

MEMORANDUM

TO: Pitkin County Planning and Zoning Commission
FROM: Mike Kraemer, Senior Planner *MK*
RE: AR-2 Zone District Land Use Code Amendment
DATE: March 28th, 2017

SUMMARY OF REQUEST: A "Special Event Venue" is a use that is currently prohibited in the AR-2 Zone District. The Applicant has proposed to amend the Land Use Code to establish a "Special Event Venue" as a Special Review Use within the AR-2 Zone District.

APPLICANT: Redstone Castle, LLC – Steve Carver

REPRESENTATIVE: Glenn Horn

BACKGROUND: In 2015, an amendment to the Land Use Code was processed that addressed special events throughout the County. Legislation was adopted regarding private gatherings, public gatherings, and special events in the Rural and Remote Zone District. Part of the adopted legislation included standards for the number of events that a property can hold per year. Current zoning allows for three special events or commercial activities to take place on a property per year. A Special Events Venue is a Special Review designation reviewed by the Board of County Commissioners (BOCC) so that a property can hold more than three events per year. The Special Events Venue designation is a special review use that is generally reserved for commercial zone districts and zone districts in the rural area that contain larger lot sizes. A Special Events Venue is a prohibited use in the AR-2 Zone District. Currently, there are no properties within the County that have attained a Special Events Venue Designation.

The Applicant has recently acquired ownership of three (3) properties south of the Redstone town site. These three parcels total approximately 150 acres in size and contain a barn, carriage house, and the historic Redstone Castle. The parcels are located within multiple zone districts which include the RS-30, AR-2, and AR-10 zone districts. When parcels of land are located within more than one zone district, Land Use Code Section 1-80-40(a) applies and states the following:

“(a) Most Restrictive Zone Governs

An unsubdivided parcel shall be governed by the most restrictive zoning on the parcel in terms of allowed floor area; or, where the floor area is identical in all zones, the most restrictive zoning on the parcel in terms of uses allowed. The existence of more than one zone shall not create the right to develop the permitted uses available in each zone, but rather the more restrictive zone shall control. This provision shall not affect the ability to subdivide the property as may be possible pursuant to existing zoning, and upon subdivision, the original zoning (or rezoned zoning) shall govern the property.”

In this case, the subject properties all have identical floor areas pursuant to zoning, therefore, the most restrictive zone district in terms of uses will apply as the governing zone district. As stated above the AR-2 Zone District prohibits a Special Events Venue.

REQUEST

The Applicant's desire is to renovate the Castle and hold more than three events for commercial purposes per year at the three properties. Pursuant to Land Use Code Section 1-80-40(a) above, the AR-2 Zone District is the governing zone district for the properties in terms of use, and currently prohibits Special Event Venues. The Applicant requests to amend the Land Use Code to make a Special Events Venue a Special Review Use in the AR-2 Zone District.

STAFF COMMENTS:

Although the Applicant is requesting a Land Use Code amendment that would create a review process for the Redstone Castle to request a Special Events Venue designation, it should be noted that, if approved, the amendment would apply to all properties throughout the County that are zoned AR-2. Additionally, if this Code Amendment is approved, the Redstone Castle would not automatically be granted Special Events Venue Designation, but rather a review process would be created for the property owners to apply for the designation.

Chapter 3 of the Land Use Code describes the intent of Zone Districts. The AR-2 Zone District intent states:

(a) Intent

The AR-2 (Residential-2 Acre) zone district is intended to provide for a moderate density, transition zone between moderate and low density residential land uses. This zone district primarily contains existing housing concentrations with densities exceeding those in surrounding areas. It is not intended to be used to accommodate new development in the Rural Area of the County.

(b) Locational Criteria

The existing lands in the AR-2 zone district are generally located along the valley floor located between the County's development centers and its rural, open land area. Lands should only be rezoned to the AR-2 zone district if the lands are located within an urban growth boundary and the rezoning would result in an increase in development density consistent with the Pitkin County Comprehensive Plan.

