



DEPARTMENT OF PLANNING AND ZONING

308 Byers Ave • P.O. Box 239 • Hot Sulphur Springs • Colorado • 80451
970-725-3347 Ext 129 or Fax 970-725-3303

CERTIFICATE OF RECOMMENDATION

TO: Grand County **Planning Commission**

FROM: Department of Planning and Zoning

DATE: October 10, 2007

RE: The Ridge at Winter Park Condominium B Final Plat

APPLICANT: Silverleaf Resorts, Inc.

LOCATION: A Resubdivision of Tracts D, E, F and G, the Summit at Winter Park Ranch, Reception No. 197823; Section 21, Township 1 South, Range 75 West of the 6th P.M., Grand County, Colorado.

ZONING: Residential (R)

APPLICABLE SECTION OF CODE: Grand County Master Plan, Grand County Zoning Regulations, Grand County Subdivision Regulations, Grand County Road and Bridge Standards and Grand County Storm Drainage and Criteria Manual

EXHIBITS: Final Plat Application and Support Documents

STAFF CONTACT: Kristen Manguso

REQUEST: The applicant is requesting final plat approval of a 136 unit condominium project. The total development area is approximately 15.32 acres.

DISCUSSION

Silverleaf Resorts, Inc., a Texas corporation being represented by Mike Brown and Ross Lamberson, is the Applicant for this proposal. The current owner is Summit Trail Development, Inc., (Special Warranty Deed recorded at Reception No.2005-007448). Silverleaf has a contract to purchase this property contingent upon development approval from Grand County.

The Ridge is a 136 unit condominium development located in the Winter Park Ranch area and will consist of a clubhouse, pool and fifteen (15) buildings. Four (4) of the buildings contain four (4) units, two (2) contain six (6) units with the remaining nine (9) having twelve (12) units.

As you may recall, during the preliminary plat hearing at the Planning Commission, the Applicant was instructed to hold a public meeting with the neighbors. This was done on August 15, 2007 at the Fraser Library. Staff attended as an observer only. During this meeting, the neighboring homeowners again expressed their concerns regarding the development.

In light of the comments heard that night and some outside research, it appears that timeshare units generally have about a sixty (60%) to sixty-five (65%) percent occupation rate, with the exception of major holidays such as Christmas. Taking this into consideration, Staff is of the opinion that timeshare parking requirements will be lower than typical year round family condominium ownership. It seems that many timeshare owners will fly into a local airport, rent one vehicle and drive to the resort for their week, usually with only one car. Combine this with the lower overall occupancy rate and Staff believes that 1.2 to 1.5 parking spaces per unit would be adequate. With this in mind, Staff requested the Board of County Commissioners to consider two additional possibilities for mitigating homeowners concerns. These options are allowed under Section 14.4 (k) of the Grand County Zoning Regulations.

Option 1 - Consider lowering the parking requirements for the entire development.

Option 2 - Consider lowering the parking requirements for just Phase III which contains parking lot "C" and is adjacent to the single family residences.

The Board of County Commissioners presented these alternatives to the public during the preliminary plat meeting. The meeting was continued and the Applicant was required to submit drawings depicting the change in parking. The Commissioners again met with the Applicant and the public and it was agreed to reduce the parking requirements to 1.2 spaces per unit in order to further mitigate neighboring property owners concerns.

Staff would like to point out that although the open space will be increased, under no circumstances will additional density be allowed. Further, the additional open space shall be platted as reserved parking area, ensuring adequate space to construct additional parking if it was found that the parking spaces are not adequate in the future. The following plat note (#16) has been added to address this issue, as well as make certain that the floor plans remain unchanged:

This plat is restricted from any changes to the interior floor plans, building footprint, amenities, recreational easements, trails and service facilities (including but not limited to clubhouse, parking, swimming pool) that could increase the unit density and/or decrease open space calculations as shown on the final plat, or any changes that may affect in any

manner the plat's compliance with the Grand County Land-Use regulations, without the approval of the Board of County Commissioners for Grand County, Colorado.

