

**BOARD OF COUNTY COMMISSIONERS**  
**June 11, 2019**  
**PLANNING CASE #PLN19-009 : LODGE AT BRECKENRIDGE PUD**  
**MAJOR PUD AMENDMENT**  
**PUBLIC HEARING**

**PROJECT INFORMATION:**

Location: Overlook Drive & Retreat Drive at Boreas Pass Road and Baldy Road

Project/Request: A request for a Major PUD Modification to the Lodge at Breckenridge PUD to bring in 3.31 TDRs in order to increase the permitted unit size for 12 residences; Lot 10, Overlook Retreat at Breckenridge, 5.19 acres zoned Lodge at Breckenridge PUD.

**ISSUES:**

None

**PLANNING COMMISSION RECOMMENDATION:**

The Upper Blue Planning Commission recommended approval at their May 23, 2019 meeting

**RESOLUTION STATUS**

Draft Resolution attached

**STAFF RECOMMENDATION:**

Approval with 10 findings and 2 conditions.

**ATTACHMENTS:**

1. Vicinity Map
2. Visually Important Lands Map, Upper Blue Master Plan
3. Proposed PUD language, (text only, changes on pgs. 3, 4, 5, 6)
4. Proposed Conceptual Development Plan, Exhibit B of PUD
5. Colorado State Forest Service Comments
6. Traffic Engineer Letter
7. Project Narrative
8. Draft Resolution



**STAFF REPORT**

**TO:** Board of County Commissioners

**FROM:** Sid Rivers, Planner II

**FOR:** Meeting of June 11, 2019

**SUBJECT:** Planning Case PLN19-009, Major PUD Modification to the Lodge at Breckenridge PUD to bring in 3.31 TDRs in order to increase the permitted unit size for 12 residences; Lot 10, Overlook Retreat at Breckenridge.

**APPLICANT:** Tim Crane, Compass Homes

**OWNER:** Guest Services 112, LLC

**REQUEST:** A request for a Major PUD Modification to the Lodge at Breckenridge PUD to bring in 3.31 TDRs in order to increase the permitted unit size for 12 residences; Lot 10, Overlook Retreat at Breckenridge, 5.19 acres zoned Lodge at Breckenridge PUD.

**PROJECT DESCRIPTION**

**Location:** Overlook Drive & Retreat Drive at Boreas Pass Road and Baldy Road

**Legal Description:** Overlook Retreat at Breckenridge; Resub. Lot 10, The Overlook, F1

**Existing Zoning:** Lodge at Breckenridge PUD

**Proposed Use:** Single Family Residential

**Other Uses:** None

**Total site area:** 5.19 acres

**Adjacent land uses:**

**North:** Boreas Pass Road (paved)

**East:** Boreas Pass Road (paved), Overlook Drive (CR 514, unpaved)

**South:** Overlook Drive (unpaved), Lodge and Spa at Breckenridge

**West:** Overlook Drive (unpaved)

**DEVELOPMENT REQUIREMENTS, LODGE AT BRECKENRIDGE PUD LOT 10**

	<b><u>Allowed</u></b>	<b><u>Proposed</u></b>
<b>Density limit:</b>	14 units/ <1,800 s.f. each	12 units/ <3,000 s.f. each 2 units/ <1,800 s.f. each
<b>Height:</b>	28'	35'

**BACKGROUND**

The subject property is a 5.19 acre lot surrounded by Boreas Pass Road on the north and east sides, and by Overlook Drive on the south and west sides. This property is a part of the Lodge at Breckenridge Planned Unit Development (PUD), which includes the Lodge at Breckenridge commercial development as well as single-family lots. The Lodge at Breckenridge PUD was

established in 1990 and was most recently amended in 2017 (recorded at Reception number 1156977).

The subject property was originally platted as Lot 10 of the Overlook Filing 1 in 1995, and then re-subdivided in 2000 as The Overlook Retreat at Breckenridge (recorded at Reception number 634333). This replat created building lots for 14 units and four garage sites with common elements and utility easements on Lot 10, The Overlook, Filing 1. Two of the platted units were built (Units 13 & 14) while the remaining units and garages were never constructed.

