

**BOARD OF COUNTY COMMISSIONERS
JANUARY 28, 2020
PLANNING CASE # PLN19-145 : MINOR AMENDMENT TO THE COPPER PUD
CLASS 6-MIN PUD AMEND
PUBLIC HEARING**

PROJECT INFORMATION:

Location: North Alpine Parking Lot at Copper Mountain; Lot 2B, Copper Mountain East
Neighborhood Subdivision

Project/Request: A minor amendment to the Copper Mountain PUD to add commercial as
an allowed use to Parcel 30 (Alpine Lot) and transfer 1,000 square feet of
commercial density from Parcel 29 (East Lake Housing) to Parcel 30 to
facilitate a new transportation center with a small commercial component

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission does not make recommendations on Minor PUD Amendments

RESOLUTION STATUS:

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with 7 findings and 0 conditions

ATTACHMENTS:

Draft Resolution

STAFF REPORT

TO: Board of County Commissioners
FROM: Jessica Potter, Planner II
FOR: Meeting of January 28, 2020
SUBJECT: Planning Case PLN19-145; Minor Amendment to the Copper Mountain PUD
APPLICANT: Graeme Bilenduke, Copper Mountain Resort
OWNER: Powdr - Copper Participation LLC
REQUEST: A minor amendment to the Copper Mountain PUD to add Commercial as an allowed use to Parcel 30 (Alpine Lot) and transfer 1,000 square feet of commercial density from Parcel 29 (East Lake Housing) to Parcel 30 to facilitate a new transportation center with a small commercial component.

PROJECT DESCRIPTION

Location: Alpine Parking Lot
Legal Description: Lot 2B, Copper Mountain East Neighborhood Subdivision
Existing Zoning: Copper Mountain PUD
Proposed Use: Commercial and Resort Support
Specific Uses: Commercial (Food and Beverage); Resort Support (Restrooms, Bus Shelter, and Guest Services)
Total site area: 9 acre parking lot; 166 acre parcel
Adjacent land uses:
East: Parking Lot
West: Transit Road / Golf Course
North: North Alpine Workforce Housing (under construction)
South: Parking Lot

BACKGROUND

The Alpine Parking Lot is the largest parking lot at Copper Mountain, providing 1,728 spaces of the 4,284 available at the resort for day use parking, and the vast majority of the 2,538 spaces west of Hwy 91. Copper's internal transit operations move guests from the Alpine Lot to their destinations within the resort via 2 stops that pick-up/drop-off on the west side of the parking lot. There is a transportation center constructed in 1979 in the northern portion of the Alpine Lot containing bathrooms and guest services facilities. According to the resort, this existing transportation center is outdated, not centrally located, and the current bus stops do not provide an ideal guest experience. The resort is proposing to construct a new transportation facility with grade separation, bathrooms, guest services, and amenities such as a fireplace, wind shelter, landscaping, and waiting areas. In addition to these facilities, the resort is proposing a commercial component which will include grab-and-go food options such as burritos and coffee.

The Copper Mountain PUD divides the resort into development parcels and lists the uses permitted on each development parcel. The Alpine Lot, Parcel 30, currently permits Resort Support as defined in the PUD which includes bathrooms, guest services, and similar uses, but does not permit Commercial, meaning that the sale of goods and services is not currently permitted at the Alpine Lot. Parcel 29, where Copper Point Townhomes are located, is fully built-out and 1,000 square feet of unused commercial is allotted to this parcel. In order to facilitate the commercial food sale component of the transportation center, the resort is requesting a Minor PUD Amendment to add commercial as a permitted use on the Alpine Lot (Parcel 30) and transfer the 1,000 square feet of commercial from Parcel 29 (East Lake Housing AKA Copper Point Townhomes) to Parcel 30 (Alpine Lot). Commercial was removed as a permitted use from Parcel 29 during the last major amendment to the PUD approved July 9, 2019, but the density associated with it was not transferred to another site at that time. The proposed PUD modification is shown below, with additions in red and deletions in blue strikethrough.

