

ALICE CLAIM

**Planning Commission Hearing
July 13, 2016**

**Subdivision
Plat Amendment
CUP
Ridge Avenue Plat Amendment**

DEVELOPMENT PROPOSAL

SUBDIVISION

8 Lots in HR-1 Zone District

- Maximum Lot Size = 0.10 Acres
- Maximum Footprint = 1,750 SF

1 Lot in Estate Zone District

- Clustered to Edge of HR-1 District
- Maximum 7,321 sq.ft (0.17 ac) Home Disturbance Envelope

Evergreen Trees are Preserved and Screen Views of Home Sites
Sampson/King Road Public Improvements for Off-Site Traffic

PLAT AMENDMENT

0.38 Acres in HRL Zone District with Platted Lots

Land Dedication to the City

Grading, Erosion Control and Landscape Improvements by Applicant

CONDITIONAL USE PERMIT

3 Terraced Stone Veneer Soil-Nailed Walls at 10' Max Height

Sampson/King Rd Public Intersection Improvements and Hillside Erosion Control

Only Available Legal Access to Alice Claim

Proposed Substantial Landscape Mitigation

RIDGE AVENUE PLAT AMENDMENT

Adjust Shape of Lot 1 (#123)

No Change in Plat Size

RESPONSE TO COMMISSIONER CONCERNS FROM MAY HEARING

- Density/Number of Lots
 - Loss of Significant Vegetation
 - Successful Planting Between Retaining Walls
 - Retaining Walls Visual Simulation
 - Why Make Improvements to King Road
 - Negotiations for Existing Access Road
 - Construction Mitigation
- * Review of Previous Hearing Items as Requested

DENSITY/NUMBER OF LOTS

- **July 2005 Staff Report:**
 - Maximum Allowed Density is 56 Lots (41 in HR-1)
 - Site Conditions Reduce Density per LMC
- **The 9 Lots Currently Proposed are Code Compliant**

DENSITY/NUMBER OF LOTS

- **October 2008 Memo from Tesch Law Offices:**
 - 2005 Complete Application has Vested Rights
 - Underlying Zoning Sets Maximum Number of Lots
 - Size and Location of Lots Based on LMC and Best Planning Practices
- **The 9 Lots Currently Proposed are Code Compliant and Meet the Direction Provided by Staff & Planning Commission for Best Planning Practices**

DENSITY/NUMBER OF LOTS

- **January 2009 City Legal Dept:**
 - “Staff agrees that the underlying density allows for 9 lots, however any lots must meet the subdivision and all other criteria of the Land Management Code, and the location and potential development impacts need to be approved by the Planning Commission and City Council.”
- **The 9 Lots Currently Proposed are Code Compliant and Meet the Direction Provided by Staff & Planning Commission for Lot Locations that Minimize Development Impacts**

DENSITY/NUMBER OF LOTS

- **Existing City Plat:**
 - 12 Full and Partial Lots within HR-L Parcel
 - 1 Lot within Metes and Bounds Parcels
 - Error Corrected
- HR-L Parcel is Encumbered by King and Sampson Roads, but still has Development Potential Under Existing Plat
- **Applicant has Offered to Deed the HR-L parcel/lots to the City**

DENSITY/NUMBER OF LOTS

FROM 13 JULY 2016 STAFF REPORT:

“The density associated with these three (3) areas, excluding the City owned parcel, is as follows assuming that optimal conditions for development exist and that every requirement in the Land Management Code required can be met:

- HR-L Old Town platted lots consisting 16,486 SF. The minimum lot area is 3,750 SF. Hypothetically based on minimum lot area only, the site could accommodate **4 HR-L lots**.
- HR-1 area consisting of 3.57 acres or 155,509 SF. The minimum lot area is 1,875 SF. Hypothetically based on minimum lot area only, this site could accommodate **82 HR-1 lots**.
- Estate area consisting of 5.08 acres. The minimum lot area is 3.0 acres. Hypothetically based on minimum lot area only, this site could accommodate **1 Estate lot.**”

DENSITY/NUMBER OF LOTS

- **HR-1 Zone District Land Use Pattern:**
 - The Current Plan Creates a Land Use Pattern Matching HR-1 Districts within the City
 - Smaller Lots Aligned to the Street ROW
 - Lots Clustered Side by Side
 - Fewer Lots Will Not Achieve HR-1 Pattern
 - Amending the Ridge Ave Subdivision to 'Square up' Lot 123 Achieves the HR-1 Pattern