### **Parcel Map and Current Subdivision Plat**

### **PUD Background**

The cabins, with the 1,800 square foot maximum size, first appear in the Lodge at Breckenridge PUD in 1993 (Recorded at Reception number 445024). Prior to this, the PUD was known as the Breckenridge Spa PUD (1991, Reception number 403487), which was formerly the Overlook Center PUD (1982, Reception number 238218). Prior to 1982 the property was zoned R-6.

The PUD as amended in 1993 allowed for six cabins with a maximum size of 1,800 square feet each. In 1996, the "Block 12 & 13, Woodmoor at Breckenridge PUD" (Reception number 513469) was approved and preserved Woodmoor Blocks 12 and 13 for public open space purposes by transferring eight units of density to Lot 10, The Overlook Subdivision, F1, while eliminating seven other units of density. The Lodge at Breckenridge PUD was then amended in 1997 (Reception number 549843) to accept the eight units of density, limited to 1,800 square feet in size, for Lot 10, The Overlook Sub., F1. Since then, Lot 10 has had the established density of 14 units, not to exceed 1,800 square feet in size.

The Block 12 and 13 Woodmoor at Breckenridge PUD and the 1997 Lodge at Breckenridge PUD amendment effectively accomplished a transfer of development rights from one property in the Upper Blue Basin to another, prior to adoption of official TDR regulations by the County. TDR regulations were adopted into the development Code in 2000.

Since that time, the proposed rental function and/or ownership status of the 14 cabin units for Lot 10 has varied, but the number of units and size permitted has remained unchanged. In 1999,

planning case PLN99-055 for a site plan for 14 single-family units on Lot 10 was approved (Resolution at reception number 597935, plat at Reception number 634333). A condition of approval required the applicant to record a covenant concurrently with the recordation of the final plat which would restrict the use of the units for commercial lodging purposes only as a part of the Lodge at Breckenridge lodging operations, so as to comply with the permitted uses as stated in the PUD designation dated October 14, 1997. The covenant was never recorded, as in May 2000 the PUD was amended to remove the requirement that the cabins must be used as part of the commercial lodging operations, instead allowing the commercial lodging use to be an option for each cabin (Reception number 645901). The current language regarding Lot 10 was approved in 2001 and reads as:

g) Fourteen (14) cabin units of 1,800 square feet of living space or less on Lot 10, The Overlook #1 for:

1. Use as a free standing single-family unit or condominium, or;
2. Use as free standing single-family unit or condominium which are submitted to a plan of time-share ownership:

Any or all of which may at the election of the respective owners be used for personal or rental use or be managed by the "Lodge at Breckenridge" as part of said Lodge's commercial lodging purposes on such terms as such owners and the Lodge Management shall mutually agree on."

The PUD language allows for the single-family or rental use of the units, which could be, but are not required to be managed by the Lodge at Breckenridge. Future rental use and management of these units will be addressed within the declaration and covenants for Lot 10.

**Proposed Action:**

This major PUD modification proposes to allow for larger home sizes for the remaining 12 units of density on Lot 10, as well as increase the allowed building height from 28' to 35'. The PUD allows for the residences on Lot 10 to be a maximum size of 1,800 square feet; the applicant proposes to bring in Transferable Development Rights (TDRs) to increase the maximum allowed residence size to 3,000 square feet. The PUD modification represents an upzoning and is therefore subject to the County's TDR regulations; thus requiring the transfer of 3.31 TDRs prior to the recordation of the PUD, as well as an application to amend the Official TDR Map of Summit County so that the subject parcel may receive density. This application is being processed concurrently with a TDR Map Amendment application (PLN19-010) to change Lot 10 from a Neutral area to a Receiving area. The Upper Blue Planning Commission ("UBPC") reviewed this application at their May 23, 2019 meeting.