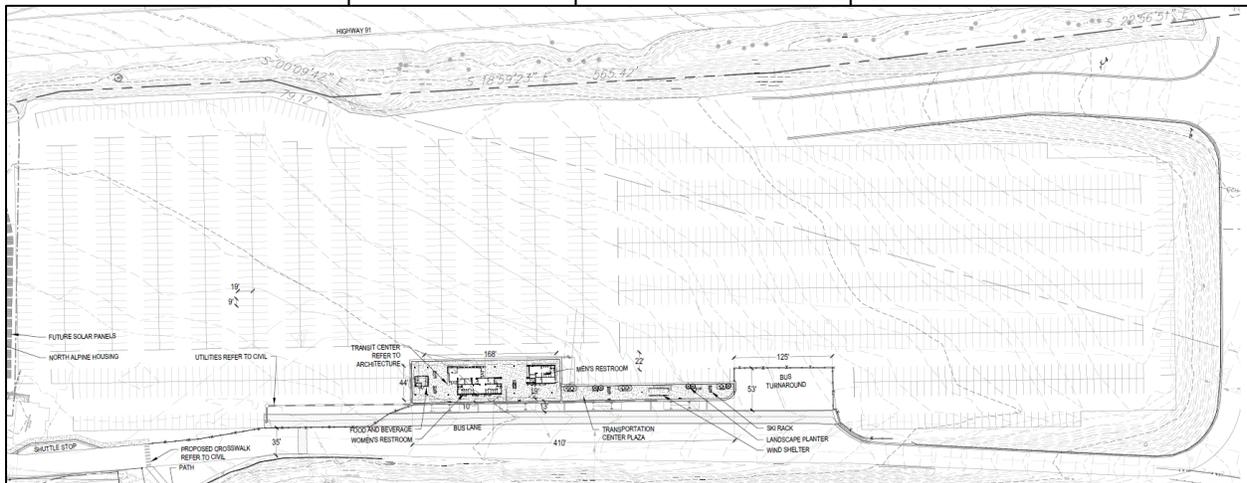
Proposed Excerpted Table 1 of PUD

Parcel 29	East Lake Housing (Copper Point Townhomes)	Affordable Housing, Employee Housing Units, single-family dwelling units, multi-family dwelling units, historic buildings park	0	1,000	0
Parcel 30	Alpine Parking Lot	Resort Support Facilities, Day Use Parking, Active Recreation Uses, Non-Peak Season staging, vehicle and material storage, and charity event RV and tent camping, Affordable Housing, Employee Housing, <u>Commercial</u>	0	<u>1,000</u>	0

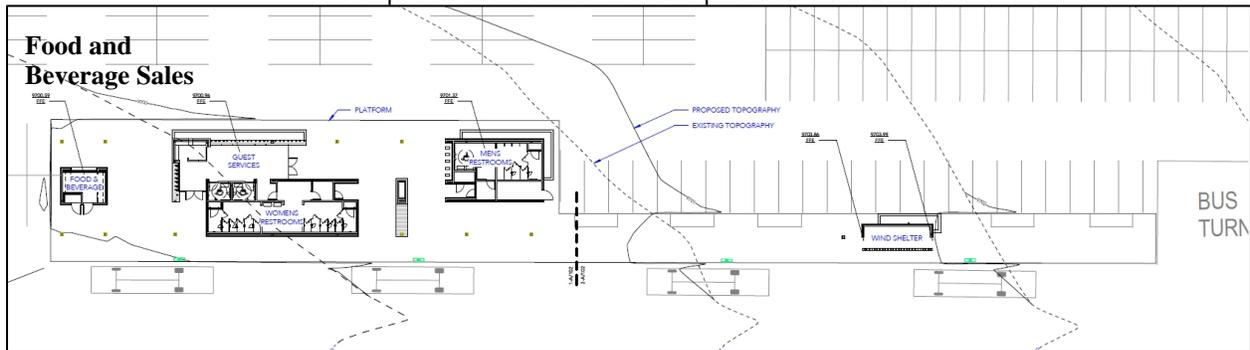
The request before the Board is for the zoning amendment to the PUD. The Ten Mile Planning Commission will review the site plan for the new transportation center, pending zoning approval, at their February meeting. Since those plans have been prepared they are included as part of this submission to provide context for this request.

