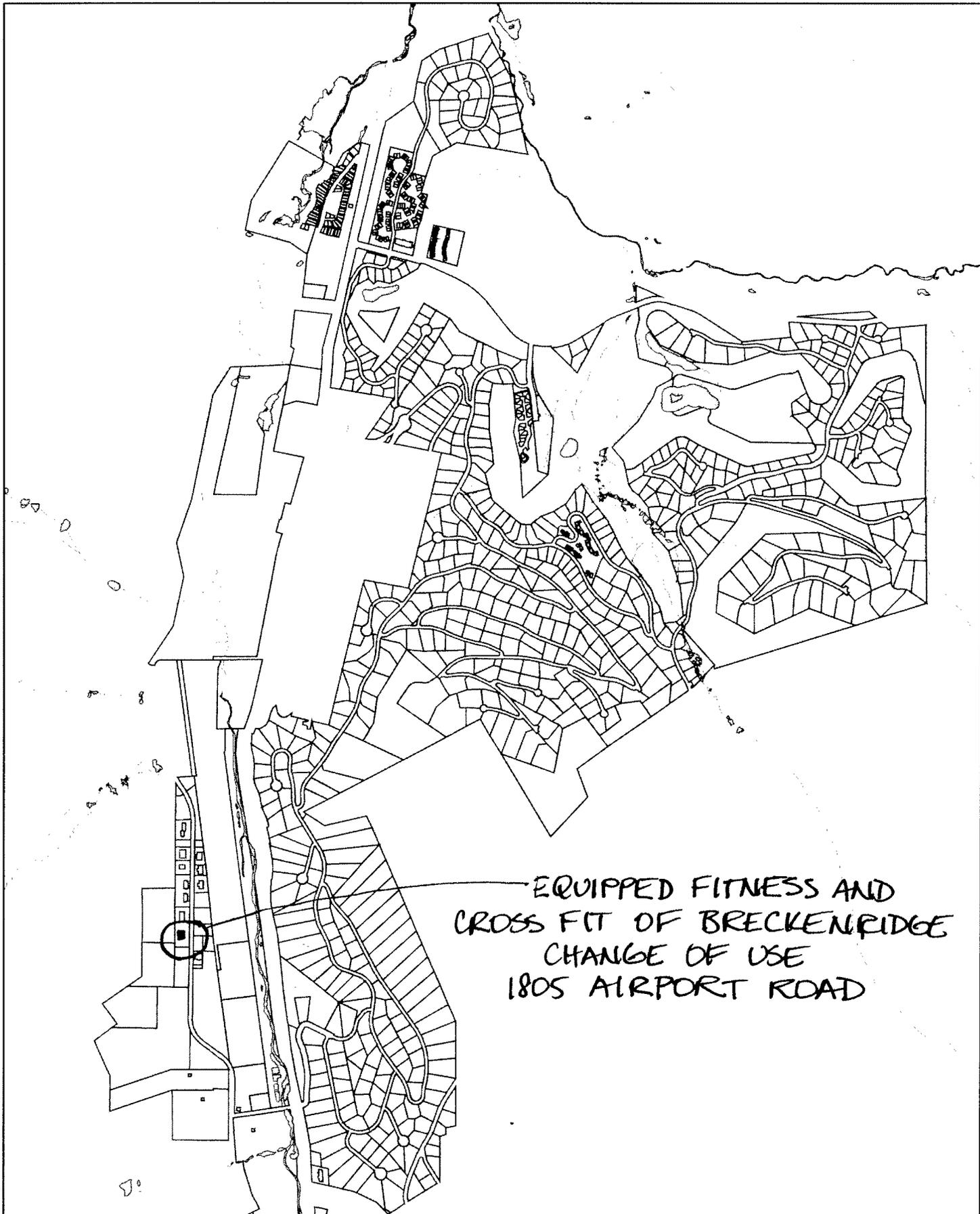


Town of Breckenridge
Planning Commission Agenda
Tuesday, April 7, 2009
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the April 7, 2009 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes March 17, 2009 Regular Meeting Approval of Agenda</i>	4
7:05	<i>Consent Calendar</i>	
	1. Miner's Candle Unit 6 Window (CK) PC#2008119 106 Broken Lance	9
	2. Equipped Fitness and Cross Fit of Breckenridge Change of Use (CK) PC#2009008 1805 Airport Road	17
7:15	<i>Preliminary Hearings</i>	
	1. Silverthorne House (JP) PC#2007004 300 North Main Street	21
	2. Lot 5, McAdoo Corner (MGT) PC#2009009 209 South Ridge Street	51
9:15	<i>Public Projects</i>	
	1. Locomotive Train Park (JP) PC#2009007 (<i>Item to be rescheduled to a future meeting.</i>) 123 North Main Street	
9:15	<i>Worksessions</i>	
	1. Historic Structure Setbacks (MGT)	65
9:45	<i>Town Council Report</i>	
9:55	<i>Other Matters</i>	
10:00	<i>Adjournment</i>	

For further information, please contact the Planning Department at 970/453-3160.

**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.*



EQUIPPED FITNESS AND
CROSS FIT OF BRECKENRIDGE
CHANGE OF USE
1805 AIRPORT ROAD

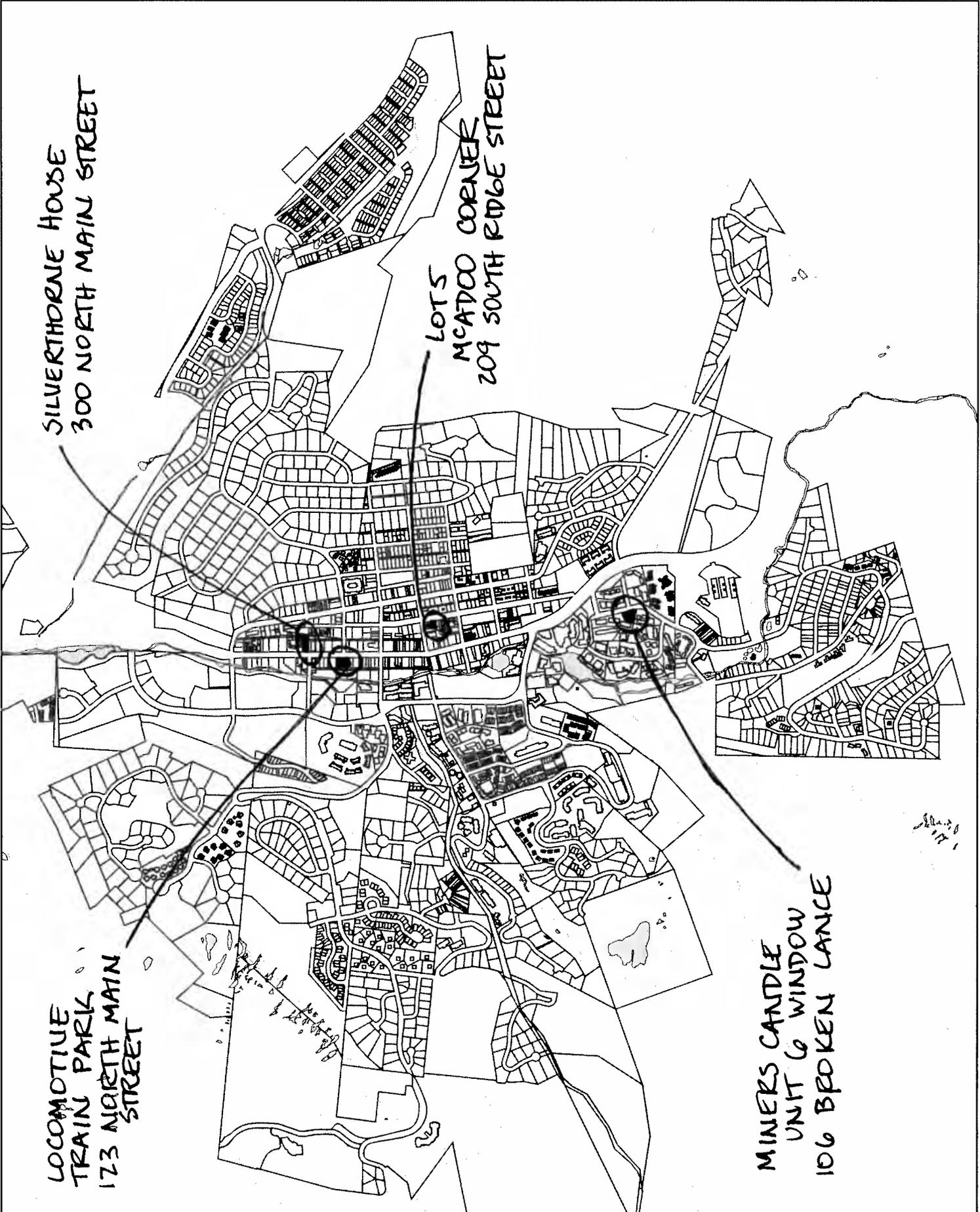


Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
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Breckenridge North

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SILVERTHORNE HOUSE
300 NORTH MAIN STREET

LOTS
MCADOO CORNER
209 SOUTH RIDGE STREET

LOCOMOTIVE
TRAIN PARK
173 NORTH MAIN
STREET

MINERS CANDLE
UNIT 6 WINDOW
106 BROKEN LANCE



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Breckenridge South

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PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Dan Schroder
Jim Lamb
Dave Pringle

Rodney Allen
JB Katz

Michael Bertaux
Leigh Girvin

Mr. Mamula arrived at 7:00 pm for the worksession.
Ms. Katz left at 8:30 pm.

APPROVAL OF MINUTES

On the Neighborhood Preservation Policy on page 10 of 36, Mr. Mamula never suggested having a “30 person task force”. Suggested that the minutes be revised to state: “Putting a task force together...”.

With the one change noted above, the minutes of the March 3, 2009, Planning Commission meeting were approved unanimously.

APPROVAL OF AGENDA

Mr. Neubecker noted that the Locomotive Train Park Site Plan had been pulled from the agenda and was to be continued to the April 7th Planning Commission meeting.

With the one change noted above, the March 17, 2009, Planning Commission agenda was approved unanimously (7-0).

CONSENT CALENDAR:

1. Canepa - Olson Residence (MGT) PC#2009003; 306 Royal Tiger Road

Ms. Girvin: Regarding the landscape plan, why were positive points warranted? (Mr. Thompson: The number and size of the blue spruce trees, aspens, and shrubs contributed to the points.) Would the town had enough wet water for this kind of landscape? (Mr. Mamula: Yes.) If we had the neighborhood preservation policy in effect, how would this fit in? (Mr. Thompson: It would be larger than would be allowed based on the most recent proposal, it is more than 3,500 square feet.) Where is the treehouse on the plan? It was difficult to read with this size of plans. (Mr. Neubecker: It is the square on the plan, next to the circular driveway.)

Mr. Shroeder: Would there be anything in the middle of the circular driveway? (Mr. Thompson: Yes, a one-car garage, near the porte-cochere. They received negative points for the site disturbance due to the circular driveway.)

Mr. Allen: What is an alcohol burning fireplace? (Mr. Thompson: It is Australian and burns off of 80% or higher alcohol and doesn't vent to the outside of the house. It can be used indoors.) Where would you get the fuel? It wouldn't come from a propane truck? (Mr. Thompson: No, it is more like an appliance and an alternative source of energy. The alcohol is sold in small containers.)

2. Falcon Condo Remodel (CK) PC#2009006; 302-304 South High Street

3. Stone Addition (CK) PC#2009005; 29 Fletcher Court

With no motions for call up, the consent calendar was approved as presented.

COMBINED HEARINGS:

1. Locomotive Train Park Site Plan (JP) PC#2009007; 123 North Main Street

Ms. Katz motioned to continue this item to the April 7th Planning Commission meeting. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

WORKSESSIONS:

1. Footprint Lots (CN/PG)

Mr. Grosshuesch presented. The goal of the discussion was to determine if this policy should be changed in order to meet the desired development pattern outlined in the “Handbook of Design Standards for the Historic and Conservation Districts”, and whether or not the policy needs revisions in other parts of town.

Some developments within the Conservation District used footprint lots and condominium plats to create separate salable lots and units. The result is that primary structures are being proposed and approved in the rear yards, contrary to the historic settlement patterns recommended in the “Handbook of Design Standards for the Historic and Conservation Districts”. This pattern generally included one primary structure near the front or middle of the lot, with smaller secondary structures (storage sheds, barns, outhouses and stables) in the rear yard. The architectural character of these secondary structures historically included rougher, unfinished siding (unpainted), simple building design, fewer windows, and little or no ornamentation (“gingerbread” or “bric-a-brac”).

Staff believed that a form-based policy could address these design issues. For example, a policy could specify that buildings at the rear of the lot should be smaller than the building in the front. They could also require that buildings in the rear use simple architecture and materials, similar to barns and sheds.

The current codes are not specific enough to result in the desired (historic) patterns of development. These historic preservation goals include: buildings in the rear yard smaller and shorter than the primary structure in front; and buildings in the rear having simple designs and materials. Some ways that this policy could be modified to help address these concerns include:

1. Writing more specific design criteria. This could be set up similar to the existing rules on accessory dwelling units, which include:
 - A. The total dwelling area of the unit is no greater in size than one-third ($\frac{1}{3}$) of the total dwelling area of the single-family unit.
 - B. The total dwelling area of the unit is no greater in size than one thousand two hundred (1,200) square feet.
 - C. Legal title to the accessory apartment and single-family unit is held in the same name.
2. Addressing the architectural character with more specific requirements. These might include simple building design, rougher, unfinished siding, fewer windows, and little or no ornamentation.

The secondary issue would be the effect of multiple owners. Staff believed that the effects of multiple owners could be minimized by having one owner, and reducing the number of units (especially residential units) on a site. Some ways that this policy could be modified to help address these concerns include:

1. Prohibiting footprint lots in the Conservation District (outside of the Downtown Overlay District). By keeping ownership in one name (similar to accessory units on single family homes), the site is less likely to experience some of the management and operational problems associated with multiple owners.
2. Prohibiting condominium style ownership within the Conservation District. If multiple owners are a concern, then buildings should not be condominiumized. This change by itself, however, would not directly address the design issues.

Downtown Overlay District (with ground floor residential prohibition)

The problem staff sees in this district is that we’ve seen a number of new structures in rear yards that do not follow the historic design pattern. Many of those new structures are as large as the primary structures in the front of the lot, and appear equally as primary. This is pattern is seriously weakening the quality of the historic setting we have taken such care over the decades to preserve.

Some issues for the Commission to consider included:

1. Has the recent development pattern been a concern to the Commission?
2. Would form-based codes be the best way to address this issue in the overlay district?
3. Within the Downtown Overlay District, did the Commission support allowing owners to further subdivide ownerships from and possibly within the primary structure?
4. Would the sizes of structures in the Downtown Overlay District be a concern?
5. Should a methodology be developed to discourage primary looking structures in the rear yards within the Downtown Overlay District?

Commissioner Questions/Comments Residential Historic Area:

Mr. Bertaux: There should be some other encouragement to restore an historic building that is in disrepair. I understand that the second building should be smaller on the lot; it would be good to fund restoration. It would also be good to get employee housing or deed restriction on the second unit. (Mr. Neubecker: It is true that selling a lot of helps to pay for historic repairs.) (Mr. Grosshuesch: Incentive that was recently added was the free density in the basement so that square footage could be added. It is the closest we have come to a monetary incentive). The excavation and floor slab costs make it “not” a monetary incentive. (Mr. Lamb: Tax credits are available for commercial and income producing units.) How would this relate to the neighborhood preservation policy? (Mr. Grosshuesch: We are only talking about changing it in the historic district.) A footprint lot should not be allowed if it affects the streetscape. I could allow it under different circumstances, i.e. vacant lots.

Mr. Pringle: What would you do for additions? (Mr. Grosshuesch: 9 UPA above ground density would control that.) The two that come to mind are 4-square and at Adams and High Street - the Hurricane (Koetteritz/Sutterley) house. They weren't allowed to subdivide and the units weren't connected. (Mr. Grosshuesch: Accessory units are typically deed restricted.) We can't have lots less than 5,000 square feet. We aren't going to allow these property proposals to go forward unless people create additional buildings rather than larger structures. (Ms. Katz: There needs to be clearer language.) (Mr. Neubecker: When was the first time we did this for a residential lot?) (Mr. Grosshuesch: We haven't seen a lot of it yet.) (Mr. Mamula: Setbacks and buffering regulations don't apply in footprint lot situations interior to that property, and it needs to be fixed.) (Ms. Katz: It causes conflict with neighbors because there is not enough distance between owners.) (Mr. Neubecker: French Street Gardens has footprint lots, starting with vacant land. Did it extrapolate to “well they were allowed to do it, so...”?) Footprint lots were meant to be affordable housing, small lots, and instead just end up doubling up the intensity. Are there many lots that are larger than 5,000 square feet in the historic district? Would it be better to have one house on the alley, have them not connected, or not have them at all? Making the connection between units is what causes the aesthetic issue. Just saying no eliminates a tool we currently have. In the historic district we used to make people do a master plan to do a footprint lot. (Mr. Lamb and Mr. Neubecker: Master plans were allowed at the Randall Residence as a phasing and vesting issue.) (Mr. Neubecker: The purpose of a master plan is to plan an entire lot. It isn't for an addition or getting another house on their lot.) But a master plan allows people to address other impacts. How are we going to separate the different areas? (Mr. Grosshuesch: We can draw the map and treat the overlay district on Main Street differently than the rest of the area) (Mr. Allen: Primarily thinking this could apply from French Street and east.) Make things strongly discouraged, but don't know how to do that. We want to save the balance, scale, and mass of the historic district in the context of the streetscape that the project would be incorporated into. There will come a time when you wish you hadn't said “never”. (Mr. Grosshuesch: Subdivision Regulation is where this will apply, which is a yes or no decision. There could be a variance provision in the Subdivision Regulations. Would that address your concern?)

