

# Memo

To: Honorable Mayor Pinkham  
Board of Trustees  
Town Administrator Halburnt

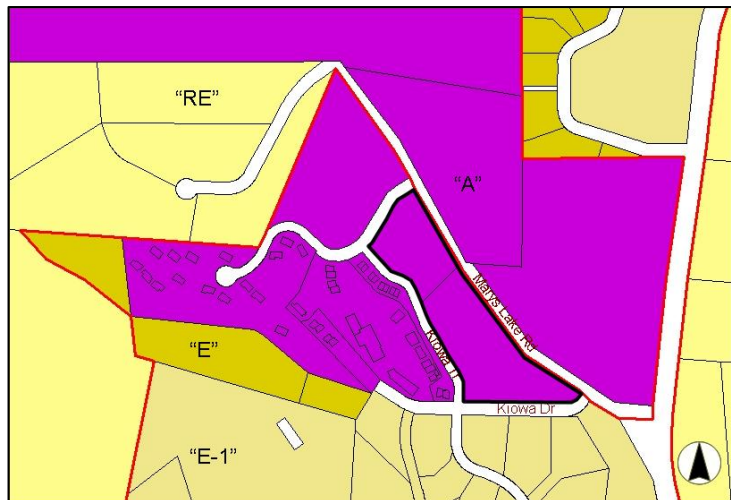
From: David Shirk, Planner

Date: July 28, 2009

Subject: **The Meadow Preliminary and Final Condominium Map**

**Background.** This is a request by Marys Meadow Development for preliminary condominium map approval for thirty-five units previously approved with the Marys Meadow development plan.

This request also includes the final condominium map for two of these units and a garage building. Pursuant to state law, condominium units may not be finalized until the units are substantially complete. Because of this, final "supplemental" maps will be submitted as the project builds out. According to procedure set forth in the Estes Valley Development Code, the Final Condominium map proceeds directly to the Board and is not reviewed by the Planning Commission.



The proposed condominium maps comply with the approved development plan.

**Budget.** N/A

**Action.** At their regularly scheduled July 21, 2009 meeting, the Estes Valley Planning Commission found:

1. Pursuant to C.R.S.30-28-110, sub-section 4(a), “no plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the county treasurer’s office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.”
2. This proposal complies with applicable sections of the Estes Valley Development Code, as well as the approved development plan.
3. This request has been submitted to all applicable reviewing agency staff for consideration and comment.
4. This is a Planning Commission recommendation the Town Board.

The Planning Commission voted unanimously to recommend **APPROVAL** of the Preliminary Plat of The Meadow Condominiums **CONDITIONAL TO** compliance with Development Plan 06-01 “Marys Meadow;”

**Suggested Motions:**

I. I move to approve the proposed Preliminary Plat of The Meadow Condominiums, **CONDITIONAL TO** the findings and recommendation made by the Planning Commission; and,

II. I move to approve the proposed Final Plat of The Meadow Condominiums **CONDITIONAL TO** compliance with the preliminary condominium map.



# The Meadow - Preliminary Condominium Plat Map

**Estes Park Community Development Department**

Municipal Building, 170 MacGregor Avenue

PO Box 1200

Estes Park, CO 80517

Phone: 970-577-3721

Fax: 970-586-0249

www.estesnet.com

**DATE:** July 21, 2009

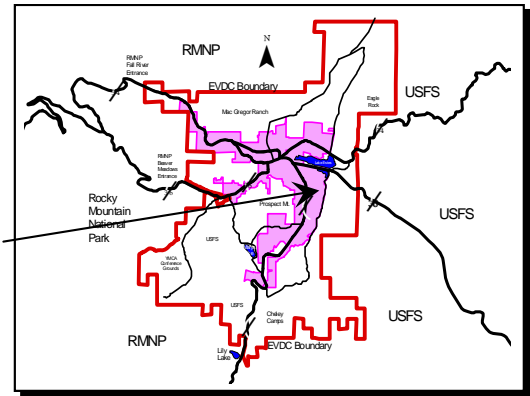
**REQUEST:** Preliminary condominium map approval The Meadow development plan.

