



**Planning Commission Regular Meeting**

Tuesday, August 18, 2026, 5:30 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times. For further information, please contact the Planning Department at 970-547-3160.

**I. CALL TO ORDER, ROLL CALL (5:30PM)**

- A. LOCATION MAP
- B. APPROVAL OF MINUTES
- C. APPROVAL OF AGENDA

**II. PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES (NON-AGENDA ITEMS ONLY; 3-MINUTE LIMIT PLEASE) (5:35PM)**

**III. COMBINED HEARINGS (5:40PM)**

- A. MAMBA TRUST SITE WORK VARIANCE REQUEST (CC) 219 GLEN EAGLE LP; PL-2026-0159
- B. NEHME BATISTA HOME CHILDCARE BUSINESS (CS) 115 STALLION LOOP; PL-2026-0156

**IV. PRELIMINARY HEARINGS (6:45PM)**

- A. CITY MARKET (#430) FUEL CENTER (CC) 430 N. PARK AVENUE; PL-2026-0171

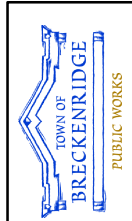
**V. OTHER MATTERS (7:15PM)**

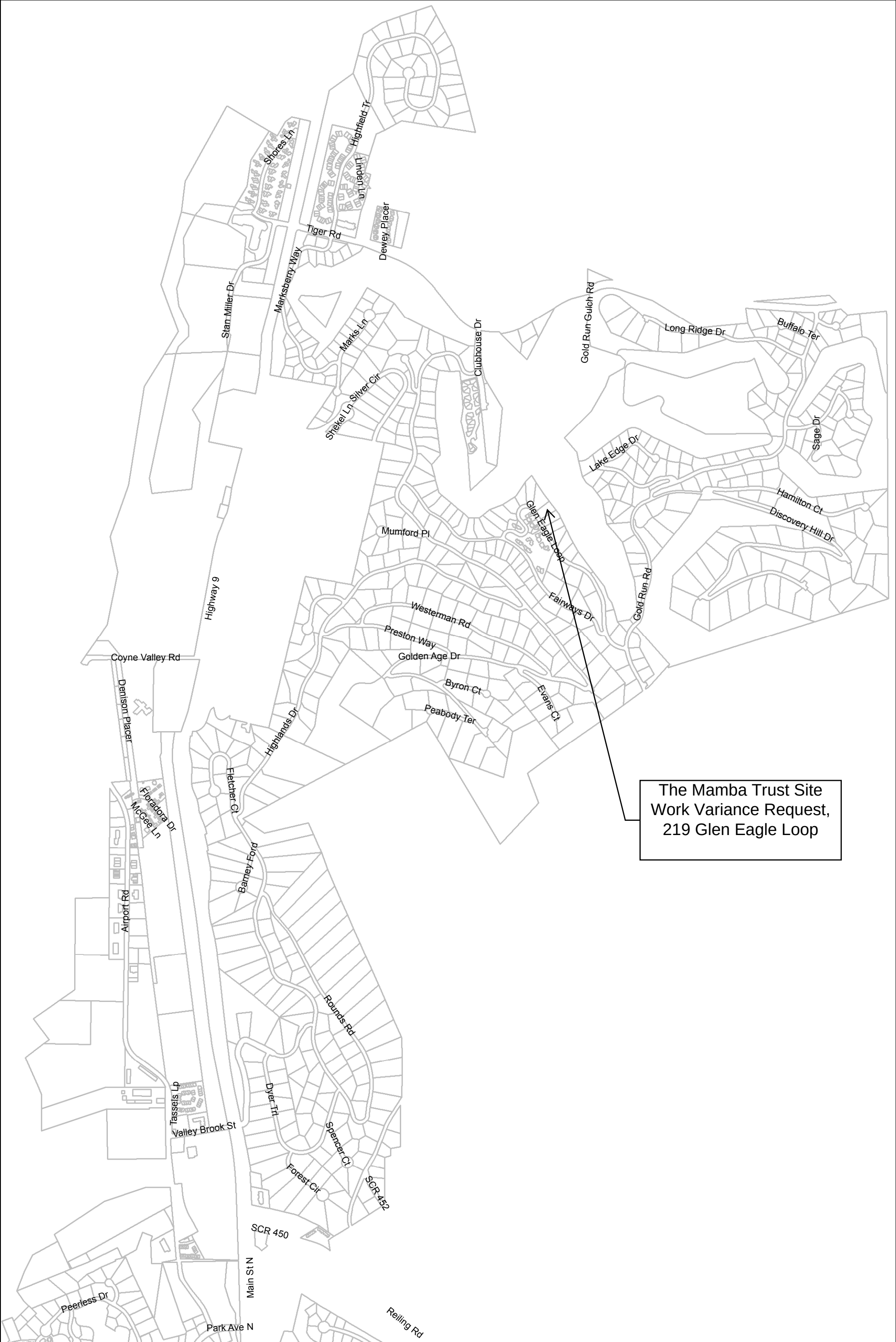
- A. TOWN COUNCIL SUMMARY

**VI. ADJOURNMENT (7:30PM)**



## Breckenridge South





The Mamba Trust Site  
Work Variance Request,  
219 Glen Eagle Loop

## PLANNING COMMISSION MEETING

The regular meeting was called to order at 5:30 p.m. by Chair Propper.

### ROLL CALL

|                           |             |               |                              |
|---------------------------|-------------|---------------|------------------------------|
| Mike Giller <b>absent</b> | Mark Leas   | Matt Smith    | Allen Frechter <b>remote</b> |
| Ethan Guerra              | Elaine Gort | Susan Propper |                              |

### APPROVAL OF MINUTES

With no changes, the July 21, 2026 minutes were approved.

### APPROVAL OF AGENDA

With no changes, the August 4, 2026 Planning Commission agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

### WORK SESSIONS:

1. Comprehensive Plan Strategic Growth and Underutilized Parcels Density Analysis  
Mr. Cross again presented the Comprehensive Plan strategic growth and underutilized parcels analysis, this time focusing on comparing density guidance with existing development patterns.

#### *Commissioner Questions / Comments:*

- Mr. Leas: The existing density near and on the Breck Elementary site is greater than what is allowed currently. Would the existing Breck Elementary density be allowed to continue if it were redeveloped? (Mr. Cross: Yes and no. We would want to be sympathetic to the nearby Historic District ramping up density from north to south.) (Mr. Kulick: This site is outside the Historic and Conservation Districts; at this time, future development would not need to comply with the Historic District standards.)
- Mr. Smith: For this Breck Elementary lot would we need to consider the parcel as a whole or could it be divided? (Mr. Kulick: Certainly this area could be further subdivided in the future. To be clear the School District controls this parcel and the Town does not have any controlling interest. The exercise tonight is purely illustrative.)
- Ms. Gort: What is the purpose of evaluating and refining the Top 30? (Mr. Cross: We are going to continue to refine and polish these parcels. Thirty was an arbitrary goal point to break up the data to be digestible.) What is the purpose of creating the Top 30? (Mr. Cross: The Comprehensive Plan will incorporate policies and guidance as to how to approach developing the identified top parcels.) (Mr. Kulick: This mapping exercise is a mandate by the State to identify opportunities to provide potential housing and accommodate growth. As a community, Breckenridge has been proactive at producing workforce housing. We have this list and now we are considering each parcel through the human lens of feasibility.)
- Mr. Guerra: We're only identifying lots that have potential for development. It doesn't mean they will be developed in the future.
- Ms. Gort: The core of Breckenridge has become less local and it would be nice to bring locals back to our downtown.
- Mr. Smith: A lot of these identified parcels are parking lots. Would the loss of parking be a consideration for these parcels? (Mr. Cross: The Town is completing a parking study currently and that information will be incorporated into this analysis. We currently have a large parking garage that sits empty.)



- Mr. Guerra: We don't have a parking problem in Breckenridge. We have the perception of a parking problem.
- Mr. Smith: As Americans, we prefer smaller parking lots with shorter walks instead of large, centralized parking reservoirs.
- Mr. Frechter: There are some parking lots that are redundant but others that are necessary. I don't see the issue as distance but rather it is cumbersome to get in and out of the garage on a busy day.
- Mr. Cross: Vail, for example, operates with two parking garages and everyone walks through the Villages. Could Breckenridge benefit from a similar model?
- Mr. Kulick: We can look at this with nuance. It is not the case that all the identified parking areas would be developed, there are ways to strategize through parking structures and development to keep the same number of spaces if one of the lots were to be developed.
- Ms. Gort: We're different than Vail. People visiting are going there because that is the event, whereas in Breckenridge, often as a local, you're just popping in to do something quick.
- Mr. Leas: Vail is not a good example. It was a constructed Town and is a whole different thing than our historic Town. It was conceived at a different time when things could be constructed conveniently. We are working with historic infrastructure. Whereas here, it is nice to go into Town and park in the center of Town. It would be a mindset shift.
- Mr. Kulick: We've delved heavy into parking but this is a good discussion. This is always an issue when we get comments about more wanting more parking or free-parking. We unfortunately can't create another front row parking spot in front of a Main Street business and having paid parking creates a rotation instead of someone taking the space for an entire day.
- Ms. Gort: We must consider age and accessibility when we are considering any future changes to parking or redeveloping the parking lots.
- Mr. Smith: The methodology is sound to rely on GIS to narrow the number of parcels and then do some filtering through human knowledge and context.
- Mr. Frechter: The methodology is great; don't exclude privately owned properties just because of ownership. May consider a separate category of high-potential privately owned lots that could be developed with a development agreement.

**OTHER MATTERS:**

1. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 7:07 p.m.

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Susan Propper, Chair

### **Planning Commission Staff Report**

**Subject:** Mamba Trust Site Work Variance Request  
(Class B Minor, Combined Hearing; PL-2026-0159)

**Proposal:** A request for a variance from the Development Code to allow a portion of an existing, unpermitted retaining wall to remain beyond the platted disturbance envelope.

**Date:** August 13, 2026 (for meeting of August 18, 2026)

**Project Manager:** Clif Cross, Planner II

**Applicant/Owner:** Mamba Revocable Trust

**Agent:** Mike Lazar, Attorney at Law; Robinson Waters & O'Dorisio, P.C.  
John Longhill, Landscape Architect; By Design Landscape Architecture

**Address:** 219 Glen Eagle Loop

**Legal Description:** Lot 32, Fairways at Breckenridge Subdivision

**Site Area:** 0.74 acres (32,234.4 sq. ft.)

**Land Use District:** 6, Residential: 1 to 15 UPA, per approved Master Plan, Lodging: 25 UPA, per approved Master Plan, Commercial or Office: 25 UPA, per approved Master Plan

**Site Conditions:** The property is developed with an existing single-family residence that includes 5,776 square feet of livable area and an 805-square-foot garage. The lot slopes away from the road and has a variety of mature evergreen trees around the residence. The lot has a platted disturbance envelope, and the property is subject to subdivision plat notes that limit improvements outside this envelope. The rear yard contains areas of previously disturbed grade, mining-related material, drainage improvements, and existing vegetation. In addition, there is an approximately 25-foot-wide golf safety zone between the disturbance envelope and the adjacent golf course, and the property is encumbered by a golf cart path easement (Rec. No. 394256).

**Adjacent Uses:**

|        |                           |
|--------|---------------------------|
| North: | Single-family home        |
| South: | Single-family home        |
| East:  | Recreational, Golf Course |
| West:  | Single-family home        |

### **Background**

The applicant requests a variance from Policy 1 (Absolute), concerning compliance with applicable plat notes and plat restrictions, to allow a portion of an existing, unpermitted retaining/landscape wall to remain outside the platted disturbance envelope. The remaining landscape/site improvement review is not before the Planning Commission as part of this variance request and remains under separate review through a Class D Minor application, PL-2026-0092.

Staff became aware of unpermitted landscape and site work after receiving a complaint regarding the property of suspected work without a permit outside the disturbance envelope. The Building Department posted a stop-work-order on the property on April 23, 2026, and staff met with the owner and landscape architect on May 6, 2026, to discuss the unpermitted work and required review process. A Class D-minor permit application, PL-2026-0092, was submitted, proposing site work and landscape wall installations outside of the disturbance envelope. Staff issued a determination memo for PL-2026-0092 on May 12, 2026, finding that the Class D Minor application could not be approved as submitted. The applicant appealed the determination on May 15, 2026, and withdrew the appeal on May 19, 2026.

Staff continued coordination with the applicant's attorney and landscape architect, including a June 16, 2026 meeting and a June 26, 2026 site inspection. The variance application, PL-2026-0159, was submitted on July 16, 2026.

The Fairways at Breckenridge Design Review Board approved the revised landscape plan; however, HOA approval does not replace or supersede required Town approval under the Development Code.

Photo to the right shows the existing conditions prior to any work commenced on the site. The image includes the existing grade, a fire pit, a stone walkway, and a drainage swale.



Photo to the left shows the existing "retaining wall" that failed and is proposed to be replaced. To orient the photo, the rock in the upper right corner is near the fire pit shown above.







## Variance Request Review and Comment

Town Code Section [9-1-19-1A: Policy 1 \(Absolute\) Codes](#); Correlative Documents; and Plat Notes  
[Town Code excerpt in Bold-Italics-type]

*An application for a development permit shall comply with each of the following documents, insofar as they are relevant to the application:*

- C. Any applicable plat note or plat restriction pertaining to the real property which is the subject matter of the application. A plat note or plat restriction shall be deemed to be applicable only if it was placed on the plat as part of the town's plat approval process.*

Staff finds that Plat Note No. 7 of The Fairways at Breckenridge Subdivision is an applicable plat note for purposes of Policy 1. The applicant's variance request is therefore reviewed as a variance from an absolute policy because the installed retaining/landscape wall is located, in whole or in part, outside the platted disturbance envelope.

### **The Fairways at Breckenridge Plat Note No. 7 - Disturbance Envelopes/Trees**

**Plat Note No. 7 states:**

*The location of any building, deck, grading and excavation, or other improvements, except for allowable driveway access or utility service connectors on any lot shall be within the disturbance envelope designated hereon by dashed line for such lot. Disturbance envelopes may be further defined in design guideline or ordinances of the Town of Breckenridge. Tree cutting outside the disturbance envelope and removal of native plant ground cover is prohibited except with approval of both the Association and the Town of Breckenridge. Reasonable clearing to allow for construction and maintenance of residential improvements for occupancy on each lot, within the disturbance envelope indicated on this plat, is allowed and anticipated.*

Staff finds that the retaining/landscape wall is an "improvement" within the meaning of Plat Note No. 7. Staff further finds that the applicant is requesting relief from Policy 1 because a portion of the retaining/landscape wall has been installed outside the platted disturbance envelope.

Town Code Section [9-1-11: Variances](#) [Town Code excerpt in Bold-Italics-type]

#### **A. Purpose/Limitations:**

- 1. In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be reason for granting a variance.*
- 2. A variance may be granted with respect to any absolute policy contained in this Chapter.*

**D. Criteria for Approval:** *Before the Commission can grant a variance application, the applicant must prove physical hardship and the Commission must find all of the following:*

- 1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not generally apply to all uses.*

The applicant states that the subject area contains a previously disturbed and regraded slope, limited horizontal distance between the residence and protected vegetation areas, existing drainage infrastructure,

golf safety zone constraints, and a constrained area available for slope stabilization. The applicant's landscape architect states that the rear yard area is not an undisturbed natural hillside, that prior grading and construction removed native vegetation and topsoil, and that the disturbed slope exceeds a two-to-one gradient over a substantial portion of the area. The applicant states that these conditions substantially restrict reasonable alternatives and make a retaining wall the most appropriate means of stabilizing the grade.

Staff does not believe the hardship criterion in Section D.1. listed above has been met. The property is already developed with an existing single-family residence that has functioned as a residential use since 2008 without the portion of the retaining/landscape wall now proposed to remain outside the disturbance envelope. Staff acknowledges that portions of the rear yard and broader subdivision area may have been previously disturbed; however, the existence of prior disturbance does not demonstrate that strict compliance with the disturbance envelope substantially restricts the effectiveness of the existing residential development.

The applicant has provided a technical narrative from a landscape architect, but staff has not received sufficient verified pre-existing grade information, as-built grading information, or alternative restoration information to conclude that the wall outside the envelope is required for the reasonable use of the property. Policy 22A may require retaining walls for certain cut or fill slopes greater than 2:1; however, that policy does not independently authorize construction of a retaining wall outside a recorded disturbance envelope. Nor is there any evidence that the area in question necessitated cut and fill at all prior to the unpermitted work.

Staff believes the applicant does not meet Variance Criteria D.1. The record does not show that the strict application of the disturbance envelope substantially restricts the effectiveness of the existing residential development. The wall may support a preferred landscape condition or yard design, but staff does not find that it is necessary for the reasonable residential use of the lot.

***2. That such special circumstances were not created by the applicant.***

The applicant states that the underlying slope conditions, prior land disturbance, drainage configuration, and physical constraints predated the current owner. The applicant also states that approximately one-half of the wall constitutes replacement of a preexisting retaining structure and that the current owner did not create the topographic conditions now requiring stabilization.

Staff would note that the portion of the wall that could reasonably be considered to be a replacement for a preexisting retaining structure is not the portion of the wall that is the subject of the variance request. The photographs of the existing conditions prior to the commencement of unpermitted work show that the area in question sloped gently downward and did not appear to be in danger of collapsing, sliding, or otherwise in need of retention.

Staff does not believe the "special circumstances not created by the applicant" criterion above has been met. Staff acknowledges that the site may include prior disturbance that was not created by the current owner. However, the specific need for variance relief is tied to the recently installed retaining/landscape wall and associated site disturbance outside the platted disturbance envelope.

The variance request is before the Planning Commission because the wall was installed, in whole or in part, outside the platted disturbance envelope without prior Town approval. The applicant has not demonstrated that the need for this variance was caused solely by circumstances outside the applicant's control. The cost, inconvenience, or difficulty of removing or revising unpermitted work is not a basis for granting a variance.

Staff believes the applicant does not meet Variance Criteria D.2. The applicant has not demonstrated that the need for relief from Policy 1 was not created by the applicant or by work undertaken on behalf of the applicant. The unpermitted placement of the wall outside the disturbance envelope is the condition requiring variance relief.

***3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare.***

The applicant states that the retaining wall is modest in scale, approximately twenty-four inches in height, constructed of natural stone, visually subordinate to the residence and surrounding natural environment, and largely not visible from neighboring properties or the golf course. The applicant also states that the wall stabilizes grade, protects drainage infrastructure, minimizes overall site disturbance, preserves existing vegetation, and advances the purposes of the Development Code.

Staff does not believe the general harmony criterion is met. Staff acknowledges that the wall may be relatively low in height and may have limited visibility from off-site vantage points. However, the variance must be evaluated against Policy 1 and the recorded plat restriction, not only against visibility or design character. Even if off-site visual impacts are limited, this criterion requires both general harmony with the purposes of the Development Code and no material detriment; staff does not find the harmony requirement is met because the variance would authorize a permanent improvement in the area the plat note was intended to protect.

Policy 1 requires compliance with applicable plat notes and plat restrictions. Plat Note No. 7 expressly limits buildings, decks, grading and excavation, and other improvements to being located within the platted disturbance envelope, except for limited driveway access or utility service connectors. Granting the variance would allow an after-the-fact permanent improvement to remain outside the platted disturbance envelope, which staff does not find to be in general harmony with Policy 1 or the purpose of the plat note.

Staff believes the applicant does not meet Variance Criteria D.3. Approval of the variance would conflict with the purpose of Policy 1 and the recorded disturbance envelope plat note, which were intended to limit site improvements and disturbance outside the envelope.

***4. The variance applied for does not depart from the provisions of this chapter any more than is required.***

The applicant states that the requested variance is narrow because it seeks relief only from Policy 1 as applied to a portion of an existing twenty-four-inch retaining wall. The applicant states that no relief is requested from density, use, building height, architecture, landscaping, site design, or placement-of-structures policies and that the variance affects only the portion of the wall necessary to address the unique physical conditions of the lot.

Staff does not believe this criterion is met. The wall was installed without prior Town approval, and the record does not include sufficient verified pre-existing grade information, as-built grading analysis, or alternatives analysis demonstrating that the wall outside the disturbance envelope is the only reasonable means of stabilizing the site, or even that the site needed stabilizing in the first place.

Staff does not find that the applicant has sufficiently evaluated a Code-compliant restoration plan, reduction of the wall to the disturbance envelope, removal of wall segments outside the envelope, or other stabilization and revegetation measures that would comply with the recorded plat restriction. Because the



work was installed prior to approval, the requested variance would ratify an existing noncompliant condition rather than review a proposed improvement before disturbance occurred.

Staff believes the applicant does not meet Variance Criteria D.4. The applicant has not demonstrated that retaining the wall outside the disturbance envelope is the minimum departure necessary from Policy 1 or the recorded plat restriction.

### **Staff Recommendation**

Staff does not support the variance request to allow the retaining/landscape wall to remain outside the platted disturbance envelope.

Per Section 9-1-11, the applicant must prove physical hardship and satisfy all four variance criteria. Staff does not find that physical hardship has been proven. The existing single-family residence has functioned without the portion of the wall outside the disturbance envelope, the need for relief is tied to unpermitted wall construction and associated site disturbance, and approval would not be in general harmony with Policy 1 or Plat Note No. 7 of The Fairways at Breckenridge Subdivision.

Staff further finds that the applicant has not demonstrated that the requested variance is the minimum departure required. Staff has not received sufficient verified grading, drainage, restoration, or alternatives information to conclude that the wall outside the disturbance envelope is necessary for reasonable residential use of the property.

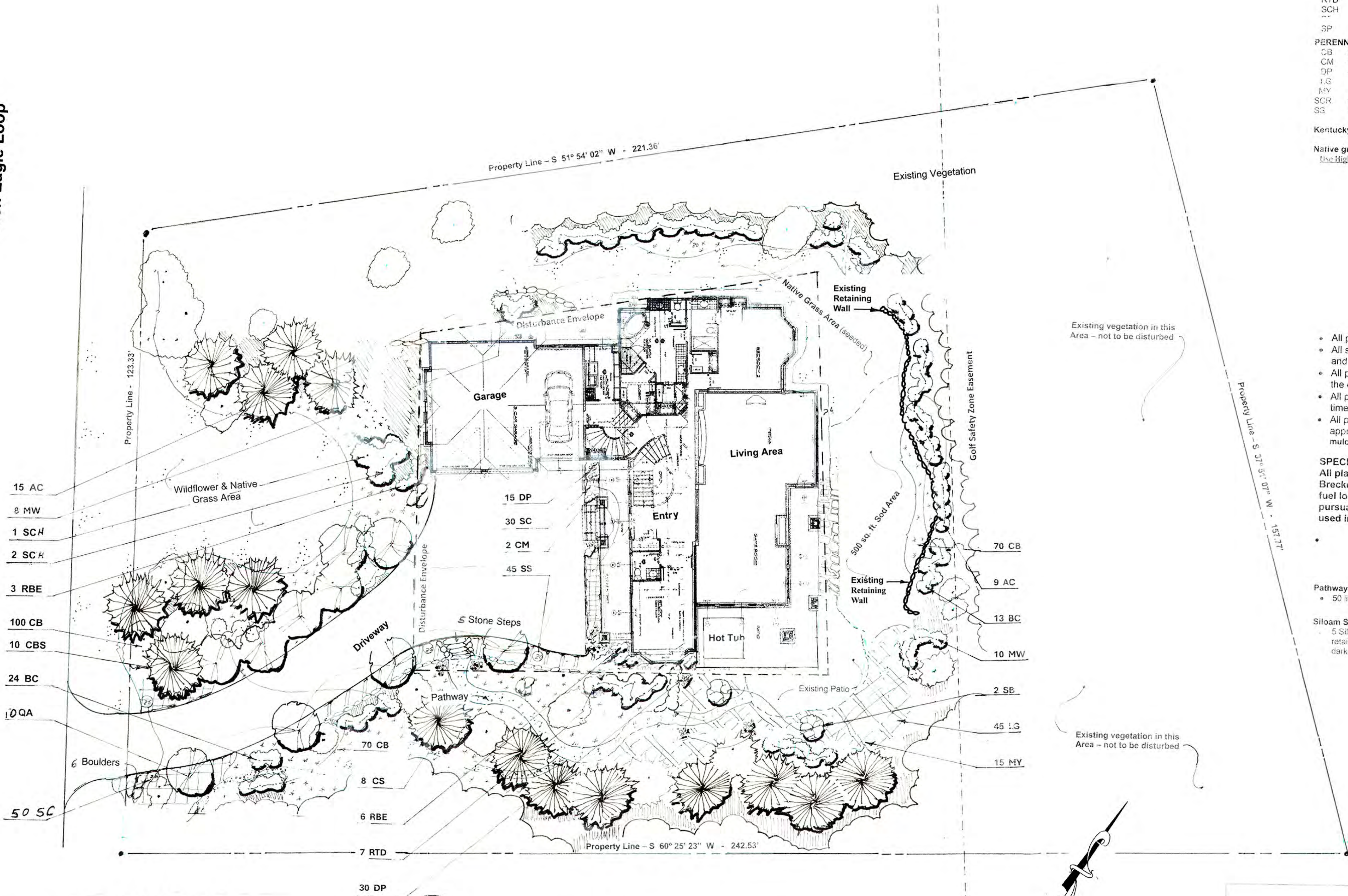
In conclusion, staff recommends that the Planning Commission deny the requested variance from the Development Code to allow a portion of an existing, unpermitted retaining wall to remain beyond the platted disturbance envelope.

Other site improvements, including grading, drainage, turf, irrigation, patio, pathways, planting, and defensible-space items, remain under separate review through PL-2026-0092 or other applicable compliance/enforcement actions. If the variance is denied, the applicant will need to revise the related Class D Minor application to remove or modify the retaining/landscape wall that is the subject of this variance provide a compliant restoration, stabilization, and landscape plan.

Included in your packet:

1. Site Plan, 07.17.2026
2. Satellite Imagery Export, September 2022
3. Existing Conditions Prior to Unpermitted Work – Unsure of Date
4. Existing Conditions Photos, 08.07.2026
5. Variance Request Narrative, 07.15.2026
  - a. Exhibit 1 – Revised Site Plan
  - b. Exhibit 2 – HOA Approval
  - c. Exhibit 3 – Report from Landscape Architect





PLANT SPECIFICATIONS

| TREES      |     |                      |                                         |
|------------|-----|----------------------|-----------------------------------------|
| Symbol     | Qty | Common Name          | Scientific Name                         |
| CBS        | 10  | Colorado Blue Spruce | Picea pungens                           |
| CS         | 8   | Colorado Spruce      | Picea pungens                           |
| QA         | 10  | Quaking Aspen        | Populus tremuloides                     |
| SHRUBS     |     |                      |                                         |
| Symbol     | Qty | Common Name          | Scientific Name                         |
| AC         | 24  | Alpine Currant       | Ribes alpinum                           |
| BC         | 37  | Bush Cinquefoil      | Potentilla fruticosa 'Pink Beauty'      |
| MW         | 18  | Mountain Willow      | Salix monticola                         |
| RBE        | 9   | Red Berried Elder    | Sambucus racemosa                       |
| RTD        | 7   | Red Twig Dogwood     | Cornus alba 'elegantissima'             |
| SCH        | 1   | Schubert Chokecherry | Prunus virginiana 'Schubert'            |
| SP         | 2   | Service Berry        | Amelanchier spp.                        |
| PERENNIALS |     |                      |                                         |
| Symbol     | Qty | Common Name          | Scientific Name                         |
| CB         | 240 | Columbine - mixed    | Aquilegia caerulea Rocky Mt. & Origanum |
| CM         | 6   | Catmint              | Nepeta Sp. 'Six Hills Giant'            |
| DP         | 45  | Delphinium           | Delphinium elatum                       |
| LG         | 45  | Lupine Gallery       | Lupinus russell 'Dwarf Gallery Mix'     |
| MY         | 15  | Moonshine Yarrow     | Achillea clypeolata x A. 'Taygetea'     |
| SCR        | 80  | Stonecrop            | Sedum Spp. (yellow & pink mixed)        |
| SG         | 45  | Snow in Summer       | Cerastium tomentosum                    |

Kentucky Blue Grass Sod (with 3" of topsoil - maximum 500 sq. ft.)