In order to avoid future confusion regarding the decision to reduce the parking requirements, Staff also recommends the following note be placed on the final plat mylar:

TParking requirements have been reduced by the Board of County Commissioners on this plat to provide additional open space and reduce impacts to neighboring properties. The area shown as reserved parking is restricted to such use and additional parking may only be built if deemed necessary and approved by amending the final plat in compliance with all Grand County Regulations.

TThe final plat shall also clearly define the reserved areas as future parking. This area shall be broken out in the site data table to ensure that if this parking is ever required to be constructed, the development will be able to remain in compliance with the sixty percent (60%) open space requirement.

The submitted final plat shows the pool to be constructed in Phase I. Colorado Department of Public Health and Environment (CDPHE) comments state that public pools and semi-public pools require a design review by CDPHE/WQCD. Although this facility appears to be a private pool, the reality is that this pool use will be equivalent to that of a "semi-public pool". The Applicant has addressed this with a plat note approved by the CDPHE stating they will meet all requirements of 5 CCR 1003-5 prior to submission of a building permit. Staff would like to note that the pool on the final plat is shown on the side setback line. TThe Applicant shall be required to ensure the pool is not built within any setbacks. Final cost estimates shall be revised to include the construction cost of the pool in Phase I of construction.

Staff recognizes that safety issues arise with the installation of a pool. Staff has done some research regarding safety and pools. It appears that if it is an outdoor pool, it must be perimeter fenced with materials that are unable to be climbed from the outside, and all gates shall be self closing and self latching. If the pool is indoor, these issues are resolved. Considering this, Staff is requiring the Applicant either fence the entire pool area or construct an indoor pool. TClarification of pool details shall be provided prior to any hearing by the Board of County Commissioners. Complete construction plans and cost estimates shall also be provided.

COMPLIANCE WITH THE GRAND COUNTY MASTER PLAN

This property is located within Grand County Urban Growth Area No. 2 as designated in the Master Plan. Urban growth areas were established to direct growth to areas where central water and sewer are available. This development is located within the service boundaries of Winter Park West Water and Sanitation District and will be served by central water and sanitary sewer systems. This is in accord with the primary goals and objectives of new development in these areas.

Another goal of the master plan is to maintain, as well as enhance, the community appearance and design. Due to the close proximity of this proposal to single family dwellings, Staff believes this development should be architecturally compatible with the character of the surrounding community, blending in with the natural surroundings. Architectural renderings of the structures provided show the buildings to be wood sided with green roofs.

Along these same lines, all exterior lighting shall be hooded and shielded, directing light away from adjoining properties. The following notes (#2 & #1) are shown on the final plat:

Exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from the adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines. Design and specifications of all planned exterior lighting shall be submitted with any application for a building permit and shall be subject to Grand County approval.

Material and colors used in the architecture shall be those that are indigenous to the local area. Color schemes for both the buildings and roofs should be compatible and found in the natural landscape, such as earth toned solids (browns, greens, grey's, etc.), bedrock and woodland vegetative growth. The desired result is to blend the architectural structure with the natural surroundings and lessen visual impact.

Air quality is an important master plan element. Most developments in Grand County burn to eliminate the slash generated by site grading for roads, utilities and structures. Since this project is in an urban area (many neighboring residences) Applicants will be required to chip or bury all slash on-site or remove the slash. The following note (#7) is included on the final plat to address this issue:

Grand County has various regulations regarding the disposal of slash. The Ridge shall be required to consult with the Grand County Department of Natural Resources prior to disposal of slash and shall be required to comply with applicable rules and regulations regarding disposal of slash.

TThis requirement should also be clearly indicated in the final cost estimates.

TThe design and locations of the dumpster enclosures are required to be submitted and added to final construction plans (a building permit will be required for construction of the enclosure). The design of the enclosure shall utilize natural exterior materials and the dumpsters used in the project shall be bear proof. The DOW and local trash companies have good literature regarding bear proof dumpsters. The bear proof dumpsters shall also be added as a community standard in the covenants.

In addition to the building architecture, landscaping and revegetation are also an important component of this development. The Applicant has submitted a landscaping plan that limits site disturbance and shows many areas where existing trees will remain, as well as snow storage.

