



Staff Report

Slate River Subdivision

Final Plan and Final Plat Review

To: Mayor Schmidt and Town Council
Town of Crested Butte Planning Commission

From: Michael Yerman, Community Development Director
Bob Nevins, Town Planner

Subject: **Slate River Subdivision Review by Town Council**

Date: April 20, 2020

Purpose.

For Town Council to review the Slate River Subdivision Final Plan and Final Plat application pursuant to Municipal Code (“Code”) Sec.17-5-60(5) Review by Town Council.

The Slate River Subdivision Final Plan and Final Plat application is included as **Attachment 1**.

1.0 Introduction.

Cypress Foothills, LP, owner/applicant, is seeking to subdivide a 14.16 acre parcel along the Town’s northeastern boundary originally platted as the West Remainder Parcel of the Aperture Subdivision and now referred to as the Slate River Subdivision. The final subdivision plan includes nine (9) Town Parcels and one (1) Tract of Applicant Retained Lands; the primary public roadways, Pyramid Avenue and Eighth Street extension, and underground public utility mainlines have been installed as part of the County-approved Aperture Subdivision to the east. Proposed zoning for the subdivision allows the following land uses: government, public service and recreational facilities, deed-restricted affordable housing, six (6) free-market single-family lots, open space and preserved wetland areas.

The property owner and developer is Cypress Foothills, LP (Developer) at 8343 Douglas Avenue, Suite 200, Dallas, Texas 75225.

2.0 Annexation Agreements.

The Town and Developer have prepared and submitted the final Annexation Agreement as **Attachment 2**.

Prior Pre-annexation Agreements were recorded as Reception Nos. 638399, 643828 and 656557. These Agreements were necessitated by two important factors: First, the Town agreed to extend water and sewer service outside the Town limits to that portion of the development (Aperture Subdivision) that will remain in the County in exchange for land that the developer will dedicate for public uses in the area that will be annexed to the Town (Slate River Subdivision); and second, portions of the land to be annexed require environmental clean-up because they contained the former town landfill site.

A Voluntary Clean-up Plan (VCUP) requires that intended land uses be specified to ensure appropriate clean-up standards are established before the former landfill area can be remediated and later developed. VCUP standards vary depending upon the intensity of the proposed use; the clean-up requirements may allow higher intensity uses ranging from schools to housing as proposed on Town Parcels (TP) 2 and 3 to lesser standards for more passive public uses such as open space, parks or snow storage as proposed on TP 4. For housing to be developed on TP5, additional clean-up is required. The majority of the land within the proposed Slate River Subdivision, however, is environmentally “clean” and not subject VCUP. The land uses agreed upon by the Town and Developer are identified in the Annexation Agreement and shown graphically on the Zoning Map and Illustrative Sketch Plan.

3.0 Subdivision Conditions of Approval.

Town Council reviewed and approved with conditions the Slate River Preliminary Plan on January 14, 2020 and the Sketch Plan on April 8, 2019. The Slate River Subdivision Annexation Impact Report was submitted March 21, 2019 to the Gunnison County Board of County Commissioners.

A. Preliminary Plan Conditions:

1. That the Pre-Annexation Agreement be revised to reflect the updated Subdivision Plat having nine (9) Town Parcels (TP) and (1) Applicant Retained Land Tract (T).
2. That the Slate River Major Subdivision Plat including the title page with the Attorney’s Opinion be finalized.
3. That the platting of the Applicant Retained Land Tract with six (6) single-family lots be finalized and that a complete set of construction drawings which meet the requirements of the Public Works Director and Crested Butte Fire Protection District be submitted.
4. That the deed restriction for TP7 which contains the wetland area between TP1 and the Applicant Retained Land be finalized.

B. Sketch Plan Conditions:

1. That a future waterline easement be provided to the north through the Applicant Retained Land.
2. That all fencing within the subdivision be a maximum of forty-two (42) inches in height to allow for wildlife migration through the property, excluding any off-site fencing around the Public Works facility and multi-use trail.
3. That a boater access and floating agreement for TP6B be finalized.

4. That the north-south private street within the Applicant Retained Land be named after a local mountain or natural feature.
5. That the R4-Residential maximum lot size requirement be waived for TP3 and TP 5.
6. That a deed restriction for the TP6 (now identified as TP7) open space/wetland area be finalized.
7. That a recommendation be forwarded to Town Council for the granting of an exemption for all of the capital expansion recovery system fees pursuant to Sec. 17-5-100(c) Exemption from fee.

4.0 Final Plan and Final Plat.

The Slate River Subdivision Final Plan and Final Plat include the subdivision layout, easements, protective covenants and deed restrictions. The application contents are outlined below:

- a) The Slate River Subdivision is the perimeter property boundary was previously platted as the West Remainder Parcel of the Aperture Subdivision; the Slate River Subdivision include a total of approximately 14.16 acres.
- b) Town Parcel (TP) 1, potential fire station site contains 1.55 acres and excludes the wetland area.
- c) TP 2 boundary, potential public use facility/open space contains 2.04 acres and includes the low-quality wetland south of Pyramid Avenue.
- d) TP3, potential affordable housing includes 0.95 acres.
- e) TP4, proposed open space/sledding hill, snow storage and staging area contains 3.15 acres and accurately reflects the actual VCUP area.
- f) TP5, potential affordable housing includes 0.99 acres and may be subject to further VCUP.
- g) TP6A-B, proposed protected open space and boater access contains 0.87 acres and it has been revised to include and the area under the elevated roadway bridge.
- h) TP7, proposed open space and wetland area contains 1.22 acres that are to be owned, managed and maintained by the Town.
- i) TP8 and TP9, proposed open space, are remnant parcels located between Pyramid Avenue and the Dyer Subdivision and area beneath the elevated roadway bridge; these two (2) parcels contain 0.09 acres and 0.55 acres, respectively.
- j) Applicant Retained Land (Tracts 1-6), proposed single-family lots, contains 1.56 acres.
- k) Public rights-of-way, Pyramid Avenue and Eight Street extension contain 1.19 acres.

5.0 Review Procedure.

In accordance with Sec. 17-5-60 (5) Review by Town Council, the subdivision improvements agreement and any required land dedications shall be reviewed by the Town Council and the review shall occur at a properly noticed public hearing.

- Subdivision Improvements Agreement: Town Council may approve, approve with conditions or reject the subdivision improvements agreement. The Subdivision Improvements Agreement is provided as **Attachment 3**-Resolution No. __, Series 2020.
- Land Dedications: Town Council may accept, accept with conditions or reject the land dedications. The proposed land dedications are described in **Attachment 2**-Slate River Annexation Agreement and depicted on the Slate River Subdivision Final Plat.

Any approval of the subdivision improvements agreement and acceptance of land dedications shall be contingent upon final plat approval by the Planning Commission.

6.0 Recommended Action.

A Town Council member make a motion to approve Resolution No. __, Series 2020, the Slate River Subdivision Improvements Agreement and to accept the land dedications described in the Slate River Annexation Agreement, followed by a second.

Attachments:

- 1-Slate River Subdivision Final Plan and Final Plat application
- 2-Slate River Annexation Agreement
- 3-Subivision Improvements Agreement-Resolution No. __, Series 2020