
Lot 104 Meadowgreen at Stagecoach Replat No. 4

Plat Revision/Correction

Planning Director's Findings

ACTIVITY #: PL20220040

**Planning Director
Decision:** June 23, 2022

PETITIONER: Aspenwood Homes LLC
PETITION: Plat revision to Plat Note Number 7
LEGAL: Lot 104 Meadowgreen Subdivision, No. 4
LOCATION: 22639 Commanche Road
ZONE DISTRICT: High Density Residential
AREA: 0.49 acres
STAFF CONTACT: Chris Brookshire, cbrookshire@co.routt.co.us
ATTACHMENTS:

- Letter/narrative dated 4/24/2022
- Meadowgreen at Stagecoach Replat No. 4 Plat (2 pages)

History:

Meadowgreen at Stagecoach Replat No. 4 was a resubdivision of portions of property within Meadowgreen No. 3 and surrounding undeveloped property. Replat No. 4 created six lots, common areas and a parcel for the Fire Protection District.

All lots have building envelopes and easements were designated for access to lots.

Lot 104 was approved with a plat note #7 as follows:

7. Restriction on on Lot 104 – Any residence in Lot 104 shall contain no more than 2,000 square feet of interior living area. Balconies, porches, decks, garages and any area wholly or partially underground (unless such area shall have a full walkout access) shall not be considered interior living area for purposes of the restriction. This restriction may be amended or released by written resolution of the Board of County Commissioners.

The lot is bordered by Rock Point Trail on the north and Rock Point Trail on the west. There are existing residences within this subdivision and surrounding Lot 104.

Project Description:

The petitioner is requesting that the Plat Note No. 7 restriction be removed from the plat.

The petitioner wants to construct a 2,652 square foot home that would be constructed within the building envelope and be 31'10" tall, which is under the 40' height requirement. They have stated within their narrative that due to expansive soils a basement is not an option.

Staff Comments:

Staff has researched the materials associated with this development and it is not clear why the condition was applied to this lot. There was discussion of height concerns that would impede views, but this discussion did not seem to be verified. The Planning Commission minutes, staff report and Board of County Commissioner minutes did not discuss the reason behind the plat condition.

If the Planning Director approves the removal of the plat condition, a resolution can be drafted to be signed by the Board and recorded in the Routt County Clerk and Recorder's Office. The approved resolution would eliminate the Plat Note No. 7 and refer to the Meadowgreen at Stagecoach Replat No. 4 Plat.

*****Issues for Discussion*****

Approval would eliminate this condition and even though the current owner is proposing a 2,652 sq. foot residence, this owner or a future owner could build any size home as long as it meets current regulations and plat notes/restrictions.

PLANNING DIRECTOR'S OPTIONS:

1. **Approve the Plat Correction request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning and Subdivision Regulations and complies with the guidelines of the Routt County Master Plan.
2. **Deny the Plat Correction request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning and Subdivision Regulations and/or the Routt County Master Plan, Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.
3. **Table the Plat Correction request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Plat Correction request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning and Subdivision Regulations and the Routt County Master Plan.

FINDINGS OF FACT that may be appropriate if the Final Subdivision is approved:

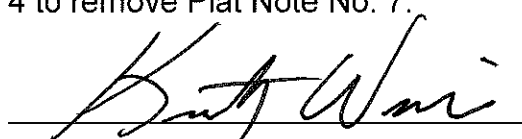
1. The proposal with the following conditions meets the guidelines of the Routt County Master Plan, Stagecoach Community Plat and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.

CONDITIONS that may be appropriate may include the following:

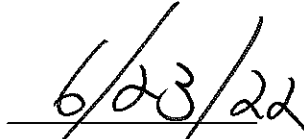
1. A resolution of approval must be signed by the Board of Commissioners and recorded in the Routt County Clerks and Records office.

Planning Director Decision

I hereby approve/disapprove the Plat Revision of Meadowgreen at Stagecoach Replat No. 4 to remove Plat Note No. 7.



