



DEPARTMENT OF COMMUNITY DEVELOPMENT

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Grand County Planning Commission

Certificate of Recommendation March 9, 2016

PROJECT NAME: Amended Final Plat, Amended Lot 32, Amended Lot 33, Lot 34, Lot 39, Lot 41, Winter Park Highlands Unit 1

APPLICANT: Cress E. Carter

LOCATION: Amended Lots 32,33 and Lots,34,39 and 41 (112, 170 and 222 County Rd. 8524 aka Elk Run AND 857 and 893 County Rd. 852 aka Bear Paw Dr.)

APPLICABLE REGULATIONS: Zoning Regulations, Subdivision Regulations

EXHIBITS: Amended Final Plat, Vicinity Map

STAFF PLANNER: Brett Hanlon

REQUEST: The applicant is requesting an amended final plat that will combine five lots into two lots. To do this, he is proposing to vacate the necessary lot lines to combine Lots 32, 33 and 41, effectively creating an 8.42 acre parcel, and combine Lots 34 and 39 to create a 3.40 acre parcel. The applicant is also proposing to vacate the 10-foot utility and access easements that exists along the rear property lines of each of the lots.

I. DISCUSSION

The applicant is proposing an amended final plat to combine five lots into two lots. To accomplish this, the applicant is proposing to vacate the lot line that exists between Lots 34 and 39 in order to create a 3.40 acre parcel to be named "Lot 39A". The existing Lot 39 has a home on it and it is accessed off of County Road 852. The current Lot 34 features a slope in excess of 40 degrees that makes the site difficult to develop. The applicant has no plans to build on the existing Lot 34. It will simply be added to Lot 39 to create a larger lot. Further, the applicant is proposing to vacate the lot lines that exist between Lots 32 and 33 and Lots 32 and 41. When these lot lines are vacated, a new 8.49 acre parcel, to be known as "Lot 41A", will be created. All three of these existing lots are vacant. Lots 32 and 33 are very steep and will be difficult to build on. If the proposal is approved, the applicant plans to build a new home just north of the current boundary of Lots 32 and 41.

The applicant is also proposing to vacate the 10-foot utility easements that exist along the rear lot lines of each parcel. These easements are not dedicated to the public and therefore the County does not have the authority to vacate them. In the Winter Park Highlands Protective Covenants recorded in 1969 at Book 164, Page 376, the developer, Winter Park Highlands, Inc. reserved these easements for utility service lines. Considering the fact that Winter Park Highlands, Inc. is no longer an active corporation, it is the County Attorney's determination that the easement can be vacated only by receiving quitclaim deeds from each of the major utility companies that service this subdivision. This has been made a condition of approval. If these quitclaim deeds are not received prior to recording, the easement vacations cannot be processed in conjunction with this amended final plat.

II. REGULATIONS

A. ZONING REGULATIONS

The zoning of the five parcels involved in this amended final plat is Residential.

- (a) This zone allows for single family dwellings, so the existing and proposed uses of the lots is permitted.
- (b) This zone requires 30' minimum front yard setbacks, 5' minimum side yard setbacks and 20' minimum rear yard setbacks. When these setbacks are applied, there will be buildable areas.
- (c) The applicant's five parcels are not served by public sewer or public water. Therefore the minimum lot size is 30,000 square feet. The proposed new lots both meet this minimum lot size requirement.

B. SUBDIVISION REGULATIONS – 4.3 Final Plat

The amended final plat shall contain or be accompanied by the following information:

- (a) Title (which shall include the phrase “Amended Final Plat”), bar scale, North arrow and date).**

The title of the amended final plat shall be amended to read:

AMENDED FINAL PLAT
AMENDED LOT 32, AMENDED LOT 33, LOT 34, LOT 39, LOT 41, WINTER PARK HIGHLANDS UNIT 1
BEING A REPLAT OF AMENDED LOT 32 AND AMENDED LOT 33, AMENDED FINAL PLAT WINTER PARK HIGHLANDS UNIT 1,
RECEPTION NO.96005481
AND LOT 34, LOT 39, LOT 41, WINTER PARK HIGHLANDS UNIT 1, RECEPTION NO. 109677
LOCATED IN A PORTION OF THE E1/2 OF SECTION 27
TOWNSHIP 1 NORTH, RANGE 76 WEST, 6TH PM
COUNTY OF GRAND, STATE OF COLORADO
CONVEYANCE TO OWNER RECORDED AT RECEPTION #2011-006104, 2013-006696, 2011-005580 AND 2011-002472

