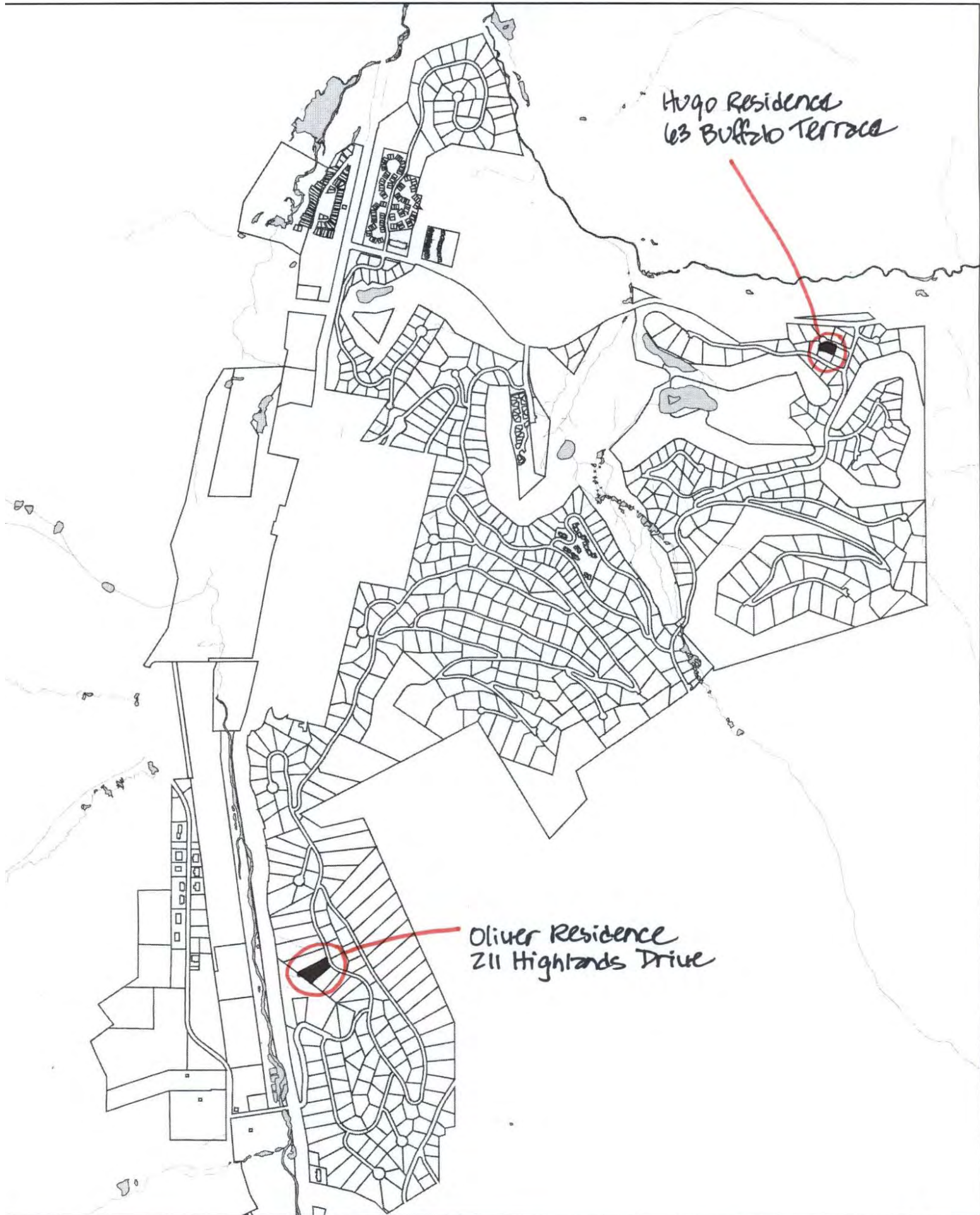


**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, June 17, 2008  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00</b>	<b><i>Call to Order of the June 17, 2008 Planning Commission Meeting; 7:00 p.m. Roll Call</i></b>	
	<b><i>Approval of Minutes June 3, 2008 Regular Meeting</i></b>	<b>4</b>
	<b><i>Approval of Agenda</i></b>	
<b>7:05</b>	<b><i>Consent Calendar</i></b>	
	1. Oliver Residence (CK) PC#2008068 211 Highlands Drive	<b>14</b>
	2. Gold Camp I (Peak Eight Village) (MGT) PC#2008067 1075-1185 Ski Hill Road	<b>19</b>
	3. Rental and Ski School Sprung Buildings Permit Extension (MGT) PC#2008069 1599 Ski Hill Road	<b>29</b>
	4. Hugo Residence (JS) PC#2008066 63 Buffalo Terrace	<b>36</b>
	5. Schaezel Residence (CK) PC#2008047 597 Broken Lance Drive	<b>42</b>
<b>7:15</b>	<b><i>Final Hearings</i></b>	
	1. Theobald Building Renovation, Landmarking and Variance Request (MM) PC#2008058 101 South Main Street	<b>50</b>
	2. Buffalo Crossing (MGT) PC#2008052 209 & 211 North Main Street	<b>82</b>
<b>9:00</b>	<b><i>Worksessions</i></b>	
	1. Planning Commission Field Trip Topics (CN)	<b>106</b>
	2. Historic Period of Significance (CN)	<b>107</b>
<b>10:15</b>	<b><i>Town Council Report</i></b>	
<b>10:25</b>	<b><i>Other Matters</i></b>	
	1. Change to Planning Commission Rules of Procedure (CN)	<b>108</b>
<b>10:30</b>	<b><i>Adjournment</i></b>	