DENSITY/NUMBER OF LOTS

- **Low Density Clustered Development:**
 - HR-1 Proposed Density of $8\text{du}/3.57\text{ac} = 2.2\text{du}/\text{ac}$
 - HR-1 Open Space = $2.69\text{ac} = 75\% \text{ OS}$
 - HR-1 & Estate Zone Districts = $7.85\text{ac} = 86.9\% \text{ OS}$
- **Equitable Considerations:**
 - Voluntary Cleanup Cost Over \$1,000,000
 - City Officials Made Assurances that 9 Lot Subdivision was Acceptable
 - City as Co-Applicant to Cleanup for 9 Lots Manifested its Approval of Developing 9 Lots

DENSITY/NUMBER OF LOTS

- **Proposed Development Plan:**
 - Well Within Limits of Underlying Zoning
 - Meets the Criteria of the Code
 - Matches HR-1 Land Use Pattern
 - Responds to Staff and Planning Commission Concerns for Best Planning Practices
 - Minimizes Site Disturbance
 - Establishes and Protects Open Space and Trails
 - Deeds 12 HR-L Lots to the City and Clears Title for Public Roads (King and Sampson Rds)
 - Eliminates Partial Lots

LOSS OF SIGNIFICANT VEGETATION

- 2 Mature Evergreen Trees Removed for Entry Road
 - 27 Mature Evergreen Trees to Remain
- Proposed Entry Road is Legal Access point
- Planning Director is Authorized to Allow Mitigation for Loss per LMC and Precedents
- Proposed Mitigation Based Upon Staff Recommendations to Add 20% More Trees
 - 33 Evergreen Trees & 31 Deciduous Trees
 - = 212" Caliper to Replace 53" Caliper = 4:1 Ratio
- Mine Tailings Cleanup & Revegetation = Additional Benefit to Existing Vegetation and Water Quality

SUCCESSFUL PLANTING BETWEEN RETAINING WALLS

- Over 30 Years Professional Experience in High Altitude Rocky Mtn West
- Many Similar Situations = Success
- Example in Park City at Marsac Bldg Parking
- Proposed Planting at Alice Claim Entry is Much More Dense/Closer Spacing = Visual Screen

SUCCESSFUL PLANTING BETWEEN RETAINING WALLS



SUCCESSFUL PLANTING BETWEEN RETAINING WALLS



RETAINING WALLS VISUAL SIMULATION AT YEAR 5



RETAINING WALL HEIGHT

- **13 JULY 2016 STAFF REPORT**
 - “Staff finds that the walls as proposed at ten feet (10’) are twice in excess to those four to six feet (4’ to 6’) heights typically found within the residential historic district.”
 - Applicant presented numerous photos on July 22, 2015 of many walls within the residential historic district that match or exceed the applicant’s proposed walls and that have zero mitigation.

INTERSECTION PUBLIC IMPROVEMENT PLAN

- City Engineer Requested Improvements for King Road Traffic
- This is an Opportunity to Improve King Road in Conjunction with Alice Court Entry
- Resolves an Erosion/Debris Flow Problem on a Public Road Caused by City Water Line Project

INTERSECTION PUBLIC IMPROVEMENT PLAN



LEVITIN NEGOTIATIONS UPDATE

- **Ms. Levitin May 25 Public Hearing Comment stated:**
 - “...there’s a gross misrepresentation that the applicant has been negotiating in good faith with us. It just hasn’t happened... we haven’t been involved in any real negotiations of any kind.”
- **Facts:**
 - Applicant has made written and verbal offers, a written offer as recently as August 2015
 - Offers were >4x Appraised Value of the Easement Obtained by Applicant in May 2015
- Tesch letter dated 10 June 2016 (pg 194) Presents additional details.

CONSTRUCTION MITIGATION

- Specific CM Plan Required for Infrastructure and Each Bldg Permit
 - Each CM Plan will have Specific and Unique Requirements
- This Site has Many Advantages Over Most Historic District Sites
 - Large Area of Land
 - Adjacent Lots Can be Used for Storage/Staging
 - Little Through Traffic on Alice Court
 - Materials can be Delivered and Stored on Site
 - Daily Material Delivery Not Required
- Applicant has a Proven Record Successfully Mitigating Construction Traffic

3 APPLICATIONS

- **Subdivision and Plat Amendment, CUP and Ridge Avenue Plat Amendment**
 - **Meet All Applicable Requirements of the LMC Including Subdivision Provisions**
 - **Meet the Standards for Good Cause**
 - **Impacts from Walls are Reasonably Mitigated by Tiering, Stepping Back, Vegetation, Soil Nailing, and Stone Veneer**

3 APPLICATIONS

Applicant Requests that Planning Commissioners Direct Staff to Prepare Findings of Fact, Conclusions of Law, and Conditions of Approval:

- **Positive Recommendation for**
 - Subdivision
 - Plat Amendments
- **Approval of the CUP**

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