- (b) Legal description of property, together with a complete reference to the book and page of records of the County Clerk and Recorder where the conveyance to the applicant is recorded.**

A correct legal description will need to be determined. This legal description will need to be included in the dedication statement. A suggested legal description is:

Lot 34, Lot 39 and Lot 41, Winter Park Highlands Unit 1, according to the plat recorded at Reception No. 109677. And Amended Lot 32 and Amended Lot 33, Amended Final Plat Winter Park Highlands Unit 1, according to the plat recorded at Reception No. 96005481, except any portion of subject property shown on the survey by Azimuth Survey Company dated October 11, 2004, Job No. 04054, and recorded February 23, 2005 at Reception No. 2005-001783.

- (c) Primary control points, or descriptions, and ties to such control points, to which dimensions, angles, bearings, and similar data on the plat shall be referred.**

✓This requirement has been met.

- (d) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and**

property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.

✓ This requirement has been met.

(e) Names and right-of-way width of each street or other right-of-way.

Label the county road numbers (CR 852 and 8524) and label the width of the rights-of-way.

(f) Location, dimensions and purpose of any easement, including reference by book and page to any pre-existing recorded easements.

Label where the 10-foot utility easements along the road right-of-way lines are recorded (Rec. # 109677). Also, label where all of the other easements on the properties are located (Rec. # 2006-003447, 2006-003448, 2006-003449, 2006-003450, 2006-003451, 2008-00748).

(g) Number to identify each lot or site and acreage of each site to nearest 1/100th of an acre, and a statement that all lots shall be used for single-family residences only.

Label the new lots "Lot 39A" and "Lot 41A". Include the new physical address on the plat. "Lot 39A" will have the address of 857 County Road 852. "Lot 41A" will have the address of 893 County Road 852.

(h) Purpose for which sites, other than residential lots, are dedicated or reserved.

✓ This requirement has been met.

(i) Location and description of monuments.

✓ This requirement has been met.

(j) Current title commitment.

✓ This requirement has been met.

(k) Statement by owner platting the property and dedicating the streets, rights-of-way, easements and any sites for public uses, to be in substantially the following form:

A part of the Dedication Statement shall be amended to read as follows:

...THAT HE HAS CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVYED AS AMENDED FINAL PLAT, AMENDED LOT 32, AMENDED LOT 33, LOT 34, LOT 39, LOT 41, WINTER PARK HIGHLANDS UNIT 1, AND DOES HEREBY...

An accurate legal description will also need to be determined and incorporated into this dedication statement.

(l) Certification by a surveyor insuring the accuracy of the survey and plat and certifying that he has complied with the requirements of Colorado Revised Statutes, 1973, Title 38, Article 51,

and the requirements of these Regulations in the preparation of the final plat, to be in substantially the following form.

Part of the surveyor's certificate shall be amended to read as follows:

...DO HEREBY CERTIFY THAT THIS PLAT OF AMENDED FINAL PLAT, AMENDED LOT 32, AMENDED LOT 33, LOT 34, LOT 39, LOT 41, WINTER PARK HIGHLANDS UNIT 1, AND DOES HEREBY....

The surveyor's certificate required by the subdivision regulations shall be used. Currently the subdivision exemption surveyor's certificate is on the plat.

(m) Certificates for approval by the Planning Commission and the Board of County Commissioners.

The commissioner's certificate required by the subdivision regulations shall be used. Currently the subdivision exemption commissioner's certificate is on the plat.

(n) Certification by a qualified professional engineering, designing or planning firm, insuring compliance with the design standards and all other requirements of the Grand County Subdivision Regulations, as follows:

The planner's certificate shall be added to the plat according to the subdivision regulations

(o) A two and one-half by three inch (2 1/2" x 3") vertical box in the lower right hand corner shall be provided for use by the County Clerk and Recorder.