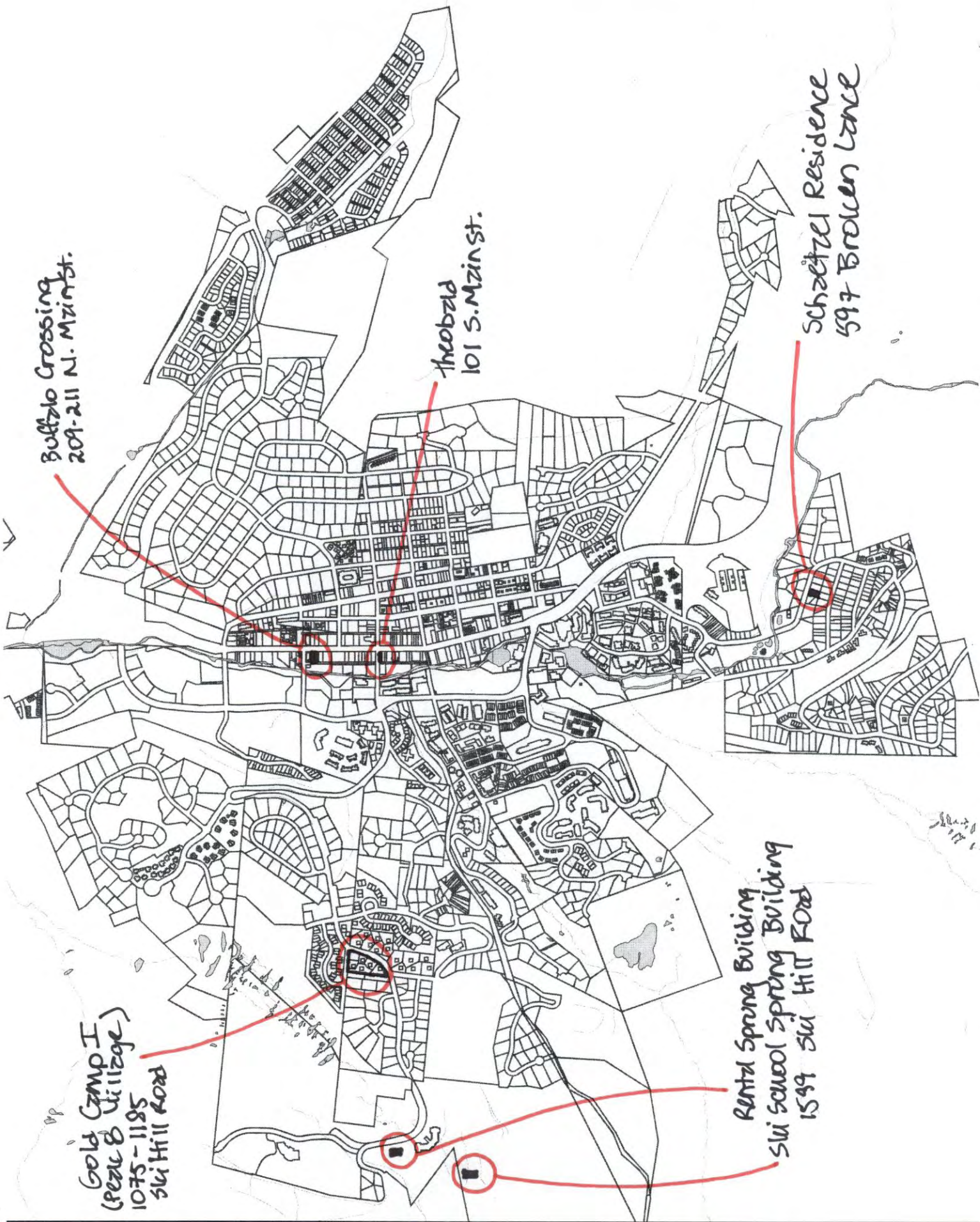
For further information, please contact the Planning Department at 970/453-3160.

*\*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.*



Hugo Residence  
63 Buffalo Terrace

Oliver Residence  
211 Highlands Drive



Buffalo Crossing  
209-211 N. Main St.

Theobald  
101 S. Main St.

Schaefer Residence  
597 Broken Lance

Gold Camp I  
(Pearce Village)  
1075-1185  
Ski Hill Road

Rental Spring Building  
Ski School Spring Building  
1549 Ski Hill Road

**PLANNING COMMISSION MEETING**

**THE MEETING WAS CALLED TO ORDER AT 7:01 P.M.**

**ROLL CALL**

Michael Bertaux	Rodney Allen	Leigh Girvin
Mike Khavari	Eric Mamula	Dave Pringle
Sean McAllister – arrived @ 7:08		

**APPROVAL OF MINUTES**

With no changes, the minutes of the May 20, 2008 Planning Commission meetings were approved unanimously (5-0). Mr. Mamula abstained, as he did not attend the previous meeting.

**APPROVAL OF AGENDA**

With no changes, the Agenda for the June 3, 2008 Planning Commission meeting was approved unanimously (6-0).

**CONSENT CALENDAR:**

1. Beaver Run Conference Center Deck and Stair Roof (MM) PC#2008065; 620 Village Road

Mr. Pringle requested construction drawings and pictures to further illustrate the proposal. Lee Neely, Architect, reviewed plans and design concepts with the Commission. He further explained the safety benefits of the improvements. There were no further questions.

2. Daries Residence (CK) PC#2008061; 835 Gold Run Road
3. Clubb Residence Exterior Remodel (MM) PC#2008062; 110 Windwood Circle
4. Nyberg Addition (CK) PC#2008060; 128 Gold King Way
5. Canfield Residence (MGT) PC#2008064; 120 Glenwood Circle

With no motions, the consent calendar was approved unanimously (7-0).

**WORKSESSIONS:**

1. Gondola Parking Lots Master Plan (CN)

Mr. Neubecker presented a memo stating that the Planning Staff and Vail Resorts Development Company have been working together on developing a conceptual master plan for the development of the Vail Resorts properties surrounding the gondola, as well as Town owned properties in the vicinity. The Client Review Team (CRT) has narrowed their recommendations down to two options, which were called the “Breckenridge Station/Hotel” and the “Extend the Grid” plan. Based on input for the public and from the Town Council, these two options have been narrowed to one preferred concept, which was the “Breckenridge Station/Hotel” plan.