Mr. Lamb: If we eliminated footprint lots in the Conservation District, would the accessory unit law still apply? Their option would be accessory unit? (Mr. Grosshuesch: Yes.) Okay with eliminating footprint lots. Thought that the accessory unit was a good compromise. Footprint lots aren't the solution to incentivizing historic revitalization.

Ms. Katz: Ban footprint lots and add regulations to the existing accessory unit regulations. People can always use their density; they just can't use, build it and sell it off. It is tough to build in an historic district, there are a lot more rules, and that is just how it is. The only way to support it is if it is affordable / deed restricted unit. If we say we want to encourage that development then let's not talk about taking footprint lots off the table. At this point the problem is that I don't want to see anymore of those houses in the back of the lot that could be in the front. Agree accessory structure design should be addressed with form based code.

Ms. Girvin: Agreed that footprint lots should be eliminated. Accessory structure design needs to be addressed with form based code.

Mr. Schroder: Thinking of unintended consequences in the future leads me to agree with Mr. Grosshuesch with the form based code provision. Size, form of building versus “just say no” adds more layering. (Mr. Mamula: Footprint lots are similar to creating townhomes.) (Mr. Neubecker: We need to look at technicality of creating condominiums instead of footprint lots. That would be another way around

the rules.) Is there any protection to be found in the form based code? (Mr. Neubecker: You need to do both. You can prohibit footprint lots and do form based codes to specify how the building in the back relates to the front.) (Mr. Mamula: You could change the accessory unit verbiage to increase the square footage, i.e. instead of 1,200 square feet or 1/3 main house you could do 2/3 the size). Scenario question, if I own a footprint lot, are we taking away some right that someone already has? (Mr. Mamula: No, footprint lots must go through the process after the building is built. There are not vacant footprints out there.) Why were they allowed when they were allowed? (Mr. Neubecker: They were allowed to facilitate smaller lots and compact, planned developments.) (Mr. Grosshuesch: Outside of the historic district it isn't a problem with staff.) (Mr. Pringle: We've done that in areas instead of allowing large multi-family buildings.) Agreed with eliminating footprint lots and creating additional design standards for accessory units.

Mr. Allen: How much of your concern could be addressed just by using the form based code? (Mr. Grosshuesch: A footprint lot buyer wants to buy a house and doesn't want it to look smaller, rather wants to fit in with other homes. Buyer expects a primary looking structure if they are buying the land.) (Ms. Katz: If we could address it with a form based code, then tough luck.) (Mr. Mamula: We don't want people to sell off these lots, but we are allowing them to subdivide with footprint lots. It allows lots that should be single ownership with accessory units.) (Ms. Katz: We should just not allow footprint lots. Can we just get rid of them?) (Mr. Grosshuesch: Form based code could reinforce the historic pattern because there is something missing from 9 UPA and there is excess density. There is no guideline for the excess density.) (Ms. Katz: We aren't solving the problem unless we're clear.) What if you ban footprint lots and you still have excess density above 9 UPA? (Mr. Grosshuesch: In the examples from Noré Winter some lots had 2-3 units on the lot.) With this scenario you aren't saying they can't use their density, we're just saying how they can use it with an accessory unit. I can see a need for a variance provision on the form based code so that people can use their allowed density. Can we notice affected owners in the historic district for a future hearing? High, French, etc.? (Mr. Neubecker: There is a public notice ordinance identified and we can add it to the website for explanation, but we don't typically send out notices to individuals for ordinances.) Supported eliminating footprint lots. Accessory unit regulations might be too restrictive as they stand currently. Needs to be more site-specific and flexible.

Mr. Mamula: Ban footprint lots and add regulations to the accessory unit regulations. Doubling the structures doubles intensity and parking and utility demands due to the number of people on the lot. Also creates an access issue. Selling the soul of the historic neighborhood.

Commissioner Questions/Comments Commercial Core:

Mr. Pringle: Footprint lots are the only way that some projects work because there could be common areas. (Mr. Mamula: Without interior lot setbacks you will have issues with footprint lots. Don't have an issue with footprint lots in the core except for setbacks.) (Mr. Allen: Add regulations for traditional setbacks in the core.) (Mr. Neubecker: We could create setbacks between footprint lots.) Problem with footprint lots in this area is that if you're taking a historic home on Main Street and are going to add residential footprint lots in there, aren't you just adding to the same impacts you had before and also compromising the historical context? (Mr. Grosshuesch: You are sacrificing the historic context in that situation. The argument for allowing them would be that it is already a more intense area on Main Street.) (Mr. Mamula: Residential in the commercial core is an issue because there is no parking over night.) (Mr. Neubecker: Residential can't buy into district; parking has to be on site.) I would like to see the footprint lots to be primarily commercial. (Mr. Allen: This is taken care of with the 40' rule.) Would like to see primarily commercial in the zone and limit residential. Take a look at properties on east side of Main Street because that already has issues. West side would be a different approach.

Mr. Lamb: Any lot is going to have some things you just can't do with it, especially in the historic district. We can't address every kind of access, every issue.

Mr. Allen: In a lending sense, footprint lots are the solution. There is a difference between what's going on the west side of Main Street versus the east side of Main Street. Need commercial aspect to continue along Riverwalk (west side). (Mr. Pringle: It would be like walking in people's back yards, if residential allowed along Riverwalk.) East side of Main is residential, its a buffer to the next block. Overlay map should be different from east side of Main Street to west side (where Riverwalk is).

(Mr. Neubecker: North of Watson on the west side of Main Street, rear of lots is privately owned. The Riverwalk ends at Watson.) Overlay could go all the way from Watson to Park Avenue.

Ms. Girvin: What are the benefits of footprint lots in the core? (Mr. Allen: Helps small business afford a space in the core.) Why is it different than condominiumization? (Allen: It is not.) (Mr. Mamula: You get smaller buildings rather than large buildings that don't fit.) (Mr. Neubecker: It allows people to sell those smaller buildings to other businesses.) (Mr. Pringle: Buildings are more in scale, but historical context may be lost). I am not okay with how things have been going now. Where the Teal Gallery is, Bison Crossing, etc., it is way too much going on with those lots and there is very little parking. Concerned if that pattern continues to the Gold Pan. Concern is the intensity; too many buildings. (Mr. Allen: If that was all commercial there it would not be too intense to me.) (Mr. Mamula: It is too expensive to convert from residential to commercial. Not likely to happen.) We've also spent time looking at what is going to happen on the ski area lots. The parking lots there now might not always be parking. Is the Riverwalk going to get improved? Do we really want residential along the west side there? Distracts from the commercial core. (Mr. Neubecker: The back of lots on the west side of Main Street is the front of the future Riverwalk.)

Mr. Schroder: Footprint lots in core have the same issue as in residential. Form based code needed for core also.

Mr. Mamula: The downfall of a mixed use building is that it is difficult to get lending. (Mr. Neubecker: It is an issue to get funding for both vertical and horizontal mixed use projects; some use footprint lots to facilitate.) If the mixed use project comes in and does a master plan with footprint lots it seems to make sense. Addressing setbacks would take care of the major issues with core footprint lots. Form based codes (scaling, primary structure, setback) are needed that follow the original settlement pattern.

Mr. Grosshuesch: We'll come back next time with consensus points for discussion.

TOWN COUNCIL REPORT:

Mr. Mamula: This is my last meeting with you. The next Town Council Liaison is Dave Rossi.

OTHER MATTERS:

None.

ADJOURNMENT

The meeting was adjourned at 9 p.m.

Rodney Allen, Chair

Planning Commission Staff Report

Project Manager: Chris Kulick, Planner I

Date: March 20, 2009 (For meeting of April 7, 2009)

Subject: Unit 6, Miner's Candle Condominium Sky Lights Addition
(Class C Minor, PC# 2008119)

Applicant/Owner: Miner's Candle Condominium Homeowners Association

Agent: Marianne Cohn

Proposal: This modified application requests approval of three, fastened together small skylights for unit #6 of the Miner's Candle Condominiums, instead of the dormer window that was previously denied by the Planning Commission.

Address: 106 Broken Lance Drive

Legal Description: Miner's Candle Condominiums

Site Area: 0.443 acres (approximately 19,290 sq. ft.)

Land Use District: 24, Multi-family, 20 UPA

Site Conditions: The site has one two-story existing structure containing 12 residential condominium units. Surface parking is located in front of the building and the site has some existing landscaping.

Adjacent Uses: Residential

Density/Mass: No change

Height: No change

Parking: No change

New Landscaping: No change

Item History

The Miner's Candle Condominiums were constructed in 1973, and contain 12 residential units. On the January 3, 2008 Planning Commission meeting an exterior renovation of the existing Miner's Candle Condominium building was approved. The approved exterior renovation included new roof and entry elements, basement egress windows, replacement of the roof on the east side, and circulation changes to the front decks. The total scope of the project included the installation of new siding, railings, rock base on the north side and new paint colors. The Miner's Candle remodel project has recently received a certificate of occupancy.

On November 7, 2008 the applicants filed the original application to add a dormer window to the upstairs bedroom of unit # 6. This request was ultimately denied by the Commission on February 17, 2009 by a vote of 7 to 0 because it was in violation of Policy 5R: Architectural Compatibility. The February 17, 2009 staff report stated: “The proposed addition of one single dormer to the primary façade of a multi-family building, with no other dormers, creates an unbalanced, piece-meal appearance that is in conflict with policy 5R. Measured against the Code, Staff finds the proposed addition of this single dormer to be *excessively dissimilar* and *un-proportionate* to the remainder of the building. Staff further finds the proposal to be of *poor quality design*, where none of the other units of this multi-family complex are taken into consideration in the design, to create a more balanced appearance, on a highly visible facade. Based on not meeting the criteria of the code, Staff recommends assessing negative three (-3) points under policy 5R: Architectural Compatibility”. The Planning Commission’s denial of the applicant’s original application was affirmed by the Town Council on February 24, 2009.

Staff Comments

The proposed skylights are a modification of the original application by the HOA on behalf of a single owner and not part of a comprehensive architectural plan for the condominium complex. The owner of unit 6, Miner’s Candle is requesting to modify their previous application and is now requesting to add three, fastened together, skylights to the upstairs bedroom of their unit to allow for better light infiltration and views. Under Town Code section 9-1-10: Modifications to Applications/A., the applicants have the right to modify their application after a denial.

9-1-10: MODIFICATIONS TO APPLICATIONS:

A. Modifications After Denial Of Development Permit: Within thirty (30) days of a final decision denying a development permit, the applicant may resubmit his proposal for reevaluation if modifications have been made to the application in response to town concerns. This request shall be reviewed utilizing the final hearing process used to hear the original request and all procedural and substantive requirements shall be met. No application may be resubmitted more than once under the provisions of this section.

The applicants’ request to modify the application was submitted within the time period required by Section 9-1-10. After discussing the matter with the Town Attorney, it was determined that staff should process the modified application using the same Class C Minor process that was used to evaluate the original application.

Staff’s analysis of the issue of the architectural compatibility of the proposed skylights is as follows:

Architectural Compatibility (5/A & 5/R): The proposed skylights were not staff’s preferred way to address the applicants’ concern about lighting in the small bedroom of the unit. However, after reviewing the application staff has determined that the skylights are more architecturally compatible than was the proposed dormer. Accordingly, the staff has found that the modified application meets policy 5/A. The proposed addition of three skylights for unit 6 of Miner’s Candle Condominiums is architecturally compatible with the existing building, land use district and surrounding residential structures. The proposed addition of three skylights will have a minimal impact to the overall appearance of the building. To ensure the proposed three skylights blend as much as possible with the existing building, staff is requiring the skylights be ones that are tinted in a grey color to match as close as possible the existing roofing and has added a condition of approval stating such.

Point Analysis (Section: 9-1-17-3): Staff conducted a formal point analysis for the Unit 6, Miner's Candle Condominium Sky Lights Addition and found it to incur no positive or negative points. The project passes the point analysis with a score of negative zero (0) points.

Staff Action

Staff has approved the Unit 6, Miner's Candle Condominium Skylights Addition, PC#2008119, located at 106 Broken Lance Drive, Miner's Candle Condominiums, with the attached findings and conditions.

TOWN OF BRECKENRIDGE

**Unit 6, Miner's Candle Condominium Sky Lights Addition
Miners Candle Condominiums
106 Broken Lance Drive
PC#2008119**

STAFF RECOMMENDATION: Staff has approved this application with the following Findings and Conditions and recommends the Planning Commission uphold this decision.

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 **March 20, 2009**, 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 **April 7, 2009** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

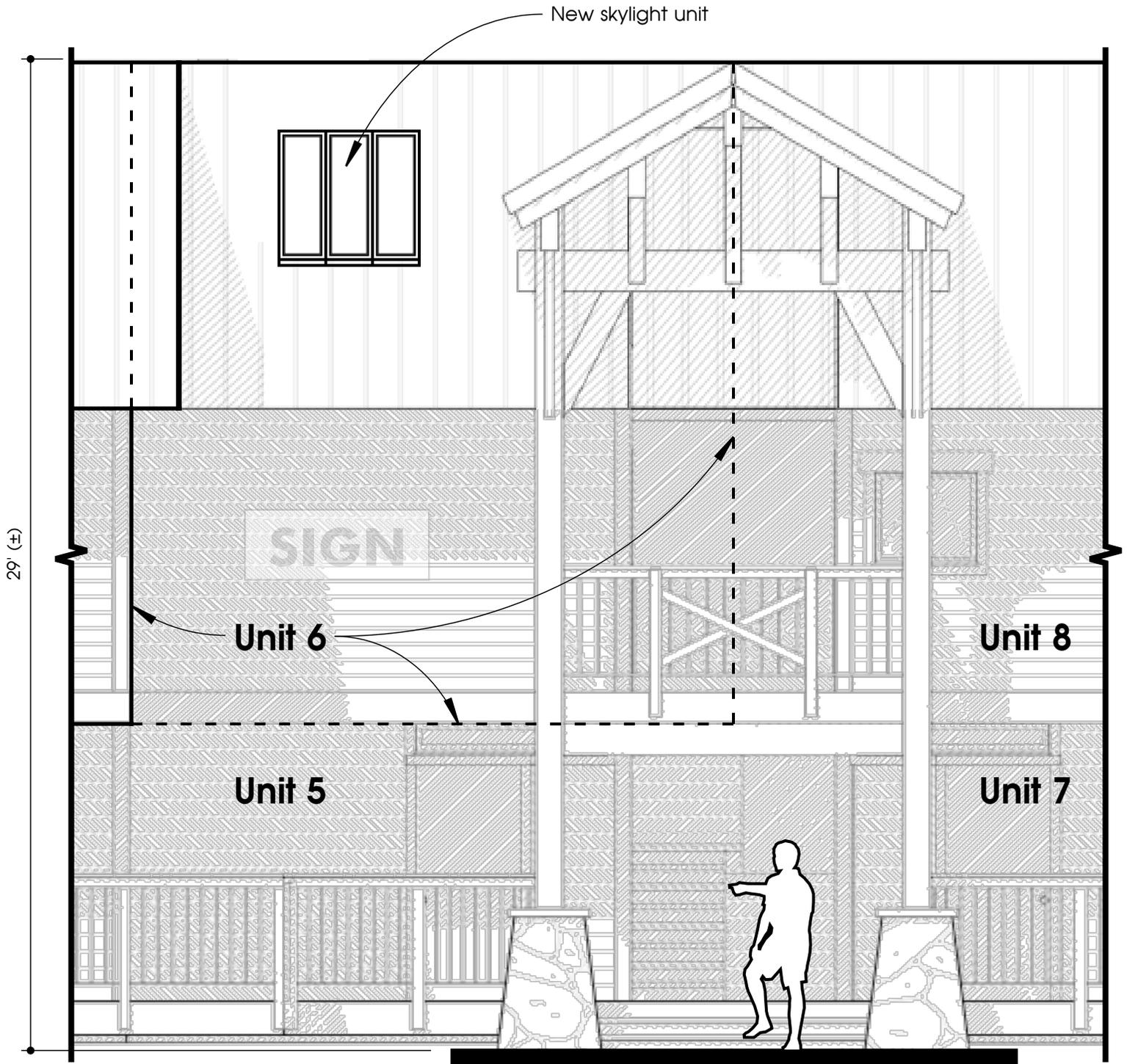
1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the 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 expires eighteen (18) months from date of issuance, on **October 7, 2010**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of compliance for the project covered by this permit. The determination of whether a certificate of compliance should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

PRIOR TO ISSUANCE OF BUILDING PERMIT

7. Applicant shall submit proof of ownership of the project site.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

8. Applicant shall paint all, metal flashing, vents, flues, rooftop and mechanical equipment, installed as part of this application, a flat, dark color or to match the building color.
9. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
10. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
11. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied.
12. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
13. Skylights to be installed must be of a gray tinted material to match with the color of the existing roofing material.



