

**BOARD OF COUNTY COMMISSIONERS**  
February 12, 2019

**PLANNING CASE #PLN18-118: CLASS 6 - General Subdivision Exemption Plat /Lot Line Adjustment to reconfigure the Lot line located between Lot 21 and Tract AR, Dercum's Dash**

**NEW BUSINESS**

**PROJECT INFORMATION:**

Location: 0101 and 0118 W Trade Ct. (CR278)  
Project/Request: General Subdivision Exemption Plat /Lot Line Adjustment to reconfigure the Lot line located between Lot 21 and Tract AR, Dercum's Dash

**ISSUES:**

Tree Cutting Violation

**SNAKE RIVER PLANNING COMMISSION RECOMMENDATION:**

None needed for this type of general subdivision exemption application.

**RESOLUTION STATUS:**

Draft Resolution is attached.

**STAFF RECOMMENDATION:**

Approval with 5 findings and no conditions.

**ATTACHMENTS:**

- A. Draft Resolution of Approval
- B. Proposed Plat
- C. Lot AR Clubhouse/employee housing conceptual drawings



PLANNING DEPARTMENT

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**STAFF REPORT**

**TO:** Board of County Commissioners

**FROM:** Lindsay Hirsh, Senior Planner

**FOR:** Meeting of February 12, 2019

**SUBJECT:** PLN18-114: General Subdivision Exemption Plat /Lot Line Adjustment to reconfigure the Lot line located between Lot 21 and Tract AR, Dercum's Dash

**APPLICANT:** David Bernstein, Crestwood Development LLC

**OWNER:** Andrew Grolnick Revocable Trust (Lot 21) and David Bernstein, Crestwood Development LLC (Lot AR)

**REQUEST:** General Subdivision Exemption Plat /Lot Line Adjustment to reconfigure the Lot line located between Lot 21 and Tract AR, Dercum's Dash

**PROJECT DESCRIPTION:**

**Location:** 0101 and 0118 W Trade Ct. (CR278)

**Legal Description:** Lot 21 and Tract AR, Dercum's Dash Subdivision

**Existing Zoning:** Dercum's Dash Neighborhood PUD

**Proposed Use:** Single Family Residential (Lot 21) and Clubhouse/Caretaker Unit (Tract AR)

**Other Uses:** Primarily as permitted in the R-1 zoning designation

**Adjacent land uses:**

- East:** Lot 23, Dercum's Dash Neighborhood, vacant residential
- West:** Lot 20, Dercum's Dash Neighborhood, vacant residential
- North:** West. Trade Ct, CR 278, County R.O.W
- South:** Tract C, Dercum's Dash Neighborhood, Private open space

**DEVELOPMENT REQUIREMENTS:**

**Setbacks:**

- Existing/Required:** As per defined building setback/disturbance envelopes as defined on plat
- Proposed:** As per defined building setback/disturbance envelopes as defined on plat (See Below for Lot Size and Disturbance Envelope analysis.)

**Background:**  
The Dercum's Dash PUD was originally approved by the BOCC on September 13, 2004 under Reception No 1030649 (PLN03-142). The PUD was amended on August 24, 2010 Reception No. 1030651 to address a typological error related to the length of validity associated with a Development Agreement (PLN10-119). Most recently, the PUD was amended on May 1, 2014, and is currently in effect (Reception No. 1059821). This amendment added language pertaining to a retaining wall, modified language related

