

**BOARD OF COUNTY COMMISSIONERS
FEBRUARY 23, 2021
PLANNING CASE PLN20-080 GENERAL SUBDIVISION EXEMPTION
LOT LINE VACATION / ADJUSTMENT
CLASS 6 – NEW BUSINESS**

PROJECT INFORMATION:

Location: 580, 600 and 610 Elk CIR (CR 154), Old Keystone Golf Course Subdivision

Project/Request: A General Subdivision Exemption to vacate Lot 56, and adjust the lot lines between Lots 55 and 57 in order to incorporate and divide Lot 56 into Lots 55 and 57, Old Keystone Golf Course Subdivision; Lots 55, 56, 57, Old Keystone Golf Course Subdivision, a total of 0.62 acres; zoned Keystone Resort PUD.

ISSUES:

None.

PLANNING COMMISSION RECOMMENDATION:

The Upper Blue Planning Commission does not review General Subdivision Exemptions.

RESOLUTION STATUS:

Draft Resolution is attached.

STAFF RECOMMENDATION:

Approval with 7 findings and 2 conditions.

ATTACHMENTS:

- A. Draft Resolution of Approval
- B. Proposed Plat
- C. Covenant



0037 Peak One Dr. PO Box 5660
Frisco, CO 80443

STAFF REPORT

TO: Board of County Commissioners
FROM: Ian Corder, Planning Technician
FOR: Regular Meeting of February 23, 2021
SUBJECT: PLN20-080: General Subdivision Exemption to vacate Lot 56, and adjust the lot lines between Lots 55 and 57 in order to incorporate and divide Lot 56 into Lots 55 and 57, Old Keystone Golf Course Subdivision; Lots 55, 56, 57, Old Keystone Golf Course Subdivision, a total of 0.62 acres; zoned Keystone Resort PUD.

APPLICANT/ OWNER: Rick Swisher (Lot 55) and Michael Stanberry (Lots 56 and 57)

REQUEST: General Subdivision Exemption to vacate Lot 56, and adjust the lot lines between Lots 55 and 57 in order to incorporate and divide Lot 56 into Lots 55 and 57, Old Keystone Golf Course Subdivision; Lots 55, 56, 57, Old Keystone Golf Course Subdivision, a total of 0.62 acres; zoned Keystone Resort PUD.

MATERIALS: Up until a decision is made by the final Review Authority, the Applicant’s Submittal Materials can be found at <http://www.summitcountyco.gov/254/Projects-Under-Review> and are hereby incorporated into the official record in their entirety. Once a final decision has been made, the Submittal Materials can be obtained and/or reviewed at the Planning Department.

PROJECT DESCRIPTION:

Location: 580, 600 and 610 Elk Cir. (CR 154),
Legal Description: Lots 55-57, Old Keystone Golf Course Subdivision
Existing Zoning: Keystone Resort PUD
Proposed Use: Single-Family Residential (No change)
Other Uses: N/A
Adjacent land uses:
 East: Lot 54, Old Keystone Golf Course, Single Family Residence
 West: Lot 58, Old Keystone Golf Course, Single Family Residence
 North: Vail Summit Resorts Inc., Old Keystone Golf Course, Open Space
 South: Lots 4, 5 and 6, Old Keystone Golf Course, Single Family Residence and Lot 7, Old Keystone Golf Course, Vacant Residential Lot

DEVELOPMENT REQUIREMENTS:

Setbacks:	<u>Required</u>	<u>Proposed</u>
Front:	25 feet	25 feet minimum
Rear:	15 feet	15 feet minimum
Side:	10 feet	10 feet minimum

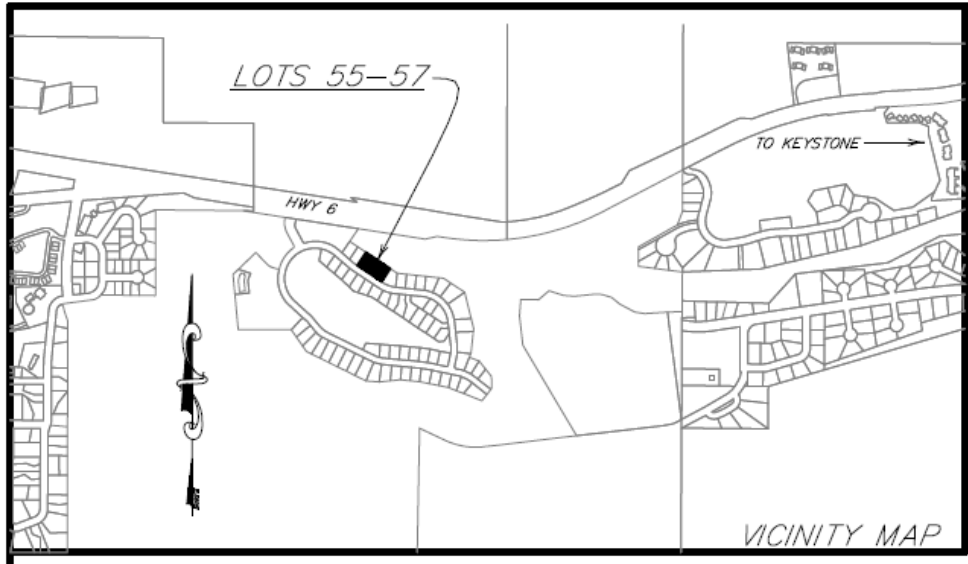
BACKGROUND:

The Old Keystone Golf Course Subdivision plat was recorded on December 5, 1997 under Reception Number 553524 and 553525. The subdivision was created within the Keystone Resort PUD, in parcel C of the Old Keystone Neighborhood.

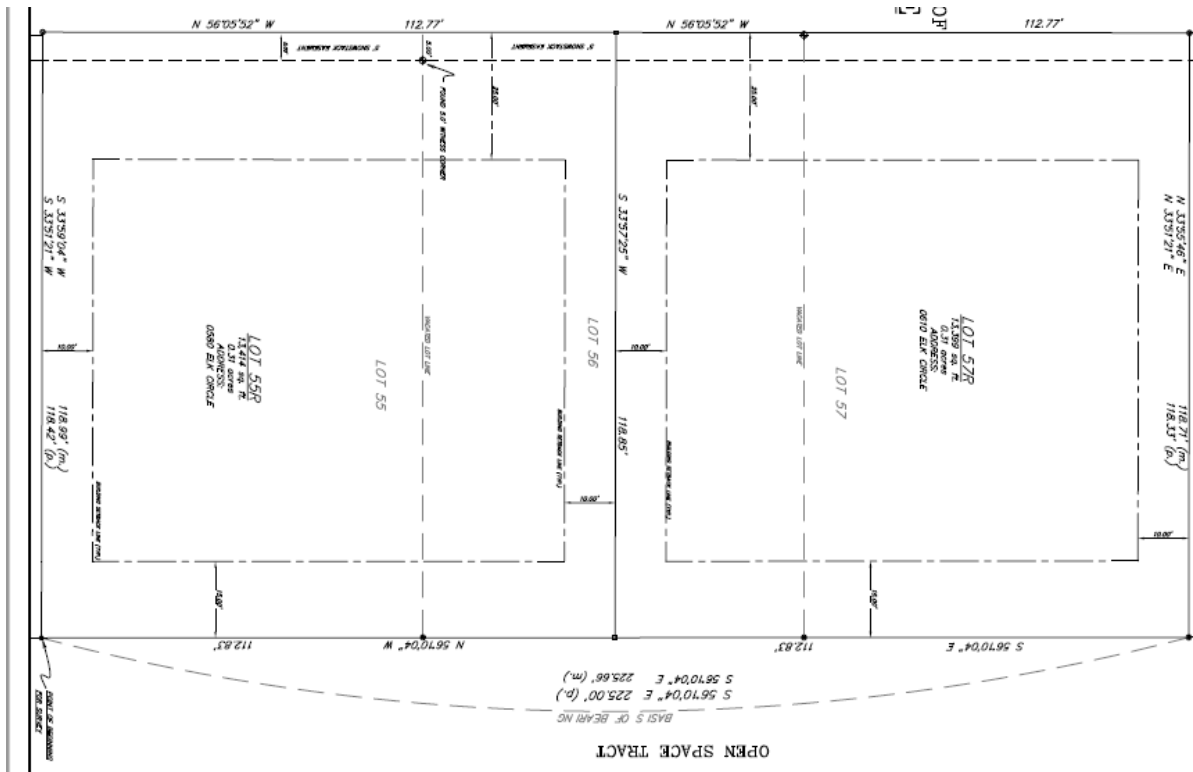
This request will vacate lot 56 and adjust the lot lines between lot 55 and 57 to incorporate half of lot 56 into each lot, 55 and 57, respectively. There are single-family homes located on lots 55 and 57, while lot 56 is vacant. A covenant, as required by the Land Use and Development Code, will be recorded ensuring that lot 56 cannot be re-subdivided in the future.

Upon review of the submitted materials, the Engineering Department found that the subject properties have been landscaped with boulders that encroach into the right-of-way for Elk Circle. To address these concerns, the applicant has applied for a grading permit (GE21-0001) to remove the encroachments. Since the removal is not feasible during the winter months, the applicant has submitted a financial guarantee (BOND21-1003) to guarantee the work associated with the permit.