Existing Conditions: Alpine Lot

Proposal: New Transportation Center at Alpine Lot



Proposal: Site Plan of Transportation Center



CRITERIA FOR DECISION

Section 12203.02 of the County's Land Use and Development Code ("Code") states that the BOCC may approve a minor PUD amendment, only if the application meets all relevant County regulations and standards and provided the BOCC makes the following findings:

- A. The proposed PUD modification is consistent with the efficient development and preservation of the entire PUD.
- B. The proposed PUD 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 proposed PUD 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, polices/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 and Rezoning Policies.
- F. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- G. The proposed PUD modification amendment is not substantial and conforms to the intent and integrity of the original PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

Criterion A: Consistent with efficient development and preservation of the entire PUD

The addition of commercial to Parcel 30 is an appropriate use at this site and is consistent with efficient development and preservation of the PUD. Commercial is requested in the context of food and beverage sales at new a new transportation facility. The purchase of grab-and-go food and beverages at this location is logical and will improve the guest experience. The commercial density is being transferred from Parcel 29 (East Lake Housing), where Copper Point Townhomes are located. Parcel 29 is built-out out and commercial as an allowed use was removed from this site during the last update to the PUD approved in 2019.

The resort is planning on devoting approximately 210 square feet to commercial sales on this site; however is requesting to transfer the full 1,000 square feet of commercial from Parcel 29 to this parcel. If in the future, if the resort wishes to use the excess commercial at this site for ticket sales, small retail, paid lockers, or other similar uses, Staff feels those are compatible and the details of those uses will be reviewed through a site plan review. The one use under the umbrella of Commercial that is not being analyzed in this request and thus is specifically excluded is paid parking.

Due to the location of the other free lots at the resort, all located across Hwy 91 on public lands - the Far East Lot on United States Forest Service (USFS) property, and the Ten Mile Lot on Colorado Department of Transportation (CDOT) property, the implications of converting the Alpine Lot to paid parking are not being analyzed with this request. This is not to state that paid parking at the Alpine Lot could not be permitted in the future with the proper analysis and provisions; simply that it is not being reviewed with this request and thus is not permitted under the umbrella of commercial uses on Parcel 30 at this time. The following footnote has been proposed as footnote u to Table 1.

u. Commercial added to Parcel 30 to facilitate food and beverage sales. Paid parking in the Alpine Lot was not contemplated as part of this PUD Amendment. If paid parking is requested, it shall be reviewed through a Minor PUD Amendment.

There will be no loss of parking with this proposal. Table 10 of the PUD lists the parking lots at Copper and the number of spaces provided in each lot. The Alpine Lot currently accommodates 1,728 spaces and the site plan presented by the applicant shows that this number of spaces will be maintained. The future buildout of the Alpine Lot shows 1,972 spaces, and the applicant has demonstrated that this same number of spaces can be accommodated with the proposed transportation center.

Criterion B: The modification does not affect, in a substantially adverse manner, land or the public interest

The request is solely to permit limited commercial sales on Parcel 30. Through the inclusion of footnote u (above) which will require review of any request to allow paid parking on the Alpine Lot, the request will not have any negative affect on public lands or the public interest.

Criterion C: The proposed PUD modification is not granted solely to confer a special benefit upon any person

This zoning amendment will not confer a grant of special privilege. Commercial is an allowed use on other parcels in the PUD and the addition of commercial will provide additional food and beverage options to the resort public.

Criterion D: The proposed PUD modification is in general conformance with the goals, polices/actions of the applicable Master Plans

The Copper Mountain Subbasin Plan contained within the Tenmile Master plan contains specific goals, polices, and actions to guide land use and development at Copper. Goal B, copied below, relates to commercial land use at the resort and the policies and actions speak directly to small-scale, pedestrian oriented commercial. The provision of commercial uses and the proposed improvements to the Transportation Center are also in line with this goal as well as Goal L, copied below, which relates to enhancing the overall effectiveness of the internal shuttle service at Copper.

Commercial Land Use

Goal B. Provide for commercial uses in a manner that is visually attractive, provides interest to pedestrians, promotes economic viability and is consistent with or improves the character of the subbasin and the overall needs for growth in the subbasin.

Policy/Action 1. Commercial uses should be kept at a small scale, with small shops encouraged and the development of large, freestanding retail sales stores avoided.

Commercial uses should be incorporated into buildings with residential uses where practicable and should fit into an overall design concept for the subbasin.

Policy/Action 2. New commercial retail and service uses should be located in a manner that provides convenient pedestrian access and creates pedestrian activity and interest. Special attention should be given to creating attractive commercial uses at the pedestrian level.

Transportation and Mass Transit

Goal L. Improve parking, mass transit, and vehicular circulation throughout the Copper Mountain Subbasin.

