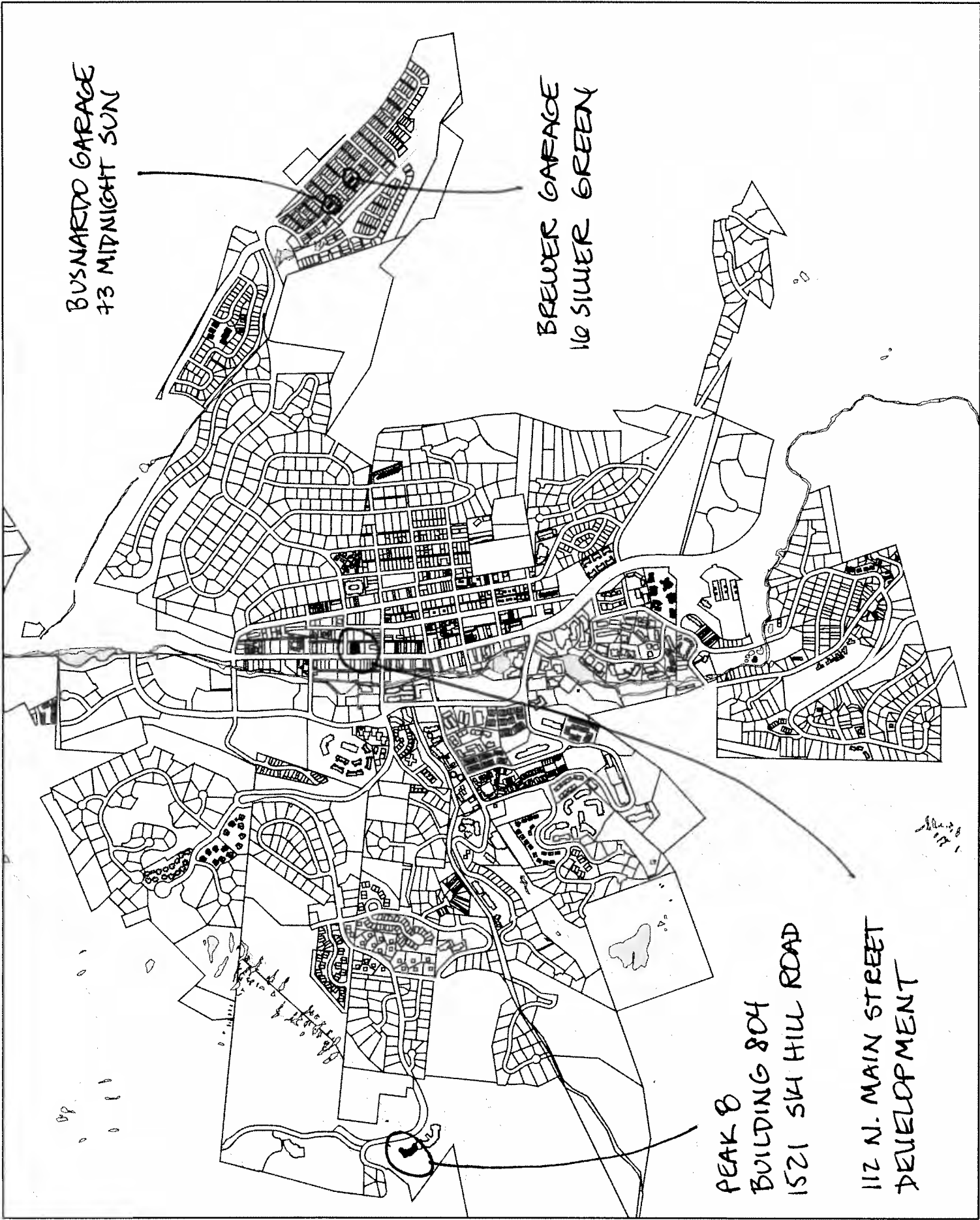


Town of Breckenridge
Planning Commission Agenda
Tuesday, August 19, 2008
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the August 19, 2008 Planning Commission Meeting; 7:00 p.m. Roll Call</i>	
	<i>Approval of Minutes August 5, 2008 Regular Meeting</i>	4
	<i>Approval of Agenda</i>	
7:05	<i>Consent Calendar</i>	
	1. Brewer Garage (MGT) PC#2008092 16 Silver Green	12
	2. Busnardo Garage (MGT) PC#2008093 73 Midnight Sun Road	19
	3. Alpine Estate Home (CK) PC#2008094 627 Glen Eagle Loop	27
7:15	<i>Final Hearings</i>	
	1. Peak 8, Building 804 (MM) PC#2008032 (<i>Removed at the request of the Applicant</i>) 1521 Ski Hill Road	
7:20	<i>Worksession</i>	
	1. 112 North Main Street Development (MM)	32
	2. Home Size Policy (JP)	35
	3. Joint PC/TC Meeting Topics and Dates (CN)	41
	<i>(Commissioners: Please bring your calendars)</i>	
9:00	<i>Town Council Report</i>	
9:10	<i>Other Matters</i>	
9:15	<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.*



