

Eagle County Planning Commission

FILE NO./PROCESS: ZS-5230 / Special Use Permit
PROJECT NAME: Tippet Rise Special Use Permit
LOCATION: Holy Cross Drive Edwards, Colorado
OWNER: Halsted Revocable Trust
APPLICANT: Kathy & Peter Halstead
REPRESENTATIVE: Doug and Julie Pratte, The Land Studio
STAFF PLANNER: Sean Hanagan

STAFF RECOMMENDATION: **Approval with Conditions**

I. **EXECUTIVE SUMMARY:**

Proposal Overview

The Applicant requests review of a Consolidated Special Use Permit for an Educational Facility on the Halstead Property located on Holy Cross Drive in the Edwards area of unincorporated Eagle County. Specifically, this proposed Special Use Permit will allow for the use of the property to provide Classical music education programs for the public in a unique environment. The Educational Facility is requested to consist of:

- 10,000 square foot facility to contain a digital library and recording facility hosting small performances of 50-75
- 24 space parking lot
- 1500 square foot artist’s residence
- Portable acoustic shell outdoors for up to 30

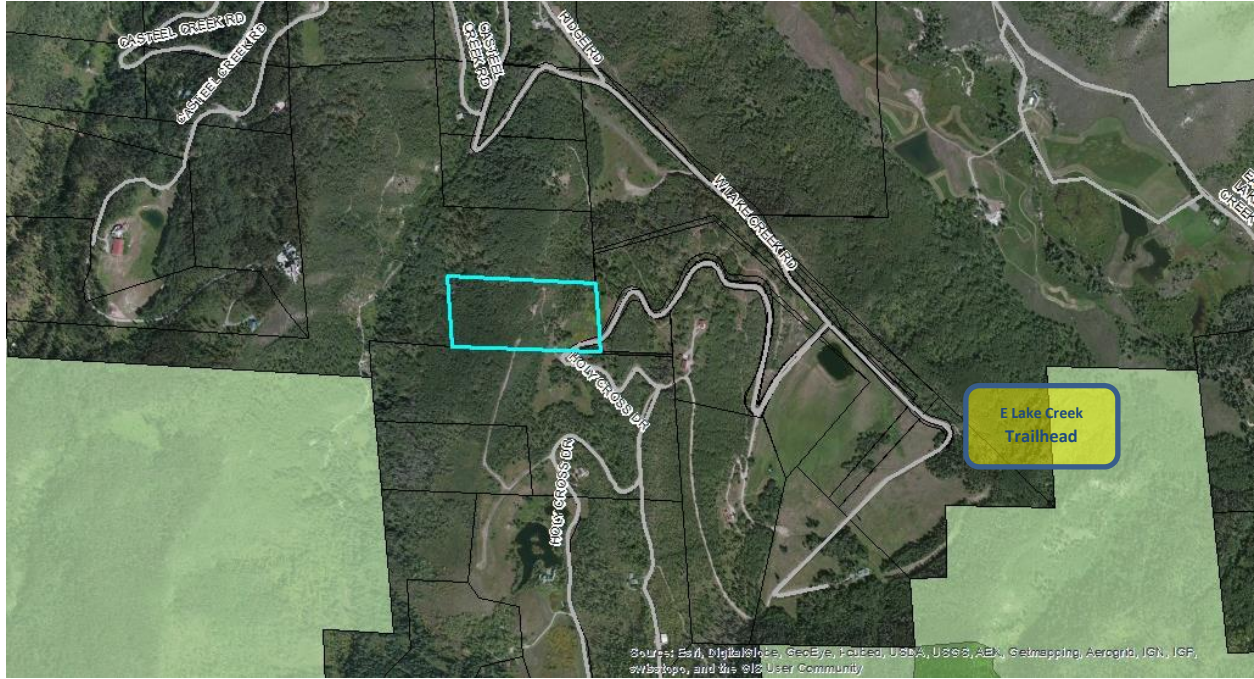
II. **BACKGROUND**

The subject parcel is an 18.9 acre parcel that is currently zoned resource (R). The Resource zone district is one of Eagle County’s most permissive zone district allowing for multiple uses. The table below shows what uses have been contemplated for the resource zone district. The ‘S’ in the column for Educational Facility indicates the requirement for a Special Use Permit to be granted for that use to be allowed in that zone district. This parcel is a Legal non-conforming parcel (under 35 acres) and thus would require a Special Use Permit for all uses listed in this table other than the single family residence and Agricultural uses. Any ‘N’ in the table is not allowed regardless of conformity of the lot. In the