Policy/Action 1. Copper Mountain Resort should continue to provide for the transport of guests and the residents between the parking areas in the subbasin and in between the neighborhoods within the subbasin, and support increased mass transit use and other methods of transporting people to and within the subbasin.

1.2 Increase the effectiveness of shuttle service or other approved mass transit service for visitors, especially as inner parking lots are lost to development.

Criterion E: The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies

The purpose and intent of the County's zoning regulations are to ensure the compatibility of land uses, efficient development, as well as protecting land subject to development constraints. This request is compatible with the purpose and intent of the zoning regulations. The Copper Mountain PUD is a ski resort PUD where the provision of commercial sales at a new transportation facility is compatible with ski resort development. No land subject to development constraints is being considered with this request.

Criterion F: Consistency with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources

The request to add commercial as a permitted use to Parcel 30 is consistent with this criterion. The exclusion of paid parking at the Alpine Lot and PUD requirement that the number of day use parking spaces will be maintained with this proposal ensure that this request is consistent with public health, safety, and welfare, as well as the efficiency and use of the land.

All applicable permits and reviews from the Summit County Building, Environmental Health, and Engineering Departments, as well as Summit Fire and EMS will be required as part of the construction process.

Criterion G: The proposed PUD modification amendment is not substantial and conforms to the intent and integrity of the original PUD and the PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

Section 12202.04 of the Code is excerpted below:

A proposed amendment is considered minor if it meets the following criteria for decision:

- A. The PUD modification is not substantial and maintains the intent and integrity of the original PUD.
- B. The PUD modification does not increase in the total number of units or floor area.

- C. No new uses are requested, except for converting one (1) type of permitted use to another similar type of permitted use, and
- D. There is no significant decrease in the amount of open space.

All other amendments are considered major modifications to a PUD.

The proposal is in conformance with the above criteria to be deemed a minor amendment. The proposal is not substantial, and preserves the integrity of the original PUD. No additional units are proposed nor are new uses requested, the request will simply add an already allowed use within the PUD to this specific parcel. There is no decrease in the amount of open space.

OTHER ITEMS

An additional 1,800 square feet of commercial density on Parcel 16 is being documented with this PUD Amendment. This administrative change was made in 2016 following the discovery of an additional, and previously unaccounted, 1,800 square feet of commercial at Copper Junction. This correction was made to Table 1 of the PUD and in the appendices following the last PUD Amendment in 2019 but was missed in the paragraph copied below and will be corrected with this amendment.

2.1 PERMITTED/CONDITIONAL/ACCESSORY AND TEMPORARY USES AND DENSITY

- A. There shall be no more than 2,151 Equivalent Units, ~~203,934~~205,731 square feet of Commercial space and 51,000 square feet of Cafeteria space permitted within the Property. Residential dwelling units (other than Employee Housing Units), Hotel/Lodge, Hotel/Condo, Lock-off Units, Commercial space and Cafeteria space are the only land uses within the Property to which density limitations are applied; provided, however, that on certain Development Parcels, a maximum number of Employee Housing and Affordable Housing Units has been established as set forth in Table 1 below.

STAFF RECOMMENDATION

Staff recommends that the Board approve PLN19-145, a minor amendment to the Copper Mountain PUD to add Commercial as an allowed use to Parcel 30 (Alpine Lot) and transfer 1,000 square feet of commercial density from Parcel 29 (East Lake Housing) to Parcel 30 to facilitate a new transportation center with a small commercial component, with the following findings and no conditions.

Findings:

1. The proposal is consistent with the efficient development and preservation of the entire PUD, this modification will permit commercial sales at an appropriate location, Parcel 30, and remove commercial density from Parcel 29 where it is no longer appropriate.
2. This PUD Amendment has no negative impact on the adjacent land and will serve to further the public interest by providing convenient food options to the resort public.
3. The resort public will benefit from this amendment as it is not granted to solely benefit one person or entity.
4. The proposal is in conformance with the applicable goals, policies/actions in the Countywide Comprehensive, Ten Mile Master Plan, and Copper Mountain Subbasin Plans related to commercial uses and public transportation.
5. This PUD Amendment is consistent with the purpose and intent of the County's zoning policies as adding commercial to Parcel 30 is an appropriate use on this site.
6. This request is consistent with public health, safety, and welfare as it will improve internal transit at the resort.

7. This request is minor in nature, an already existing use within the PUD is being added to the list of permitted uses on Parcel 30; no reduction in open space is occurring and no new uses for the entire PUD are proposed.