

RESOLUTION NO. 2021-

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION APPROVING PLANNING CASE PLN21-075, A REQUEST TO ALTER PLAT NOTE #6 OF THE SUNBOWL AT HAMILTON CREEK #2 PLAT, RECEPTION # 500221, THAT STATES "ACCESS TO LOTS 1, 6, 7, & 8 IS RESTRICTED TO THE CUL DE SAC AS SHOWN HEREON. ACCESS FROM HAMILTON CREEK ROAD IS PROHIBITED", TO REMOVE THE REQUIREMENT THAT LOT 1 TAKE ITS ACCESS FROM THE HEATHER WAY CUL-DE-SAC; IN THE HAMILTON CREEK PUD, ZONING DISTRICT ON APPROXIMATELY 7.97 ACRES; (Applicant: Luke Dokken).

WHEREAS, the Sunbowl at Hamilton Creek #2 plat recorded on October 2, 1995 in the Office of the Summit County Clerk and Recorder at Reception Number 500221 includes a plat note that requires Lots 1, 6, 7, and 8 to access their properties via the Heather Way cul-de-sac and prohibited access from Hamilton Creek Road; and

WHEREAS, the Engineering Department has approved ESP21-003, a variance to Section 5107.01 K of the *Land Use and Development Code* to allow Lot 1 to take access directly from Hamilton Creek Road due to the narrow shape of the lot, onsite wetlands and drainage areas, and proximity to existing structures and utilities, thereby reversing their previous recommendation that access be restricted to the Heather Way cul-de-sac; and

WHEREAS, Luke Dokken has applied to the Board of County Commissioners for a plat note elimination to alter plat note #6 of the Sunbowl at Hamilton Creek #2 plat, Reception # 500221, that states "ACCESS TO LOTS 1, 6, 7, & 8 IS RESTRICTED TO THE CUL DE SAC AS SHOWN HEREON. ACCESS FROM HAMILTON CREEK ROAD IS PROHIBITED", in the Hamilton Creek PUD zoning district on approximately 23.25 acres, to instead read "ACCESS TO LOTS 6, 7, & 8 IS RESTRICTED TO THE CUL DE SAC AS SHOWN HEREON. ACCESS FROM HAMILTON CREEK ROAD IS PROHIBITED FOR LOTS 6, 7, AND 8"; and

WHEREAS, the Planning Department has reviewed the application and recommended that it be approved, and the owners of the parcels have been notified of the proposal; and

WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing held on September 14, 2021, with public notice as required by law and considered the evidence and testimony presented at the hearings; and

WHEREAS, the Board of County Commissioners finds as follows:

1. The alteration of the plat note is justified based on administrative need, changes in the conditions in the vicinity or changes in the Building Code or Fire Code.
2. The alteration of the plat note does not substantively change the plat as previously approved by the BOCC or in any way deviate from any conditions of approval set forth by the BOCC for such plat.
3. The plat note being altered or eliminated is a regulatory requirement in favor of Summit County.

4. The alteration of the plat note is consistent with the Subdivision Regulations, Zoning Regulations and the applicable provisions of this Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT a plat note alteration to alter plat note #6 of the Sunbowl at Hamilton Creek #2 plat, Reception # 500221, that states "ACCESS TO LOTS 1, 6, 7, & 8 IS RESTRICTED TO THE CUL DE SAC AS SHOWN HEREON. ACCESS FROM HAMILTON CREEK ROAD IS PROHIBITED", to remove the requirement that Lot 1 take its access from the Heather Way cul-de-sac and now read, "ACCESS TO LOTS 6, 7, & 8 IS RESTRICTED TO THE CUL DE SAC AS SHOWN HEREON. ACCESS FROM HAMILTON CREEK ROAD IS PROHIBITED FOR LOTS 6, 7, AND 8"; in the Hamilton Creek PUD zoning district on approximately 7.97 acres; is hereby approved.

ADOPTED THIS 14TH DAY OF SEPTEMBER 2021.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

Elisabeth Lawrence, Chair

ATTEST:

Kathleen Neel, Clerk & Recorder