Front Elevation

1/4" = 1'-0"

Detail Sheet "1"

Black, Atwood & Associates

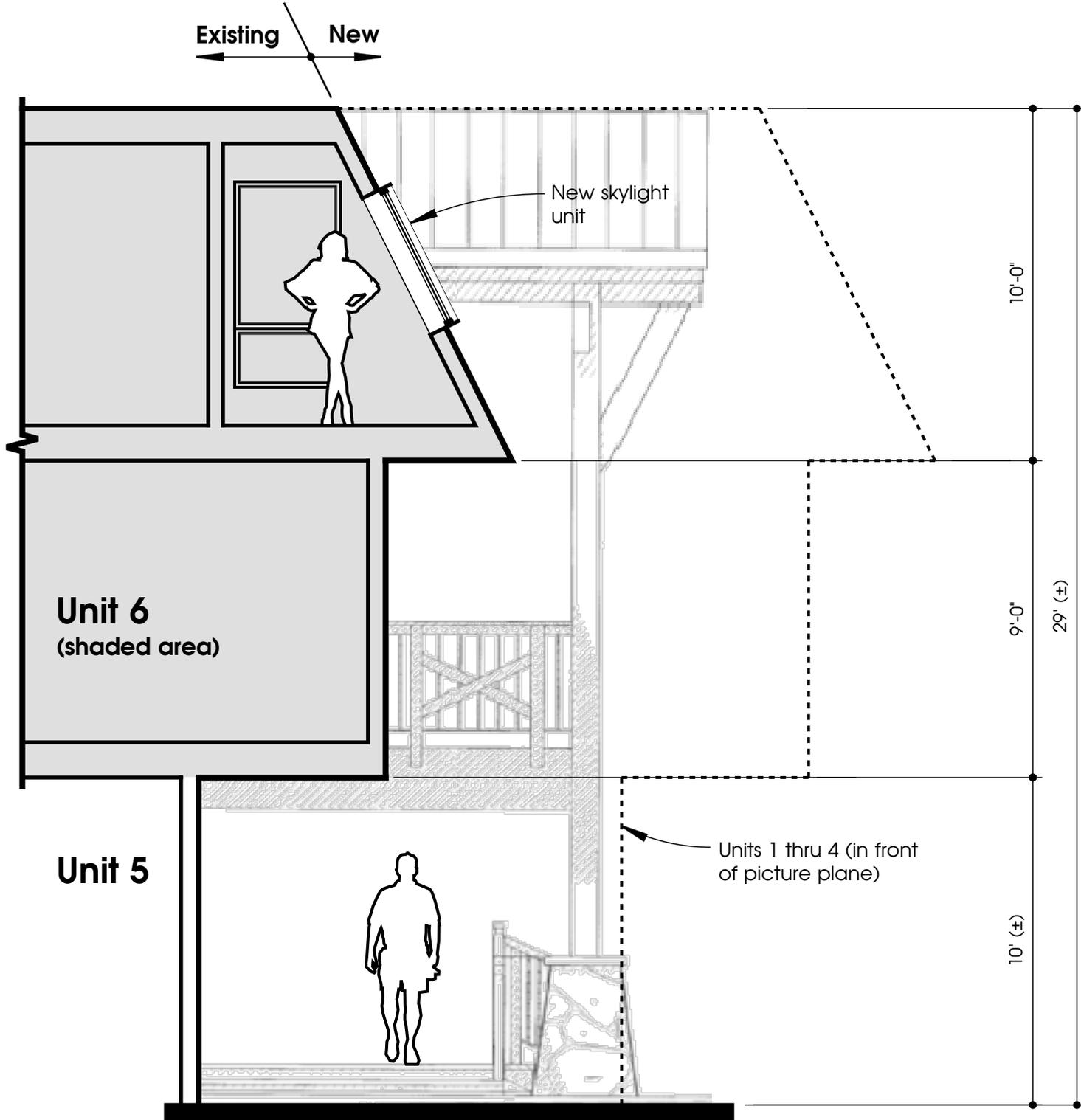
Consulting Engineers and Architectural Designers

1581 Ogden St., Denver, CO 80218 (303) 830-1459/Fax: 831-4998

Cohn Dormer

106 Broken Lance Drive, Unit #6
Breckenridge, Colorado 80424

Drawn: CRB
Approved: CRB
Scale: As Noted
Issued: 8/22/08-1
Revised: 10/12/08-2
10/17/08-3
2/17/09-4
3/31/09-5



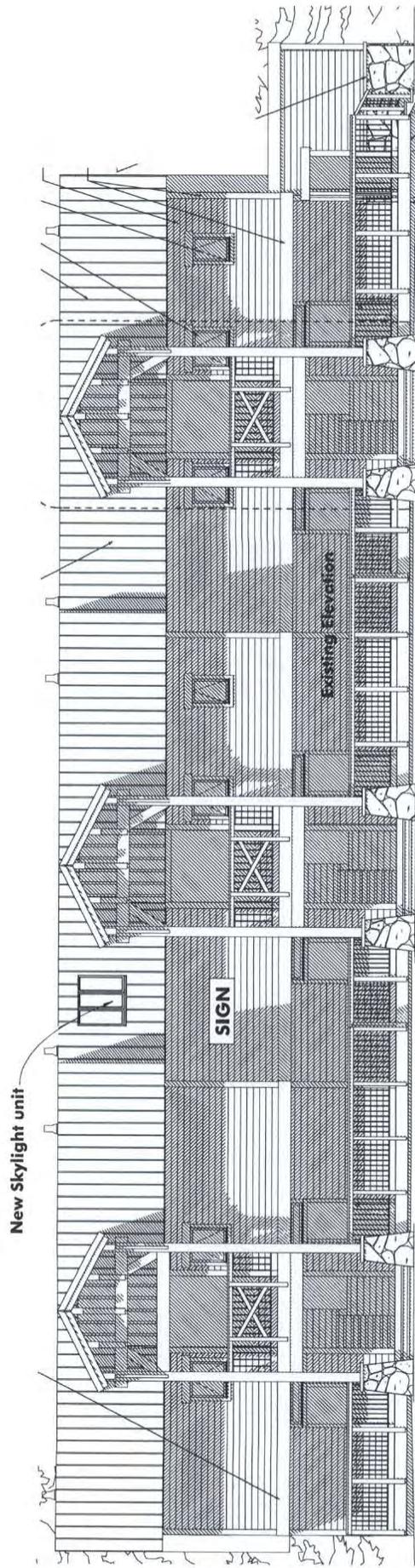
Side Elev/Section

1/4" = 1'-0"

(Looking North)

Detail Sheet "2"

<p>Black, Atwood & Associates Consulting Engineers and Architectural Designers 1581 Ogden St., Denver, CO 80218 (303) 830-1459/Fax: 831-4998</p>	<p>Cohn Dormer 106 Broken Lance Drive, Unit #6 Breckenridge, Colorado 80424</p>	<p>Drawn: CRB Approved: CRB Scale: As Noted Issued: 8/22/08-1 Revised: 10/12/08-2 10/17/08-2 2/17/09-3 3/31/09-4</p>
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Front Elevation

1/4" = 1'-0"

Planning Commission Staff Report

Project Manager: Chris Kulick, Planner I

Date: March 25, 2009 (For meeting of April 7, 2009)

Subject: Equipped Fitness & Crossfit of Breckenridge
(Class C Minor Hearing; PC#2009008)

Applicant/Owner: Charles “Lee” Chandler

Proposal: Change of use to a small group and personal training fitness facility.

Address: 1805 Airport Road, Unit B-1A & B-1B

Legal Description: Unit B-1A & B-1B, First Breckenridge Group

Land Use District: 31 - Commercial and Industrial

Adjacent Uses: Commercial warehouses, construction office, automotive repair center.

Density: Existing (Unit 102): 3,922 square feet
Proposed (new): none

Mass: Existing (Unit 102): 3,922 sq. ft.
Proposed (new): none

Parking: Required: By special review of the Director and
Planning Commission
Proposed: See discussion below

Item History

The Planning Commission approved the Breckenridge Business Center (aka, First Breckenridge Group Condominiums) on July 30, 1993 (PC#93-7-7). The approval included two service commercial buildings of which units B-1A & B-1B are part of. Based on a commercial use proposed at the time, staff calculated that 48 parking spaces were required (19,200 sq. ft. of density required 48 spaces for commercial units @ 1 space per 400 square feet). The project has since been constructed and the required 48 parking spaces have been installed. Recently on March 2, 2009 staff approved a Class “D” permit to add 5 additional parking spaces to the property, which would bring the total to 53 spaces.

Staff Comments

Land Use: The applicant is proposing a commercial use in a commercial land use district. Staff has no concern with the use proposed.

Density/Mass: The existing commercial unit is 3,922 square feet of density and mass. The applicant is not proposing to change to the size of the unit. Staff has no concerns with the mass or density.

Site Plan: No changes are proposed to the site plan at this time.

Parking: Based on the adopted Off-Street Parking Ordinance (Ord. 9, Series 1996) and the proposed use, (which is “commercial recreation indoor and outdoor” per the ordinance), the number of parking spaces required will be determined by special review of the Director and Planning Commission. Based on the 3,922 square feet affected by this application, 9.805 spaces were originally required for units B-1A & B-1B as a commercial use.

To determine the number of parking spaces required for the proposed use, staff recommends that the Commission consider the use proposed, the manner in which the applicant plans to operate his business, the hours of operation, as well as similar operations throughout the United States. The applicant plans to provide one-on-one personal training services & small group classes. The hours of operation proposed are between 7:00 AM and 9:00 PM, Monday-Friday and 8:00 AM and 5:00 PM on weekends. The peak hours of operation are anticipated to be after 5:00 PM.

Staff has researched the required parking in other towns to determine the number of parking spaces they require for similar uses. Following is a list of parking requirements from some other towns throughout the United States:

<u>Location</u>	<u>Use</u>	<u>Requirement</u>	<u>For 3,922 sq. ft.</u>
Alexandria, VA	personal services	1/400 sq. ft.	9.805 spaces
Austin, TX	indoor sports recreation	1/400 sq. ft.	9.805 spaces
Ellisville, MO	private recreation centers	3 1/3 per 1,000 sq. ft.	13.06 spaces
Prescott Valley, AZ	gym / health studios	1/400 sq. ft. + 1 per 2 employees	10.805 spaces
Forsyth, NC	physical fitness facilities	1/200 sq. ft.	19.61 spaces

With the recently approved 5 additional parking spaces to the property the use would meet the parking requirements from 4 of the 5 jurisdictions listed above. Additionally in a past application for a change of use to a private fitness facility, Genuine Fitness, PC#2002087, the Commission did not impose any additional parking requirements above those recommended for a commercial use, due to the manner of operation and anticipated peak hours. For this reason, staff finds that the current parking is adequate for the proposed use.

Staff Action

Staff has approved Equipped Fitness & Crossfit of Breckenridge, PC#2009008, 1805 Airport Road, Units B-1A & B-1B, Units B-1A & B-1B, First Breckenridge Group, with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

Equipped Fitness & Crossfit of Breckenridge
Unit B-1A & B-1B, First Breckenridge Group
PC#2009008

STAFF RECOMMENDATION: The staff has approved this application with the following Findings and Conditions, and recommends the Planning Commission uphold this decision.

FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a 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 March 25, 2009 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 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.

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. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis form.
4. Sewer and water assessments shall be reviewed and updated prior to change of use.

Planning Commission Staff Report

Project Manager: Julia Puester, AICP

Date: April 2, 2009 (for the April 7, 2009 meeting)

Subject: Judge Silverthorne House Site Addition Preliminary Hearing
(Class A Development PC#2007004)

Owners/Applicants: David and Liz Hartman

Agent/Architect: Bobby Craig, Arapahoe Architects, P.C.

Proposal: The applicants propose to construct one duplex building, one single family building, relocate and convert the existing barn to a deed restricted residential unit, move the Silverthorne House 20' west, add a parking area in the rear of the lot, install landscaping, remove the curb cut from Main Street, and install a new trash enclosure. The applicant also proposes to locally landmark the Silverthorne House and barn.

Legal Description: South 60 ft. of Lots 22&22 ½, Snider Addition Subdivision, and North 15' of Lot 60, Bartlett & Shock Subdivision

Site Area: 15,213 sq. ft. (0.35 acres)

Land Use Districts: 11: Residential 12 UPA; Commercial 1:3 F.A.R.

Historic District: #4, North End Residential Character Area

Site Conditions: This site has two historic structures; the Judge Silverthorne House, which is currently being utilized as a property management office, and a historic carriage barn located in the rear of the property. There is access to the site from N. Main Street along the south property line, which runs through the site, to the alleyway in the rear of the property. There are seven mature trees on the property with five in the front yard and two at the rear of the house.

Density: Max. Allowed if 100% Commercial (@1:3 FAR): 5,071 sq. ft.
Max. Allowed if 100% Residential (@12 UPA): 6,705 sq. ft.

Existing Density:

Silverthorne House (commercial):	1,453 sq. ft.
<u>Carriage Barn (commercial storage):</u>	<u>370 sq. ft.</u>
Total:	1,823 sq. ft.

Allowed Density:

Mixed Use Density Calculations (based on proposed total proposed commercial density of 1,493): 4,731 sq. ft.

Proposed Commercial: 1,493 sq. ft. (1,453 sq. ft. existing house and 40 sq. ft. – 1/2 trash

enclosure the second 1/2 is residential mass)

Proposed Residential:
Building B (duplex): 2,477 sq. ft.
Building C (single family): 1,904 sq. ft.
Building D (barn): 313 sq. ft.(374 sq. ft. landmarked)

Proposed Total Density: 4,381 sq. ft.

Above Ground Density:

Recommended: 5,029 sq. ft. (@ 9 UPA)

Proposed:
Building A: 1,493 sq. ft.
Building B: 1,670 sq. ft.
Building C: 1,136 sq. ft.
Building D: 313 sq. ft.

Proposed Above Ground Density: 4,612 sq. ft. (complies with code)

Mass: Allowed: 7,170 sq. ft.
Proposed: 4,692 sq. ft.

Height: Max. Allowed: 26'-0" mean
Recommended: 23'-0" mean
Proposed Building B: 23'-10" mean (29' overall)
Proposed Building C: 20'-0" mean (24'6" overall)

Lot Coverage: Building: 3,968 sq. ft. (25%)
Hard Surface: 3,189 sq. ft. (20%) total
1,134 sq. ft. snowmelt
Open Space: 8,056 sq. ft. (55%)

Snow Storage: Recommended: 513 sq. ft. (25%)
Proposed: 562 sq. ft. (27%) (snowmelt covenant included)

Setbacks: Recommended:
Front: 10' absolute/ 15' relative
Side: 3' absolute/ 5' relative
Rear: 5' absolute/ 15' relative

Proposed:
Front: 33'
Side: 5' (to eave overhang)
Rear: 16'

Parking: Required: 9.15 spaces
Proposed: 10 spaces

Employee Housing: 14 % of total new density is to be deed restricted on site (warrants +10 pts).

Refuse: New trash/recycling enclosure is proposed across the alley, on a small portion of applicant's property.

Background

The Judge Silverthorne House was built in 1881 and is rated as a "contributing" structure in the Historic District. In addition, the wrought iron fence installed in 1901 and the carriage barn are also considered "contributing".

In the past, the use of the existing house has primarily been residential. However, there have been some small portions of the house dedicated to various commercial uses since 1997. In 2005, the house was converted in its entirety to its current commercial/office use.

This application has been before the Planning Commission May 15, 2007 and November 6, 2007 as preliminary hearings. The application also came before the Commission on May 20, 2008 as a worksession regarding relocating the Silverthorne House 20' west of the current location. The Commission was generally in agreement that relocating the house 20' to the west would be acceptable as it would then be in line with the neighboring historic building front setbacks in the area. The Commission did however put a condition on the acceptance that the future site plan applications will be evaluated on its merits.

Changes from the November 6, 2007 Submittal

This application was last heard by the Planning Commission at a preliminary review on November 6, 2007. The applicant has proposed the following changes:

- The Silverthorne House is proposed to be moved 20' west (previously 10' was proposed)
- The new single family rear structure has been altered to resemble a barn type of structure with natural stain rough sawn siding.
- The duplex, building B is slightly larger.
- Both the duplex and single family structures have lower plate heights to achieve density in the roof and steeper roof pitches and better meet Historic Standards.
- Eaves have been pulled out of the side setbacks.
- Solar hot water panels are proposed to be located on the new single family structure and solar PV panels are proposed on the duplex.
- Additional landscaping has been added, including balsam poplars.
- The varied wood fence has been modified to have a guardrail on the south side to prevent parking issues at the adjacent property.
- Site perspectives have been included.
- The letter regarding the deteriorating health of the trees by A Cut Above Forestry (from the May 20, 2008 worksession) has been included.

Planning Commissioner Comments from the November 6, 2007 Meeting

Commissioner Comments:

Mr. Allen: Comparing the visual heights. Is project comparable to Brittany Place mass and building placement? (Mr. Grosshuesch: explained precedent and that relevant comparable structures are those that are historic. Brittany Place is not historic). Believed that removing the access from Main Street should warrant positive points. Read Policy 4 and liked Silverthorne House moved forward to free up space in the rear. Height is appropriate here but not educated on other historic buildings in the area.

