

**BOARD OF COUNTY COMMISSIONERS
JANUARY 28, 2020
PLANNING CASE # PLN19-153: LOT 8B, SHADOWS NORTH AMENDED
CLASS 6-GENERAL SUBDIVISION EXEMPTION
NEW BUSINESS**

PROJECT INFORMATION:

Location: Lot 8B, Shadows North Amended Subdivision; 1072 American Way (CR 906)
Project/Request: A General Subdivision Exemption to replat the building envelope on Lot 8B, Shadows North Amended Subdivision; a 0.531 acre parcel zoned R-2.

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Upper Blue Planning Commission does not make recommendations on General Subdivision Exemptions

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with 7 findings and 0 conditions

ATTACHMENTS:

- A. Proposed Plat
- B. Draft Resolution



PLANNING DEPARTMENT

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STAFF REPORT

TO: Board of County Commissioners
FROM: Jessica Potter, Planner II
FOR: Meeting of January 28, 2020
SUBJECT: PLN19-153; Lot 8B, Shadows North Amended Sub., General Subdivision Exemption

APPLICANT: Sonny Neely
OWNER: John Parke III and Julia Wiest
REQUEST: A General Subdivision Exemption to replat the building envelope on Lot 8B, Shadows North Amended Subdivision; a 0.531 acre parcel zoned R-2.

PROJECT DESCRIPTION:

Location: 1072 American Way (CR 906)
Legal Description: Lot 8B, Shadows North Amended Subdivision
Existing Zoning: R-2
Proposed Use: Single-Family Residential
Total site area: 0.53 Acres
Adjacent land uses:
East: Single-Family Residential - Lot A, Ridge Crest Sub.
West: Single-Family Residential - Lot 7A, Shadows North Amended Sub.
North: Single-Family Residential - Lot 8B, Shadows North Amended Sub.
South: Single-Family Residential - Lot 1, Shadows North Amended Sub.

DEVELOPMENT REQUIREMENTS:

	<u>Required</u>	<u>Proposed</u>
Setbacks:		
East (rear):	25'	31' - 55'
Northwest (front):	25'	58'
Northeast (side):	15'	15'
South (side):	15'	15'

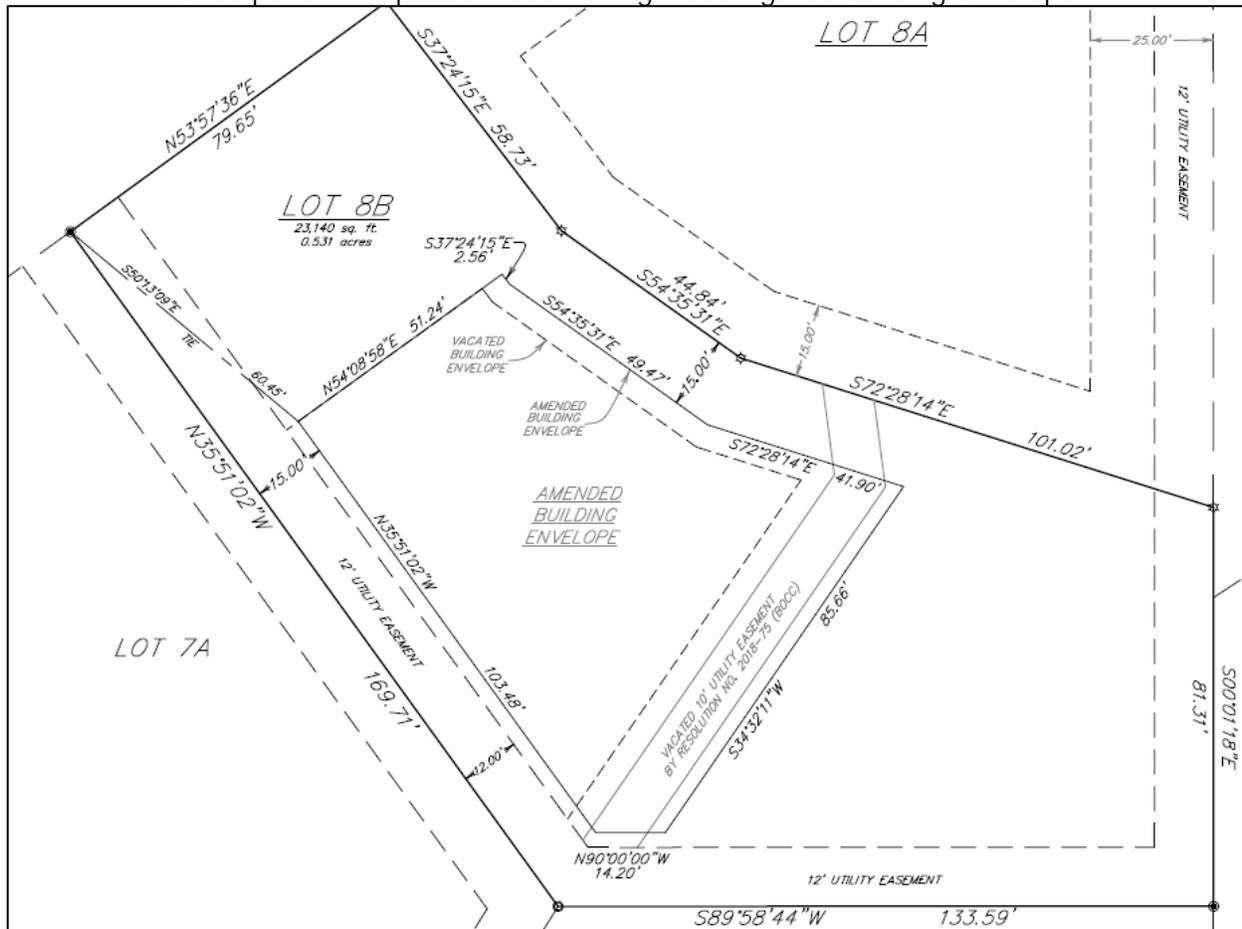
BACKGROUND:

Lot 8 Shadows North Amended Subdivision was subdivided into Lot 8A and 8B via PLN16-039. Following compliance with a condition of approval to relocate the existing overhead power lines below ground, the plat was recorded September 18, 2018 (Rec. No. 1180383). On November 13, 2018 the BOCC approved the vacation of a utility easement for power lines since the

easement was no longer necessary following the relocation of the utilities underground and within a different easement (Rec. No. 1184948).

When the property was initially subdivided, the power lines were still in place and a building envelope was established to ensure that this utility easement was not disturbed. The current owners are requesting to replat the building envelope to incorporate the vacated easement into the building envelope. The request will minimally reconfigure the building envelope along the sides so that it is consistent with the setbacks in the R-2 zone district of 15 feet. The front setback will remain at 58 feet which will preserve the views from Lot 8A. The rear setback will vary between 31 and 55 feet since the rear of the lot is heavily forested and the applicant does not wish to enlarge the building envelope into this region. The proposed plat showing the modifications is copied below.

Excerpt from Proposed Plat Showing Reconfigured Building Envelope



CRITERIA FOR DECISION

Section 8402.01 of the Summit County Land Use & 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.

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

The subdivision exemption will not create any additional building sites nor is it in the purview of State subdivision statutes. This application will simply result in the reconfiguration of the building envelope on Lot 8B primarily to extend the building envelope 18 feet to the southeast to incorporate the vacated utility easement.

Criterion 2: Compliance with County Zoning Regulations

This proposal is in compliance with all applicable zoning regulations found in the Summit County Land Use and Development Code. The proposed building envelope will be compliant with all setbacks and correct an error from the original plat, where the building envelope on the southwest side was shown as 12 feet as opposed to 15 feet. Furthermore, the applicant has submitted a draft site plan of a proposed single-family home that will be compliant with all zoning regulations.

Criterion 3: Compliance with County Subdivision Regulations and Standards (Chapter 8)

This subdivision exemption meets the intent of the subdivision regulations. This revision will not adversely affect drainage, trails, fire protection, or any other subdivision regulations in Chapter 8 of the Land Use and Development Code.

Criterion 4: Compliance with County Comprehensive Plan & Basin Master Plan

This application is consistent with goals, policies, and actions found in the Countywide, Upper Blue Basin, and Joint Upper Blue Master plans. This request is simply to replat a building envelope.

Criterion 5: Compliance with Soil or Topographical Conditions

There are no soil or topographical conditions present on the subject properties that would preclude the approval of this subdivision exemption.

Criterion 6: Ad Valorem Taxes

All taxes on the subject property have been paid per documentation from the Summit County Treasurer.

Criterion 7: Compliance with Plat Standards and Suitable for Recordation

The plat has been drawn according to the standards in Chapter 8 of the Development Code, and the County Surveyor has found that it is suitable for recordation.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN19-153, a General Subdivision Exemption to replat the building envelope on Lot 8B, Shadows North Amended Subdivision; a 0.531 acre parcel zoned R-2. Lot 8B, Shadows North Amended Subdivision, with the following findings:

Findings:

1. This Subdivision Exemption is not within the purposes of the State Subdivision Statutes. The approval of this request will not result in any additional building sites.
2. This request is in compliance with the Zoning Regulations found in the Land Use and Development Code.
3. This application is in compliance with the Subdivision Regulations found in the Land Use and Development Code; there will be no negative impacts on drainage, trails, slopes, or fire protection.
4. The proposal is in conformance with the Countywide, Upper Blue, and Joint Upper Blue master plans.
5. There are no topographical hazards present on the site.
6. All taxes due on the property have been paid.
7. The General Subdivision Exemption plat has been drawn according to the standards found in the Land Use and Development Code and is suitable for recordation.