TStaff would like to reiterate the importance of limited site disturbance and the retention of as much existing vegetation as possible. This practice is a benefit to both the developer and the land. In order to ensure that the existing vegetation identified on the landscape plan is retained, the following note shall be added to the Final Construction Plans:

TBarrier fencing shall be erected prior to any site disturbance around the existing Pine trees which are to remain and be protected throughout project construction as identified

within the Landscape and Revegetation Plan for The Ridge at Winter Park Condominium.

The Master Plan specifically addresses the need for the County to encourage the provision of affordable housing. Staff feels that this is an important topic to pursue, and although Grand County does not currently have affordable or attainable housing regulations in place, this subject should not be ignored. It is suggested that the developer provide a monetary donation to the Grand County Housing Fund to address the affordable housing goal of the Master Plan.

With the above conditions addressed, this proposal is in compliance with the Grand County Master Plan.

COMPLIANCE WITH THE GRAND COUNTY ZONING REGULATIONS

This property is located within the Residential Zone District as designated by Grand County which allows for multi-family use. This subdivision is proposed to be served by central water and central sewer as is required for multi-family development. This proposed development density is nine (9) dwelling units per acre, in compliance with regulations.

The final plat has corrected prior issues regarding utility easement and retaining walls.

The plat shows two (2) monument signs are to be constructed. The sign detail within the construction plans shows them to be seven feet six inches (7'6") in height which is below the zoning regulation requirement of no more than eight feet (8') in height. Both signs are shown in compliance with the required setback of twenty feet (20') from the property line.

Since all proposed buildings show heights to be very near the thirty five foot (35') maximum, (34 feet 11 inches) Staff would like to stress the importance that the building height compliance is clearly proven when building permit applications are requested for each structure. Additionally, County Zoning Regulations allow for a maximum roof overhang of three (3') feet into any setback. Building footprint specific architectural elevations will be required to be submitted for each individual condominium building. Finished grade is required to be shown a distance of ten (10) feet around each building. Roof overhang is also required to be shown and must not encroach more than three (3') feet into any setback. The above statement has been included in the note section on the final plat.

Fourteen (14) handicap parking stalls are shown on this final plan submittal. This condominium project is required to comply with C.R.S. Title 9, Article 5, Standards for Accessible Housing. The Grand County Department of Building can provide Applicant with the requirements for handicap accessibility (construction and conversion). These units can either be built handicap accessible or designed so that they can be converted if ever required. This requirement shall be addressed within the covenants and in the note section of the final plat

With the above conditions addressed, this proposal is in compliance with the Grand County Zoning Regulations.

COMPLIANCE WITH THE GRAND COUNTY SUBDIVISION REGULATIONS

7.2 FINAL PLAT

- 1a.** The final plat consists of two (2) less units than the approved preliminary plat. Phase III buildings have been reduced to contain two (2) stories instead of the previously shown three (3) stories. A swimming pool is also shown on the final plat.
- b.** The drawing is made at a scale of 1" = 60' on a 24" x 36" plat.
 - (i)** The Applicant has provided mineral estates notification as required.
- 2a.** The proposed name of the development is The Ridge at Winter Park Condominium. The title on any final plat reads as follows:

A The Ridge at Winter Park Condominium Final Plat – A re-subdivision of Tracts D, E, F and G, The Summit at Winter Park Ranch Recorded at Reception No. 197823 Located in the NW ¼ of Section 21 Township 1 South, Range 75 West of the 6th P.M., County of Grand, State of Colorado. Conveyance to the subdivider recorded at Reception No. _____.
- b.** A correct legal description of the property is shown.
- c.** Primary control points are referred.
- d.** Boundary lines, right-of-way lines, easements and adjacent property owners are shown as required.
- e.** Access to this development is proposed off County Road 8341 (aka Caribou Ave), County Road 8344 (aka Bryant Blvd.), County Road 834 (aka Cranmer Ave) and County Road 8360 (aka Spinner St) all being 60' right-of-ways
- f.** The location and size of the existing and proposed sanitary sewer service and water lines have been provided. This development will be served by Winter Park West Water and Sanitation District (the "District") for water and sanitary sewer service. The District has provided written acceptance to Grand County of the phasing plan and their acceptance of the final water and sewer construction plans dated September 14, 2007.

