

# Memo



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To: Carol Hood Peterson  
From: Patrick S. Rawley, AICP, ASLA  
Thru: Stan Clauson, AICP, ASLA  
CC: Martha Balderson  
Date: 9 July 2019 (updated 20 August 2019)  
Re: Balderson Property—100 Spruce Court

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At your request, and on behalf of the property owner, we have obtained two Pre-Application Conference Summary documents from Pitkin County. These attached documents address two different development options that may be of interest to purchasers of the 100 Spruce Court property. A Pre-Application Conference Summary details the basic intent of the change, the applicable review process, land use code sections, and required fees.

It should be noted that the issuance of a Pre-Application Conference Summary does not provide any guarantee that County staff or review Boards will grant approval for the proposed application. However, it does show that there is a clear pathway for application as provided in the Pitkin County Land Use Code.

Under either process, a 1,000 SF Caretaker Dwelling Unit could be established for the single lot or for each of the two lots created by subdivision. The floor area of the caretaker dwelling unit would be subtracted from the available floor area for any of the lots.

There also exists a 690 SF structure, known here as the “cabin” that has been identified by Pitkin County as a “pre-existing, non-conforming” structure that can be maintained, moved, or rebuilt. As with the CDU, the 690 SF contained in the cabin would be subtracted from the available floor area for any of the lots on which it is situated.

The property is proximate to Hunter Creek. As such, all development will be required to be located at least 100 feet from the identifiable high-water mark.

The two options are:

1. Retaining the property as one lot with the potential for three dwelling units: a main residence, the 690 SF cabin, and a Caretaker Dwelling Unit (CDU); or
2. Dividing the property into two separate lots: one lot with a main residence and CDU, and a second lot with a main residence, the 690 SF cabin, and CDU.

Of course, the property could be purchased and used as is without any required land use application process.

#### Option 1 - Retaining the property as one lot with residential expansion

This represents a simpler process that could be accomplished through Administrative Review. The property contains approximately 82,764 square feet (SF) of lot area, which could allow for expansion of the approximately 2,737 SF existing residence, the 690 SF cabin, and a CDU. The zoning limit for all structures on the property is approximately 10,759 SF, so the expansion potential may be significant. However, expansion over 5,750 SF of gross floor area would require the use of Transferable Development Rights (TDRs) which represent 2,500 SF of allowable floor area per TDR. Alternately, a more complex Growth Management process could provide for the additional floor area above 5,750 SF without the use of TDRs. This process involves a competition and scoring to be awarded the additional floor area. Approximate time for the Administrative Review would be three months from submission of an application and would require relatively detailed exterior architecture. The Growth Management process would take considerably longer and is not generally recommended.

#### Option 2 - Subdividing the property into two lots

This option requires a more complex Subdivision review process, with public hearings before the Planning & Zoning Commission and Board of County Commissioners. The Subdivision would result in two lots, one of which could be retained for estate purposes or sold to another party following subdivision. The lots can be identified as the "fathering parcel" and the "newly created parcel." To establish a development right on the newly created parcel, an initial TDR would be required to provide a development right and would include the ability to construct 2,500 SF of floor area. Additional TDRs would be required to attain floor area beyond 2,500 SF, with each TDR conferring an additional 2,500 SF of floor area.

With this option, a main residence could be provided on the fathering parcel and this residence expanded up to the zoning floor area ratio limit of 0.13:1, based on the size of the main house lot. Any expansion beyond 5,750 SF would require the use of TDRs or Growth Management. The 690 SF cabin could be located on fathering parcel or on the newly created parcel. A CDU could be provided on one or both parcels.

As part of the subdivision, some access easements would be required. These access easements would reduce the lot area used for calculation of the allowable floor area. Approximate review time for the Subdivision process would be six months from submission of an application. Subdivision requires a draft and final subdivision plat prepared by a registered land surveyor.

New Activity Envelopes would need to be identified as part of this process. Site plan review could either be incorporated as part of the process or deferred to a later time when architectural designs have been prepared.

#### Conclusion

The property currently contains two residences, one of which has the potential for expansion under a relatively straightforward land use process. Depending on the amount of expansion, TDRs would be required representing an additional cost or a complex Growth Management

process could be followed. We would only recommend the Growth Management approach for additional floor area beyond the 5,750 SF cap for buyers with a high tolerance for process.

The Subdivision process may confer additional value for some buyers but is more expensive and time consuming. In either case the allowable floor area for development of one or two residences would be approximately the same. Under Subdivision, requirements for an access easement may reduce allowable floor area somewhat.