TABLE 3-300													
RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS USE SCHEDULE (am. 05/15/07)													
Uses: R= Use By Right ; L= Allowed by Limited Review; S= Allowed by Special Review; N = Not Allowed	FH ¹	RMF	RSM	RSL	RR	AL	AR	RL	R	RP	BC ²	Standards	
Residential Uses													
Accessory Dwelling	N	N	N	L ³	L ³	L ³	L	L	R	N	N	Sec. 3-310 A	
Conservation Subdivision	N	N	N	N	N	S	S	S	S	N	N	Sec. 3-310 B	
Customary Accessory Residential Uses	R	R	R	R	R	R	R	R	R	R	R		
Duplex Dwelling	N	R	R	R	N	N	N	N	N	N	N		
Mobile Home Park	N	S	S	S	N	N	N	N	N	N	N	Sec. 3-310 Y	

TABLE 3-300
RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS USE SCHEDULE (am. 05/15/07)

Uses: R= Use By Right ; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	FH ¹	RMF	RSM	RSL	RR	AL	AR	RL	R	RP	BC ²	Standards
Multi-Family Dwelling	N	R	R	R	N	N	N	N	N	N	N	
Multi-Housekeeping Dwelling	N	L	L	L	N	N	N	N	N	N	N	Sec 3-310 Z
Single-Family Dwelling	R	R	R	R	R	R	R	R	R	S	S	
Time Share and Fractional Fee Estates	N	S	S	N	N	N	N	N	N	N	N	
Home Uses												
Bed and Breakfast	N	S	S	S	S	S	S	S	L	N	N	Sec. 3-310 C
Day Care Center	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 D
Day Care Home	R	R	R	R	R	R	R	R	R	N	N	
Group Home	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 E
Home Business	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 F
Home Occupation	R	R	R	R	R	R	R	R	R	R	N	Sec. 3-310F
Public Facilities, Utilities and Institutional Uses												
Airport, Landing Strip, Utility or Air Carrier	N	N	N	N	N	N	N	N	S	N	N	Sec. 3-310 G
Cemetery	N	N	N	N	N	S	S	S	S	N	N	
Church	L	L	L	S	S	S	S	S	S	N	N	
Community or Public Building	S	S	S	S	S	S	S	S	S	N	N	
Educational Facility	S	S	S	S	S	S	S	S	S	N	N	
Electric Power Generation Facility	N	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 H
Electric Power Transmission Line	S	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 H
Fire Station	S	S	S	S	S	S	S	S	S	S	N	
Helistop	N	N	N	N	N	N	S	S	S	N	N	
Library	N	R	R	R	R	R	R	R	R	N	N	
Water or Wastewater Projects (am 02/11/03)	S	S	S	S	S	S	S	S	S	S	S	Sec. 3-310 I
Natural Gas Transmission Line	S	S	S	S	S	S	S	S	S	S	S	Sec. 3-310 H
Park, Open Space or Greenbelt	R	R	R	R	R	R	R	R	R	S	S	Sec. 3-310 J



III. STAFF FINDINGS AND RECOMMENDATION

Effect of Special Use Permits

Pursuant to Section 5-250.E – Effect of Issuance of Special Use Permit, Eagle County Land Use Regulations, Special Use permits are valid for three (3) years until the approved use is implemented. If the approved use is not implemented within the three year time period, the permit expires. Upon implementation of the approved use within the three year time period, Special Use permits remain valid in-perpetuity, unless an expiration date or exception has been placed upon the permit by the Board of County Commissioners.

IV. NECESSARY FINDINGS:

Chapter II, Article 5, Section 5-250, Special Use Permits

Section Purpose

Special Uses are those uses that are not necessarily compatible with other uses allowed in a zone district, but which may be determined compatible with the other uses allowed in the zone district based upon individual review of their location, design, configuration, density and intensity of use, and the imposition of appropriate conditions to ensure the compatibility of the use at a particular location with surrounding land uses. All Special Uses shall meet the standards set forth in this Section.

Standards:

Section 5-250.B. The issuance of a Special Use Permit shall be dependent upon findings that there is competent evidence that the proposed use as conditioned, fully complies with all the standards of this Section, this Division, this Article, and these Land Use Regulations. The Planning Commission may recommend and the Board of County Commissioners may attach any conditions deemed appropriate to ensure compliance with the following standards, including conformity to a specific site plan, requirements to improve public facilities necessary to serve the Special Use, and limitations on the operating characteristics of the use, or the location or duration of the Special Use Permit.

