

Blue Sky Estates II

Rezoning and Subdivision



Background

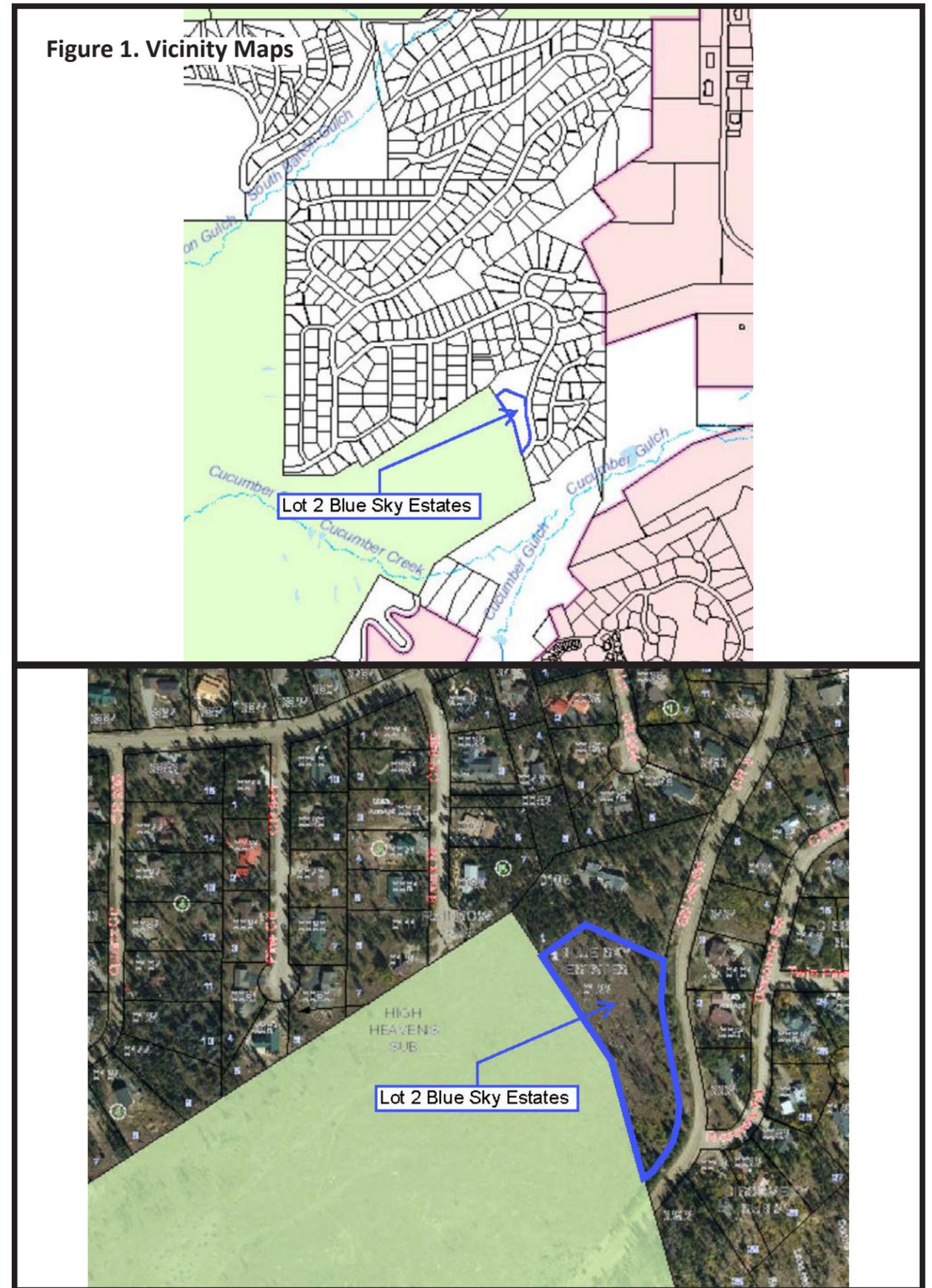
Ski Hill Road, LLC (“Owner”) proposes to rezone and subdivide Lot 2 Blue Sky Estates located at 122 Ski Hill Road (“Property”). The Owner is seeking the concurrent review and approval for the preliminary and final rezoning and subdivision of the Property. The concept is to rezone the Property from the RE Zone District to the R-1 Zone District to subdivide the Property into two lots. The proposed lot sizes range from 1 to 1.233 acres as shown in the proposed plat.