The Breckenridge Station/Hotel plan included an icon hotel, much like the grand hotels of Colorado resort and railroad history. This condo/hotel would use up a good portion of the allowed density on the property, and could incorporate a signature restaurant/bar as part of the “breadcrumb” to draw visitors toward downtown. This plan also includes less retail space, and is thus less competition to existing businesses.

The Extend the Grid plan would continue the downtown street pattern into the development site by extending a street west from Main Street and Wellington Road, with a new north/south street between Main Street and Park Avenue. This plan would result in some smaller buildings, but also resulted in more commercial development on the ground floor, and thus may have competed more with existing businesses. The layout of buildings also made “hot beds” more difficult.

Both plans incorporated two parking structures wrapped with residential or commercial uses, Riverwalk improvements, transit, and an enhanced gondola plaza. Each plan would also include a train park, where locomotive No. 9 would be placed, helping to attract more visitors to North Main Street, and also helping to attract more skiers to downtown.

The design team has made some modifications to the Breckenridge Station/Hotel plan based on the input received so far. The revisions were presented to the Commission, and staff requested Commissioner input on the direction of the project.

Mr. Campie (Consultant, DTJ Design) gave a power point presentation. He pointed out about 20% of the property is owned by the Town of Breckenridge, the rest owned by Vail Resorts.

*Commissioner Questions/Comments:*

- Mr. Bertaux: Abstained from discussion due to a conflict of interest.
- Mr. Allen: Would like to plant a seed to address the Gold Rush parking lot. Build the hotel as big as possible making it functional with a gradual transition, but not overwhelming. Architecture will need to be spectacular. He was concerned about aesthetics from Park Avenue. Suggested wrapping deed restricted commercial around parking structure.
- Ms. Girvin: Was concerned about the parking structures. Suggested the developer create office space or exhibit space for non profits for free or reduced costs around the parking structure to create life and vibrancy in that area. Move hotel closer to gondola and make a grand statement with the hotel. Worried about railroad and preferred it stay stationary. Make sure connections exist from project to Main Street. Watson Street may need to be realigned, and that's ok if necessary to make project work. Concerned about views from Park Avenue. Liked river enhancements with pedestrian feel. Hotel can be big, but not as big as St. Regis in Aspen. Affordable retail is an interesting idea.
- Mr. Pringle: This project will redefine Breckenridge as a world class destination. Make hotel grander and bigger; consider multiple stories. Hotel can be a wonderful architectural statement, but don't ignore other sites in the plan. Was not opposed to a big building. Sought clarification regarding a Condo Hotel as opposed to just a hotel. Wanted to ensure transit flows. Keep I-70 expansion in mind while planning this project. Think about how transit from I-70 could tie into this site.
- Mr. McAllister: Park Avenue entrance for Hotel should be considered. Ok with bigger but not enormous hotel. Energy conservation must be at the forefront. Make project green. River corridor improvements were good. Needed additional information on auxiliary buildings. Affordable housing would warrant density. Agreed with Ms. Girvin on moving hotel closer to gondola. It's critical to have good connections to skiway and Gold Rush lot. Not so important that train operates.
- Mr. Mamula: Spoke about density issues. Extra density for employee housing was consultants, idea, not Vail's. Stated he's already made many comments at other venues.
- Mr. Khavari: Asked about the future of town hall. Sought clarification regarding use of the train. If the hotel isn't that "grand", make the illusion that it is. Encouraged applicant to come to the Commission with questions and ideas prior to any formal application, if any clarification should be needed.

2. Historic Period of Significance (CN)

Mr. Neubecker presented a memo stating that the Town Council recently directed staff to reconsider a change to the Period of Significance for determining if a structure is "historic". The staff and Commission looked into this issue in 2006, and decided not to change the date, since there was no evident theme or pattern of architecture at the time to protect. Currently, historic structures in Breckenridge are those that were built prior to 1943, which was the end of gold dredge mining in Breckenridge. However, many communities, including the National Trust for Historic Preservation and the Department of the Interior, use a 50-year rule: properties 50 years and older are eligible for historic designation.

The idea behind this change is that many structures associated with the dawn of skiing in Breckenridge would become eligible for "historic" designation, and would therefore garner greater protection from demolition or significant alteration. Staff previously prepared a list of affected structures; can provide the list again with photos if desired. Staff asked the Commission if they found there was an architectural character or theme than we need to protect.

*Commissioner Questions/Comments:*

- Mr. Bertaux: Anything over 50 years old should undergo a cursory review. Otherwise if nothing significant is determined, 1943 is a good cutoff date.
- Ms. Girvin: Gave examples of different historic structures that look good and others that don't, illustrating her point that historic significance is site specific. On log houses, it was an "upgrade" when people

- could afford to add lap siding, and therefore may be significant (referring to a recent application where siding was determined to be non-historic.)
- Mr. Pringle: This could dilute our “period of significance”. Historic home owners assume an obligation. A-Frame owners do not anticipate this burden. Pointed out buildings that were within the historic period of significance. Develop a narrative that would guide applicants in determining the significance of their property. Get community buy-in and start talking about this with community members. Wanted the story to be told about the history of Breckenridge.
- Mr. McAllister: Pointed out A-Frame homes and buildings and their existence. The rolling 50 years thing is a bad idea. Let’s talk about what we are really trying to save. Nobody really wants to save A-Frames. Site specific seems to make more sense.
- Mr. Mamula: Pointed out council doesn’t want to miss the boat and eliminate any building that 100 years from now a future council would regret. “You may” attitude as opposed to “you must.” Preserve the jewels as determined by Planning Commission.
- Mr. Allen: Can buildings be hand picked to determine historic significance? Would support relative but not absolute. Agreed with Mr. McAllister. I would support a relative policy.