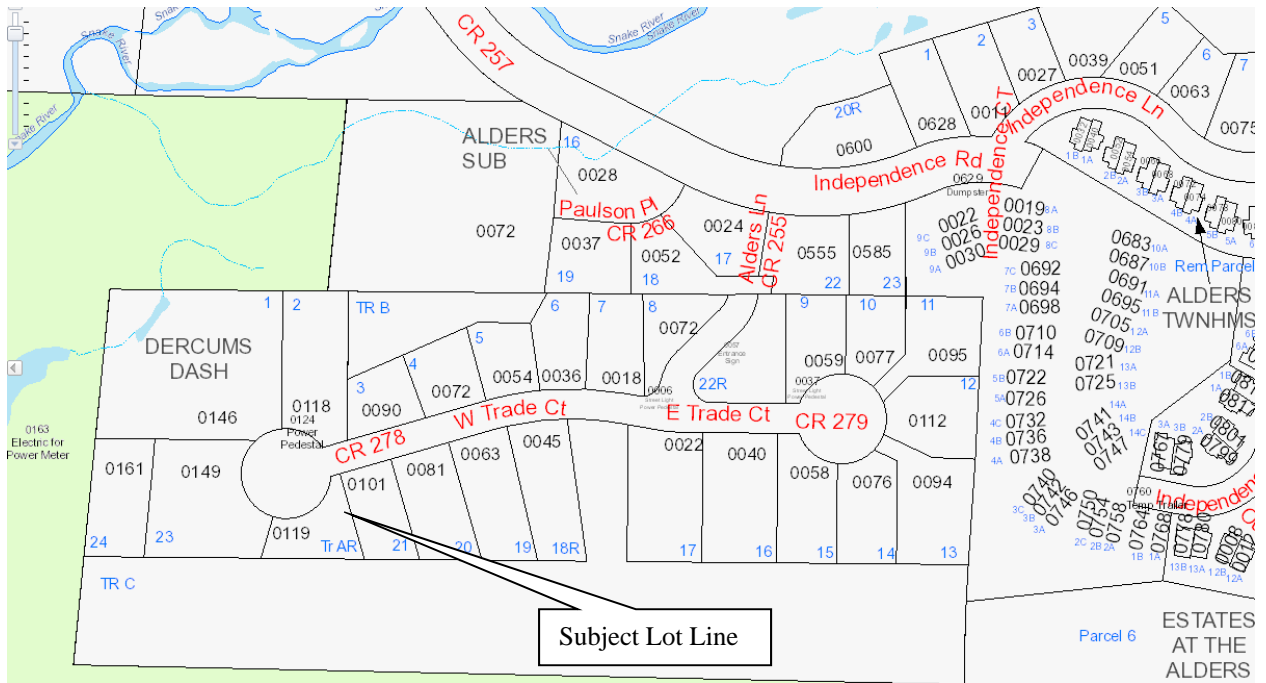
to fire district, and modified the conceptual development plan of the PUD to reflect a change in location of the clubhouse parcel (now Parcel AR) from the front of the subdivision to its present location adjacent to Lot 21 (PLN14-101). Lot 21 is allowed one single family residence and Lot AR is permitted a maximum of a 6,000 sq. ft. clubhouse and a 900 sq. ft. employee housing unit. The PUD states the following regarding the use for Tract AR:

- b. A clubhouse with a maximum size of 6,000 square feet that is limited to the use of Owner/Developer or guests staying in the Property shall constitute a permitted use upon one lot designated for such use on Exhibit B.
- c. One 900 sq. ft (maximum) employee housing unit that shall be required in conjunction with the clubhouse lot, subject to meeting the following requirements:
  - i. The employee housing unit shall be reserved solely for that purpose by a deed restriction and shall include the following provisions:
    - Only individuals employed at least 30 hours/week within Summit County are eligible for renting the employee unit.
    - All rental contracts shall be long term (at least six (6) months in duration) and no short term rentals shall be allowed.
    - Individuals employed with the Designation or within the Keystone Resort Area shall be given first preference in renting these units.
  - ii. Such a covenant shall be reviewed and approved by the County Attorney's Office and the Summit Housing Authority and recorded prior to the issuance of any certificate of occupancy for the clubhouse building.

It should be noted that the PUD does not stipulate a development or time trigger to build either the clubhouse or the employee housing unit however it does appear that the clubhouse and employee housing unit are to be built in conjunction with each other

The Dercum's Dash Neighborhood Plat was originally approved by the Board of County Commissioners ("BOCC") on December 7, 2010 and recorded under Reception Number 1030653 (PLN10-138). The plat was subsequently amended to relocate Tract AR to its current location on July 22, 2014 and recorded under Reception Number 1059823.

