

**BOARD OF COUNTY COMMISSIONERS
OCTOBER 14, 2014
PLANNING CASE #PLN14-067: FARMER'S GROVE - PLAT CORRECTION/ALTERATION
OF PLAT NOTES - CLASS 6
CONSENT AGENDA**

PROJECT INFORMATION:

Location: Farmer's Grove Subdivision

Project/Request: A Request to Correct Plat Notes for the Second Amendment to Farmer's Grove Subdivision, Section 1, T6S, R78 West of the 6th P.M.

ISSUES:

None

RESOLUTION STATUS

Resolution To Be Drafted Subsequent to BOCC Decision

STAFF RECOMMENDATION:

Approval

ATTACHMENTS:

Vicinity Map

Application Materials

Plat



PLANNING DEPARTMENT

970-668-4200
fax 970-668-4225
Post Office Box 5660
0037 SCR 1005
Frisco, Colorado 80443

STAFF REPORT

TO: Board of County Commissioners

FROM: Brian Potts, Planner I

FOR: Meeting of October 14, 2014

SUBJECT: PLN14-067-Farmer's Grove - Plat Correction/Alteration of Plat Notes-Class 6

APPLICANT: Jerry Westhoff

OWNER: Farmers Grove Association and Residents

REQUEST: A Request to Correct Plat Notes for the Second Amendment to Farmer's Grove Subdivision, Section 1, T6S, R78 West of the 6th P.M.

PROJECT DESCRIPTION:

Location: Near Hwy 9 and Farmers Lane, properties on Audrey Cir, Farmers Ln, Jarelle Dr, and Zoe Ct;

Legal Description: Farmer's Grove Subdivision, Section 1, T6S, R78 West of the 6th P.M.

Existing Zoning: B-3

Proposed Use: Existing Residential Uses

Total site area: 10.115 acres

Adjacent land uses:

- East:** Highway 9, residential and business uses; zoned B-3, Terri's Upholstery PUD, and Seldom Acres PUD
- West:** Undeveloped land; zoned Summit Adventure Park PUD
- North:** Nursery and office use; zoned B-3
- South:** Alpensee 3 Condos commercial uses; zoned B-3

DEVELOPMENT REQUIREMENTS:

	<u>Required</u>	<u>Proposed</u>
Density limit:	1:4 FAR (110,838)	1:4.28 FAR (102,838)
Lot size (minimum):	No minimum; Per Plat	No minimum; Per Plat
Setbacks:	Per Platted Building Envelopes	Per Platted Building Envelopes

BACKGROUND:

Farmer's Grove is zoned B-3 which requires a Conditional Use Permit (CUP) to have only residential uses developed within this zoning district. A CUP for 50 residential units (32 single-family and 18 duplex units) was approved by the Upper Blue Planning Commission on September 23, 1999 (Resolution 99-55 and Planning Case PLN99-106). A final plat for 32 single-family and 18 duplex units was approved by the BOCC on March 12, 2001 under Reso. 01-17 (Case# PLN01-016). This plat was

recorded on April 19, 2001, under Reception No. 650377. Shortly thereafter, a plat correction was processed to amend Plat Note #5 and the corrected plat was recorded on November 7, 2001 (Reception No. 667464). Plat Note #5 addressed the size of the duplex units. Unfortunately, the overall floor area calculation for the subdivision was not updated to reflect the change in the previous plat process, related to the allowable density, calculated as Floor Area Ratio ("FAR"). Additionally, there is undeveloped floor area permitted within this zoning district that the residents want to utilize. Therefore, this application recognizes density already permitted by the Code and does not increase density beyond what the B-3 zoning district allows.

CRITERIA FOR DECISION:

Per 8401.05 for Correction Plats, The BOCC has declared that corrections to recorded subdivision plats are a subdivision exemption if the criteria in Section 8402.01.E are satisfied. The following criteria must be met for a correction plat to be approved:

1. The correction is necessary to correct technical or clerical errors in the approved and recorded final plat. Such errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items that do not substantively change the plat as previously approved by the BOCC.
2. The correction results in a plat that complies with all applicable requirements of the Summit County Land Use and Development Code.
3. The correction results in a plat that is consistent with the approved preliminary and final plats for the subdivision.
4. The map or plat is drawn in accordance with the Subdivision Regulations and standards and is suitable for recordation.