**LOCATION:** North of Kiowa Drive between Marys Lake Road and Kiowa Trail, within the Town of Estes Park.

**OWNER:** Marys Meadow Development Inc

**APPLICANT:** CMS Planning and Development

**STAFF CONTACT:** Dave Shirk



**SITE DATA TABLE:**

<b>Engineer:</b> Van Horn Engineering and Surveying	
<b>Parcel Number:</b> 3402438004	<b>Development Area:</b> 5 acres
<b>Number of Lots:</b> One	<b>Existing Land Use:</b> Under development per approved development plan DP 06-01 "Marys Meadow"
<b>Proposed Land Use:</b> Multi-family residential/accommodations	<b>Existing Zoning:</b> "A" Accommodations
<b>Adjacent Zoning-</b>	
East: "A" Accommodations	North: "A" Accommodations
West: "A" Accommodations	South: "E-1" Estate
<b>Adjacent Land Uses-</b>	
East: Undeveloped	North: Undeveloped
West: Accommodations	South: Residential
<b>Services-</b>	
Water: Town	Sewer: UTSD
Fire Protection: Estes Park Volunteer	

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**PROJECT DESCRIPTION/BACKGROUND:** The Planning Commission approved the Marys Meadow Development Plan in April 2006, and the Town Board approved the preliminary condominium map in May of that same year. Preliminary plats require submittal of a final map within one year of approval or they automatically become null and void; the property owner did not submit the required final map within that time frame, therefore the preliminary approval has expired. Unlike plats, development plans do not expire.

The property owner filed an amended development plan this past winter (February 2009), which was approved by Staff. The development plan of record includes the same number of units originally approved (35), though they are in a slightly different configuration (two four-plexes were amended to four duplexes). The original development plan approval contemplated this type of change, thus the development plan was reviewed and approved by Staff.

The condominium map is consistent with the approved development plan, which was reviewed for general development and zoning standards.

Approval of the preliminary condominium map would allow for individual sale of the units, and does not otherwise affect the development plan.

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**REVIEW CRITERIA:** Depending upon the complexity of the project, this section may be a brief summary of the standards of review or may involve a more detailed analysis of the standards based upon issues relevant to any particular project. This proposal complies the applicable standards of the EVDC, specifically:

Section 3.9.E “Standards of Review” for subdivisions, and Section 10.5.H “Condominiums, Townhouses and Other Forms of Airspace Ownership.”

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**REFERRAL COMMENTS AND OTHER ISSUES:** This request has been submitted to all applicable reviewing agency staff for consideration and comment. No significant issues or concerns were expressed by reviewing staff relative to code compliance or the provision of public services.

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**STAFF FINDINGS AND RECOMMENDATION:** Based on the foregoing, Staff finds:

1. Pursuant to C.R.S.30-28-110, sub-section 4(a), “no plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the county

treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.”

2. This proposal complies with applicable sections of the Estes Valley Development Code, as well as the approved development plan.
3. This request has been submitted to all applicable reviewing agency staff for consideration and comment.
4. This is a Planning Commission recommendation the Town Board.

Therefore, Staff recommends **APPROVAL** of the proposed Preliminary Plat of The Meadow Condominiums, **CONDITIONAL TO:**

1. Compliance with Development Plan 06-01 “Marys Meadow;”

**SUGGESTED MOTION:** I move to recommend **APPROVAL** of the preliminary condominium plat to the Town Board of Trustees with the findings and conditions recommended by staff.

**GREGORY A. WHITE**  
Attorney at Law

North Park Place  
1423 West 29<sup>th</sup> Street  
Loveland, Colorado 80538

970/667-5310  
Fax 970/667-2527

July 15, 2009

DAVE SHIRK, PLANNER II  
COMMUNITY DEVELOPMENT DEPT  
TOWN OF ESTES PARK  
PO BOX 1200  
ESTES PARK, CO 80517

Re: **Preliminary Condominium Map – The Meadow**

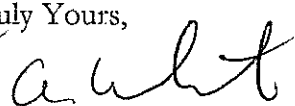
Dear Mr. Shirk:

I have the following comments:

1. For the purpose of this review, I assume that the utility easements and the easements for drainage and detention facilities have been previously dedicated by the Subdivision Plat of Mary's Meadow Replat. If these easements were not dedicated on the Mary's Meadow Replat, then they will need to be dedicated by an appropriate dedication statement on the Final Condominium Map.
2. The garage units need to be designated as Limited Common Element (LCE).

If you have any questions, please do not hesitate to give me a call.

Very Truly Yours,

  
Gregory A. White

GAW/ldr

Cc: Van Horn Engineering, Joe Coop  
Fax: 970/586-8101