Also associated with this application are planning cases PLN19-026, a site plan for the remaining 12 units in a new design and configuration on the property; and PLN19-036, a general subdivision exemption to replat Units 1-12, remove Lots SBE 1-4, modify the access easement, and establish common area and utility easements. This general subdivision exemption plat will also create a separate parcel for the constructed units (Units 13 & 14), and allow for redevelopment of the remaining portion of the parcel as proposed with the applications listed above. The PUD text specifies that Units 1-12 are allowed to be up to 3,000 square feet in floor area, while Units 13 and 14 are limited to 1,800 square feet. If the TDR map amendment is approved, all of Overlook Lot 10 will be designated as a receiving area, so if in the future the owners of Units 13 or 14 would desire to increase their home size, they could with a subsequent PUD amendment and TDR purchase.

**Planning Commission Review:**

The Upper Blue Planning Commission (UBPC) heard this request at their meeting on May 23,

2019 and recommended approval to the BOCC. The public comment portion of the hearing was conducted concurrent with the public comments for the TDR Map Amendment application (PLN19-010), as many of the residents had similar comments for both applications. Public comments were received regarding vehicular traffic, road conditions and maintenance, short-term rental usage, overflow parking, trash, and snow storage. The UBPC requested that staff perform additional analysis of traffic, snow storage, and future uses or expansion at the Lodge at Breckenridge during the appropriate development approval stage. Additionally, the UBPC requested that the applicant continue to work with the nearby residents regarding the potential for road improvements for the northwestern portion of Overlook Drive in the vicinity of Boreas Pass Road.

The traffic generated for the 12 remaining units will not increase or decrease by allowing additional square footage for each unit. The engineer for the applicant submitted a traffic generation letter showing that there would not be an increase in peak traffic volumes for the site (Attachment 6). Overlook Drive is a privately maintained road. The applicant will make improvements to the central portion of Overlook Drive and has agreed to work with the neighboring Home Owners Associations to potentially upgrade other portions of Overlook. The applicant has agreed to place signage at the western end of Overlook Drive indicating that the road is not a County maintained road and that rough conditions exist. Staff is also researching if Overlook Drive can be designated as "West Overlook Drive" and "Overlook Drive" to assist with wayfinding and navigation.

A short-term rental permit will be required for any of the units that will be rented on a short term basis. This permitting process will review the provisions for parking and trash removal. The future Home Owners Association will be responsible for the oversight of parking and trash removal for all of the units on Lot 10 regardless if they are occupied full time or rented short term.

Additional site specific analysis will occur with the upcoming Site Plan application (PLN19-026). Site Plan review is a technical review and will further evaluate the proposed development with the Code and PUD standards such as snow storage, building height, building materials, and lighting. Staff will appropriately condition site plan approval in order to ensure that remaining issues, if any, are addressed.

#### **REVIEW CRITERIA:**

Section 12202.05 of the Land Use and Development Code (Code) states that the BOCC may approve a Major PUD modification zoning amendment only if the application meets all relevant County regulations and standards and makes the following findings:

- A. The modification is consistent with the efficient development and preservation of the entire PUD.
- B. The modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest.
- C. The modification is not granted solely to confer a special benefit upon any person.
- D. The proposed PUD modification is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
- E. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations.
- F. The proposed PUD modification is consistent with the County's Rezoning Policies.
- G. The proposal is consistent with the policies constituting the purpose and intent allowing for the establishment of Planned Unit Development, as set forth in §12200.01 of this Code, as well as the policies supporting the purpose and intent of allowing a Major PUD Modification **Zoning Amendment, per §12202.01 of this Code.**

- H. In light of the purpose and intent of PUD designations and modifications, the proposal furthers the public health, safety integrity and general welfare, as well as efficiency and economy in the use of land and its resources.
- I. The applicant has provided final evidence of adequate water, sewer, access, utilities, and other required infrastructure.
- J. The Review Authority has reviewed and approved the PUD text and any revised exhibits, and, for the BOCC's review, the PUD is suitable for the Chairman's signature and recordation.