Native grasses/wildflowers (Hydro-seeding - Top dress with 3" of topsoil)

Use High Altitude Wildflowers Mix (westernnative.com)

- 15 % Galathea aristata (Perennial Gallieria)
- 15 % Penstemon strictus (Rocky Mt Penstemon)
- 12 % Erigeron speciosus (Showy Fleabane Daisy)
- 12 % Limn. bicolor (Blue Flax)
- 10 % Lupinus albus (Mt. Lupine)
- 10 % Lupinus argenteus (Silver Lupine)
- 10 % Wyethia amplexicaulis (Mules Ears)
- 4 % Achillea millefolium (Yarrow)
- 4 % Aquilegia scopulorum (Blue Columbine)
- 4 % Penstemon yudaei (Rydborg's Penstemon)
- 3 % Helianthus multiflorus (Showy Goldeneye)
- 0.75 % Hymenocallis hoopesii (Orange Mountain Daisy)
- 0.25 % Castilleja sulphurea (Sulfur Paintbrush)

PLANTING/IRRIGATION SPECIFICATIONS

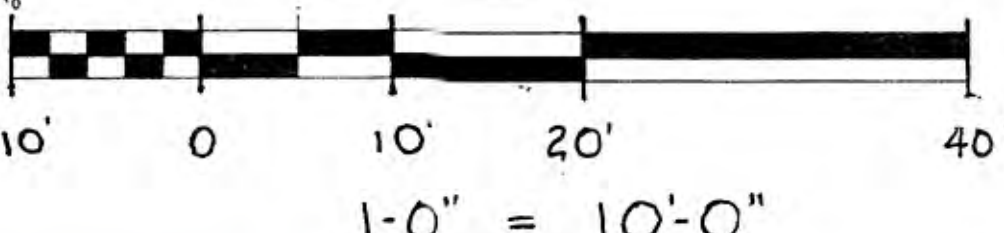
- All perennial areas to be backfilled w 8" of approved planting soil. (2200 Sq.Ft.)
- All shrub and tree plantings to be drip irrigated with an automatic irrigation system and rotary spray heads for grass area.
- All planting holes for container material to be a minimum of 2 X the width and 1 X the depth of the container size and backfilled with a mix of approved planting soil.
- All planting holes for B & B material to be a minimum of 2 times the width and 1 time's the depth of the ball size and backfilled with an approved planting soil.
- All planting beds to have weed barrier cloth installed and be mulched with approved dark shredded hardwood mulch - minimum depth of 3". (5000 Sq. ft. of mulched area) WITH THE EXCEPTION BELOW

SPECIAL NOTE:  
All plantings and mulching will be in compliance with the Town of Breckenridge's defensible space standards, including vegetation placement, fuel loading, and plant spacing within required wildfire mitigation zones pursuant to Section 5-10-01. A non-flammable pea gravel mulch will be used in the 0-5' space next to all structures.

CONSTRUCTION INSTALLATION SPECIFICATIONS

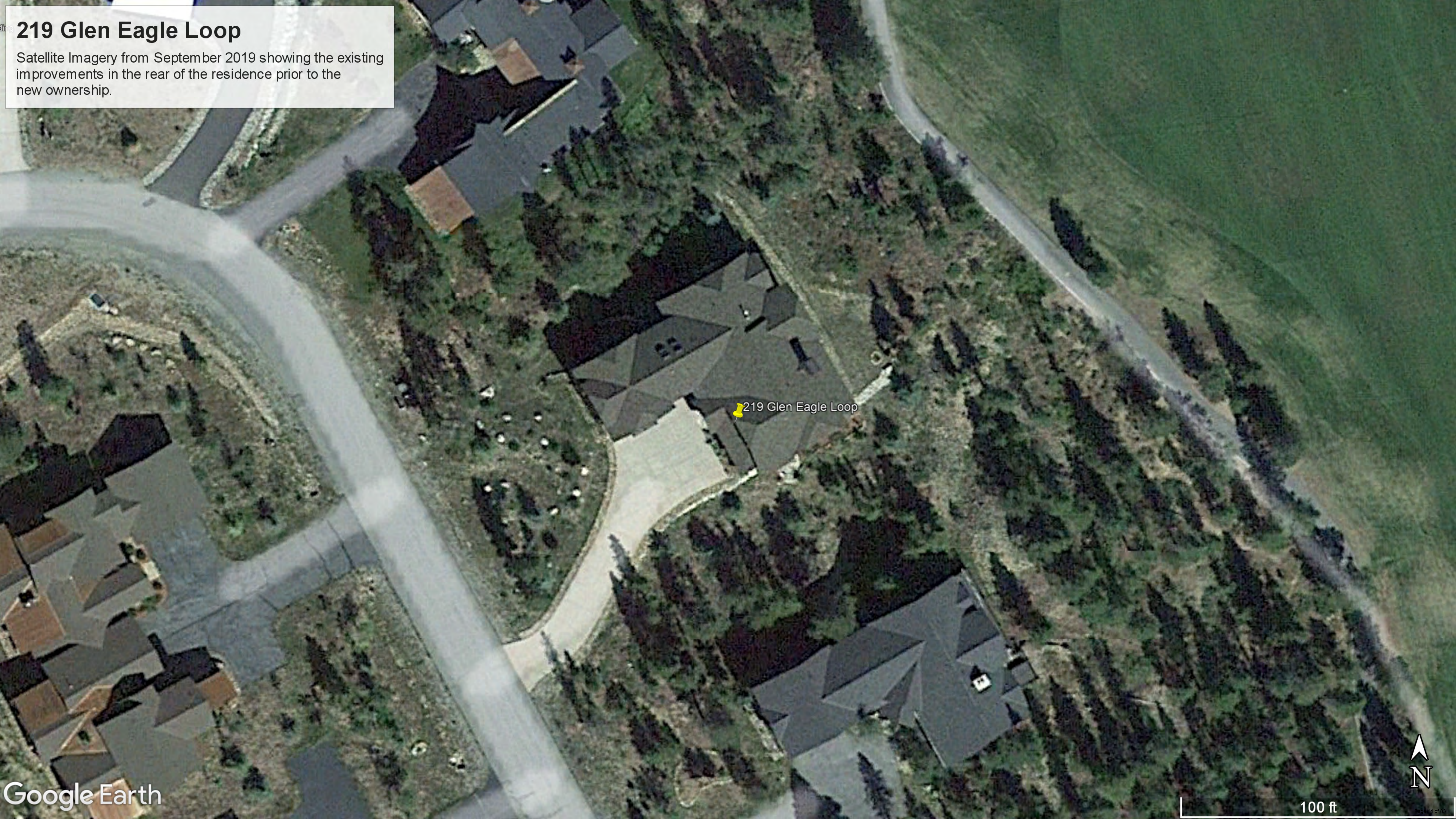
- Pathways
- 50 linear feet of 36" wide mulched pathway. Use light coating of pine needle mulch as cover.
- Silom Stone Steps
- 5 Silom stone steps to be placed to allow access from driveway through existing stone retaining wall 4' wide and supported with retainer stone on both sides. Seal flagstones with darkening sealer.

JOHN D. LONGHILL  
LANDSCAPE ARCHITECT  
PO BOX 25689 • Silverthorne • CO • 80497  
970-389-8496



Landscape Plan  
The Mamba Trust  
0219 Glen Eagle Loop, Breckenridge, Colorado  
Scale: 1" = 10'  
(Revised) July 17, 2026





**219 Glen Eagle Loop**

Satellite Imagery from September 2019 showing the existing improvements in the rear of the residence prior to the new ownership.



# 219 Glen Eagle Loop - Existing Conditions Prior to Unpermitted Work

Collection of photos supplied by the landscape architect. Photo dates are unknown; staff understands these photos to show conditions prior to the unpermitted work and stop work order. Captions reflect the photo titles/descriptions supplied with the images.



**Photo 1: Collapsed Retaining Wall**



**Photo 2: Firepit with seating stones**



**Photo 3: Patio and firepit very uneven and unsafe**



**Photo 4: Patio, retaining wall and walkway very uneven and unsafe**



**Photo 5: Patio, steps and retaining wall very uneven and unsafe**



**Photo 6: Patio, walkway and firepit very uneven and unsafe**



## 219 Glen Eagle Loop - August 7, 2026 Site Conditions Photographs

Collection of photos supplied by the landscape architect. Photos were taken on August 7, 2026. Captions are descriptive and intended only to identify the view shown. The artificial turf is temporary and not included in the review of this application.



**Photo 1: Rear retaining wall overview from the northern side of the residence.**



**Photo 2: Rear retaining wall overview looking South.**



**Photo 3: Retaining wall viewed from rear yard closer to golf course safety zone.**



**Photo 4: Southern portions of the retaining wall.**



**Photo 5: Synthetic turf and stone retaining wall**



**Photo 6: Unpermitted expanded improvements on the southern side of the residence.**



# 219 Glen Eagle Loop - August 7, 2026 Site Conditions Photographs

Collection of photos supplied by the landscape architect. Photos were taken on August 7, 2026. Captions are descriptive and intended only to identify the view shown.



**Photo 7: Broad view retaining wall looking North. Portions of the wall on the right side of the paragraph are the "rebuilt retaining wall".**



**Photo 8: Retaining wall portion near previously existing fire pit. Rocks are assumed to be in the same location which show the amount of grade disruption.**



**Photo 9: Southern most portion of the wall, connecting over to stairs on the south side of the residence.**



**Photo 10: Rear yard viewed across relocated dredge rock pile that was disturbed with the unpermitted work.**



**Photo 11: Residence viewed from golf safety zone.**



**Photo 12: Residence viewed from golf safety zone.**





Mike Lazar, Esq.  
TELEPHONE: (303) 297-2600, Ext. 187  
E-MAIL: mlazar@rwolaw.com

July 15, 2026

**VIA : EMAIL**

Breckenridge Planning Commission  
Town of Breckenridge

**Re: 219 Glen Eagle Loop**

**Application for Variance**

Dear Commissioners:

I represent the owner of 219 Glen Eagle Loop and respectfully submit this application for a variance pursuant to Section 9-1-11 of the Breckenridge Development Code. After much conferral with staff regarding landscaping at the property, the applicant seeks a limited variance from Policy 1's requirement that development comply with applicable plat restrictions, specifically as those restrictions relate to a portion of an existing retaining wall that exists beyond the current building or disturbance envelope.<sup>1</sup> The Fairways at Breckenridge Homeowners Association has already approved of my client's landscaping plan, including the portion of the retaining wall that is the subject of this variance application. I have attached the complete landscaping plan and the HOA's June 4, 2026 email approving the plan as Exhibits 1 and 2 to this letter.

The requested variance does not seek relief from the Development Code's density, height, use, architectural, landscaping, site design, or safety requirements. To the contrary, as discussed below and in the attached Technical Narrative prepared by Colorado Landscape Architect John D. Longhill, the retaining wall advances many of the Code's core objectives by stabilizing a previously disturbed slope, minimizing environmental impacts, preserving adjacent vegetation, protecting existing drainage infrastructure, and promoting safe circulation around the property. The sole

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<sup>1</sup> My client and I very much appreciate the professionalism and level of cooperation that we have received from staff as we have worked through issues pertaining to the subject landscaping application. Through open dialogue and conferral, we have worked through all other issues and understand that the subject portion of the retaining wall is the only outstanding one requiring a variance.



July 15, 2026  
219 Glen Eagle Loop  
Application for Variance  
Page 2

issue presented by this application is whether relief should be granted from the plat-envelope restriction as applied to a limited portion of the retaining wall, and the unique physical conditions affecting this property fully satisfy the variance criteria established in Section 9-1-11(D).

Below is a photograph showing the portion of the retaining wall that is still at issue:



The retaining wall is a modest, low-profile landscape feature that is visually subordinate to both the residence and the surrounding natural environment. The wall is constructed of natural stone selected to blend with the site's existing character and functions primarily as a grade



July 15, 2026  
219 Glen Eagle Loop  
Application for Variance  
Page 3

transition and stabilization feature rather than a significant structural improvement. The photograph also demonstrates the limited area available between the residence and the existing treed and vegetated portions of the property. Requiring removal of the wall and regrading of the area would not restore a natural hillside condition. Instead, it would require disturbance across a substantially broader area than the wall currently occupies, extending farther into currently vegetated portions of the site. The photograph likewise illustrates how the wall is integrated into the existing circulation and landscape layout adjacent to the residence. At approximately twenty-four inches in height, the wall does not create visual mass, interfere with views, or alter the character of the neighborhood. Rather, it serves as a modest stabilization element that allows the grade change to be accommodated within a narrow footprint while minimizing disturbance to surrounding vegetation and site features.

The Technical Narrative which is attached hereto as Exhibit 3 and prepared by John D. Longhill, a licensed Colorado landscape architect, explains the site conditions and design considerations supporting this request. As Mr. Longhill concludes, the property presents a unique combination of conditions, including a previously disturbed and regraded slope, limited horizontal distance between the residence and protected vegetation areas, existing drainage infrastructure, golf safety zone constraints, and a constrained area available for slope stabilization. Those conditions substantially restrict reasonable alternatives and make a retaining wall the most appropriate means of addressing the existing grade change.

The requested variance satisfies each of the approval criteria set forth in Section 9-1-11(D).

First, there are special circumstances and conditions applying to the land that substantially restrict the effectiveness of development on this particular lot. Section 9-1-11(D)(1) expressly recognizes topography, vegetation, and other site-specific conditions as appropriate grounds for a variance. As described in the Longhill report, the area at issue is not an undisturbed natural hillside. Historical grading and construction associated with the residence – all of which occurred before my client took ownership of the property – altered the original slope, removed native vegetation, and created a constrained area between the residence and protected portions of the site. Mr. Longhill explains that removal of the remaining retaining wall would not restore a natural condition. Instead, it would require additional grading farther east, encroachment into protected vegetation areas, and disturbance of a drainage corridor that currently serves the residence. In his professional opinion, the combination of pre-existing grading, limited horizontal run, vegetation buffer, golf safety zone constraints, and drainage infrastructure creates a condition unique to this lot that substantially restricts reasonable alternatives to a retaining wall.



July 15, 2026  
219 Glen Eagle Loop  
Application for Variance  
Page 4

Second, the special circumstances supporting the variance were not created by the applicant. Section 9-1-11(D)(2) requires that the hardship not be self-created. The underlying slope conditions, prior land disturbance, drainage configuration, and physical constraints predated the current owner. Indeed, the Town has already concluded that approximately one-half of the wall constitutes replacement of a preexisting retaining structure. The applicant did not create the underlying topographic conditions that now require stabilization. The variance request is therefore a response to existing physical constraints of the property rather than an attempt to expand development potential or obtain a preferred design outcome.

Third, granting the variance will be in harmony with the purposes of the Development Code and will not be materially detrimental to neighboring properties, the neighborhood, or the public welfare. Section 9-1-11(D)(3) requires precisely that finding. The retaining wall at issue is modest in scale, standing only approximately twenty-four inches high. It does not increase density, building area, occupancy, traffic, noise, or visual mass. It does not interfere with neighboring views. In fact, the retaining wall is essentially invisible unless one is on the applicant's property. The retaining wall cannot be seen by neighbors or from the golf course. It really can only be seen if one is in the applicant's backyard. The photograph on the next page shows a view of the segment of the retaining wall in question from the street. In short, the retaining wall serves a stabilizing function by holding grade within a narrow footprint and avoiding the broader disturbance that would result from constructing a flatter unsupported slope.

The requested variance is also consistent with the substantive policies of the Development Code. Policy 7 (Site and Environmental Design), which encourages development that responds appropriately to site conditions and minimizes environmental impacts. The retaining wall advances those objectives because it concentrates the grade change within a narrow area rather than requiring the disturbance of a substantially larger area of vegetation and soil. Mr. Longhill explains that removal of the wall would require additional grading and would increase the risk of erosion, sediment transport, and disturbance within areas that the Town has consistently sought to protect. The retaining wall therefore minimizes overall site disturbance and promotes environmental stability. Indeed, the subject retaining wall is exactly the type of retaining wall that Policy 7 encourages.

The retaining wall likewise advances the objectives embodied in Policy 9 (Placement of Structures). Policy 9 encourages designs that maximize safety and discourages conditions that create hazards or adversely affect adjacent properties, including the removal of lateral support. The retaining wall provides slope stabilization, preserves lateral support, prevents erosion, and maintains a safe area of pedestrian movement adjacent to the residence. Removal of the wall would



July 15, 2026  
219 Glen Eagle Loop  
Application for Variance  
Page 5

create steeper unsupported slopes, increase maintenance concerns, and reduce the stability of the existing site condition. Far from creating a hazard, the retaining wall mitigates one.



Finally, the requested variance does not depart from the provisions of the Development Code any more than is required. Section 9-1-11(D)(4) requires that any variance be narrowly tailored and represent the minimum departure necessary to address the hardship presented by the property. That standard is satisfied here. The applicant does not seek relief from the Town's density requirements, land use regulations, building height limitations, architectural design standards, landscaping requirements, site and environmental design policies, or placement of structures



July 15, 2026  
219 Glen Eagle Loop  
Application for Variance  
Page 6

policies. To the contrary, the retaining wall is consistent with and advances many of those provisions by stabilizing a previously disturbed slope, minimizing environmental impacts, preserving existing vegetation, protecting drainage infrastructure, and promoting safe circulation around the residence. The sole provision from which relief is sought is Policy 1's requirement that development comply with applicable plat restrictions, specifically the restriction created by the existing building or disturbance envelope. The requested variance therefore represents the narrowest possible departure from the Development Code. It affects only a small portion of a twenty-four-inch-high retaining wall and only to the extent necessary to address the unique physical conditions of the property. Because all other applicable provisions of the Development Code are either satisfied or affirmatively advanced by the proposed retaining wall, the requested variance does not depart from the Code any more than is required to address the hardship affecting this particular lot.

In conclusion, this application presents a very narrow issue. The retaining wall is modest in scale, approximately twenty-four inches in height, visually unobtrusive, and serves important slope stabilization, environmental, drainage, and safety functions. It does not conflict with the Town's density, use, height, architectural, landscaping, site design, or placement-of-structures policies. To the contrary, the evidence demonstrates that the retaining wall advances many of the core objectives embodied in those policies. The only reason a variance is required is because wall is located beyond the existing building or disturbance envelope shown on the plat. But for that single technical conflict, the retaining wall would be fully consistent with the Development Code and would not require any discretionary relief. Under these circumstances, where the wall satisfies the substantive purposes of the Code, the hardship arises from unique physical conditions of the property, and the requested relief is limited to the minimum necessary departure from a plat restriction, approval of the variance is both appropriate and consistent with the purposes of Section 9-1-11. Accordingly, the applicant respectfully requests that the Planning Commission approve the requested variance.

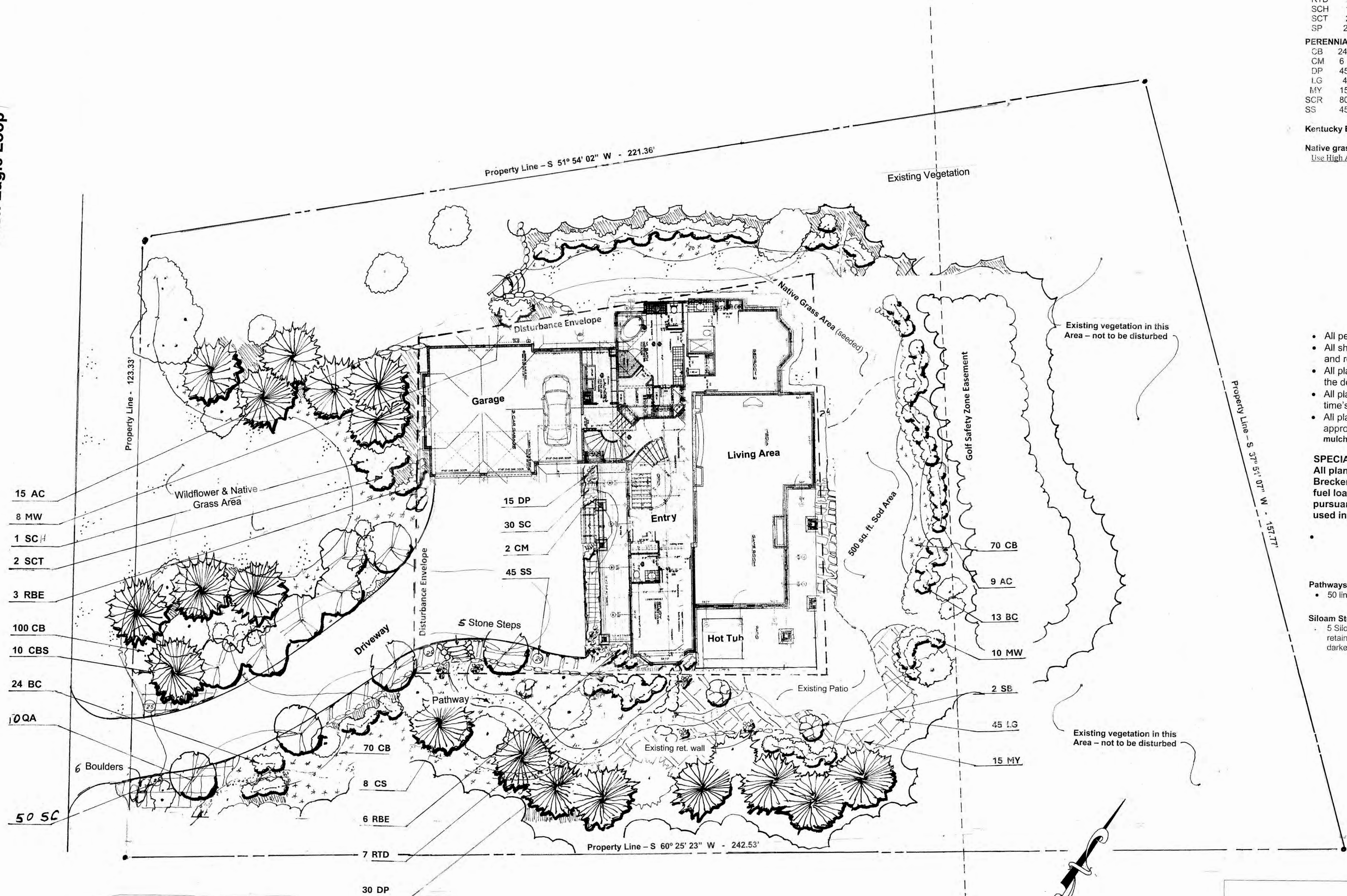
Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Lazar", with a long horizontal flourish extending to the right.

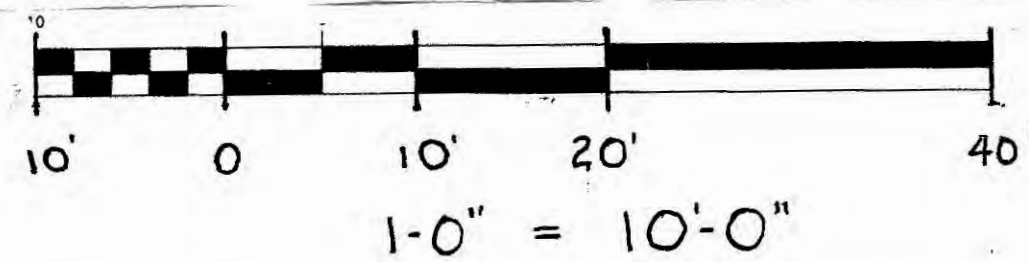
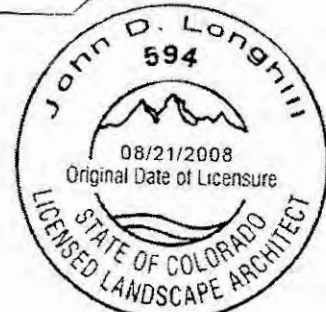
Mike Lazar, Esq.



# EXHIBIT 1



**JOHN D. LONGHILL**  
**LANDSCAPE ARCHITECT**  
 PO BOX 25689 • Silverthorne • CO • 80497  
 970-389-8496



## Landscape Plan

**The Mamba Trust**  
 0219 Glen Eagle Loop, Breckenridge, Colorado

Scale: 1" = 10'

(Revised) June 1st, 2026

### PLANT SPECIFICATIONS

| TREES      |      |                      |                                          |                          |
|------------|------|----------------------|------------------------------------------|--------------------------|
| Symbol     | Qty. | Common Name          | Scientific Name                          | Size                     |
| CBS        | 10   | Colorado Blue Spruce | Picea pungens                            | 4@14', 3@10', 3@8' B&B   |
| CS         | 8    | Colorado Spruce      | Picea pungens                            | 14' B&B                  |
| QA         | 10   | Quaking Aspen        | Populus tremuloides                      | 2" cal. Single trunk B&B |
| SHRUBS     |      |                      |                                          |                          |
| Symbol     | Qty. | Common Name          | Scientific Name                          | Size                     |
| AC         | 24   | Alpine Currant       | Ribes alpinum                            | #5 4' o.c.               |
| BC         | 37   | Bush Cinquefoil      | Potentilla fruticosa 'Pink Beauty'       | #5 3' o.c.               |
| MM         | 18   | Mountain Willow      | Salix Monticola                          | #5 6' o.c.               |
| RBE        | 9    | Red Berried Elder    | Sambucus racemosa                        | #5 4' o.c.               |
| RTD        | 7    | Red Twig Dogwood     | Cornus alba 'elegantissima'              | #5 6' o.c.               |
| SCH        | 1    | Schubert Chokecherry | Prunus virginiana 'Schubert'             | #10 multi-trunk          |
| SCT        | 2    | Schubert Chokecherry | Prunus virginiana 'Schubert'             | on site transplants      |
| SP         | 2    | Service Berry        | Amelanchier spp.                         | #10 multi-trunk          |
| PERENNIALS |      |                      |                                          |                          |
| CB         | 240  | Columbine - mixed    | Aquilegia caerulea 'Rocky Mt. & Origami' | 1 gal. 30" o.c.          |
| CM         | 6    | Catmint              | Nepeta Sp. 'Six Hills Giant'             | 1 gal.                   |
| DP         | 45   | Delphinium           | Delphinium elatum                        | 1 gal. 24" o.c.          |
| LG         | 45   | Lupine Gallery       | Lupinus russell 'Dwarf Gallery Mix'      | 1 gal. 30" o.c.          |
| MY         | 15   | Moonshine Yarrow     | Achillea clypeolata x A. 'Taygetea'      | 1 gal.                   |
| SCR        | 80   | Stonecrop            | Sedum Spp. (yellow & pink mixed)         | 1 gal. 18" o.c.          |
| SS         | 45   | Snow in Summer       | Cerastium tomentosum                     | 1 gal. 24" o.c.          |

Kentucky Blue Grass Sod (with 3" of topsoil - maximum 500 sq. ft.)

Native grasses/wildflowers (Hydro-seeding- Top dress with 3" of topsoil) 3,400 Sq. Ft.

Use High Altitude Wildflowers Mix (westernnativeseed.com)  
 15 % Gaillardia aristata (Perennial Gaillardia)  
 15 % Penstemon strictus (Rocky Mt Penstemon)  
 12 % Erigeron speciosus (Showy Fleabane Daisy)  
 12 % Linum lewisii (Blue Flax)  
 10 % Lupinus alpestris (Mt Lupine)  
 10 % Lupinus argenteus (Silver Lupine)  
 10 % Wyethia amplexicaulis (Mules Ears)  
 4 % Achillea millefolium (Yarrow)  
 4 % Aquilegia coerulea (Blue Columbine)  
 4 % Penstemon rydbergii (Rydberg's Penstemon)  
 3 % Helianthus multiflorus (Showy Goldeneye)  
 0.75 % Hymenoxys toopessii (Orange Mountain Daisy)  
 0.25 % Castilleja sulphurea (Sulfur Paintbrush)

### PLANTING/IRRIGATION SPECIFICATIONS

- All perennial areas to be backfilled w 8" of approved planting soil. (2200 Sq.Ft.)
- All shrub and tree plantings to be drip irrigated with an automatic irrigation system and rotary spray heads for grass area.
- All planting holes for container material to be a minimum of 2 X the width and 1 X the depth of the container size and backfilled with a mix of approved planting soil.
- All planting holes for B & B material to be a minimum of 2 times the width and 1 time's the depth of the ball size and backfilled with an approved planting soil.
- All planting beds to have weed barrier cloth installed and be mulched with approved dark shredded hardwood mulch - minimum depth of 3". (5000 Sq. ft. of mulched area) WITH THE EXCEPTION BELOW

### SPECIAL NOTE:

All plantings and mulching will be in compliance with the Town of Breckenridge's defensible space standards, including vegetation placement, fuel loading, and plant spacing within required wildfire mitigation zones pursuant to Section 9-1-19-22A(C). A non-flammable pea gravel mulch will be used in the 0-5' space next to all structures.