The Property is located on the south side of the Peak 7 Neighborhood as shown in Figure 1. The Property contains 2.23 acres and is located in the RE Zone District with most of it abutting the R-2 Zone District as shown in Figure 2. Table 1 outlines the geography and proposed Rezoning dimensional standards.

The Property has approximately 429 feet of frontage onto the Ski Hill Road Right-of-Way on its eastern border. The Property is gently sloping with a low United States Geological Survey elevation of 9748 and a high elevation of 9836 for an overall change of approximately 88 feet from the south to the north side over a distance of approximately 620 feet, with an average grade of approximately 14%. There are some small steep slopes areas that are 30% or greater in the northeast and southeast areas of the Property as shown on the Conceptual Plan. The Property is very open since most of the trees on the Property were blown down due to the extensive tree removal on the adjoining United States Forest Service land.

Table 1. Geography and Dimensional Requirements

	Existing	Proposed Rezoning
Legal Description	Lot 2 Blue Sky Estates	Blue Sky Estates No. 2, Lots 1, 2, 3
Address	122 Ski Hill Road	To Be Determined
Lot Size	2.23 acres	1 to 1.73 acres
Zone District	RE	R-1
Density	1 unit / 2 ac. - 1 unit/4.9 ac.	1 unit/1.12 acre
Site Coverage	None	50% or less
Max. Floor Area Per Home	NA	Each lot will have 4,356 sq. ft. or less of floor area
Building Height	35 feet	35 feet or less
Proposed Min. Lot Width	50 feet	50 feet or greater
Proposed Rezoning Setbacks		
Front (East)	50 feet	35 feet
Rear (West)	35 feet	25 feet
Side (North)	35 feet	15 feet
Side (South)	35 feet	15 feet
Surrounding Land Uses	East	Ski Hill Rd./Discovery Sub. #1
	West	USFS
	North	Rainbow Subdivision
	South	Ski Hill Rd./Discovery Sub. #1