**A. The Modification Is Consistent With The Efficient Development And Preservation Of The Entire PUD.**

This application is consistent with the current PUD and the development goals for the site. The Lodge at Breckenridge PUD allows for a mix of commercial, lodging, and single-family residential uses. The current Lodge at Breckenridge PUD allows Lot 10 to have 14 units of 1,800 square feet in size under single-family or condominium or timeshare ownership. The applicant proposes to allow the unbuilt 12 units on Lot 10 be 3,000 square feet in size for single-family residential use and occupancy. The current option in the PUD that allows for timeshare ownership will be removed. The intent of the future development on Lot 10 is to construct the 12 remaining units as single-family residences with general common area to be maintained by an owner's association. The PUD language proposed is as follows:

e) To be situated on the Overlook Retreat, a resubdivision of Lot 10:

1. ~~Fourteen-Two (24)~~ cabin units of 1,800 square feet of living space or less each on The Overlook Retreat at Breckenridge for ~~u~~:

~~Use as a free standing single-family unit ("Lot 10 Cabins") or condominium, or: Use as free standing single family unit or condominium which are submitted to a plan of time share ownership. Said units shall both be situated on a separate, subdivided parcel of at least 1 acre, consistent with the revised conceptual development plan for Lot 10, attached hereto as Exhibit B1.~~

2. Twelve (12) cabin units of no less than 1,800 square feet of living space, and up to 3,000 square feet of living space, each on The Overlook Retreat at Breckenridge for use as a free standing single-family unit (Lot 10 Cabins), consistent with the revised conceptual development plan for Lot 10, attached hereto as Exhibit B1.

The applicant also requests a modification to the allowed building height within the Development Standards of the PUD to increase from 28' to 35'. The maximum height of 35' matches what is generally permitted for single-family residential structures throughout the County and what is allowed by the Code. Additionally, the Code standards for measuring height have changed since the PUD established the 28' height maximum. The current Code measures an absolute maximum height, where the Code previously allowed for an average height, averaging the highest and lowest points of a proposed structure. This would allow a building height to exceed the 28' height, provided that the height on the lower side of the structure averaged out to a height of 28'. Based on the sloping topography of the site and the differing methods of measuring heights, staff believes that this will not result in a significant change in the visual impact resulting from this development. Further, the Visually Important Lands Map (Attachment 2) places the subject property in an area of medium visibility, being visible from 10 - 60 points as described in the Upper Blue Master Plan. In contrast, areas of high and extreme visibility are visible from 60-100 points, and 100 or more points respectively.

Per the Code standards this proposal will require the use of Transferable Development Rights. Section 3506.02 reads:

**A. Applicability:** To carry forward the purpose and intent of the TDR program, the following regulations shall be applicable to all development that undertakes any of the following actions...No development project that seeks to utilize the TDR program regulations shall be approved by the County unless the provisions of this section are met. TDR program regulations are applied to various development projects in two ways: (1) utilization of the TDR program is mandatory for rezoning/upzonings; and (2) the TDR program may voluntarily be utilized in other types of development projects to mitigate issues.

1. **Rezoning/Upzonings:** An application for a zoning amendment or PUD modification that would increase the development rights (or equivalent thereof) associated with permitted or previously-approved conditional use(s) in any one or more of the following ways shall transfer development rights accordingly:

a. **Residential Density:** Increases the residential density of development beyond the maximum permitted by the existing zoning district; and/or

b. **Floor Area:** Increases the permitted residential, commercial or industrial floor area beyond that permitted by the existing zoning district or this Code

Per the TDR regulations this proposal represents an upzoning and therefore requires that the applicant provide TDRs to the Lot 10 site. The Code defines the single-family residential density of a single TDR to be equivalent to 4,356 square feet in size. Therefore, the applicant shall provide 3.31 TDRs to the site based on the following for Lot 10 as a whole.

<p>Additional s.f. x # of units = total s.f. increase          3,000 -1,800 = 1,200 s.f. x 12 units = 14,400 s.f.</p>	<p>Total s.f./ s.f. of 1 TDR = # of TDRs Required          14,000/ 4,356 = 3.305 = <b>3.31 TDRs</b></p>
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Per Planning Department procedures, numbers are calculated to two decimal places. Therefore, a total of 3.31 TDRs are required to be transferred to Lot 10 prior to the recordation of the PUD.

The PUD and Section 3509 the Code require that Public Use Area Fees (PUAF) be assessed for this application. The Lodge at Breckenridge PUD also states that Public Use Area Fees are only applicable when new additional square footage is added, new additional uses are added, or changes of use are requested. The Open Space and Trails Department has determined that the PUAF shall apply to the development proposed. The PUAF is \$1500 per unit of residential density. The PUAF due is based on the TDRs required for the site as follows: 3.31 x \$1,500 = \$4,965.00 payable in full prior to the recordation of the PUD.