The most recent comments from Xcel Energy dated September 17, 2007 indicate they still need a "realistic phasing plan for construction of the buildings". The Applicant shall provide this plan to Xcel and the phasing plan shall be accepted prior to any hearing by the Board of County Commissioners.

There are five (5) trail easements shown within the final plat. Each trail easement shall be dedicated by separate deed to the public. This shall be done at the time of final plat recording.

If there is a lien on the property, the lienholder shall have a signature block on the final plat. Further, a deed releasing all open space, limited common elements and common

elements from the lien shall be provided prior to recording. All open space, limited common elements and common elements shall then be transferred to the Homeowners Association at the time of final plat recording.

- g. The location and description of monuments is shown.
- h. TAn updated title commitment showing the property in the name of the Applicant shall be provided prior to recording of any final plat.
- i. A correct dedication statement, surveyor's statement, planning commission certificate, commissioner's certificate and planner's certificate are shown on the plat.

TStaff reserves the right for the County Attorney to perform a final review of all documents. Proof of filing of the Articles and Bylaws with the Secretary of State has been provided.

COMPLIANCE WITH THE GRAND COUNTY ROAD AND BRIDGE STANDARDS

Access to this development is proposed off County Road 8341 (aka Caribou Ave), County Road 8344 (aka Bryant Blvd.), County Road 834 (aka Cranmer Ave) and County Road 8360 (aka Spinner St) all being 60= right-of-ways.

During the previous review, the Applicant had agreed to make off-site improvements on Spinner, Bryant and Cranmer Avenues in the area adjacent to the proposed subdivision. Construction of the improvements is included in the Phase 1 construction cost estimate.

Thirty percent (30%) of the total driving area and walkways is required to be provided for snow storage. The submitted plat shows 48,304 square feet has been provided and 43,254 square feet is required.

The Colorado Department of Transportation (CDOT) received four (4) concurrent requests for Preliminary Plat review within Winter Park Ranch. Based upon the high volume of proposed units (approximately 325) CDOT required that a combined traffic study showing the impacts of all four (4) proposals be provided. The Applicants obtained a joint traffic study which recommended no changes. The study was then submitted to CDOT and the required access permit has been obtained as required.

During previous submittal and review, the Applicant had requested four (4) variances. During the BOCC meeting, it was decided the Applicant shall eliminate the following variance request:

4. Grand County Road and Bridge Section 4.7.4, Required Grade at Intersection: The applicant requests to raise the maximum grade at all entrances from 3% to 4% to facilitate a reduction in required fill design requirements. The County Engineer previously concurred with the request due to projected ADT's, the length of drive, and low speed.

This request was to allow for less grading and fill, and the BOCC stated that the reason was not a hardship and the variance would not be approved. With this in mind, the Applicant is now requesting the following three (3) variances to the Grand County Road and Bridge Standards:

1. Grand County Road and Bridge Section 2.2.1, Two Points of Access: The Applicant requests to waive the required two points of access to Phase III (buildings. 5, 6, and 7), and Phase IV (buildings 8 and 9) The development is a resubdivision of the Summit at Winter Park. Site topography (direction/percent slope), and proximity to intersections preclude site layout to accommodate this. The County Engineer concurs due to the length, number of buildings served, and the proximity of adjacent parking areas for access by the EGFD.

2. Grand County Road and Bridge Section 4.4.1, Minimum Radius of Curvature: The applicant requests to reduce the required minimum radius of curvature for all drives from 75 feet to 55 feet. This request will facilitate site layout of the proposed development. The County Engineer concurs with the request due to projected Average Daily Trips (ADT's,) the length of drive, and estimated low speed.

3. Grand County Road and Bridge Section 4.6.2, Required Grade at Intersection: The applicant requests a change in "K" value for two intersections: Driveway A and Spinner and Driveway D and Cranmer Ave. The intent of "K" is relative to the rate of vertical curvature of a road, and is assigned different values based on speed. Table 4.6.2 identifies various "K" values for given design speeds; 15 mph is the lowest design speed identified in the County Road and Bridge Standards. The County Engineer agrees that the entry and/or exit speeds will more than likely be less than 15 mph, and supports the request for a lower "K" value for these two intersections.