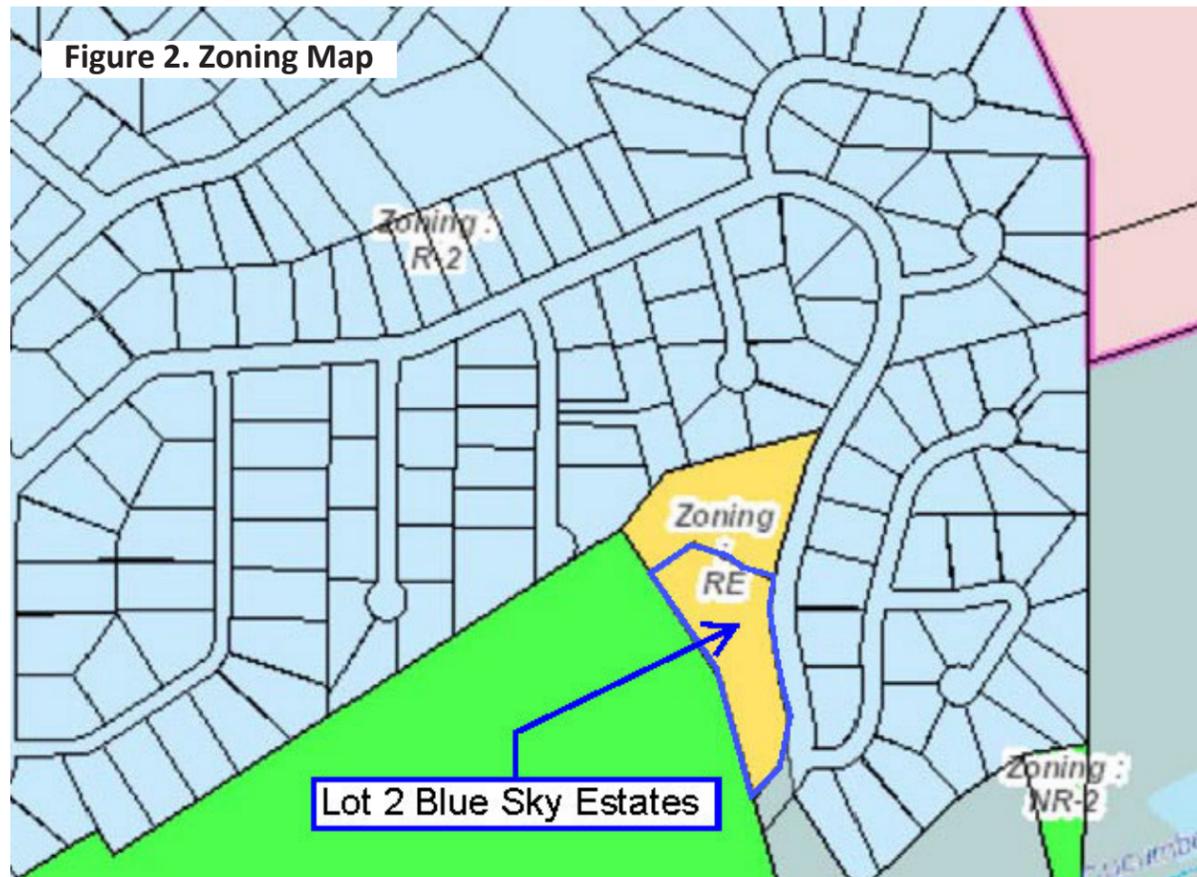


Figure 2. Zoning Map

Property Entitlement History

1998 Replat. The Property was platted into the Blue Sky Estates Subdivision in January 1998 under Board of County Commissioners ("BOCC") Resolution Number 98-7 that created Lot 1 at 2.26 acres and Lot 2 at 2.23 acres. An access easement for the Property is provided from Brook Street through the Rainbow Subdivision. Lot 2 has a building envelope with an approximate size of 30,771 sq. ft. with no maximum home size limitations. The BOCC approved the preliminary plat under Resolution No. 97-118 in October of 1997.

1988 Rezoning. The County approved the rezoning of the Property from the A-1 to RE zone districts under Resolution Number 88-78. The rezoning was approved for the non-conforming A-1 zoned parcel to RE zoning with several findings, including the fact that the Upper Blue Master Plan designated the Property as residential, and access would be available by an access easement through the Rainbow Subdivision.

Upper Blue Master Plan Envisioned Land Uses

The Joint Upper Blue Master Plan ("JUBMP") is very clear about the envisioned future use for the Property, with the Land Use Map showing Residential 2 designation as shown in Figure 3. Associated JUBMP policies in the Land Use Table call for "Single-family residential uses with a maximum density of two units/acre". The JUBMP Official Transferable Development Rights Map for the Upper Blue Basin reaffirms this vision showing the Property as a receiving site for density as shown in Figure 4.