### CONSTRUCTION INSTALLATION SPECIFICATIONS

#### Pathways

- 50 linear feet of 36" wide mulched pathway. Use light coating of pine needle mulch as cover.

#### Silom Stone Steps

- 5 Silom stone steps to be placed to allow access from driveway through existing stone retaining wall 4' wide and supported with retainer stone on both sides. Seal flagstones with darkening sealer.



## EXHIBIT 2

**From:** Kipp Friedli <[kippf@sbcglobal.net](mailto:kippf@sbcglobal.net)>

**Date:** Thursday, June 4, 2026 at 5:55 PM

**To:** Sarah Crump <[sarahc@townofbreckenridge.com](mailto:sarahc@townofbreckenridge.com)>

**Cc:** Mamba Trust <[themambatrust@gmail.com](mailto:themambatrust@gmail.com)>, [johnlonghill@mindspring.com](mailto:johnlonghill@mindspring.com)  
<[johnlonghill@mindspring.com](mailto:johnlonghill@mindspring.com)>

**Subject:** 219 Glen Eagle Loop Approval

Sarah: The Fairways at Breckenridge Design Review Board received a revised landscape design plan from John Longhill, the owner's landscape architect. We have reviewed the revised plan and I walked the property this afternoon with John. The HOA has now approved the revised plan as presented to us. If you have any questions or concerns for the HOA please contact me.

Regards,

Kipp Friedli

312-553-6718

Fairways at Breckenridge

HOA DRB

**From:** Kipp Friedli [kippf@sbcglobal.net](mailto:kippf@sbcglobal.net)

Sent from my iPhone



**EXHIBIT 3**

July 9, 2026

**TECHNICAL NARRATIVE**

**Basis for Retaining Wall as the Effective Slope Stabilization Solution**

**Project:** 0219 Glen Eagle LOOP, Breckenridge, Colorado (The Mamba Trust)

**Location:** Rear yard slope, northeast and southeast side of residence

**Prepared by:** John D. Longhill, Landscape Architect, Colorado License No. 594

**1. Existing Site Condition**

Before this present ownership, the prior owner and builder cut into the native hillside on the northeast/southeast (rear yard) side of the residence to build the house, install underground drainage, retaining walls, stone patios, a fire pit, and stone steps, without proper retaining support. That work removed the native vegetation and topsoil that had been holding the original grade, and left a steep, loose, reworked slope directly behind the house. Because of these disturbances caused by prior owners, I want to ensure that the Town understands that there is nothing natural left to restore and this plan is the least intrusive and best mediation of the current conditions possible.

In my professional opinion, based on walking the site and observing the exposed grade break, the disturbed slope in this area exceeds a two to one (2:1) run-to-rise gradient, meaning the ground drops roughly one vertical foot or more for every two feet of horizontal distance, over a substantial portion of this area.

A 2:1 slope is a widely used threshold in landscape and civil design because it is close to the practical limit at which ordinary soil, once disturbed and stripped of its root structure, will hold a stable angle of repose without sliding, sloughing, or eroding. Soils in this part of Summit County are typically shallow, rocky, and derived from decomposed granite, shale and historic tailings from mining excavations. That material drains well, but it has very little cohesion, once it has been cut, regraded, or stripped of vegetation, not conducive for native restoration, which is exactly what happened here. A slope at or beyond 2:1 in this kind of material is hazardous to walk on and needs stabilization with soil retainers and terraced vegetation to establish a root mass, which takes multiple growing seasons to develop even under ideal conditions, and a structural retaining element.

**2. Why Regrading to an Unsupported Slope Does Not Solve the Problem**

The Town's request to remove the wall and regrade the area back to a previous, natural, unsupported slope is not consistent with the fact that this is not possible due to the regrading that was done to build the home and subsequent disturbances prior to the present ownership.

**John Longhill – Landscape Architect**

348 Jade Road \* Silverthorne \* Colorado \* 80498

[Johnlonghill@mindspring.com](mailto:Johnlonghill@mindspring.com) • 970-389-8496 • [www.John-LandscapeArchitect.com](http://www.John-LandscapeArchitect.com)

1



## *John D. Longhill – Landscape Architect*

What the town is requesting, where the wall would be removed, would require earthmoving equipment to demolish the entire landscape on the east side of the property and encroach on existing vegetation in the Golf Safety Zone. As a design matter, there is not enough horizontal distance available to lay the grade back at a stable angle, roughly 3:1 or flatter, without pushing the toe of the slope into a critical drainage area that is taking water away from the house. This drainage corridor cannot be disturbed to maintain this function, which further verifies that this distance is not available here. The existing native vegetation buffer and golf safety zone easement on the east side of the lot are shown on the landscape plan as areas that are not to be disturbed. The horizontal run between the back of the house and that buffer is limited. Laying back a slope of this height at a stable, unsupported gradient would require extending the disturbed area further east than the current wall does, directly into the vegetation buffer the plan is supposed to protect. In other words, removing the wall and regrading to the slope the Town is asking for does not reduce the disturbance on this lot. In my professional judgment, it increases it, and it does so in the one area that everyone, including the Town, wants left alone.

There is also a timing problem with an unsupported regrade. Even a well-designed cut slope needs seed, erosion control fabric or blanket, and at least two full growing seasons before the vegetation is established enough to hold the soil on its own. At this elevation, with a short growing season and heavy spring runoff from snowmelt, a bare regraded slope of this steepness is at high risk of erosion, and sediment loss in the interim, with that sediment moving downhill into the existing drainage piping around the house. A retaining wall removes that multi-year window of exposure entirely, by keeping this area completely flat, which was likely the historical precedent.

### **3. Why a Retaining Wall Is the Appropriate Structural Solution**

A retaining wall takes the same total elevation change and holds it in a narrow, engineered footprint instead of spreading it across a wide, unsupported slope. That is the entire function of a retaining wall in site design: it lets you make a grade change over a short horizontal distance that the natural soil could not otherwise hold. Given the limited distance available between the house and the protected vegetation buffer described above, concentrating the grade change into a wall is, in my opinion, the only practical way to hold this slope without disturbing ground outside that buffer and return the rear yard to a safe and functional condition.

The wall as built is faced in natural stone selected to match the color, scale, and texture of the mine tailings piles that already characterize this part of the property and much of the surrounding area. That is a deliberate design choice, not an incidental one. A retaining wall in this material reads as a natural rock outcropping rather than a built structure, which is consistent with the intent that disturbance in this area be minimized and kept visually harmonious with its surroundings. An unsupported cut slope, by comparison, leaves an

**John Longhill – Landscape Architect**

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2



## *John D. Longhill – Landscape Architect*

exposed scar of raw soil for at least a full season, with no structural or visual relationship to the mine tailings character of the site.

### **4. Alternatives Considered**

I considered other structural approaches before concluding that a native stone gravity retaining wall was the right solution here.

- Soil nail or shotcrete wall: This is engineered for larger cut slopes and rock faces, typically on commercial or highway projects. It requires drilling and grouting equipment that is disproportionate to a residential slope of this size, has a visibly industrial, sprayed-concrete appearance, and would not match the natural stone character called for on this site.
- Geogrid-reinforced (mechanically stabilized earth) slope with vegetated face: This can hold a steeper-than-natural slope, but it still requires a wider horizontal footprint than a near-vertical gravity wall to achieve the same elevation change, and it carries the same multi-season vegetation establishment risk described above. It does not solve the distance problem in section 2.
- Timber crib wall: Timber has a shorter service life than stone at this elevation because of freeze-thaw cycling and moisture, needs more frequent maintenance and eventual replacement, and does not match the natural stone and mine tailings character of the site.

None of these alternatives removes the basic constraint driving this design: a limited horizontal distance, a slope in loose, disturbed soil at or beyond 2:1, and a protected buffer immediately uphill and a piped drainage corridor downhill, that cannot absorb a wider, unsupported regrade. Given those constraints, a properly built stone retaining wall is, in my professional opinion, the most effective and the most site-appropriate way to stabilize this slope.

In conclusion, the unusual combination of a previously cut slope, limited horizontal run, existing drainage infrastructure, vegetation buffer, golf safety zone constraints, and the location of the residence creates a condition unique to this lot that substantially restricts any reasonable means of stabilizing the grade other than a retaining wall. In fact, there is no reasonable alternative to using the current retaining wall.



John D. Longhill  
Landscape Architect  
Colorado License No. 594



### **Planning Commission Staff Report**

**Subject:** Nehme Batista Home Childcare Business, Class B Minor, Combined Hearing (PL-2026-0156)

**Proposal:** To use the townhome residence of 1,548 sq. ft., at 115 Stallion Loop, for the operation of a home childcare business. This application is required pursuant to Ordinance 15, Series 2005, Policy 38.5 (Absolute) Home Childcare Businesses.

**Date:** August 11, 2026 (For meeting of August 18, 2026)

**Applicant:** Joseph Nehme, Wenifer Batista

**Project Manager:** Caleb Swartz, Planner I

**Property Owner:** Joseph Nehme, Wenifer Batista

**Address:** 115 Stallion Loop

**Legal Description:** Lot 27, Stables Village Subdivision #2

**Land Use District:** 46  
The following uses are acceptable in LUD 46: Workforce housing, Recreation, and Open Space. Home occupations are allowed with associated residential uses.

**Adjacent Uses:** North: Residential duplexes  
South: Public Open Space  
East: Residential duplexes  
West: Public Open Space

### **Item History**

Policy 38.5 allows for the operation of a home childcare business, subject to special review. The applicant is seeking to operate a home childcare business in a 1,548 sq. ft. residence at 115 Stallion Loop and to comply with Town of Breckenridge business license requirements and Policy 38.5 for the operation of a home childcare business. The applicant must obtain approval from the local jurisdiction to meet Colorado State Childcare Licensing requirements and will obtain a State license to operate after receiving approval from the Town of Breckenridge.

### **Staff Comments**

Noting the lack of childcare facilities in the community, the Town Council has identified daycare as a “Priority Goal”. The applicant hopes to continue to help meet this goal by offering a home childcare business. Typical hours of the applicant’s operation are from 7:30 am to 5:00 pm, Monday through Friday while closed on weekends, and major holidays. The applicant currently has an approved Class D-minor permit to install a fence in the backyard. Fencing the outdoor child play area is a requirement of State licensure. The applicant has stated there will be no more than six children at the home for up to



five days each week, Monday through Friday. The State license allows for care of up to six children from birth to 18 years of age with no more than two children under 18 months of age. Care also may be provided for no more than two additional school-age children attending kindergarten through 12<sup>th</sup> grade. Development Code policies relevant to the scope of this application, outlined in Policy 38.5 – Home Child Care Businesses, are the only criteria by which this request will be reviewed.

**Approval Criteria:** The applicant has obtained a BOLT business license from the Town and will obtain a State License to operate a childcare facility before operating the in-home childcare business. A Condition of Approval has been attached that requires the applicant to provide the Town Planning Department with a copy of this State License every time it is annually renewed and before operation can begin. The applicant understands these conditions and has agreed to abide with them. Policy 38.5 allows the home childcare owner to have up to one employee that is not related by blood or marriage. Wenifer Batista will be the only employee. Joseph Nehme, property co-owner of 115 Stallion Loop, will not be involved in the day-to-day operation of the home childcare business. Outside play areas for the children in the backyard are indicated on the site plan. Breckenridge Building Department Staff will complete a site visit to the property prior to the issuance of the permit to ensure that the house meets current Residential Building Code requirements.

**Compatibility:** Policy 38.5 indicates that proposed child care businesses must be found to be compatible with adjacent property and land uses. All adjacent land uses are workforce residential or public open space. The proposed hours of childcare operation, during weekdays and normal business hours, would have negligible impacts on adjacent residential uses. Staff finds no compatibility issues with adjacent land uses. The Policy further defines adjacent properties as “*all those units, lots and parcels located within a radius of one hundred feet from the site of the proposed home child care businesses, disregarding intervening public streets and alleys*”. Staff has notified all property owners within 300 feet, both by mail and by posting the site. Staff has received no letters opposed to the proposed home childcare business as of the drafting of this report.

**Parking:** Under Ordinance 15, Series 2005, no additional parking requirement shall be imposed on a home child care business beyond the parking required for the existing residential use at the proposed location. The residence has one exterior parking space and two garage spaces. Private parking in the applicant's driveway will facilitate child drop-off and pick-up. If needed, additional guest parking is located within short walking distance of the residence.

### **Point Analysis**

At the time of adoption of the Ordinance that created Policy 38.5 – Home Child Care Businesses, the Town Council directed staff to use this Policy as the only criteria to be used in the evaluation of future applications. As this is an Absolute Policy, no positive or negative points have been assigned.

### **Staff Recommendation**

This proposal meets all the requirements of Policy 38.5 (Absolute) Home Childcare Businesses. Staff recommends that the Planning Commission approve Nehme Home Childcare Business, PL-2026-0156,



located at 115 Stallion Loop, with a passing score of zero (0) points and the attached Findings and Conditions.

**Photos of Residence**





## TOWN OF BRECKENRIDGE

**Nehme Batista Home Childcare Business  
Lot 27, Stables Village Subdivision # 2  
115 Stallion Loop  
PL-2026-0156**

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **August 11, 2026**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **August 18, 2026**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are recorded.
6. Public notice was given pursuant to Policy 38.5 prior to the public hearing through mailings to adjacent property owners within 300 feet and posting on site.

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit is assigned to Wenifer Batista and is non-transferable.
4. Applicant agrees to limit home childcare to a maximum of 12 children or the maximum allowed by the State of Colorado, whichever is less.
5. Applicant shall be in possession of a valid Colorado State childcare license and Town of Breckenridge Business License at all times and shall submit a copy of each to the Town of Breckenridge Planning Department on an annual basis.
6. Breckenridge Building Department Staff will complete a site visit to the property prior to the issuance of the permit to ensure that the house meets current Residential Building Code requirements.



---

(Initial Here)







RECEIVED  
JUL 14 2026

TOWN OF BRECKENRIDGE  
PLANNING DEPT.



## Approval of Deed, Bill of Sale and Tenancy

The undersigned **JOSEPH GERALD NEHME AND WENIFER S. BRITO BATISTA** Buyer(s) hereby acknowledge that they intend to take title to the following described property:

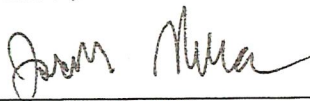
**LOT 27, STABLES VILLAGE SUBDIVISION - FILING NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 2, 2025 UNDER RECEPTION NO. 1352667, COUNTY OF SUMMIT, STATE OF COLORADO.**

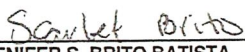
As ☒ Joint Tenants ☐ Tenants in Common ☐ Other \_\_\_\_\_

Whose mailing address is: **PO BOX 6444, Breckenridge, CO 80424**

They have reviewed the **SPECIAL WARRANTY DEED** and **Bill of Sale** dated **June 11th, 2026** from **STABLES VILLAGE HOMES LLC, A COLORADO LIMITED LIABILITY COMPANY** to **JOSEPH GERALD NEHME AND WENIFER S. BRITO BATISTA** and by their signature hereto approve the deed and confirm that it correctly reflects the choice of tenancy, if applicable.

Date: **June 11, 2026**

  
\_\_\_\_\_  
**JOSEPH GERALD NEHME**

  
\_\_\_\_\_  
**WENIFER S. BRITO BATISTA**





**Thank you for choosing to engage in business in the Town of Breckenridge**

This license shall serve as your receipt.

A license issued under this chapter shall be valid for one (1) year commencing with the date of issuance and shall be renewed annually. (Breckenridge Town Code 4-1-5(B))

**Posting:** The licensee shall post this current business license in a conspicuous place on the licensed premises at all times. (Breckenridge Town Code 4-1-3)  
(If located or working within the town limits of Breckenridge)

**Business & Occupational Renewal Process :** Invoices are sent to the email address on file one month prior to the expiration of the license. Businesses are required to officially close their business when their work in Breckenridge has concluded or pay the renewal fee.

**Economic Nexus/Non-Physical Licenses** will only need to update their contact information, as needed.

Closures and updates to contact information may be made at

[www.townofbreckenridge.com/changerequest](http://www.townofbreckenridge.com/changerequest)

Please email [websitefinance@townofbreckenridge.com](mailto:websitefinance@townofbreckenridge.com) with questions/concerns.

**BUSINESS & OCCUPATIONAL/SALES TAX LICENSE**

**License#** 63285001

**Type:** In-Home Business

115 STALLION LOOP

**Issued:** 3/16/2026

**Expiration:** 3/15/2027

**License Fee Paid:** \$50.00

EL NIDITO CHILD CARE  
EL NIDITO LLC  
SCARLET BRITO  
PO BOX 6444  
BRECKENRIDGE CO 80424



TOWN OF  
**BRECKENRIDGE**

This certifies that licensee shown hereon is authorized and licensed to engage in business in accordance with the provisions of the Town Code of Breckenridge. Any alteration made on the license will automatically make it null and void.

*Laura MacInnes*

Finance Director

**TOWN OF BRECKENRIDGE**  
THIS LICENSE IS NOT TRANSFERABLE



## Planning Commission Staff Report

**Subject:** City Market #430 Fuel Center (Class A, Preliminary Hearing; PL-2026-0171)

**Proposal:** A proposal to construct a new City Market Fuel Center with seven (7) multi-product dispensers providing fourteen (14) fueling positions beneath a canopy and an employee-staffed retail kiosk. The application also includes the future demolition and environmental remediation of the existing City Market fuel center, canopy, and convenience store in accordance with applicable State of Colorado requirements. No redevelopment of the existing fuel-center site is proposed at this time.

**Date:** August 11, 2026 (For meeting of August 18, 2026)

**Project Manager:** Clif Cross, Planner II

**Applicant/Owner:** Parkway Shopping Center LLC

**Agent:** Cameron Mullins, Senior Due Diligence Coordinator, Galloway

**Address:** 430 North Park Avenue

**Legal Description:** Lot 3, Block 2, Parkway Center Subdivision Amended No. 1

**Site Area:** 0.9050 acres (approximately 39,422 square feet)

**Land Use District:** 9 - Retail Commercial; subject to the Parkway Center Master Plan

**Site Conditions:** The parcel is relatively flat, previously disturbed, and contains existing vegetation along portions of its perimeter. Although considered vacant, it has been used as a storage area for several years. Access is provided through the private internal drive system serving Block 2 of the Parkway Center development. There are no encumbrances on the parcel.

**Adjacent Uses:**

|             |                                               |
|-------------|-----------------------------------------------|
| North/West: | North Park Avenue (CO State Highway 9)        |
| East:       | Airport Road and shared Parkway Center access |
| South:      | City Market grocery store and parking area    |

**Density:**

|                                         |                         |
|-----------------------------------------|-------------------------|
| Allowed for Lot 3, Block 2 per          |                         |
| <i>1985 Parkway Center Master Plan:</i> | 8,000 sq. ft. (8 SFEs)  |
| Proposed density:                       | 248 sq. ft. (0.25 SFEs) |

**Total:**

|                 |               |
|-----------------|---------------|
| Employee Kiosk: | ~ 248 sq. ft. |
| Total:          | ~ 248 sq. ft. |

**Height:**

|              |                                          |
|--------------|------------------------------------------|
| Recommended: | 1-2 stories (26 ft.)                     |
| Proposed:    | 21.75 ft. to gable mean (28 ft. overall) |

**Lot Coverage:**

|                               |                                    |
|-------------------------------|------------------------------------|
| Building / non-Permeable:     | ~ 7,481.5 sq. ft. (18.9% of site)  |
| Hard Surface / non-Permeable: | ~ 24,923.4 sq. ft. (63.2% of site) |
| Open Space / Permeable Area:  | ~ 7,017.1 sq. ft. (17.8% of site)  |

**Parking:**

|           |           |
|-----------|-----------|
| Required: | 15 spaces |
| Proposed: | 16 spaces |



|                   |           |                       |
|-------------------|-----------|-----------------------|
| <b>Snowstack:</b> | Required: | 8,101.2 sq. ft. (25%) |
|                   | Proposed: | not provided          |
| <b>Setbacks:</b>  | Required: | 1 ft for commercial   |
|                   | Front:    | ~ 50 ft.              |
|                   | Sides:    | ~ 5 ft.               |
|                   | Rear:     | ~ 16.5 ft.            |

### **Item History**

The property is located within the Parkway Center Master Plan area. The 1985 Parkway Center Master Plan allocated 155 Single Family Equivalents (SFEs) to Block 2 for commercial use and requires subsequent site-specific development to comply with the applicable Development Code and subdivision requirements. The current Parkway Center density ledger allocates 8.0 commercial SFEs, equivalent to 8,000 square feet of commercial density, to Block 2, Lot 3. No density has been previously used on this lot.

The existing City Market fuel station, canopy, and convenience store are located on a separate parcel within the Parkway Center development. The applicant proposes to construct the new fuel center on Lot 3 and later remove the existing facility. Because the existing and proposed facilities are on separate parcels, the existing facility does not offset the density proposed on Lot 3.

### **Staff Comments**

**9-1-19-1A: Policy 1 (Absolute) Codes; Correlative Documents; And Plat Notes:** The Parkway Center Master Plan defines commercial use to include retail trade and service activities and identifies Block 2 for commercial development. Staff finds that a fuel center with an employee-only retail kiosk is an allowed commercial use.

**Land Use (2/A & 2/R):** Commercial uses are proposed on the site, which is consistent with Land Use District 9 and the Parkway Center Master Plan. Staff finds that a fuel center with an employee-staffed retail kiosk is an allowed commercial use.

**Density/Intensity (3/A & 3/R) & Mass (4/R):** The current Parkway Center density matrix identifies 8.0 commercial SFEs, or 8,000 square feet of commercial density, as available on Block 2, Lot 3. Staff will count the gross floor area of the employee-staffed kiosk as density. The canopy will not be counted as density.

The plans identify the kiosk at approximately 248 square feet but do not include a dimensioned floor plan or a project density calculation. Prior to the final hearing, the applicant will be required to provide a dimensioned kiosk floor plan and a revised project-data table identifying the exact gross floor area and countable density.

**Architectural Compatibility (5/A & 5/R):** Policy 5 encourages architecture that is compatible with the applicable Land Use Guidelines and the mountain environment. Design review includes the size, shape, scale, proportions, solid-to-void relationships, materials, colors, and architectural details of the full composition. Natural materials such as timbers, wood siding, and stone are strongly encouraged. Untextured or unfinished unit masonry and highly reflective materials are identified as inappropriate.

Staff previously advised the applicant that the initial design, which relied heavily on unit masonry and a conventional aluminum-clad flat roof fuel canopy, did not meet the intent of Policy 5. The current elevations represent a meaningful improvement. The revised design includes a standing-seam gabled roof, a central cross-gable, stone-clad canopy columns and kiosk walls, fiber-cement siding, faux-wood trim and brackets, and a subdued green, brown, cream, and tan palette. The canopy and kiosk are presented as a coordinated architectural composition rather than independent utilitarian elements.



The current architectural design remains preliminary. Prior to the final hearing, the applicant will provide a complete material and color board, Munsell color notations, exterior material coverage calculations, and product information clearly identifying whether the proposed stone and wood-appearing elements are natural or manufactured. This information is necessary for staff to complete its review of the proposal under Policy 5.

Due to its approximately 126-foot overall length and visibility from North Park Avenue, Airport Road, and the City Market parking area, the canopy will be the dominant visual element of the project. Staff finds that the revised canopy and kiosk design represents a substantial improvement over the initial proposed designs and is generally appropriate for the site. The standing-seam roof, stone-clad columns and kiosk walls, subdued color palette, and wood-appearing trim and brackets provide sufficient mountain architectural character for staff to support the proposal under Policy 5.

Staff does not, however, consider the proposed canopy to represent the preferred or strongest design response contemplated by the Code. The canopy continues to read as a long, predominantly flat commercial form, with gable elements applied above the primary canopy edge rather than fully integrated into a varied and articulated roof form. Staff finds the overall architectural composition approvable under Policy 5, while maintaining separate concerns regarding the canopy's scale and roof modulation under Policy 6. Staff requests confirmation that the Planning Commission agrees with this assessment.

**Building Height (6/A & 6/R):** Land Use District 9 discourages buildings in excess of two stories, which equates to a recommended height of 26 feet. For commercial structures outside the Conservation District, building height is measured to the mean elevation of a gable or hip roof. Although the elevations identify an overall canopy height of approximately 28 feet, staff calculates the mean height of the tallest gable at approximately 21.75 feet. Staff therefore finds that the structure complies with the recommended height.

Policy 6 encourages varied and visually interesting roof forms and discourages long, unbroken ridgelines of 50 feet or more. Although the central cross-gable adds some articulation and improves the canopy's architectural character under Policy 5R, the elevations depict a continuous horizontal canopy edge extending approximately 126 feet, with the gable contained within rather than interrupting the larger form. While this feature is not technically a ridgeline, staff finds that the current roof form does not meet the intent of Policy 6 or the mountain architectural character contemplated by Policy 5R, Architectural Compatibility. Prior to the final hearing, the applicant shall submit a revised roof plan incorporating additional breaks and modulation consistent with both policies. Staff requests preliminary Commission direction regarding the canopy's visual scale, roof form, and degree of modulation.

**Site and Environmental Design (7/R):**

The lot is vacant, relatively flat, and previously disturbed, and it has historically been used for storage. The proposal places the fuel canopy and kiosk near the center of the lot, with underground fuel tanks to the east and underground detention to the north. The applicant proposes to retain portions of the existing vegetation and provide new landscaping around the perimeter and access areas. The grading plan identifies approximately 82.2 percent of the parcel as impervious. Although a large paved fueling area is inherent to the proposed use, its extent increases the importance of effective perimeter screening and drainage.

**Placement of Structures (9/A & 9/R):** Policy 9 requires a minimum 1-foot setback for commercial and other nonresidential structures. The site plan shows that the proposed structures maintain more than the minimum setback from all property lines.

Staff has repeatedly advised the applicant that future widening of North Park Avenue may require an additional northbound lane and could affect the property frontage. The current plan should not preclude that future improvement or place required landscaping, utilities, signs, or other critical improvements where they may need to be removed. Prior to the final hearing, the applicant shall coordinate with Town Engineering and CDOT to identify the future roadway envelope that should be accommodated and provide a dimensioned exhibit showing how the canopy, kiosk, tanks, detention, utilities, landscaping, trash enclosure, and circulation would function if the road widening occurs.



**Signs (12/A and Chapter 15):** The elevations depict City Market branding, fuel-price panels, and dispenser/canopy identification. The drawings label the signs as non-illuminated. All signs, including fuel-price signs, canopy branding, dispenser signs, and any exterior merchandise or directional signs, will be reviewed under a separate sign permit. Conceptual sign locations may be considered as part of architectural compatibility, but this development permit will not authorize the signs.

**Snow Removal and Storage (13/A & 13/R):** Policy 13 requires adequate space within a development for snow storage and encourages functional snow storage equal to approximately 25 percent of the areas to be cleared, including roadways, walkways, parking areas, and other paved areas requiring snow removal. Snow storage must not compromise landscaping, drainage, clear vision, equipment access, or fuel operations.

The current plans do not identify snow-storage areas or provide calculations for the recommended and proposed snow-storage areas. Prior to the final hearing, the applicant must identify functional snow-storage locations and provide the applicable calculations.