**COMBINED HEARINGS:**

1. Partridge Subdivision and Variance (CK) PC#2008059; 215 South Gold Flake Terrace

Mr. Kulick presented a proposal to resubdivide two single-family lots in Block 11 of the Yingling and Mickles Subdivision from one 75’ X 125’ lot and one 50’ X 125’ lot into two 62.5’ X 125’ lots and to request a variance from Policy 9A: and 9R: Placement of Structures as it pertains to the side setbacks for the proposed lots.

George Gruber, Agent: Not reinventing the mousetrap but creating two equal lots. Pointed out other properties on the street with variances. Discussed the difficulty of solutions on such a small spot.

Mr. Khavari opened the hearing to public comment.

Roger Christiansen, Neighbor: Reducing the setback reduces the development’s distance from his home. He sought clarification regarding standard setbacks. (Staff explained setback requirements per the code and pointed out front and rear setbacks would adhere to code.) Is there a potential for these two lots to be combined into one lot? (Staff pointed out pros and cons to this suggestion specific to proportions.) (Mr. Neubecker pointed out the current code would allow combining the lots.) Indicated to the Commission the size of the lots across the street, which would be comparable to combining these two lots. Please consider neighbors to these lots because it’s not beneficial for smaller lots.

There was no more public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Bertaux: Application made sense to him and he supported the variance.

Mr. Pringle: Pointed out this subdivision was unique compared to the others in the neighborhood or even across the street.

Mr. McAllister: Options are a small lot, a bigger lot, or one huge lot. This application was the best option for this unique property.

Mr. Allen: Agreed with both Mr. Pringle and Mr. McAllister.

Ms. Girvin: Appreciated applicants’ proposed setbacks which will allow for re-vegetation.

Mr. Mamula: Agreed.

Mr. Khavari: Supported the application and believed this was the best alternative for this property.

Mr. Pringle made a motion to approve the Partridge Subdivision and Variance, PC#2008059, 215 South Gold Flake Terrace, with the findings and conditions presented. Mr. Bertaux seconded and the motion was approved unanimously (7-0).

2. Shock Hill Tract E Re-Subdivision (CN) PC#2008063; 260 Shock Hill Drive

Mr. Neubecker presented a proposal to Subdivide Tract E into Tract E-1 (4.36 acres) and Tract E-2 (2.31 acres), in order to create a parcel of land (Tract E-2) to dedicate to the Town of Breckenridge as public open space. This dedication

was a requirement of the approval of a Development Agreement (dated March 13, 2007) for the construction of the Shock Hill Lodge, and condition of approval #19 of Development Permit PC#2007108.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

- Mr. Pringle: Is the town getting an obligation with this deal? Wanted to bring light to Mayor Warner's prior concerns regarding this application. Are we now assuming the liability for the trees?  
Final Comments: Thanked applicant for land dedication to the town.
- Mr. McAllister: How will beetle kill and re-vegetation be dealt with? (Staff pointed out this wasn't a huge issue due to the layout and that such liability existing on all town owned land.)
- Mr. Mamula: Pointed out the town is better at maintaining its own land than it is at enforcing others. After Certificate of Occupancy it's difficult to enforce landscaping requirements.
- Mr. Khavari: Ready to move forward on this application but pointed out land dedication isn't always best.

Mr. McAllister made a motion to approve the Shock Hill Tract E Re-Subdivision, PC#2008063, 260 Shock Hill Drive, with the presented findings and conditions. Mr. Bertaux seconded, and the motion was approved unanimously (7-0).

**FINAL HEARINGS:**

1. The Shores Lodge (MM) PC#2007155; Tract C, West Braddock Subdivision

Mr. Mosher presented a proposal to Construct a 72-unit condo hotel (8 units are to have owner lock-off rooms) with conference space, lounge, fitness area, guest spa and surface parking.

*Changes since the last submittal*

1. An 812 square foot deed restricted employee unit has been added to the main level. The remaining square footage of proposed employee housing will be found off-site in the Upper Blue Basin.
2. The exterior elevations have been modified per suggestions from the Commission.
3. Geo-thermal assisted heating will be utilized for the snow-melt system.
4. A comprehensive landscaping/hardscaping plan is now included.
5. Staff has obtained data regarding the use of shuttle services for local lodges.

The applicant and agent responded to address concerns expressed at the last hearing. The only negative points incurred were for the height overage and the extensive snow melting system. Staff asked the Commission if they supported awarding positive three (+3) points for heating the public sidewalk. Staff also welcomed any additional comments about this proposal.

Staff noted that, in the report, positive points were awarded for providing 100% extra in required amenity space. However, this number was not reflected in the final point analysis. Therefore, the suggested total score would be positive eleven (+11) points rather than positive eight (+8) points.

Staff recommended the Commission support the Shores Lodge Point Analysis showing a passing score of positive eleven (+11) points. Staff also recommended approval of the Shores Lodge, PC#2007155, with the attached Findings and Conditions.

Steven Speers, Landscape Architect, Design Workshop: site conditions are bleak. There is no vegetation on the property. Objective of landscaping is to help scale the building and reclaim the landscaping along this corridor. Taking an environmental approach with storm water and site drainage. Character of river corridor and mining significance was emphasized in landscaping and hardscape.

Jeff Frahm, Architect, Craine-Frahm Architects: Discussed the changes to the architecture since the last review which included added density in the roof, changes to the windows sizes, enhanced entry features with additional stone, and the enhanced porte-cochere. Handed out samples of exterior materials for Commission's review.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