Wouldn't mind if Silverthorne House moved more than 10 feet. New buildings should meet setbacks and buffer. Could pay for landscaping on adjacent lot if no room on this one. Feels that project lacks sufficient parking being a commercial use. Liked the barn movement and restoration; agreed that it would be moving the fabric around and no loss of fabric, which was acceptable. Not supportive of original solid fence but may support picket fence. Look into positive points regarding moving access from Main Street. Put trash in existing town shared dumpster to lessen disturbance. Supported project but needs work.

Dr. Warner: What is the source of energy for the snowmelt system? (Mr. Hartman: it would be natural gas, which he believes is most efficient.) Sought clarification regarding Design Standard 185. (Staff explained standard; secondary structures like sheds and garages help reduce mass into several smaller buildings, not one big building.) Liked the removal of the curb cut, would like to hear what a forester would say about the life of the trees. Would like to see the cottonwood tree stay but if found to be on its way out, then wouldn't mind house moving forward more. Did not agree with proposed secondary structure heights. Any structures should be secondary to Silverthorne House like Policy 175. Agreed with the preservation; sliding doors look ok. Settlement pattern does not meet the strict interpretation. Merits points in eliminating curb cut. Shorten fence and make spaces between pickets.

Mr. Bertaux: Wanted to see the Silverthorne House as a historic landmark. Should come closer to all of the priority policies. Take the eaves out of the setback. Duplex is too overwhelming. Not sold on the movement of the structures; would want to see house move more to the west. Not crazy about the French doors on the barn, doesn't look right. Supported positive three (+3) points for historic preservation. Fence should be 3' in front to 5' in middle back down to 3' at rear. Problem with the snow stack; may have to look at another solution. The proposed buildings are too close to the Silverthorne House.

Mr. Joyce: What is the height of the Silverthorne House? (Mr. Craig: unsure.) Will the restoration of the home include new wiring and plumbing? (Mr. Hartman: The house was re-wired and plumbed when the building became commercial.) Liked elimination of curb cut and front yard. Circulation works better with building alignment. Fine with moving shed forward; opens up the rear. Didn't mind moving Silverthorne House forward as well as shed. Objection is to the scale of the new buildings. Massing should be subordinate and step down from the Silverthorne House.

Mr. McAllister: Is the code being applied consistently in regards to other historic buildings and projects? (Staff stated that the code is applied consistently, dependent of course on the project's specifics.) Frustrating to see the third preliminary with so many outstanding items. Some good changes but not enough. Should work with Staff and meet the important policies. Generally supported changes to the Silverthorne House. Supported Staff findings. Policy 4, no; massing should be 1 1/2 stories; no to relocation; fence needs to be picket. Fails on priority policies 181, 80, and 81 with height. Policy 104 violated. Would agree with positive points for Main Street access.

Mr. Pringle: What about the house in the back that Enyeart mentioned? (Mr. Neubecker: We can check the historic Sanborn maps to see if it was shown on there.) Asked staff if Mr. Brown's comments addressed concerns. (Staff stated concerns are based on the historic structures rather than more recent projects.) There are a number of policies that you are unable to meet or do not want to meet. There is some way to make this work. Rethink and take a fresh look. In reference to older developments, many things get built that seem to be a good idea at the time but loading up the backs of single family lots is like having split level buildings on Main St. Rethink since this is not moving further along. Take a fresh look.

Mr. Khavari: Liked front yard and curb cut. Ultimately, agreed with Mr. McAllister and Mr. Pringle. New buildings should be subordinate to Silverthorne House. Must comply with the absolute policies. Project needs a major overhaul. Should continue with preliminary until we see something different.

Staff Comments

This proposal consists of the Judge Silverthorne House being moved 20 feet west with historic restoration described below in addition to adding “free” basement density (if approved for landmark status). The historic carriage barn is proposed to be relocated behind the house and used as a deed restricted employee housing unit with the addition of “free” basement density (if landmarked). Also, the drawings show one new duplex building and one new single family residence with a one-car garage towards the rear of the lot. New landscaping is proposed, the through access from Main Street to the alley is removed, and additional on-site parking is proposed in rear of the site. Staff has reviewed this project in accordance with applicable Town Codes and Historic District Guidelines.

Land Use (Policies 2/A & 2/R): The proposed uses are consistent with the Land Use Guidelines for District 11 as well as the surrounding uses.

Density/Intensity (3/A & 3/R)/Mass (4/R): The density and mass of the existing structures and proposed additions are under the allowed above ground density and overall mass for the site. The total density is below the allowed density only if the Silverthorne House and barn are landmarked. The applicant has proposed that the Silverthorne House and barn be landmarked which would allow for free basement density under the structures.

With regard to module size:

Policy: New buildings should appear to be in scale with existing historic and supporting buildings in the area. Typically, historic buildings of between 700 and 1,600 square feet survive today. The average size of representative historic structures surviving today is 1,200 square feet. (Emphasis added).

Priority Policy 178: *New buildings should be in scale with existing historic and supporting buildings.*

- *Development densities of less than nine units per acre are recommended.*
- *Locating some building area below grade to minimize the mass of structures is encouraged.*
- *Locate larger masses back from public view.*
- *Use landscaping, especially large trees, to screen larger building masses.*

Per Priority Policy 178 above, the duplex size exceeds the larger module size range of 1,600 square feet by 70 square feet. The single family structure is 1,338 square feet (including garage) and the duplex structure is 1,670 square feet above grade. (However, the North Main Street Residential Character area does not require that the average module size be met when within 9UPA.) Does the Commission find that the duplex building meets Priority Policy 178?

Architectural Compatibility (5/A & 5/R): Policy 5, Architectural Compatibility, addresses all the Design Standards and Priority Policies found in the Handbook of Design Standards for the Historic and Conservation Districts and the associated Handbooks for each Character Area. Staff will identify all policies applicable to this application for this review. Priority Policies in the Design Standards function as Absolute Policies and must be followed. A project must be in substantial compliance with all applicable policies to meet Absolute Policy 5. Non-priority Design Standards are subject to negative points as a Relative Policy.

The Design Standards for the Historic District Character Area #4 address the specific guidelines for buildings in the Character area for this proposal. Per the Character Area #4 Handbook:

The Design goal for this character area is to strengthen the image of its historic residential character, while accommodating the trend toward commercial uses. In general, buildings should have a residential image, especially in yard treatments.

Settlement Pattern

The typical historic settlement pattern would be a main structure in the front yard, along the street and outbuildings at the rear of the lot, along the alley.

Priority Policy 4 (Handbook of Design Standards): *Respect historic settlement patterns.*

- *Site new buildings such that they are arranged on their sites in ways similar to historic buildings in the area.*
- *This includes consideration of setbacks, orientation and open space, all of which are addressed in more detail in other design standards that follow.*

Priority Policy 103: *All other alternatives to relocation must be reasonably considered prior to consideration of relocating the building.*

Options that should be considered prior to relocation to another site are:

- *Restoring the building at its present site.*
- *Relocating the building within its original site.*
- *Stabilizing the building from deterioration and retaining it at its present site for future use.*
- *Incorporating the building into a new development on the existing site.*

Policy 104: *It is not the intent of the Town to allow the relocation of historic structures simply to facilitate new construction on the original site.*

Priority Policy 108: *The relocation site must provide an appropriate context for the building, and more specifically, The building should be located on the site in an orientation similar to the original setting.*

With this proposal, the historic carriage barn is being relocated from the alley edge to the west and the historic Silverthorne House is being relocated 20' to the west to allow for new development at the rear of the lot. At the May 20th worksession, a majority of the Commission was supportive of the relocation of the house and barn on site since it was shown to be in conformance with the average setback for other historic structures in the character area. The Commission however, did put a caveat on the acceptance that the future site plan applications will be evaluated on its merits. The house should not have to move to accommodate too much density in the rear of the lot. If the Commission is supportive of relocating the two buildings, then Priority Policies 4, 103, 108 and Policy 104 have all been met or are not applicable to this application.

New Buildings:

Priority Policy 90 states: *Use materials that appear to be the same as those used historically.*

- *New materials that appear to be the same in scale, texture and finish as those used historically may be considered.*
- *Imitation materials that do not successfully repeat these historic material characteristics are inappropriate.*

The siding proposed is cementitious horizontal lap siding with a 6” exposure.

Priority Policy 183: *Maintain the present balance of building materials found in the Character Area.*

- *Use painted wood lap siding as the primary building material. An exposed lap dimension of approximately 4 inches is appropriate. This helps establish a sense of scale for buildings similar to that found historically. (Emphasis added)*

The proposed non-natural material has been accepted within the Historic District as it is to be painted and appears like painted wood. However, Staff believes that the 6” siding size as proposed for the duplex building does not meet this Priority Policy. Siding size should be in conformance with this policy on new buildings within the Conservation District which is recommended at a dimension of approximately 4”. There is past precedent from several projects supporting staff’s recommendation.

Since the last application, the applicant has redesigned the rear structures to appear more subordinate to the Silverthorne House by lowering the plate height, providing a steeper roof pitch and using rough sawn materials for the single family building (which is located near the alley). The larger duplex however, is a fairly bright yellow painted lap siding and is immediately behind the historic Silverthorne House. Staff believes that this color should be dulled down to appear more subordinate or change the siding material to be consistent with an outbuilding. Staff believes that this proposal is attempting to conform to this policy. However, staff recommends that the duplex building consist of horizontal rough sawn siding as well to further accomplish the rear secondary structure objective. Additionally, the duplex appears rather large for an outbuilding. Does the Commission concur? (This is different from what the Character Area standard suggests, which is painted clapboard; but these rear structures are supposed to look like secondary structures.)

Policy: The traditional mix of building materials should be retained. The North Main Street Residential Character Area is predominantly clapboard...

The proposed window wells and basement faces for the lower levels of the new house and duplex are proposed to be finished with a prefabricated painted metal. Staff does not support the proposed window well material and would prefer to see it consistent with materials found historically. We welcome any Commissioner comments.

In this character area, the use of outbuildings is encouraged. The section on Outbuildings in this Character Area states:

Policy: Barns, storage sheds, and outhouses are typical building types that are part of Breckenridge's historic scene. These structures served practical functions essential to the community's daily life. Where historic sheds survive, they help to convey this sense of character and help demonstrate how life was lived in earlier days. Historic outbuildings should be preserved. This tradition of developing a site with a complex of buildings should be continued in new construction. Use of outbuildings is especially appropriate along the Blue River, where they help to convey the sense of back yards that once existed. Outbuildings also help to "step down" the scale of development from the street to the river.

Design Standard:

185. The use of secondary structures in new development is encouraged.

- *Housing utilitarian functions, such as parking, storage, and waste receptacles, in secondary structures is encouraged.*
- *Using secondary structures will help reduce the perceived scale of the development by dividing the total floor area into a cluster of smaller structures rather than one large building.*

- *Use simple building forms and materials for these structures.*

In past meetings, the Commission has expressed concerns about the massing, scale, and uses of the proposed residential buildings located at the back of the site. Compared to what is a typical historic outbuilding in Breckenridge, the proposed structures exhibit a larger scale and different uses. With this proposal, the existing outbuilding (the barn) is being relocated from the back of the property to a spot near the center of the site, while the new development occupies the remaining area behind the historic house. At the May 20th worksession, the Commission was generally supportive of the barn being relocated to the rear side yard of the Silverthorne House.

Staff believes that the new structures at the rear of the lot should be made to look more secondary to the historic Silverthorne House. Although the applicant has made an effort to do this by reducing the plate height and changing the materials to rough sawn wood for the single family structure, staff would prefer to see the duplex also be of rough sawn material. Staff believes that this design could then meet the intent of this Policy. Does the Commission agree?

Site and Environmental Design (7/R): The site is relatively flat and has currently has parking in the front yard and a drive way off of Main Street. Though the proposed front yard of the property would provide a better sense of yard, the proposed development at the back of the site nearly fills the remaining property with little natural permeable area. This results in no site buffering to the neighboring lots (north and south), a large paved parking area, a new fence touching the south property line and virtually no landscaped area along the south edge. The new buildings are 6 feet off the north property line and there is no proposed landscaping buffering the buildings from the neighboring property (Brittany Place). Staff recommends four negative points (-4) under this policy for lack of buffer to the neighboring properties. Does the Commission concur?

Priority Policy 175: *Maintain the character of residential yard space through landscaping, especially front and side yards that are visible from the public way.*

- *Front yards should be designed predominantly with plant materials, including trees and grass, as opposed to hard surfaced paving.*
- *Establishing side yards is also important, to avoid "zero lot line" walls with blank surfaces.*
- *Hard surface plazas and decks in front of buildings are generally inappropriate and are discouraged. However, they may be considered where sufficient plant materials establish clear edges to the yard area and the hard surfaced area appears subordinate to the yard.*

The Building Setbacks Policy in the Historic Standards states: “...Placing a building exceptionally far back on the lot, especially to accommodate driveways and parking in front is discouraged.” also:

The layout of the new structures is further back on the property than the historic alignment. Historically, residential structures were not placed in the rear of the main house.

Further, Priority Policy 175 states, *Maintain the character of the residential yard space through landscaping, especially front and side yards that are visible from the public way.*

With the elimination of the existing parking in the front yard, Staff believes that the character of the residential yard is maintained and enhanced. Staff is pleased to see the elimination of the existing access and parking area in the front yard. Positive points may be awarded for elimination of the existing curb cut along Main Street at final review.

With the elimination of the curb cut from Main Street, the removal of the parking area in the front yard and the added new landscaping, Staff believes that this policy has been met. Does the Commission concur?

Building Height (6/A & 6/R): At 23'-10", measured to the mean, the proposed building height is under the maximum allowed building height of 26 feet, but it is over the recommended building height of 23 feet. One negative point (-1) will be assigned to the application at final review for exceeding the recommended height.

Priority Policy 80 states, *Respect the perceived building scale established by historic structures within the relevant character area.*

Priority Policy 81 states, *Build to heights that are similar to those found historically.*

- *This is an important standard that should be met in all projects...* (note: emphasis is included in the standards).

Priority Policy 181: *Building height should be similar to that of nearby historic buildings.*

- *Primary facades should be 1 or 1-and-1/2 stories tall.*
- *Refer to height limits in the Development Code.*
- *Note that the height limits are absolute maximums and do not imply that all building should reach these limits. What is visually appropriate may be less than the maximum height allowed by ordinance. (Emphasis added.)*

The existing historic building on the site is 1-1/2 stories in height. Overall, the proposed duplex is taller than the existing Silverthorne House. At the last preliminary hearing, the Commission voiced concern that the duplex building exceeded the 1-1/2 story recommendation for the Character Area. With this submittal, the proposed single family structure, and the duplex appear to meet the recommended 1-1/2 story height, with density tucked in the roof forms.

Staff does recognize that there are existing larger non-historic buildings adjacent to this site. However, per this policy, only historic structures should be used for comparison. The proposed residential building located at the rear of the lot is less visible from Main Street. The applicant has included perspectives in the packet for review. Staff believes that the duplex structure may not be visually appropriate for its location on the site and its relationship to the historic Silverthorne House. We welcome any Commissioner comment.

Placement of Structures (9/A & 9/R): The placement of structures meet the minimum relative setback requirements. However, at the May 20 worksession, the Commission voiced that negative points should be incurred for relocating the structures since the applicant is relocating the historic structures on site. Staff believes that five negative points (-5) should be incurred. Does the Commission concur?

Snow Removal and Storage (13/A and 13/R): The outdoor parking spaces are proposed to be heated. The heat source (natural gas) for the heated parking will be supplemented by the solar hot water panels on the single-family building. The paved area that is not being heated by the snowmelt system will be plowed. (See site plan.) There are portions of the snow stacking areas that do not appear to be functional as suggested under this policy. According to staff's calculations, 513 sq. ft. of snow storage is required for the non heated parking area and 562 sq. ft. of snow stack has been provided. This exceeds the 25% requirement, however it may not be functional.

The snow stacking for the non-heated portion of the parking lot is being placed behind and against the historic barn and close to the new structures at depths that are difficult with a simple plow. Staff has concerns that snow will be placed against the historic structure potentially damaging the historic fabric. Extra caution would need to be taken in this case as to not plow snow up to the barn or other structures. Staff proposes negative four (-4) points for non-functional snow storage based on its designated areas. Does the Commission concur?

Refuse (15/A & 15/R): The applicants own a small triangular portion of property across the alleyway where an 80 square foot trash/recycle enclosure is proposed. This enclosure will be used for rollaway receptacles rather than a full dumpster and will be shared by both the residential and commercial uses. Half of the trash enclosure has been counted toward the commercial density and the other half toward residential mass. Therefore, 40 square feet has been included in the commercial density calculations. Staff finds the proposed enclosure acceptable.

Access / Circulation (16/A & 16/R; 17/A & 17/R): With this submittal, there is now one vehicular access point to the site proposed from the alley. The drive from Main Street to the alley has been eliminated. This change has added public parking along Main Street. Staff would be supportive of positive three (+3) points under Policy 24R Community Need for helping improve the safety of this intersection and aesthetics of the historic property. Does the commission agree?