Kristy Winser, Planning Director



Date

April 24, 2022

As the owner of Lot 104, Meadowgreen at Stagecoach Replat No. 4, I am submitting this application for a Plat Correction. Currently note 7 on the Plat reads as:

“Any residence on Lot 104 shall contain no more than 2000 sq ft of living area, balconies, porches, decks, garages and any area wholly or partially underground unless this area shall have full walkout access shall not be considered interior living area.”

We purchased this lot to build our retirement home and have already designed and engineered the home. When we checked with the Planning Department to confirm there were NO height restrictions, we found out there were no height restrictions, other than the standard 40 feet requirement. However, the planner also noticed Note No. 7, which limits the square footage of any home on the property to 2000 square feet.

We met with the Planner and went through documentation and correspondences related to the original re Plat process back in 1996/97. Our findings showed that this was intended to be a visual mitigation requirement, not an affordability issue. (Exhibit A). This appears to be a height issue. (Exhibit B) “She, (Commissioner Garren) said due to visual concerns she does not want a height that would impede views.” Please reference Exhibit B for the full verbiage.

We have tried to redesign our home plan to meet the 2000 square foot limitation and it just does not work. We also considered making some of the square footage into a basement, but that is impractical because of the expansive soils on the lot, and we would still build the home to the same height, which is well within the county maximum height limits. If we were to build the home with a basement and meet their specifications, as written,***any area wholly or partially underground unless this area shall have a full walkout access shall not be considered interior living area.....***, the height of the home will still remain the same at 31ft. 10in, well within the county requirements. Eliminating the 2,000 square foot requirement and allowing us to build the home that we designed (Exhibit D) with 2,652 square feet will not impact the views of the homes behind us (see uploaded photos); the height restriction is the same with or without the restriction.

The Meadowgreen at Stagecoach Replat. No. 4 consisted of Lot 104 (our lot), Lot 105, Lot 106 and Lot 107 and Lot 108 and 2 open spaces (Exhibit C). Currently Lot 105, 106 and 107, which are located behind Lot 104, have homes that would NOT be visually impacted by a new home with the height we are proposing.

We have discussed this matter with the County Planning Department and they also agreed that it would be in our best interest to ask for an immediate plat correction to change the verbiage to **ELIMINATE** the 2000 sq ft living area requirement to mitigate a visual impairment by limiting the square footage of a home to be built. This absolutely does not serve the intended purpose for which it was written.