BUSNARDO GARAGE
73 MIDNIGHT SUN

BREWER GARAGE
110 SILVER GREEN

PEAK 8
BUILDING 804
1521 514 HILL ROAD
112 N. MAIN STREET
DEVELOPMENT

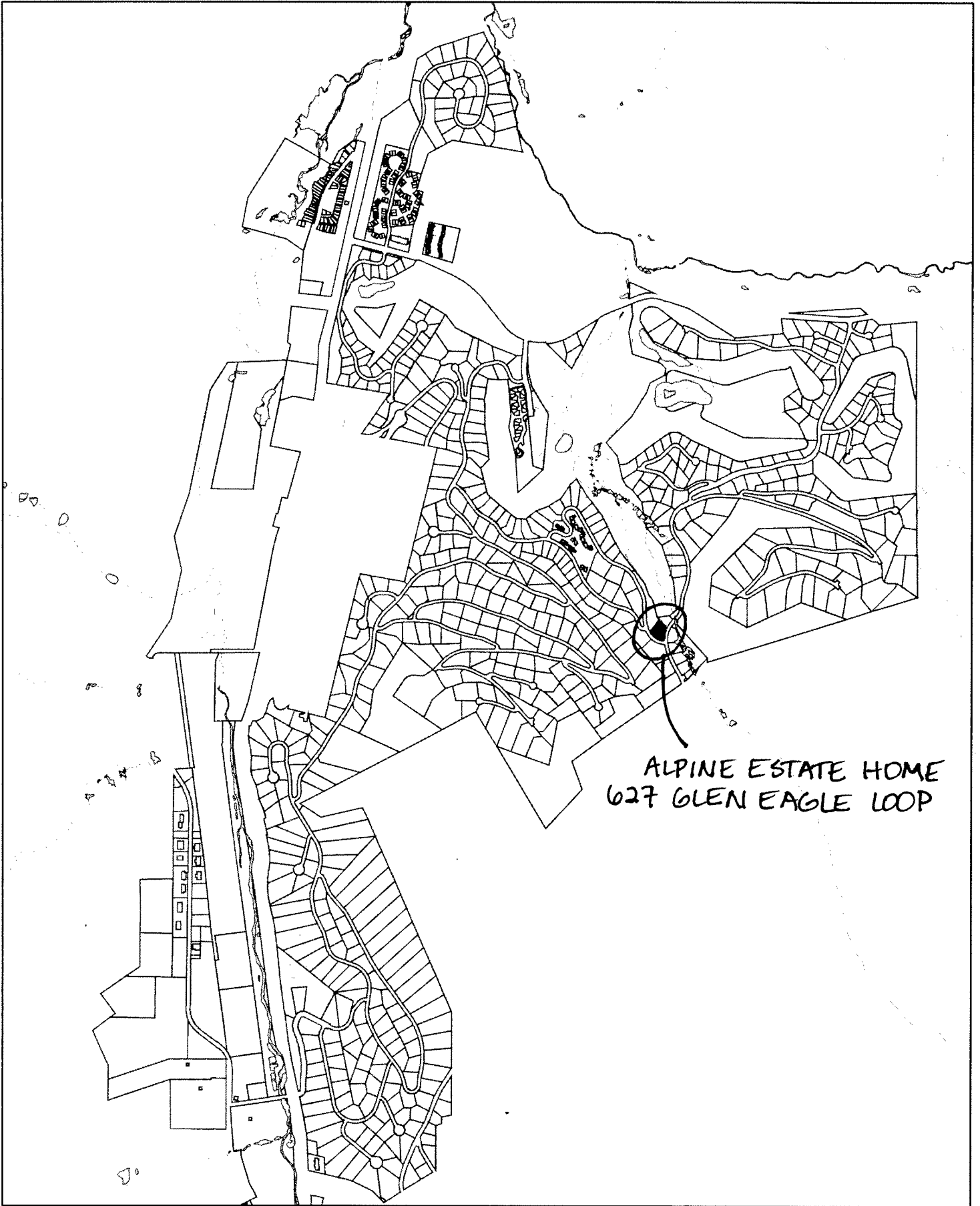


Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and the product for any purpose is at user's sole risk.

Breckenridge South

printed 2007





ALPINE ESTATE HOME
627 GLEN EAGLE LOOP



Town of Breckenridge and Summit County governments
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use of the product for any purpose is at user's sole risk.

Breckenridge North

printed 2007

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WORKSESSIONS:

Eric Mamula, Town Council Liaison, arrived at the beginning of the work session.

1. Village at Breckenridge Remodel (MM & CN)

Mr. Neubecker and Mr. Mosher presented a memo stating that the Village at Breckenridge Homeowners Association is considering an exterior remodel of five buildings. They are currently in the design stages, and are looking for feedback from the Planning Commission on the direction of the project. Once they have your feedback and bids on the project, they would go to the homeowners for a vote this fall. They will still need a development permit, which would be submitted sometime after Tuesday's work session. Work could commence as soon as April 2009.

Considering that this is a very visible property, the architects and HOA wanted to get feedback from the Commission before they continue forward. Also, since these buildings are significantly taller than many buildings in Town, they would have significantly more non-natural material. (Note: The International Building Code requires non-combustible materials above the third floor of the building.) During the meeting on Tuesday night, we will talk more about how this project meets the Development Code, and a bit about the points that might be assigned for various policies.

Tony Wait, Village at Breckenridge HOA / Applicant: Gave a brief introduction to the Commission regarding the proposed remodel. Project does not include Vail resorts owned buildings (Village Hotel, Ten Mile Room or The Maggie). Alex Iskenderian of Vail Resorts supports this design, but Vail is too busy with other projects to participate now.

Tobias Strohe, Architect (JG Johnson): Five buildings are part of the project: three plaza buildings, the Liftside building, and the Chateau. Different stone samples were presented to the Commission for consideration. Stucco and wood panels were also presented to the Commission for consideration. Sprinklers would be added to the remodeled building as part of the remodel. If natural materials were added to the exterior, then sprinklers would need to be added to the exterior decks too, which would create a freezing problem. The stucco color has not been decided yet, but would be earth-tone.

Paul Weimer, Master Planner: Pointed out the Town has encouraged diversity in building design in the past and would prefer not to have all building matching. One idea was to make all buildings different, rather than similar, to help break up the perceived size of The Village.

Mr. Grosshuesch: Suggested Commission separate advisory comments and code based comments. Discussed master plans and Policy 39.

Commissioner Questions/Comments:

Mr. Bertaux: What plaza improvements would be made and why? (Mr. Strohe: there is leaking and failure of the snow melt system. A new snow melt system will be installed and new paving will occur.) Suggested private discussions with Vail Resorts to make a sound decision on building design coordination. Not thrilled with quantity of the stucco. Encouraged the concept of a metro-district but not sure about the Town taking it over. What would the Town be responsible for? Would like to see planting material along the Blue River edges on the east. Understood this area is narrow but try to look at all options. Does new exterior material help with heating and cooling the building? Environmental issues need to be taken into consideration regarding the fire feature (exterior fire pit) and any water features. Supported the snow melt system with the quantity of public traffic through the site. (Architect pointed out various snow melt options are being considered for efficiency.)

Mr. Allen: Sought clarification regarding the future of the property designs with regards to Vail Resorts buildings. (Mr. Strohe: we don't know Vail's plans.) Are there any alternatives to the proposed cement-board siding? (Mr. Strohe: There are alternatives, but not sure of the costs or weight of other products. Heavier products could create a structural problem.) Are the homeowners willing to proceed? (Mr. Wait: pointed out that this is the time for this remodel before the economy worsens. We may not get another chance. He also pointed out that owners will consider an assessment of \$60 per square foot this fall.) Didn't want to penalize the HOA if their neighbor (Vail Resorts) doesn't come to the table and participate on their own buildings. Vail Resorts will be busy at Peak 8 for ten

more years; we can't wait that long. This remodel would be a huge public benefit since many folks in the community use this property. Positive points for public benefit should be considered. Agreed with snow melt/safety issues and thus wouldn't assign negative points.

Mr. Pringle: Clarified that with this proposal, all materials to be used on the exterior were non-combustible. (Mr. Strohe confirmed all non-combustible material would be used per fire department codes.) Asked the architect if they were familiar with the property and how it operates at peak times. (Mr. Wait discussed the planning which took place to get to this point, which included CDOT and other representatives. The South Side Alliance was also formed to help assist with the best outcome. A metro district has been discussed for future planning. Larger vision includes underpasses to address pedestrian conflicts, extending the Riverwalk, a boardwalk around Maggie Pond, and removing the Ten Mile Room, but these issues are outside the control of the Village HOA.) Would like to see something happen to better incorporate this project into Town and the remaining buildings. This property was developed as a whole, not separately designed buildings. The Commission has preferred other material besides Hardiplank in large areas. We don't know how hardiboard will weather over time, but we know natural materials do; it would be OK on smaller elements, but look at some of the ski area buildings under construction with a mix of natural and non-natural materials. Would prefer another solution. Masonry might be an option but suggested further investigation. Would like to see current contemporary look changed to a more mountain look. Struggling with taking three buildings out of the equation; wanted to see the whole Village updated. Take a remodel of the whole and not parts of it. It would be a disservice to the Town to encourage a remodel when not all entities are at the table at the same time.

Ms. Girvin: Sought clarification regarding which of the buildings would be remodeled. (Mr. Strohe explained.) Thanked the applicant for making the effort to improve the property. Vail Resorts needs to understand that this project will set the precedent and thus they should take interest in what's going on. (Mr. Wait pointed out the Vail has sent representative to the table to provide input. The architect pointed out Vail Resorts was aware of what's going on and was supportive.) Pull in some more detail from existing neighboring buildings regarding specific design elements and visual interest, such as Der Steiermark and Park Avenue Lofts. Take into consideration what other developments are doing.

Mr. Lamb: What percentage of the building is stucco? (Mr. Strohe: unsure of the percentage.) This is a window of opportunity to improve some ugly buildings. From a code standpoint the stucco is pushing the envelope regarding it being used as an "accent".

