

Alta Town Council



Staff Report

To: Town Council

From: John Guldner, Chris Cawley

Re: Staff Report and Recommendation To Approve a Site Plan Agreement for Sugarplum Meadows, Phase 5, Lot 1, Sugarplum Planned Unit Development

Date: October 4, 2023

Attachments: Packet from John Byrne including various documents related to proposed site plan agreement

Attachment Highlights:

Page 1: Applicant's introductory letter

Pages 8-16: Proposed site plan agreement and proposed site plan

Page 22: Letter from Applicant's attorney summarizing proposed site plan agreement

Pages 54-58: Letters from Meadows HOA, certain Meadows homeowners in support of proposed site plan agreement

Pages 67-68: Affidavit from Dave Weissbard, Sugarplum Meadows Resident Manager, regarding proposed changes to the snow removal and storage easement

Other pages include various original site plans, settlement agreements, and letters from Applicant

Summary

Cirque Properties L.C. (John Byrne or affiliates or John Byrne, "Applicant") is proposing to enter into a site plan agreement regarding building sites 109-112, Phase 5, Lot 1, Sugarplum Planned Unit Development, otherwise known as "the Meadows." Certain conditions on these building sites were established in settlement agreements in 1996 and 1999. Applicant's proposed new agreement would amend certain conditions to reflect and record actual working conditions on the ground as they've developed over time. A large packet of materials from Applicant, including the proposed site plan agreement, previous agreements, proposed site plans, previous site plans, and various supporting documents, is attached. **See Attachment Table of Contents Tab 2 pages 8-16 for the proposed site plan agreement, including proposed agreement "Exhibit A," the proposed site plan. See above for other recommended attachment highlights.**

The 1996 and 1999 agreements and accompanying site plans were completed to protect open space and views for the owner of the home on building site 108. That owner also owned vacant building site 106. Applicant now owns and lives in the home on building site 108, and owns building site 106, 107, 109, 110, and 111/112, which were combined. Applicant is proposing a new site plan to reduce the 48' no build area to a 30' no build area. A drainage feature is located within that 30' no build area.

Two parking spots would be removed from the requirements originally set forth in the 1996 agreement. While the parking spots were and remain paved, they were never striped, maintained or used year 'round as established by the old agreement. They were too close to the home on lot 108 and subject to sliding roof snow problems, so winter use was problematic. The parking spots interfered with snow removal activities, and historical use of the neighborhood has demonstrated that they are unnecessary in the low-density development of the Meadows, as all the homes have driveways and garages.

Applicant is also requesting to remove the 36' height limitation, the ridgeline building orientation requirement, and the requirement to remove any fill on 110 prior to construction defined in the 1996 agreement. These conditions were originally included as the previous owner of the home on lot 108 was worried that any fill on the vacant lot next to his house would artificially raise the height of the future home on lot 110 and obstruct views. The ridgeline orientation and 36' height limit follow the same reasoning. The developer dumped fill on that vacant parcel in the early stages of the development. The original owner of 108 may also have been worried about that fill as well as fill from future construction. Whatever the case, the ground level seems to no longer be an issue, especially since it has remained the same for 27 years. The town's ordinances measure height from the grade as it exists before commencing construction. After 27 years it makes sense to consider the existing grade on lot 110 to be just what it is today. Plus, town ordinances limit the height of a single-family dwelling to 35', so that concern is addressed as well since the height limit by standard ordinance language is 1' less than the old site plan agreement.

In sum, the appearance of the area will not change or differ from what was intended in the 1996 agreement. Designated snow removal will be expanded from 15' to 30' over the previous settlement agreement site plan. The requested changes merely accurately reflect how the area has evolved over the past 27 years and how parking and drainage work today. The orientation of the ridgeline, 36' height limit and concern for possible fill on lot 110 as it would affect the height of the home on 110, are no longer concerns since the same owner owns the neighboring property.

Staff recommendation:

Approve the proposed site plan agreement and site plan and authorize the Mayor to sign the proposed site plan agreement.