- Mr. Bertaux: Will this building have an elevator? (Mr. Frahm pointed out there will be three elevators.)  
Final Comments: Appreciated changes, landscaping will be a challenge. Significant positive points show a good effort by applicant. Supported the project.
- Mr. Allen: How much of the public (as opposed to guests of the Lodge) will use this sidewalk? (Mr. Mosher: we anticipate very light traffic on this sidewalk compared to downtown.) Can the Commission award negative and positive points under one policy? (Mr. Mosher: yes under separate subsections of that policy.) Energy conservation is meeting this portion of Code but other areas don't. (Mr. Mosher: staff believed that the extensive snowmelt warranted negative points while the geothermal directly mitigated the impacts.) What ensured the longevity of the transit shuttle? Can a future owner abandon this service? (Mr. Neubecker: there will be a covenant recorded running with the land ensuring this. To remove the service would be in violation of the permit and could be punishable.) Is the employee housing being provided for Shock Hill on this site? (Mr. Frahm: no, besides the one unit in this Lodge all housing is being handled off-site.)  
Final Comments: Changes are great. Don't support positive three (+3) points for heating public sidewalk. Supported the project.
- Ms. Girvin: Sought clarification of location of project; could not tell from the site map.  
Final Comments: Nice job on designing large building. Landscaping is progressive. Questioned why the Town would allow a lodge this far out of Town in the first place.
- Mr. Pringle: Asked about any Condition of Approval regarding the transit covenant. (Mr. Mosher: staff failed to add this condition. Will correct this with the approval. Suggest a condition similar to: "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, that provides permanent non-auto shuttle service available every day for Shores Lodge guests and Shores Duplexes to and from Town. Covenant will be recorded guaranteeing this in perpetuity.")  
Final Comments: Appreciated architectural changes. Supported application and changes to Point Analysis as suggested by the rest of the Commission.
- Mr. McAllister: Final Comments: Much better application after changes. Supported the project.
- Mr. Mamula: Is there a transit condition to ensure longevity of shuttle and geothermal? (Staff: yes, Condition number 12.) Sought location of heated public sidewalk.  
Final Comments: Didn't support positive points for architecture. This building doesn't particularly stand out anymore than any other lodges in Town. Hoped the applicant can pull off landscaping plan. Had concerns about the wind and general exposure on the site. Supported the project.
- Mr. Khavari: Sought clarification regarding points for geothermal as the pond providing the water would be a future application. (Staff pointed out that the applicant would need to come back to the Commission if geothermal wasn't pursued and modify the point analysis.) (Mr. Frahm: pointed out geothermal for snow melt only, not for the building at this time. May modify to heat portions of the building.)  
Final Comments: Thanked applicant for changes. Landscaping may be a challenge on this site, but looking forward to seeing it happen. Supported the application and agreed with positive three (+3) points for sidewalk should be eliminated.

Mr. Pringle made a motion to approve the point analysis for The Shores Lodge, PC#2007155, Tract C, West Braddock Subdivision with modifications to add positive three (+3) points under Policy 24/R and removing positive three (+3) points under Policy 16/R (for the public sidewalk). Mr. Mamula seconded, and the motion was approved unanimously (7-0).

Mr. Pringle made a motion to approve The Shores Lodge, PC#2007155, Tract C, West Braddock Subdivision, with the Findings and Conditions, noting the addition of a new condition #33 to address the shuttle service covenant: "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 requirements to operate a transit shuttle system for the owners and guests of The Shores Lodge and The Shores Duplex. Such transit shuttle system shall be adequately sized to serve these developments." Mr. Bertaux seconded, and the motion was approved unanimously (7-0).



***TOWN COUNCIL REPORT:***

Mr. Mamula discussed council's decision to move forward with the town council liaison and appoint a 7<sup>th</sup> citizen.

***OTHER MATTERS:***

Mr. Allen pointed out an application that the county reviewed that was denied.

***ADJOURNMENT:***

The meeting was adjourned at 10:15p.m.

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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 June 12, 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 June 17, 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 December 23, 2009, 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.***

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(Initial Here)



**Class C Development Review Check List**

**Project Name/PC#:** Oliver Residence PC#2008068  
**Project Manager:** Chris Kulick  
**Date of Report:** June 4, 2008 For the June 17, 2008 Planning Commission Meeting  
**Applicant/Owner:** Bill & Donna Oliver  
**Agent:** Joshua Cohen, Sierra Building & Design  
**Proposed Use:** Single-Family Residential  
**Address:** 211 Highlands Drive  
**Legal Description:** Lot 78, the Highlands at Breckenridge Filing #3  
**Site Area:** 80,586 sq. ft. 1.85 acres  
**Land Use District (2A/2R):**

**Existing Site Conditions:** 6: Residential (per Delaware Flats Master Plan)  
 The lot slopes downhill from east to west at an average of 11%. The site is moderately covered in lodgepole pine trees. A 25' sewer easment is located along the north edge of the lot. A 10' utility easment is located in the southeast corner of the lot.

**Density (3A/3R):** Allowed: Unlimited Proposed: 6,466 sq. ft.  
**Mass (4R):** Allowed: Unlimited Proposed: 7,069 sq. ft.  
**F.A.R.:** 1:11.40 FAR  
**Areas:**  
**Lower Level:** 2,602 sq. ft.  
**Main Level:** 3,163 sq. ft.  
**Upper Level:** 701 sq. ft.  
**Accessory Apartment:**  
**Garage:** 603 sq. ft.  
**Total:** 7,069 sq. ft.

**Bedrooms:** 5  
**Bathrooms:** 6.5  
**Height (6A/6R):** 30 feet overall  
 (Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
 Building / non-Permeable: 5,016 sq. ft. 6.22%  
 Hard Surface / non-Permeable: 2,840 sq. ft. 3.52%  
 Open Space / Permeable: 72,730 sq. ft. 90.25%

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

**Snowstack (13A/13R):**  
 Required: 710 sq. ft. (25% of paved surfaces)  
 Proposed: 710 sq. ft. (25.00% of paved surfaces)

**Fireplaces (30A/30R):** Five - gas fired

**Accessory Apartment:** None

**Building/Disturbance Envelope?** Building Envelope

**Setbacks (9A/9R):**  
 Front: Building Envelope  
 Side: Building Envelope

Side: Building Envelope  
Rear: Building Envelope

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

**Exterior Materials:**

**Roof:**

**Garage Doors:**

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

Cedar lap siding, cedar shake siding, and natural stone base.

Composite Shingle, Pre-treated copper

Wood Clad

**Landscaping (22A/22R):**

Planting Type	Quantity	Size
Colorado Spruce	6	3@ 8 feet tall and 3 @ 14 feet tall
Aspen	15	2-3 inch caliper - 50% of each and 50% multi-stem
Shrubs and perennials	23	5 Gal.