Mr. Khavari: Understood the Vail-owned buildings were not included with this application. Have discussions with them taken place? (Mr. Wait did point out they have a financial interest in the improvements being proposed due to their fractional ownership in the subject buildings. They are contributing about \$3 million to the overall project, which included the plaza improvements.) Has an engineer been consulted regarding the foundation? Would like to see a view or model from Park Avenue. Suggested metal siding etc.

Mr. Mamula: Large uses of Hardiplank have been used above the third floor in the past on similar buildings in Town. Would be nice to get rid of the stucco look this building has which creates somewhat of an eyesore currently. Echoed Mr. Pringle's comments regarding a partial remodel of the buildings without all parties at the table. Sought clarification from Mr. Wait regarding the appetite for a metro district. (Mr. Wait: many of the homeowners have expressed support for this project, but we have not yet had a vote.) Ten Mile Room is the eyesore and therefore he suggested Vail Resorts do something with at least the front.

Jan Radosovich, Citizen: Saw plans for these improvements in January but no costs have been discussed to date. A lot of supporters may be more cautious due to the struggling economy.

Mr. Grosshuesch: Noted that the applicants have the right to process a Development Permit for their property and not be subject to directly tying into the neighboring buildings that are not part of the application or owned by the applicants. Policy 39 (Master Plans) allows portions of the master planned area to request changes to their property without requiring approval from other land owners within the master plan.

OTHER MATTERS:

Mr. Mamula: discussed the Grand Hotel/Gondola Lot Master Plan and BEDAC's suggestion to go with all underground parking and the issues involved. This would involve too much density subsidy from the Town, and he did not believe the Council would support it.

Mr. Bertaux: told Mr. Mamula that the Commission struggles with energy issues.

Mr. Pringle: discussed Green building as well as sustainable building. Window orientation and positive and negative points assigned was discussed in depth.

Mr. Khavari: brought up carbon footprints regarding various topic including solar panels, stone usages, etc.

Mr. Grosshuesch: pointed out the recently adopted sustainability codes address topics such as this.

Ms. Girvin: the idea of offsetting an evil by landscaping bothers me.

Mr. Bertaux: had an issue when the landscaping fails down the road. (Mr. Neubecker indicated that where we know of landscaping covenant violations, we would contact the property owner, but we do not systematically drive around looking for dead landscaping.)

ADJOURNMENT:

The meeting was adjourned at 8:41p.m.

Mike Khavari, Chair

TOWN OF BRECKENRIDGE

Standard Findings and Conditions for Class C Developments

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 August 14, 2008, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on August 19, 2008 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 February 25, 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 occupancy for the project covered by this permit. The determination of whether a certificate of occupancy 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. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.

7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.
10. At no time shall site disturbance extend beyond the limits of the platted building/site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
12. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

13. Applicant shall submit proof of ownership of the project site.
14. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
15. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
16. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
17. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
18. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
19. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
20. The public access to the lot shall have an all weather surface, drainage facilities, and all utilities installed acceptable to Town Engineer. Fire protection shall be available to the building site by extension of the Town's water system, including hydrants, prior to any construction with wood. In the event the water system is

installed, but not functional, the Fire Marshall may allow wood construction with temporary facilities, subject to approval.

21. Applicant shall install construction fencing and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.
22. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

23. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
24. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
25. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
26. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
27. Applicant shall screen all utilities.
28. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
29. 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.
30. 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.
31. 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. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that

the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney.

32. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
33. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
34. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

(Initial Here)

Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: August 13, 2008 (For Meeting of August 19, 2008)

Subject: New two-car garage plus bonus room (Class C Hearing; PC #2008092)

Owners/Applicant: Ben and Robyn Brewer

Proposal: The applicant is proposing to construct a new two car garage with a bonus room on the second floor. The architecture is based on the Wellington Neighborhood Master Plan which identifies “general requirements for construction”. Materials consist of horizontal masonite hardboard siding (4” reveal), 1x8 hardboard fascia with 1x4 rake trim, 1x4 corner boards, wooden porch railings and columns, vinyl single hung windows with wood trim, and an asphalt shingle roof.

Address: 16 Silver Green

Legal Description: Lot 16, Block 4 Wellington Neighborhood

Site Area: .096 Acres (4,182 square feet)

Land Use District: 16 – Wellington Neighborhood Master Plan

Site Conditions: The lot is one of ten lots on Silver Green, a pedestrian park around which the lots are centered. Lot 16 is sloped gently from the green toward the west at a rate of 4%, making this a downhill condition. Dredge rock currently covers the lot. There is no existing vegetation on the lot.

Adjacent Uses: Northeast: single family residence
Southeast: single family residence
Northwest: single family residence and alley
Southwest: single family residence

Density: Allowed: 3,000 square feet (2,000 above ground)
Existing: 1,588 square feet
Proposed: 330 square feet

Mass: Allowed: 2,600 square feet
Existing: 1,588 square feet
Proposed: 484 square feet

F.A.R.: 1:2.6

Height: Allowed: 35 ft. overall
Proposed: 22’ 6” overall

Setbacks: North: 7.5’ (garage) South: 12.5’ (garage)
East: 7’ (garage) West: 10’ (residence)

Staff Comments

Site Plan: Lot 16 is situated on the west side of Silver Green in Tract C. The proposed garage meets all setback requirements of the Master Plan. Site drainage is adequate.

Landscaping: There is an existing shrub behind the utility box that works as a buffer for the proposed asphalt parking pad and garage. The applicant has agreed to plant another shrub adjacent to the asphalt parking pad to soften and buffer the area from the neighbor and alley.

Architecture: The design uses simple lines and traditional form, with one gable roof (12:10 pitch). Windows are generally tall and narrow, also. Staff supports the use of the lap siding panels. Though not natural wood, they are a wood product and shall be painted in all instances. Although they are of a smooth finish, staff supports this look on such small buildings. The siding is warranted for 20 years. Staff is pleased with the overall architecture.

Staff Action

Staff has approved the application with the attached findings and conditions.

TOWN OF BRECKENRIDGE

**Brewer Garage and Bonus Room
Lot 16, Block 4, Wellington Neighborhood
16 Silver Green
PC#2008092**

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 **August 13, 2008**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **August 19, 2008**, 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 **February 26, 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 occupancy for the project covered by this permit. The determination of whether a certificate of occupancy 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. Applicant shall field locate utility service lines to avoid existing trees.

7. **An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.**
8. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
9. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
12. **Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.**
13. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
14. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
15. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
16. **Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.**
17. **No 220-volt outlets upstairs above the garage. No gas piping for a stove upstairs in bonus room above garage.**

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

18. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
19. **Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.**
20. Applicant shall screen all utilities.

21. **All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.**
22. 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.
23. 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.
24. 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. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
25. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: August 13, 2008 (For Meeting of August 19, 2008)

Subject: Busnardo Garage and Future Bonus Room (Class C Hearing; PC# 2008093)

Owner/Applicant: Anthony Busnardo

Proposal: The applicant is proposing to construct a detached two-car garage with future living space on the second level. The architecture is based on the Wellington Neighborhood Master Plan, which identifies “general requirements for construction”. Materials consist of horizontal hardboard siding (5” reveal), 1x8 hardboard fascia with 1x4 rake trim, 1x4 corner boards, vinyl windows with wood trim, and asphalt shingle roofing. Garage doors will be Masonite and painted to match the siding (similar to other garages in this subdivision).

Address: 73 Midnight Sun Rd.

Legal Description: Lot 2, Block 4, Wellington Neighborhood

Site Area: 0.096 acres (4,182 square feet)

Land Use District: 16 – Subject to the Wellington Neighborhood Master Plan

Site Conditions: Lot 2 faces Midnight Sun Rd., and is accessed off of a private alley in the rear of the lot (south). The lot slopes from east to west at a rate of about 4%, making this a downhill condition from the alley to the garage. The lot has a finished single-family “Hawthorne” on it. The yard is landscaped; however this landscaping will not be impacted with this proposal.

