

**BOARD OF COUNTY COMMISSIONERS
OCTOBER 8, 2019
PLANNING CASE #PLN18-082 : ONE RIVER RUN
GENERAL SUBDIVISION EXEMPTION PLAT - CLASS 6
NEW BUSINESS**

PROJECT INFORMATION:

Location: Keystone Resort Planned Unit Development. Generally located one block south and west of the intersection of Hunki Dori Court and Montezuma Road.

Project/Request: A General Subdivision Exemption to create a 4.24-acre parcel for the One River Run development and a separate 0.67-acre parcel for the River Run Gondola; Lot 4A, Base 1 at Keystone Sub #2, 4.90 acres, zoned Keystone PUD.

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission does not review general subdivision exemption applications.

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with 7 findings and 2 Conditions

ATTACHMENTS:

1. Proposed Plat
2. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners

FROM: Dan Osborn, Senior Planner

FOR: Meeting of October 8, 2019

SUBJECT: PLN18-082: A General Subdivision Exemption to create a 4.24-acre parcel for the One River Run development and a 0.67-acre parcel for the River Run Gondola; Lot 4A, Base 1 at Keystone Sub #2, 4.90 acres, zoned Keystone PUD.

APPLICANT : One River Run Acquisition, LLC. Represented by Scott Russell.

REQUEST: A General Subdivision Exemption to create a 4.24-acre parcel for the One River Run development and a 0.67-acre parcel for the River Run Gondola; Lot 4A, Base 1 at Keystone Sub #2, 4.90 acres, zoned Keystone PUD.

PROJECT DESCRIPTION:

Location: Keystone Resort Planned Unit Development. Generally located one block south and west of the intersection of Hunki Dori Court and Montezuma Road.

Legal Description: Lot 4A, A Lot Line Adjustment Plat for Lot 4A and Tract A, the Fifth Subdivision Exemption Replat of the Remainder of Lots 3 and 4, Keystone Base I, Filing No. 2, According to the Plat filed March 28, 2006, under Reception No. 818174, County of Summit, State of Colorado.

Existing Zoning: Keystone Resort Planned Unit Development
Existing Uses: Lot 4A is currently used as day skier parking and drop-off (aka the "Hunki Dori Lot") in addition to the Keystone Ski & Ride School and River Run Gondola.

Adjacent land uses:
East: Red Hawk Lodge Condos, zoned Keystone Resort PUD.
North: Springs at River Run Condos, zoned Keystone Resort PUD
South: Base 1 at Keystone and Lone Eagle Above River Run Condos, zoned Keystone Resort PUD
West: River Run Village, zoned Keystone Resort PUD

Property Ownership: Lot 4A, Base 1 at Keystone Sub #2, One River Run Acquisition, LLC.

LOT INFORMATION:

Existing Lot

Lot 4A 4.905 acre

Proposed Lots

Lot 4A-1 4.286 acre

Lot 4A-2 0.619 acre

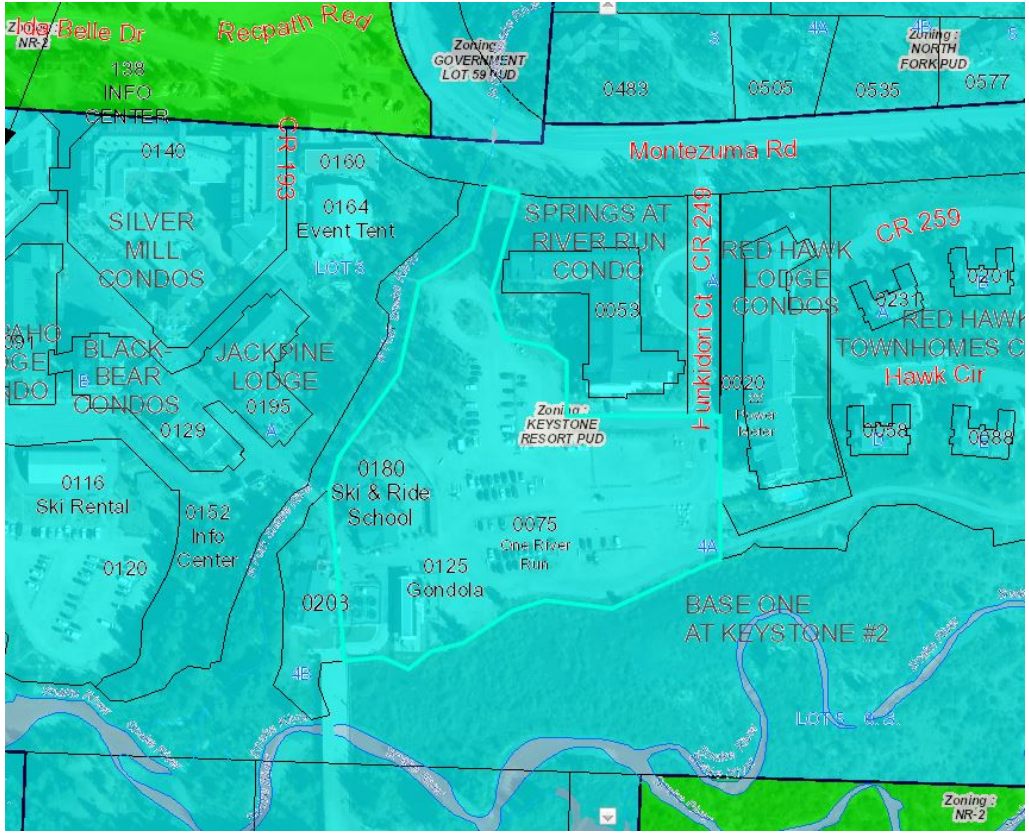
BACKGROUND:

The subject parcel is located in the Keystone Resort PUD near the intersection of Hunki Dori Court and Montezuma Road. Specifically, the parcel is located at the base of the River Run Gondola in the Keystone Resort Base I Village. The parcel as it is currently configured was legally created in 2006 through a lot line adjustment plat recorded under Reception No. 818174. Lot 4A is the remainder of a development parcel that was originally platted as part of the 1996 Keystone Base I - Filing No. 2 plat.

The proposed subdivision exemption will not create any additional building site beyond what is currently available on the parcel. The subdivision exemption is not within the purposes of the State Subdivision Statutes. This application results in Lots 4A-1 and 4A-2 which separate the ownership of the existing Mountain Services Center and River Run Gondola from the primary development parcel.

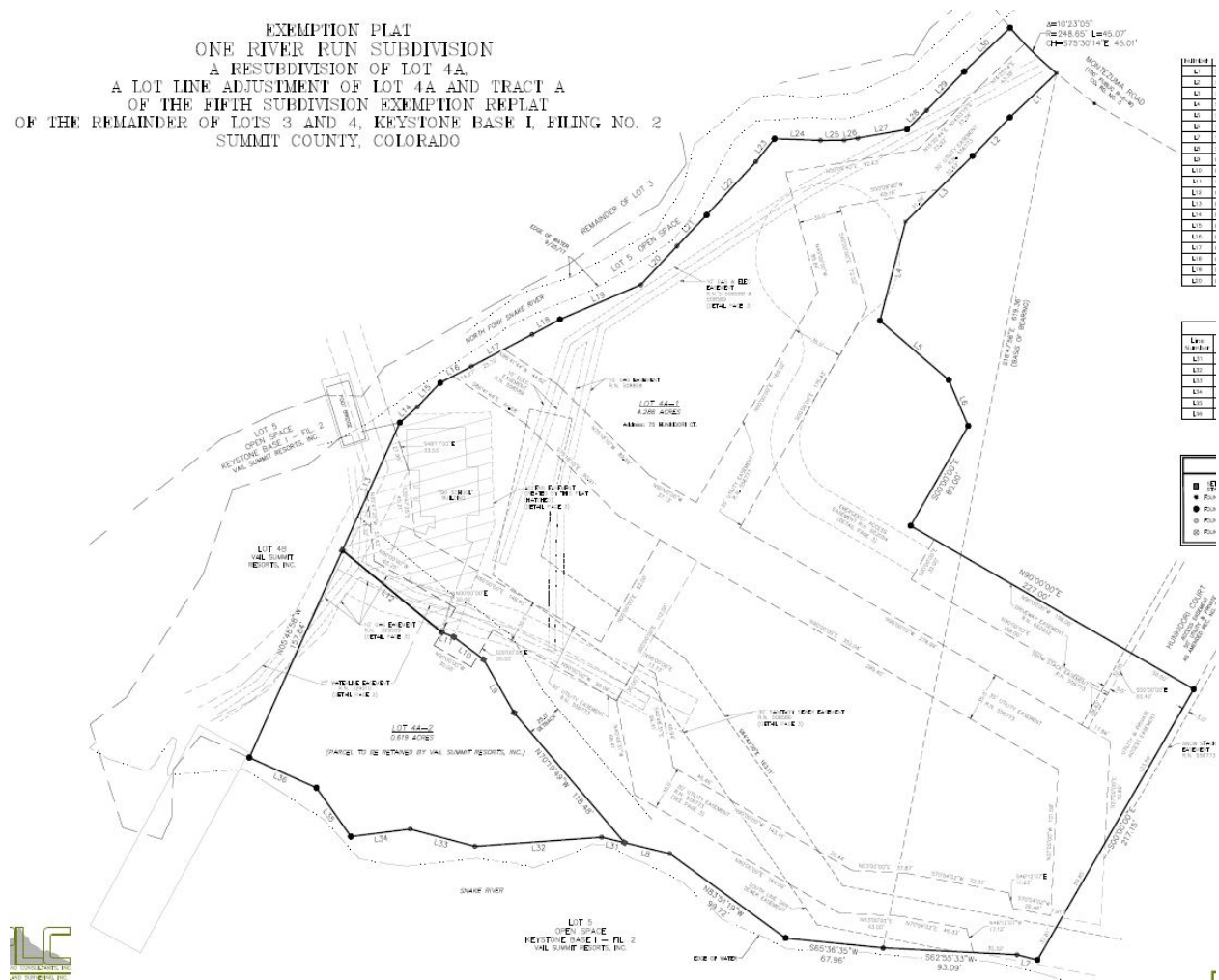
One River Run Acquisition, LLC (ORRA) who have submitted a concurrent minor PUD Amendment (PLN18-080) and Class 4 Site Plan (PLN18-081) for a hotel, condominium and retail development, will retain Lot 4A-1 (4.286 acres). As per the purchase agreement between ORRA and Vail Summit Resorts (VSR), VSR will retain Lot 4A-2 (0.619 acre). The existing Mountain Services Center and River Run Gondola structures will remain unchanged on Lot 4A-2.