The intention of the AR-2 Zone District describes it as a low density, transitional zone district between developed and non-developed areas. The zone district has a 2 acre minimum lot size and "sliding scale" that dictates the allowable floor area for a lot or parcel. For background, the Applicant has provided maps that identify 26 areas within Pitkin County that are zoned AR-2. In general, this zone district is limited in scope and is located throughout the urban and rural areas of the County

A Special Event Venue designation requires a Special Review by the BOCC. A Special Review Use is unlike a Prohibited Use or Allowed Use in that the Special Review Use requires a public hearing before the BOCC to address the Special Review standards. These standards include:

(a) The special review use shall be consistent with the applicable County Master Plan.

(b) The special review use shall not conflict with any applicable sections of the Pitkin County Land Use Code, including the County Land Use Policies in Chapter I.

(c) The proposed development must not materially endanger the public health, safety or welfare.

(d) The proposed development must not substantially injure the value of adjoining or abutting property.

(e) The special review use shall be consistent with the intent of the zone district in which it is proposed to be located.

(f) The special review use shall be compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development.

(g) The location, size, design and operating characteristics of the proposed special review use must be in harmony with the surrounding area and minimize adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, traffic generation, parking, trash, service delivery, air/water pollution or other impacts on natural resources, noise, vibrations and odor on surrounding properties.

(h) There must be adequate public facilities and services to serve the special review use, including but not limited to roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems, and schools.

(i) The proposed special review use must comply with any additional standards or requirements stated for such use in Sec. 4-30 and/or Sec. 2-40-20.

(j) If a Special Review Use ceases or its permitted time period ends, all uses and structures must immediately be brought into conformance with the underlying zone district regulations. If cessation of operation is due to demolition or destruction through any manner not willfully accomplished by the owner, uses/structures may be restored as of right pursuant to Sec. 9-30-70 of the Land Use Code.

Additionally, any request for a Special Event Venue designation must comply with the site specific standards located in Land Use Code Section 4-30-50(i). These standards require an applicant to address

potential impacts such as parking, noise, traffic, water supply, sanitation, and consistency with adopted Caucus Master Plans. If provisions are not made for these impacts, an application may not be approved.

In order to complete the proposed Code Amendment, the following underlined language of the Land Use Code will need to be amended:

- Chapter 4, Table 4-1: Permitted Use Table

TABLE 4-1: Permitted Uses	Intended for Rural Areas												Intended for Urban Areas												Use-Specific Regulations §
	Rural Districts												Urban / Suburban Residential District						Business & Special Purpose						
Use Category: Use Type	R S	R R	R S	R S	LI R	T R	T R	R S	A R	A R	S K	B I	R - 30	R - 15 & 15 A 15 B	R - 6	V R	M H P	A H	R M F	A H - P U D	B - 2	V C	P I		
Collector Greater than 12' in Height																									
Temporary Land Use and Activities Trail	A	A	A	A	A	A	A	A	A	A	M	A	A	A	A	A	A	A	A	A	A	A	M	A	§4-30-050(b)
Water Crossing or Diversion	S	S	S	S	S	S	S	S	S	S	M	S	S	S	S	S	S	S	S	S	S	S	M	S	
Wind Powered Electric Generator		S	S	S	S	S	S				M	S											M	§4-30-050(k)	
Micro Hydro Electric Energy System	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	§4-30-050(l)
Snow Storage/Dumping Trucking	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	§4-30-050(m)
Special Events	A	A	A	A	A	A	A	A	A	M	A	A	A	A	A	A	A	A	A	A	A	A	M	A	§4-30-050(j)
Special Events Venue							S	S	<u>S</u>	M	S										S	S	M	S	§4-30-050(k)

ANALYSIS:
 Because this request has County – wide implications, consideration should be made for the potential broad impacts of this amendment. If approved, currently zoned AR-2 properties and any potential future rezoning of properties to the AR-2 Zone District would have the ability to request a Special Review for a Special Events Venue Designation. Again, it should be noted that even if the Land Use Code amendment is approved, a property would need to apply for one-step Special Review before the BOCC for a Special Event Venue designation. This Land Use Code Amendment request does not create an automatic right for a property to become a Special Events Venue.