Adjacent Uses: Single-family and duplex residences

Density:

Allowed:	2,500 square feet
Existing:	1,587 square feet
Proposed (new):	432 square feet (above garage)
Total:	2,019 square feet

Mass:

Allowed:	3,000 square feet
Existing:	1,587 square feet
Proposed (new):	1,008 square feet (includes 576 square foot garage and 432 square feet density above garage)
Total:	2,595 square feet

F.A.R. 1:1.5

Height:	Maximum Allowed:	35' to ridge
	Existing Home:	24' 8" to ridge
	Proposed Garage:	22' 6" to ridge
Lot Coverage:	Building / non-Permeable:	1,903 sq. ft. (49.26 % of site)
	Hard Surface / non-Permeable:	284 sq. ft. (7.35 % of site)
	Open Space / Permeable Area:	1676 sq. ft. (43.39 % of site)
Parking:	Required:	2 spaces
	Proposed:	2 spaces
Snowstack:	Required:	71 sq. ft. (25%)
	Proposed:	125 sq. ft. (44 %)
Setbacks:	Front: 6 ft. (house porch)	Rear: 7 ft. (garage)
	Side: 8 ft. (house side porch)	Side: 4 ft. (house and garage)

Item History

The Town Council approved the "Hawthorne" model at 73 Midnight Sun Rd. (PC#2000140) on September 26, 2000. The house has been finished and occupied for about 8 years.

Staff Comments

Site Plan: The proposed garage meets all the required setbacks of the Wellington Neighborhood Master Plan. Vehicular and garage access is proposed from the private alley at the rear of the residence. Site drainage is adequate. The Wellington Neighborhood Master Plan requires a combined side yard setback of 12'. The proposed garage has combined setbacks of 18'.

Staff is comfortable that the snow can be removed from the hard surfaces and stored on the applicant's property functionally, as the snow will likely be removed with shovels or a snow blower, based on the small size of the area to be cleared. Staff supports the proposed site plan.

An exterior wooden staircase is proposed from the existing concrete sidewalk to the future bonus room above the garage. Several other garages have been approved in this subdivision with similar exterior stairs. Staff finds the proposed stairs compatible with the rest of the garage.

Landscaping: No additional landscaping is proposed at this time. None is to be disturbed with this proposal. The applicant will be required to re-vegetate the disturbed areas with grass or native seed mix to match the rest of the neighborhood. Staff does not find that additional landscaping is needed at this time.

Architecture: The proposed design of the garage uses simple lines and traditional form, based on the Wellington Neighborhood Master Plan. The primary exterior materials will match the existing home, including horizontal hardboard siding (5" reveal), 1x8 hardboard fascia with 1x4 rake trim, 1x4 corner

boards, vinyl windows with wood trim, and asphalt shingle roofing. The proposed garage is 24'x 24', which is 1' shorter than some of the other garages built within this subdivision with bonus rooms. However, most other two-car garages built so far in this subdivision have been 22' x 22'. Some garages have been approved 22' x 25'. The upper level will be used for a bonus room; in the immediate it will be completely unfinished.

The proposed garage is also slightly taller than other garages built so far within this subdivision. It is the same height, however, as most other garages built with living space on the upper level. The proposed garage is 22' 6" tall overall, while most other two-car garages without bonus rooms in this subdivision are 18' overall. The roof pitch of the garage will match the pitch of the home (10:12). Staff finds the proposed architecture and materials consistent with the existing home and the Wellington Neighborhood Master Plan.

Point Analysis: All applicable Master Plan policies have been met with this application. Staff conducted an informal point analysis and found all the Absolute Policies of the Development Code to be met, and no reason to assign positive or negative points to this project.

Staff Action

Staff has approved the Busnardo Garage and Future Bonus Room (PC# 2008093) with the attached findings and conditions. We recommend the Planning Commission uphold this decision.

TOWN OF BRECKENRIDGE

**Busnardo Garage with Future Bonus Room
Lot 2, Block 4, Wellington Neighborhood
73 Midnight Sun Road
PERMIT #2008093**

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 August 13, 2008, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on August 19, 2008, 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 February 26, 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. Applicant shall field locate utility service lines to avoid existing trees.
6. **An improvement location certificate of the height and location of the top of the foundation wall must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.**
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

8. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
9. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy 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.
- 10. No 220-volt electrical outlets and no gas piping for a stove shall be installed in the future bonus room on the second level of the garage.**

PRIOR TO ISSUANCE OF BUILDING PERMIT

11. Applicant shall submit proof of ownership of the project site.
12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
13. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
14. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
- 15. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.**

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

16. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
17. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
18. Applicant shall screen all utilities.
19. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
20. 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.

21. 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.
22. 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. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney.
23. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.



Class C Development Review Check List

Project Name/PC#: Alpine Estate Home PC#2008094
Project Manager: Chris Kulick
Date of Report: August 8, 2008 For the August 19, 2008 Planning Commission Meeting
Applicant/Owner: Clarence C. Comer
Agent: Alpine Estate Homes LLC.
Proposed Use: Single-Family Residential
Address: 627 Glen Eagle Loop
Legal Description: Lot 252 The Highlands at Breckenridge
Site Area: 44,431 sq. ft. 1.02 acres
Land Use District (2A/2R):

Existing Site Conditions: 1: platted single-family residential (subject to Delaware Flats Master Plan)
 The lot slopes downhill from east to west at an average of 10%. The site is sparsely covered with existing lodgepole pine trees. A 55' drainage easment easment is located along the east side of the lot.

Density (3A/3R): Allowed: Unlimited Proposed: 6,137 sq. ft.
Mass (4R): Allowed: Unlimited Proposed: 7,005 sq. ft.
F.A.R.: 1:6.34 FAR
Areas:
Lower Level: 2,357 sq. ft.
Main Level: 2,783 sq. ft.
Upper Level: 997 sq. ft.
Accessory Apartment:
Garage: 868 sq. ft.
Total: 7,005 sq. ft.

Bedrooms: 5
Bathrooms: 6
Height (6A/6R): 34 feet overall
 (Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
 Building / non-Permeable: 4,466 sq. ft. 10.05%
 Hard Surface / non-Permeable: 2,937 sq. ft. 6.61%
 Open Space / Permeable: 37,028 sq. ft. 83.34%

Parking (18A/18/R):
 Required: 2 spaces
 Proposed: 3 spaces

Snowstack (13A/13R):
 Required: 734 sq. ft. (25% of paved surfaces)
 Proposed: 793 sq. ft. (27.00% of paved surfaces)

Fireplaces (30A/30R): Four - gas fired

Accessory Apartment: None

Building/Disturbance Envelope? Disturbance Envelope

Setbacks (9A/9R):
 Front: Disturbance Envelope
 Side: Disturbance Envelope

Side: Disturbance Envelope
Rear: Disturbance Envelope

Architectural Compatibility (5/A & 5/R):

The residence will be compatible with the land use district and surrounding residences.

Exterior Materials:

Cedar board and batten siding, shake cedar siding, hand hewn wood trim, and natural stone veneer.

Roof:

Composite shingles and rusticated cor-ten

Garage Doors:

Wood clad

Landscaping (22A/22R):

Planting Type	Quantity	Size
Engleman Spruce	15	6 - 8 feet tall (50%) and 8-10 feet tall (50%)
Colorado Spruce	6	6 - 8 feet tall (50%) and 8-10 feet tall (50%)
Aspen	30	2.5 inch caliper - 50% of each and 50% multi-stem
Shrubs and perennials	32	5 Gal.