Staff believes this proposal, as conditioned and based on representations made by the Applicant, meets the majority of applicable standards for a Special Use Permit, as well as those standards specific to Educational Facility Operations. Staff is recommending approval with conditions.

Please note that a more detailed analysis of the Standards may be reviewed under Appendix 'A' of this staff report.

Section 5-250 B – Standards:

1. Consistent with Comprehensive Plan. *The proposed Special Use shall be in substantial conformance with the Eagle County Comprehensive Plan, Area Community Plans and any applicable ancillary County adopted documents pertaining to natural resource protection, affordable housing, or infrastructure management. (am 11/08/05) (am.05/08/12)*

Staff believes the proposal is in conformance with applicable plans and adopted policy documents. Specifically, the proposal was reviewed against relevant guiding policies, goals, and recommended implementation strategies of the Eagle County Comprehensive Plan.

2. Compatibility. *The Special Use is generally compatible with the existing and currently permissible future uses of adjacent land and other substantially impacted land, services, or infrastructure improvements. (am.05/08/12)*

Staff believes that the proposal demonstrates mixed conformance with the concept of general compatibility. Tippet Rise will continue to be rural in nature and the facilities proposed will be similar in impact to those found with an additional single family dwellings. Tippet Rise seeks to provide a classical music educational facility that is less impactful than what may be normally associated with a school or educational facility. A limited number of visitors and events should help to minimize impacts on the neighboring properties but some impact is anticipated. Additional vehicle trips and additional visitors to the property may change the nature of the rural setting if not managed properly. The location of the facility and the programming seek to minimize impacts through design and timing of vehicles, visitors and events but the facility may have the potential for compatibility issues during certain times.

3. Zone Districts Standards. *The proposed Special Use shall comply with the standards of the zone district in which it is located and any standards applicable to the particular use, as identified in Section 3-310, Review Standards Applicable to Particular Residential, Agricultural and Resource Uses and Section 3-330, Review Standards Applicable to Particular Commercial and Industrial Uses.*

Section 3-310 does not list specific standards for an “Educational Facility” but Tippet Rise is required to comply with all dimensional limitations specific to the Resource zone district.

4. Design Minimizes Adverse Impact. *The design of the proposed Special Use shall reasonably avoid adverse impacts, including visual impacts of the proposed use on adjacent lands including trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration, or otherwise create a nuisance. (am.05/08/12)*

Staff believes this proposal minimizes adverse impacts. No areas of natural or geologic hazards are present on the parcel containing Tippet Rise. Any impacts from development are restricted to the 1.5 acre building site designated by the Illustrative Site Concept Map. For a detailed discussion of traffic impacts and road capacity please see Appendix A under **Impact on Public Facilities**.

5. Design Minimizes Environmental Impact. *The proposed Special Use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.*

Staff believes this proposal minimizes environmental impacts. The use of existing roads helps to minimize wildlife interaction. The Applicant has agreed to orient human activity to the primary library and indoor music facility from October through May, and allow human activities away from the primary facility from June through September, including small outdoor concerts at the portable acoustic shell. Wetland areas will be surveyed and will not be impacted by parking or access.

6. Impact on Public Facilities. *The proposed Special Use shall be adequately served by public facilities and services, including roads, pedestrian paths, potable water and wastewater facilities, parks, schools, police and fire protection, and emergency medical services.*

Staff believes that this proposal has demonstrated that it can be adequately served by public facilities and services including; roads, paths, potable water, wastewater, police, fire and emergency services. For a detailed discussion of road capacity please see Appendix A under **Impact on Public Facilities**.

V. SUGGESTED CONDITIONS OF APPROVAL

I move that the Board of County of Commissioners recommends approval of file ZS-5230 with the following condition:

- 1) Except as otherwise modified by this development permit, all material representations made by the Applicant in this application and in any public meeting shall be adhered to and considered conditions of approval.
- 2) This Special Use Permit shall be valid for a period of not more than three (3) years prior to actual implementation of the permitted use. Upon implementation of the approved

use, such permit shall remain valid, in perpetuity, and shall run with the land thereafter unless an expiration date or exception has been placed upon the permit by the Board of County Commissioners.

- 3) The Applicant will obtain all necessary approvals of the well water source and water treatment/distribution system prior to construction of the system and occupancy and operation of the facilities.