The proposed application is consistent with the permitted mix of commercial and single-family residential uses in the PUD. The proposed building height increase to 35' conforms to the current Code standards. Additionally, the regulations requiring the provision of TDRs and PUAF in the PUD and the Code will be adhered to. In the future, if the owners of Unit 13 or 14 wish to increase their home size, they could with a subsequent PUD amendment and TDR purchase. Therefore, the proposed modification is consistent with this criterion.

**B. The Modification Does Not Affect, In A Substantially Adverse Manner, Either The Enjoyment Of Land Abutting Upon Or Across A Street From The PUD Or The Public Interest.**

The subject parcel is adjacent to a variety of parcels and densities; from large single-family lots, townhomes and condominiums, to the Lodge and Spa at Breckenridge - a large hotel, restaurant, and events facility. This facility hosts weddings, corporate events, and the like. Overflow parking for events is located on the vacant lot (Lot 9) located directly across from the

Lodge and Spa on Overlook Drive. Lot 9 is slightly less than one acre in size. The Lodge and Spa building, single-family lots and overflow parking lot are all a part of the PUD. To the northwest of the parcel, and across Boreas Pass Road to the east are areas with condominium and townhome development as identified on the following page.

The number of units permitted on Lot 10 has been established in the Lodge at Breckenridge PUD since 1997. The proposed increase in the single-family residence size will not impact the lands abutting or across the street from Lot 10.

There was some testimony at the public hearing before the Upper Blue Planning Commission on May 23, 2019 that the development would impact homes along the northwest side of the parcel, along the private road easement for Tyrollean Terrace and Ford Hill, as well as those homeowners on the downhill, southwest facing portion of Overlook Drive where the new proposed lots would access from the same portion of Overlook Drive as the single family lots. The applicant is engaging in discussions with those homeowners who are part of the Lodge at Breck PUD and who are all subject to the same existing road maintenance agreement. Staff is confident that the development as proposed will actually benefit those homeowners, as the portion of Overlook Drive serving the area will be significantly improved, and the active participation of the applicant and the new homeowner's association in the maintenance of Overlook Drive should result in improved snow removal and road maintenance for all of the PUD homeowners along Overlook Drive.

Regarding the portion of Overlook Drive that provides access to Tyrollean Terrace and Ford Hill, the public comment was generally that the road in that location is very rough and potentially poses a hazard to cars utilizing it. Staff and the applicant's research indicates that the road there is not a public road, but is instead a private access easement solely for the use of Tyrollean Terrace and Ford Hill. Staff and the applicant are working on signage to decrease the possibility of visitors and owners in the PUD utilizing the road in that location, and are looking into changing the name of the road in that location to distinguish it from the rest of Overlook Drive to help people using mobile mapping applications avoid it when accessing the PUD. Overall, from a land use perspective and given the fact that the numerical density is not changing as a result of this application, staff does not feel that the proposed changes will result in impacts, including parking, noise, and visual, to the neighbors beyond what would have occurred if the property were developed in its current configuration.

**C. The Modification Is Not Granted Solely To Confer A Special Benefit Upon Any Person.**

This application will promote infill development on a site that is suitable for development but has mostly remained vacant, and is not granted to confer benefit to any one person. While the constructed units (Units 13 & 14) will not have the ability to increase their units to the 3,000 square foot maximum size at this time; once this application, and the TDR Map amendment (PLN19-010) are approved, the constructed Units 13 & 14 would be eligible to obtain TDRs and apply for a major PUD amendment in order to increase the size of those units should they choose to do so. In addition, the proposed modification would result in utilization of the TDR program, which confers a benefit on all of the residents and visitors to Summit County through the preservation of open space and backcountry areas.