Drainage (27A/27R):

Positive away from structure

Driveway Slope:

2 %

Covenants:

Standard Landscaping Covenant

Point Analysis (Sec. 9-1-17-3):

An informal point analysis was conducted and staff finds positive four (+4) points are warranted under Policy 22/R-Landscaping, for a passing point analysis of positive four points (+4).

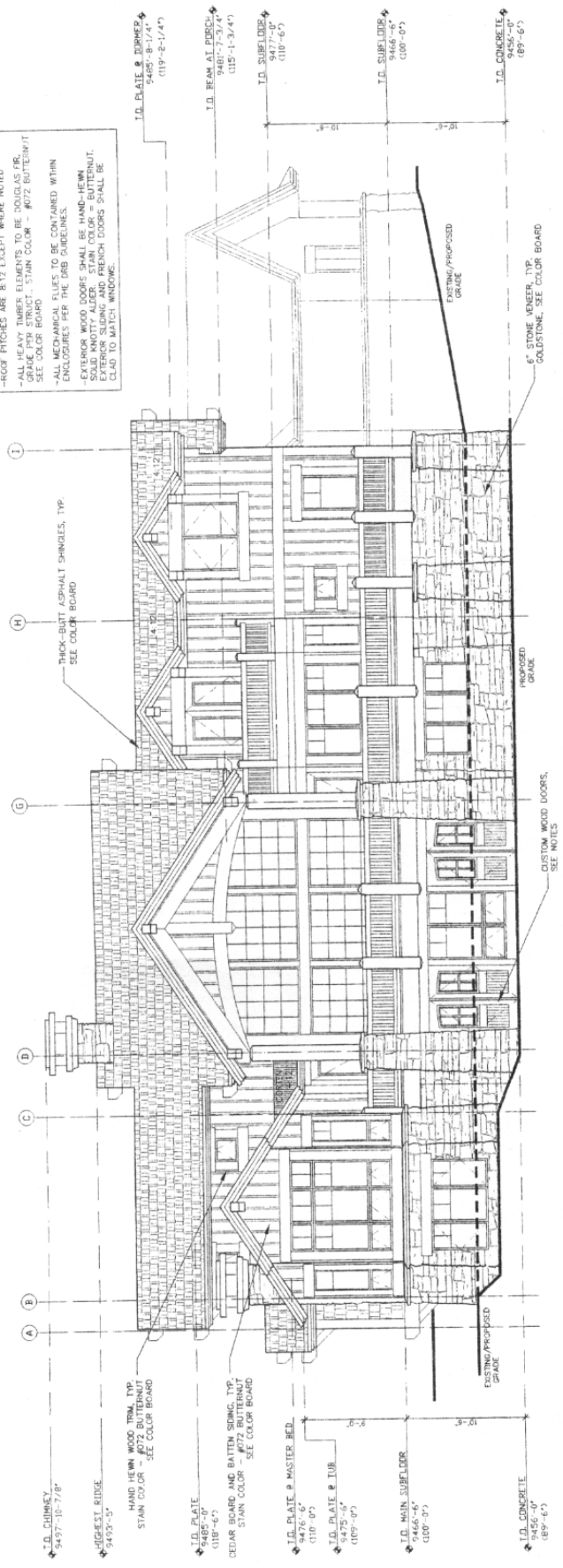
Staff Action:

Staff has approved the Alpen Estate Home, PC#2008094, located at 627 Glen Eagle Loop , Lot 252, The Highlands at Breckenridge - Gold Run, with the standard findings and conditions.

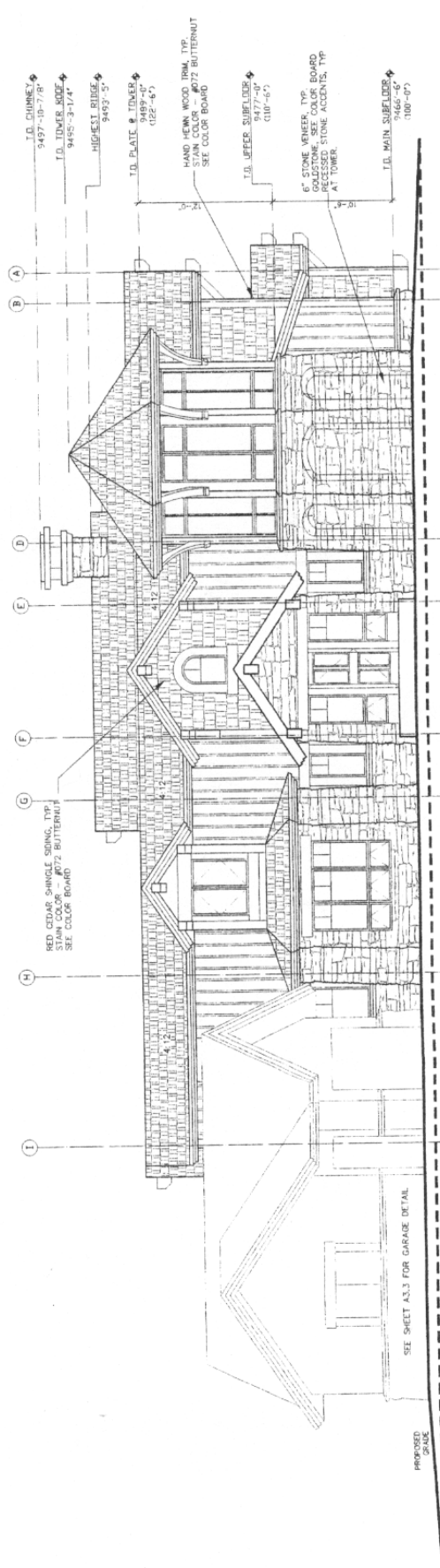
Comments:

Additional Conditions of Approval:

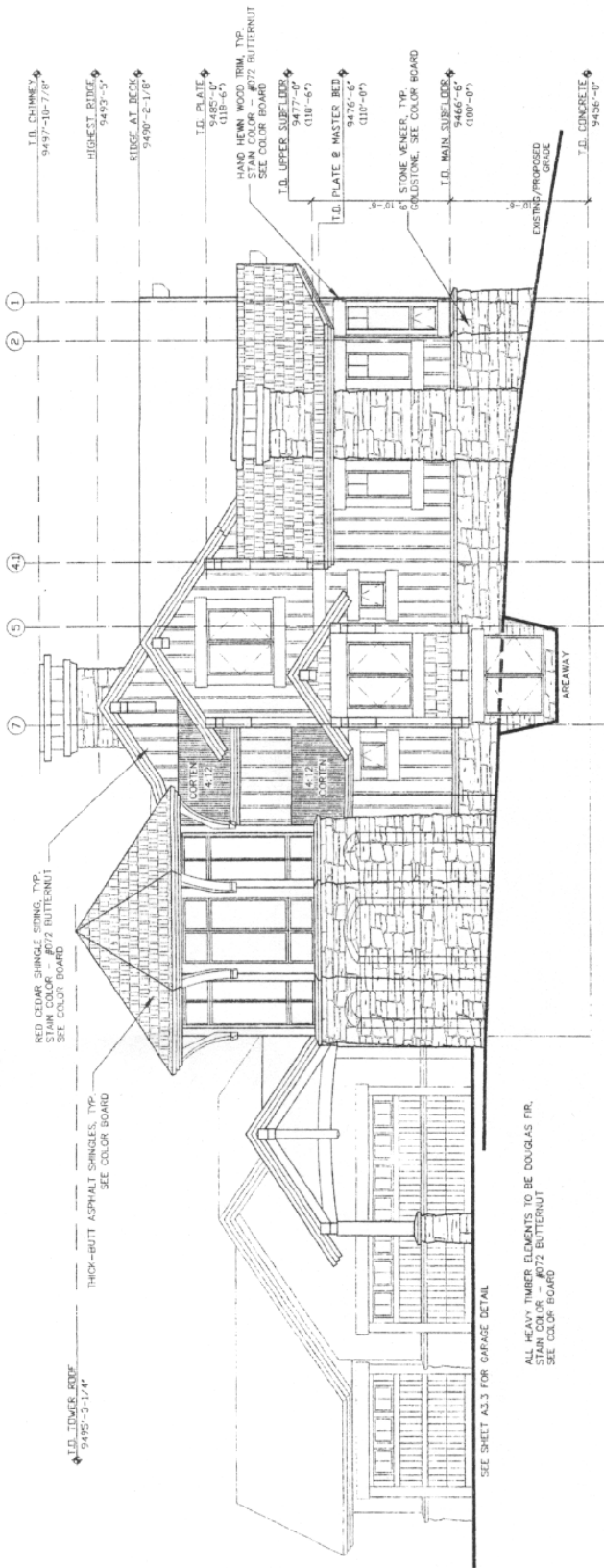
-ROOF PITCHES ARE 8:12 EXCEPT WHERE NOTED
 -ALL HEAVY TIMBER ELEMENTS TO BE DOUGLAS FIR, GRADE P30 STRUCT. STAIN COLOR - #072 BUTTERNUT SEE COLOR BOARD
 -ALL MECHANICAL FLUES TO BE CONTAINED WITHIN ENCLOSURES PER THE DRB GUIDELINES.
 -EXTERIOR WOOD DOOR/SHALL BE HAND-HEWN GOLDSTONE. SEE COLOR BOARD
 -SOLID HEMLOCK AND FRENCH LOGS SHALL BE CLAD TO MATCH WINDOWS.