**Drainage (27A/27R):**

Positive away from structure

**Driveway Slope:**

8 %

**Covenants:**

Standard landscaping covenant

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

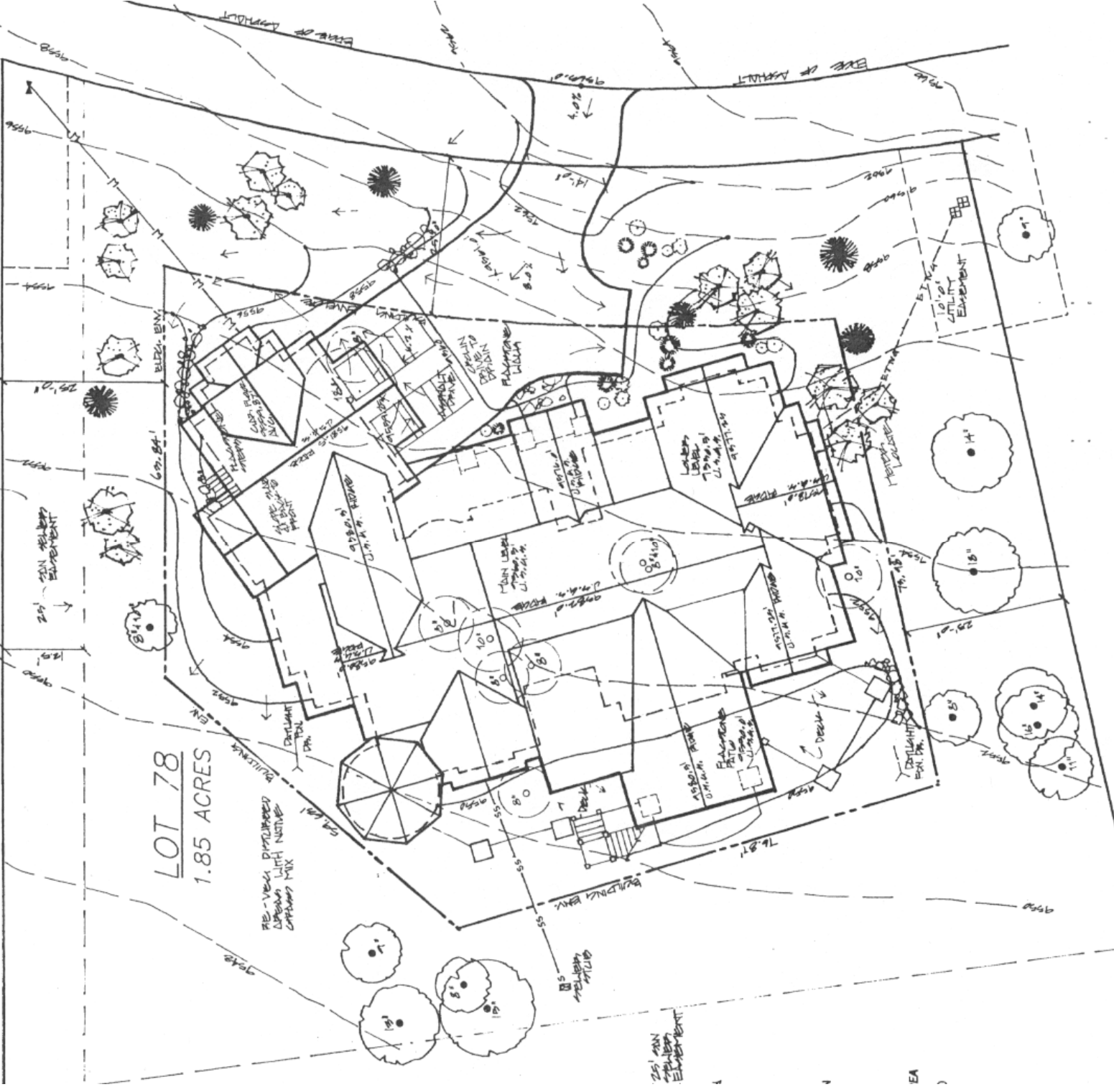
An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

**Staff Action:**

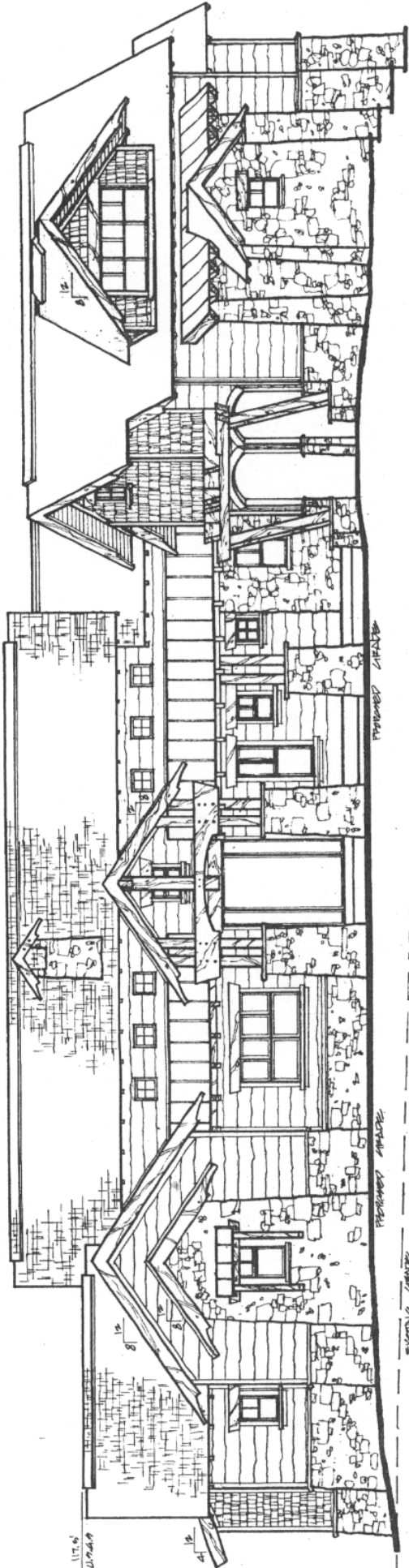
Staff has approved the Oliver Residence, PC#2008068, located at 211 Highlands Drive, Lot 78, the Highlands at Breckenridge Filing #3, with the standard findings and conditions.