**D. The Proposed PUD Modification Is In General Conformance With The Goals, Polices/Actions And Provisions Of The Summit County Countywide Comprehensive Plan And Any Applicable Basin Or Subbasin Master Plans.**

The Countywide Comprehensive Plan (“Comprehensive Plan” or “CWCP”), Upper Blue Master Plan (“Master Plan” or “UBMP”), and the Joint Upper Blue Master Plan (“JUBMP”), each have multiple policies that are applicable to this application. Significant master plan policies applicable to this application include density and TDR policies as listed below.

**Countywide Comprehensive Plan**

**Urban Land Use**

- Goal A. Focus development within existing Urban Areas.
- Policy/Action 2. Future urban development should be focused within existing urban areas.
- Policy/Action 5. Encourage infill, redevelopment and adaptive reuse in urban areas.

**Transferable Development Rights (TDRs)**

- Policy/Action 2. Encourage the continued use of TDRs as a tool that can be utilized as an effective means to offset or mitigate impacts in a variety of land use processes or for various purposes if the circumstances of a particular application warrant (e.g., subdivision, conditional use permits)

**Design and Visual Resources**

- Goal B. Ensure that new development is designed in a visually sensitive manner, complementing the surrounding natural environment.
- Policy/Action 2. Ensure that development density is consistent with the goal of protecting views of visually important lands.

**Upper Blue Master Plan**

**Land Use Element**

- Goal A. Future land use should be consistent with a land use pattern that focuses growth in existing urban areas and seeks to maintain the character of rural areas in the Basin.

**Design and Visual Resources**

- Goal D. Protect and preserve the Basin’s scenic backdrops through identification, protection or mitigation, and sensitive design of development in visually important lands.

**Joint Upper Blue Master Plan**

**Land Use Element**

- Goal A. Future land use decisions should advance an urban/rural development pattern and not increase overall density in the Basin.
- Policy/Action 1. Locate new development within existing urban areas to the maximum extent possible.
- Policy/Action 3. No new density (beyond that currently zoned) shall be approved or allocated to any parcel within the Basin unless such density is transferred to the proposed development site in accordance with the guidelines established in basin transferable development rights (TDR) programs and the Towns and County Development Codes.

Policy/Action 4. Rezoning or other actions which increase density beyond the level currently zoned should require a transfer of development rights in accordance with established TDR program regulations.

#### Backcountry Protection

Policy/Action 3. Continue to encourage and incentivize development rights to be transferred out of designated backcountry TDR sending areas to designated TDR receiving areas in the urban area, which are more appropriate for development.

The Comprehensive Plan sets forth policies to define urban areas and rural areas in basin master plans. This has been implemented in the Master Plan, whereby a Land Use Designation (LUD) map designates an urban or rural LUD for each area and property in the Upper Blue Basin. Under the Master Plan, the property has a LUD "Residential 2", which is in the urban category and envisions single family residential uses with a maximum density of two units per acre. The current zoning which has been in place since 1997, and proposed increase in unit size is consistent with the Residential 2 LUD. Currently Lot 10 has density for 14 units; as proposed the remaining 12 units would increase in the maximum allowed size to 3,000 square feet. This does not change the overall density of 2.7 units per acre. While the number of units has already been defined in the PUD, the residential maximum size allowed will be increasing.

This urban parcel appears well suited for infill development. This parcel has been slated for 14 residential units since 1997 (12 remain to be constructed). Residential services and infrastructure are readily available to the site; including water from the Town of Breckenridge and sewer services from the Upper Blue Sanitation District. A Summit Stage bus stop is located in the area at Boreas Pass Road and Overlook Drive. Additionally, environmentally sensitive areas are avoided because there are no wetlands or steep slopes on the site, and access can be provided that can meet all applicable Road and Bridge standards. The proposed development blends with the character of the area, including the mix of uses at the Lodge at Breckenridge property. Infill development in this location is ideal based on the site access and services available.

A TDR Map amendment (PLN19-010) is being requested to accomplish the Goals and Policy/Actions from the master plans listed above. Specifically, amending the Upper Blue Basin TDR Map will promote the opportunity for infill development and the utilization of TDRs that will ultimately protect sensitive lands and the backcountry. The subject property is located in an urban area and has the ability to accommodate the proposed use with respect to being able to provide adequate water, sewer and access requirements. This development proposal will use TDRs appropriately while maintaining the mixed residential character of the area.