The application meets the Town's Street Standards of a 24 foot wide drive aisle for the 90-degree parking spaces. Lastly, there are conflicting surveys of whether a portion of the alley is privately or publicly owned. If the alley is in fact privately owned, it should be dedicated to the Town for proper maintenance. More information on the ownership of the alley will be required prior to a final review.

Parking (18/A & 18/R): 9.15 parking spaces are required for the site. Eight surface parking spaces are proposed on site including one space within the single family garage. The Engineering Department has concerns with the tandem parking space shown outside of the garage as it measures 19 feet in length to the garage door which leaves little room for a vehicle to not overhang the alleyway. Staff has not counted the tandem parking space and would like to have Commission input.

There is a shortage of 1.15 spaces on site if the tandem space is not counted. However, this property is within the Parking Service Area. Staff notes that residential uses must park on the property, but commercial uses may pay a fee-in-lieu in the Parking Service Area. The elimination of the Main Street driveway access provides for additional on-street parking spaces in the Town Right of Way. Based on past precedent, (Shops at Historic South Main Street - Theobald), the elimination of a curb cut would permit one (1) parking space within the ROW to be counted toward the required parking on site. Based on precedent, staff is supportive of the parking waiver for one parking space in this case which would provide none (9) parking spaces on site. The remaining 0.15 space requirement would have to be paid into the Parking Service Area. Does the Commission concur with a waiver to the parking requirement based on the elimination of the curb cut per past precedent?

Landscaping (22/A & 22/R): As for new landscaping, there are 13 aspen trees (1 ½-2 ½" caliper; 50% multi-stem) and 4 spruce (2 @10' and 2@12' height) and 5 balsam poplar (2@ 6', 3@12') proposed. A shrub and wildflower bed is proposed along the front sidewalk from Main Street to the Silverthorne House. Staff believes that this additional landscaping will assist in reclaiming the yard to historic character with more formalized street and landscape. With the removal of the existing trees along with the proposed quantities and sizes of new stock, staff does not believe that any positive or negative points are warranted. The applicant might gain positive points for landscaping if the number of trees

and sizes were increased. Would the Commission support positive points for increased plantings and sizes?

With regard to existing landscaping:

Priority Policy 1: *Respect the natural setting of the building site.*

- *Avoid damage to natural resources on site, including established trees.*
- *Preserve existing trees in their locations.*
- *Screen construction sites that will negatively impact scenic views for more than one building season.*

With the relocation of the two historic buildings, existing mature trees will be lost. A letter from A Cut Above Forestry was submitted during the May 20 worksession which described the health of the existing trees as weak, and/or diseased and at the end of their life cycle (This letter has been attached).

Since the trees may soon be lost to disease or old age, does the Commission believe that this Priority Policy is not applicable with this application?

Social Community / Employee Housing (24/A &24/R): The proposal is for the rehabilitated historic barn to be deed restricted and used as an employee housing unit. The unit is 687 square feet, which is 14% of new density on site. At 10% or greater, this warrants positive ten (+10) points, the maximum permitted under this policy.

Carriage Barn Restoration/Renovation: After the restoration and renovation the barn is proposed to be designated as a historic landmark. The renovation of the historic barn includes:

General Exterior: Placed on a concrete foundation, replace roof framing structure, replace existing metal roof with new corrugated metal roof, paint, patch and repair exterior.

North Elevation: No Change.

East Elevation: Existing historic barn door removed, restore and mount on new sliding metal track. Full light French doors installed behind the sliding metal track.

South Elevation: Existing historic windows to be repaired and reused.

West Elevation: Existing historic barn door removed and mounted on new sliding metal track. Pair of vertically oriented double hung windows installed behind the sliding metal track. Window well for basement level will be partially visible on this elevation.

Staff is concerned with the removal of the historic fabric on the barn for windows. These alterations could further diminish the historic status, rendering landmark status potentially unfeasible. Staff recommends the fabric remain intact. We have additional concerns about the snow stacking impacts to the barn and potentially damaging the structure over time. We welcome Commissioner comment.

Silverthorne House Historic Restoration/Renovation:

The renovation of the historic Silverthorne House includes: a new concrete foundation with full basement; repair and patch the existing siding and columns as necessary; repair the existing windows and doors to match historic profile; remove non-historic vents and ducts; electric and plumbing upgrades; reinforce roof and floor framing; replace existing concrete porch with wooden porch; replace existing roof with Tamko historic profile asphalt composite shingle.

We believe that the restoration plan for the Silverthorne House is appropriate and would warrant being locally landmarked. Also, we believe that with the preservation of the Silverthorne House built in 1881 and restoration of the barn, the proposed restoration efforts warrant six positive points (+6) under Policy 24R – Historic Preservation and Restoration. Staff recommends six (+6) positive

points rather than nine (+9) positive points because of the removal of historic fabric on the barn. Does the Commission concur with six (+6) positive points for the Silverthorne House and barn?

Positive points will be awarded according to the following point schedule for on site historic preservation, or restoration efforts, in direct relation to the scope of the project, subject to approval by the planning commission.

The construction of a structure or addition, or the failure to remove noncontributing features of a historic structure may result in the allocation of fewer positive points:

+3 *On site historic preservation/restoration effort of minimal public benefit.*

Examples¹: Restoration of historic window and door openings, preservation of historic roof materials, siding, windows, doors and architectural details.

+6 *On site historic preservation/restoration effort of average public benefit.*

Examples: Preservation of, or the installation of a new foundation, structural stabilization, complete restoration of secondary structures.

+9 *On site historic preservation/restoration effort of above average public benefit.*

Examples: Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, structural stabilization, or restoration of secondary structures, which fall short of bringing the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style.

+12 *On site historic preservation/restoration effort with a significant public benefit.*

Example: Restoration/preservation efforts which bring a historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style and respecting the historic context of the site that fall short of a pristine restoration.

+15 *On site historic preservation/restoration effort with a very significant public benefit.*

Example: Restoration/preservation efforts to a historic structure or site which bring the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style and respecting the historic context of the site with no new structures or additions and the removal of all noncontributing features of a historic structure or site. Such restoration/preservation efforts will be considered pristine. (Ord. 25, Series 2004)

Examples of recent projects that received positive points for Historic Preservation are listed below.

Case Residence (+5 points): Restore 2 sheds: Place sheds on new concrete slabs, structural stabilization with interior framing, repair and patch siding as needed, repair and patch roofs as needed, along with the repair of windows and doors.

¹ Examples set forth in this policy are for purpose of illustration only, and are not binding upon the Planning Commission. The ultimate allocation of points shall be made by the Planning Commission pursuant to section 9-1-17-3 of this title.

Davis Residence (+5 points): Removal of non-compliant “wart”, repairing the existing historic foundation, replace the non-historic block foundation with appropriate stone foundation similar to the historic foundation. Additionally, two non-compliant windows are being removed (east elevation) and appropriate double hung windows are being replaced. Also, the openings in the historic house that face the deck are being restored.

St. Mary’s Church Rectory (+6 points): Installation of a new foundation, restoration and repair of historic windows, replacement of non historic windows with more appropriate wood windows, replacement of damaged siding replacing non-historic doors, re-pointing the historic chimney, patching and repairing trim, replacing the asphalt roof, and replacing garage door with more appropriate door detailing.

KCW, Breckenridge (+6 points): Restoration of the front window to a vertical style, rebuild the historic false front to the building, installation of a new foundation, structural stabilization, and pull of the asphalt off the siding to reveal the original lap siding.

Drainage (27/A and 27/R): The site plan shows positive drainage away from the structures.

Lighting: Prior to proceeding to final hearing, lighting cut sheets and locations are required.

Fences: Fences are allowed in the Conservation District. Below is a policy in the Historic District Standards, which addresses fences.

*Policy: Typically, wood picket fences were used and these were painted. Wrought iron also was used. The height of the fence was **generally less than three feet**. The general character of historic fences should be retained. (Emphasis added)*

Design Standards:

60. Fences may be considered to define yard edges.

61. Preserve original fences where feasible.

- *Replace only those portions that are deteriorated.*

62. For replacement fences, use materials similar to the original.

- ***Avoid using solid fences with no spacing between boards.***
- *Chain link is not an appropriate material.*
- *Simple iron fences may be considered.*

The applicant has expressed concern over the adjacent property to the south (Edelweiss Condominiums) parking and snow stacking on his lot, and hopes that the proposed fence will eliminate these concerns. The proposed wood fence has a 1” space gap that varies 3’-5’ in height at the front of the lot and along the front portion of the south property line. The fence then rises to 6’ tall for approximately 55’ in the middle of the property along the south, and then lowers back to 3’ toward the alley. The fence would have a guardrail attached to its exterior, facing south.

With past reviews, the Commission has been generally supportive of a small section of 5’ fence in the middle of the property. Staff believes that the proposed fence does not meet this policy regarding spacing between boards and fence height. Staff believes that the front section of fence should not be of varying height but remain at the 3’ standard to meet the intent of this policy. We are not supportive of the 1” spacing between the boards.

If the Commission is supportive of the fence as proposed, Staff would recommend negative points under Policy 5R as these are Design Standards, not Priority Policies.

Staff prepared a preliminary point analysis with the following allocations: (-5) Policy 5R Architectural Compatibility, (-1) Policy 6R Building Height, (-4) Policy 7R Site and Environmental design, (-4) Policy 13R Snow Storage, (+10) 24R Social Community (housing), (+3) Policy 24R Social Community (community need-curb cut), (+6) Policy 24R Historic preservation, (+3) 33R Energy Conservation (solar hot water), (-3) Energy Conservation (snowmelt system). The application has a passing point analysis of (+5).

Staff Recommendation

This application has been advertised as a preliminary hearing. Staff appreciates the changes made since the last application, however believes that the application may be failing the priority policy regarding module size. The application appears to pass a preliminary point analysis which has been included for your review.

In addition to the questions above, Staff has specific questions on the following:

1. Does the module size of 1,670 square feet meet the intent of Priority Policy 178?
2. Is the building height/material of the duplex appropriate on this site?
3. Does the Commission find that the revised site plan meet Policies 4, 103, 104, and 108 regarding the relocation of the historic buildings (per May 20, 2008 worksession discussion)?
4. Is the material for the new buildings acceptable in this Character Area? Should rough sawn be used for both new structures to achieve an outbuilding appearance?
5. What are Commissioner comments on the proposed fence (height and spacing)?
6. Does the Commission have any comments regarding the landmark status of the house and the barn and renovation plans for the historic structures?
7. Is the Commission supportive of granting a waiver to the parking standards with the removal of the Main Street curb cut?
8. Does the Commission agree with the preliminary point analysis?

We welcome any additional comments from the Commission.

Preliminary Hearing Impact Analysis

Project: Silverthorne House Site Plan
 PC# 2007004
 Date: 04/01/2009
 Staff: Julia Puester

Positive Points +22
 -
Negative Points - 17
 -
Total Allocation +5

Items left blank are either not applicable or have no comment

Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)	0	With landmark designation for house and barn
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	- 5	Relocating two historic buildings to accommodate new construction. PC stated neg points at worksession
5/R	Architectural Compatibility H.D. / Above Ground Density 12	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10	(-3>-6)		
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)	- 1	Duplex over recommended height of 23'10"
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	- 4	No buffer in rear to adjacent lots
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)	- 4	Lack of functional snow storage
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		Need parking waiver approval from PC/TC
18/R	Parking-Public View/Usage	2x(-2/+2)		

18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	4x(-2/+2)		
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)	+10	687 sq. ft. 10% of density
24/R	Social Community - Community Need	3x(0/+2)	+3	Eliminating Drive-cut
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15	+6	Add basement, improvements
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	+3	Solar hot water to heat 100% of snowmelt
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	-3	Heated parking
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		



A Cut Above Forestry, Inc.

Specializing on Tree Service and Forestry Consulting

May 13, 2008

Woodwinds Management
Dave Hartman
P.O. Box 691
Breckenridge, CO 80424

Dear Dave,

This letter is a follow-up to the last inspection that I performed on the narrow leaf cottonwood tree located in front of your office located at xxx N. Main Street in Breckenridge, Colorado. It is meant to accompany the previous inspection therefore some site descriptions were omitted.

On May 9, 2008 you contacted me and requested that I also inspect the lodgepole pine trees located in the front yard of you Main Street Office. I visited the site and inspected the trees on May 12, 2008. Since you are planning an addition to the building you expressed concern about the long term health of the trees.

The trees of concern are three large diameter lodgepole pines. The trees are located on the north side of the driveway and are located approximately 20 feet from the building.

Trees #1 and #2 are large diameter codominants. I considered these two trees only because the fork starts at below 4.5 feet above the ground. The soil around the trees is heavily compacted from years of activity. I found no evidence of damage to the root collar or roots but the soil compaction has likely affected root growth. More importantly, the trees have been growing next to each other for many years and have developed a fork with included bark.

Several pitch tubes from past mountain pine beetle attacks are visible on the trunk. I peeled back some bark but found no live larvae or blue stain. Although the trees are not currently infested, considering the size and age of these trees combined with the current pine beetle population, I fear it is only a matter of time before these trees are infested.

Tree #1 and 2 showing the separation at the fork.

Tree #3 is a 15 inch diameter lodgepole pine tree. The trunk has a basal scar on the west side and several torn roots. I performed a mallet test on the trunk and found it to sound hollow. I extracted a core from the west side approximately 18-inches up the trunk from the ground. I found one inch of solid wood that gave way to stem rot.

Tree #1 has a significant structural defect and is within striking distance of the office building.

In my professional opinion tree #3 should be removed as soon as possible to reduce risk to property.

Trees #1 and #2 are showing moderate to severe signs of structural weakness. Considering the severity of the defects in these, I recommend removing these trees prior to any construction occurring on the property. In my professional opinion I recommend removing these trees at your earliest convenience.

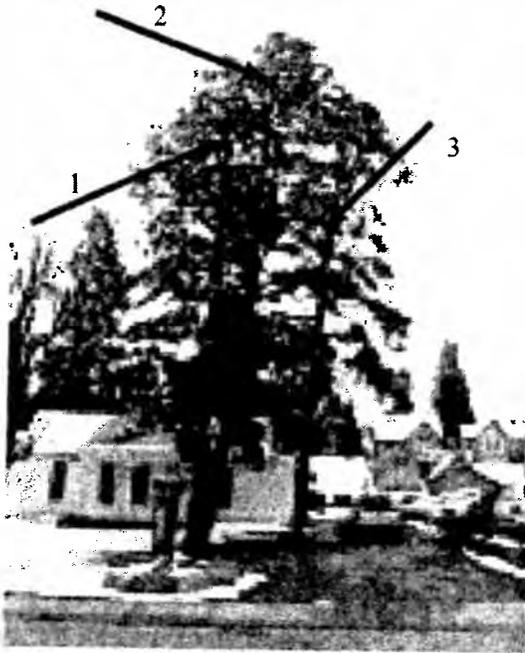
Please contact me with any questions at 970-453-9154.

