

**BOARD OF COUNTY COMMISSIONERS**

**OCTOBER 8, 2019**

**PLANNING CASE # PLN19-117: CLASS 6 LOT LINE AND UTILITY EASEMENT VACATION;  
LOT 16, TORDAL ESTATES SUB AND LOTS 3 & 4, BLOCK 1, ALPINE BRECKENRIDGE  
SUB #1  
CONSENT AGENDA**

**PROJECT INFORMATION:**

Location: Lot 16, Tordal Estates Sub and Lots 3 & 4, Block 1, Alpine Breckenridge Sub  
#1; 246 Tordal Way, 736 County Road 674, and 716 County Road 674  
Project/Request: Lot Line and Utility Easement Vacation Subdivision Exemption

**ISSUES:**

None

**PLANNING COMMISSION RECOMMENDATION:**

The Upper Blue Planning Commission does not review vacations of lot lines and easements

**RESOLUTION STATUS**

Draft Resolution Attached

**STAFF RECOMMENDATION:**

Approval with six findings and one condition

**ATTACHMENTS:**

- A. Vicinity Map
- B. Tordal Estates Sub Plat (Reception No. 102562)
- C. Alpine Breckenridge Sub #1 Plat (Reception No. 100037)
- D. Restrictive Covenant
- E. Draft Resolution
- F. Proposed Exhibit A to the Resolution

**STAFF REPORT**

**TO:** Board of County Commissioners  
**FROM:** Suzanne Pugsley, Planning Technician  
**FOR:** Regular Meeting of October 8, 2019  
**SUBJECT:** PLN19-117 - Lot Line and Easement Vacation  
**APPLICANT /OWNER:** Wilson and Gail Geisler

**REQUEST:** A request for a Subdivision Exemption to vacate the existing lot line and utility easement between Lot 16 in the Tordal Estates Subdivision and Lots 3 and 4, Block 1 in the Alpine Breckenridge Subdivision #1; 246 Tordal Way, and 736 and 716 County Road 674. Lot 16 contains 0.99 acres, Lot 3 contains 0.63 acres, and Lot 4 contains 0.51 acres. The properties are zoned R-1.

**PROJECT DESCRIPTION**

**Location:** 246 Tordal Way, and 736 and 716 County Road 674  
**Legal Description:** Lot 16, Tordal Estates Sub and Lots 3 and 4, Block 1, Alpine Breckenridge Sub #1  
**Existing Zoning:** R-1  
**Existing/Proposed Use:** Single-Family Residential  
**Other Uses:** No new uses  
**Total site area:** 2.13 Acres  
**Adjacent land uses:**  
**East:** Single-Family Residential, Tordal Estates Sub and Alpine Breck Sub #1  
**West:** Single-Family Residential, Tordal Estates Sub and Alpine Breck Sub #1  
**North:** Single-Family Residential, Tordal Estates Sub  
**South:** Single-Family Residential, Alpine Breck Sub #1

**DEVELOPMENT REQUIREMENTS:**

|                       | <b><u>Required</u></b>  | <b><u>Proposed</u></b> |
|-----------------------|-------------------------|------------------------|
| <b>Density limit:</b> | 1 unit / 40,000 sq. ft. | No changes             |

**BACKGROUND:**

On October 14, 1964 the Alpine Breckenridge Subdivision Filing No. 1 plat was recorded at Reception Number 100037. This subdivision includes Lots 3 and 4, Block 1, as they are currently platted. Lots 3 and 4 are vacant. On July 30, 1965 the Tordal Estates Subdivision plat was recorded at Reception Number 102562 and includes Lot 16 as it is currently platted. According to the County Assessor records, a 1,298 square foot single-family residence located on Lot 16 was constructed in 1971. The Geisler's own all three lots and are proposing to vacate the lot lines and

the utility easements between Lots 16, 3 and 4. The resulting lot will be integrated into the Tordal Estates Subdivision.

### **CRITERIA FOR DECISION**

According to Section 8402.01.F of the Summit County Land Use and Development Code "Code", a request for an adjustment or vacation shall meet the following criteria, to be approved by the Summit County Board of County Commissioners "BOCC":

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 3-4).
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.

The application under consideration is for a lot line and utility easement vacation. As such, criterion 4 is not considered.

#### **Criterion 1: Compliance with County Subdivision Regulations**

The proposed lot line and utility easement vacation does not create any additional building sites and therefore does not violate the intent of the County's Subdivision Regulations. The provision of required utilities will not be affected as the appropriate easements exist elsewhere. Approval of this proposal will result in one larger single family residential lot.

#### **Criterion 2: Compliance with County Zoning Regulations**

The purpose and intent of the County's zoning regulations is to ensure compatibility of land uses, efficient and economical use of land, and adequate light and air in development projects. They are also intended to prevent development of areas subject to environmental hazards, and encourage development projects that are functional, exhibit good design and aesthetics, and protect the County's natural resources and scenic beauty.

The property is zoned R-1, which allows one single-family residence per platted lot. Vacating the lot lines between Lot 16, Lot 3 and Lot 4 will create one larger lot that complies with the minimum lot size requirement. Any future development on the subject site will be required to comply with

the R-1 zoning district setbacks and development standards. The proposed lot line vacation will not negatively impact the surrounding residential properties. The proposed lot line vacation is consistent with the Zoning Regulations in that no new uses are being proposed and density is being reduced by two units.

**Criterion 3: Compliance with Provision of Utilities**

Tordal Estates Sub and Alpine Breckenridge Sub #1 plats both contain a Plat Note No. 1 that states "All lots grant 10' Utilities Easements adjacent to lot lines not abutting on roadways". As such, the application was referred to Xcel, Comcast and Century Link. None of the agencies responded with any concerns. The utility easements will be vacated along with the lot lines.

**Criterion 5: Restrictive Covenant**

The applicant has signed and submitted a restrictive covenant, which prohibits the vacated lot lines from being re-subdivided or recreated by a subdivision approval, subdivision exemption approval, or any other administrative or judicial process. The restrictive covenant will be recorded concurrently with the resolution of approval for the subject lot line vacation.

**Criterion 6: Ad Valorem Taxes**

The County Treasurer has confirmed that all ad valorem taxes have been paid for 2018.

**Criterion 7: New Lot Name**

The resolution of approval shall state the new lot name as one of the previous lot designations. The new lot shall be known as Lot 16R, Tordal Estates Sub.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners approve PLN19-117, a lot line and utility easement vacation located between Lot 16, Tordal Estates Sub and Lots 3 and 4, Block 1, Alpine Breckenridge Sub #1, with six findings and one condition:

**Findings:**

1. The vacation procedure has not been used to circumvent the intent of the Subdivision Regulations because no new lots are being created through this application.
2. The lot resulting from the vacation is in compliance with the County's Zoning Regulations and because, without limitation, the newly created lot meets the minimum lot size requirement and density is being reduced by two units.
3. Easements necessary for the provision of utilities are not affected by the lot line and utility easement vacation.
4. Upon compliance with the condition set forth below, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot lines from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
5. All ad valorem taxes on the affected lot have been paid for 2018.
6. The resolution of approval shall state the new lot name as Lot 16R, Tordal Estates Sub.

**Condition:**

1. The executed lot line vacation restrictive covenant shall be recorded concurrently with the resolution of approval.