Per the requirements of Section 3506 et seq. of the Code the applicant will be required to purchase TDRs if the PUD modification and TDR Map Amendment are approved. It should be noted that all TDRs shall be acquired by the applicant prior to the recordation of the PUD modification. If the PUD modification and TDR Map Amendment are approved, the applicant will be required to purchase or acquire 3.31 TDRs. As proposed, the application of TDRs to this project is in conformance with the goals and policy/action items listed in the Master Plans pertaining to the use of TDRs to add density in infill areas within the County.

The Upper Blue Master Plan identifies visually important lands in the County and includes a Visually Important Lands Map. The subject parcel is identified as a medium visually important area per the Master Plan. While this parcel is adjacent to areas of high and extreme visual importance, it is not considered a highly visually important land itself, nor is it located on a prominent visual landmark. While this PUD amendment would allow an increase of the units on

Lot 10 from 28 to 35 feet, as stated earlier in this staff report, we do not anticipate that this change will substantially increase visual impact. The application was submitted to the Town of Breckenridge for their review, and they indicated no concerns.

**E. The Proposed PUD Modification Is Consistent With The Purpose And Intent Of The County's Zoning Regulations.**

The intent of the County zoning regulations is to promote compatibility of land uses, efficient and economical use of land and light and air in development projects. This application meets the intent of the zoning regulations including Code section 3200 Rezoning Policies, 3506 Transferable Development Rights, and Section 3509 PUAF as discussed in Criteria A and D of this staff report. Additionally, the proposal is in general conformance with the existing PUD zoning for the site.

Site Plan review is required to evaluate the future development for the parcel. This review will further assess the technical design of the site in terms of provision of access, utilities, compliance with zoning, subdivision, and Road and Bridge standards. Additionally, architectural design and building materials will be reviewed with the pending Site Plan application (PLN19-026). While the units will be located on individual lots, the development for this site will differ from the previously approved site plan, thus requiring a new Site Plan review.

**F. The Proposed PUD Modification Is Consistent With The County 's Rezoning Policies.**

The proposed PUD modification is consistent with the County's rezoning policies, including the TDR policies for upzonings. The rezoning policies identified in the Code include the identification of development constraints, natural hazards, and wildfire hazard areas. The subject parcel avoids development constraints, including slopes greater than 30%, areas of potential geologic hazard, floodways, tundra, or wetlands. The wildfire rating for this area, as determined by the Colorado State Forest Service is currently "moderate". However, once development of this parcel occurs, the dead and dying timber on site will be removed and the timber greatly thinned. The applicant has prepared a defensible space plan that was reviewed by the State Forest Service (Attachment 5). The Colorado State Forest Service had minor comments on the proposed landscaping and defensible space plan for the Lot 10 site. The applicant will apply those comments for the final landscaping and defensible space plan that will be reviewed with the Site Plan application.

**G. The Proposal Is Consistent With The Policies Constituting The Purpose And Intent Allowing For The Establishment Of Planned Unit Development, As Set Forth In §12200.01 Of This Code, As Well As The Policies Supporting The Purpose And Intent Of Allowing A Major PUD Modification Zoning Amendment, Per §12202.01 Of This Code.**

This proposal seeks to modify language to the Lodge at Breckenridge PUD pertaining to Lot 10, Overlook Retreat. No additional parcels in the PUD will be affected by this modification, and other PUD standards will not be affected. While this application will increase the density on an overall unit size basis for Lot 10; the original number of units approved for the site will not increase. The proposed major PUD modification is consistent with the policies for a major PUD modification in that it meets a range of Master Plan goals for development and redevelopment and promotes development in a logical pattern on a parcel suitable for infill development.

**H. In Light Of The Purpose And Intent Of PUD Designations And Modifications, The Proposal Furthers The Public Health, Safety Integrity And General Welfare, As Well As Efficiency And Economy In The Use Of Land And Its Resources.**

This PUD modification promotes the public welfare and efficient use of the land by promoting focused development on a parcel that has all development services readily available to the site.

The proposed 3,000 square foot single-family residences are an appropriate use for the location and zoning of this site.