### **Vicinity Map**

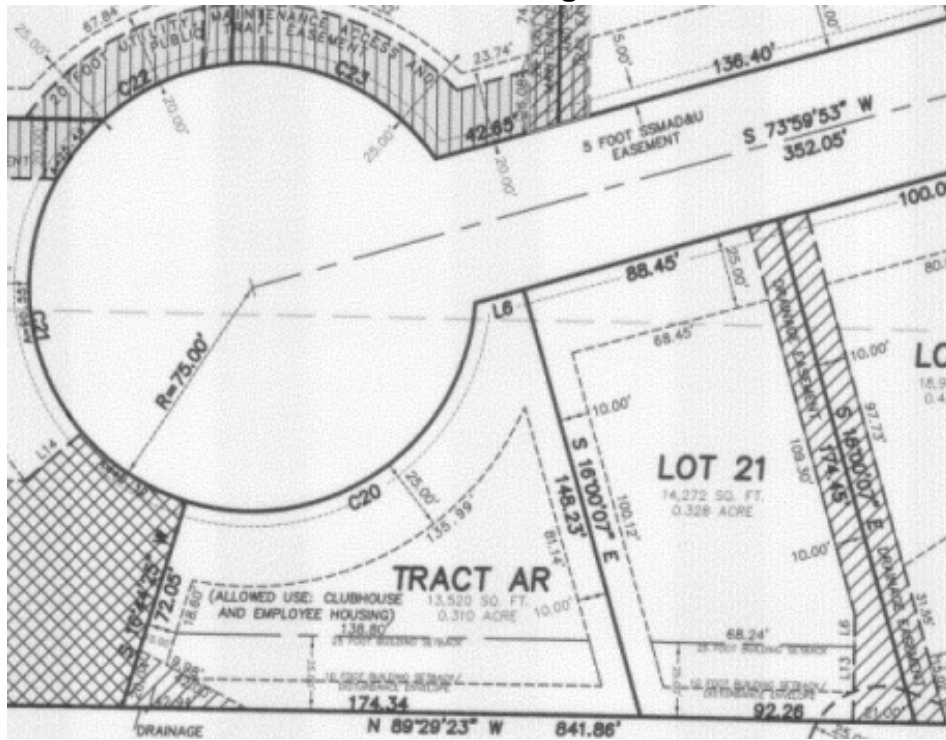


It is the applicant’s intent to move the lot line located between Lot AR and Lot 21 to make Lot 21 larger. The following table illustrates the proposed change in lot sizes and disturbance envelopes:

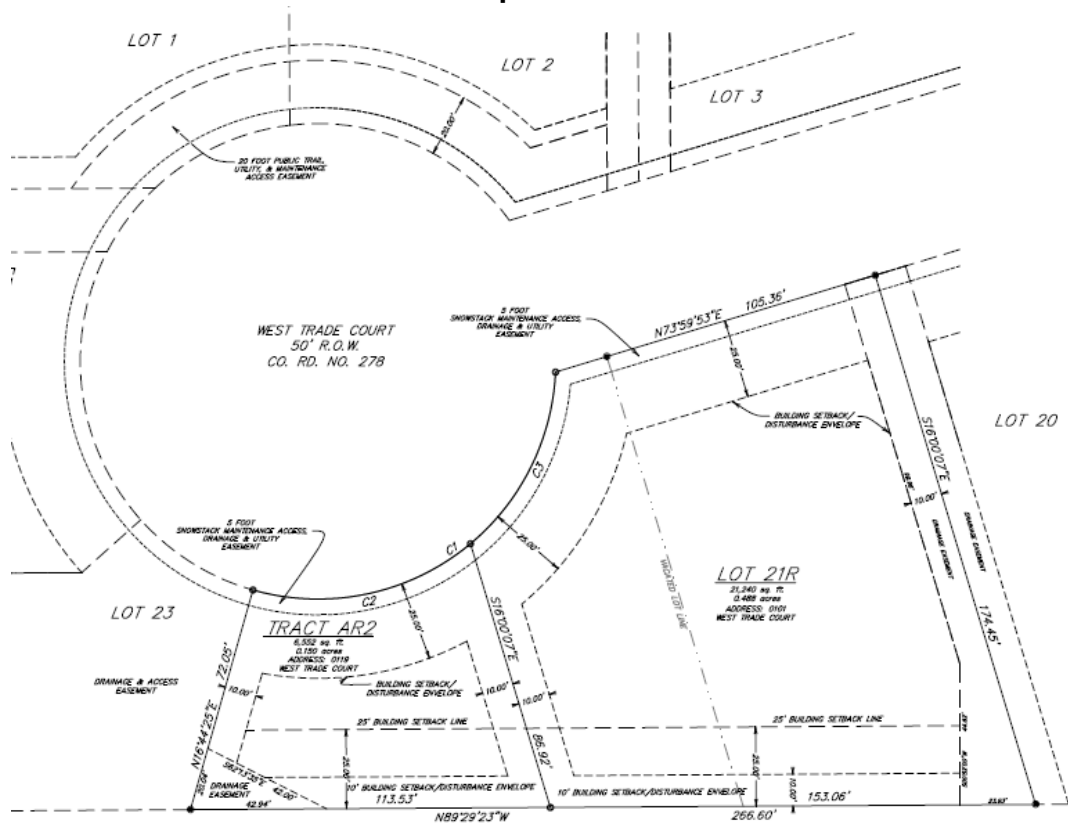
	Disturbance Envelope	Lot Size
Existing Plat - Lot 21	7,494/sq. ft.	14,272 sq. ft.
Existing Plat - Tract AR	13,520/sq. ft.	13,520 sq. ft.
Proposed Plat - Lot 21R	11,618 sq. ft.	21,240 sq. ft.
Proposed Plat - Tract AR2	1,387 sq. ft.	6,552 sq. ft.