The County consulting Engineer had previously recommended approval of all four (4) variance requests, and the review comments provided indicate continued recommendation of approval for the proposed three (3) requests. Staff agrees with these requests and also believes the Applicant has done their best to mitigate neighboring landowner concerns regarding this development.

STAFF COMMENTS

- ✓ Grand County is concerned with water quality, and in order to address long term water quality issues, this development is require to provide \$500.00 per unit (\$69,000) and a \$200 annual fee to the East Grand Water Quality Board for water quality purposes by means of a Water Quality/Wastewater Agreement. Said funds address the impacts that development has regarding non-point source pollution.
- ✓ The proposed development is located within the boundaries of the East Grand Fire Protection District (EGFPD). The current fee per unit requirement is \$454 (138 units x \$454 = \$62,652). The Applicant must provide proof of payment of the EGFPD emergency impact fees prior to recording the final plat.
- ✓ The Grand County Board of County Commissioners approved an escrow fund to recapture future improvements that will be necessary on County Road 8 as a result of increased development in this area. (Resolution No. 2006-2-18, recorded as reception no. 2006-001694.) These funds are escrowed towards three specific improvements: upgrades to the Fraser River Bridge, installation of a traffic signal at the US Highway 40 and County Road 8 intersection, and cyclic maintenance on County Road 8. In light of this, the applicant shall escrow funds in the amount of \$13,455.68 (20% of the 138 units, or 28 units @ \$480.56) with Grand County to contribute towards future road improvements required on County Road 8.

Staff has not yet received comments from the County consulting Engineer regarding the final construction plans. However, any comments provided shall be addressed prior to hearing by the Board of County Commissioners.

STAFF RECOMMENDATION

Staff recommends approval of The Ridge at Winter Park Condominium B Final Plat and three (3) variances to the Road and Bridge Standards with the following conditions to be addressed prior to hearing before the Board of County Commissioners:

1. A complete land use table for The Ridge shall be provided that ensures that all subdivision platting requirements and design standards are being met.
2. Xcel Energy's most recent letter dated September 17, 2007 stated they still need a "realistic phasing plan". This shall be provided to and accepted by Xcel Energy prior to any meeting with the Board of County Commissioners.
3. Any comments provided by the County consulting Engineer shall be addressed prior to hearing by the Board of County Commissioners.
4. Handicap accessibility and compliance with the 2000 IBC requirements shall be clearly stated within the covenants and as a note on the final plat mylar.
5. Clarification of pool details and complete construction plans with updated cost estimates shall be provided.
6. The reserved parking areas shall be clearly shown on the final plat.

The following conditions shall be met prior to recording of any final plat:

1. Final cost estimates shall be revised to include complete construction cost of the pool in Phase I.
2. The final plat shows building 15 as six (6) units, when the number of units is twelve (12). This shall be corrected on the final plat mylar.
3. In Phase I, the final plat references a retaining wall as a monument sign. This shall be correctly shown as a retaining wall on the final plat mylar.
4. Tax certificates showing that all taxes are paid in full on the property.
5. A black line address mylar that includes labels for addressing purposes, road numbers, road names, etc. is required to be provided prior to any final plat recording.
6. Trail easements shall be reviewed and accepted by the County Attorney's office.

7. An electronic copy of the final plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any final plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.
8. Current Title Commitment.
9. All final construction plans are accepted by the county engineer prior to recording of any final plat.
10. All required fees are paid.
11. All final plat requirements are met.

It is suggested that the developer provide a monetary donation to the Grand County Housing Fund to address the affordable housing goal of the Master Plan.

The following notes shall be placed on the final plat mylar:

Parking requirements have been reduced by the Board of County Commissioners on this plat to provide additional open space and reduce impacts to neighboring properties. The area shown as reserved parking is restricted to such use and additional parking may only be built if deemed necessary and approved by amending the final plat in compliance with all Grand County Regulations.

This condominium project is required to comply with C.R.S. Title 9, Article 5; Standards for Accessible Housing.

The following notes shall be added to the construction plans:

Barrier fencing shall be erected prior to any site disturbance around the existing Pine trees which are to remain and be protected throughout project construction as identified within the Landscape and Revegetation Plan for The Ridge Condominiums.