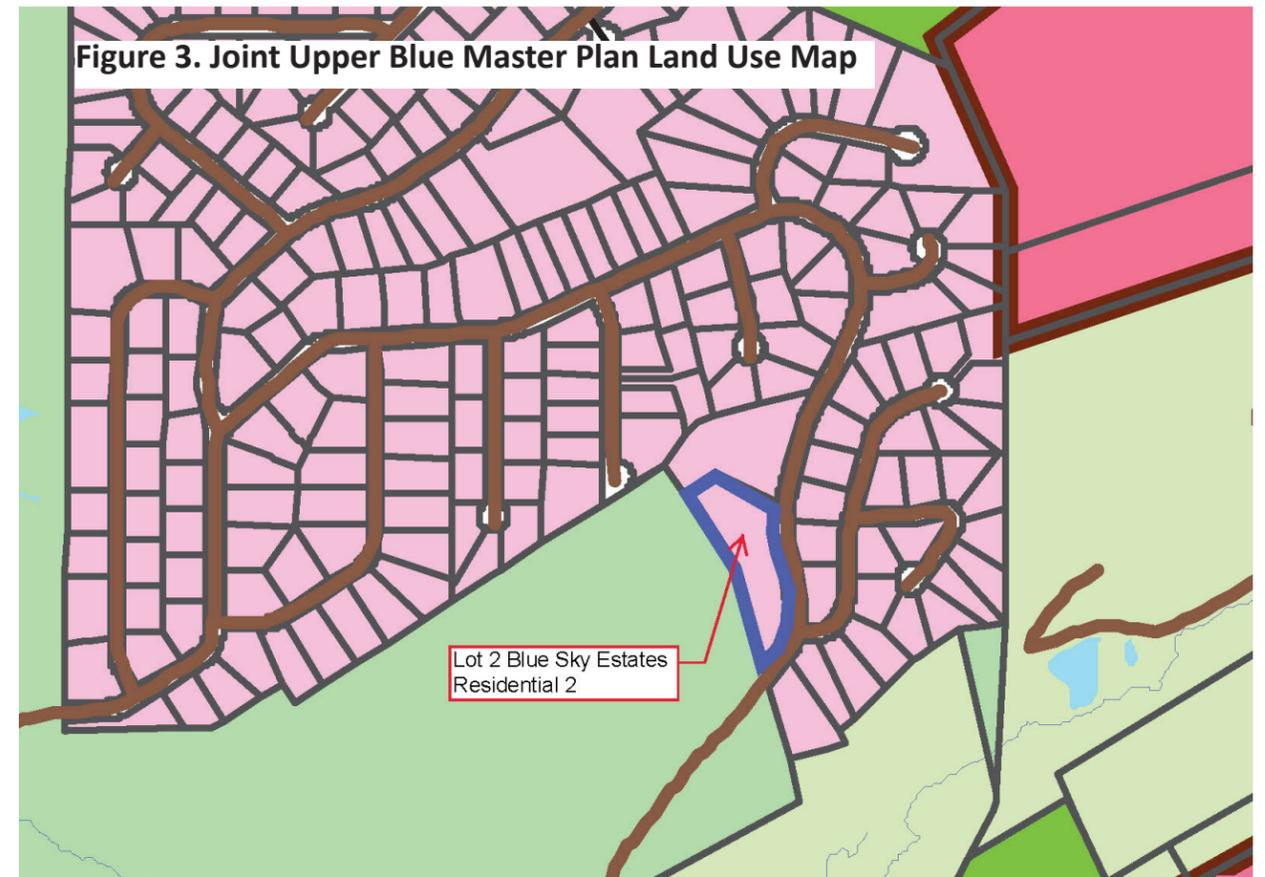


Figure 3. Joint Upper Blue Master Plan Land Use Map

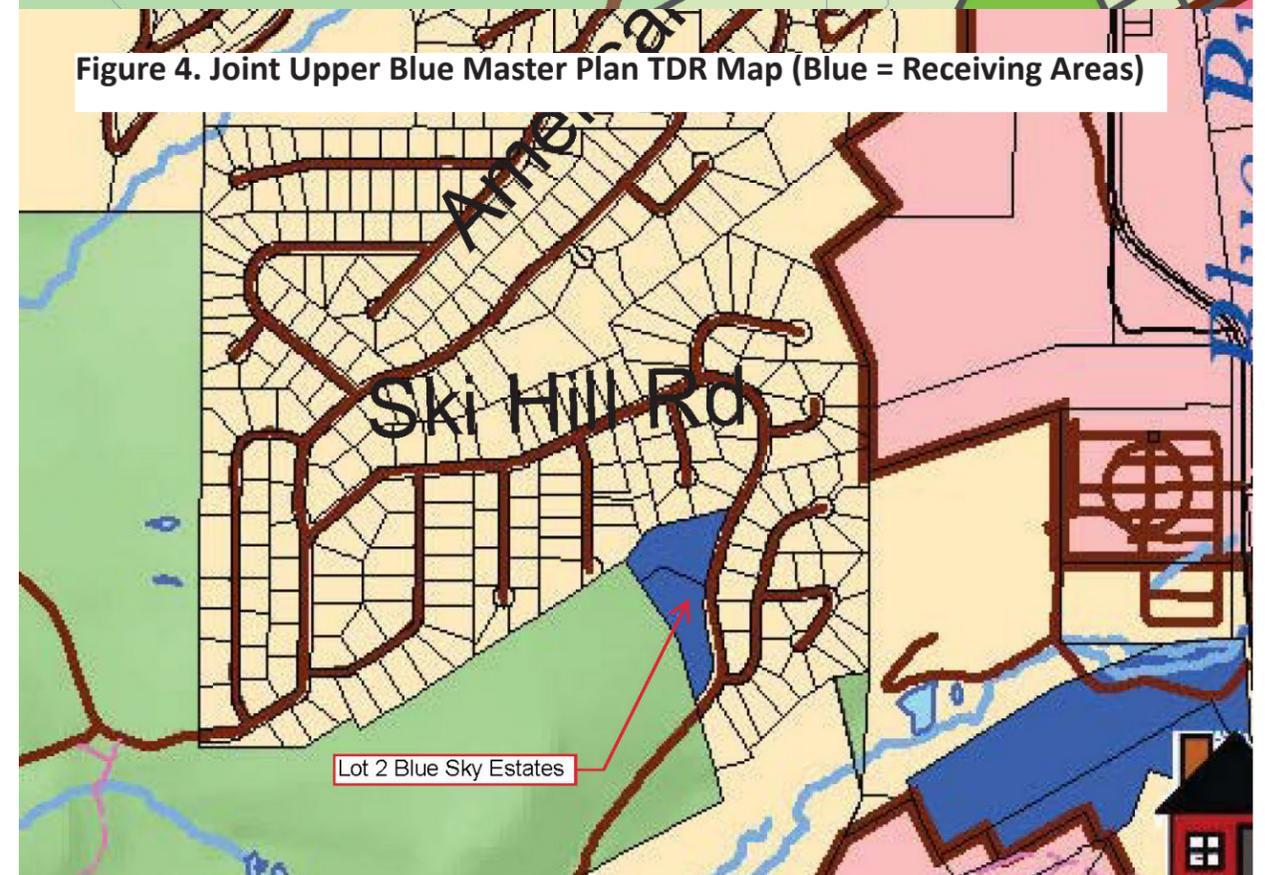


Figure 4. Joint Upper Blue Master Plan TDR Map (Blue = Receiving Areas)

Compliance with Rezoning Criteria for Decision

General Conformance with Applicable Plans

The proposed rezoning is in general conformance with the JUBMP. The JUBMP Land Use Map designates the Property with a Residential 2 classification. The JUMP states that the Residential 2 classification is for "...single-family residential uses with a maximum density of two units/acre" (Goal A, Policy/Action 1). The proposed rezoning also helps to protect the Upper Blue Basin's back-country character because one (1) unit of density will have to be moved to the site in accordance with the County's Transferable Development Rights ("TDR") Program, with the Property specifically designated as a TDR Receiving Area.

The proposed rezoning conforms to JUBMP Policy/Action 2 that states:

"Where existing platted lots are proposed to be subdivided, as part of subdivision review the following specific considerations or criteria should be evaluated to allow for a heightened level of scrutiny and may limit density permitted by zoning:"

- Research of historic records to ascertain the reasons for the layout of the existing lots.
- Impacts related to site characteristics and application of important planning principles such as site characteristics (steep slopes, topography, wetlands, soils, etc; environmental constraints such as sensitive areas or wildlife habitat; access; existing or planned services and facilities; trail connectivity; visually important lands; and historic resources.
- Surrounding land uses and community character such as relationship to surrounding land uses, community, neighborhood or adjacent development, and impacts to community character, residential compatibility or associated activities."

Policy/Action 2 further states that

"TDRs may be proposed and used to mitigate or offset impacts associated with or implicated by these factors."