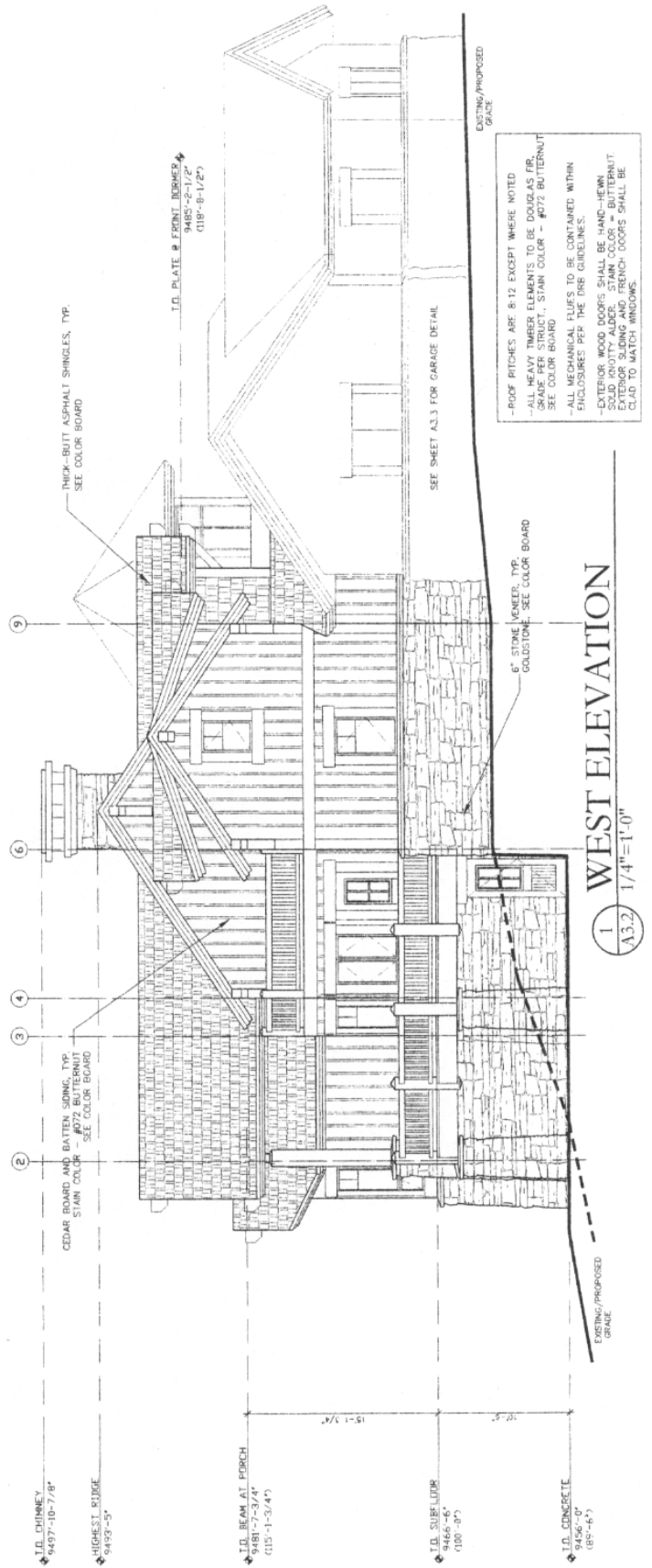
2 NORTH ELEVATION
 A3.1 1/4"=1'-0"



1 SOUTH ELEVATION
 A3.1 1/4"=1'-0"



2 EAST ELEVATION
A3.2 1/4"=1'-0"



1 WEST ELEVATION
A3.2 1/4"=1'-0"

Planning Commission Staff Report - WORKSESSION

Project Manager: Michael Mosher

Date: August 13, 2008 (For meeting of August 19, 2008)

Subject: 112 North Main Street Development (Worksession)

Applicant/Owner: Shevrin Rashidi – Silver Lining Development

Agent: Janet Sutterley, Architect

Proposal: To develop the empty lots at 112 North Main Street with five mixed use buildings consisting of a potential restaurant and retail abutting Main Street to the west and three Townhomes off the alley to the east.

Address: 112 North Main Street

Legal Description: Lots 52 and 53 Bartlett and Shock

Site Area: 0.31 acres (13,711 sq. ft.)

Land Use District: 19 Commercial, 1: 1 FAR and 20 UPA Commercial (1,000 SF multiplier for and residential use.)

Historic District: 5, Main Street Residential/Commercial

Site Conditions: The site is relatively flat to the west and falls about 10 feet off the alley to the east and is void of any development or vegetation. There is a 5-foot X 70 foot easement at the northwest property line.

Adjacent Uses: North: Colorado Free Ride – Retail East: Alley and Carter Museum
South: Alpine Bank West: Main Street

Density: Allowed under LUGs:
With 4,750 square feet of Commercial: 8,864 sq. ft.
Proposed density: 8,864 sq. ft.

Mass: Allowed under LUGs: 8,864 sq. ft.
Proposed mass: 6,043 sq. ft.

Height: Recommended: 26 feet measure to the mean
Proposed: (pending formal application)

Lot Coverage: Building / non-Permeable: (pending formal application)
Hard Surface / non-Permeable: (pending formal application)
Open Space / Permeable Area: (pending formal application)

Parking:	Required:	15.1 spaces
	Proposed:	13 spaces
Snowstack:	Required:	(pending formal application)
	Proposed:	(pending formal application)
Setbacks:	Front:	0 ft.
	Sides:	5 ft. and 5 feet
	Rear:	22 ft.

Item History

A historic structure stood on this property until October 25, 1973 when a fire heavily damaged the structure and it was later demolished in 1978. The lot has remained empty since.