**Storage (14/A & 14/R):** Policy 14 requires commercial storage areas, including materials and equipment, to be screened in an aesthetically compatible manner. The site plan identifies a propane stand, air stand, portable DEF dispenser, tank vents, electrical equipment, and other exterior operational features. Prior to the final hearing, the applicant shall provide a coordinated plan identifying the final size, location, and screening of these elements. Any exterior merchandise or product displays shall also be identified on the final plans.

**Refuse (15/A & 15/R):** The site plan shows a trash enclosure near the northern portion of the property. No enclosure elevations, dimensions, material details, gate configuration, recycling capacity, or collection turning information have been provided. The final plans will need to demonstrate an enclosed and screened refuse and recycling area that meets Town standards, is architecturally compatible with the kiosk and canopy, provides adequate recycling capacity, and can be serviced without impairing pedestrian or vehicle circulation. The design should be coordinated with the Town's Sustainable Materials Management staff.

**Internal/External Circulation (16/A & 16/R; 17/A):** The proposed fuel center would rely on the existing shared Parkway Center access system, including the signalized intersection at North Park Avenue and Airport Road and the western access on North Park Avenue. The applicant submitted a Traffic Impact Study (TIS), dated May 20, 2026 and revised August 5, 2026. The Town's traffic consultant reviewed the study and identified concerns related to access configuration, intersection geometry, traffic assumptions, and the safe movement of passenger vehicles and fuel-delivery trucks. The applicant responded to the comments and revised portions of the analysis; however, several broader circulation issues remain unresolved.

The remaining concerns include:

- Whether the western access from North Park Avenue may remain a full-movement access or must be modified in accordance with the CDOT Access Control Plan;
- Whether the North Park Avenue and Airport Road intersection provides adequate lane configuration, turning space, and queueing for passenger vehicles and fuel-delivery trucks;
- Whether the proposed tanker route can function safely from the public roadway, through the site, and back onto North Park Avenue; and
- Whether the traffic analysis adequately accounts for peak-season conditions, nearby development, and potential future improvements to North Park Avenue.

The truck-turn exhibit included with the current planning set helps demonstrate movement within the property, but it does not fully resolve the concerns regarding tanker movements through the signalized intersection and the complete entry and exit route.

Town Engineering and the Town's traffic consultant will continue coordinating with the applicant and CDOT to develop an acceptable circulation plan. Staff is not requesting that the Planning Commission make a technical



engineering determination at this preliminary hearing. The Commission should understand, however, that resolution of the outstanding circulation issues may require revisions to the access configuration, landscaping, utilities, underground fuel tanks, or overall site plan. Prior to returning for a final hearing, the applicant should resolve the outstanding comments and provide a revised TIS and circulation plan acceptable to Town Engineering and coordinated with CDOT.

**Parking (18/A& 18/R):** The Code requires a gas station/convenience market to provide a minimum of one parking space per pump plus one space per 250 square feet of gross floor area. The maximum is 1.1 spaces per pump plus 1.1 spaces per 250 square feet of gross floor area. Standard parking stalls must be at least 9 feet by 18 feet.

The site plan depicts seven multi-product dispensers providing fourteen fueling positions. Staff finds that each fueling position qualifies as a required parking space because the associated vehicle area meets the minimum parking-stall dimensions of 9 feet by 18 feet. The fourteen fueling positions therefore satisfy the parking requirement associated with the fuel pumps.

The employee-only kiosk contains approximately 248 square feet of gross floor area and requires one additional parking space based on the standard of one space per 250 square feet. The site plan provides two standard parking spaces in the northern portion of the property. In total, the project requires fifteen parking spaces and provides sixteen qualifying spaces. Staff has no concerns and finds the proposal complies.

**Open Space (21/R):** Policy 21 encourages commercial development to provide at least 15 percent of the parcel as natural, improved, or functional open space. Based on the 0.905-acre site area, the encouraged amount is approximately 5,913 square feet. Although the grading plan identifies 17.8 percent of the site as pervious area, not all pervious areas qualify as open space. Streets, driveways, parking areas, sidewalks, planter boxes, and narrow landscaping strips do not count toward the calculation. Staff also does not consider the landscaped center island between the site access points to be qualifying functional open space. Prior to the final hearing, the applicant shall submit an exhibit and calculation clearly identifying the amount and location of qualifying open space provided on the parcel.

**Landscaping (22/A & 22/R):** The landscape plan includes eleven new trees consisting of three balsam poplars, four bristlecone pines, and four multi-stem aspens. The plan also includes 205 shrubs and ornamental grasses and two areas of rock cobble mulch totaling approximately 14,126 square feet. The plan identifies five individual existing trees and an existing tree group for removal, while retaining five individual trees and another existing tree group.

The proposed landscaping is concentrated along North Park Avenue, Airport Road, the northern access, the southern property boundary, and the underground fuel-tank area. This layered approach will help soften the large paved fueling area and screen the development from surrounding rights-of-way and properties. However, staff remains concerned that the removal of existing mature vegetation and its replacement with trees generally shown at the baseline installation sizes identified by Policy 22 may not provide adequate screening at the time of installation. This is particularly important because the property occupies a highly visible corner along North Park Avenue and Airport Road. Policy 22 requires landscaping to protect viewsheds from public rights-of-way and provide adequate screening appropriate to the surrounding neighborhood.

Staff believes the landscape plan should be strengthened with larger trees and additional evergreen material along the most visible portions of the site. Additional evergreen plantings would provide more effective year-round screening, while larger deciduous and evergreen trees would more quickly offset the loss of existing mature vegetation. Staff also has concerns about the landscaped island between the internal access points, which is currently planted primarily with shrubs and ornamental grasses. Substantial trees within this area could help screen the fuel center from the City Market parking lot and better integrate the project with the larger commercial development. However, because the potential redevelopment and future circulation of the remaining City Market property have not progressed to a detailed design stage, the final planting arrangement should preserve reasonable flexibility for future site planning.



The applicant has not yet identified functional snow-storage areas or provided the required snow-storage calculations. The final landscape plan must therefore be coordinated with the snow-management plan so that required plantings are not located where they would be damaged by snow stacking, plowing, or snowmelt. Policy 22 specifically requires plant materials proposed within snow-storage areas to be of a size and type that will not be adversely affected and generally discourages locating newly planted trees within those areas.

Prior to the final hearing, the applicant will be required to revise or supplement the landscape plan to:

- Identify functional snow-storage areas and demonstrate that proposed landscaping will remain viable and will not interfere with snow removal or storage;
- Provide larger trees and additional evergreen screening along the most visible portions of the development and evaluate whether tree plantings can be incorporated into the landscaped island between the internal access points;
- Coordinate all plantings with utilities, underground tanks, vents, sight triangles, lighting, access and circulation, and potential future widening of North Park Avenue; and
- Provide adequate living groundcover within areas currently identified primarily as rock cobble mulch.

Staff requests Planning Commission direction on whether the proposed landscape plan provides adequate screening and visual integration particularly along North Park Avenue, Airport Road, and the southern interface with the City Market parking lot, or whether larger trees and additional evergreen material should be required.

**The Social Community (24/A):** Policy 24 requires new commercial development to mitigate the employee-housing demand generated by the project. The existing City Market fuel center is located on a separate parcel, and its existing employee generation and associated mitigation are accounted for on that parcel. Staff has previously advised the applicant that vacating certain internal Parkway Center lot lines could allow the properties to function more cohesively; however, no replat is proposed with this application. The proposed fuel center on Lot 3 therefore constitutes new commercial floor area subject to the employee housing impact mitigation requirements of Policy 24. The policy requires mitigation for 35 percent of the employees generated by a project.

The applicant has described the approximately 248-square-foot kiosk as an employee-staffed retail booth. Customers would complete transactions through a service window, with no public interior access or public restroom currently proposed. Although the Employee Generation Rates by Type of Use table does not contain a separate category for a gas station or fuel center, staff will classify the kiosk as a retail use and calculate employee generation based on the interior commercial floor area of the kiosk.

Staff also notes that the Chapter 7 prohibition on outdoor merchandise applies only within specifically identified land use districts and does not include Land Use District 9. Exterior coolers, vending machines, product shelving, propane sales, or other outdoor merchandise may therefore be permissible, subject to all other applicable development, circulation, screening, parking, and sign requirements. The applicant shall identify any proposed exterior merchandising or retail equipment on the final plans; however, these exterior areas will not be included in the employee-generation calculation because Policy 24 only applies to new commercial floor area.

The applicant proposes to relocate the existing fuel-center operation to Lot 3 and subsequently remove the existing fuel station, canopy, and convenience store. Staff understands that City Market anticipates receiving employee-generation credit for the existing retail operation as the replacement facility comes online. Staff believes such credit may be appropriate, provided the existing fuel center ceases operation within a specified period established through a condition of approval. If the existing fuel center remains in operation beyond that period, the new kiosk would be subject to the applicable employee housing mitigation requirement without credit for the existing operation.

Prior to the final hearing, staff will coordinate with the applicant to confirm the kiosk's final gross floor area, calculate employee generation using the applicable retail rate, determine the amount of credit available from the existing retail operation, and draft an appropriate condition of approval addressing the timing of the existing fuel center's closure.



**Drainage (27/A & 27/R):** The current plan set includes preliminary grading and utility plans and identifies an underground detention system. Staff finds that the information is adequate to continue with a preliminary hearing, but Town Engineering has not completed a final technical review.

Before the final hearing, the applicant must demonstrate compliance with Town Engineering Standards for detention, water-quality treatment, and fueling-area and canopy runoff.

**Exterior Lighting (46/A & Chapter 12):** The current photometric plan includes canopy, area, and kiosk fixtures. The calculation summary identifies an average of 15.95 foot-candles and a maximum of 20.0 foot-candles beneath the canopy, and an average of 2.03 foot-candles and a maximum of 9.8 foot-candles for drives and parking areas. The fixture schedule identifies 3,000-Kelvin, fully shielded, downcast fixtures. Staff finds that the proposed illumination levels comply with the use-specific maximums of 20 foot-candles beneath a gas-station canopy and 10 foot-candles outside the canopy.

The photometric plan also generally demonstrates compliance with the maximum illumination level of 0.2 foot-candles at the property lines. Minor revisions to fixture placement or output may be necessary in limited areas to ensure full compliance. In particular, the area light near the southern corner of the property appears close to the property line. The applicant shall verify that this fixture complies with the applicable parking-facility setback requirement based on its proposed pole height, which appears to be approximately 17.5 feet, and relocate the fixture if necessary.

Staff may also require additional information from the lighting engineer regarding the final fixture drivers and control system. This information should explain how the canopy fixtures will be dimmed, commissioned, and maintained at the approved illumination levels throughout the life of the fixtures. The applicant shall confirm that the photometric calculations represent maintained illumination levels and reconcile the proposed 5,195-lumen canopy fixtures with the final driver and control settings.

Prior to the final hearing, the plans shall include final photometric calculations, fixture locations, pole heights and setbacks, a reconciled fixture schedule, shielding details, and final lighting-control specifications. Based on the current submittal, staff has no major concerns and anticipates that the remaining lighting items can be addressed through minor plan revisions and additional technical information.

**9-1-17-3: Point Analysis:** Staff has not prepared a preliminary point analysis. The project must first provide the missing information and resolve issues identified in this report. Staff will prepare a recommended point analysis for the next hearing after revised plans and Planning Commission direction are received.

#### **Staff Recommendation**

Staff recommends that the Planning Commission provide preliminary direction on the questions below and direct the applicant to address the identified revisions before returning for another hearing.

#### **Questions for the Planning Commission**

1. Does the Commission agree with staff that the revised canopy and kiosk architecture is generally appropriate and supportable under Policy 5, notwithstanding staff's separate concerns regarding the canopy's overall scale, roof form, and modulation under Policy 6?
2. Does the Commission find the visual scale and roof form of the approximately 126-foot-long canopy acceptable, or should the applicant provide additional roof breaks and modulation so that the gable elements are more fully integrated into the overall canopy design?
3. Does the Commission have any preliminary comments on the overall site layout, including the relationship among the canopy, underground fuel tanks, access points, and potential future widening of North Park



Avenue, recognizing that Town Engineering, the Town's traffic consultant, the applicant, and CDOT will continue coordinating on the technical circulation plan?

4. Does the Commission find that the proposed landscape plan will provide adequate screening at installation and throughout the year, particularly along North Park Avenue, Airport Road, and the City Market parking lot, or should larger trees, additional evergreen material, and/or tree planting within the internal landscaped island be required?

#### **Items Required Before Final Hearing**

1. Corrected and complete plan set. Correct the project address to 430 North Park Avenue and the sheet index/count, and add a complete project-data table identifying the site area, exact kiosk gross floor area and density, height, impervious and pervious areas, parking, qualifying open space, snow storage, and setbacks.
2. Kiosk floor plan and operations. Provide a dimensioned kiosk floor plan, public restroom status, and all proposed exterior merchandise, retail equipment, and operational equipment.
3. Architectural documentation. Provide a complete material and color board, Munsell color notations, exterior material coverage calculations, and product information clearly distinguishing natural and manufactured stone, fiber-cement siding, wood-appearing elements, roofing, and exposed metal finishes.
4. Canopy roof form and height. Provide a revised roof plan that responds to Planning Commission direction by incorporating additional breaks and modulation, dimension the overall canopy and roof/ridgeline segments, and confirm the code-measured mean and overall heights.
5. Future roadway and site-planning exhibit. Coordinate with Town Engineering and CDOT to identify the future North Park Avenue roadway envelope that should be accommodated and demonstrate how the canopy, kiosk, tanks, detention, utilities, landscaping, refuse enclosure, and circulation would function if widening occurs.
6. Traffic, access, and tanker circulation. Resolve the outstanding Town Engineering and traffic-consultant comments; provide a revised TIS and circulation plan acceptable to Town Engineering and coordinated with CDOT; and include complete inbound and outbound tanker turning templates between North Park Avenue and the fuel-delivery locations.
7. Open-space exhibit and calculation. Identify and calculate all qualifying natural, improved, or functional open space for evaluation under Policy 21, excluding nonqualifying paved areas, narrow landscaping strips (less than 5'), and the internal access island.
8. Snow-stacking plan. Identify all areas to be cleared of snow and provide functional snow-storage calculations and locations, coordinated with landscaping, drainage, sight distance, equipment access, and fuel operations.
9. Landscape revisions. Revise the landscape plan in response to Planning Commission direction and demonstrate compliance with Policy 22, including year-round screening, installation sizes, potential tree planting within the internal island, coordination with snow storage and site infrastructure, and adequate living groundcover within areas shown primarily as rock cobble mulch.
10. Storage and exterior operational equipment. Identify the final size, location, appearance, and screening of the propane stand, air stand, DEF dispenser, tank vents, electrical equipment, and any exterior merchandise or product displays.
11. Refuse and recycling. Provide enclosure elevations, dimensions, materials, gate details, trash and recycling capacity, and service access/turning information, coordinated with the Town's Sustainable Materials Management staff.
12. Employee housing impact mitigation. Submit employee housing calculation using the retail employee-generation rate, unit of measurement, and calculation area determined by staff, and identify the resulting mitigation requirement and proposed method of compliance.
13. Drainage and utility review. Resolve Town Engineering and service-provider comments and demonstrate compliance with applicable standards for detention, water-quality treatment, fueling-area and canopy runoff, and utilities.
14. Final exterior lighting compliance. Provide maintained photometrics; demonstrate property-line, fixture-height, pole-setback, shielding, and color-temperature compliance; and reconcile the canopy fixture output, driver/dimming controls, and kiosk fixture schedule.
15. Existing fuel-center demolition and remediation. Clarify the scope and proposed timing of demolition and remediation of the existing facility, identify the applicable State of Colorado review and documentation process, and provide sufficient information for staff to draft conditions addressing State approvals and future restoration or stabilization of the existing site.

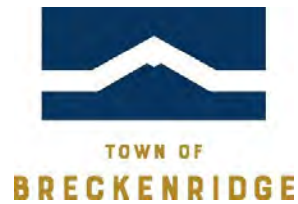


16. Agency comments. Provide and/or address outstanding comments from the Red, White & Blue Fire Protection District, CDOT, utility providers, Town Engineering, and applicable State agencies.

Attachments Included in the Packet:

1. Engineering Staff Memo
2. City Market Fuel Center Revised Plan Set, dated 08.10.2026
3. 1985 Parkway Center Master Plan





# Memo

To: Clif Cross, Planner II  
From: Shannon Cahill, Town Engineer  
Date: 8/13/2026  
Subject: City Market Fuel Center-Preliminary PC Hearing Review

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Engineering Staff has completed a preliminary review of the proposed site plans for this application, as well as the initial Traffic Impact Study (TIS) and subsequent update. The civil and site design requirements for a preliminary hearing at the Planning Commission are generally conceptual in nature and do not include sufficient detail for an in-depth review by Staff. This memo highlights major design elements of the site including vehicular access and circulation, impacts to Park Ave/State Highway 9 (SH9), detention and water quality, and pedestrian access to aid in refinement of the site plan. This memo and preliminary review do not constitute approval or variances from Town codes or standards from the Engineering Department.

## Traffic Impact Study

A Traffic Impact Study was provided by the applicant to identify potential impacts to the surrounding roadway network and evaluate whether the existing access points are adequate for the proposed use. The Town engaged Kimley-Horn as a third-party consultant to evaluate the initial TIS and provide comments. The applicant subsequently submitted a revised TIS that addressed many of the concerns identified during the third-party review; however, some areas of concern including the west access and vehicular queue lengths remain unresolved. A third revision of the TIS is required to resolve these design items and to incorporate CDOT comments and any resulting changes. Engineering Staff request that these unresolved items be addressed prior to a final hearing before the Planning Commission.

## Driveway configuration and CDOT Access Control

Access to the site is provided from CDOT Park Avenue right-of-way on the north and west, and French Street to the south. CDOT requires the applicant submit access permits, along with the TIS, for the west and north driveways.

Based on conversations with the applicant, it is understood that fuel deliveries will enter the site from the north at the intersection of Park Avenue and Airport Road, and exit through the west driveway to Park Avenue. Widening of the north driveway is proposed in the site plan. The north driveway has been redesigned to include a dedicated right-turn lane, a combined left/through lane, a widened inbound lane and upgraded ADA curb ramps.

The third-party review and Staff's review raised several questions regarding the west driveway configuration which remain unresolved. Currently, the applicant does not agree with the Town and Kimley-Horn's interpretation of the Park Avenue/SH9 Access Management Plan which requires the conversion of the west driveway to a right-in/right-out access and continues to assume in the design and analysis that a full-movement driveway will remain. The applicant will need to address the west driveway configuration after CDOT's review of the revised TIS and access permit applications. Regardless of CDOT's final determination, the west driveway geometry including turning radii and lane widths must be

**Mission:** The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. We provide leadership and encourage community involvement.



updated to be consistent with the north driveway access to meet current design standards and ensure adequate circulation of trucks servicing the fuel center.

#### Park Avenue- Future Conditions Accommodations

The Town and CDOT recognize that continued growth along the Park Avenue corridor will require two continuous northbound lanes along Park Avenue from the Watson Ave roundabout through the town limits. Upon completion of the French Street Roundabout this fall, the continuous northbound lanes will be in place with the exception of a gap adjacent to the Parkway Center parcel between the west driveway access and the Airport Road intersection, where one northbound lane will remain will continue until a highway widening project is funded and constructed.

The applicant states in their TIS review response that the “subject site has been designed to allow for a future widening of SH-9 including two northbound through lanes on SH-9.” Staff request that updated project drawings explicitly illustrate how this condition will be achieved by showing future lane geometry, sidewalks, setbacks, and landscape buffering along Park Avenue meeting current Town and CDOT design standards prior to a final hearing.

#### Pedestrian access

An existing 5' sidewalk is located along the east side of the north driveway. No additional pedestrian or bicycle facilities are proposed or appear to be considered with the design; which may impact options for pedestrian connectivity to the forthcoming redevelopment of the adjacent Parkway Center parcels.

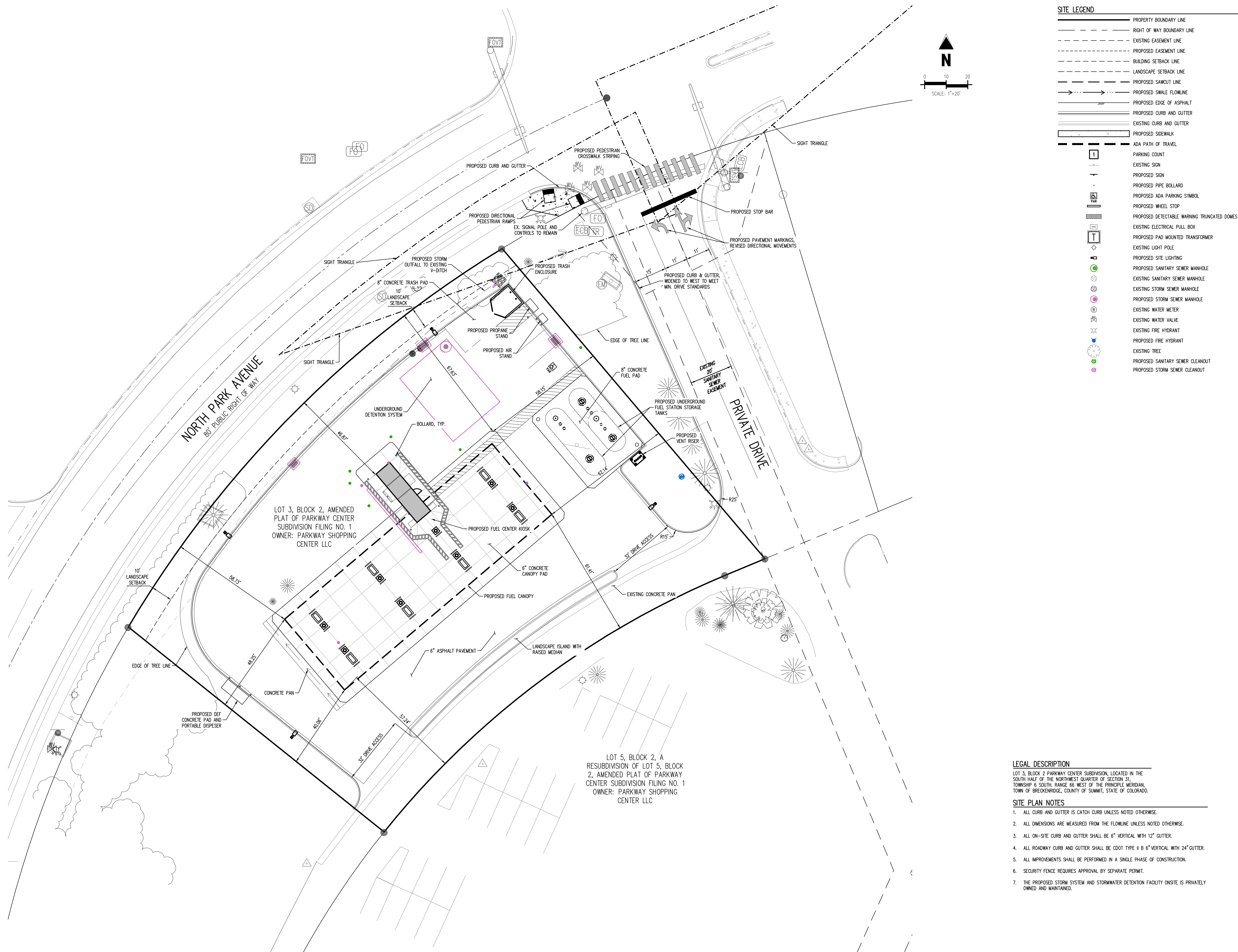
#### Drainage, detention and water quality

Detention and water quality are proposed to be managed through a below-grade infiltration system in the northeast corner of the site. Per code, additional analysis will be required for these design items prior to a Final Hearing and building permit application.

Engineering Staff will be present at the meeting to answer questions and facilitate discussion regarding the site plan and Traffic Impact Study.









**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



CITY MARKET FUEL CENTER #430  
DEVELOPMENT PLAN DOCUMENTS

400 N PARK AVENUE  
BRECKENRIDGE, CO 80424

[illegible]

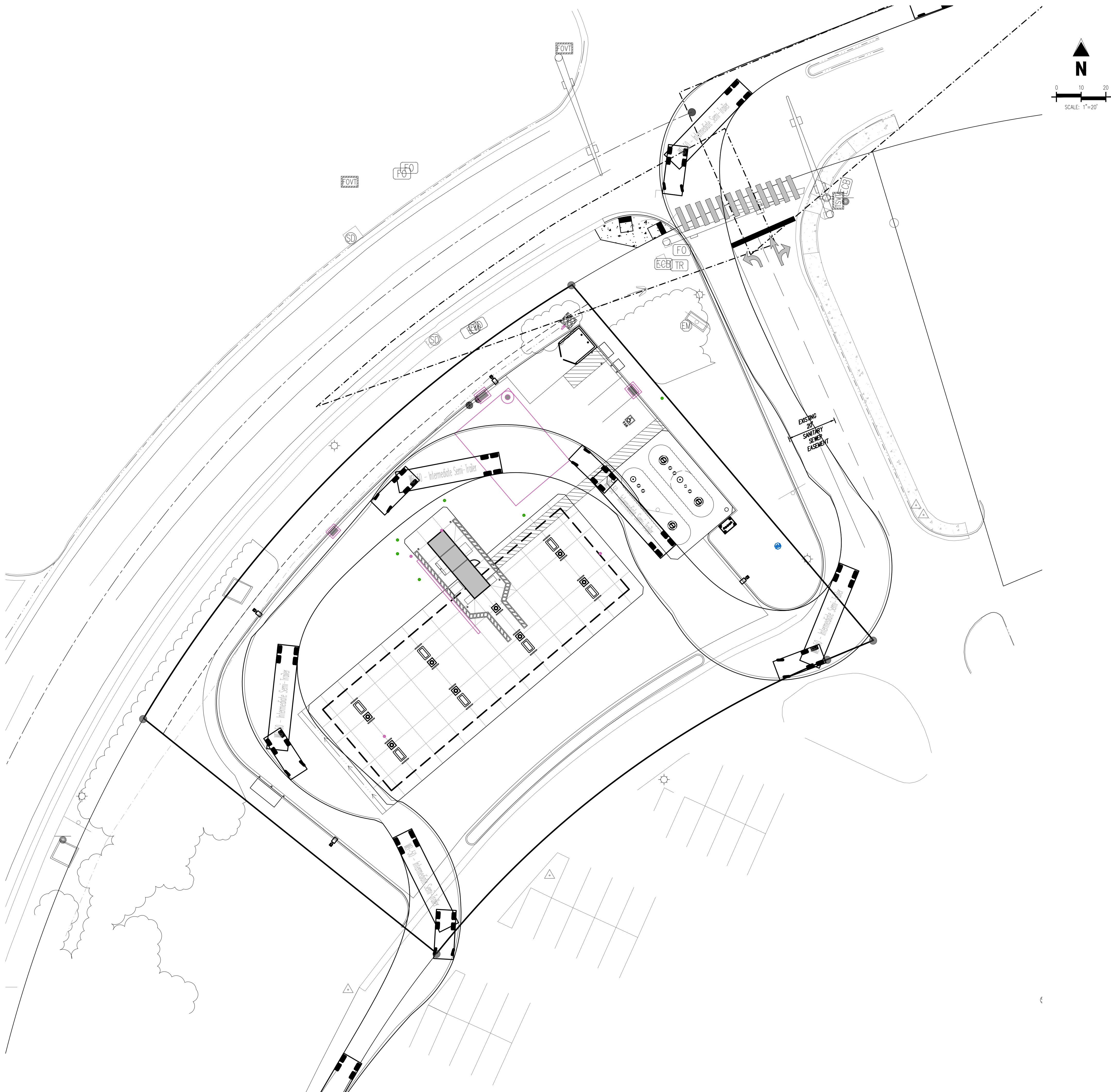
|             |             |
|-------------|-------------|
| Project No: | KSF000430   |
| Drawn By:   | JDM         |
| Checked By: | TDK         |
| Date:       | AUGUST 2026 |

## SITE PLAN

## TRUCK TURNS

2T

Sheet 3 of 12



## SITE LEGEND

- |  |                                            |
|--|--------------------------------------------|
|  | PROPERTY BOUNDARY LINE                     |
|  | RIGHT OF WAY BOUNDARY LINE                 |
|  | EXISTING EASEMENT LINE                     |
|  | PROPOSED EASEMENT LINE                     |
|  | BUILDING SETBACK LINE                      |
|  | LANDSCAPE SETBACK LINE                     |
|  | PROPOSED SAWCUT LINE                       |
|  | PROPOSED SWALE FLOWLINE                    |
|  | PROPOSED EDGE OF ASPHALT                   |
|  | PROPOSED CURB AND GUTTER                   |
|  | EXISTING CURB AND GUTTER                   |
|  | PROPOSED SIDEWALK                          |
|  | ADA PATH OF TRAVEL                         |
|  | PARKING COUNT                              |
|  | EXISTING SIGN                              |
|  | PROPOSED SIGN                              |
|  | PROPOSED PIPE BOLLARD                      |
|  | PROPOSED ADA PARKING SYMBOL                |
|  | PROPOSED WHEEL STOP                        |
|  | PROPOSED DETECTABLE WARNING TRUNCATED DOME |
|  | EXISTING ELECTRICAL PULL BOX               |
|  | PROPOSED PAD MOUNTED TRANSFORMER           |
|  | EXISTING LIGHT POLE                        |
|  | PROPOSED SITE LIGHTING                     |
|  | PROPOSED SANITARY SEWER MANHOLE            |
|  | EXISTING SANITARY SEWER MANHOLE            |
|  | EXISTING STORM SEWER MANHOLE               |
|  | PROPOSED STORM SEWER MANHOLE               |
|  | EXISTING WATER METER                       |
|  | EXISTING WATER VALVE                       |
|  | EXISTING FIRE HYDRANT                      |
|  | PROPOSED FIRE HYDRANT                      |
|  | EXISTING TREE                              |
|  | PROPOSED SANITARY SEWER CLEANOUT           |
|  | PROPOSED STORM SEWER CLEANOUT              |

### LEGAL DESCRIPTION

LOT 3, BLOCK 2 PARKWAY CENTER SUBDIVISION, LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH. RANGE 66 WEST OF THE PRINCIPLE MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO.

