

## NOTICE OF APPROVAL

**For an Insubstantial PUD Amendment to the Maroon Creek Club Subdivision and PUD with regard to Development Envelopes located on Lots 1 through 12 and 41 through 45 and development outside of Building Envelopes located on Lots 13, 16, 19 through 40, and 46 through 48**

**Parcel ID Nos. 273514209001 through 273511309012, 273511209041 through 273511209045, 273511309013, 273511309016, 273511309019 through 273511309040, and 273511309046 through 273511309048**

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**APPLICANT:** Maroon Creek Club Master Association ("MCCMA")

**SUBJECT & SITE OF AMENDMENT:** An Insubstantial PUD Amendment clarifying what types of development may occur within Development Envelopes and outside of Building Envelopes for certain residential lots located within the Maroon Creek Club Subdivision and PUD.

**SUMMARY:** There are 47 residential lots within the Maroon Creek Club Subdivision ("MCC Subdivision"). Lots 17, 18, and 50 contain multi-family developments and are built out. There are 44 single family lots within the subdivision; 17 of those lots (Lots 1 through 12 and 41 through 45) have platted Building Envelopes and Development Envelopes, and the remaining 27 lots (Lots 13, 16, 19 through 40, and 46 through 48) have platted Building Envelopes but no defined Development Envelopes.

The Applicant has requested clarification regarding what can occur in a Development Envelope as the documents entitling the subdivision are silent on the topic. Although the homeowners association has adopted design guidelines, the city is not a party to the document. Staff has worked with a representative of the architectural control committee, William Lukes, to memorialize what may occur within a Development Envelope for Lots 1 through 12 and 41 through 45. Additionally, further clarification on what may occur on Lots 13, 16, 19 through 40, and 46 through 48, that have platted Building Envelopes but no defined Development Envelopes is also included.

MCCMA and the City of Aspen in 2001 previously clarified what types of development would be allowed outside of Building Envelopes on the lots without platted Development Envelopes. This latest amendment will supersede and render null and void the 2001 Insubstantial PUD Amendment regarding the 27 single family lots without Development Envelopes.

**STAFF EVALUATION:** Staff finds that the request meets the requirements of an Insubstantial PUD Amendment. Defining what may occur in a Development Envelope and what may occur in the area between a lot's boundary and its Building Envelope on lots that have platted Building Envelopes but no defined Development Envelopes will assist in the consistent application of development standards over time.

**DECISION:**

**The Community Development Director finds the request to memorialize a definition of 'Development Envelope' as noted below and revising what may occur in the area between a lot's boundary and its Building Envelope on lots that have platted Building Envelopes but no defined Development Envelopes is consistent with the review criteria (Exhibit A) and thereby, APPROVES the amendment as defined below.**

Section 1: Single Family Lots with Development Envelopes. For Lots 1 through 12 and 41 through 45, containing platted Building Envelopes and Development Envelopes, the following guidelines shall govern improvements that may occur within the platted Development Envelope:

A. Definitions.

1. *Development Envelope.* The definition of "Development Envelope" for purposes of establishing development guidelines is the area depicted on the Plat and PUD as within the Development Envelope but outside of the Building Envelope and is the portion of the lot designated to create a transition between the Building Envelope and the Natural Area where outdoor living and individualized landscaping may occur, and where necessary and temporary construction activity such as excavation, construction material storage, and staging may occur, but where improvements taller than 30" above existing grade are generally not allowed. Development Envelopes may include a portion of the lot which is within an easement that may impose separate use or other restrictions. It is the intent of providing a Development Envelope to encourage construction of homes with a comfortable relationship to the landscape surrounding them.
2. *Existing Grade.* Existing grade is defined as the grade of the lot after subdivision improvements were installed but pre-development of a single-family home. Existing grade surveys are on file, if construction of a residence has occurred, with Maroon Creek Club's Architectural Control Committee. In cases where a residence has been constructed but no pre-development survey is on file, the existing grade will be interpolated subject to approval by MCC Subdivision's Site and Architecture Review Committee (SARC).

B. Standards.

1. All construction activity and improvements must be confined to the Development Envelope except for features provided for by other entitlements such as utilities.
2. No slopes over 2:1 are permitted.
3. Retaining walls are required where cut or fill slopes exceed 4' vertical change from natural grade. Retaining walls which are in the Development Envelope [outside of the Building Envelope] are limited to 6' in height with no below grade limitation. Stepped retaining walls must be separated by a minimum of 4' face to face in the horizontal direction between walls; grading between walls [planting beds] must be nearly horizontal.