Staff Comments

Land Use (Policies 2/A & 2/R): Land Use District 19 suggests commercial uses. Residential can occur, but the multiplier for any residential use is 1,000 square feet per unit. The commercial uses about 50% have been placed along Main Street and the residential a bit less than 50% towards the back off the alley. (The Downtown Overlay District prohibits residential uses on the ground floor near the front of the lot.) Is the Commission supportive of the proposed uses and their percentages and their placement on the site?

Density/Intensity (3/A & 3/R)/Mass (4/R): As with any mixed-use development, the total allowed density depends on the ratio of commercial to residential being proposed. With a total of 4,750 square feet of commercial density being proposed, the remaining residential density is 4,114 square feet. Thus, the total recommended density is 8,864. The total proposed with this application is 8,864 square feet.

Per this section of the Code: *In residential and mixed use developments within land use districts 18, and 19, no additional mass shall be allowed for the project and the total allowed mass shall be equal to the allowed density. (Ord. 10, Series 1990).*

Therefore, the total allowed mass will equal the total allowed above ground density at 6,043 square feet.

Architectural Compatibility (5/A & 5/R): Guidelines for development within the Historic and Conservation Districts are addressed under this portion of the code. Above ground density in this Character Area is suggested at 9 Units per Acre (UPA) or 4,533 square feet. It is allowed to increase to 12 UPA, or 6,043 square feet, with negative points. The current plans show that the above ground density is going to meet this number and incur negative eighteen (-18) points.

In the Main Street Residential/Commercial character area, the design goal is to reinforce the edge of the Core Commercial character area to the south. This property abuts this edge.

Priority Policy 191 states: *Align new buildings with adjacent historic structures.*

- * *This is a very important standard, which must be met.*
- * *In the context of residential building types, use setbacks similar to those of established historic houses.*
- * *When building in the context of historic commercial buildings, new buildings should align with the historic building fronts.*

- * *Hard surface plazas in front of buildings are discouraged.*
- * *Side yards may be defined by trees or fences.*

The northern building aligns with the historic property to the north, but the south building steps forward (the porch will abut the property line) to be 3'-6" back from the façade of Alpine Bank to the south. Alpine Bank is in the Core Commercial Character area. The applicant would like to relax this policy along the edge of the Core Commercial edge. Would the Commission consider relaxing this policy along this edge?

Priority Policy 192 states: *Maintain the character of yard spaces, especially front and side yards visible from the street.*

* *Front yards should be designed predominantly with plant materials, including trees and grass, as opposed to hard surfaced paving.*

* *Consider opportunities to provide view corridors through sites along side yards. This is especially appropriate along the west side of Main Street where views to the Ten Mile Range are noteworthy.*

* *Also consider opportunities to provide pedestrian access through sites to connect with town-wide pedestrian routes. (See the urban design plan for downtown Breckenridge.)*

The submitted site plan shows that one of the existing curb-cuts along Main Street is being maintained as a driveway to access the retail space. Planning and Engineering Staff are not supportive of maintaining this curb-cut along Main Street for safety reasons. Backing out onto a right of way is not allowed for any multi-family or commercial use.

The plans show that this driveway would allow two separate three-foot strips of land for landscaping and snow stacking along each side of the paving. The north property line would have a five-foot wide strip (the setback). A patio is proposed along the Main Street edge. Overall, Staff believes the proposed plan does not abide with the above Policy 192 to maintain the character of front and side yards in this Character Area. We welcome any Commissioner comment.

Building Height (6/A & 6/R): This is a two-story Land Use District which equates to 26 feet as measured to the mean of the roof or top of parapet. However, in this Historic Character Area, a building height of 23 feet is suggested. Staff will review building height at a later date.

Points: The applicant intends to mitigate the negative eighteen (-18) points by providing a shared dumpster (+2) with Colorado Free Ride to the north, providing an elevator for handicapped access (+6) for Colorado Free Ride and this property under Policy 16/R, providing enough employee housing for positive ten (+10) points. This will be reviewed in more detail at a future meeting.

We welcome any Commissioner comments.

Memo

To: Planning Commission

From: Julia Puester, AICP

Date: August 14 for meeting of August 19, 2008

Re: Home Size Policy Work Session

DIRECTION

At the September 11, 2007 meeting, Council voiced concerns regarding the increasing number of large homes in Town. The Council indicated their desire to maintain the character of Town and preserve the character of older, established neighborhoods. Teardowns and new construction resulting in large homes could pose a threat to the existing character of these neighborhoods.

All uses, both residential and commercial, within the Conservation District have density limitations. Even outside of the Conservation District duplexes, townhouses, hotels, condominiums and all other residential uses have density limitations. All of these uses must purchase Transfer of Development Rights (TDR) certificates in order to exceed the recommended density. Single-family residential uses outside of the Conservation District are the only uses within Town which have unlimited density per the Development Code and are not required to purchase TDRs under any circumstance. This creates a disparity among single-family use outside of the Conservation District and all other uses in Town.

Staff received direction at the September 11, 2007 Council worksession to proceed with researching a home size policy. Since then, Staff has taken the idea of a home size policy to the Planning Commission on November 29, 2007 and February 5, February 12 and July 22 (2008). At those meetings, Staff presented different options to address the issue including an above ground density cap, a Floor Area Ratio (F.A.R.), a relative policy, or TDR program participation.

At the February 12 meeting, Council directed Staff to slow down the process and discuss the topic and concern with Homeowners Associations (HOAs) that may be affected to determine whether there was a desire for such a policy. HOAs affected would be those outside of the Conservation District without platted building or disturbance envelopes, where setbacks are the primary restriction on building placement. These neighborhoods are primarily older, established areas, platted without building or disturbance envelopes.

Staff has been in contact with HOAs and in some instances, individual property owners (when there was no HOA in existence) to ask their opinions on whether they felt their neighborhood character was at risk with potential scrape offs and/or new homes which were larger and out of scale with the existing character of the neighborhood. We also asked if the HOA or homeowner was open to some type of home size policy. Overall, there were mixed reactions for support in establishing a home size policy. These communications were conducted by phone conference, personal meetings, and emails and was presented to the Council at the July 22 work session.

At the July 22 meeting, Council directed Staff to write a policy utilizing F.A.R. (Floor Area Ratio) restrictions and a maximum home size.

In this memo, Staff outlines three options addressing above ground square footage (which would include floor area 4' or more above grade) for the purpose of protecting these established neighborhoods' character outside of the Conservation District. For the purpose of providing an example for this memo, Staff selected the Weisshorn subdivision. The Weisshorn has started to experience additions, tear downs and new construction that is larger than the character of the established neighborhood. Many (however, not all) of the residents from the subdivision present at the meetings held were open to exploring some type of home size policy.

Staff would like to have the Planning Commission weigh in on which home size limitation approach would be the most suitable within the Development Code and any suggestions for improving the proposed options.

AN EXAMPLE- WEISSHORN SUBDIVISION

Existing Above Ground Density Numbers in the Weisshorn Subdivision (Aug. 2008)

Avg. Lot Size	28,342 SF
Avg. Above Ground square feet (SF)	2,459 SF
Median Above Ground SF	2,443 SF
Existing Median F.A.R.	1:12 F.A.R.
Existing Avg. F.A.R.	1:15 F.A.R.
Above Ground SF Range	560-6,870 SF

There are 113 lots out of a total of 135 in the subdivision which fall within the 20,000-39,000 SF lot size range.

