



Date: 02/12/2024

To: Mayor Kudron and Board of Trustees

From: Kimberly White, Community Development Director

Re: **Public Hearing (Quasi-Judicial)** Resolution 07-2024; A Resolution Recommending Approval of a Lot Consolidation of Lots 3-5, Block 1, Sunnyside Addition to Grand Lake, More Commonly Referred to as 240 and 300 Hancock Street



Purpose

The Town has received a lot consolidation request application from James Martell of Martell Real Estate Group, LLC to consolidate three (3) contiguous legal lots into one for the purpose of having one business property. This request requires Planning Commission recommendation and Board review.

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Public Hearing Process

The public hearing should be conducted as follows:

1. Open the Public Hearing
2. Allow staff to present the matter
3. Allow the applicant to address the Board
4. Take all public comment
5. Close the Public Hearing
6. Have Board discuss amongst themselves
7. Board make a motion

Municipal Code

M.C. 12-6-8 (B) Lot Consolidations

Any property owner requesting to combine two or more contiguous legal lots in a previously recorded subdivision, planned development, or traditional residential development, which are owned by the same person or entity must apply for a Lot Consolidation to be submitted for review by the Planning Commission and approval by the Board of Trustees.

1. *Lot Consolidations are defined as meeting all of the following criteria*
 - a. *Affecting property that was previously subdivided into legally recognized lots or parcels*
 - b. *Not relocating or reconfiguring previously established lot lines*
 - c. *Not resulting in a new lot that had previously been separate lots divided by a public or private road*
 - d. *Not creating or resulting in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard or regulation including, but not limited to, lot area, minimum frontage, building height, setbacks, density, public or private road or private drive standards, parking, or access.*
 - e. *Not altering public right-of-way or easements reserved for drainage or utilities of any kind located on the combined lots*
2. *Submittal Requirements*
 - a. *The applicant shall provide the following submission materials:*
 1. *Application Form*
 2. *Application fee or deposit*
 3. *Proof of ownership in the form of a deed of title*
 4. *Project description (narrative) including the following:*
 - a. *Detailed description of lot and block numbers, new location of adjusted lot line with project coordinates, and resulting lot acreages*
 - b. *Detailed description of type, size, and location of existing structures on all lots.*
 5. *A list of and addresses for all owners of adjacent property and all owners of easements over, through, or across the property.*

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6. *Lot Consolidation Plat (24" x 34") prepared by a registered land surveyor and drawn to a scale of no less than 1" = 50' (see 12-9-2 (E) and 12-9-11 (K) for specific items)*

3. *Review Procedures*

a. *The Town Planner will have fourteen (14) days from date of submission to determine completeness. Upon acceptance by the Town Planner for submission completeness, the Lot Consolidation request shall be reviewed by the Planning Commission at the next regularly scheduled public meeting. After receipt of recommendation by the Planning Commission, the Board of Trustees shall review the Lot Consolidation request at their next regularly scheduled public meeting.*

4. *Review Criteria*

a. *The Planning Commission and Board of Trustees shall apply the following review criteria in considering an application. No application shall be approved unless the Board of Trustees determines that all criteria have been met:*

1. *The combined lot(s) are legal lots as defined in section 12-6-8(A)1*
2. *The combined lot(s) would not subsequently create additional lots other than the resultant lot(s)*
3. *The lot consolidation would not adversely affect existing access, drainage, utility easements, or rights-of-way*
4. **The lot consolidation would not adversely affect adjacent properties and the property owners' enjoyment of their property*
5. *Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lot(s)*

** For regulations governing maximum permitted floor area of structures on properties with combined lots, see sections 12-2-10(C) to 12-2-18(C).*

5. *Procedure Following Approval*

a. *Where the Board of Trustees has determined that a proposed Lot Consolidation complies with the requirements of these regulation, the Final Lot Consolidation Plat shall be endorsed by the Chair of the Planning Commission and the Mayor of the Town and thereafter the Town Clerk shall file the approved Plat with the Town and with the Grand County Clerk and Recorder.*

6. *In Perpetuity*

a. *Once a Lot Consolidation Plat has been approved, filed, and recorded, the resultant lot(s) are to be considered one (or more) new lot(s), in perpetuity, never to be sold separately or mortgaged separately. Only upon reapplication with the Town to re-subdivide the resultant lot(s) again can these lot(s) be sold or mortgaged separately.*

Staff Comments

The applicant has provided all of the appropriate submission materials as part of the submission package, including an application fee payment, deed of title, a list of adjacent property owners

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and easements (listed in the title commitment), and a proposed lot consolidation plat (exhibit A). The property complies with all of the requirements for lot consolidation.

Staff believes the applicant meets the criteria for approval by the Board of Trustees in the following ways:

- The combined lots as shown on the proposed plat meet all the attributes as defined under section 12-6-8(A)
- No other lots are created other than the one consolidated lot
- The driveway, existing right of way, site drainage, and public utilities are not adversely affected by this lot consolidation, however there is a 1996 perpetual parking easement agreement for lot 4 for public utilities, fire truck access, and parking which will continue unaffected by this lot consolidation (record # 96007810).
- No deed restrictions or conditions are listed on the Applicant's warranty. Staff is unaware of any other covenants or restrictions if they exist. All perpetual easements are listed in the history notes of the lot consolidation plat.

Suggested Motions For Lot Consolidation Request:

1. I move to adopt resolution 07-2024, as presented.

Or

2. I move to adopt resolution 07-2024, With the Following Modifications

_____.

Or

3. I Move To Deny The Request As Presented.