Vicinity Maps



Proposed Plat



CRITERIA FOR DECISION:

The Keystone Resort PUD defaults all subdivision regulations to Chapter 8 (Subdivision Regulations) of the Summit County Land Use & Development Code. Per Section 8402.01.F of

the County's Land Use & Development Code ("Code"), subdivision exemptions for adjustments and vacations of lot lines or easements shall comply with the following Criteria for Approval:

1. The adjustment or vacation procedure has not been used to circumvent the intent of the Subdivision Regulations.
2. The lots resulting from the adjustment or vacation are in compliance with the County's Zoning Regulations (Chapters 3).
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. If the request is for a lot line adjustment, the plat illustrating the lot line adjustment is drawn in accordance with standards in these regulations and is suitable for recordation.
5. If the request is for a lot line vacation, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot(s) from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
6. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
7. For lot line vacations, the resolution of approval states the new lot name as one of the previous lot designations.

Criterion 1: Will Not Circumvent the Intent of the Subdivision Regulations

The subdivision exemption will not create any additional building sites and the subdivision exemption is not within the purposes of the State subdivision statutes. This application will result in reconfiguring an existing undeveloped lot and two existing developed lots into two larger developed lots, vacating a developable lot.

Criterion 2: Resulting Lots Comply with the Zoning Regulations

The lots will be in compliance with the zoning regulations for the Keystone Resort PUD and the Land Use and Development Code, specifically regarding compliance with applicable development standards. All setbacks and other applicable development standards associated with the Keystone Resort PUD will be met with the proposed lot configurations, including setbacks to the existing single family structures. The County Engineering Department has identified landscaping that encroaches into the R.O.W. To address these unpermitted encroachments, the applicants were required to apply for a grading permit and submit a financial guarantee to have the landscaping removed by July 15th, 2021. Both requirements have been met in grading permit GRE21-0001 and financial guarantee BOND21-1003.

Criterion 3. Utility Easements Not Affected or Have Been Relocated

No utility easements will be affected by this request. Xcel Energy and other applicable utility providers were sent notice of this application and either stated that they had no concerns with the request or did not respond with comments, which signifies a response of no concerns.

Criterion 4. Plat Drawn in Accordance with Standards in These Regulations and Is Suitable for Recordation

The County Surveyor has reviewed the plat and indicated that it meets all applicable requirements of Section 8700 of the County's Land Use & Development Code and is suitable for recordation.

Criterion 5. Restrictive Covenant Against The Property That Prohibits The Vacated Lot(s) From Being Resubdivided or Recreated by a Subdivision Approval

The applicant has provided a signed restrictive covenant which will be executed in conjunction with the recordation of the plat. Staff has drafted a condition of approval that states that

concurrently with the recordation of the plat, the applicant shall record a restrictive covenant against the property that prohibits the vacated lot from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.

Criterion 6. Ad Valorem Taxes

At the time of the preparation of this report, the County Treasurer responded that taxes are due on all three lots. The applicant is aware and understand that all taxes must be paid prior to the Treasurer signing the plat for recordation. Staff recommends a condition of approval that all ad valorem taxes be paid prior to recording the plat.

Criterion 7. Resolution of Approval States the New Lot Name As One of the Previous Lot Designations

The lots will be titled Lots 55R and 57R, Old Keystone Golf Course Subdivision. The G.I.S. department has reviewed the subject plat and indicated that the physical address for vacant Lot 56 can be retired when the lot lines are vacated. The addresses of the existing structures on lots 55 and 57 will remain.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PL20-080, a request for a General Subdivision Exemption to vacate Lot 56, and adjust the lot lines between Lots 55 and 57 in order to incorporate and divide Lot 56 into Lots 55 and 57, Old Keystone Golf Course Subdivision; Lots 55, 56, 57, Old Keystone Golf Course Subdivision, a total of 0.62 acres; zoned Keystone Resort PUD.

Findings:

1. The subdivision exemption will not create any additional building sites and the subdivision exemption is not within the purposes of the State subdivision statutes. This application will result in reconfiguring an existing undeveloped lot and two existing developed lots into two larger developed lots, vacating a developable lot.
2. The lots will be in compliance with the zoning regulations for the Keystone Resort PUD and the Land Use and Development Code, specifically regarding compliance with applicable development standard requirements.
3. No utilities or easements will be affected by the proposed plat.
4. The County Surveyor has reviewed the plat and indicated that it meets all applicable requirements of Section 8700 of the County's Land Use & Development Code and is suitable for recordation.
5. The applicant has provided a signed restrictive covenant which will be executed in conjunction with the recordation of the plat.
6. Upon compliance with the condition below, all applicable taxes will be paid.
7. The plat states the new lot names, 55-R and 57-R, and references the previous lot designations.

Conditions:

1. Concurrently with the recordation of the subject plat, the applicant shall record a restrictive covenant against the property that prohibits the vacated lot from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.

2. Prior to the recordation of the subject plat, all applicable ad valorem taxes shall be paid.