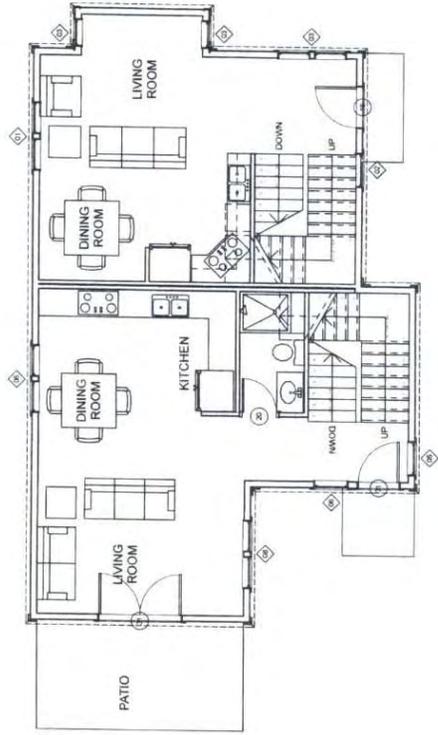
Sincerely,



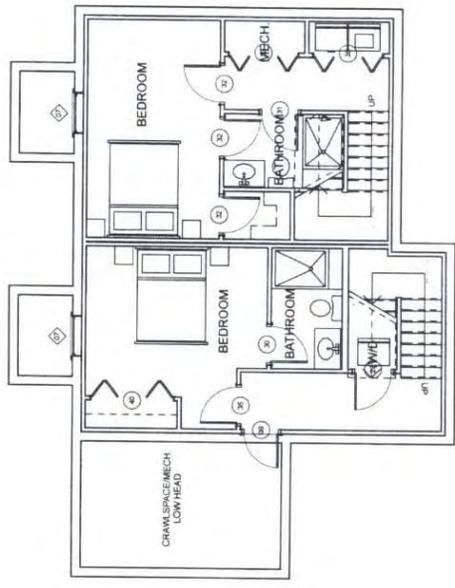
Rick Herwehe

Forester, ISA Certified Arborist#RM-2195

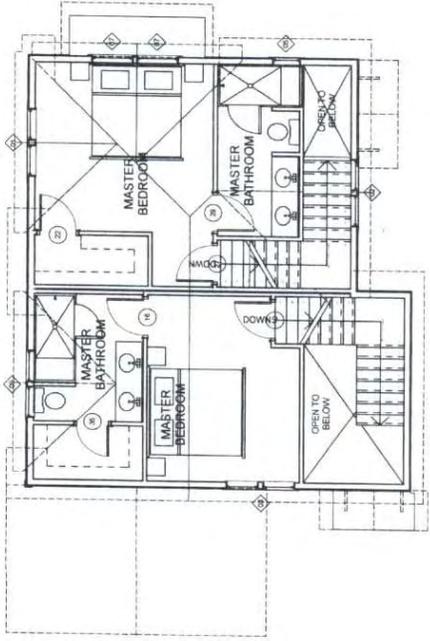




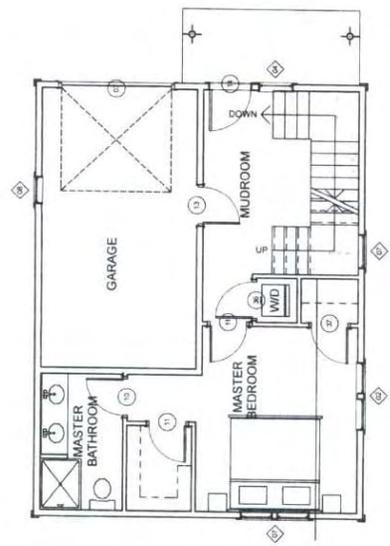
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SCALE 1/4" = 1'-0"



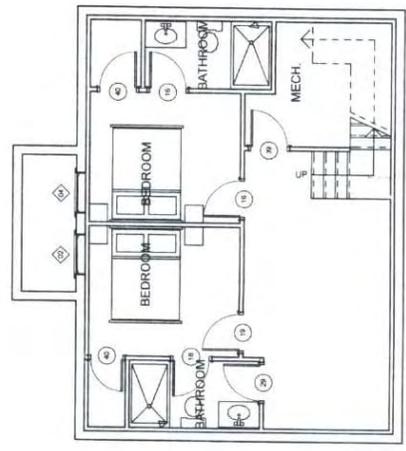
3 LOWER FLOOR PLAN
SCALE 1/4" = 1'-0"



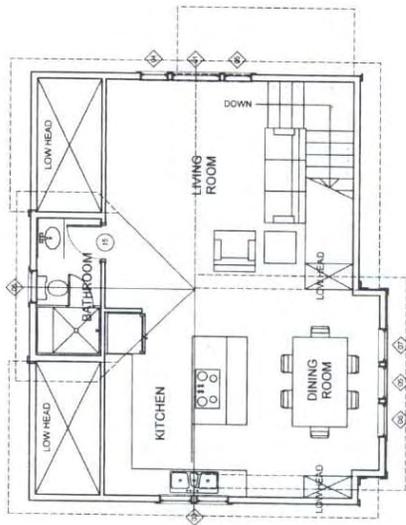
2 UPPER FLOOR PLAN
SCALE 1/4" = 1'-0"



1 MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



3 LOWER FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"

JUDGE SILVERTHORNE HOUSE
 10122 SUDGERS ADOLE
 TOWN OF BREKENRIDGE, COLORADO

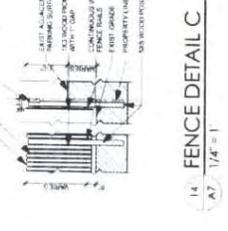
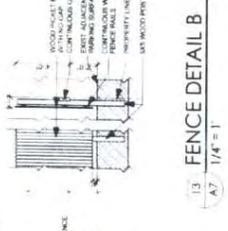
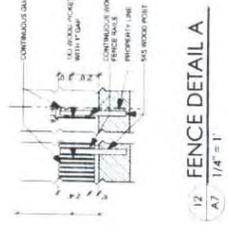
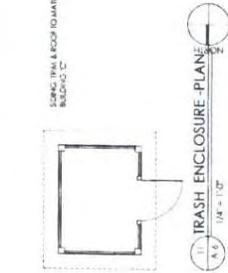
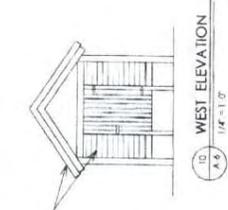
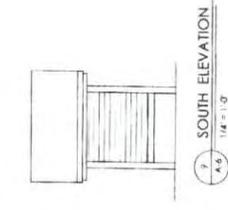
BUILDING D FLOOR PLANS AND ELEVATIONS

DATE: 08/15
 DRAWN BY: C.M.
 TITLE: 1/4"

FOR CLARIFICATION: 303.733.8474

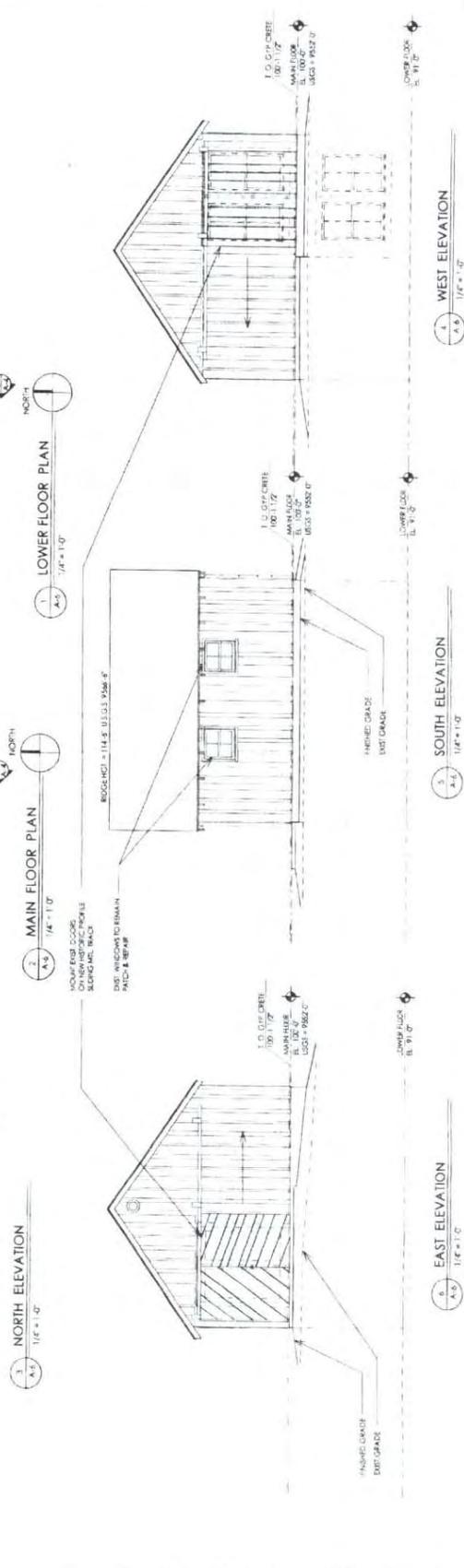
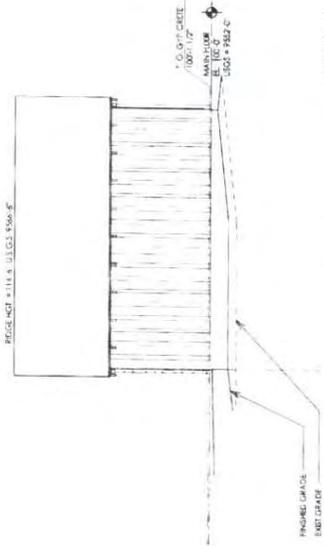
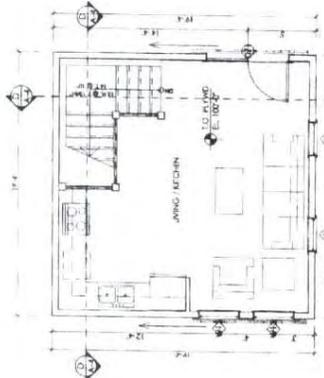
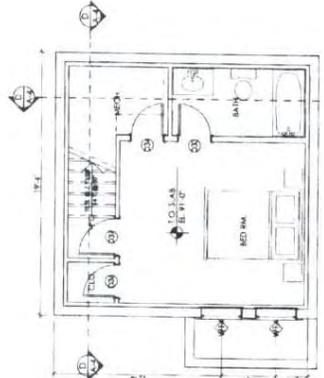
NOT

A-7



FINISH MATERIAL SCHEDULE

ROOF	ASPH/FLT SHINGLES
CEILING	9" POP
FLOOR	3/4" OSB
WALLS	5/8" GYP BOARD
DOORS	6" SOLID WOOD
WINDOWS	6" SOLID WOOD
TRIM	1 1/2" SOLID WOOD
STAIRS	3/4" SOLID WOOD
BASE	1 1/2" SOLID WOOD
EXTERIOR	1/2" SOLID WOOD
INTERIOR	1/2" SOLID WOOD
PAINT	PRIMER & FINISH
GLASS	CLARIFIED GLASS

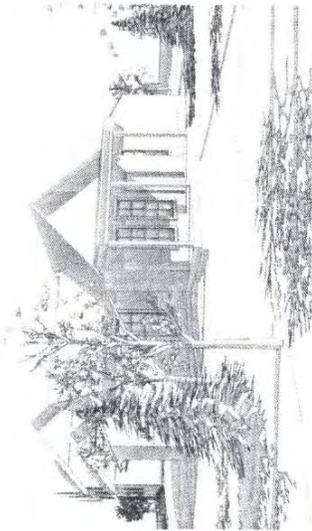


Judge Silverthorne House

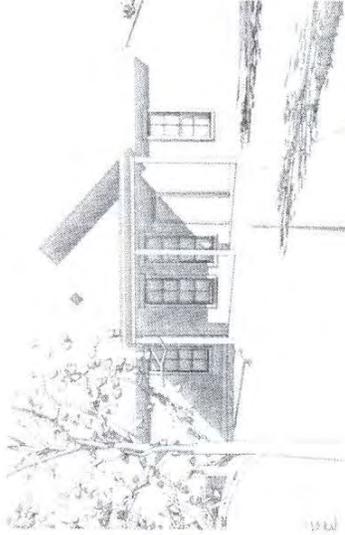
Proposed Perspective Views from the sidewalk on Main St.
300 N. Main St.
Town of Breckenridge, Colorado



ARAPAHOE
ARCHITECTS PC
PO BOX 1726
BRECKENRIDGE CO. 80424
PHONE 970.453.4374
FAX 970.453.4375



Sketch Perspective View
North West corner of the lot



Sketch Perspective View
West perimeter of the lot



Sketch Perspective View
South West corner of the lot

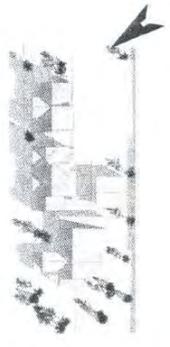
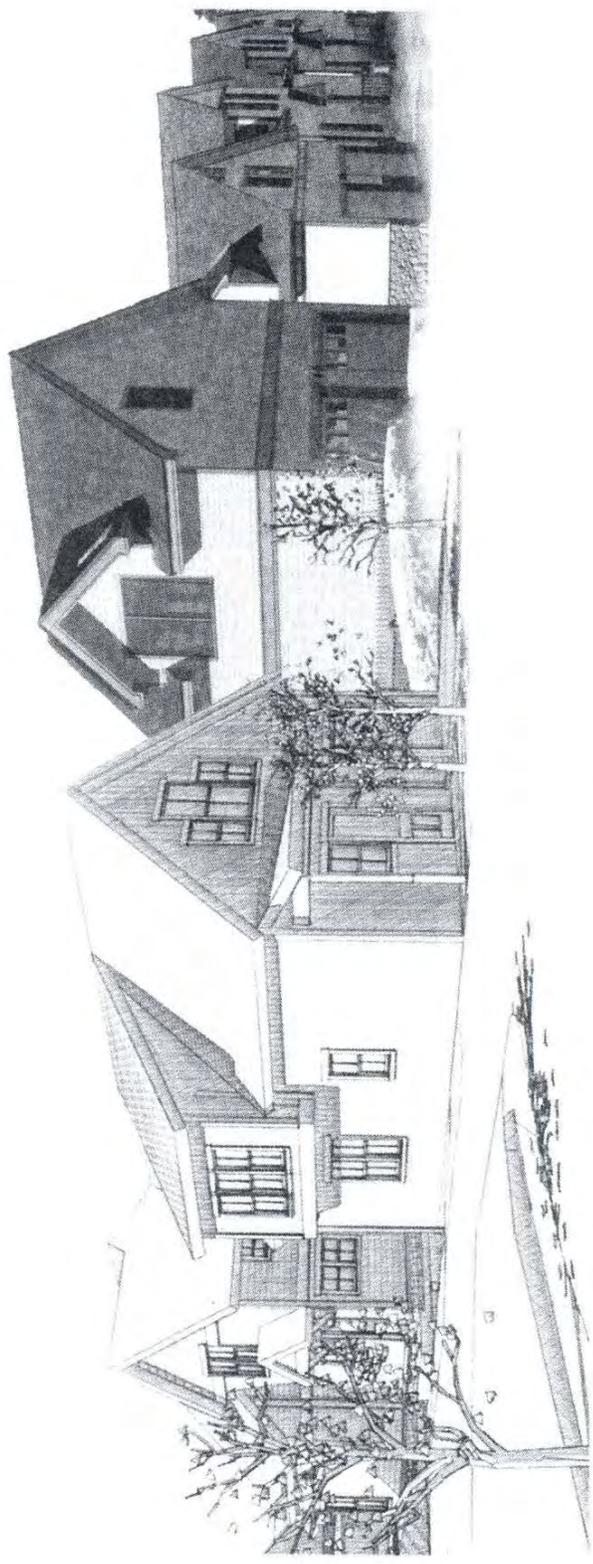


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TOWN OF BRECKENRIDGE
PLANNING DEPT.

Judge Silverthorne House

Proposed Perspective View from the Alley
300 N. Main St.
Town of Breckenridge, Colorado

ARAPAHOE
ARCHITECTS P.C.
P.O. BOX 4786
BRECKENRIDGE, CO 80424
PHONE: 435-4377
FAX: 435-4475



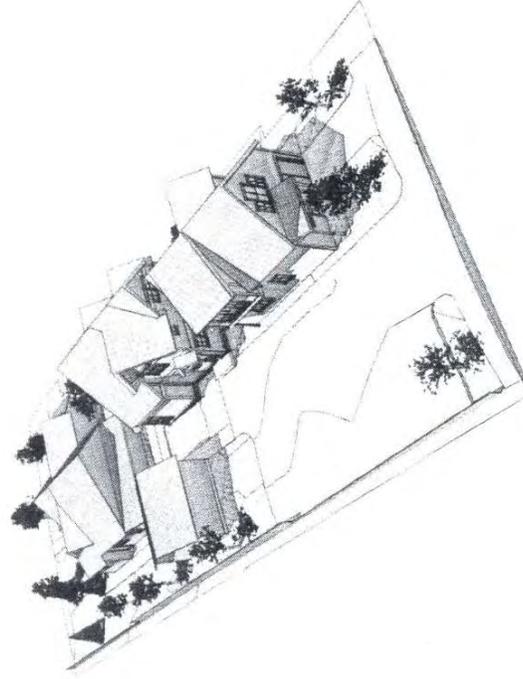
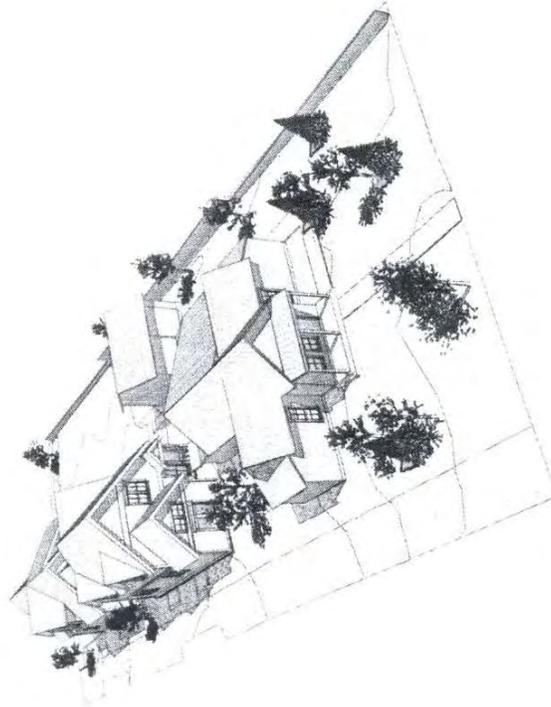
Proposed Perspective View
From the Alley

Judge Silverthorne House

Proposed Panoramic Views
300 N. Main St.
Town of Breckenridge, Colorado



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Birdseye View
North West

Birdseye View
South East

Judge Silverthorne House

ADJACENT PROPERTY PHOTOS
300 N. Main St.
Town of Breckenridge, Colorado



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Brittany Place

Edelweiss Condominiums

Judge Silverthorne House

Existing Site Conditions
300 N. Main St.
Town of Breckenridge, Colorado



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Judge Silverthorne House
Historic

Existing Shed
Historic

	Proposed:	4 spaces allocated by Master Plan
Snowstack:	Required:	610 sq. ft.
	Proposed:	610 sq. ft.
Setbacks:	Front:	Within building envelope
	Side:	Within building envelope
	Side:	Within building envelope
	Rear:	Within building envelope

Item History

The McAdoo House is located in the original historic location (on the east portion of the property). The original portion of the McAdoo House was constructed (for \$900.00) in 1880 by M. Brandt. An addition occurred between 1880 and 1886. The McAbee House and the Garvie House were re-located to this site between 1950 and 1966. The old Garvie Liquor Store was relocated from Main Street and the McAbee House (the offices for the Continental Hoosier System of Ditches and Tunnels and Reservoirs in Summit County) was relocated from Hoosier Pass. The lots have been combined via a separate subdivision application into a singular property, with individual footprint lots for each building.