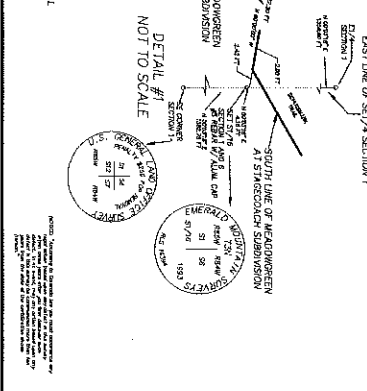
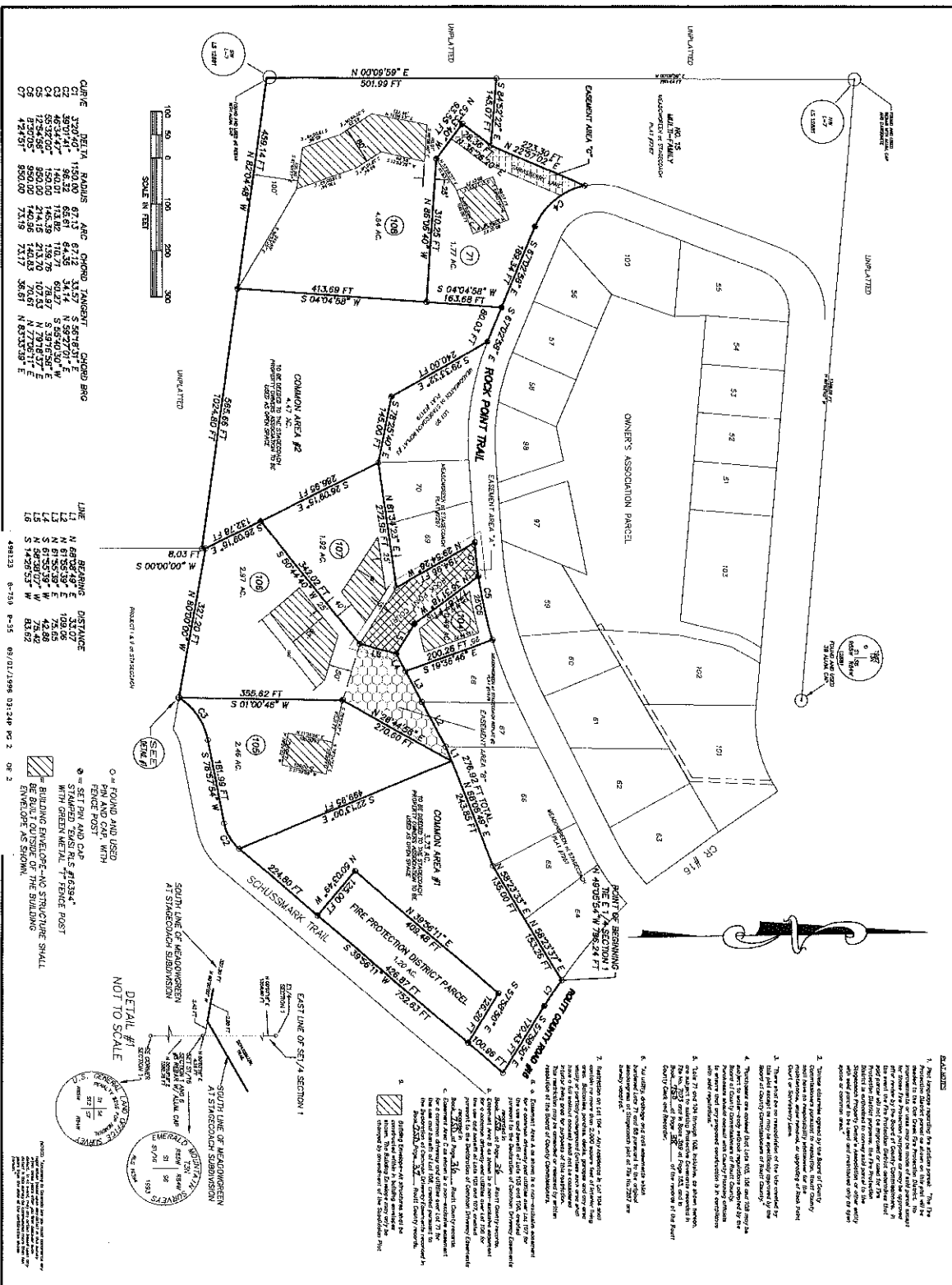
Therefore, we respectfully ask that this change be taken into consideration as soon as possible so that we may move forward with our building plans.

Regards,

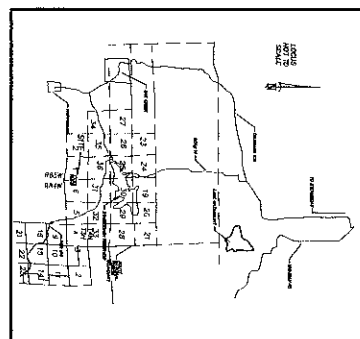
James A Martin

MEADOWGREEN AT STAGECOACH REPLAT NO. 4

SHEET 2 OF 2



1. This plat is prepared in accordance with the provisions of the Colorado Revised Statutes, Chapter 38, Article 10, and the rules and regulations of the Colorado State Board of County Commissioners.
2. The boundaries shown on this plat are based on the survey conducted by the Surveyor General of Colorado, and are subject to the provisions of the Colorado Revised Statutes, Chapter 38, Article 10, and the rules and regulations of the Colorado State Board of County Commissioners.
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SCALE	1" = 100'	DATE	8-14-98
PROJECT NO.	029-10	SHEET NO.	2 of 2

PREPARED BY: EMERALD MOUNTAIN SURVEYS, INC.
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 970-879-8998

DESIGNED BY: MA
DRAWN BY: JOL
CHECKED BY: JOL

File No. 12585

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