

NOTICE OF APPROVAL

For an Insubstantial Amendment to Maroon Creek Club Subdivision and PD with regard to the allowances and limitations of soil nailing as a construction activity on Lots 1 through 13, 16, and 19 through 48.

Parcel ID Nos. 273514209001 through 273514209013, 273511309016, and 273511309019 through 273511309048.

APPLICANT: Maroon Creek Club Master Association (“MCCMA”)

SUBJECT & SITE OF AMENDMENT: An Insubstantial PD Amendment clarifying whether soil nails may project beyond Building Envelopes, and where applicable, Development Envelopes, in the Maroon Creek Club subdivision.

SUMMARY: The Applicant has requested an insubstantial amendment to allow the use of soil nails as a construction activity outside of applicable lot specific Building and Development Envelopes. Currently a previous Insubstantial PD Amendment (Reception # 587075) prohibits construction activities and structures beyond these boundaries.

The Maroon Creek Club Subdivision (“MCC Subdivision”) contains 47 residential lots. 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. Lots 17, 18, and 50 contain multi-family developments and are built out.

The new changes regarding building envelopes (per Ordinance No. 46, Series of 2015) in the Land Use Code (Chapter 26.575.110) do allow for soil nails—as an allowed projection beyond the envelope boundary—unless otherwise noted in a site-specific development plan.

The Maroon Creek Club site-specific development guidelines, as outlined in the Insubstantial PD Amendment previously mentioned, state that “all construction activity and improvements must be confined to the Development Envelope except for features provided for by other entitlements such as utilities”, effectively limiting soil nails to within the envelope (s) that exist on each lot. Currently, Lots 1 through 12, and 41 through 45 have development envelopes, while Lots 13, 16, 19 through 40, and 46 through 48 have only building envelopes.

At this time, no development, including landscaping, is allowed beyond the existing approved Building Envelopes of Lots 21 through 24. This provision ensures the maintenance of existing natural vegetation and wildlife habitats, but in instances of ‘severe or catastrophic changes to the existing vegetation’ exceptions may be permitted with the consent of the City of Aspen Parks Department.

RECEPTION#: 627141, 02/18/2016 at
03:18:09 PM,
1 OF 2, R \$16.00 Doc Code APPROVAL
Janice K. Vos Caudill, Pitkin County, CO

STAFF EVALUATION: Staff has reviewed the proposed amendment and finds that the applicant's request meets the conditions of an Insubstantial PD Amendment. Defining the use of soil nails as a construction activity that is allowed to project outside of applicable site specific Envelopes will assist in a more consistent pattern of subgrade construction activity over time and respond to the update in the current Land Use Code.

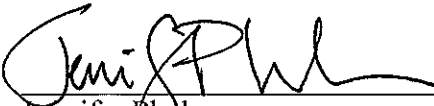
The Amendment was referred to the Parks Department to address any potential concerns over the use of soil nails that may affect vegetation. Based on input from the department it is recommended that the Community Development Director conditionally approve the proposed insubstantial amendment to allow for the projection of soil nails, to the minimum degree required for construction, beyond applicable Building and Development Envelopes.

DECISION:


The Community Development Director APPROVES the requested amendment to the standards set forth in the Maroon Creek Club design guidelines to include the projection of soil nails beyond site-specific applicable Building and Development Envelopes, with the exception of Lots 21 through 24, as conditioned below:

- **A lot owner may request soil nails BEYOND envelopes but within all property lines.**
- **Soil nails may be permitted beyond site specific envelopes, however the City and the Maroon Creek Club Master Association (MCCMA) Site and Architecture Review Committee each reserve the right to prohibit such soil nails at their sole discretion depending on site specific considerations.**
- **Site specific considerations may include, but are not limited to, the location of any easements or utilities, landscaping, or proximity to rights of way. Any approvals by the City or by the MCCMA Site and Architecture Review Committee do not relieve the applicant and homeowner from the responsibility to comply with the terms and requirements of any easements.**

APPROVED BY:



Jennifer Phelan
Community Development Director



Date