In 2015 when the Special Event legislation was adopted, specific findings were not made regarding the relationship between the AR-2 Zone District and the potential for a property to attain a Special Events Venue Designation. However, Staff can conclude from Chapter 4, Table 4-1: Permitted Use Table that the Special Events Venue designation was reserved for business zone districts and residential zone districts that have larger minimum lot sizes. These residential zone districts include RS-30 (30 acre minimum lot size), RS-20 (20 acre minimum lot size), and AR-10 (10 acre minimum lot size). This use was reserved for larger residential lot size zone districts that could potentially better accommodate the impacts that a Special Event Venue might create such as noise, light intrusion, temporary structures (fents), and on – site parking. Staff recommends that if the Planning and Zoning Commission is considering recommending approval of the proposed Land Use Code Amendment, a minimum lot size should be established in the AR-2 Zone District for a property to request a Special Event Venue designation. Based on the fact that the AR-10 Zone District requires a minimum lot size of 10 acres, Staff recommends that 10 acres be the minimum lot size for a property to request a Special Events Venue designation in the AR-2 Zone District.

REFERRALS: This application was referred to the Crystal River Caucus, Crystal Park Subdivision HOA, and the Redstone Community Association. The Crystal River Park Subdivision provided comments to Staff and can be viewed as Attachment A.

The March 28th agenda was available for the P&Z to review this Land Use Code Amendment request. Given the timeframe of the submittal, the Crystal River Caucus and the Redstone Community Association have not yet provided comments on the proposal. If the P&Z wishes to hear from referral entities prior to making a recommendation to the BOCC, the P&Z may want to consider continuing this agenda item to the next available meeting date.

TWO-STEP REVIEW PROCEDURES (2-30-40i):

A request for a Land Use Code Amendment shall be recommended for approval and shall be approved if it complies with:

(A) All applicable provisions of this Land Use Code;

Response: Staff has evaluated the proposed Code amendments for their impacts on other Code sections. At this time Staff feels that the Applicant has adequately addressed all sections of the Code that would be affected by the proposed amendments.

(B) All applicable Land Use Policies listed in Sec. 1-60;

Response: Staff feels the following Land Use Policies are applicable:

Conformance with the Pitkin County Comprehensive Plan (Sec. 1-60-20):

Staff has reviewed the proposed Land Use Code Amendment for conformance with the Caucus Master Plans in Pitkin County. After review of these master plans, the Woody Creek Caucus is the only Master Plan that specifically makes mention of special events and the venue designation. The Woody Creek Caucus Master Plan states:

*No properties in Woody Creek should be designated "venue" properties.
Residential property and agricultural structures should not be allowed to*

be used in a commercial manner in the Woody Creek Caucus area. It is inappropriate to use agricultural zoned property for other than agricultural uses. Residences and associated land, homes, agricultural and other accessory structures should not be used in a commercial manner or for corporate events. Nor should "non-profit" events or "private events" be used for any multiple large-scale events that are not compatible with our residential Woody Creek community. There is a continual and increasing use of private residential properties in a de facto commercial way, mostly in an un-official manner and without permits. Any commercial uses such as: snowmobiling (in Lenaxo), golf course development, yoga retreats, continued short term rentals of a property, multiple 'charity' events, and many "corporate" events, etc. are not acceptable to the Woody Creek Caucus. There has been an abuse of frequency of use when a development has multiple owners; each owner and owner's family should not have rights to multiple, large scale parties/gatherings.

The Woody Creek Caucus Master Plan clearly states that no property should be used for Special Event Venues within the Caucus area. The proposed Land Use Code amendment does not change or alter this statement in the Master Plan. Any future application for a Special Event Venue designation within the Woody Creek Caucus area will be reviewed for compliance with this section of the Master Plan.

