the CB South Metro District. Ronnie Benson, District Manager, CB South Metro District, provided a "Will Serve Letter".

Section 12-107: *Fire Protection*.
The property is within the Crested Butte Fire Protection District. A CBFPD substation fire house is located approximately 1000 feet to the west, on Teocali Road. A fire hydrant is located within 50 feet of the proposed lot.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
Development on the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

Section 13-108: *Open Space and Recreation Areas*
Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: *Signs.*
Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-110: *Off-Road Parking and Loading.*
Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-111: *Landscaping and Buffering.*
Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-112: *Snow storage.*
Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-113: *Fencing*
Development of the lot is subject to the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 13-114: *Exterior Lighting.*
Future development of the lot is required to comply with this section.

Section 13-115: *Reclamation and Noxious Weed Control.*
A reclamation permit from the Public Works Department is required for driveway construction, site clearing and berm construction. CB South POA actively manages for noxious weeds.

Section 13-116: *Grading and Erosion Control.*
Grading activities are required to secure a Reclamation Permit from the Public Works Department.

Section 13-117: *Drainage, Construction and Post-Construction Stormwater Runoff.*
Construction activities are required to secure a Reclamation Permit from the Public Works Department.

Section 13-118: *Water Impoundments.*
Not applicable.

Section 13-119: Standards to Ensure Compatible Uses.
The property is within the Crested Butte South Special Area and future development of the lot will be subject to compliance with the *Crested Butte South Special Area Regulations*, the *CB South Covenants and Restrictions* and approval by the CB South POA Board.

Section 15-103: *Right-to-Ranch Policy.*
Not applicable.

FINDINGS:
The Commission finds that:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-103: Standards of Approval for Minor Impact Projects*.

3. This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plans, exhibits, and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2018-00040 Crested Butte South Block 6 Subdivision One, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

4. Future subdivision of Lot 2, Crested Butte South Block 6 Subdivision One (Remainder N1/2 Block 6, Crested Butte South, Filing 2) is subject to approval of an adopted Master Plan for the Crested Butte South Commercial Area.

5. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

6. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

7. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 19-___

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. LUC-2018-00040 CRESTED BUTTE SOUTH BLOCK 6 SUBDIVISION ONE N1/2 BLOCK 6, CRESTED BUTTE SOUTH, FILING NO. 2 ADAGIO PROPERTIES LLC

WHEREAS, Adagio Properties, LLC, represented by Clark Atkinson, request the subdivision of a .44-acre lot from 6.27-acres, described as the Northern ½ Block 6, Crested Butte South, Filing No. 2, as shown as Lots 1 and 2, on the plat to be titled "Crested Butte South Block 6 Subdivision One". The future development of the lot would include a mixed residential/commercial use building; consisting of three residential units on the second floor and a commercial dental clinic on the first floor. Approval of the future development of the lot resides with the CB South Property Owners Association (POA) Board, pursuant to the *Crested Butte South Special Area Regulations*, and the *CB South Covenants and Restrictions*. Block 6 is designated for commercial use, with discretionary residential use, by approval of the CB South POA. Central water and sewer for the new lot will be provided by the CB South Metro District. Access will be via a driveway, from Gillaspey or Elcho Avenues, or both; and

WHEREAS, after a review of the information, documentation and public comment related to the application, the Gunnison County Planning Commission did, after a joint public hearing on February 1, 2019, unanimously approve a Recommendation of approval to the Board of County Commissioners;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings**:**

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-103: Standards of Approval for Minor Impact Projects*.

3. This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the Board hereby approves Land Use Change Permit No. 2018-00040, Adagio Properties LLC, Crested Butte South Block 6 Subdivision One subdivision, as recommended by the Planning Commission, with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

4. Future subdivision of Lot 2, Crested Butte South Block 6 Subdivision One (Remainder N1/2 Block 6, Crested Butte South, Filing No. 2) is subject to approval of an adopted Master Plan for the Crested Butte South Commercial Area.

5. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and passed on this 19th day of February, 2019.

BOARD OF COUNTY COMMISSIONERS

_____	_____	_____
Jonathan Houck,	**John Messner,**	**Roland Mason,**
Chairperson	**Commissioner**	**Commissioner**

ATTEST:

_____

Gunnison County Clerk and Recorder