One River Run Development Parcel and Zoning:



Proposed Lots 4A-1 & 4A-2

EXEMPTION PLAT
 ONE RIVER RUN SUBDIVISION
 A RESUBDIVISION OF LOT 4A,
 A LOT LINE ADJUSTMENT OF LOT 4A AND TRACT A
 OF THE FIFTH SUBDIVISION EXEMPTION REPLAT
 OF THE REMAINDER OF LOTS 3 AND 4, KEYSTONE BASE I, FILING NO. 2
 SUMMIT COUNTY, COLORADO



Existing easements were created as part of the approved Site Plan, PLN08-020, which proposed a similarly sized base areas development. That development, although approved in April 2008, was never constructed and has subsequently expired. The existing remnant easements from that proposal on the proposed Lot 4A-1 will be vacated once final utility and pedestrian, vehicular, and emergency access locations have been finalized through the Class 4 Site Plan review process. Once these locations are final, ORRA and VSR will submit an amended subdivision exemption plat. The applicant has submitted a letter from VSR indicating they will cooperate in the placement of future easements on Lot 4A-2 as required by the Site Plan. Staff has added a condition of approval and plat note to memorialize this requirement. No new development parcels will be created by this subdivision exemption.

CRITERIA FOR DECISION:

Section 8402.01 of the Summit County Land Use and Development Code ("Code") states that the following criteria must be met for the BOCC to approve a general subdivision exemption:

1. The division of land created by the subdivision exemption is not within the purposes of the State subdivision statutes (C.R.S. § 30-28-133 et seq.).

2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.
3. The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).
4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
5. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
7. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.

The Division of Land Created by the Subdivision Exemption is not within the Purposes of the State Subdivision Statutes (C.R.S. § 30-28-133)

This application for a general subdivision exemption plat is being requested because the division is the result of a contract concerning the sale of existing real property and a gondola structure to be retained by the resort operator, and does not create additional development parcels. Thus, the proposed subdivision exemption is not within the purposes of the State subdivision statutes.