4. Existing trees that are within a Development Envelope, but not within a Building Envelope, shall not be removed without first obtaining a tree permit from the City of Aspen and then approval from MCCMA, either one of which may be more restrictive than the other.
5. The following improvements and uses are allowed in Development Envelopes with no below grade limitation:
  - (a) Driveways and parking area.
  - (b) Terraces, patios, and other typical landscape features with a finished elevation within 30" above existing grade.
  - (c) In ground spas and swimming pools with a finished deck elevation within 30" above finished grade.
  - (d) Landscaped areas.
  - (e) Enclosures for an outdoor grill not exceeding 60" in height when measured to the adjacent walking surface.
6. Improvements and uses that are not allowed in Development Envelopes include, but are not limited to, the following:
  - (a) Accessory structures, excepting those listed above in Paragraphs 3 and 5 of this section.
  - (b) Improvements which exceed 30" above existing grade, except improvements allowed under Paragraphs 3 and 5 of this section.
  - (c) Balconies and building projections.
  - (d) Storage areas or structures, except temporary facilities during the course of construction which are removed prior to occupancy.
  - (e) All improvements and uses not listed in the requirements preceding sections.

Section 2: Single Family Lots without Development Envelopes. For Lots 13, 16, 19 through 40, and 46 through 48, containing platted Building Envelopes and no Development Envelopes, the following guidelines shall govern improvements that may occur in the area between the Building Envelopes and the property lot lines (AKA: Yard) for said lots:

A. Definitions.

1. *Yard.* The definition of "Yard" for purposes of establishing development guidelines is the area depicted on the Plat and PUD as within the property boundary but outside of the Building Envelope. Yards may include a portion of the lot which is within an easement that may impose separate use or other restrictions. It is the intent of providing a Yard to encourage construction of homes with a comfortable relationship to the landscape surrounding them.
2. *Existing Grade.* Existing grade is defined as the grade of the lot after subdivision improvements were installed but pre-development of a single-family home. Existing grade surveys are on file, if construction of a residence has occurred, with Maroon Creek Club's Architectural Control Committee. In cases where a residence has been constructed but no pre-development survey is on file, the existing grade will be interpolated subject to approval by SARC.

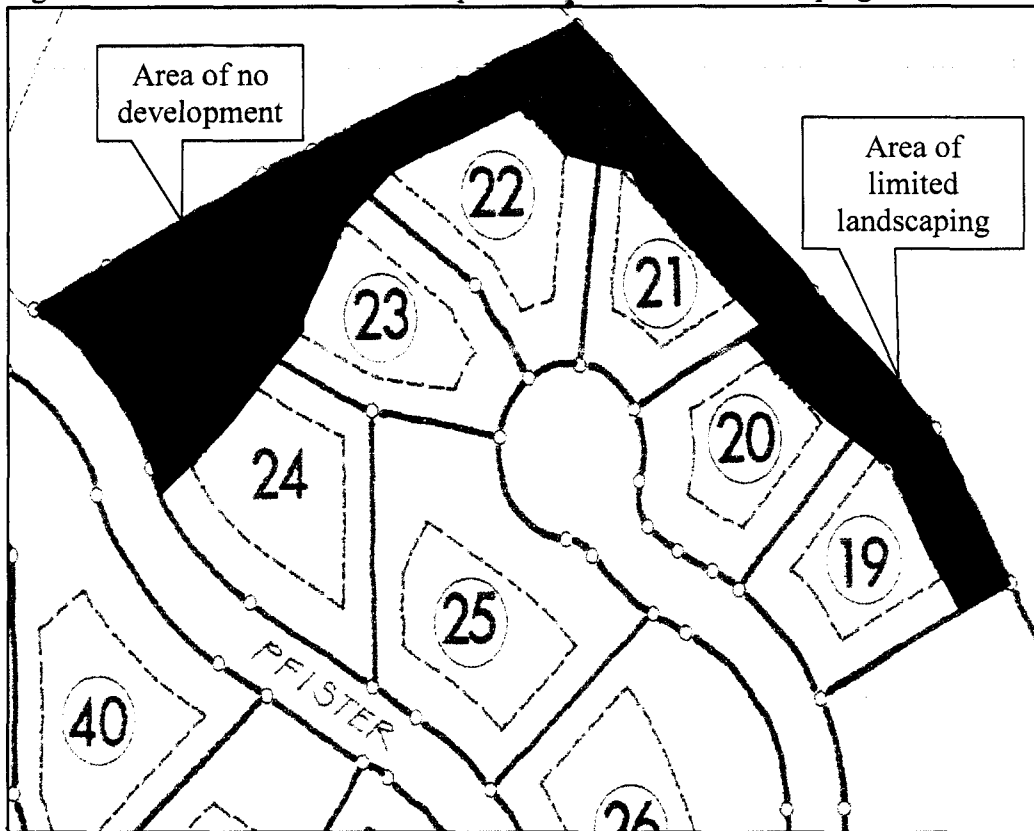
B. Standards.