Staff notes that this results in a fairly substantial increase in the size of the disturbance / building envelope for Lot 21R. The PUD does not stipulate a maximum square footage for single family homes and as such, the size of the home is it related to the size of disturbance and building envelopes. The proposed lot line adjustment does not pose a significant change to the conceptual development plan in the PUD.

Portion of Existing Plat



Proposed Plat



**Criteria for Decision:**

Per Section 8402.01.F of the County's Land Use & Development Code ("Code"), subdivision exemptions for adjustments and vacations of lot lines or easements shall comply with the following Criteria for Approval:

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).
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.

**Note:** Criterion 5 and 7 are only applicable for lot line vacations. As such, those two criteria are not reviewed in this staff report.

**Will Not Circumvent the Intent of the Subdivision Regulations**

The subdivision exemption will not create any additional building sites and the subdivision exemption is not within the purposes of the State subdivision statutes. This application will result in a change to Lots 21 and Lot AR of the Dercum's Dash Neighborhood plat to make Lot 21 larger.

**Resulting Lots Comply with the Zoning Regulations**

The subject lots will be in compliance with the zoning regulations for the Dercum's Dash Neighborhood PUD, specifically regarding compliance with applicable development standard requirements and the ability to accommodate the permitted uses. As stated above, there is no trigger in the PUD which requires the developer build either the clubhouse or the employee unit, however they are to be built in conjunction with each other. As part of the submittal requirements the applicant did provide drawings indicating that the clubhouse including the employee unit could still be accommodated on the proposed smaller Lot AR.

There has been an ongoing investigation into PUD violations involving both the original developer and the applicant involving potential excessive tree cutting, potential wetland and wetland setback violations, and the need for temporary use permits for a construction container and a sales office. These issues are nearing resolution through negotiations between staff, the County Attorney's Office and the two property owners. Staff anticipates this will be resolved prior to the meeting; however if not fully resolved staff recommends that this item be continued to the next meeting, or a condition may be placed on this approval that would require resolution prior to plat recordation.

The County Engineering and Building Departments reviewed the submitted materials and has indicated that they have no comments or concerns with the subject request.

**Utility Easements Not Affected or Have Been Relocated**

All applicable utility providers were referred to on the subject application and none had any comments or concerns with the proposed replat.

**Plat Illustrating the Lot Line Adjustment is Drawn in Accordance with Standards in These Regulations and Is Suitable for Recordation**

The County Surveyor has reviewed the replat and indicated that it meets all applicable requirements of Section 8700 of the County's Land Use & Development Code and is suitable for recordation.

**Ad Valorem Taxes**

The County Treasurer has indicated that the ad valorem taxes have been paid for Lot 2I and Lot AR.

**Staff Recommendation:**

Staff recommends that the Board of County Commissioners approve PLN18-114: a General Subdivision Exemption Plat /Lot Line Adjustment to reconfigure the Lot line located between Lot 2I and Tract AR, Dercum's Dash with the following findings:

1. The subdivision exemption will not create any additional building sites and the subdivision exemption is not within the purposes of the State subdivision statutes.
2. The lot will be in compliance with the zoning regulations for the Dercum's Dash PUD, specifically regarding compliance with applicable development standard related requirements.
3. All applicable utility providers were referred to on the subject application and none had any comments or concerns with the proposed replat.
4. The applicant has provided a plat that meets all County standards because, without limitation, the County Surveyor has reviewed the Plat and confirmed compliance with County Standards.
5. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision have been paid.

**Attachments:**

- A. Draft Resolution of Approval
- B. Proposed Plat
- C. Lot AR Clubhouse/employee housing conceptual drawings