VI. REFERRAL RESPONSES

Department of Environmental Health- Please reference the attached memorandum dated 8/26/14 as well as the applicant's response Dated January 15th 2015.

Engineering Department- Please reference the attached correspondences dated July 24, 2014 as well as the applicant's response Dated January 15th 2015.

Colorado Department of Parks and Wildlife- Please reference the attached memorandum dated December 1st, 2014 as well as the applicant's response Dated January 15th 2015.

Adjacent Property Owners/Lake Creek residents/HOA: Please reference the letters from

- Michael Hahn
- Steve McConahey
- Richard & Beverly Tally
- Robert Avis
- Henry Gerken

VII. ATTACHMENTS

- 1) All referral agency comments and adjacent property owner letters received as of this writing.

APPENDIX 'A'

NECESSARY FINDINGS:

Chapter II, Article 5, Section 5-250, Special Use Permits

Section Purpose:

Special Uses are those uses that are not necessarily compatible with other uses allowed in a zone district, but which may be determined compatible with the other uses allowed in the zone district based upon individual review of their location, design, configuration, density and intensity of use, and the imposition of appropriate conditions to ensure the compatibility of the use at a particular location with surrounding land uses. All Special Uses shall meet the standards set forth in this Section.

Standards:

Section 5-250.B. The issuance of a Special Use Permit shall be dependent upon findings that there is competent evidence that the proposed use as conditioned, fully complies with all the standards of this Section, this Division, this Article, and these Land Use Regulations. The Board of County Commissioners may attach any conditions deemed appropriate to ensure compliance with the following standards, including conformity to a specific site plan, requirements to improve public facilities necessary to serve the Special Use, and limitations on the operating characteristics of the use, or the location or duration of the Special Use Permit.

After considering public benefit as well as possible impacts, staff believes this proposal, as conditioned and based on representations made by the Applicant, meets all applicable standards for a Special Use Permit for an Educational Facility. Staff is recommending approval with the outlined conditions.

Section 5-250 B – Standards:

- Consistent with Comprehensive Plan.***

Eagle County Comprehensive Plan Evaluation

EAGLE COUNTY COMPREHENSIVE PLAN

	Governance	Development	Economic Resources	Housing	Infrastructure and Services	Water Resources	Wildlife Resources	Sensitive Lands	Environmental Quality	FLUM Designation
Meets Recommendations		X	X	X	X	X	X	X	X	X ₁
Does Not Meet Recommendations										
Not Applicable	X									

X1- Eagle County Comprehensive Plan FLUM lists the subject parcel as “Rural”

Eagle County Comprehensive Plan Evaluation

The ‘Development’ section of the Comprehensive Plan speaks to preserving quality of life attributes, maintaining or enhancing community character, and limiting economic development to a scale and type that is consistent with local character. In this case the design and scale of this facility seek to maintain an intimate setting while limiting impacts to the surrounding lands. The economic scale of this proposal is sized appropriately for the surrounding community character.

The ‘Economic Resources’ section of the Comprehensive Plan encourages land uses that further support and enhance the regional economic structure and local economic drivers. Tippet Rise’s proposed facility and use would support a local and regional economic base.

Employee ‘Housing’ is the majority of the development associated with this proposal. The applicant is proposing to provide one employee housing unit on the property.

Regarding ‘Infrastructure and Services’, Holy Cross Road is sufficient for the needs of this proposal. Please refer to the Eagle County Engineering Discussion above

Pertaining to ‘Water Resources’, the applicant has provided information and documentation indicating the proposed use can be served by the existing water sources on the parcel.

Regarding ‘Wildlife Resources’, The applicant has responded to the comments contained in the CPW memo from Perry Will dated December 1st 2014 and has also committed to limit the time of year the facility would function as to not conflict with critical times for wildlife migration and reproduction.

For ‘Sensitive Lands’, Tippet Rise has proposed disturbances and structures on only 1.5 acres of the 18.9 acre parcel.

The ‘Future Land Use Map’ designates the subject property as Rural. The Comprehensive Plan expressly recognizes the existing Agricultural uses but is Silent to Educational Facility.

Staff Response:

Staff believes the proposal is in conformance with all applicable plans and adopted policy documents. Specifically, the proposal was reviewed against relevant guiding policies, goals, and recommended implementation strategies of the Eagle County Comprehensive Plan and Eagle Area Community Plan.

