

BOARD OF COUNTY COMMISSIONERS
February 11, 2020
PLANNING CASE #PLN19-136: CLASS 6 RIGHT-OF-WAY DEDICATION PLAT
NEW BUSINESS

PROJECT INFORMATION:

Location: Highway 9 at Peak One Blvd.
Project/Request: A Class 6 Right-of-way Dedication Plat to transfer land to the Colorado Department of Transportation for future improvements on State Highway 9 known as the Gap Project

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission does not review Right-of-way dedication plats

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with 5 findings and 0 conditions

ATTACHMENTS:

1. Vicinity Map
2. Proposed Plat
3. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners

FROM: Sid Rivers, Planner II

FOR: Meeting of February 11, 2020

SUBJECT: PLN19-136: Class 6 Right-of-way Dedication Plat

APPLICANT: Summit County Planning Department

OWNER: Summit County Board of County Commissioners

REQUEST: A Right-of-way plat to dedicate 0.413 acres of land to the Colorado Department of Transportation (CDOT) for future improvements to State Highway 9 known as the Gap Project

PROJECT DESCRIPTION:

Location: Highway 9 at peak One Blvd.

Legal Description: Unplatted: Portion of the SE ¼ of Section 35, and SW ¼ of Section 36, Township 5 S, Range 78 W of the 6th P.M.

Existing Zoning: County Commons PUD

BACKGROUND:

The Summit County Commons Campus consists of approximately 130 acres of land used for light industrial, public and social service, medical campus, and open space uses. The Commons Campus is comprised of 13 parcels and is zoned County Commons PUD. The PUD was established in 1996 and has been amended several times. The current County Commons PUD was approved in 2019 and is recorded at reception number 1194195. None of the lands within the PUD are platted, with the exception of the 3.16 acre Ophir Mountain residential parcel.

Primary vehicular access to the County Commons area is from Highway 9 at Peak One Boulevard. CDOT has improvements planned for this area slated for construction in the spring of this year. This project is often referred to as the Gap Project. Specific Gap Project improvements for this intersection include changing the intersection into a traffic circle or roundabout.

The purpose of this application is to create additional Right-of-way (ROW) in the area of Highway 9 and Peak One Blvd, and an easement adjacent to Highway 9 at Peak One Drive. These dedications will facilitate the future highway improvement project known as the Gap Project. The ROW created by this application will be a 0.413 acre sliver of land located on the south side of Highway 9 at Peak One Blvd. The parcel created by this ROW dedication plat will be conveyed via deed to CDOT prior to construction. A 495 square foot easement has been provided on the plat for the purposes of traffic control device maintenance. This easement is located adjacent to Highway 9 near the intersection of Peak One Drive.

Vicinity Map: Highway 9 at Peak One Blvd (CR1004)

Proposed ROW plat

CRITERIA FOR APPROVAL:

A request for a right-of-way dedication plat shall meet the following criteria to be approved by the BOCC:

- A. The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5).
- B. The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.
- C. Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations; or if lots affected by the right-of-way dedication are legal non-conforming lots and as a result of the right-of-way dedication will become more non-conforming, the applicant has demonstrated that it is in the best interest of the public health, safety and welfare to decrease the lot size by dedicating right-of-way.
- D. Easements necessary for the provision of water, wastewater or utilities are not affected or have been relocated to the satisfaction of the water, wastewater or utility companies.
- E. The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.

The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5).

CDOT requested the subject 0.413 acre ROW parcel from Summit County in order to facilitate the upcoming Gap Project improvements. The County has agreed to convey the ROW via deed to CDOT. The Summit County Road and Bridge Department as well as the Colorado Department of Transportation have reviewed the application, ensuring that adequate dedication for future road improvements has been provided.

The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.

The proposed right-of-way dedication meets the intent of the subdivision regulations and serves to improve Highway 9 road conditions adjacent to the County Commons area as well as through this busy corridor. This right-of-way platting process has not been used to circumvent the intent of the County's subdivision regulations. Platting this 0.413 acre ROW parcel does not plat or subdivide any of the remaining County Commons property.

Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations; or if lots affected by the right-of-way dedication are legal non-conforming lots and as a result of the right-of-way dedication will become more non-conforming, the applicant has demonstrated that it is in the best interest of the public health, safety and welfare to decrease the lot size by dedicating right-of-way.

This right-of-way dedication plat is in compliance with the Zoning Regulations and the County Commons PUD. The County Commons PUD does not have minimum lot sizes. The resulting parcel is strictly designated as Highway 9 ROW and will be owned by CDOT. This ROW dedication plat does not plat or subdivide any of the remaining County Commons property.

Easements necessary for the provision of water, wastewater or utilities are not affected or have been relocated to the satisfaction of the water, wastewater or utility companies.

There are no easements for water, wastewater or utilities located in the vicinity of the proposed ROW.

This plat is for ROW purposes only and will not effect any easements.

The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.

The right-of-way dedication plat has been reviewed by staff, including the Summit County Surveyor, and found to meet the standards of the Land Use and Development Code and is suitable for recordation.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN19-136, a Class 6 Right-of-way Dedication Plat to dedicate 0.413 acres of land to the Colorado Department of Transportation, with the following findings:

Findings:

1. The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5). The ROW to be dedicated will facilitate the Highway 9 Gap Project.
2. The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.
3. Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations and the County Commons PUD.
4. There are no easements necessary for the provision of water, wastewater or utilities.
5. The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.