### SITE PLAN NOTES

1. ALL CURB AND GUTTER IS CATCH CURB UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE MEASURED FROM THE FLOWLINE UNLESS NOTED OTHERWISE.
3. ALL ON-SITE CURB AND GUTTER SHALL BE 6" VERTICAL WITH 12" GUTTER.
4. ALL ROADWAY CURB AND GUTTER SHALL BE CDOT TYPE II B 6" VERTICAL WITH 24" GUTTER.
5. ALL IMPROVEMENTS SHALL BE PERFORMED IN A SINGLE PHASE OF CONSTRUCTION.
6. SECURITY FENCE REQUIRES APPROVAL BY SEPARATE PERMIT.
7. THE PROPOSED STORM SYSTEM AND STORMWATER DETENTION FACILITY ONSITE IS PRIVATELY OWNED AND MAINTAINED.



**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



| Tributary Sub-basin | Area (acres) | Impervious Percent (%) | C <sub>s</sub> | C <sub>100</sub> | t <sub>c</sub> (min) | I <sub>5</sub> (in/hr) | I <sub>100</sub> (in/hr) | Q <sub>5</sub> (cfs) | Q <sub>100</sub> (cfs) |
|---------------------|--------------|------------------------|----------------|------------------|----------------------|------------------------|--------------------------|----------------------|------------------------|
| 100                 | 0.90         | 82.20                  | 0.67           | 0.75             | 7.00                 | 0.75                   | 1.76                     | 0.45                 | 1.19                   |

**LEGAL DESCRIPTION**

LOT 3, BLOCK 2 PARKWAY CENTER SUBDIVISION, LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE PRINCIPLE MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO.

**CAUTION – NOTICE TO CONTRACTOR**

1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURFACE EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL UTILITY, EITHER THROUGH POT-HOLING OR ALTERNATIVE METHOD, THE ENGINEER PRIOR TO CONSTRUCTION.



Know what's **below**.  
Call before you dig.



| UTILITY LEGEND |                                        |
|----------------|----------------------------------------|
|                | EXISTING WATER LINE                    |
|                | PROPOSED WATER LINE                    |
|                | EXISTING SANITARY SEWER                |
|                | PROPOSED SANITARY SEWER                |
|                | EXISTING STORM SEWER (LESS THAN 12"Ø)  |
|                | PROPOSED STORM SEWER (LESS THAN 12"Ø)  |
|                | EXISTING STORM SEWER (12"Ø AND LARGER) |
|                | PROPOSED STORM SEWER (12"Ø AND LARGER) |
|                | EXISTING UNDERGROUND TELEVISION        |
|                | PROPOSED UNDERGROUND TELEVISION        |
|                | EXISTING UNDERGROUND ELECTRICAL        |
|                | PROPOSED UNDERGROUND ELECTRICAL        |
|                | EXISTING FIBER OPTIC LINE              |
|                | PROPOSED FIBER OPTIC LINE              |
|                | EXISTING UNDERGROUND TELEPHONE         |
|                | PROPOSED UNDERGROUND TELEPHONE         |
|                | EXISTING GAS LINE                      |
|                | PROPOSED GAS LINE                      |
|                | EXISTING ELECTRIC LIGHT POLE           |
|                | PROPOSED SITE LIGHTING                 |
|                | EXISTING ELECTRIC SWITCH BOX           |
|                | EXISTING ELECTRIC VAULT                |
|                | EXISTING ELECTRIC BOX                  |
|                | EXISTING PAD MOUNTED TRANSFORMER       |
|                | PROPOSED PAD MOUNTED TRANSFORMER       |
|                | EXISTING FIBER OPTIC PEDESTAL          |
|                | EXISTING FIBER OPTIC PULLBOX           |
|                | EXISTING TRAFFIC SIGNAL CABINET        |
|                | EXISTING TRAFFIC SIGNAL VAULT          |
|                | EXISTING TELEPHONE MANHOLE             |
|                | EXISTING TELEPHONE PEDESTAL            |
|                | EXISTING TELEPHONE VAULT               |
|                | EXISTING GAS VALVE                     |
|                | EXISTING SANITARY SEWER MANHOLE        |
|                | PROPOSED SANITARY SEWER MANHOLE        |
|                | EXISTING SANITARY STORM MANHOLE        |
|                | PROPOSED STORM SEWER MANHOLE           |
|                | PROPOSED STORM INLET                   |
|                | EXISTING WATER VALVE                   |
|                | EXISTING FIRE HYDRANT                  |
|                | EXISTING WATER METER                   |
|                | EXISTING WATER MANHOLE                 |
|                | PROPOSED WATER VALVE                   |
|                | PROPOSED WATER METER                   |
|                | PROPOSED FIRE HYDRANT                  |

- UTILITY NOTES
- CAUTION - UTILITY CROSSING: FOR ALL DRY UTILITY AND WET UTILITY CROSSINGS, GC TO COORDINATE WITH DRY UTILITY PROVIDER TO ASSURE ADEQUATE CLEARANCES BETWEEN EXISTING/PROPOSED DRY UTILITY AND DRY OR WET UTILITY INSTALLATION. FOR WET UTILITY AND WET UTILITY CROSSINGS, GC TO CONFIRM INVERTS AND MINIMUM 18" VERTICAL CLEARANCE PRIOR TO INSTALLATION.
  - ALL PROPOSED STORM SEWER AND APPURTENANCES SHOWN ARE PRIVATE AND SHALL BE MAINTAINED BY THE PROPERTY OWNER.

LEGAL DESCRIPTION

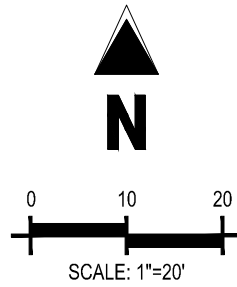
LOT 3, BLOCK 2 PARKWAY CENTER SUBDIVISION, LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE PRINCIPLE MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO.

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  - WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POTHOLING OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.



Know what's below.  
Call before you dig.





| EXISTING TREES                                                                        |       |       |                                       |
|---------------------------------------------------------------------------------------|-------|-------|---------------------------------------|
|  | EXST  | 5     | EXISTING TREES TO REMAIN              |
|  | EXSTG | GROUP | EXISTING GROUP OF TREES TO REMAIN     |
|  | EXSTR | GROUP | EXISTING GROUP OF TREES TO BE REMOVED |
|  | EXER  | 5     | EXISTING TREES TO BE REMOVED          |

REFERENCE BRECKENRIDGE TOWN CODE POLICY 22 (ABSOLUTE) LANDSCAPING (ORD. 22 SERIES 2025, PASSED NOV. 25, 2025)

1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURFACE EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.  


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2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POT-HOLING OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.



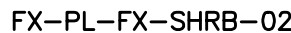
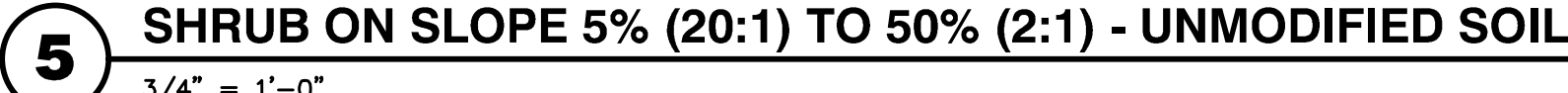
1. THESE PLANS ARE FOR ENTITLEMENT PURPOSES ONLY AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION.
2. ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, STANDARDS, AND SPECIFICATIONS.
3. ANY FIELD CHANGES OR DEVIATIONS TO THESE PLANS WITHOUT PRIOR APPROVAL OF AN AMENDED PLAN MAY RESULT IN A DELAY OF FINAL APPROVAL AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
4. LANDSCAPE DESIGN IS DIAGRAMMATIC IN NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN TAKEOFFS AND QUANTITY CALCULATIONS. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE LANDSCAPE LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN SHALL TAKE PRECEDENCE AND NOTIFY THE LANDSCAPE ARCHITECT OF THESE DISCREPANCIES. MINOR ADJUSTMENTS TO THE LANDSCAPE MATERIAL AND LOCATIONS MAY BE PROPOSED FOR CLARITY CONSIDERATION AT THE CONSTRUCTION DOCUMENT STAGE TO RESPOND TO MARKET AND FIELD CONDITIONS. HOWEVER, THERE SHALL BE NO REDUCTION IN THE NUMBER AND SIZE OF MATERIALS.
5. CONTRACTOR SHALL MAKE HIMSELF AWARE OF THE LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES AND/OR ANY INJURY TO ANY PERSON. THIS DRAWING IS PART OF A COMPLETE SET OF CONTRACT DOCUMENTS. UNDER NO CIRCUMSTANCES SHALL THIS PLAN BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE AND REVIEW ALL RELATED PLANS AND DOCUMENTS.
6. ALL UTILITY EASEMENTS SHALL REMAIN UNOBSTRUCTED AND FULLY ACCESSIBLE ALONG THEIR ENTIRE LENGTH FOR MAINTENANCE EQUIPMENT.
7. LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. IF SITE CONDITIONS OR PLANT AVAILABILITY REQUIRE CHANGES TO THE PLAN, THEN AN APPROVAL WILL BE OBTAINED FROM THE CITY. DO NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
8. ALL CONSTRUCTION DEBRIS AND MATERIAL SHALL BE REMOVED AND CLEANED OUT PRIOR TO INSTALLATION OF TOPSOIL, TREES, SHRUBS, AND TURF.
9. FOR ALL INFORMATION ON SURFACE MATERIAL OF WALKS, DRIVES, AND PARKING LOTS, SEE THE SITE PLAN. FOR GRADING INFORMATION REFER TO THE CIVIL ENGINEER'S DRAWINGS. SEE PHOTOMETRIC PLAN FOR FREE STANDARD LIGHTING AND LOCATION INFORMATION.
10. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
11. WINTER WATERING SHALL BE AT THE EXPENSE OF THE CONTRACTOR UNTIL SUCH TIME AS FINAL ACCEPTANCE IS RECEIVED.
12. ALL LANDSCAPE CONSTRUCTION PRACTICES, WORKMANSHIP, AND ETHICS SHALL BE IN ACCORDANCE WITH INDUSTRY STANDARDS SET FORTH IN THE CONTRACTORS HANDBOOK PUBLISHED BY THE COLORADO LANDSCAPE CONTRACTORS ASSOCIATION.
13. LANDSCAPE AND IRRIGATION WORK SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.

1. CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM THE BUILDING. FERTILIZER, PESTICIDE, AND SOIL AMENDMENTS SHALL BE APPLIED TO THE LANDSCAPE AREAS IN ACCORDANCE WITH THE GEOTECHNICAL REPORT AND ELIMINATE PONDING POTENTIAL. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.
2. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, THE CONTRACTOR SHALL HAVE SOIL SAMPLES TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY FOR THE FOLLOWING: GENERAL FERTILITY, PH, POTENTIAL SALT, CEC, AND ANION SOILS. THE CONTRACTOR SHALL SUBMIT THE SOIL SAMPLES TO THE LABORATORY WITHIN 14 DAYS OF THE DATE OF THE REPORT. LESS THAN ONE QUART OF SOIL. CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES. THE REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): GENERAL SOIL PREPARATION AND BACKFILL MIXES, PRE-PLANT FERTILIZER APPLICATIONS, AND ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
3. WEED CONTROL: CONTRACTOR TO APPLY PRE-EMERGENT HERBICIDE TO SHRUB BEDS PER MANUFACTURER'S SPECIFICATIONS.
4. THE CONTRACTOR SHALL RECOMMEND INSTALLATION OF SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT FOR THE THE OWNER/OWNER'S REPRESENTATIVE CONSIDERATION.
5. AT A MINIMUM, 4 CUBIC YARDS PER 1,000 SF OF PREMIUM 3 ORGANIC COMPOST, OR APPROVED EQUAL, SHALL BE INCORPORATED INTO TOPSOIL FOR ALL BLUEGRASS TURF AREAS. INCORPORATE 2 CUBIC YARDS PER 1,000 SF OF PREMIUM 3 ORGANIC COMPOST, OR APPROVED EQUAL, FOR ALL NATIVE SEED AREAS. AMENDMENT SHALL BE ROTTLED INTO THE TOP 6-8 INCHES OF TOPSOIL.
6. ALL PARKING ISLAND SOIL TO BE TILLED OR AMENDED TO A MINIMUM DEPTH OF 30".

1. ALL DECIDUOUS TREES SHALL HAVE FULL, WELL-SHAPED BRANCHES/ALL EVERGREENS SHALL BE UNSHEARED AND FULL TO THE GROUND, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
2. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT SHALL IMMEDIATELY BE REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTABLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT SHALL BE THE SOLE JUDGE AS TO THE ACCEPTABILITY OF PLANT MATERIAL.
3. ALL TREES SHALL BE GUYED AND WOOD STAKES AS PER DETAILS. NO T-STAKES SHALL BE USED FOR TREES. TREES TO BE STAKED FOR A MINIMUM OF 18 MONTHS TO ALLOW FOR ESTABLISHMENT.
4. ALL PLANT MATERIALS SHALL BE TRUE TO TYPE, SIZE, SPECIES, QUALITY, AND FREE OF INJURY, BROKEN ROOT BALLS, PESTS, AND DISEASES, AS WELL AS CONFORM TO THE MINIMUM REQUIREMENTS DESCRIBED IN THE "AMERICAN STANDARD FOR NURSERY STOCK". FOLLOW GREENCO TREE PLANTING RECOMMENDATIONS FOR MINIMUM QUALITY REQUIREMENTS FOR TREES.
5. ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
6. ALL TREES PLANTED ADJACENT TO PUBLIC AND/OR PEDESTRIAN WALKWAYS SHALL BE PRUNED CLEAR OF ALL BRANCHES BETWEEN GROUND AND A HEIGHT OF EIGHT (8) FEET FOR THAT PORTION OF THE PLANT LOCATED OVER THE SIDEWALK AND/OR ROAD.
7. ALL PLANT MATERIAL SHALL NOT BE PLANTED PRIOR TO INSTALLATION OF TOPSOIL.
8. PLANT BEDS SHALL BE CONTAINED WITH STEEL EDGER PER PLAN. STEEL EDGER IS NOT REQUIRED ALONG CURBS, WALKS OR BUILDING FOUNDATIONS. ALL EDGING SHALL OVERLAP AT JOINTS A MINIMUM OF 6 INCHES AND SHALL BE FASTENED WITH A MINIMUM OF 4 PINS PER EACH 10 FOOT SECTION. THE TOP OF ALL EDGING MATERIAL SHALL BE A MINIMUM 1/4 GAUGE ROLLED TOP AND 1/2 INCH ABOVE THE FINISHED GRADE OF ADJACENT LAWN OR MARCH AREAS. COLOR: DARK GREEN.
9. THE DEVELOPER, HIS SUCCESSOR, OR ASSIGNEE SHALL BE RESPONSIBLE FOR ESTABLISHING AND CONTINUING A REGULAR PROGRAM OF MAINTENANCE FOR ALL LANDSCAPED AREAS. SEE LANDSCAPE GUARANTEE AND MAINTENANCE NOTE.
10. A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF ALL FIRE HYDRANTS.
11. ALL FIRE DEPARTMENT CONNECTIONS (FDC) SHALL NOT BE VISUALLY OR PHYSICALLY OBSTRUCTED BY LANDSCAPING.
12. LANDSCAPE CONTRACTOR TO SUBMIT SAMPLES OF MISCELLANEOUS LANDSCAPING MATERIALS TO THE LANDSCAPE ARCHITECTS AND OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO INSTALLATION, I.E., MULCH, EDGING, LANDSCAPE FACTOR, ETC.

1. AFTER ALL PLANTING IS COMPLETE, THE CONTRACTOR SHALL INSTALL A MINIMUM 4" THICK LAYER OF MULCH AS SPECIFIED IN THE PLANTING LEGEND. INSTALL 4" THICK RING OF MULCH SHROUDED BY THE SHRUBS, PERENNIALS, AND ORNAMENTAL GRASSES. TREE RING SIZE SHALL A MIN OF 3'DIA.
2. ALL MULCH SHALL BE HARVESTED IN A SUSTAINABLE MANNER FROM A LOCAL SOURCE.
3. INSTALL DEWITT 90'S WOOD BARRIER FABRIC UNDER ALL ROCK MULCH SHRUB BEDS SPECIFIED ON THE PLANS ONLY. NO LANDSCAPE FABRIC SHALL BE USED IN WOOD MULCH AREAS OR UNDER DECOMPOSED GRANITE/CRUSHER FINESSCREEN UNLESS OTHERWISE NOTED ON PLANS. NO PLASTIC WOOD BARRIERS SHALL BE SPECIFIED.
4. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.
5. ALL PLANTING AREAS WITH LESS THAN 4:1 GRADIENT SHALL RECEIVE A LAYER OF MULCH, TYPE AND DEPTH PER PLANS. SUBMIT 1 CUBIC FOOT SAMPLE OF MULCH (ONE SAMPLE PER TYPE) TO LANDSCAPE ARCHITECT FOR APPROVAL, PRIOR TO INSTALLATION. THE MULCH SHALL BE SPREAD EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT SLOPES 4:1 OR STEEPER, OR AS OTHERWISE DETAILED ON THE PLAN. ABSOLUTELY NO EXPOSED GROUND SHALL REMAIN IN AREAS TO RECEIVE MULCH AFTER MULCH HAS BEEN INSTALLED.
6. ALL PLANTING AREAS ON SLOPES OVER 3:1 SHALL RECEIVE COCONUT FIBER EROSION CONTROL, NETTING FROM ROLLS. NETTING SHALL BE #C-125, AS MANUFACTURED BY NORTH AMERICAN GREEN (OR EQUAL). INSTALL AND STAKE PER MANUFACTURER'S SPECIFICATIONS. SEE ALSO THE CIVIL ENGINEER'S EROSION CONTROL PLAN.
7. ALL LANDSCAPE BOUNDARY SHOWN ON PLAN ARE TO BE A MINIMUM OF 10-12 CUBIC FEET.

1. THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO DAMAGE ANY EXISTING PLANTS INDICATED AS "TO REMAIN." ANY SUCH PLANTS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED WITH THE SAME SPECIES, SIZE, AND QUANTITY AT THE CONTRACTOR'S OWN EXPENSE, AND AS ACCEPTABLE TO THE OWNER. REFER TO THE TREE PROTECTION NOTES ON THE PLANS (AS APPLICABLE).
2. ALL PRESERVATION AREAS CONTAINING VEGETATION DESIGNATED TO BE PRESERVED SHALL BE FENCED OFF DURING CONSTRUCTION TO MINIMIZE DISTURBANCE IN THESE AREAS. ALL FENCING SHALL BE INSTALLED AROUND PRESERVED VEGETATION PRIOR TO ANY GRADING ON THE PROPERTY. A 4-FOOT ORANGE CONSTRUCTION SAFETY FENCE SHOULD BE USED IN THIS APPLICATION. SUBMIT PRODUCT INFORMATION TO L.A. FOR APPROVAL PRIOR TO INSTALLATION.



AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A QUALIFIED IRRIGATION CONTRACTOR.

1. THE IRRIGATION SYSTEM SHALL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE WATER SOURCE IF APPLICABLE.
2. ALL NON-TURFSPED PLANTED AREAS WILL BE DIPP IRRIGATED, TUFF SOODESd SHALL RECEIVE POP-UP SPRAY IRRIGATION FOR HEAD TO HEAD COVERAGE.
4. ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.

THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY THE USE OF FLOW MONITORING, SENSORS, AND SMART MULTIPROGRAM COMPUTORIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.

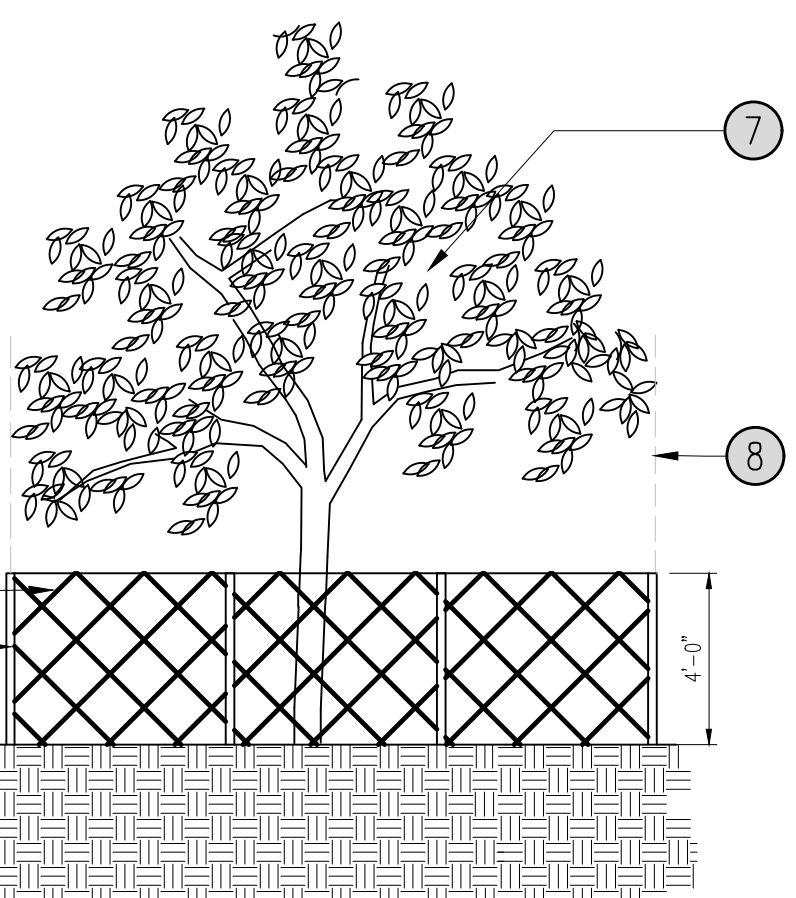
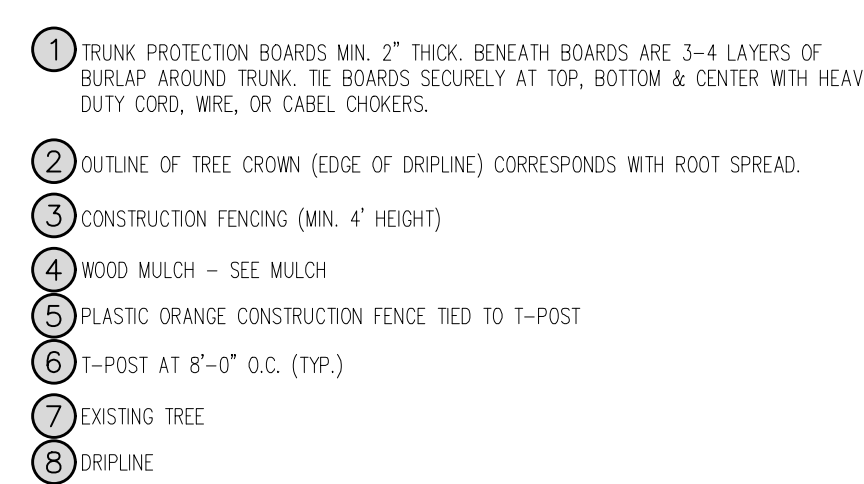
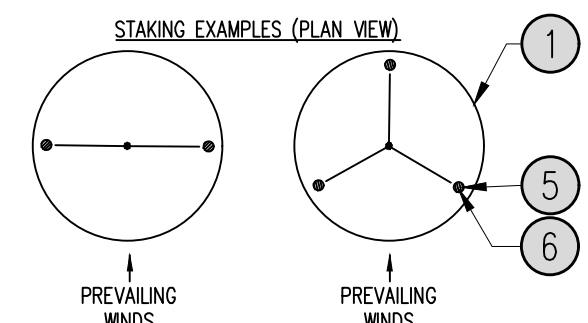
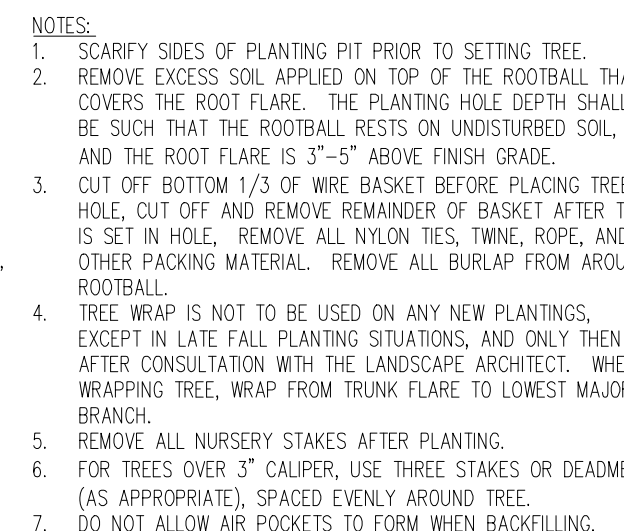
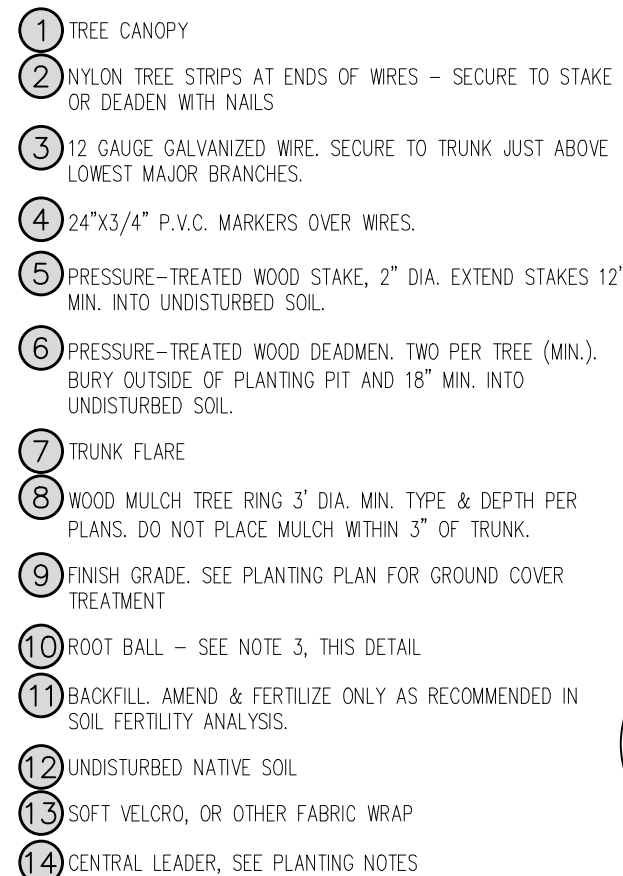
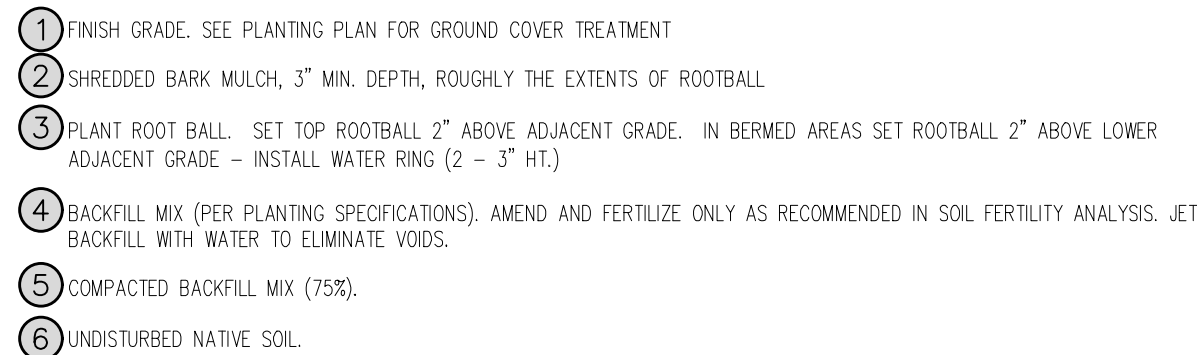
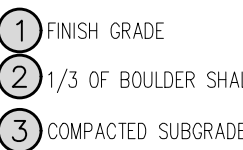
## UTILITY NOTES

1. THE LANDSCAPE CONTRACTOR IS REQUIRED TO CONTACT THE COUNTY PUBLIC WORKS DEPARTMENT, AND ANY OTHER PUBLIC OR PRIVATE AGENCY NECESSARY FOR UTILITY LOCATION PRIOR TO ANY CONSTRUCTION.
2. THIS DRAWING IS A PART OF A COMPLETE SET OF BID DOCUMENTS, SPECIFICATIONS, ADDITIONAL DRAWINGS, AND EXHIBITS. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ALL DRAWINGS AND UTILITY LOCATIONS, AND REVIEWING ALL RELATED DOCUMENTS.
3. THE LOCATION OF THE ALL UNDERGROUND UTILITIES ARE LOCATED ON THE ENGINEERING DRAWINGS FOR THIS PROJECT. THE MOST CURRENT REVISION IS HERE IN MADE PART OF THIS DOCUMENT. UNDERGROUND UTILITIES EXIST THROUGHOUT THIS SITE AND MUST BE LOCATED PRIOR TO ANY CONSTRUCTION ACTIVITY. WHERE UNDERGROUND UTILITIES EXIST, FIELD ADJUSTMENT MAY BE NECESSARY AND MUST BE APPROVED BY A REPRESENTATIVE OF THE OWNER. NEITHER THE OWNER NOR THE LANDSCAPE ARCHITECT ASSUMES ANY RESPONSIBILITY WHATSOEVER, IN RESPECT TO THE CONTRACTORS ACCURACY IN LOCATING AND IDENTIFYING ALL UTILITIES. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED WITHOUT REFERRING TO THE ABOVE MENTIONED DOCUMENTS.

1. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, SEEDED AREAS, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S ACCEPTANCE. THE CONTRACTOR SHALL REPLACE AT HIS OWN EXPENSE, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
2. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF ONE YEAR. THIS SHALL INCLUDE PROPER PRUNING, MOVING AND AERATION OF LAWNS, WEEDING, REPLACEMENT OF MISSING OR REMOVED PLANTS, AND MAINTENANCE OF THE IRRIGATION SYSTEM. THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON AND TO MAXIMIZE WATER CONSERVATION. IF SITE OPENS DURING WINTER, TO AVOID FREEZE DAMAGE ON PLANTINGS, THE ONE YEAR SHOULD BEGIN AFTER ACCEPTANCE OF THE WORK.
3. DURING THE LANDSCAPE MAINTENANCE PERIOD, THE LANDSCAPE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE SPECIFIED IN THE GEOTECHNICAL REPORT. LANDSCAPE AREAS WHICH SETTLE AND CREATE THE POTENTIAL FOR PONDING SHALL BE REPAIRED TO ELIMINATE PONDING POTENTIAL AND BLEND IN WITH THE SURROUNDING GRADES. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT AND THE LANDSCAPE MAINTENANCE PERIOD, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.

1. USE TOP OF BRECKENRIDGE TREE PROTECTION NOTES (IF AVAILABLE); TREE PROTECTION NOTES BELOW SHALL BE USED FOR FURTHER INTEGRATION.

2. "PROTECTED ZONE" FOR EXISTING TREES: BEFORE BEGINNING ANY DEMOLITION OR CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL INSTALL TEMPORARY FENCING ALONG ALL EXISTING TREES WITHIN THE CONSTRUCTION ZONE THAT ARE TO BE SAVED. THE FENCING SHALL BE INSTALLED NO CLOSER TO THE TREE THAN THE EDGE OF THE TREES PROTECTED ZONE. THE PROTECTED ZONE IS THE AREA BEGINNING FIVE FEET OUTSIDE OF THE TREE'S DRIPLINE AND EXTENDING TOWARDS THE CONSTRUCTION ZONE. THE FENCING SHALL BE INSTALLED TO THE LANDSCAPE ARCHITECT. ALL CONTRACTORS AND THEIR CREWS SHALL NOT BE ALLOWED INSIDE THIS "PROTECTED ZONE" NOR SHALL THEY BE ALLOWED TO STORE OR DUMP FOREIGN MATERIALS WITHIN THIS AREA. NO WORK OF ANY KIND, INCLUDING CONSTRUCTION, SHALL BE ALLOWED WITHIN THE PROTECTED ZONE. THE FENCING SHALL BE MAINTAINED AND REMAIN ALONG EACH TREE TO BE SAVED UNTIL THE COMPLETION OF CONSTRUCTION OPERATIONS.









**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION

CITY MARKET FUEL CENTER #430  
DEVELOPMENT PLAN DOCUMENTS

400 N PARK AVENUE  
BRECKENRIDGE, CO 80424

|   |            |                        |     |
|---|------------|------------------------|-----|
| A | 05/19/2026 | 1ST PLANNING SUBMITTAL | TDK |
| B | 08/05/2026 | 2ND PLANNING SUBMITTAL | TDK |

Project No: KSF000430

Drawn By: JAC

Checked By: KAR

Date: AUGUST 2026

\_\_\_\_\_

SOLAR STUDY

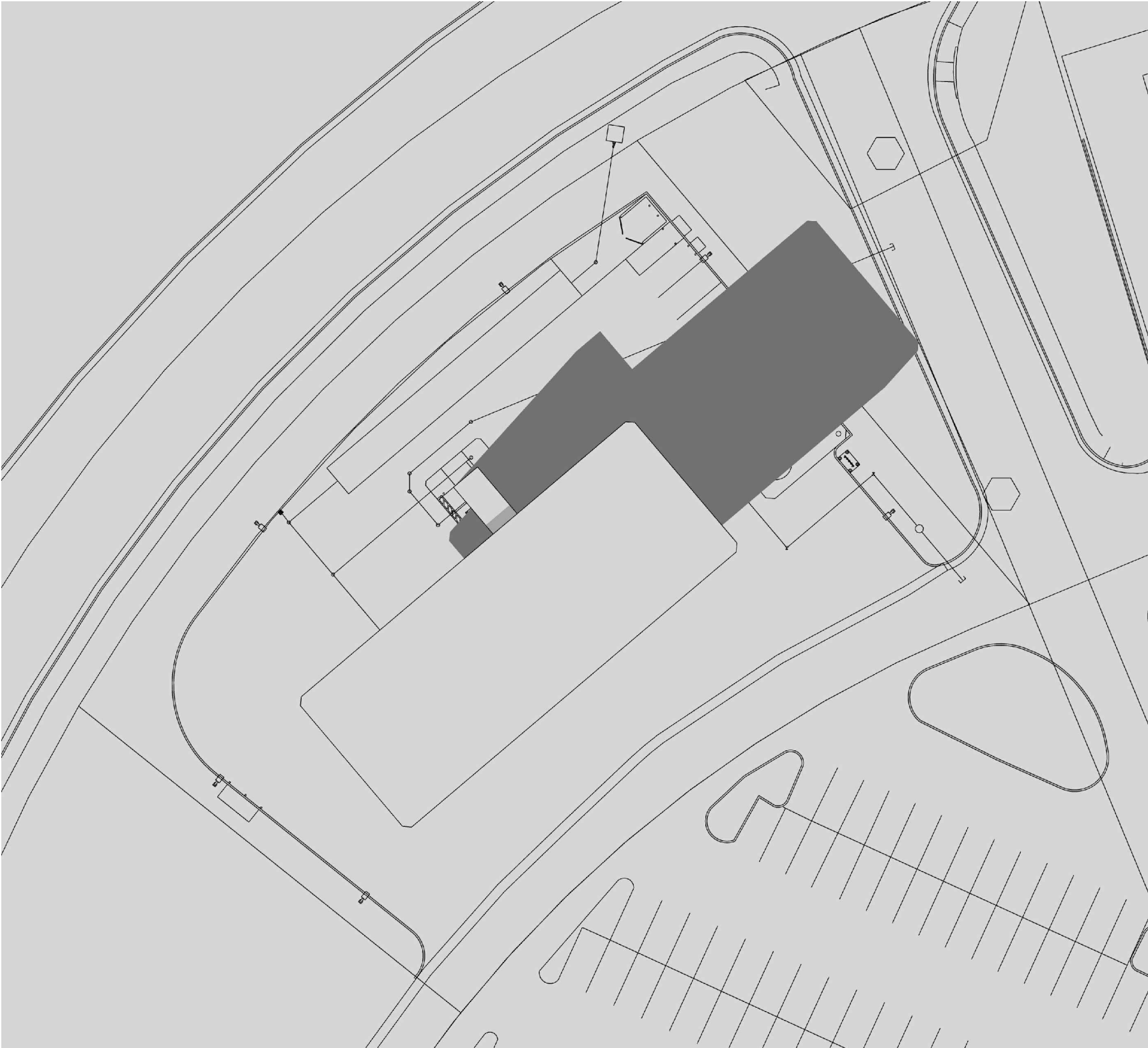
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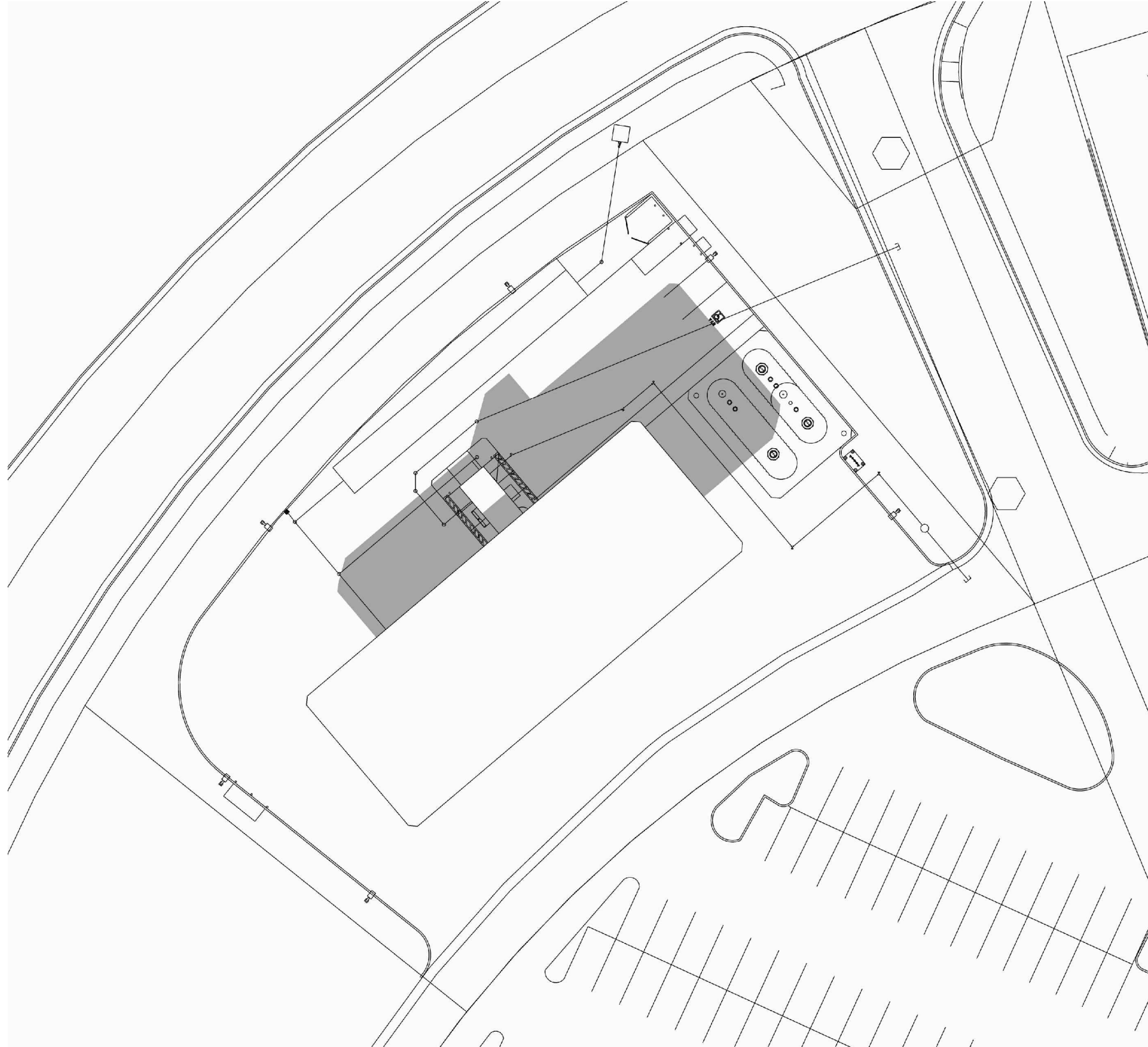
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Sheet 9 of 12

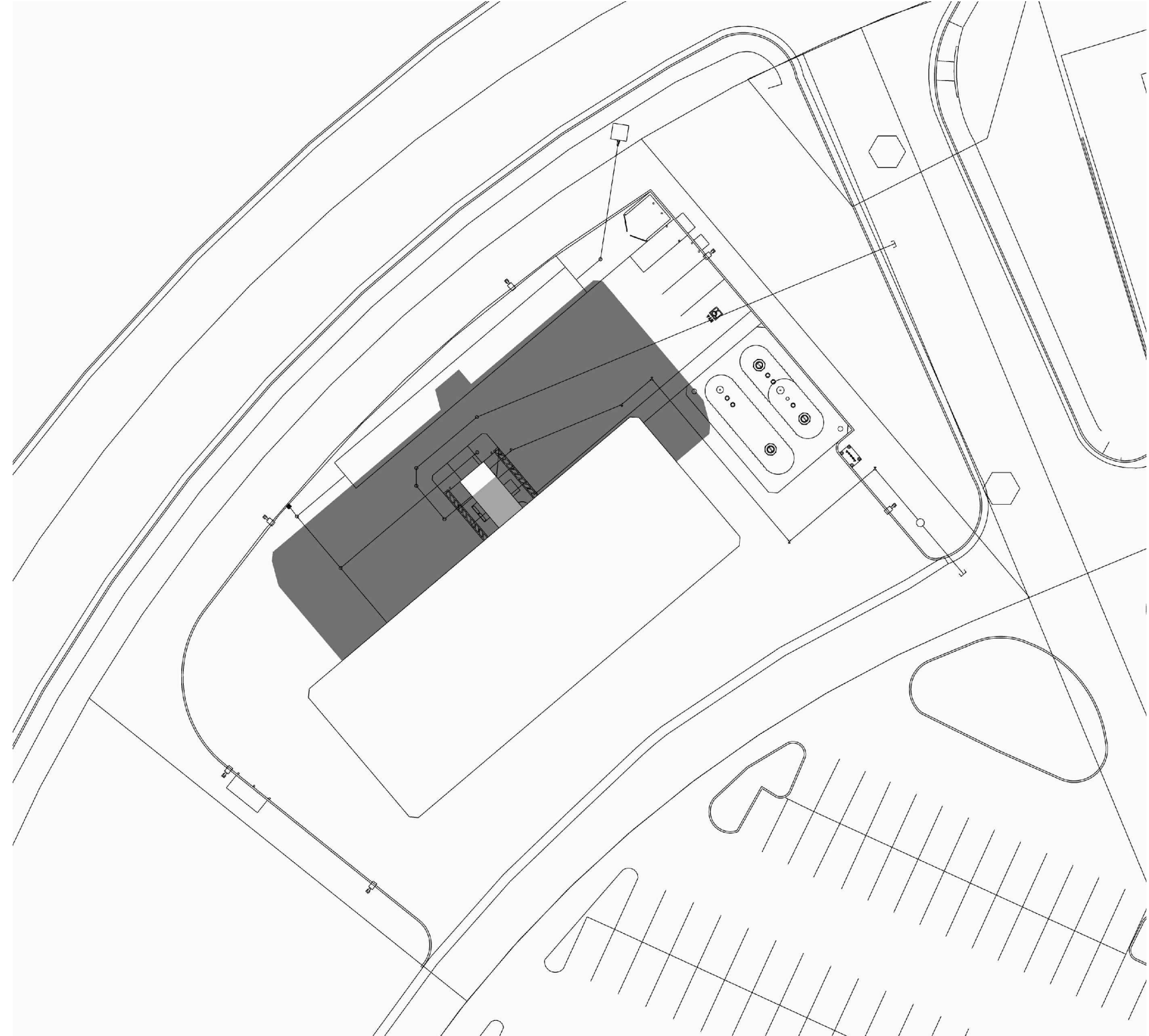
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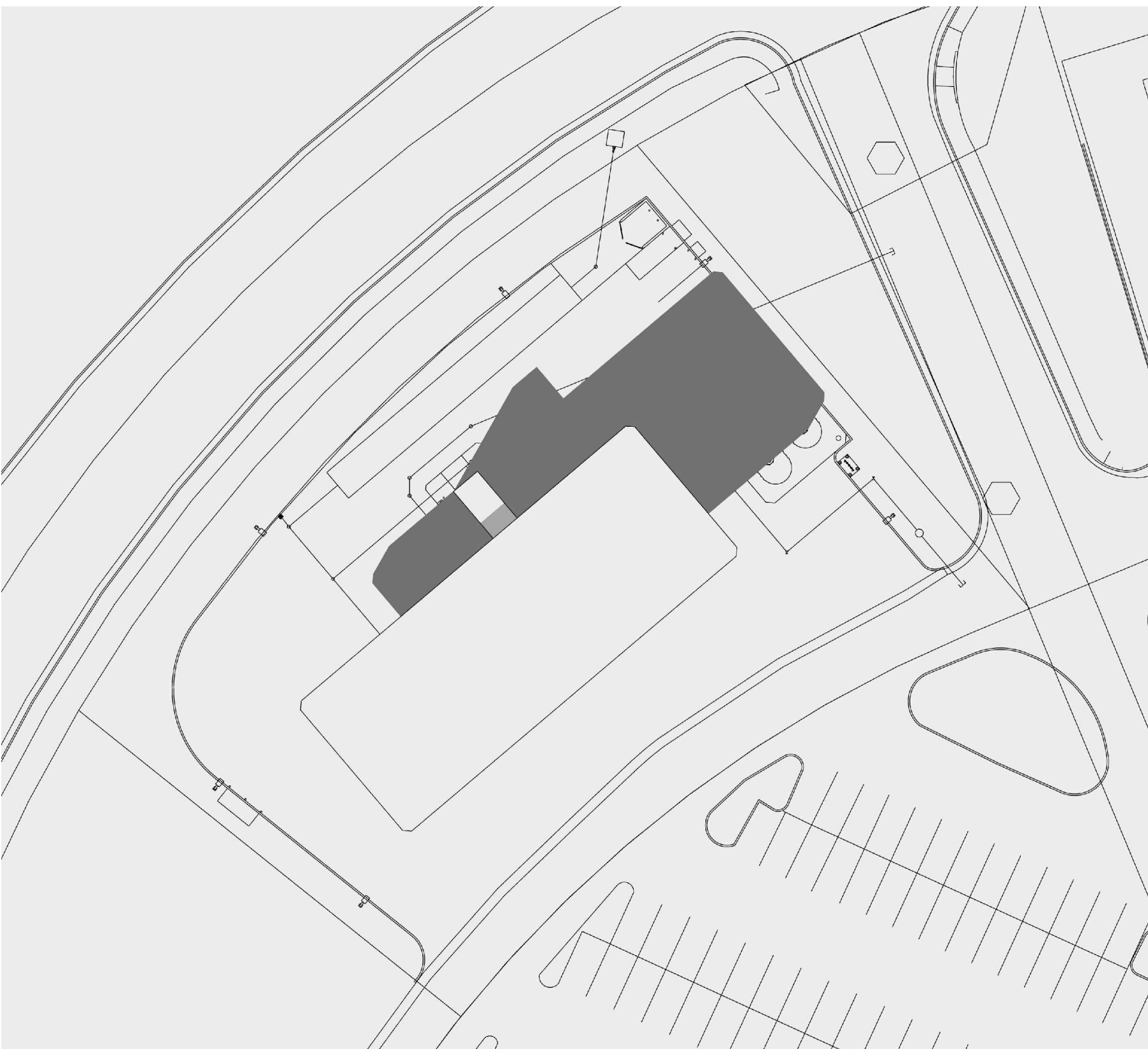
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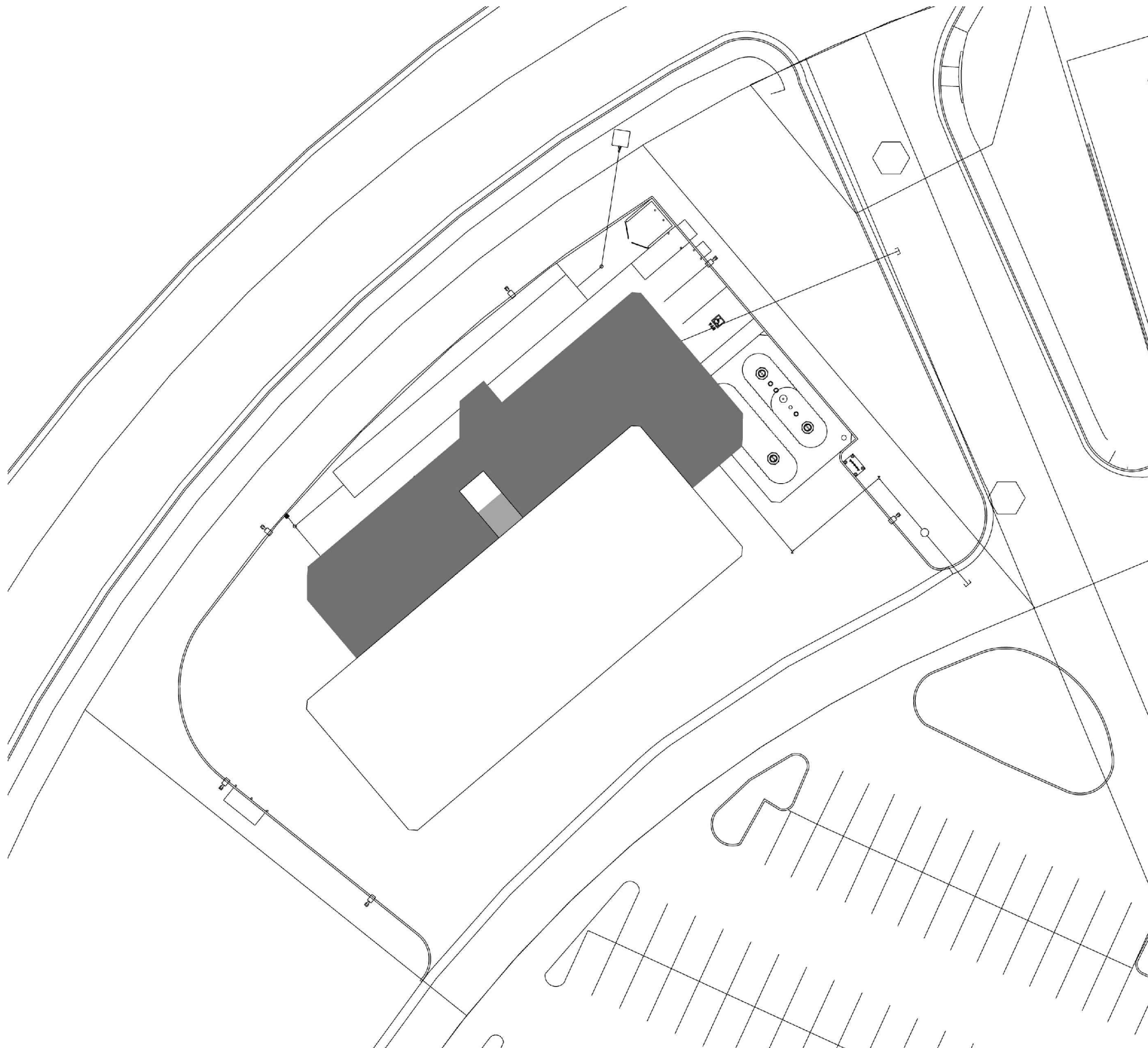
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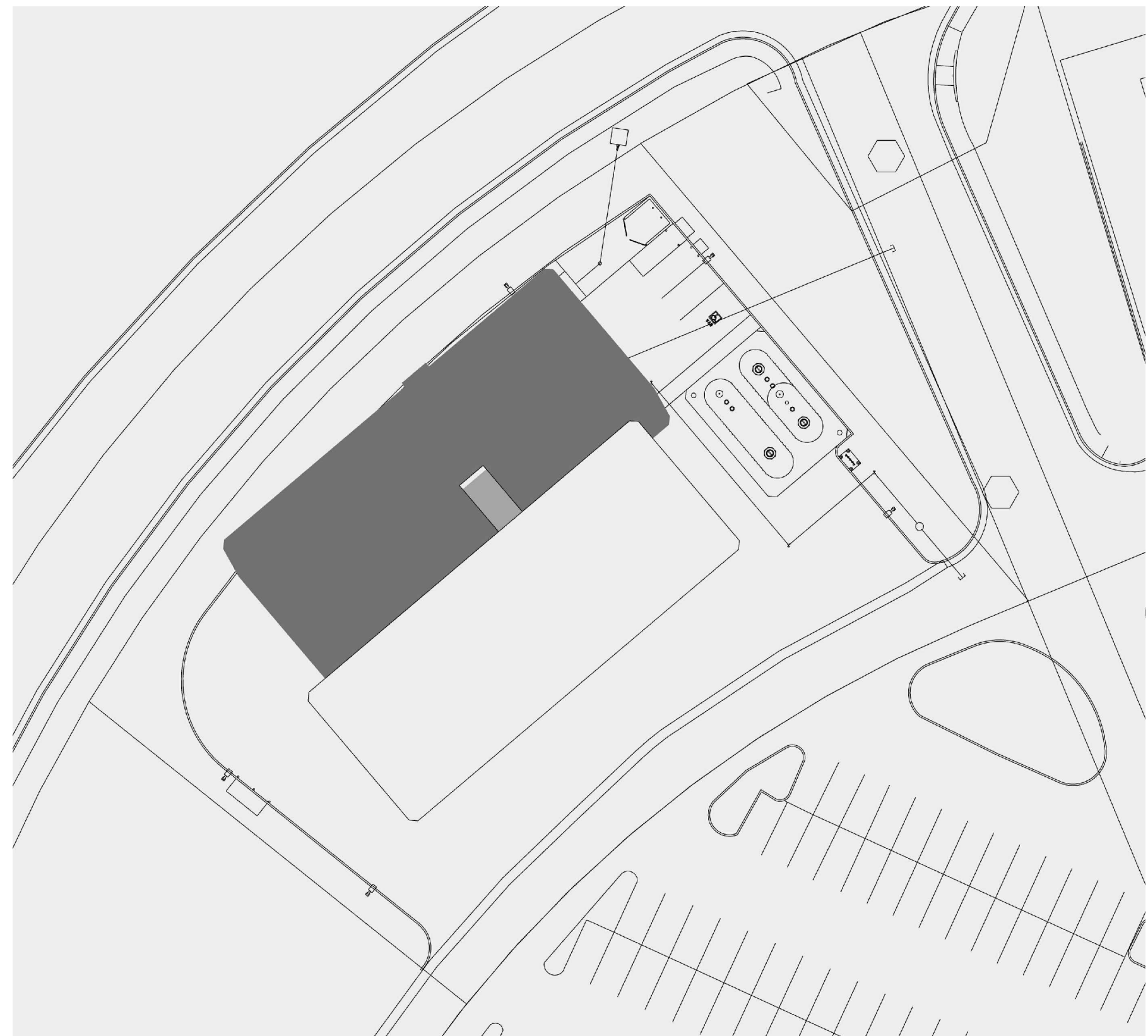
DECEMBER 21, 11 AM