**Comments:**

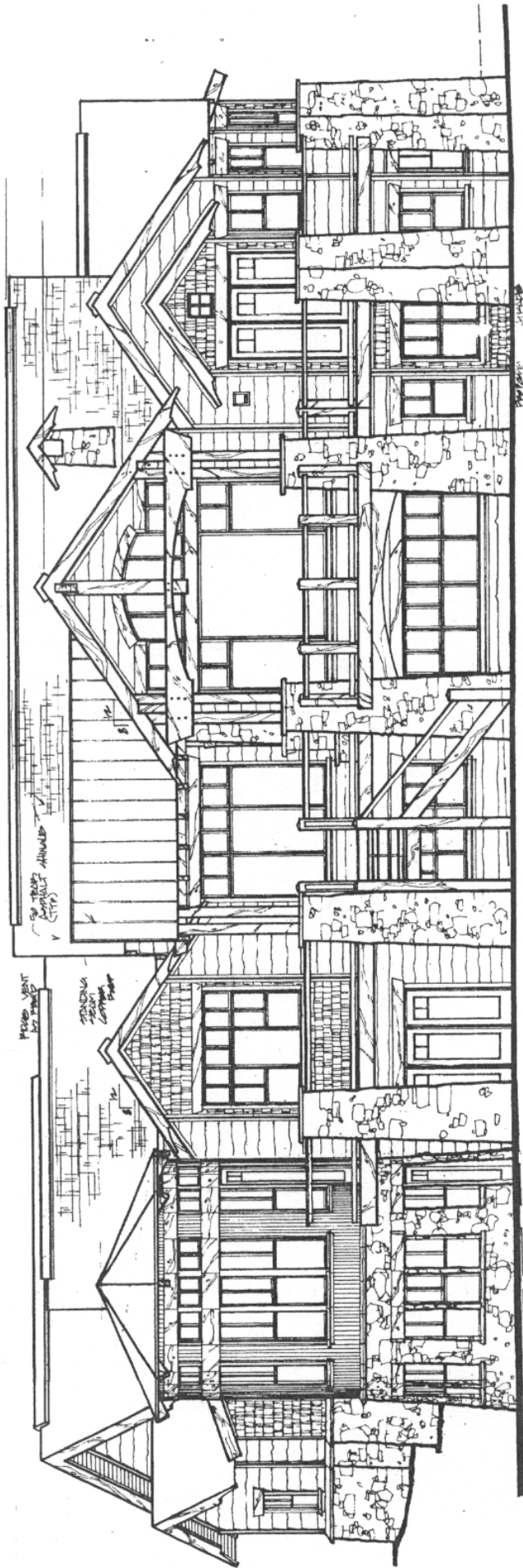
**Additional Conditions of Approval:**





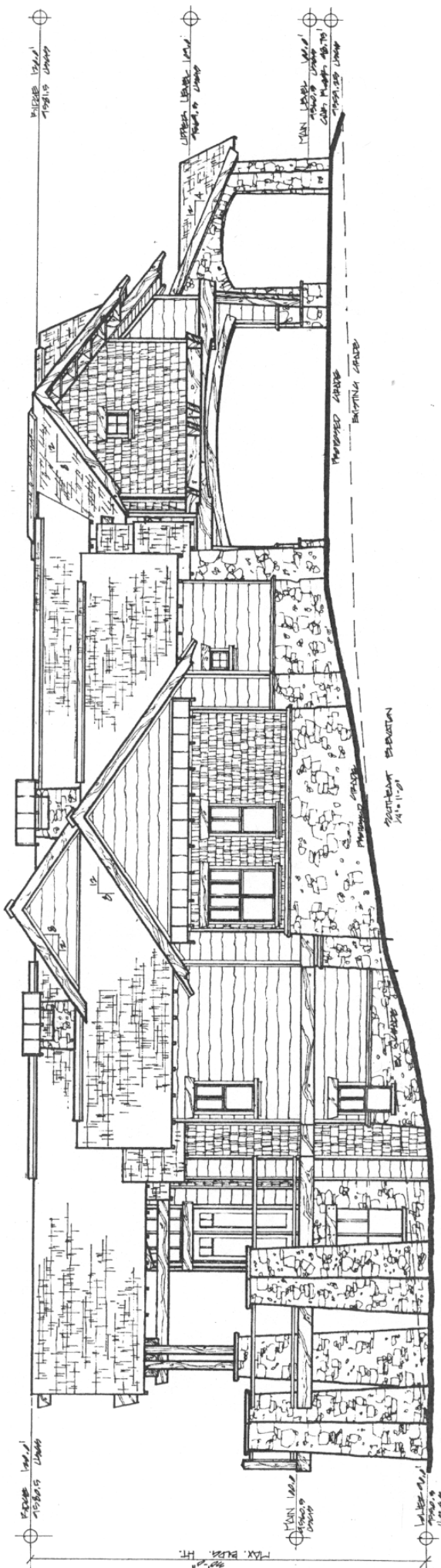
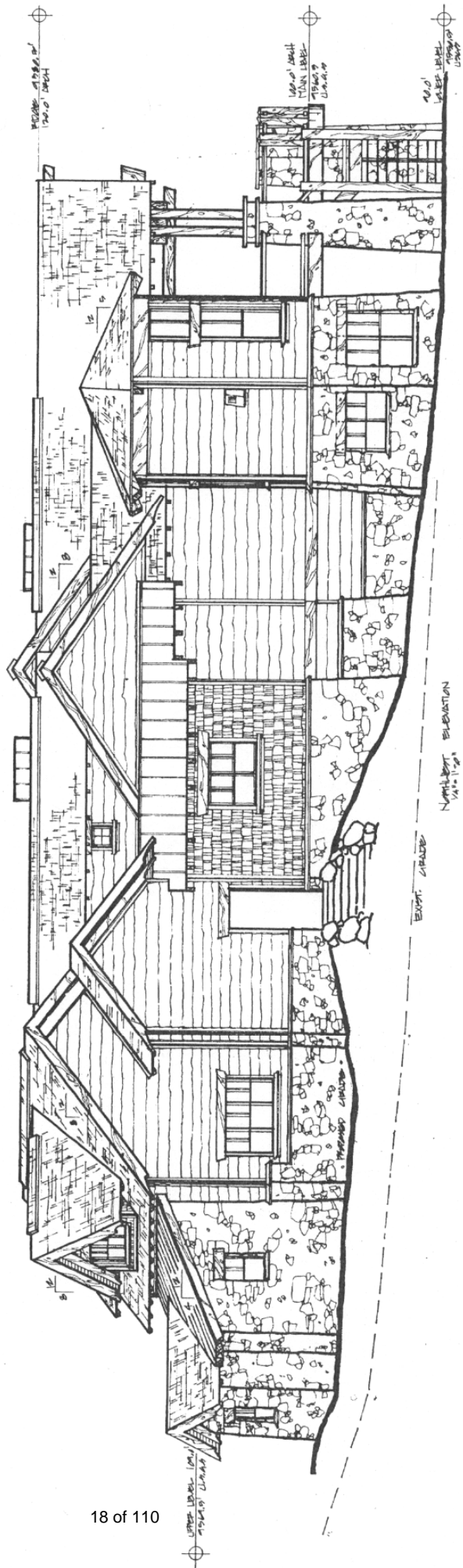