Staff Comments

Land Use (Policies 2/A & 2/R): The properties lie within Land Use District 18-2 that allows both residential and commercial uses. Both uses were approved with the Master Plan. Staff has no concerns with the proposed uses.

Density/Intensity (3/A & 3/R)/Mass (4/R): The total allowed building density (above and below ground combined) for the entire Master Plan is 15,141 square feet. The proposal is well below allowed mass. The Master Plan allowed for 3,375 sq. ft. of total floor area for Lot 5. The applicant has proposed 3,365 sq. ft. of total floor area.

Above Ground Density (5/A & 5/R): The recommended above ground density is 9 UPA for the South End Residential character area. However, the code allows this number to be exceeded, with conditions. The South End Residential Character Area that allows up to 12 UPA if the conditions listed below can be met. The developer of the Master Plan incurred the maximum of negative eighteen (-18) points under Policy 5/R Architectural Compatibility and met the 12 UPA limitations.

Priority Policy 158 requires: *New buildings should be in scale with existing historic and supporting buildings in the South End Residential Character Area. The historic building scale should be respected. Typically, historic buildings of between 540 and 2,600 square feet survive today. The average size of representative historic structures surviving today is 1,300 square feet.*

Criteria for allowing the above ground density overage is:

Additional densities up to a maximum of 12 UPA may be considered in limited circumstances only if the conditions listed below are met:

1. *No individual building module size should exceed the historic average for the Character Area.*
 - a. *The building area of any individual, detached structure remains under the historic average of that seen in historic structures in the Character Area. A series of individual structures may also be clustered on a site in a manner similar to that seen historically.*
 - b. *Individual building modules are under the historic average of that seen historically and the modules are linked with connections that are clearly subordinate in scale such that a distinct separation of building modules results. **The front module is 1,030 square feet, hence it is under the historic average of 1,300 square feet. However, the rear module is currently proposed at 1,389 square feet. The rear module exceeds the 1,300 square foot historic average. Furthermore, Staff has concerns with the connector of the two modules. Staff believes the applicant needs to revise the connector element further to clearly subordinate in scale such that a distinct separation of building modules results.***
 - c. *If a building module exceeds the historic average, then the project should be deemed to be in violation of this Priority Policy. **This proposal is in violation of this priority policy as the rear module exceeds the historic average.***
2. *All other design standards are adequately met such that the project is in substantial compliance with all scale related criteria. **Staff has concerns that this proposal is not in scale with historic neighbors.***
3. *The absolute width of primary facades is in scale with those in the historic context. In addition, a significant portion of the front elevation is one story in height. **The width of this proposed restaurant is the same as the width of the Historic McAdoo House.***
4. *The overall historic mass and scale of the block will be preserved. **The individual modules are close to the historic mass and scale of the block.***
5. *Any historic property on the site is preserved. There are not historic properties on Lot 5, McAdoo Corner.*
 - a. *No significant portions of a historic property would be altered or demolished to accommodate the increased building size. **No historic property will be altered or demolished with this application.***
 - b. *The historic property will be rehabilitated as a part of the first phase of the undertaking. N/A*
 - c. *The new construction will be compatible in mass, scale and character with the historic building, as defined in the design standards. N/A*
6. *Historic buildings on adjacent properties are not negatively affected by the larger mass, as defined in the design standards. **There will be an impact on the smaller historic structures to the north of this proposed restaurant. However, Staff believes these impacts can be mitigated with small design changes and landscaping.***

As the Commission read above, Staff does have concerns that the rear module size and the overall scale of this project. Does the Planning Commission agree with how Staff is measuring the module sizes? Does the Commission believe that Priority Policy 158 is being met?

Architectural Compatibility (5/A & 5/R): Five historic structures on both sides of the alley have been combined with two new buildings east of the alley to form an enclave known as McAdoo Corner. The uses are anticipated to be a mix of residential, commercial, and retail. Building materials, finish styles, sidewalks, landscaping, and on site parking will tie the project together. The only issue to be considered with this application is the new proposed restaurant on Lot 5. The exterior materials will primarily be horizontal lap siding, which will match well with the rest of McAdoo Corner and the historic guidelines. However, staff is concerned that the solid to void ratio for the windows on the west elevation do not meet the historic guidelines. Staff believes some of the windows need to be removed from the west elevation. The stone of

the west elevation goes up to high on the building. Historically stone was kept to not more than one or two feet above natural grade.

Staff has concerns related to the scale of this proposed building. Per the Handbook of Design Standards for the Historic and Conservation Districts: *New buildings should be similar in scale with the historic context of the respective character area.* Per priority policy 80 design standard: *Respect the perceived building scale established by historic structures within the relevant character area.*

- *An abrupt change in scale within the historic district is inappropriate, especially where new, larger structure would directly abut smaller historic buildings.*
- *Locating some space below grade is encouraged to minimize the scale of new buildings.*

Does the Planning Commission believe this application meets priority policy 80?

Furthermore, Staff has concerns that priority policy 80A is not being met. Priority policy 80A states: *The design standards stipulate that larger masses should be divided into smaller “modules” and be linked with a “connector” that is subordinate to the larger masses.* The design standard for 80A states: *use connectors to link smaller modules and for new additions to historic structures.*

- *The width of the connector should not exceed two-thirds the façade of the smaller of the two modules that are to be linked.*
- *The wall planes of the connector should be set back from the corners of the modules to be linked by a minimum of two feet on any side.*
- *The larger the masses to be connected are, the greater the separation created by the link should be; a standard connector link of at least half the length of the principal (original) mass is preferred.*
- *The height of the connector should be clearly lower than that of the masses linked. In general, the ridge line of the connector should be at least two feet less than that of the original, principal mass.*
- *When adding onto a historic building, a connector should be used when the addition would be greater than 50% of the floor area of the historic structure or when the ridge height of the roof of the addition would be higher than that of the historic building.*

Staff does not believe this proposal meets Priority Policy 80A. Specifically, the connector exceeds two-thirds the façade of the smaller of the two modules that are to be linked. The front façade is 37 feet, hence the connector should not exceed 24', two-thirds the façade.

Another concern for Staff is Priority Policy 164, on Façade widths, which states: *New buildings should have primary facades similar in dimension to those found historically. Typical building widths of surviving historic buildings range between 16 and 44 feet; the average is 31 feet.* The Design Standard states: *Reinforce typical narrow front façade widths that are typical of historic buildings in the area.*

- *Projects that incorporate no more than 50 feet of lot frontage are preferred.*
- *The front façade of a building may not exceed 30 feet in width.*

Staff does not believe that Priority Policy 164 is being met. The front façade appears to be 37' in width. The priority policy states the front façade may not exceed 30'. Does the Planning Commission believe Priority Policy 164 is being met?

Building Height (6/A & 6/R): The building is proposed at 23' to the mean, which meets the absolute height of 23'. However, Priority Policy 163 states: *Similarity in building heights is desired to help establish a sense of visual continuity and to respect the character established by the small sizes of original buildings. Building heights for new structures should be perceived to be similar in scale to those found during the*

historic period of significance. The design standard for Priority Policy 163 states: *Building height should be similar to nearby historic buildings.*

- *Primary facades should be 1 or 1-1/2 stories tall. **The front façade is only one story tall.***
- *Refer to height limits in ordinance. (Note that the height limits are absolute maximums and do not imply that all building should reach these limits. In some cases, lower buildings will be more compatible with the context.) **The two-story rear module is 23' in height measure to the mean, which is right at the maximum height allowed. The historic structures to the north of this proposed restaurant are only one-story buildings. However, the historic house across Ridge Street (the Cellar Restaurant) is a full two stories tall. Staff believes the height issues can be mitigated with small design changes and landscaping.***

Site Plan: The site plan matches the site plan shown on the Master Plan. Staff has no concerns with the site plan.

Placement Of Structures (9/A & 9/R): The proposed structure is within the building envelope.

Snow Removal And Storage (13/R): The master plan shows 610 sq. ft. of snow storage. The snow storage looks a little tight to Staff, however it does meet the 25% of paved areas required by the Development Code.

Refuse (15/R): All developments are encouraged to provide for the safe, functional and aesthetic management of refuse. Staff is concerned that there is not a grease trap at the dumpster enclosure. The proposed restaurant will need a grease trap.

Access / Circulation (16/A & 16/R; 17/A & 17/R): Vehicular access to the property is from the alley off of Washington or Ridge Street. Pedestrian access is provided by a walkway to the Main entrance off of Ridge Street or a rear entrance off of the alley. Staff has no concern with access and circulation.

Parking (18/A & 18/R): The Master Plan allocated four (4) parking spaces for Lot 5. However, a 3,365 sq. ft. restaurant will require twelve (12) parking spaces. $(3,365/1,000 = 3.365 \times 3.5 = 11.77)$ parking spaces. For payments into the Parking Service Area, fees can include fractional spaces. Hence, the applicant will have to pay for the remaining eight (8) parking spaces in lieu of providing the required off-street parking at a rate of \$13,000.00 per spot, which equals \$101,010.00 dollars fee in lieu.

Landscaping (22/A & 22/R): The master plan calls out five (5) conifers, (1) 6' – 8', (2) 8' – 10', (2) 12' – 15', either Colorado Blue Spruce or Engelmann Spruce; thirteen (13) deciduous trees either aspen or Narrow leaf Cottonwood 2" to 3" minimum caliper at least 50% multi-stem; and, twenty (20) shrubs of alpine currant, juniper, Potentilla, and cotoneaster. Positive points were already allocated for the landscaping plan during the Master Plan approval process. The proposed landscaping plan meets the requirements of the Master Plan.

Employee Housing (24/R): As a commercial project of less than 5,000 square feet, this project is not required to provide employee housing, but would be eligible to receive positive points under this policy. No employee housing is proposed at this time.

Utilities Infrastructure (26/A & 26/R; 28/A): All the utilities are on the property, in the alley or Ridge Street. Staff has non concerns with the utilities infrastructure.

Air Quality (30/R): If a wood-burning cooking appliance is used in the restaurant or restaurant/bar combined the application would warrant negative two (-2) points under Air Quality (30/R).

Point Analysis (Section: 9-1-17-3): At this time Staff anticipates no positive or negative points. However, the applicant is considering a wood fired pizza restaurant.

Staff Questions

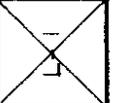
1. Does the Planning Commission find that the application meets the criteria required to exceed 9UPA (Priority Policy 158).
2. Does the Planning Commission believe that Priority Policy 80A (use of modules and connector width) is being met?
3. Does the Planning Commission find that the building height is similar to nearby historic buildings as required by Priority Policy 163?
4. Does the Commission find that the application meets Priority Policy 164 related to façade width?

**RIDGE ST. DEVELOPMENTS
LOT 4 MEADOW BUILDING
MEADOW SUBDIVISION
TOWN OF BRECKENRIDGE, COLORADO**

LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"
DATE: 08-28-2008

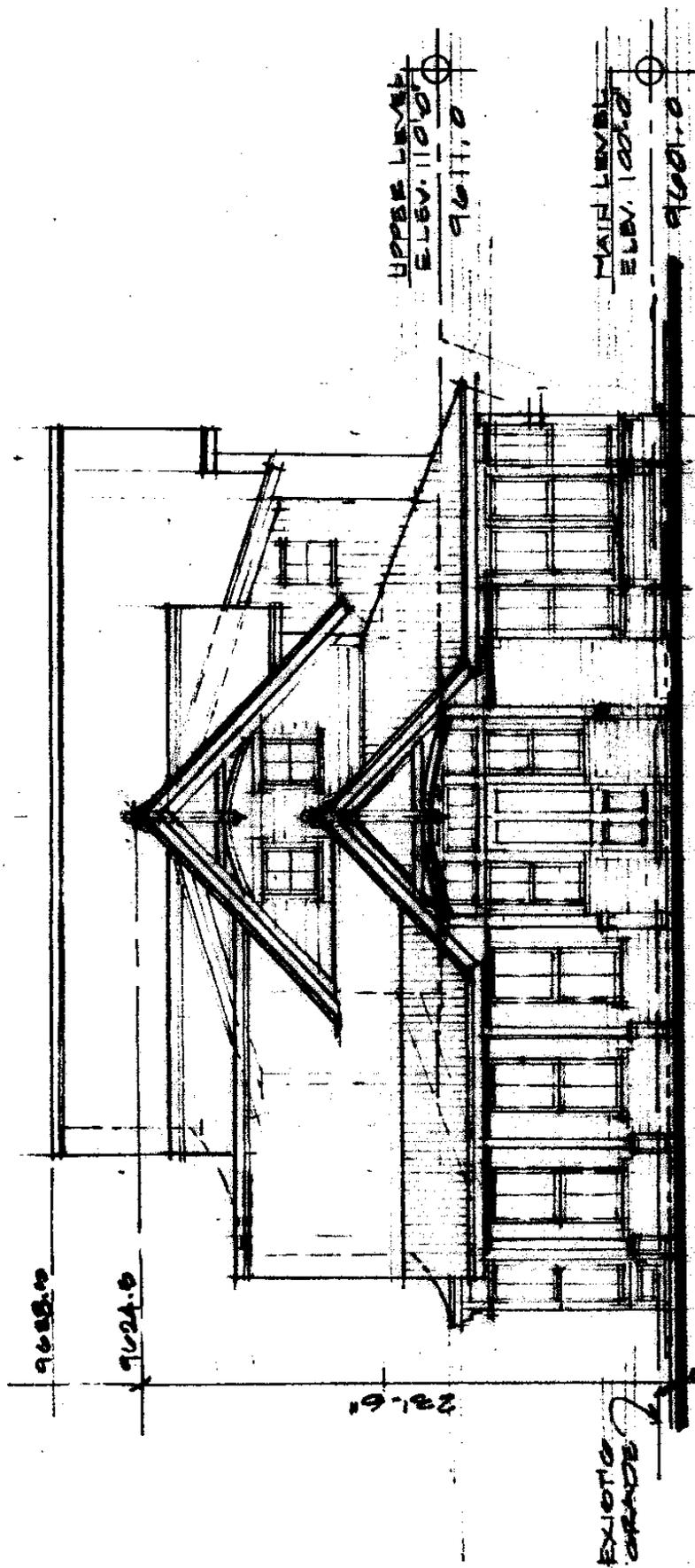


ALL MATERIALS, METHODS, AND
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE
LATEST EDITIONS OF THE
UNIFORM CODE BOOKS AND ALL APPLICABLE
ORDINANCES AND REGULATIONS.