The proposed rezoning will utilize one (1) single-family unit of density from the TDR Bank in order to meet the Development Code and JUBMP policies. The proposed rezoning is compatible with surrounding development that is located in the R-2 Zone District and fits into the neighborhood and overall community character. Most of the surrounding area is developed with a density of approximately two (2) units per acre. The rezoning will provide a transitional zoning from two units per acre to one unit per acre at the edge of the Peak 7 Neighborhood. The development of the Property will avoid steep slopes. There are no environmental constraints, wetlands or sensitive habitats on the Property.

The proposed rezoning generally conforms to the Countywide Comprehensive Plan because it: promotes growth in a location that is designated for an upzoning as a TDR Receiving Area; avoids environmental resources; preserves open space through County TDR Program; provides infill development that is focused into an existing urban area; maintains the current level of density in the County through the TDR Program; and avoids environmentally sensitive areas and visually prominent landscapes.

Consistency with Purpose and Intent of County Zoning Regulations

The proposed rezoning is also consistent with the purpose and intent of the Zoning Regulations because it is compatible with surrounding area development that contains approximately two (2) units per acre; allows for the economical and efficient use of the land as envisioned in the JUBMP; and provides for adequate light and air within and for surrounding developments. The rezoning avoids land subject to environmental hazards and provides for good design and aesthetics that protect the County.

Consistency with County Rezoning Policies

The proposed rezoning is in compliance with the Rezoning Policies contained in the Summit County Land Use and Development Code ("Development Code") Section 3200. The Property has physical characteristics that allow for development consistent with the Development Code, such as large areas that are free from development constraints and relatively moderate slopes of approximately 14%.