Edwards Area Community Plan Evaluation

Staff Response:

Tippet Rise’s proposed location falls outside of the area included in the Edwards Area Community Plan and therefore will be addressed by the sections contained in larger reaching Eagle County Comprehensive Plan.

2. Compatibility

		<i>Land Use</i>	<i>Zoning</i>	<i>Potential Compatibility Issues?</i>	
	North:	Single-family Residential	Resource Limited		Possible
	South:	AG/ Residential	Resource		Possible
	East:	AG/Residential	Resource		Possible
	West:	Public Lands	Resource Preservation	No	
Existing Zoning: Resource (R)					
Proposed Zoning: No Change					
Current Development: Residential/Agriculture					
Site Conditions: Vacant land					
Total Land Area:		Acres:	Appx. 18.9- acres	Square feet:	823,284 square feet
Total Open Space: N/A					
Water:		Public:		Private:	Yes
Sewer:		Public:		Private:	Yes
Access: Via Holy Cross Drive					

Staff Response:

Staff believes that the proposal demonstrates mixed conformance with the concept of general compatibility. Tippet Rise seeks to provide a classical music educational facility that is less impactful than what may be normally associated with a school or educational facility. A limited number of visitors and events help to minimize impacts on the neighboring properties but some impact is anticipated. Additional vehicle trips and additional visitors to the property may change the nature of the rural setting if not managed properly. The location of the facility and the programming seek to minimize impacts through design and timing of vehicles, visitors and events but the facility may have the potential for compatibility issues during certain times.

3. ***Zone District Standards.*** *The proposed Special Use shall comply with the standards of the zone district in which it is located and any standards applicable to the particular use, as identified in Section 3-310, Review Standards Applicable to Particular Residential, Agricultural and Resource Uses and Section 3-330, Review Standards Applicable to Particular Commercial and Industrial Uses.*

Staff Response:

Section 3-310 does not list specific standards for an “Educational Facility” but Tippet Rise will be required to comply with all dimensional limitations specific to the Resource zone district.

4. ***Design Minimizes Adverse Impact.*** *The design of the proposed Special Use shall reasonably avoid adverse impacts, including visual impacts of the proposed use on adjacent lands including trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration, or otherwise create a nuisance.*

	Trash	Traffic	Service Delivery	Parking & Loading	Odors	Noise	Glare	Vibration	Potential Nuisance?
Satisfies ECLUR Requirements	X	X	X	X		X			No
Does Not Satisfy ECLUR Requirements									
Not Applicable					X		X	X	

Staff Response:

Staff believes this proposal minimizes adverse impacts. No areas of natural or geologic hazards are present on the Parcel containing Tippet Rise. Any impacts from development are limited to the proposed location and declared size. Approval of this Special Use Permit would limit the size of dwellings on the parcel and the limited square footage allotments for this parcel are more constrained. Without the restrictions stipulated in the application a single family home of unlimited size and unlimited agricultural structures would be allowed.

5. ***Design Minimizes Environmental Impact.*** *The proposed Special Use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.*

	Hydrology	Atmosphere	Geology	Biotic Environment	Wastes, & Noise Odors	Visual	Circulation & Transportation
Satisfies ECLUR Requirement	X	X	X	X	X	X	X
Does Not Satisfy ECLUR Requirement							
Not Applicable							

Staff Response:

Staff believes this proposal minimizes environmental impacts. The proposed design is not visible from most directions or properties and through the use of existing roads and limited seasonal operation windows habitat will not be significantly impacted.

6. ***Impact on Public Facilities.*** *The proposed Special Use shall be adequately served by public facilities and services, including roads, pedestrian paths, potable water and wastewater facilities, parks, schools, police and fire protection, and emergency medical services.*

	Roads	Pedestrian Paths	Potable Water Supply	Waste Water Supply	Parks	Schools	Emergency Services
Satisfies ECLUR Requirements	X		X	X			X
Does Not Satisfy ECLUR Requirement							
Not Applicable		X			X	X	

Staff Response:

From Eagle County Engineering:

West Lake Creek Road is classified by the ECLUR as a Rural Residential Collector Rd. Generally, these types of roads handle traffic volumes of less than 3,000 vehicles per day (vpd). The ECLUR design standard for this type of road includes 11-ft lanes with 2-ft shoulders. West Lake Creek Road generally conforms with this standard. There is a portion of the road that narrows to approximately 16-ft for approximately 400 -ft where the road surface changes from asphalt to gravel. Signs warning drivers of the narrowing road and the posting of an advisory speed limit would be adequate to address this substandard section.