1. No slopes over 2:1 are permitted.
2. Retaining walls are required where cut or fill slopes exceed 4' vertical change from natural grade. Retaining walls which are in the Yard [outside of the Building Envelope] are limited to 6' in height with no below grade limitation. Stepped retaining walls must be separated by a minimum of 4' face to face in the horizontal direction between walls; grading between walls [planting beds] must be nearly horizontal.
3. Existing trees that are within a Yard, but not within a Building Envelope, shall not be removed without first obtaining a tree permit from the City of Aspen and then approval from MCCMA, either one of which may be more restrictive than the other.
4. The following improvements and uses are allowed in Yards, with no below grade limitation, except as prohibited or limited in subsection (f):
  - (a) Driveways and parking areas.
  - (b) Terraces, patios and other typical landscape features with a finished elevation within 30" above existing grade.
  - (c) In ground spas and swimming pools with a finished deck elevation within 30" above finished grade.
  - (d) Landscaped areas.
  - (e) Enclosures for an outdoor grill not exceeding 60" in height when measured to the adjacent walking surface.
  - (f) No development (including any landscaping) shall be allowed beyond the rear perimeter of the existing approved building envelopes of Lots 21 through 24 pursuant to Figure 1, below. The intent of this provision is to maintain existing, natural vegetation and wildlife habitat; however, in instances of severe or catastrophic changes to the existing vegetation, exceptions may be permitted with consent of the City of Aspen Parks Department.

If removal of any landscaping or retaining wall or other improvements is required outside of the approved building envelopes for either utility personnel or emergency services to provide access through the subject lots, the utility and/or emergency services personnel will not be responsible for replacing the landscaping, retaining walls, or other improvements. The owner of the lot shall be responsible for bearing the cost of the replacement landscaping, retaining walls, or other improvements.

Any landscaping to the rear of the building envelopes on Lots 19 and 20 shall be approved in advance by MCCMA in consultation with the City Forester prior to planting to ensure that the landscaping will remain open and informal adjacent to the golf course.

Figure 1: Yard Areas of No Development and Limited Landscaping



5. Improvements and uses that are not allowed in Yards include, but are not limited to, the following:
- (a) Accessory structures, excepting those listed above in Paragraphs 3 and 5 of this section.
  - (b) Improvements which exceed 30" above existing grade, except improvements allowed under Paragraphs 3 and 5 of this section.
  - (c) Balconies and building projections.
  - (d) Storage areas or structures, except temporary facilities during the course of construction which are removed prior to occupancy.
  - (e) All improvements and uses not listed in the requirements preceding sections.

**Section 3: Address Markers and Fencing.** One address marker or one combination address marker and mail receptacle, with an overall height not exceeding 54" above top of adjacent curb, may be permitted on the lot.

Fencing, when permitted by SARC, needs to meet the following minimum city standards:

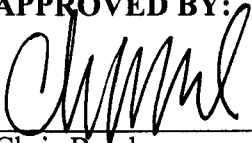
- a) no greater than 6 feet from existing grade, 2) no higher than 42" forward of the front façade of the house, and 3) constructed of materials such as wood, stone, wrought iron or masonry when visible from the street.

Section 4: Design Review Approval Required. Landscaping, fencing, outdoor lighting, and all other improvements are subject to approval by the Maroon Creek Club's Site and Architecture Review Committee (SARC) and may be more restrictive than City of Aspen requirements. Any plans depicting landscaping, fencing, outdoor lighting or development of a structure requires a digital signature approval by SARC via the architectural advisor on the plan set submitted to the city for review.

Section 5: Plat Certificate. Any application to amend the dimensions or location of any Building Envelope or Development Envelope shall require the written approval of the MCCMA in the form of a signature block showing approval of the plat by the MCCMA.

Section 6: Except for the matters clarified herein, this Insubstantial Plat Amendment will not change or have any effect upon development rights and/or requirements within the MCC Subdivision established by all other documents recorded or not recorded pertaining to the MCC Subdivision.

**APPROVED BY:**



Chris Bendon  
Community Development Director

Feb 28 2012

Date

**Attachments:**

Exhibit A - Review Standards

Exhibit B - HOA approval of the Insubstantial PUD Amendment

Figure 1: Yard Areas of No Development and Limited Landscaping