LAND USE CODE TEXT AMENDMENTS (2-40-10):

In addition to the provisions of Sec. 2-30-40(i), the following shall apply to applications for Land Use Code Amendments:

(A) Each Land Use Code text amendment shall be consistent with the Pitkin County Comprehensive Plan;

Response: This item has been addressed above.

(B) Land Use Code text amendment shall be drafted in a form consistent with the organizational format and style of this Land Use Code;

Response: The Applicant has accomplished this.

(C) Code text amendments shall repeal and reenact entire Code sections rather than just specific sentences or sub-sections.

Response: If the Code Amendment is approved, entire Code sections will be repealed and reenacted.

CODE AMENDMENT RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission make a finding that the AR-2 Zone District is a transitional zone district between development centers and rural, open land in the County and that creating a Special Review process for a more intense use such as a Special Events Venue is consistent with the intent of this Zone District.

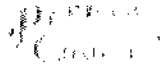
Staff further recommends that the Planning and Zoning Commission recommend approval to the BOCC for the proposed Code Amendment, with the following additional language:

- Land Use Code Section 4-30-50(i) shall include a requirement that states that within the AR-2 Zone District, a property shall have a minimum lot size of 10 acres for a Special Event Venue use.

Staff further recommends that if the Planning and Zoning Commission wishes to review comments from the Crystal River Caucus and the Redstone Community Association prior to making a recommendation to the BOCC, this request should be continued to the next available meeting date.

ATTACHMENT:

- A. Crystal River Park Subdivision comments
- B. Public comment



Redstone Castle A

Michael Kraemer <michael.kraemer@pitkincounty.com>

3/28/17 Due Pitkin County Land Use Redstone 2016 LLC Application

3 messages

Tammy Holcombe Shirk <tholcombe.shirk@gmail.com>
To: Michael Kraemer <Michael.kraemer@pitkincounty.com>

Tue, Mar 21, 2017 at 1:41 PM

Michael

I am a board member of the Crystal River Park (CRP) HOA which lies directly across Hwy 133 from Redstone Castle. Our neighborhood will be affected by noise from the castle should music be played outside mainly because we are up against the Redstone Cliffs.

We would like the opportunity to provide comments to the Redstone Castle Special Event Venue application and Zoning Change. We realize the success of the Castle is a success for Redstone and surrounding areas. We have heard 2 presentations from the new owners but are not aware of any plans in place to address noise or parking.

Please add CRP HOA to the list of organizations that received the application and send it to our President, Jimmie Benedict at jimmiebenedict@gmail.com

Thank you

Tamara Shirk
CRP HOA Treasurer

Michael Kraemer <michael.kraemer@pitkincounty.com>
To: Tammy Holcombe Shirk <tholcombe.shirk@gmail.com>

Tue, Mar 21, 2017 at 2:02 PM

Hi Tamara,

Thank you for the comments. The Redstone Castle property contains AR-2 Zoning and the Land Use Code prohibits a special events venue in the AR-2 Zone District.

The owners have proposed a Land Use Code amendment that would allow for the Redstone Castle to request a "special review" for a special events venue designation. If the Code amendment is approved, they would then apply for the designation. We will make sure to pass along referrals to CRP Subdivision for all applications received from the Redstone Castle.

Below is the application that was submitted:

<http://pitkincounty.com/DocumentCenter/View/12564>

The 1st hearing for the application will be on March 28th at 5:00PM at the library in Aspen.

Thanks, Mike

Mike Kraemer
Senior Planner
Pitkin County Community Development
130 South Galena Street
Aspen, CO 81611
970-920-5482
[Quoted text hidden]

Michael Kraemer <michael.kraemer@pitkincounty.com>
To: Glenn Horn <ghorn@rof.net>

Tue, Mar 21, 2017 at 2:02 PM

Mike Kraemer

PETER A. MARTIN

0102 FIREHOUSE ROAD
REDSTONE, COLORADO 81623

FACSIMILE (970) 963-9185

TELEPHONE (970) 963-1088

March 21, 2017

Pitkin County Planning and Zoning Commission
Board of County Commissioners
c/o Pitkin County Community Development Department
130 South Galena Street
Aspen, Colorado 81611