THE CORRECTION IS NECESSARY TO CORRECT TECHNICAL OR CLERICAL ERRORS IN THE APPROVED AND RECORDED FINAL PLAT

As mentioned previously, the most recent plat approval contained plat notes that did not reflect adjustments to dwelling unit sizes. Further analysis provided in the next section will provide details on the errors.

THE CORRECTION RESULTS IN A PLAT THAT COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE.

Per the B-3 Zoning District, the property was allowed to be developed at a 1:4 FAR because it met the landscaping and open space standards which were in effect at the time of approval, including meeting the provision that 50% of the property be left as "meaningful open space." The property is 10.115 acres (440,623 square feet). The total building envelope area platted is 95,327 square feet (sf) and the total "meaningful open space" is 234,510 sf. To achieve the 50% requirement, only 220,310 sf of "meaningful open space" needed to be platted. Thus, 14,200 sf additional open space was platted beyond that which was required.

The B-3 Zoning District restricts residential units to a minimum of 1,200 sf and a maximum of 1,800 sf, excluding all garages and accessory buildings. In multi-unit developments, 10% of the units may be smaller than 1,200 sf and up to 10% may be larger than 1,800 sf. Below is analysis of the unit size and floor area determined by the existing plat notes:

- a. Plat Note # 4 states, "Lots 1-32 are single-family lots. The floor area of each building being limited to no more than 1,650 square feet, plus attached garage and storage area not to exceed 350 square feet."

- b. Plat Note #5 states, "Lots 33-41 are duplex lots" and further restricts one unit on each lot to a floor area of no more than 1,250 square feet plus attached garage and storage areas not to exceed 350 square feet. All other duplex units are limited to a floor area of no more than 1,400 square feet plus attached garage and storage areas.
- c. Plat Note #7 restricts the Total Floor Area to 94,150 sf which is 1,177 sf less than the total building envelope area platted. However, 94,150 sf equates to the total floor area originally approved under Plat Notes #4 and #5 plus includes the square footage allowed for the garages and storage areas:

$$\begin{array}{l} \text{18 duplex units} \\ 9 \times 1250 = 11,250 \\ 9 \times 1400 = \underline{12,600} \\ 23,850 \text{ sf} \end{array}$$

Plus

$$\begin{array}{l} \text{32 SF units} \\ 32 \times 1650 = 52,800 \text{ sf} \end{array}$$

$$\begin{array}{rcl} \text{Total Floor area} & = & 76,650 \\ + 50 \text{ garages} \times 350 \text{ sf} & = & \underline{17,500} \\ & & 94,150 \text{ sf} \end{array}$$

Unfortunately, there was an error within the plat notes with regard to the total amount of allowable floor area permitted under the Floor Area Ratio (FAR). Under the plat correction recorded on November 7, 2001, a note was added which states the following, "This plat correction is to amend plat note #5 to allow for 5 of the duplex employee housing units to be 1,400 sf rather than the previous requirements of 1,250 square feet." Based on these changes, the total square footage approved is 94,900, but the maximum floor area of 94,150 was not changed to reflect the allowed increase permitted by the modification to Plat Note #5.

$$\begin{array}{l} \text{18 duplex units} \\ 4 \times 1250 = 5,000 \\ 14 \times 1400 = \underline{19,600} \\ 24,600 \text{ sf} \end{array}$$

Plus

$$\begin{array}{l} \text{32 SF units} \\ 32 \times 1650 = 52,800 \text{ sf} \end{array}$$

$$\begin{array}{rcl} \text{Total Floor area} & = & 77,400 \\ + 50 \text{ garages} \times 350 \text{ sf} & = & \underline{17,500} \\ & & 94,900 \text{ sf} \end{array}$$

At a 1:4 FAR, 110,155.75 sf of floor area would be allowed (440,623/4). However, under the original plat approval, the floor area was approved at a 1:4.68 FAR. Under the amended plat, a total of 94,900 sf of floor area equates to a 1:4.64 FAR. Thus, there remains 15,255 sf of remaining density which would be permitted under the 1:4 FAR permitted by the underlying zoning district. There were no mechanisms which extinguished this remaining density.