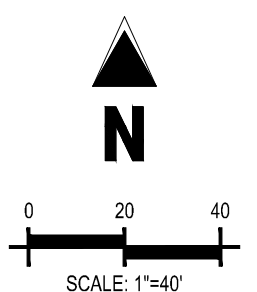
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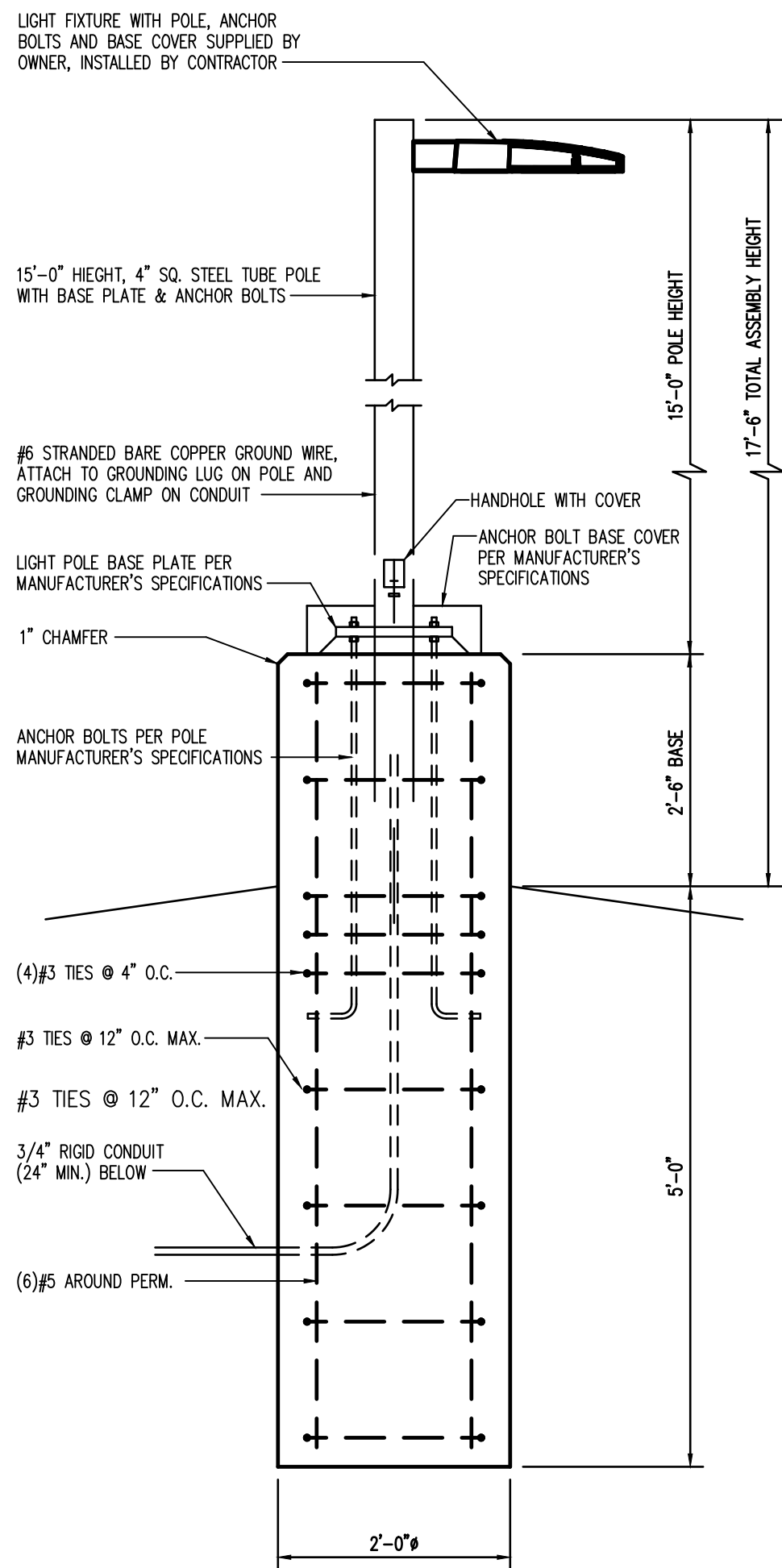
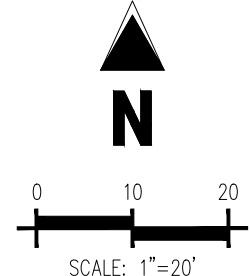
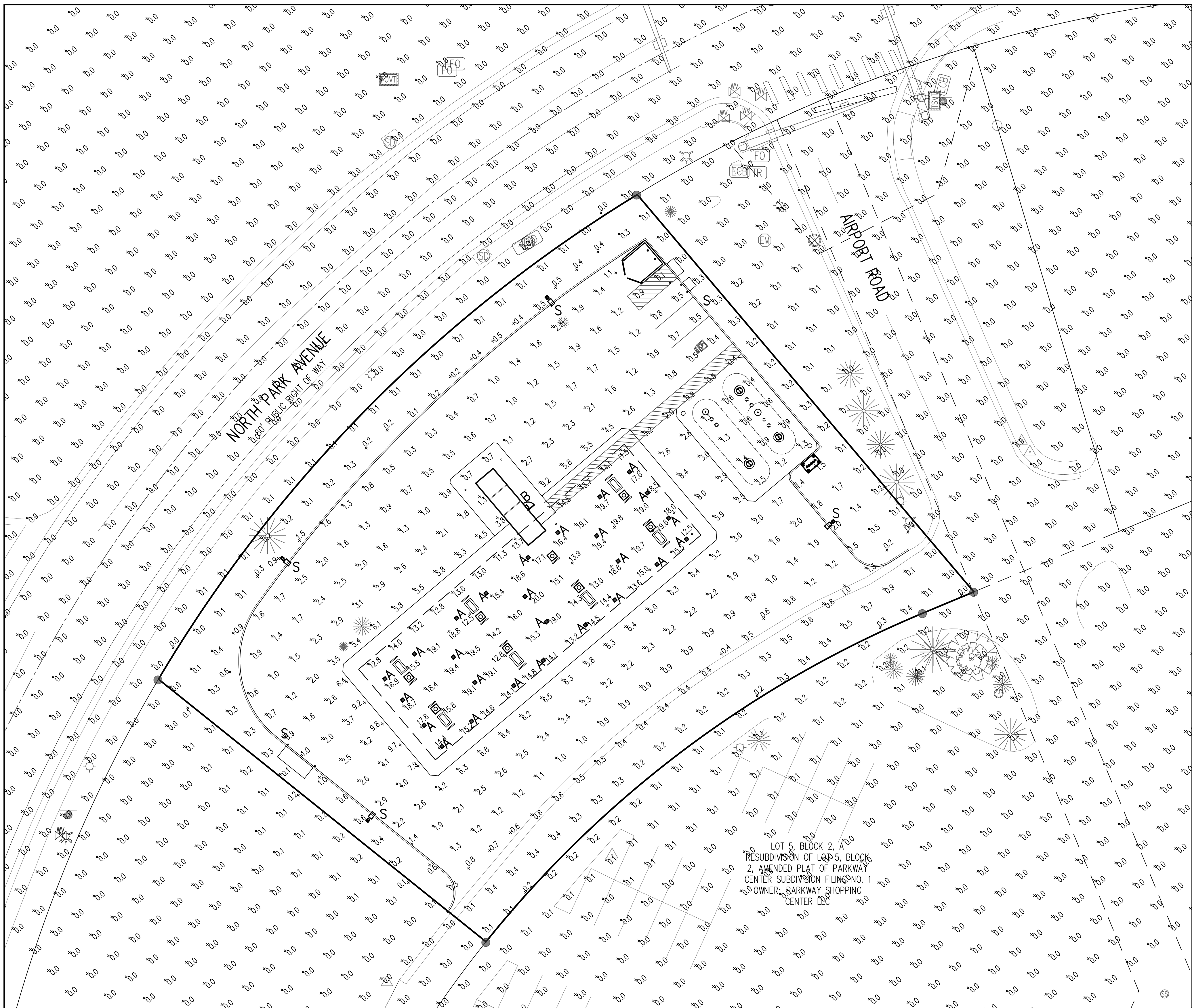
DECEMBER 21, 12 PM



DECEMBER 21, 10 AM







2 AREA LIGHT DETAIL  
SCALE: 3/4" = 1'-0"

**NOTES:**  
 AREA LIGHT FOUNDATION DESIGN IS BASED ON LATEST EDITIONS OF IBC, ASCE 7 AND ACI 318 IN ACCORDANCE WITH THE FOLLOWING ASSUMED MINIMUM CONDITIONS.

- BASIC WIND SPEED: 120 MPH, EXPOSURE C
- SOIL TYPE: CLAY
- CONCRETE: 3000 PSI 28 DAY COMPRESSIVE STRENGTH, AIR ENTRAINMENT
- REINFORCING: ASTM A615, GRADE 60

LIGHT POLE, BASE PLATE AND ANCHOR BOLTS DESIGNED AND PROVIDED BY THE LIGHT MANUFACTURER, INSTALLED BY GENERAL CONTRACTOR.

| CALCULATION SUMMARY |       |       |      |      |
|---------------------|-------|-------|------|------|
| LABEL               | UNITS | AVG   | MAX  | MIN  |
| CANOPY              | FC    | 15.95 | 20.0 | 11.3 |
| DRIVES AND PARKING  | FC    | 2.03  | 9.8  | 0.1  |

| LUMINAIRE SCHEDULE                                                                  |     |       |        |     |                                      |                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------|-----|-------|--------|-----|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SYMBOL                                                                              | QTY | LABEL | LUMENS | LLF | MODEL NUMBER                         | DESCRIPTION                                                                                                                                                                         |
|  | 26  | A     | 5,195  | 1.0 | CRUS-3C-SLW-UNV-30-WHT               | LSI LIGHTING, SCOTTSDALE LEGACY SERIES, SLW DRIVER, 3000K COLOR TEMPERATURE, FULLY SHIELDED, DOWNCAST, LED CANOPY FIXTURE                                                           |
|  | 4   | S     | 4,936  | 1.0 | PRV-PA1A-730-UNV-14W-BZ-SA-BZ-HSS    | COOPER LIGHTING, PREVAL LED AREA LIGHT, FLAT LENS, FULL CUTOFF, 1 PANEL LED, TYPE A DISTRIBUTION, 3000K COLOR TEMPERATURE, FULLY SHIELDED, DOWNCAST, WITH REAR SHIELD, BRONZE COLOR |
|  | 1   | B     | 2,136  | 1.0 | XWS-LED-2L-MT-UNV-30-80CR-EH-CWB8-BZ | LSI LIGHTING,MIRADA SMALL WALL SCONCE VISUAL COMFORT SERIES, 2L LUMEN PACKAGE, 3000K COLOR TEMPERATURE, MEDIUM THROW, FULLY SHIELDED, DOWNCAST, BRONZE COLOR                        |







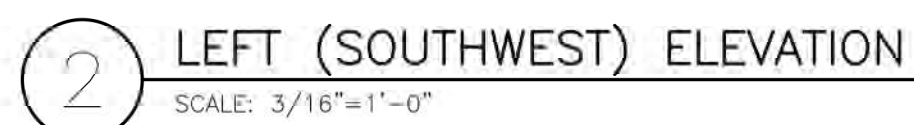


Diagram illustrating the components of a stone veneer wall assembly:

- SANDSTONE FASCIA
- OYSTER FASCIA
- CORONADO THIN STONE "COUNTRY RUBBLE" - DAKOTA BROWN" OR EQUAL
- CORONADO THIN STONE "ARCHITECTURAL TRIANGLE" - BROWNSTONE OR EQUAL

Sheet 12 of 12

Page 59 of 83



72.00

MASTER PLAN AGREEMENT

This Master Plan Agreement dated May 7, 1985 is between LINCOLN WEST, INC. a Colorado corporation ("Master Developer"), and the Town of Breckenridge, a municipal corporation of the State of Colorado, located in Summit County, Colorado, (the "Town"). Additional definitions are set forth in Section II hereof.

I

RECITALS

1.1 General Recitals. Master Developer is the owner of the real property described on Exhibit A attached hereto (except the 5 acre Judicial Center mentioned below) which is located within the Town's boundaries. Such property consists of approximately 65 acres upon which the Master Developer (or its successors in ownership) intends to develop to maximum density of 578 Single Family Equivalents. In addition, 45 Single Family Equivalents have been allocated to the 5 acre "Judicial Center" property now owned by Summit County, and these 45 Single Family Equivalents are not included in the 578 total.

1.2 Purpose. This Master Plan Agreement is intended to evidence the Town's approval of the Master Plan as set forth in this Master Plan Agreement and the related Map.

SUMMIT COUNTY  
CLERK AND RECORDER  
MAY 10 2 34 PM '85  
COLLEEN RICHMOND

296671



1.3 Scope of Approval. The Town hereby finds that the Master Plan is consistent with good planning practices and sets forth a desirable plan for the development of the Property. In particular, the Town approves of (a) the general location of and design standards for the main road system for the Property depicted on the Road Map, (b) the land use plan set forth in the Matrix, (c) the initial allocation of densities set forth in the Matrix and (d) the Environmental Analysis and Site Inventory dated April, 1985 1985, submitted to the Town in connection herewith. Nevertheless, the parties recognize (a) that site specific planning studies and subdivision plats have not been undertaken for the Property, and (b) that the development of the Property will be phased over a number of years. Consequently, the Town acknowledges that the Master Developer may need to adjust the Master Plan from time to time to conform it to changed conditions based upon more detailed studies, also taking into account market conditions from time to time.

1.4 Limitation on Scope of Approval. Notwithstanding any provision of this Master Plan Agreement, the development of the Property shall be in conformance with all applicable provisions of Breckenridge Development Code, Breckenridge subdivision code, building codes, and all other applicable Town ordinances as they may be in effect from time to time, unless the parties agree to waive or vary said



requirements as may be stated in this Master Plan Agreement or as permitted by law.

## II

### DEFINITIONS

2.1 Commercial Use shall mean retail trade and service activities, governmental facilities, hotels, motels, lodges, offices, restaurants, fast food establishments and bars.

2.2 Lot shall mean any lot identified as such on a subdivision plat approved by the Town.

2.3 Map shall mean the map of the Property identifying the approximate location of 4 separate Tracts which has been dated the same date as this Master Plan Agreement and which is attached hereto as Exhibit B.

2.4 Master Developer shall mean Lincoln West, Inc. or any party which (a) acquires from it more than 50 percent of the Property which is then owned by the Master Developer, and (b) is designated as the successor Master Developer in an instrument in writing signed by Lincoln West, Inc. and recorded in the real property records of Summit County, Colorado. The Town shall be given a copy of such instrument promptly after it is recorded.

2.5 Master Plan shall mean the Master Plan for the Property as set forth in this Master Plan Agreement and the Map, as such may be amended from time to time in accordance with the provisions hereof.



2.6 Matrix shall mean the Land Use Summary attached hereto.

2.7 Property means the real property described in Exhibit A attached hereto plus any adjacent land which may be acquired by Master Developer and upon prior written approval of the Town included in this Master Plan by written instrument recorded in Summit County. If Master Developer includes any adjacent land in this Master Plan, it shall be entitled to additional density at the rate per acre prescribed in the Town's Land Use Guidelines, which may be allocated as determined by Master Developer, subject to the Town's approval.

2.8 Residential Use shall mean single family residential, duplex residential, multi-family residential, condominium, condominium hotel, hotel/lodging, townhouse, divisible unit, time shared unit and/or dormitory. In addition, any condominium, condominium/hotel or hotel/lodging may have limited commercial uses reasonably associated with such enterprises and as approved by the Planning Commission, which shall not unreasonably withhold its approval thereof.

2.9 Road Map shall mean the map attached hereto as Exhibit C.

2.10 Single Family Equivalent for the determination of property use shall mean and shall be determined in accordance with the Breckenridge Development Code.



2.11 Tract shall mean each of the 4 individual Tracts or Blocks whose approximate location is identified on the Map. The exact legal description for each Tract shall be established when such Tract is subdivided in accordance with the subdivision regulations of the Town, as further set forth in Section 4.1 hereof.

### III

#### LAND USE

3.1 Limitation. Each Tract may be used (i) for the purposes identified in the Matrix, (ii) for recreational or open space purposes, (iii) for employee housing purposes, or (iv) for any use reasonably consistent with and incidental to any permitted use. Religious uses may occur wherever permitted by the Town under Special Review.

3.2 Limitation on Development Within Tracts. The number of Single Family Equivalents which are initially allowed in any Tract are set forth in column 3 of the Matrix entitled "Base SFE," which total 578 Single Family Equivalents. Such number may not be exceeded except in connection with a density transfer as provided in Section 3.3 or as authorized by Section 3.4. The types of Single Family Equivalents which may be constructed within any Tract are set forth in column 4 of the Matrix, entitled "Permitted Uses." Such density limitations shall not be exceeded unless a density transfer has occurred as provided for in



Section 3.3, in which case such new limitation shall not be exceeded, or as authorized by Section 3.4. Such use limitations shall not be exceeded without the express written approval of the Town.

3.3 Transfers of Density. The Master Developer shall have the right to request transfer of Single Family Equivalents between Tracts in accordance with the following procedures:

(a) The Master Developer shall first notify the Planning Commission in writing of its desire to transfer density, specifying the Tract from which Single Family Equivalents are to be transferred, the Tract to which such Single Family Equivalents are to be transferred, and the reasons for the desired transfer. If the Director of Community Development considers it necessary, within 10 days after receiving a notification of a proposed density transfer, he may by written notice to the Master Developer require the Master Developer to submit a Site Plan for the Tracts involved, showing the proposed locations of the Lots and densities within such Tracts.

(b) The Planning Commission will review the merits of such proposed transfer and will approve it if it is in accordance with good land development practices. The Planning Commission will act in accordance with paragraph G of Section 21.01 applicable to Class B applications under



the Breckenridge Development Code as in effect at the time of such application.

(c) Single Family Equivalents transferred into any Tract may be used for any type of development permitted in such Tract.

(d) No party other than the Master Developer may transfer density pursuant to this Master Plan except pursuant to paragraph 4.2 hereof; however, the Master Developer may transfer density to, or receive density transfers from, an owner of land which is part of the Property, subject to the Town's approval.

3.4. Adjustments To Single Family Equivalents. The maximum number of Single Family Equivalents permitted under this Master Plan Agreement shall be subject to adjustment in accordance with the Breckenridge Development Code in effect at the time of any requested approval.

3.5 Open Space. The general areas designated on the Map shall be used as open space, unless otherwise permitted by the Town. The exact location of such open space areas shall be identified on the subdivision plats approved in accordance with Section IV hereof. Open space areas may be used for social and recreational purposes or for underground utilities or other uses permitted by the Town. Dedication of such open space to the Town shall satisfy the dedication requirements of the subdivision ordinance. Such



dedication shall be made in its entirety at such time as any portion of the Property is first subdivided.

3.6 Employee Housing. In lieu of the requirement to provide employee housing or an equivalent cash contribution as set forth in the Development Code, the Master Developer may, if approved by the Town in its sole and absolute discretion, convey to the Town land having a fair market value equal to the required cash contribution. Such land may be either within or without the Property, but must be acceptable to the Town.

#### IV

#### SUBDIVISION

4.1 Subdivision of Tracts. (a) Unless the transfer is exempt from the Town's subdivision requirements, the Master Developer may not convey less than all of the Property to any party unless the parcel which the Master Developer proposes to convey has been subdivided in accordance with the subdivision regulations of the Town. In subdividing all or any portion of the Property, the Master Developer (or any successor in interest of any of the Property which has not been subdivided) shall (i) specify on the subdivision plat the exact legal description of the entire Tract within which the land is located (Such legal description shall conform in general to the boundary of such Tract as indicated on the Map; however, such boundary may



vary from that indicated on the Map as may be necessary to conform to good land development practices); and (ii) set forth on the plat the maximum number of each type of Single Family Equivalents allowed on each Lot within the Tract (which shall not exceed the total number of Single Family Equivalents allocated to such Tract taking into account all previous allocations of Single Family Equivalents to Lots within such Tract pursuant to this Section IV.

4.2 Resubdivision. The owner of any Lot may apply for resubdivision of such Lot and reallocation of the number of Single Family Equivalents allocated to the such Lot among the Lots established in such resubdivision; subject, however, to the limits on Single Family Equivalents set forth herein and as otherwise provided in Section 3.4. Such reallocation of Single Family Equivalents shall be set forth on the resubdivision plat and shall be binding on any owner of any Lot within such resubdivision.

V

ROADWAYS, RIVERBANK IMPROVEMENTS, ETC.

5.1 General. The Town agrees to support in concept all roadways, drainage ways, utility corridors and public facilities as shown on the Map and the supporting engineering data submitted in connection herewith. The Town also agrees to assist the Master Developer in obtaining State Highway Department approvals required for the development of the Property.



5.2 Reimbursement for Roadway Oversizing. (a)

Master Developer contemplates construction of Park Street from Watson Street to Colorado Highway No. 9 approximately as depicted in Exhibit C. The parties agree (i) that in order to accommodate the traffic generated by Master Developer's project, Park Street should be 36 feet wide, (ii) that Park Street will be utilized by traffic generated by activities other than those relating to Master Developer's project, and (iii) that because of the requirements of the additional traffic, Park Street should be 48 feet wide.

Master Developer and the Town also agree that French Street and Valley Brook Street should each be 36 feet wide, with all costs for their construction to be paid for by the Master Developer.

(b) Master Developer hereby agrees to construct Park Street at the width required according to Section 5.2(a), and in substantial accordance with the specifications set forth in Exhibit D. In consideration thereof, the Town agrees that it will pay (i) twenty-five percent of the cost of designing and constructing improvements to Highway No. 9 as it relates to the intersection of Park Street and Highway No. 9 required by the State Highway Department or the Town; and (ii) the difference between the cost of constructing Park Street to the width required by Section 5.2(a) vs. a 36 foot width. The incremental cost to be



reimbursed pursuant to this paragraph 5.2 shall include but not be limited to engineering fees, surveying fees, costs of labor and material incorporated in the construction of Park Street, excavation costs, the costs of storm drains, costs of curb and gutter, contractors overhead and profit, and the cost of securing all necessary permits, but shall not include the cost of the land on which Park Street is constructed or any general or overhead expense of Master Developer. Prior to design and construction of Park Street, the Master Developer shall submit to the Town estimated costs of construction together with proposed allocations of costs for review and approval. The Town's obligation to share in the costs of such design and construction is specifically contingent on the Town's prior written consent and approval of the Master Developer's estimated cost allocations for construction, provided such approval shall not be unreasonably withheld or delayed. However, the Town shall not be responsible for any incremental cost due to the negligence of, or *SM* *X* mismanagement <sup>by</sup> ~~of~~ the Master Developer.

(c) The Town shall reimburse Master Developer for its share of the costs of designing and constructing Park Street in three equal annual installments, plus interest thereon at 10 percent, for the period from the opening and acceptance of Park Street until each such installment is paid. The first installment shall be paid one year after



Park Street has been accepted by the Town for maintenance purposes, and the next two installments shall be paid on the anniversary dates thereof. The Town agrees that such payments shall be made a part of the Town's budget for each applicable period. The Town shall have the right to prepay the amount due hereunder at any time without penalty. The Town at its option shall further have the right to offset any reimbursements required under this Agreement by allowing the Master Developer credits against a contemplated future Community Impact Assessment Fee or other similar fee if established by the Town prior to any required reimbursement payment.

5.3 Highway No. 9 Signalization Cost Sharing.

Town and Master Developer agree that if prior to January 1, 2000, a State of Colorado traffic signal is required at the intersection of Park Street and Colorado State Highway No. 9, the Town and the Master Developer will share the cost of construction of said traffic signal in the same percentages as are used for sharing the expenses of roadway oversizing under paragraph 5.2. Master Developer shall reimburse the Town for its share of such costs promptly after the installation of such traffic signal. In order to guarantee Master Developer's participation in said traffic signal, Master Developer shall cause a cost estimate of the proposed signal to be completed, and shall post a monetary guarantee reasonably acceptable to the Town in an amount equal to Master



Developer's anticipated share, prior to the Town's final approval of any Subdivision Plats for the property. Such monetary guarantee may take the form of a lien on property owned by Master Developer and reasonably acceptable to the Town. Master Developer may from time to time change the form of the monetary guarantee with the Town's approval which shall not be unreasonably withheld.

5.4 Road cuts. Master Developer agrees that road cuts from Blocks 2, 3 and 4 to Park Street, French Street and Watson Street shall be limited to the number and approximate location shown on Exhibit C. The exact location and characteristics of the road cuts for each such Block shall be established at such time as any of such Blocks is subdivided by creating lots within such Block.

5.5 Completion of Park Street. Master Developer agrees that it will use its best efforts to complete Park Street and to have it open for vehicular traffic prior to the time the first certificate of occupancy is issued for any building improvement in Block 2 or Block 3.

5.6. Riverbank Improvement. (a) Master Developer contemplates construction of certain riverbank improvements on the west bank of the Blue River approximately as depicted in the typical cross section and schematic design prepared by Design Studios West, Inc. and attached hereto as Exhibit E. No later than such time as Master Developer obtains subdivision approval of Block 1, Block 2 or Block 3 of the Parkway



Center Subdivision, it will obtain the Town's approval of (i) a definitive grading plan for the land adjacent to such Block, and (ii) a landscaping plan for the land adjacent to such Block. The Town will not unreasonably withhold or delay approval of such definitive grading plan or landscaping plan.

(b) Master Developer shall complete construction of the grading for the riverbank improvements in accordance with the definitive plans approved by the Town as set forth above (i) with respect to the property adjacent to Lot 1, Block 1, by November 1, 1985, and (ii) with respect to the remaining land, at the later of (A) 150 days after approval of such plan or (B) the next succeeding October 1 following approval of such plan.

(c) Landscaping for the river improvements shall be accomplished by the owner of each lot abutting the riverbank area prior to the issuance of a Certificate of Occupancy for any improvement on any such lot. At such time as the owner of such a lot shall apply for a building permit with respect to such lot, the Town shall be entitled to require such owner to enter into a binding agreement under which such owner is required (i) to landscape the riverbank adjacent to his lot in accordance with the definitive landscape plan approved by the Town and (ii) to complete such landscaping prior to the issuance of a Certificate of



Occupancy for such lot. Notwithstanding the foregoing, landscaping for the river improvements abutting Lot 1, Block 1 shall be completed by the Master Developer at the earlier of November 1, 1986, or the issuance of a certificate of occupancy for the Judicial Center.