Additionally, this design will be consistent with existing single-family and multi-family development on adjacent properties.

**I. The Applicant Has Provided Final Evidence Of Adequate Water, Sewer, Access, Utilities And Other Required Infrastructure To Serve Present Demands, And Adequate Access And Infrastructure Is Also Available To Serve Reasonably Anticipated Future Demands.**

Water services are available from the Town of Breckenridge, sewer services will be provided by the Upper Blue Sanitation District, and Xcel will provide electrical and natural gas services. The applicant has provided letters from the utility providers indicating the intent to serve the property with the utilities necessary for future development. The applicant will be responsible for installation of the infrastructure required to support the future residential development on site.

**J. The Review Authority Has Reviewed And Approved The PUD Text And Any Revised Exhibits, And, For The BOCC's Review, The PUD Is Suitable For The Chairman's Signature And Recordation.**

The Upper Blue Planning Commission reviewed this application and the TDR Map Amendment application (PLN19-010) at their meeting on May 23, 2019 and recommended approval.

The proposed PUD language is provided in this staff report and as an attachment (Attachment 2). Once the BOCC has reviewed and approved the PUD modification, and all conditions of approval are met, the PUD may be signed by the Chair of the BOCC and recorded.

**STAFF RECOMMENDATION:**

Staff recommends that the BOCC approve planning case PLN19-009, a Major PUD Modification to bring in 3.31 TDRs in order to increase the permitted unit size for 12 residences; Lot 10, Overlook Retreat at Breckenridge, 5.19 acres zoned Lodge at Breckenridge PUD, with the following findings and conditions.

Findings:

1. The modification is consistent with the efficient development and preservation of the Lodge at Breckenridge PUD as it promotes the development of units already established within the PUD.
2. The modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest. Lot 10, Overlook at Breckenridge is bordered by commercial, multi-family, and single-family lots. The proposed development will be compatible with the adjacent structures and uses.
3. The modification is not granted solely to confer a special benefit upon any person. The PUD modification will allow for larger units on Lot 10. The two units already constructed on Lot 10, Overlook at Breckenridge will be able to obtain TDRs, modify the PUD, and increase their home size should they wish to.
4. The proposed PUD modification is in general conformance with the land use, infill development in urban areas, and TDR use goals, polices/actions and provisions of the Summit County Countywide Comprehensive Plan, the Upper Blue River Master Plan, and the Joint Upper Blue Master Plan.
5. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations. The PUD modification meets the intent of the PUD density, use, and availability of utilities and services for the site.
6. The proposed PUD modification is consistent with the County's Rezoning Policies. The parcel does not contain any areas with development constraints, natural hazards, or extreme

wildfire hazard areas. This application further complies with TDR and Public Use Areas Fee regulations.

7. The proposal furthers the policies constituting the purpose and intent allowing for the establishment of Planned Unit Development, as set forth in §12200.01 of this Code, as well as the policies supporting the purpose and intent of allowing a Major PUD Modification Zoning Amendment, per §12202.01 of this Code, as it promotes development in a logical pattern.
8. The proposal furthers the public health, safety, and general welfare, as well as efficiency and economy in the use of land and its resources, as it will increase the size of units allowed on Lot 10 without creating any additional lots or units.
9. The applicant has provided evidence of adequate water, sewer, access, utilities, and other required infrastructure for the site. All services are readily available to the site.
10. The Review Authority has reviewed and approved the PUD text and any revised exhibits, and, for the BOCC's review, the PUD is suitable for the Chairman's signature and recordation.

**Conditions:**

1. The required Transferable Development Rights certificates (3.31 TDRs) shall be recorded with the Office of the Clerk and Recorder prior to recordation of the PUD.
2. The applicant shall pay the Public Use Area Fee commensurate with the required TDRs prior to recordation of the PUD.

**Attachments:**

1. Vicinity Map
2. Visually Important Lands Map, Upper Blue Master Plan
3. Proposed PUD language, (text only, changes on pgs. 3, 4, 5, 6)
4. Proposed Conceptual Development Plan, Exhibit B of PUD
5. Colorado State Forest Service Comments
6. Traffic Engineer Letter
7. Project Narrative
8. Draft Resolution