The Lots Resulting from the Subdivision Exemption are in Compliance with County Zoning Regulations

This subdivision exemption is in compliance with the Zoning Regulations and the Keystone Resort PUD. The modified lots meet the requirements in the Keystone Resort PUD. No changes will be made to the permitted uses, building height restrictions, parking and setback requirements, areas of environmental hazard or other provisions of the approved PUD. A minor PUD amendment (PLN18-080) is being processed concurrently for Lot 4A-1, however the PUD amendment is solely related to add hotel / lodge units as a permitted use on the parcel, and will not change any setback or other development standards for the resultant lots.

The Subdivision Exemption is in Compliance with County Subdivision Regulations and Standards (Chapter 8)

This subdivision exemption meets the intent of the Subdivision Regulations. Both Lots will continue to have adequate access, fire protection, and water supply. This application has been made concurrent with a Class 4 Site Plan (PLN18-081) review. Through the review of the Site Plan staff has determined that the development can be completed in compliance with the Keystone Resort PUD and County Subdivision Regulations. Adequate fire protection, street, sidewalk, and pedestrian connections can be provided, or conditioned, to meet the requirements of the County Subdivision Regulations. No concerns were received from the review agencies regarding this Subdivision Exemption proposal.

The Proposed Subdivision Exemption is in General Conformance with the Advisory Goals, Policies and Provisions of the Summit County Countywide Comprehensive Plan and the Snake River Master Plan

This subdivision exemption will modify the lot lines for Lot 4A in a way to allow for the development of the property as a base village in accordance with the Keystone Resort PUD and the Snake River Master Plan. With the original review of the Keystone Base I plat, compliance with the applicable master plan goals and policies were reviewed and found that the proposed subdivision met all applicable master plan policies. The subject lot is an existing platted lot and is the remainder of a development parcel that was originally platted as part of the Keystone Base I - Filing No. 2 plat and therefore the proposed subdivision exemption continues to conform to the provisions of the Countywide Comprehensive Plan, the Snake River Master Plan, and the Keystone Resort PUD.

The Applicant has Provided Evidence That all Areas of the Proposed Subdivision Exemption That May Involve Soil or Topographical Conditions Presenting Hazards or Requiring Special Precautions Have Been Identified and That the Proposed Uses of These Areas are Compatible with Such Conditions

With the review of the original plat for the parent Lot 4, it was determined that there are no soil or topographical conditions that present any type of hazard on the affected lots. In addition, as part of this application, evidence has been presented that no areas of steep slopes are present and that areas with groundwater can be built to acceptable engineering standards. Final building plans outlining appropriate stabilization requirements will be reviewed and approved with the building permit.

The Applicant Has Provided Certification from the County Treasurer's Office That all Ad Valorem Taxes Applicable to the Proposed Subdivision Exemption, For Years Prior to the Year in Which Approval is Under Consideration, Have Been Paid

The Treasurer's Office has confirmed that the tax payments for Lot 4A have been paid in full for 2018.

The Exemption Plat is Drawn in Accordance with Standards in the Subdivision Regulations and is Suitable For Recordation

The plat has been drawn according to Development Code regulations and the County Surveyor has found that it is suitable for recording.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve case PLN18-082: A General Subdivision Exemption to create a 4.24-acre parcel for the One River Run development and a 0.67-acre parcel for the River Run Gondola; Lot 4A, Base 1 at Keystone Sub #2, 4.90 acres, zoned Keystone PUD, with the following findings and two conditions:

Findings:

1. The subdivision exemption is not within the purposes of the State subdivision statutes. No new building sites will be created.
2. This subdivision exemption is in compliance with the Zoning Regulations and the Keystone Resort PUD in terms of setbacks, density, building envelope size and other applicable development standards.
3. This subdivision exemption meets the intent of the Subdivision Regulations because, no new lots or density is created with this general subdivision exemption plat.

4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and the Snake River Master Plan.
5. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified. There are no identified areas of concern on the subject lots.
6. The Treasurer's Office has confirmed that all property taxes for the property for 2018 have been paid.
7. The general subdivision exemption plat has been drawn according to Development Code regulations and is suitable for recording.

Conditions:

1. The owners of Lots 4A-1 and 4A-2 shall submit an amended Subdivision Exemption Plat indicating the final location of all utility, pedestrian, vehicular and emergency access easements within six months after a Site Plan is approved for Lot 4A-1.
2. The design illustrations and concepts presented as part of this public hearing shall be incorporated into site plan application, and are generally reflective of the quality of development that will be submitted at site plan.

ATTACHMENTS:

1. Proposed Plat
2. Draft Resolution of Approval