The Property is located next to required infrastructure. Water, sewer, electric and gas are available in the Ski Hill Road Right-of-Way. Access to the Property is available from Brook Street and a driveway that will be privately maintained. Police and fire protection are available from the Red, White and Blue Fire Protection District and the Summit County Sheriff, respectively. The proposed development is very compatible with and complimentary to existing development. The proposed rezoning is strongly supported by policies in the JUBMP.

The only development constraint on the Property is steep slopes that are 30% or greater as shown on the conceptual plan. These steep slopes were previously created by the construction of Ski Hill Road and some past mining activity on the Property. The development of the proposed lots will avoid disturbance to the steep slope areas.

There are no natural features on the Property. Wildfire hazard to the Property was extensively mitigated by the United States Forest Service clear cut to the west and the subsequent wind throw that blew down most of the trees on the Property. Future development on the Property will comply with the County's wildfire mitigation requirements.

Compatibility with Present Area Development

The proposed rezoning is compatible with surrounding area development with a density of two (2) units on 2.23 acres, or approximately one (1) unit per 1.12 acres. The current proposed density is two units less than envisioned by the JUMP. The surrounding lots and most of the Peak 7 area are zoned R-2 that allows two units per acre. The Discovery Subdivision located to the east has lot sizes that are approximately 0.5 acre. The Crestwood Subdivision to the north has lot sizes around 0.5 acre to 0.6 acre. The Rainbow Subdivision to the north has lots that are also around 0.5 acre with a few larger lots. Thus, the proposed density fits right into, and is compatible with the surrounding area development.

Consistency with the Public Health, Safety and Welfare

The proposed rezoning is consistent with the public health, safety and welfare. The proposed development is envisioned by the JUBMP as a Receiving Area with a maximum density of two (2) units per acre. The development is also compatible with surrounding area development that contains approximately two (2) units per acre.

Access to the Property will be from Brook Street and an existing access easement across the intervening properties. Access has been designed to meet County Road and Bridge Standards. The Owner and the Lot 1 owner to the north have agreed to relocate the access easement to the Property across Lot 1 of Blue Sky Estates as shown in the conceptual plan. The Red, White and Blue Fire Protection District has reviewed and approved the access plan to the Property.

The Breckenridge Sanitation District and the Breckenridge Water District have provided will serve letters. Police protection is available from the Summit County Sheriff’s Department.

Rezoning Justification

The proposed rezoning is justified by changes in the County’s development policies. The County adoption of the JUBMP envisions the Property rezoned to allow for development with no more than two (2) units per acre in order to help protect backcountry areas. The JUBMP Land Use Map designates the Property with a Residential 2 designation and clearly identifies the site as a Receiving Area. The rezoning is also strongly supported by several Countywide Comprehensive Plan policies.

Compliance with Subdivision Criteria for Decision

Consistency with Zoning Regulations

The proposed subdivision conforms to the County Zoning Regulations as discussed in this narrative.

Consistency with Subdivision Regulations

The proposed subdivision meets the Subdivision Regulations. Steep slope areas and wetland area will be protected from development. The subdivision has been designed to fit the topography of the site and avoid known areas subject to environmental hazards. The water system for the subdivision will be designed to meet the requirements set forth in the Fire Code. The lots have been designed in accordance with the R-1 Zone District requirements with good buildable areas. Each lot has frontage along platted access easements. Disturbance envelopes have been provided for on the plat. Each lot has great solar access to the south. A composite utility plan has been submitted that shows access to water, sewer, gas and electricity and telecommunications.

General Conformance with Applicable Master Plans

The proposed subdivision is in general conformance with the Countywide Comprehensive Plan and the Joint Upper Blue Master Plan as discussed in this narrative.

Water Service

The Breckenridge Water District will provide water service for the two proposed lots. A will serve letter has been provided to the County Planning Department as a part of the applications.

Sewer Service

The Breckenridge Sewer District will provide water service for the two proposed lots. A will serve letter has been provided to the County Planning Department as a part of the applications.

Soil and Topographical Conditions

A geotechnical report has been provided to the County as a part of the applications. This report does not identify any hazards or conditions that would preclude development on the Property.

Subdivision Access

Access to the Property is provided off of Brook Street with existing platted access easements through Lot 7 of the Rainbow Subdivision and Lot 1 of the Blue Sky Estates Subdivision. The proposed new access drive has been designed to meet the County Road and Bridge Standards.

LIST OF EXHIBITS

EXHIBIT	CONTENT
Exhibit A	Existing Conditions + Site Plan + Visual Analysis + Civil Plans + Proposed Plat
Exhibit B	Will Serve Letters