

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 18-46**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. LUC-2018-00044
A LAND USE CHANGE PERMIT FOR AFC DEVELOPMENT, LLC
MULTI-FAMILY UNIT ALLOCATION AND BUILDING TYPE
LOTS M1-1 THROUGH M1-15, LOT M1, BUCKHORN RANCH FILING NO. 2B**

WHEREAS, AFC Development, LLC, represented by Martin Spencer, has requested clarification of development restrictions on multi-family lots M1-1 through M1-15, Lot M1 Buckhorn Ranch Filing No. 2B; and

WHEREAS, this Resolution is intended to clarify, reconcile and amend the allocation of the multi-family units and multi-family building type identified in previous County approvals for Lots M1-1 through M1-15, Lot M1, Buckhorn Ranch Filing No. 2B, as formalized in a *Declaration of Covenants, Conditions and Restrictions for Lots M1-1 Through M1-15, Buckhorn Ranch Filing No. 2B*, executed by the owner and the Buckhorn Ranch Homeowners Association (HOA) October 31, 2018 (attached).

AND WHEREAS, the request to clarify the allocation and building type of multi-family units on Lots M1-1 through M1-15, Lot M1, Buckhorn Ranch Filing No. 2B, was reviewed by the Planning Commission, with a unanimous Recommendation of approval to the Board of County Commissioners, with certain Findings and Conditions:

FINDINGS:

1. The County intends to clarify, reconcile and amend the allocation of building types identified in previous County approvals for Lots M1-1 through M1-15, Buckhorn Ranch Filing No. 2B, by adoption of the *Declaration of Covenants, Conditions and Restrictions for Lots M1-1 Through M1-15, Buckhorn Ranch Filing No. 2B*, dated October 31, 2018.
2. Buckhorn Ranch Filing No. 2B, Lot M1 was approved as a multi-family tract, including a total of 104 multi-family units, pursuant to Board of County Commissioner's Resolution No. 1997-24, adopted May 6, 1997, which approved the Buckhorn Ranch Filing II Preliminary Plan, subject to all conditions imposed by the Planning Commission's Recommendation of July 12, 1996. The Planning Commission's Preliminary Plan Recommendation included Condition No. 7:
Approval of this Filing II is specific to the numbers and types of units detailed in this Recommendation's Project Description, in the "Addendum to Preliminary Plan Submittal...Regarding Detail of M-1, M-2 and M-3," and as limited by the Declaration of Protective Covenants submitted as part of this Preliminary Plan.
Lot M-1: *72 multifamily units plus two buildings of 16 studio units each; the 72 multifamily units are to be located on 17 lots which are allocated as three (3) duplex lots, ten (10) four-plex lots, three (3) six-plex lots and one (1) eight-plex lot. Sizes will average between 1,000-1,400 with a maximum of 1,800 square feet.*
3. Buckhorn Ranch Filing No. 2B Final Plan, was approved by Board of County Commissioners, April 7, 2004 Resolution No. 2004-22, (Reception No. 541321) including Condition No. 3:
Design and construction of multiple family units on Lots M-1, M-2 and M-3, require separate Land Use Change Permits. The concept of number of units and determination of compliance with land use policies and design guidelines have been considered as parts of the organic whole of this overall subdivision development. As elements of this Filing 2b, development on the multiple-family lots will be considered "pending land use change applications" and will be reviewed pursuant to Section 1-106 A. Pending Land Use Change Permit Applications, of the 2001 Gunnison County Land Use Resolution. Single-family homes and duplexes shall initially be classified and reviewed as Administrative Review Projects.



4. Buckhorn Ranch Filing No. 2B Plat, platted Lot M1 into 17 lots, April 7, 2004 (Reception No. 541321).
5. Stallion Park, Lots M1-16 and M1-17 was approved for 32 housing units, as eight (8) 4-plexes. Twenty four multi-family units have been constructed on Lots M1-16 & M1-17, in six four-plex buildings; the Apache, Estonian, Dartmoor, Bavarian, Cimarron, and Foxtrot Condominiums. Two additional four-plex buildings are currently under construction, for a total of 32-units.
7. 72 multi-family units are approved on Lots M1-1 through M-15. The proposal contemplates no change to the number of previously approved multifamily units for Lot M1, Buckhorn Ranch Filing No. 2B.
8. The concept of the number of units and determination of compliance with land use policies and design guidelines has been considered as parts of the organic whole of the overall Buckhorn Ranch Filing No. 2B subdivision development.
9. The request provides for the reasonable development of the remaining multi-family lots in Lot M1, based upon the lot size differential, and allowance for flexibility in building types.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2018-00044, AFC Development LLC, is approved with the following conditions:

1. A land use change permit is not required for development on Lots M1-1 through M1-15, Buckhorn Ranch Filing No. 2B, so long as the development is consistent with the unit allocation identified in the *Declaration of Covenants, Conditions and Restrictions for Lots M1-1 Through M1-15, Buckhorn Ranch Filing No. 2B, October 31, 2018*.
2. The minimum building type configuration for any lot is a duplex.
3. Prior to recordation of the Board Resolution, the applicant shall record the *Declaration of Covenants, Conditions and Restrictions for Lots M1-1 Through M1-15, Buckhorn Ranch Filing No. 2B, October 31, 2018*, with the Office of the Clerk and Recorder of Gunnison County.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Howck, seconded by Commissioner Chamberland and passed on this 4th day of December, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

Phil Chamberland
Phil Chamberland,
Chairperson

Jonathan Howck
Jonathan Howck,
Commissioner

Absent
John Messner,
Commissioner

ATTEST:

Janet B. Bone
Gunnison County Clerk and Recorder