✓ This requirement has been met.

(p) Documented proof of legal access.

Not applicable

(q) A vicinity map.

✓ This requirement has been met.

(r) The subdivider shall provide storm drainage plans, property survey, proof of ownership, sanitary sewer plans.

Not applicable

(s) The subdivider shall provide sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.

✓ This requirement was met with the original platting of Winter Park Highlands.

- (t) **No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by this section and by the County Planning Commission or the Board of County Commissioners have been submitted.**

✓This requirement was met with the approval of the original Winter Park Highlands plat.

- (u) **Major Activity Notice**

Not applicable

- (v) **Each month the Board of County Commissioners shall submit copies of the notice of filing.**

Not applicable

- (w) **An 11" x 17" plat with approved addresses and road number as required.**

This will not need to be submitted. "Lot 39A" will have the address of 857 County Road 852. "Lot 41A" will have the address of 893 County Road 852.

- (x) **Statement of taxes due showing current taxes paid**

A statement of taxes showing that all current taxes have been paid shall be submitted prior to the recording of this amended Final Plat.

- (y) **An electronic copy of the Final Plat in AutoCAD.dwg or AutoCAD.dxf format shall be provided prior to any recording of any Final Plat. The drawing shall be based or transformed to a known coordinate system, not an assumed local coordinate system. If GPS Lat/Long is not used for this reference, the Geographic Coordinate Data Base should be used to obtain relative coordinates available from the BLM at www.blm.gov/gcdb. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system.**

This will need to be provided prior to the recording of this Amended Final Plat.

III. STAFF RECOMMENDATION

Staff recommends the approval of the Amended Final Plat, Amended Lot 32, Amended Lot 33, Lot 34, Lot 39, Lot 41, Winter Park Highlands Unit 1, with the following conditions to be met prior to the recording of this amended final plat.

1. Quitclaim deeds from Mountain Parks Electric, Xcel Energy, CenturyLink and Comcast conveying all of their interest in the 10-foot utility easements located along the rear property lines of Lots, 32,33,34,39 and 41 Winter Park Highlands Unit 1 to the applicant shall be submitted.
2. Add a plat note that states: The purpose of this amended final plat is to combine five lots into two lots and vacate the utility easements that exist along the rear property lines of these lots.
3. The title of the plat shall be amended (see (a) above).

4. The legal description shall be amended (see (b) above).
5. Label where the 10-foot utility easements along the road right-of-way are recorded (Rec. # 109677)
Also, label where all of the other easements on the properties are located (Rec. # 2006-003447, 2006-003448, 2006-003449, 2006-003450, 2006-003451, 2008-00748, see (f) above).
6. Label the new lots "Lot 39A" and "Lot 41A" (see (g) above).
7. Label the physical addresses on the two new plats. "Lot 39A" will have the address of 857 County Road 852. "Lot 41A" will have the address of 893 County Road 852 (see (g) above).
8. Add county road numbers for Elk Run (County Road 8424) and Bear Paw Drive (County Road 852) and label the width of each of these rights-of-way (see (e) above).
9. The dedication statement shall be amended (see (k) above).
10. Amend the surveyor's certificate (see (l) above).
11. Amend the commissioner's certificate (see (m) above).
12. Add a planner's certificate that is consistent with the subdivision regulations (see (n) above).
13. A letter from the Winter Park Highlands HOA stating that they approve of the combining of five lots into two lots and the associated vacation of utility easements shall be provided.
14. Note of Relevance #1 shall be updated to reference the updated title policies for each lot.
15. A notary signature line shall be added under the lienholder's signature line.
16. Add lot and block information for the surrounding properties.
17. Show a portion of the lot lines of the surrounding properties.
18. A statement of taxes showing that all current taxes have been paid shall be submitted prior to recording (see (x) above).
19. An electronic copy of the amended final plat shall be submitted prior to recording (see (y) above).
20. All recording fees are to be paid by the applicant.