Re: Land Use Code Amendment to the AR-2 Zone District

Dear Board Members:

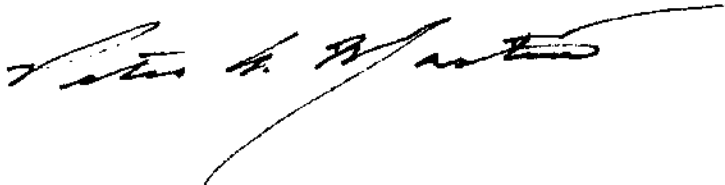
Portions of the Redstone Castle parcels are zoned AR-2 (Residential – 2 Acre). The majority of land which makes up the Redstone Castle parcels is zoned AR-10 and RS-30 which are lower density, less intensive zone districts. According to the Pitkin County Land Use Code the AR-2 zone district is intended to provide for a moderate density transition zone between moderate and low density residential land uses. It was applied to the Redstone Castle Parcels to generally provide for a transition from more intensive land use patterns in the Redstone Townsite to lower density, less intensive land use patterns in the predominantly rural Crystal River Valley.

Steve and April Carver, the owners of the Redstone Castle parcels, would like to seek Pitkin County land use approvals to designate the parcels as a "Special Event Venue" to enable them to hold special events such as weddings on site. A Special Event Venue is a prohibited use in the AR-2 zone. Consequently, the Carvers may not submit a land use application to Pitkin County to seek approval of the parcels as a Special Event Venue.

The Carvers have submitted a land use application to Pitkin County to amend the Pitkin County Land Use Code to make a Special Event Venue in the AR-2 zone a use permitted, subject to Special Review. Oddly, a Special Event Venue is a use permitted by Special Review in the less intensive AR-10 and RS-30 zone districts. The proposed Code amendment will permit the Carvers to submit a Special Review application to the County so the Board of County Commissioners can consider a land use application to designate the Redstone Castle Parcels as a Special Event Venue.

Please approve the Carvers' request to amend the Code to permit them to submit a land use application to designate the Redstone Castle Parcels as a Special Event Venue. You may recall that I represented the Redstone Historical Society in requiring the IRS and SEC to agree to the Preservation Easement. Our efforts would be meaningless if special events are not part of the use.

Thanks for your consideration.



Pitkin County Planning and Zoning Commission
Board of County Commissioners
c/o Pitkin County Community Development Department
130 South Galena Street
Aspen, Colorado 81611

Re: Land Use Code Amendment to the AR-2 Zone District

Dear Board Members:

Portions of the Redstone Castle parcels are zoned AR-2 (Residential – 2 Acre). The majority of land which makes up the Redstone Castle parcels is zoned AR-10 and RS-30 which are lower density, less intensive zone districts. According to the Pitkin County Land Use Code the AR-2 zone district is intended to provide for a moderate density transition zone between moderate and low density residential land uses. It was applied to the Redstone Castle Parcels to generally provide for a transition from more intensive land use patterns in the Redstone Townsite to lower density, less intensive land use patterns in the predominantly rural Crystal River Valley.

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As a Pitkin County Commissioner for 12 years representing the Crystal Valley and Redstone, as an Administrative Assistant at Cleveholm Manor for five years while it was operated as a Bed and Breakfast and available for special events, as a member of the Redstone Historic Preservation Commission, as a 20 year member of the West Elk Loop Byway (a commission VERY involved in the protection of all special sites along the Byway), and as an individual very active in the preservation, appropriate use, and integration into the life of Redstone and the

Crystal Valley, I believe I am aware of the unique recreational, cultural, historic, and environmental needs of this special part of Pitkin County.

Please approve the Carvers' request to amend the Code to permit them to submit a land use application to designate the Redstone Castle Parcels as a Special Event Venue. Thank you for considering my comments.

Sincerely,
Dorothea Farris
Dorothea Farris
dfarris@sopris.net 970-948-9470