During the summer of 2014 traffic counts were conducted and recorded volumes of 1,672 vehicles per day on Lake Creek Road near Meile Lane and 1,093 vehicle trips per day on West Lake Creek Road just west of Lake Creek Road.

This application proposes several types of events ranging from small conferences with 15 students to indoor music events with 75 guests and musicians. The indoor music events are proposed up to twice per month between May and September (10 total events per year) and would represent the highest trip generating activity. These events would not represent an average day as the majority of activities proposed involve 15 to 30 guests.

The applicant has confirmed that the facility will not schedule overlapping events and that support staff are included in the total number of anticipated guests for each event as outlined in the Application.

It is estimated that the indoor music events could generate approximately 60 vehicle trips in addition to the estimated 10 daily trips generated by the Artist's Residence for a total of 70 trips on the facilities most impactful days. The more common events would likely generate approximately 10 daily trips in addition to the Artist's Residence trips for a total of 20 trips per day.

We believe that the majority of trips generated by this facility would occur during off-peak hours and that Lake Creek Road and West Lake Creek have adequate capacity to serve the development.

Staff believes that this proposal has demonstrated that it can be adequately served by public facilities and services including; roads, paths, potable water, wastewater, police, fire and emergency services.

7. *Site Development Standards.* *The proposed Special Use shall comply with the appropriate standards in Article 4, Site Development Standard*

Satisfies ECLUR Requirements	Does Not Satisfy ECLUR Requirement	Not Applicable	Article 4, Site Development Standards	Conditions
X			<u>Off-Street Parking and Loading Standards</u> (Division 4-1)	
X			<u>Landscaping and Illumination Standards</u> (Division 4-2)	
X			<u>Sign Regulations</u> (Division 4-3)	
X			<i>Wildlife Protection</i> (Section 4-410)	
X			<i>Geologic Hazards</i> (Section 4-420)	
X			<i>Wildfire Protection</i> (Section 4-430)	
		X	<i>Wood Burning Controls</i> (Section 4-440)	
		X	<i>Ridgeline Protection</i> (Section 4-450)	
X			<i>Environmental Impact Report</i> (Section 4-460)	
X			<u>Commercial and Industrial Performance Standards</u> (Division 4-5)	
X			<i>Noise and Vibration</i> (Section 4-520)	
		X	<i>Smoke and Particulates</i> (Section 4-530)	
X			<i>Heat, Glare, Radiation and Electrical Interference</i> (Section 4-540)	
		X	<i>Storage of Hazardous and Non-hazardous Materials</i> (Section 4-550)	
X			<i>Water Quality Standards</i> (Section 4-560)	
X			<i>Roadway Standards</i> (Section 4-620)	

		X	<i>Sidewalk and Trail Standards (Section 4-630)</i>	
		X	<i>Irrigation System Standards (Section 4-640)</i>	
X			<i>Drainage Standards (Section 4-650)</i>	
X			<i>Grading and Erosion Control Standards (Section 4-660)</i>	
X			<i>Utility and Lighting Standards (Section 4-670)</i>	
X			<i>Water Supply Standards (Section 4-680)</i>	Condition 3
X			<i>Sanitary Sewage Disposal Standards (Section 4-690)</i>	
X			<u>Impact Fees and Land Dedication Standards (Division 4-7)</u>	

Staff Response:

The existing and proposed special uses are both in compliance with all appropriate standards found in Article 4, Site Development Standards, of the Eagle County Land Use Regulations, including:

- a) Off-Street Parking and Loading
- b) Landscaping and Illumination
- c) Wildlife Protection
- d) Geologic Hazards
- e) Wildfire Protection
- f) Environmental Impact Report
- g) Commercial and Industrial Performance Standards
- h) Noise and Vibration
- i) Smoke and Particulates
- j) Heat, Glare, Radiation and Electrical Interference
- k) Storage of Hazardous and Non-hazardous Materials
- l) Water Quality Standards
- m) Roadway Standards
- n) Drainage Standards

- o) Grading and Erosion Control Standards
- p) Utility and Lighting Standards
- q) Impact Fees and Land Dedication Standards

- 8. *Other Provisions.*** *The proposed Special Use shall comply with all standards imposed on it by all other applicable provisions of these Land Use Regulations for use, layout, and general development characteristics.*

Staff Response:

As conditioned, the proposal complies with all standards imposed upon it by all applicable provisions of the Eagle County Land Use Regulations.