#### VI

##### REMEDIES

In case of any breach hereunder, each party shall be entitled to seek specific performance of this Agreement as well as any other remedy.

#### VII

##### MISCELLANEOUS

7.1 Town Authority. Town represents and warrants that it has the authority to enter into this Master Plan Agreement according to Colorado law and its Home Rule Charter and Ordinances and represents that the terms and conditions hereof are not in violation of any agreement previously entered into by Town. This Agreement shall not become effective until a resolution authorizing the execution of this Agreement is effective.

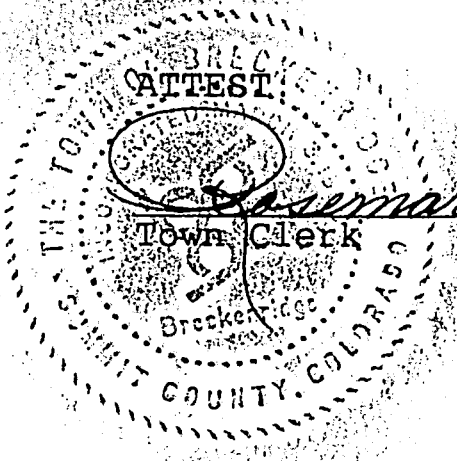
7.2 Recording. This Agreement shall be recorded in the Summit County Clerk and Recorder's Office in order to put prospective purchasers or other interested parties on notice as to any of the terms and conditions contained herein.



7.3 Entire Agreement. This Agreement and the exhibits hereto together represent the entire understanding between the parties with respect to the subject matter hereof, and no other agreement in conflict with this Agreement, oral or written, made prior to the date of this Agreement with respect to such matters shall be valid as between the parties.

7.4 Modification. This Agreement shall not be modified except (a) as set forth herein, or (b) in writing executed by all parties hereto setting forth the specific terms of any such modification or agreement.

7.5 Agreement Binding. This Agreement and the terms and conditions hereof shall be binding upon and effective to the heirs, successors, legal representatives and assigns of the parties.



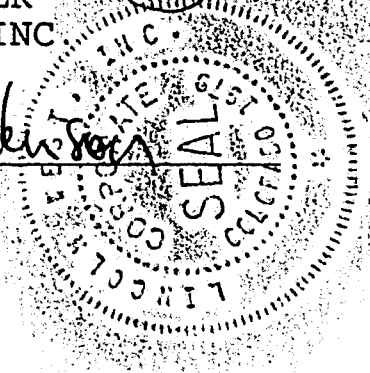
*Rosemary Ahern*

TOWN OF BRECKENRIDGE

*Ken S. Rutledge*  
Town Manager

MASTER DEVELOPER  
LINCOLN WEST, INC.

By: *Lincoln West, Inc.*

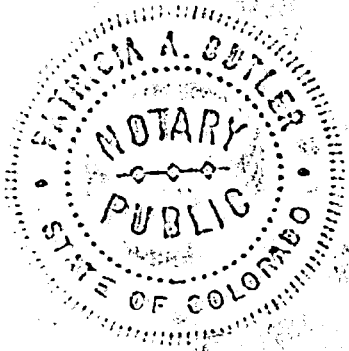




STATE OF Colorado )  
COUNTY OF Summit ) ss.

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of May, 1985 by Gary Martinez as the Town Manager and Rosemary Ahern as the Town Clerk of the Town of Breckenridge, a municipal corporation of the State of Colorado.

Witness my hand and official seal.



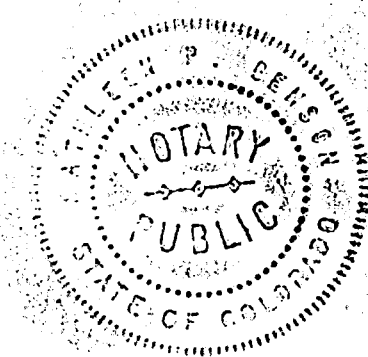
Patricia A. Butler  
Notary Public

My commission expires: August 15, 1988

STATE OF )  
COUNTY OF ) ss.

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May, 1985 by WILLIAM S. ANDERSON as President and \_\_\_\_\_ as Secretary of LINCOLN WEST, INC., , a Colorado corporation.

Witness my hand and official seal.



Kathleen P. Benson  
Notary Public

My commission expires: August 29, 1987

5350C



LAND USE SUMMARY

| <u>Block or<br/>Tract</u> | <u>Acres</u>  | <u>Base SFE</u> | <u>Permitted<br/>Uses</u>     |
|---------------------------|---------------|-----------------|-------------------------------|
| 1                         | 10.547        | 147*            | Residential and<br>Commercial |
| 2                         | 14.007        | 155             | Commercial                    |
| 3                         | 7.439         | 86              | Commercial                    |
| 4                         | <u>12.571</u> | <u>190</u>      | Residential                   |
| Totals                    | 44.564        | 578*            |                               |
| Open Space:               | 6.450         |                 |                               |

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\* In addition, 45 SFE have been allocated to the 5 acre "Judicial Center" property now owned by Summit County.



EXHIBIT ADESCRIPTION

A PARCEL OF LAND LYING WHOLLY WITHIN THE RANKIN PLACER M.S. 1364, ENGLE PLACER M.S. 1037, HUNT PLACER M.S. 1349 AND THE SNIDER ADDITION TO THE TOWN OF BRECKENRIDGE, SECTION 31, TOWNSHIP 6 SOUTH, RANGE 77 WEST AND SECTION 36, TOWNSHIP 6 SOUTH, RANGE 78 WEST ALL OF THE 6TH PRINCIPAL MERIDIAN, SITUATE IN THE TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 3 OF SAID RANKIN PLACER, WHENCE THE NORTHWEST CORNER OF SAID SECTION 31 BEARS N84°34'38"W 147.74', THE TRUE POINT OF BEGINNING, THENCE

|               |          |                                                                                                                                |
|---------------|----------|--------------------------------------------------------------------------------------------------------------------------------|
| N88°36'00"E   | 1064.74' | TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO.9, THENCE                                                 |
| S02°06'30"E   | 1051.60' | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| S01°45'15"W   | 139.67'  | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| S25°44'00"W   | 30.43'   | TO CORNER NO.6 OF SAID RAINKIN PLACER, THENCE                                                                                  |
| N82°14'48"W   | 55.95'   | ALONG LINE 6-1 OF SAID RANKIN PLACER TO CORNER NO.4 OF SAID ENGLE PLACER, THENCE                                               |
| S13°39'09"W   | 26.97'   | ALONG LINE 4-3 OF SAID ENGLE PLACER TO CORNER NO.1 OF SAID SNIDER ADDITION, THENCE                                             |
| S16°19'00"E   | 219.91'  | ALONG LINE 1-10 OF SAID SNIDER ADDITION TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID COLORADO STATE HIGHWAY NO.9, THENCE    |
| S00°39'00"E   | 270.85'  | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| S16°44'30"W   | 282.91'  | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| SOUTHWESTERLY | 44.04'   | ALONG THE ARC OF A 1030.00' RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS S09°34'30"W 44.04' ALONG SAID RIGHT-OF-WAY, THENCE |
| S06°06'00"E   | 238.24'  | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| S89°21'00"W   | 130.58'  | TO A POINT ON LINE 2-3 OF SAID SNIDER ADDITION, THENCE                                                                         |
| S05°17'00"W   | 779.37'  | ALONG LINE 2-3 TO CORNER NO.3 OF SAID SNIDER ADDITION WHICH FALLS ON THE NORTH RIGHT-OF-WAY LINE OF WATSON STREET, THENCE      |
| WEST          | 25.29'   | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| N89°21'20"W   | 422.03'  | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| N72°17'09"W   | 60.00'   | TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF PARK AVENUE, THENCE                                                                 |
| S17°42'51"W   | 11.73'   | ALONG SAID RIGHT-OF-WAY, THENCE                                                                                                |
| S89°16'00"W   | 617.63'  | TO A POINT ON LINE 2-1 OF SAID HUNT PLACER, THENCE                                                                             |
| N18°35'25"E   | 638.65'  | TO CORNER NO.2 OF THE CUCUMBER PLACER M.S. 2630, THENCE                                                                        |
| N18°33'46"E   | 574.88'  | TO CORNER NO.1 OF SAID HUNT PLACER, THENCE                                                                                     |
| S83°15'39"E   | 146.83'  | ALONG LINE 1-7 OF SAID HUNT PLACER TO CORNER NO.2 OF SAID ENGLE PLACER, THENCE                                                 |
| N07°45'10"E   | 799.68'  | TO CORNER NO.1 OF SAID ENGLE PLACER, COMMON WITH CORNER NO.1 OF SAID RANKIN PLACER, THENCE                                     |
| N06°55'29"E   | 119.66'  | TO CORNER NO.2 OF SAID RANKIN PLACER, THENCE                                                                                   |
| N19°53'08"W   | 1034.78' | TO CORNER NO.3 OF SAID RANKIN PLACER THE TRUE POINT OF BEGINNING.                                                              |

CONTAINING: 63.497 ACRES, MORE OR LESS.



EXCEPT:

A PARCEL OF LAND LYING WHOLLY WITHIN THE RANKIN PLACER M.S. 1364, SECTION 31, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SITUATE IN THE TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

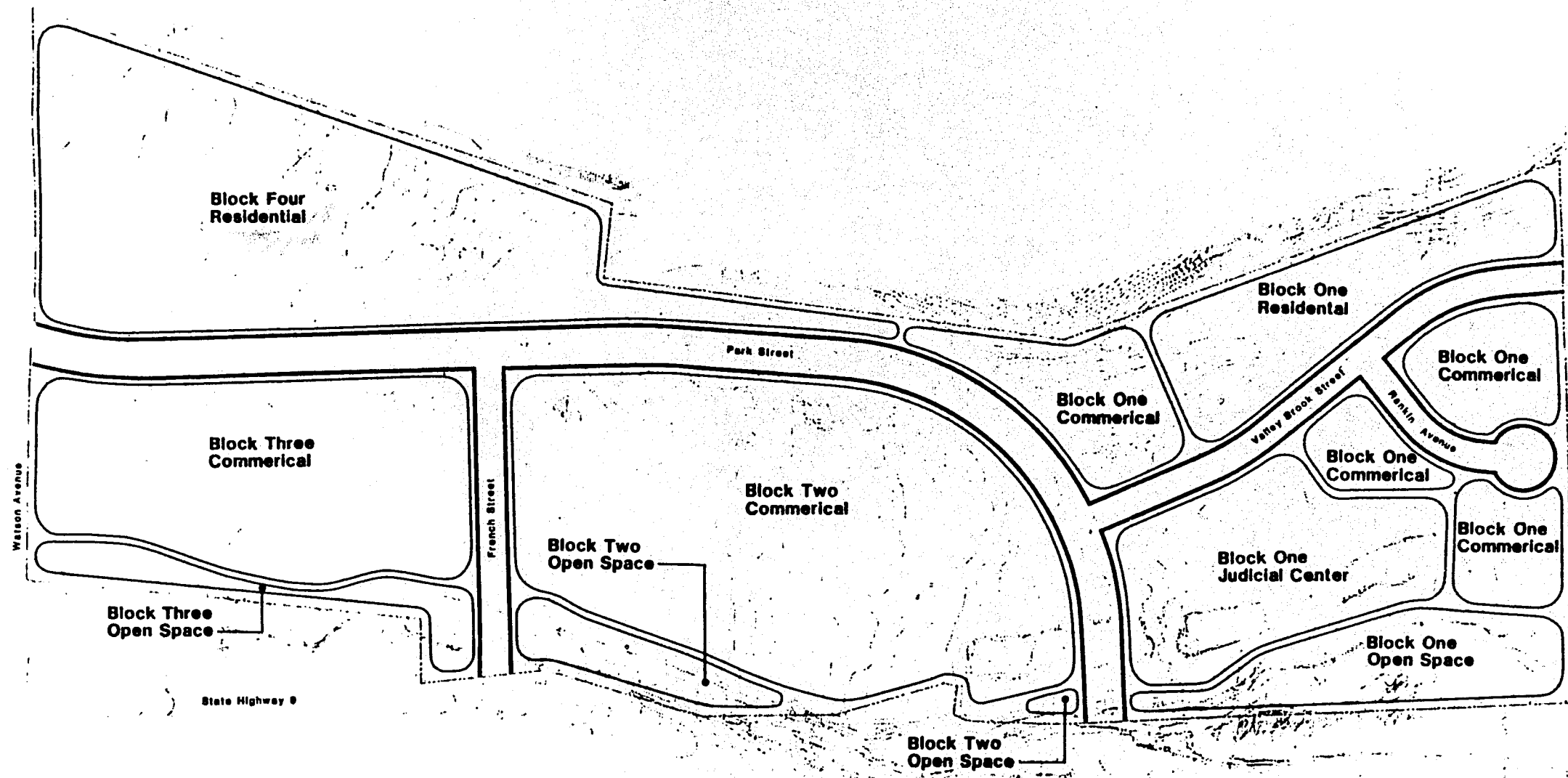
BEGINNING AT CORNER NO.3 OF SAID RANKIN PLACER AND RUNNING S71°50'13"E 687.21' TO THE TRUE POINT OF BEGINNING, THENCE

|               |         |                                                                                                                                  |
|---------------|---------|----------------------------------------------------------------------------------------------------------------------------------|
| S86°29'08"E   | 221.57' | THENCE                                                                                                                           |
| S04°46'06"W   | 65.00'  | THENCE                                                                                                                           |
| S16°56'58"E   | 303.13' | THENCE                                                                                                                           |
| S32°30'44"E   | 139.37' | THENCE                                                                                                                           |
| S01°32'29"E   | 160.00' | TO A POINT ON THE NORTHERLY RIGHT OF WAY OF AN 80' TOWN ROAD, THENCE                                                             |
| S87°53'30"W   | 120.00' | ALONG SAID RIGHT OF WAY, THENCE                                                                                                  |
| SOUTHWESTERLY | 221.14' | ALONG THE ARC OF A 590.00' RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS S 77°09'15"W 219.85', ALONG SAID RIGHT OF WAY, THENCE |
| N23°05'00"W   | 228.66' | THENCE                                                                                                                           |
| NORTHWESTERLY | 149.59' | ALONG THE ARC OF A 550.00' RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS N30°52'30"W 149.13', THENCE                           |
| N38°40'00"W   | 25.00'  | THENCE                                                                                                                           |
| N51°20'00"E   | 170.00' | THENCE                                                                                                                           |
| NORTH         | 235.00' | TO THE TRUE POINT OF BEGINNING.                                                                                                  |

CONTAINING: 5.000 ACRES, MORE OR LESS

|                        |                              |
|------------------------|------------------------------|
| NET ACERAGE CONTAINING | 63.497 ACRES, MORE OR LESS   |
|                        | - 5.000 ACRES, MORE OR LESS  |
|                        | = 58.497 ACRES, MORE OR LESS |





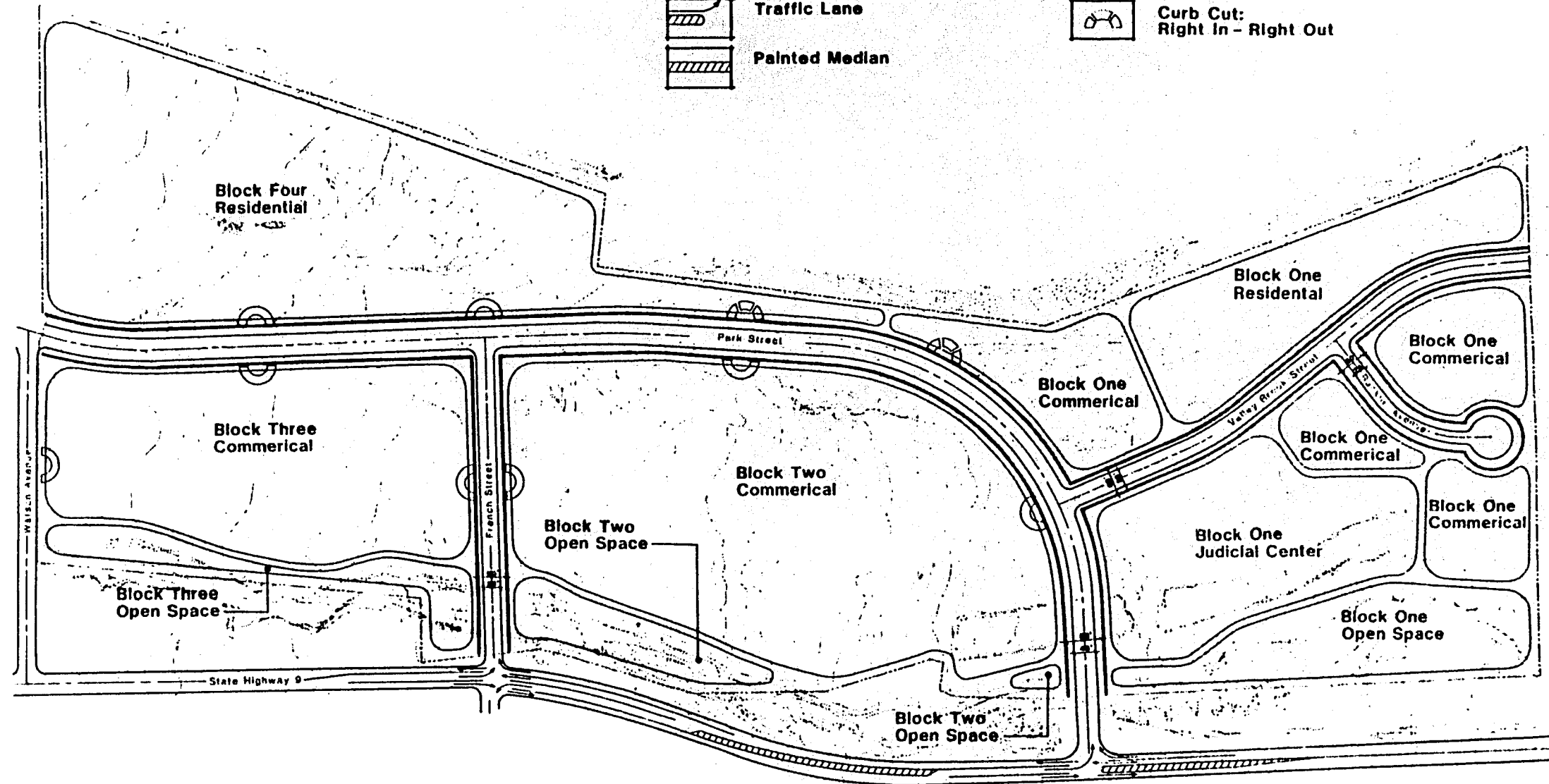
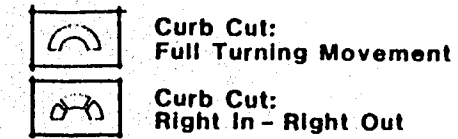
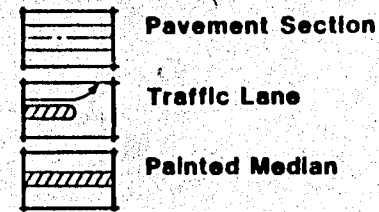
LAND USE  
**THE PARKWAY CENTER**  
 LINCOLN WEST, INC. BRECKENRIDGE, CO



**Exhibit B**



# LEGEND

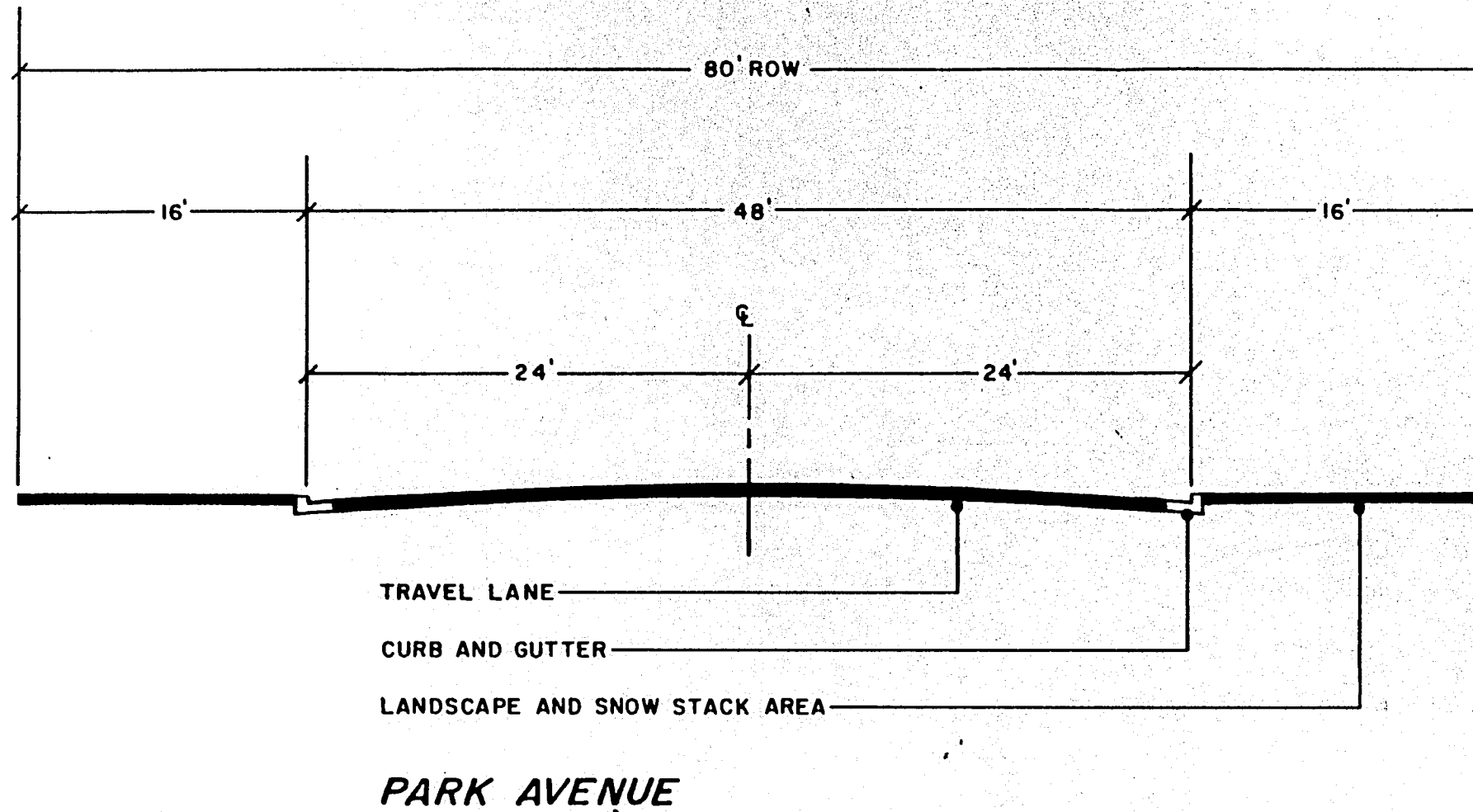


TRANSPORTATION  
**THE PARKWAY CENTER**  
 LINCOLN WEST, INC. BRECKENRIDGE, CO



**Exhibit C**

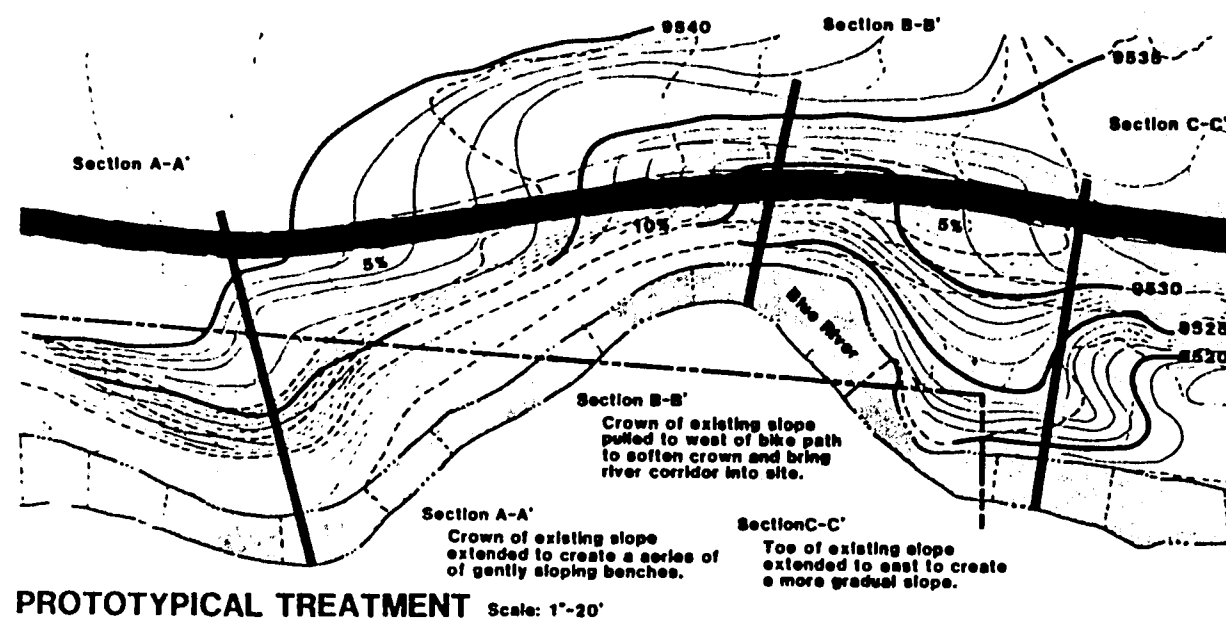
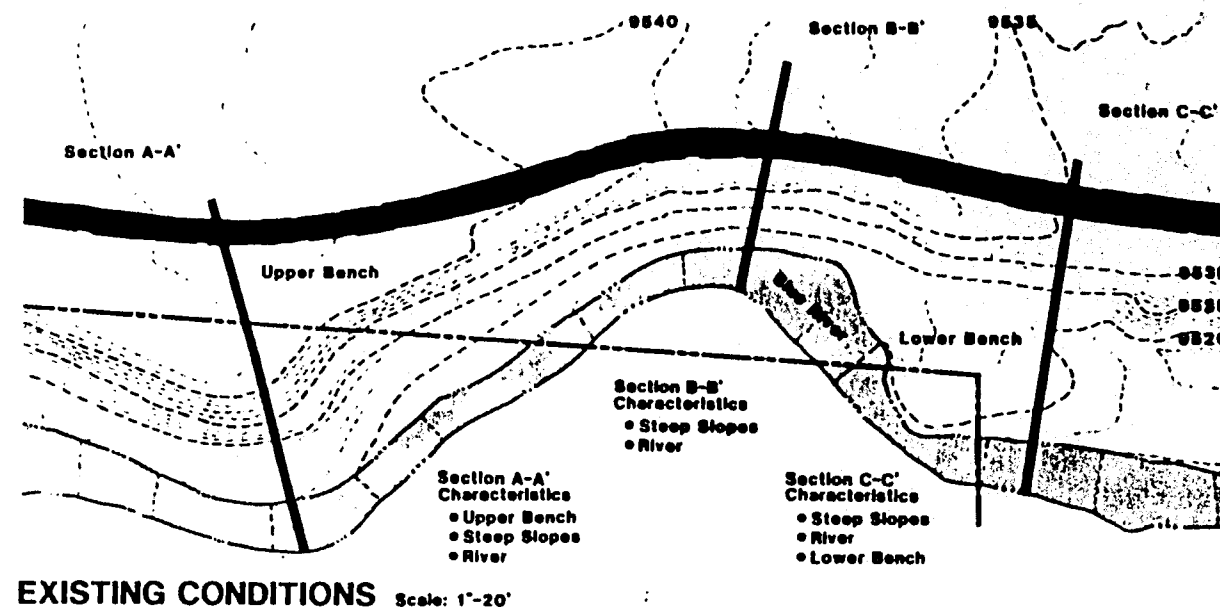




**THE PARKWAY CENTER**  
 LINCOLN WEST, INC. BRECKENRIDGE, CO

**Exhibit D**





# RIVER EDGE TREATMENT CONCEPTS **THE PARKWAY CENTER** LINCOLN WEST, INC. BRECKENRIDGE, CO