LANDSCAPE SYMBOLS LEGEND

- 1" - 1" TREE
- 2" - 2" TREE
- 3" - 3" TREE
- 4" - 4" TREE
- 5" - 5" TREE
- 6" - 6" TREE
- 7" - 7" TREE
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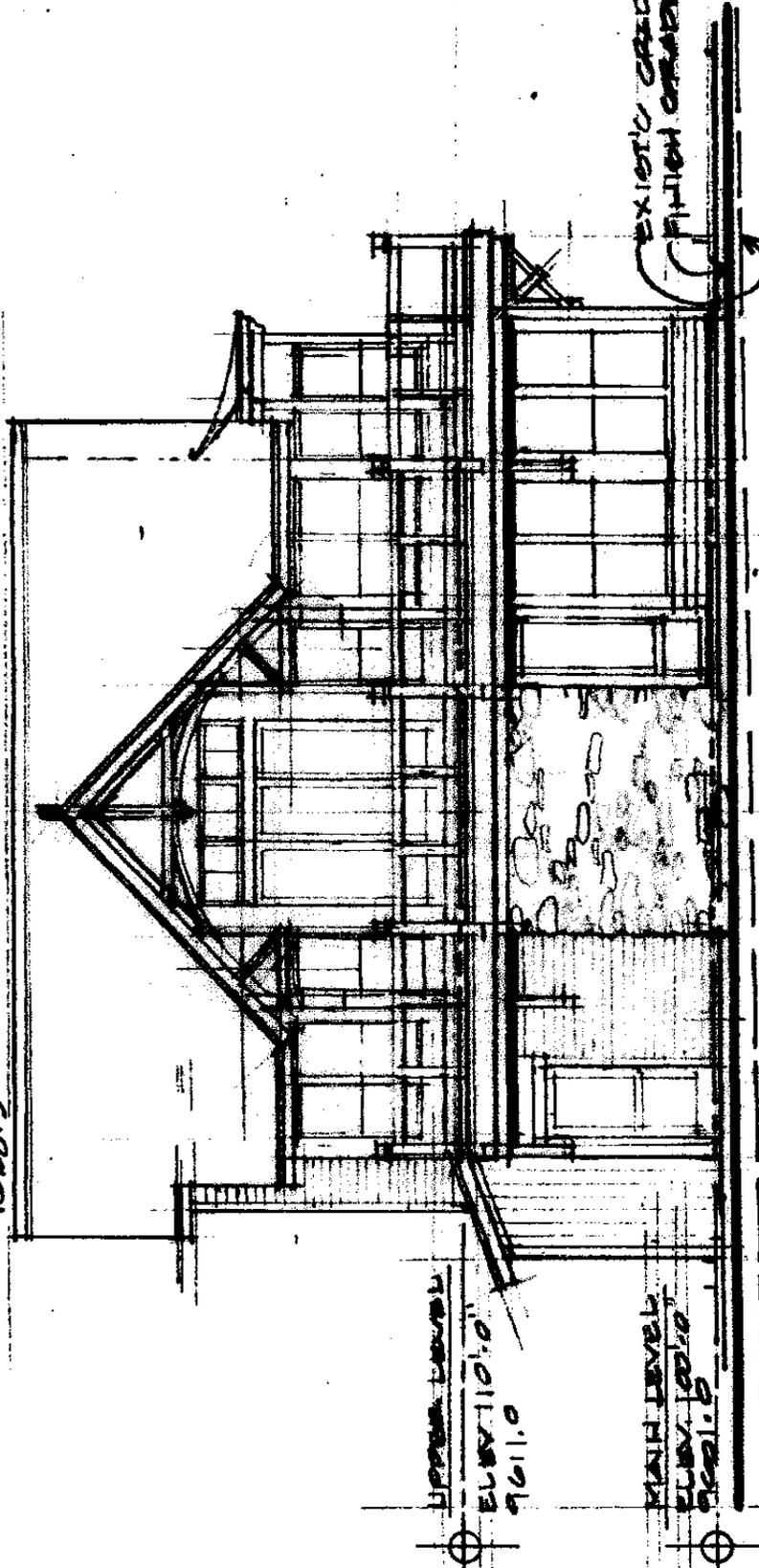


RIDGE ST. DEVELOPMENTS: LOT 5 MOABCO

WEST ELEVATION

1/6" = 1'-0" FEB. 12/08 1/30/09 REVISED: 9/9/09

9628.5



UPPER LEVEL
 ELEV. 110'0"
 9611.0

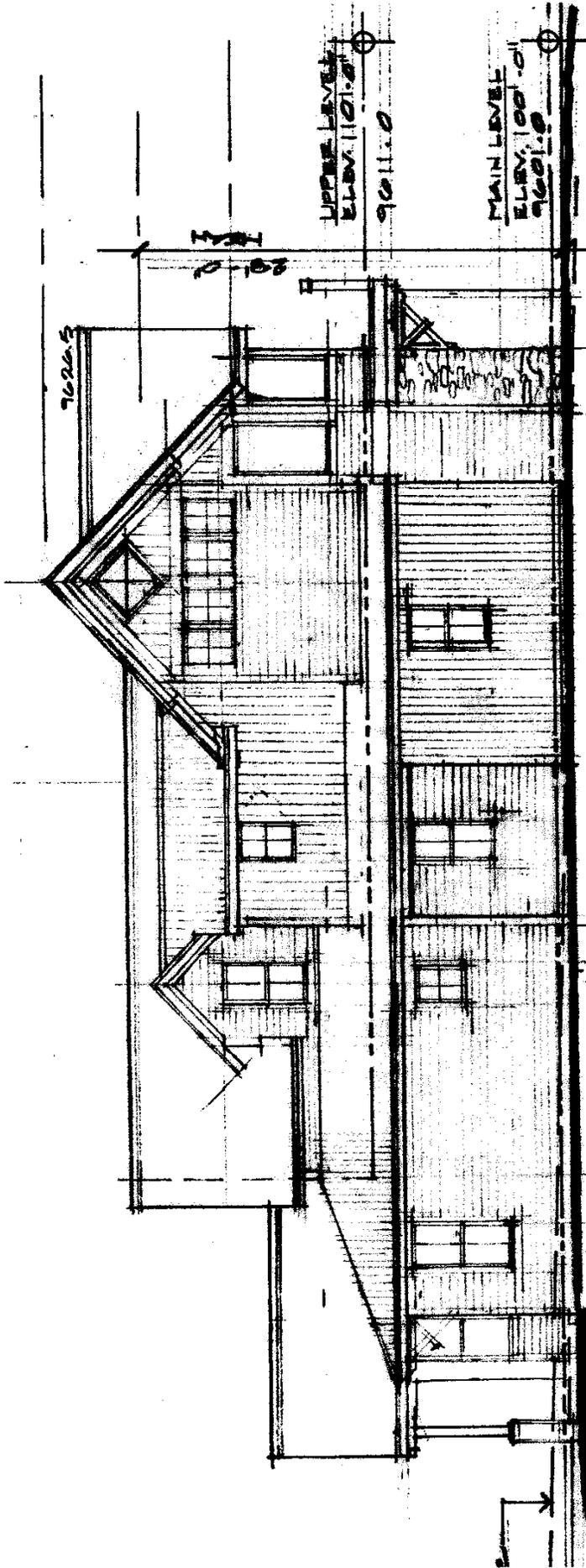
MAIN LEVEL
 ELEV. 100'0"
 9601.0

EXIST'G GRAB
 FINISH ORIGIN

RIDGE ST. DEVELOPMENTS, LOT 5 MCARD

WEST ELEVATION

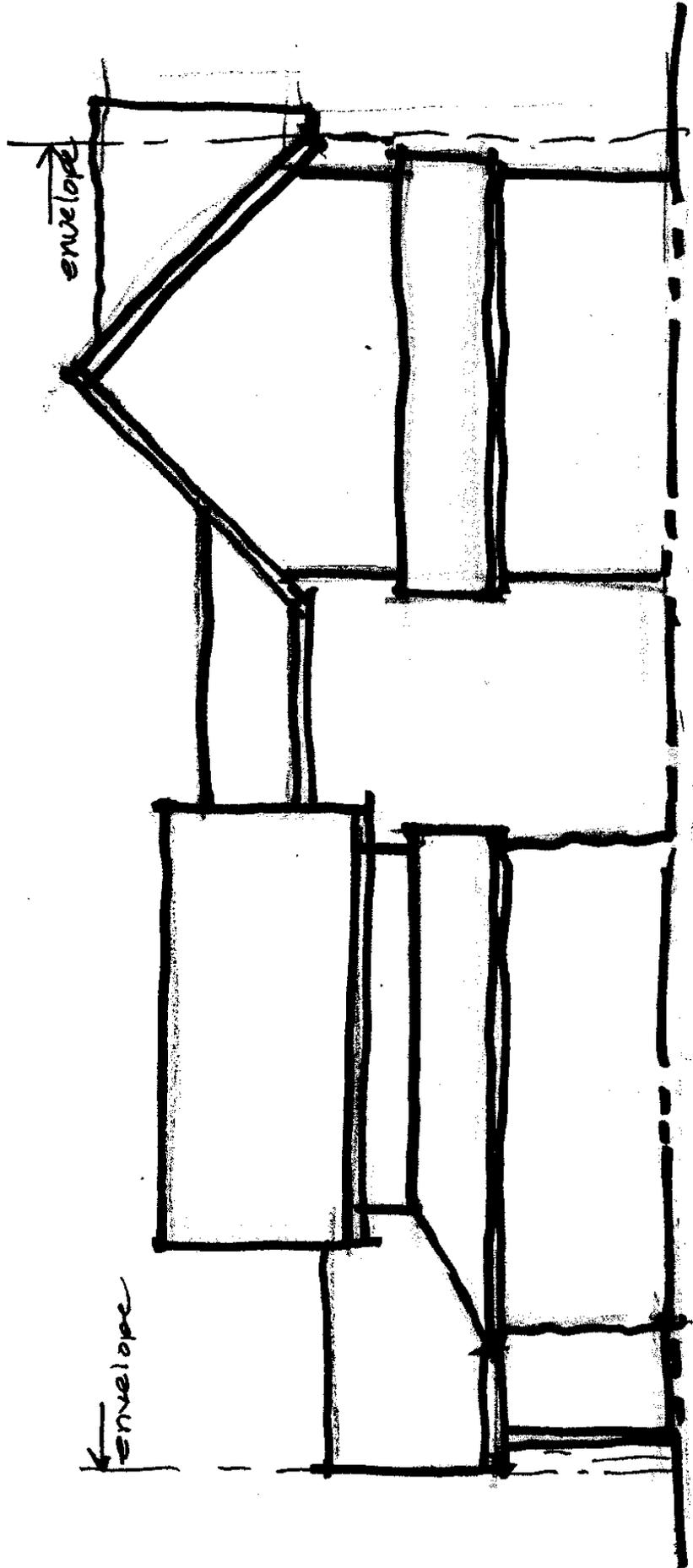
1/10" = 1'-0" FEB. 12/08 1/30/09 REVISED: 9/9/09



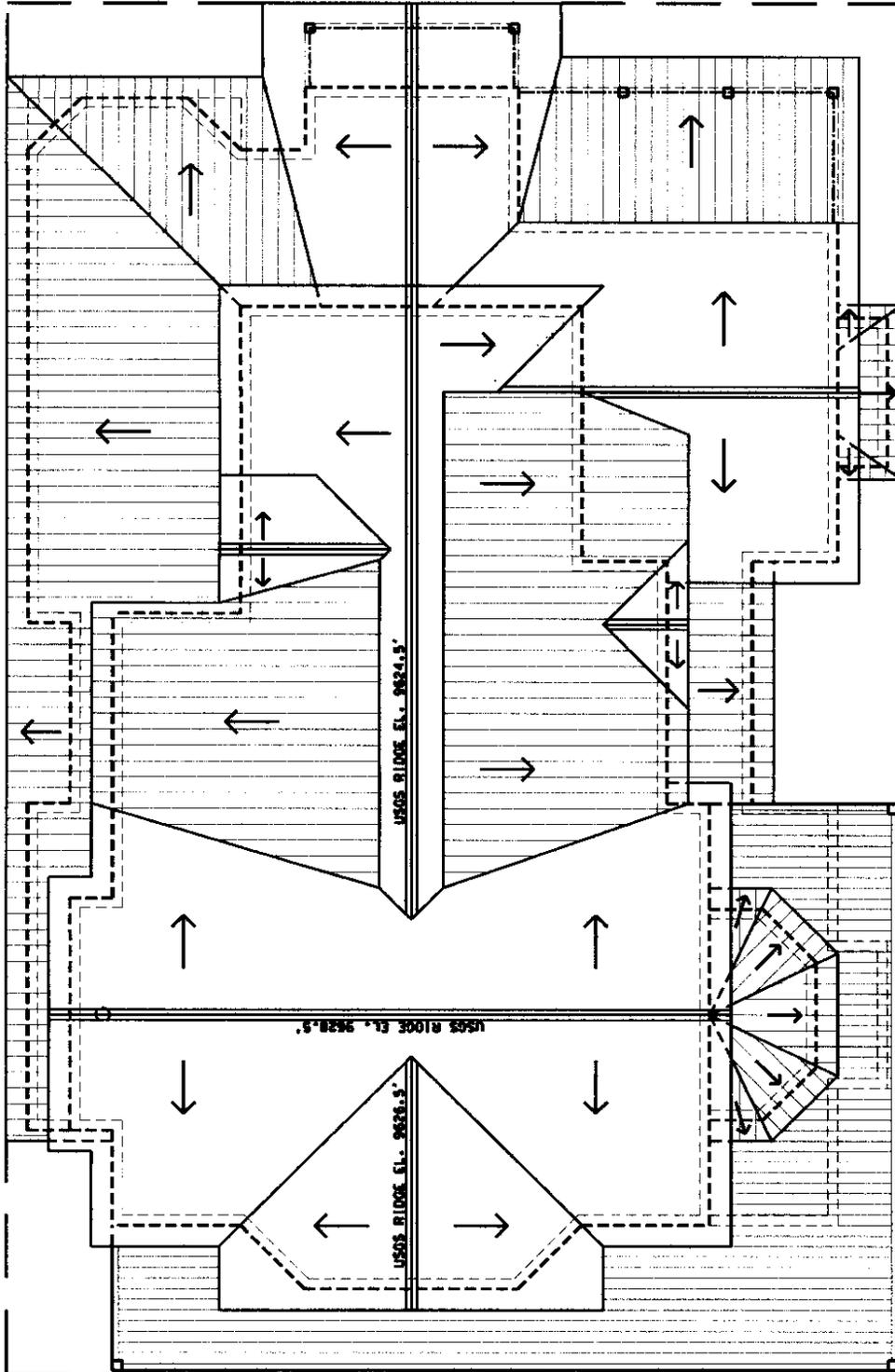
RIDGE ST. DEVELOPMENTS: LOT 5 MCADOO

NORTH ELEVATION

1/8" = 1'-0" FEB. 12/00 1/30/09 REVISED: 3/2/09



RIDGE ST. DEV.: LOT 6 MCADOO
REVISED NORTH ELEVATION
1/8" = 1'-0" MAR. 24/09



RIDGE ST. DEVELOPMENTS
LOT 5 McADOO BUILDING
McADOO SUBDIVISION
TOWN OF BRECKENRIDGE, COLORADO

1
A-S

ROOF PLAN
 SCALE: 1/8" = 1'-0"

DATE: 08-03-2004

Memorandum

To: Planning Commission
From: Matt Thompson, AICP
Date: March 18, 2009
Re: Historic Secondary Structures Setbacks

On February 3, 2009, the Planning Staff brought a proposal to the Planning Commission considering a modification to Policy (9/A) and (9/R) "Placement of Structures." The discussion revolved around waiving negative points on proposals to move a historic structure encroaching on an adjacent property, back on to the subject property, but not meeting the required setbacks. The Commission generally supported the proposal, but offered ideas on how to implement the policy. The Code currently discourages placing structures within the recommended setbacks on site. The importance is such that a 3 times multiplier is associated with the negative point assignment, which indicates a policy of average importance.

Planning Commissioner comments from the previous meeting on February 3, 2009:

Dan Schroder: "Should there be language that says the historic structure must be kept as close to its historic location as possible?"

Rodney Allen: "Would like to see a criterion that says the applicant has no other way to make this happen."

Leigh Girvin: "Likes the funky setbacks on Harris Street Alley. Believes the Planning Commission and Staff need to look at these applications on a case by case basis. No negative points for 1' off alley or right-of-way. No negative points for 3' off a side property line."

Eric Mamula (Town Council Liaison to the Planning Commission): "We should make it as easy as possible to fix up these historic sheds. People do the historic preservation on sheds to receive positive points for the rest of the project to pass. Side lot lines will have to be on a case by case basis."

J.B. Katz: "Agrees with Eric. If there are headaches to the property owner they will not restore a historic secondary structure."

Dave Pringle: "We could leave this the way it is, but use the variance process. He is concerned about the Legacy Place example with a side property line. Every square foot counts in the Historic District."

Below are portions of the existing Policy 9/R and 9/A with suggested additions in *italics*.

9. (ABSOLUTE) PLACEMENT OF STRUCTURES (9/A):

- C. Residential Setbacks: For all structures within residential districts and for residential structures within commercial districts, the following setbacks shall be utilized as minimum standards:

(1) Within The Conservation District (All Residential Development):

a. Front Yard: No structure shall be built within ten feet (10') of a front yard property line. In those cases where a garage is located with driveway access in a required front yard, no portion of said garage doors shall be closer than twenty feet (20') from the front property line.

b. Side Yard:

1. Interior: No structure shall be built within three feet (3') of a side yard property line.

2. Street: For all platted lots greater than twenty five feet (25') in width or for more than one lot under single ownership with an aggregate width greater than twenty five feet (25'), up to one-half (1/2) the proposed structure may extend up to five feet (5') from a street side yard property line. The remaining half of said structure may not extend closer than ten feet (10') from the street side yard property line. For single lots less than twenty-five feet (25') in width, no portion of a structure may extend closer than three feet (3') from a street side yard property line.

c. Rear Yard: No structure shall be built within ten feet (10') of a rear yard property line, or within five feet (5') of an alley right of way.

d. Encroachments/Protection: Notwithstanding the above restrictions, and in those instances where a violation of the Uniform Building Code is not created, bay windows, roof eaves and other similar projections may extend within any required yard up to a maximum of eighteen inches (18") with approval of the Planning Commission.

e. *In situations where a historic, non-habitable secondary structure currently encroaches into a required setback, and only when a new foundation and full structural stabilization are proposed for such structure, the secondary structures may be relocated not closer than one foot (1') from the alley or road right-of-way property line, with approval of the Planning Commission. In no situation shall the new structure location increase the non-conformity.*

9. (RELATIVE) PLACEMENT OF STRUCTURES (9/R):

The following setbacks are encouraged for the placement of structures on site:

(1) Within The Conservation District (All Residential Development):

- a. Front yard: Fifteen feet (15').
- b. #1 Side yard: Five feet (5').
- c. Rear yard: Fifteen feet (15').

d. Exceptions for historic structures: The provisions of this subsection D (1) shall not apply to the development of: 1) historic, non-habitable secondary structures which currently encroach into a required setback, and when the structures are proposed to be relocated onto the applicant's property, and a new foundation and full structural stabilization are proposed for such structure. In such cases, an applicant may place the historic secondary structure not closer than three feet (3') from the side property line without the allocation of negative points with the approval of the Planning Commission. If the property line in question is along an alley or right-of-way, the historic structure may be placed not closer than one foot (1') from the property line without the allocation of negative points, with approval of the Planning Commission.

We welcome Commission input on this proposal.