<u>Lot Size (SF)</u>	<u>Number of Lots in the Weisshorn</u>
0-9,999	1
10,000-19,999	15

20,000-29,999	75*
30,000-39,999	38*
40,000-49,999	3
50,000-59,999	0
60,000-69,999	2
70,000+	1

Option 1: Sliding Scale for Above Ground Density

The sliding scale option has been used by municipalities to allow for homes to relate to the neighborhood character. With this method, as lots get larger, the square footage allowance does also, until a cap size is reached. However, the size of the home stays within the established character of the neighborhood by utilizing set square footage ranges. The sliding scale option also addresses the issue of lots being combined to form unusually large lots for the creation of a very large home by decreasing the additional square footage allowance as the lot increases in size. (For example, the sliding scale chart below allows for the equivalent of a 1:2.6 F.A.R. for a 10,000 sq. ft. lot and only 1:9.2 F.A.R. for a lot over 50,000 sq. ft. A column which displays the comparable F.A.R. range for each lot area is shown to the side of the chart.)

For the Weisshorn example below, Staff has analyzed the 135 lots within the subdivision and suggested square footage amounts to allow for additions and new construction while protecting the existing character. The ranges shown are well above the average and median home sizes for the Weisshorn. The square footage allowance could be adjusted to be more or less restrictive if desired. The home size is capped at 6,870 sq. ft.-which is currently the home with the largest above ground density. The policy could vary based on each subdivision’s character. The below ground density was not included in the calculations for average square footages or F.A.R. restrictions. In the proposed policy, underground density would not be limited as it does not impact the visual character of the neighborhood.

SLIDING SCALE SIZE LIMITATIONS

LOT AREA	Maximums (Above Ground Density)	F.A.R. (max/min)
4,000-9,999 sq. ft	1,500 sq. ft. of building size + 1 sq. ft. of additional building size for every 8.5 square foot of lot area over 4,000 sq. ft. Up to a maximum of 2,200 sq. ft.	1:2.6/ 1:4.5
10,000-19,999 sq. ft.	2,200 sq. ft. of building size + 1 sq. ft. of additional building size for each 3.57 sq. ft. of lot size over 10,000 sq. ft. Up to a maximum of 5,000 sq. ft.	1:4.5/ 1:4.4
20,000-39,999 sq. ft.	5,000 sq. ft. of building size + 1 sq. ft. of building size for each 13.3 sq. ft. of lot size over 20,000 sq. ft. Up to a maximum of 6,500 sq. ft.	1:4.4/ 1:6

40,000 sq. ft.+	6,500 sq. ft. of building size + 1 sq. ft. of building size for each 27 sq. ft. of lot size over 40,000 sq. ft. Up to a maximum of 6,870 sq. ft.	1:6+
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An example of how to determine square footage permitted for the average size lot (28,342 SF lot) using the sliding scale chart above:

28,342 square foot lot (lot area is between 20,000 – 39,999 square feet)
 5,000 square feet base building size
+627.2 square feet additional allowed (8,342 SF / 13.3= 627.2)
 5,627.2 square feet allowed above ground density

Option 2: Set F.A.R. for Above Ground Density

Using a set number for each subdivision is a simple way to relate the size of the home to the lot. Once an F.A.R. has been selected for each subdivision, the F.A.R. can be universally applied to all lot sizes. The chart below demonstrates different F.A.R.s (from less to more restrictive) and their relation to various lot sizes. Per the Town Council’s direction, a maximum cap size should also be applied.

SET F.A.R.

LOT AREA (Sq. Ft.)	Sq. Ft. Above Ground Range (SF)	F.A.R.
4,000-9,999 sq. ft	800-1,999	1: 5
10,000-19,999 sq. ft.	2,000-3,999	1: 5
20,000-39,999 sq. ft.	4,000-7,999	1: 5
40,000-59,999 sq. ft.	8,000-11,999	1: 5
60,000+	12,000+	1: 5
4,000-9,999 sq. ft	667-1667	1: 6
10,000-19,999 sq. ft.	1667-3333	1: 6
20,000-39,999 sq. ft.	3,333-6,667	1: 6
40,000-59,999 sq. ft.	6,667-10,000	1: 6
60,000+	10,000+	1:6
4,000-9,999 sq. ft	571-1,428	1: 7
10,000-19,999 sq. ft.	1,428-2,857	1: 7
20,000-39,999 sq. ft.	2,857-5,714	1: 7
40,000-59,999 sq. ft.	5,714-8,571	1: 7
60,000+	8,571+	1: 7

4,000-9,999 sq. ft	500-1,250	1: 8
10,000-19,999 sq. ft.	1,250-2,499	1: 8
20,000-39,999 sq. ft.	2,450-4,999	1: 8
40,000-59,999 sq. ft.	5,000-7,499	1: 8
60,000+	7,500+	1: 8
4,000-9,999 sq. ft	363-909	1: 11
10,000-19,999 sq. ft.	909-1,818	1: 11
20,000-39,999 sq. ft.	1,818-3,636	1: 11
40,000-59,999 sq. ft.	3,636-5,454	1: 11
60,000+	5,455+	1: 11

Floor Area Ratio (F.A.R.) = Lot Area/Square Footage

One concern that Staff has with the set F.A.R. style policy is that multiple lots may be combined and have a home built which is much larger and out of character with the surrounding neighborhood. With a set F.A.R. policy, a set maximum cap size would need to also be in place to restrict the combination of lots to build larger homes. A second concern with the set F.A.R. policy is that the homes grow more radically in size compared to the sliding scale in option 1. Finally, a set F.A.R. for the smallest lots may establish a home size (e.g. 800 square feet) that is unreasonably small.

Option 3: Hybrid

This option is a combination of a sliding scale method and set F.A.R. and attempts to take advantage of each method's strengths by allowing for a reasonable structure size, regardless if it is on a small lot. The policy below also has an equitable F.A.R. approach for the vast majority of lots in the subdivision and places a maximum cap size at the largest existing above ground density home to maintain the character of the neighborhood.

An above ground density of 1,500 square foot is permitted, independent of lot size or a 1:6 F.A.R., whichever is greater. However, no home shall exceed 6,870 square feet of above ground density.

Recommendation

Staff favors the sliding scale approach in option 1, or option 3, the hybrid of option 1 and 2.

The sliding scale (option 1) allows for the homes to relate to one another by smaller increases in size than a set F.A.R. As the lot size gets larger, the square footage increments of the home size stay relative to the neighborhood

size rather than a more dramatic jump in size. Further, the sliding scale option has been viewed as a more equitable approach to homeowners, as it keeps the sizes more similar and does not overpower the existing residents' homes.

Option 3, the Hybrid method, sets an allowable home size, regardless of the lot size similar to the sliding scale. This permits a more equitable square footage relative to all homes in the neighborhood. An easy F.A.R. approach is utilized for the majority of lots (113 out of 135), and places a cap on larger lots that is relative to the neighborhood.

If adopted, this policy would modify Policy 3 (Absolute) *Density/Intensity* of the Development Code.

Staff would like to get the Planning Commission's opinion on the different options. Staff will then draft the language of the policy and specific size recommendations for each applicable subdivision. The policy will be brought back to the Planning Commission for review and then proceed with the policy to the Town Council.



MEMORANDUM

TO: Planning Commission
FROM: Chris Neubecker
DATE: August 15, 2008
SUBJECT: Joint Meeting with Town Council

The Town Council meetings for the remainder of 2008 are filling quickly, and staff would like the Planning Commission to pick a date for the next joint Planning Commission/Town Council meeting. Joint meetings are held during the 2nd or 4th Tuesday of each month (during Council meetings), from 6:00 PM – 7:30 PM.

We would also like the Commission to suggest topics for discussion at the next joint meeting. Please bring your calendars to the meeting on Tuesday evening, along with suggested discussion topics.

Some past topics or current Top 5 items that could also be discussed at the upcoming meeting include:

1. Planning Commission Top 5 Priorities
2. Future Field Trip ideas
3. Development Philosophy
4. Gondola Lots Master Plan
5. Sustainability Plan
6. TDRs for Employee Housing