All units have been built in Farmer's Grove per the size limitations permitted by the plat. Each single-family unit has a garage of 350 sf and each duplex unit has a garage of 340 sf.

While the plat and the Farmer's Grove Architectural and Design Standards state that garages and attached storage structures taken together shall not exceed a total of 350 square feet, Staff approved a request by the HOA to allow for attached sheds within the garage side of the building envelope of the single-family

units and to the rear of the duplex units. The HOA had requested these sheds be allowed in an effort to help "clean up" the neighborhood. The sheds are only allowed within the building envelopes and therefore would not impact the area included in the "meaningful open space." However, while it was intended that the restriction on 350 square feet be removed to allow for these sheds, the architectural and design standards were not amended to remove this restriction. Staff believes this was just an oversight.

Members of the HOA would like to be allowed to add on to their units and increase the floor area since the zoning district permits additional floor area not acknowledged by the plat. This proposal shows where modifications could occur on each unit type but up to the maximum permitted in order to not exceed 1,800 sf. The HOA is aware that the overall maximum floor area cannot exceed 110,155 sf (to abide by the 1:4 FAR ratio). Therefore, the HOA is proposing a maximum limit of 102,838 sf to correct plat note #7 and provide the additional floor area provided for by the zoning district. This FAR ratio becomes 1:4.28 which is less dense than what is permitted by the B-3 district. The HOA would like to keep that additional floor area in reserve in case there is a need for it to be dedicated for an unforeseen issue.

The subdivision must abide by the Water Service Agreement with the Town of Breckenridge, which requires 15 of the units to be deed restricted employee housing units. Laurie Best at the Town of Breckenridge Planning Department has confirmed that the restrictive covenants recorded on these units do not prohibit capital improvements. This agreement also requires that Architectural Design Standards be in place and must be approved by the Town. Further, the Town must sign off on all building permits issued for units within this subdivision. Thus any changes to the architectural provision must be approved by the Town.

Per analysis of the residential density permitted within the B-3 zoning district, the corrections and alterations to the plat notes conform to the Summit County Land Use and Development Code.

THE CORRECTION RESULTS IN A PLAT THAT IS CONSISTENT WITH THE APPROVED PRELIMINARY AND FINAL PLATS FOR THE SUBDIVISION.

Only the plat notes are being corrected and no other elements of the subdivision plat will be changed so the resulting plat will be consistent with previously preliminary and final plats for Farmer's Grove.

THE MAP OR PLAT IS DRAWN IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND STANDARDS AND IS SUITABLE FOR RECORDATION, BECAUSE, WITHOUT LIMITATION, THE COUNTY SURVEYOR HAS REVIEWED THE PLAT AND DETERMINED THAT IT IS READY FOR RECORDATION.

The plat was reviewed by the County Surveyor. It was determined that the proposed plat was drawn in accordance with County Standards and is ready to be recorded.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN14-067, a Request to Correct Plat Notes for the Second Amendment to Farmer's Grove Subdivision, Section 1, T6S, R78 West of the 6th P.M., with the following findings:

Findings:

- A. The correction is necessary to correct technical or clerical errors in the approved and recorded final plat. Such errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items that do not substantively change the plat as previously approved by the BOCC, because, without limitation, this correction addresses a mathematical error within Plat Note #5 created through approval of the previous plat.

- B. The correction results in a plat that complies with all applicable requirements of the Summit County Land Use and Development Code, because, without limitation, the plat will reflect the additional density permitted within the B-3 zoning district.
- C. The correction results in a plat that is consistent with the approved preliminary and final plats for the subdivision, because, without limitation, only the plat notes are being corrected and no other elements of the subdivision plat will be changed.
- D. The map or plat is drawn in accordance with the Subdivision Regulations and standards and is suitable for recordation, because, without limitation, the County Surveyor has reviewed the plat and determined that it is ready for recordation.

CC: Jerry Westhoff
29 Audrey Cir
Breckenridge, CO 80424