NORTHEAST ELEVATION  
1/4" = 1'-0"



EASTING ELEVATION

11.7.09  
9/17/09 12:00 PM



## Planning Commission Staff Report

- Project Manager:** Matt Thompson, AICP
- Date:** June 4, 2008, (For meeting of June 17, 2008)
- Subject:** Gold Camp I (aka Peak Eight Village) Condominium Remodel (Class C Minor, PC# 2008067)
- Applicant/Owner:** Peak Eight Village Condominium Homeowner's Association
- Agent:** Centennial Builders and Siding Supply
- Proposal:** This is an exterior renovation of the existing Peak Eight Village Condominiums. The existing vertical siding will be replaced with new horizontal cedar wood 6 – 1/4” exposure lap siding. The siding near the front door to each unit will remain vertical siding with every third groove to be covered by a 1 x 2 cedar board. The skirt around the balcony will be repaired and then painted brown. 2 x 4 trim around windows where space allows. All trim, fascia, and doors to be painted a reddish brown color. A material and color sample board will be available for review at the meeting.
- Address:** 1080 – 1140 Ski Hill Road
- Legal Description:** Gold Camp I
- Site Area:** 1.67 acres +/- (72,623 sq. ft.)
- Land Use District:** 10, up to 8-plex, 2 UPA
- Site Conditions:** The site is primarily covered with five buildings, parking and forested with moderately sized lodgepole pine trees, spruce and aspen.
- Adjacent Uses:** Multi-family residential
- Density/Mass:** No change
- Height:** No change
- Parking:** No change

### Item History

Gold Camp I Condominiums were constructed in 1969, and contains 44 residential units. Residents and guests park on surface parking lots surrounding the buildings. The existing buildings are three stories tall and exterior materials primarily consist of T-111 vertical siding. All new siding in this proposal will be natural cedar siding.

## Staff Comments

As the exterior materials on the building have begun to deteriorate over the years, the applicants would like to update their buildings and property with a new modern design. As with any remodel, only the policies relevant to the scope of the application are reviewed and assessed points. (For instance, height is irrelevant, as it is not to be altered.) Any policy, or combination of policies, may be used to mitigate any negative points incurred in the application. In this instance, we believe the only relevant policies are 5/R Architectural Compatibility.

The proposed changes are:

- New cedar horizontal lap siding 6-1/4" exposure (Super Deck valley semi-transparent stain).
- Entry siding and trim, skirts, and soffits to be repainted (Bavarian Chalet brown).
- Trim, fascia, and doors to be painted a reddish brown.
- Skirt around balconies to be repaired then painted. (Bavarian Chalet brown).
- Vertical siding near entryways to remain with new 1 x 2 cedar board over every third groove.
- 2 x 6 corner post to replace existing post.
- New 2 x 4 around windows where space allows.

**Architectural Compatibility (5/A & 5/R):** Policy 5/R (3 x (-2/+2)) calls for general architectural and aesthetic compatibility for new construction, alterations and additions. In terms of building materials and colors, it states, *“Exterior building materials and colors should not unduly contrast with the site’s background. The use of natural materials, such as logs, timbers, wood siding and stone, are strongly encouraged because they weather well and reflect the area’s indigenous architecture. Stucco or brick, provided an earth-tone color is selected, are acceptable building materials on smaller building elements. This section applies only to areas outside of the Historic District...”*

All new siding will be natural cedar siding. Hence, Staff has no concerns with architectural compatibility.

**Point Analysis (Section: 9-1-17-3):** Staff conducted an informal point analysis and found to reason to warrant positive or negative points.

## Staff Decision

The Planning Department has approved the Gold Camp I, aka Peak Eight Village, Condominium Remodel PC#2008067, with attached Findings and Conditions. Staff recommends that the Planning Commission uphold this decision.

**TOWN OF BRECKENRIDGE**

**Gold Camp I, aka Peak Eight Village, Condominium Remodel**  
**Gold Camp I**  
**1080 – 1140 Ski Hill Road**  
**PC#2008067**

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

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**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 **June 4, 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 **June 17, 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 **December 24, 2009**, 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.

7. 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**

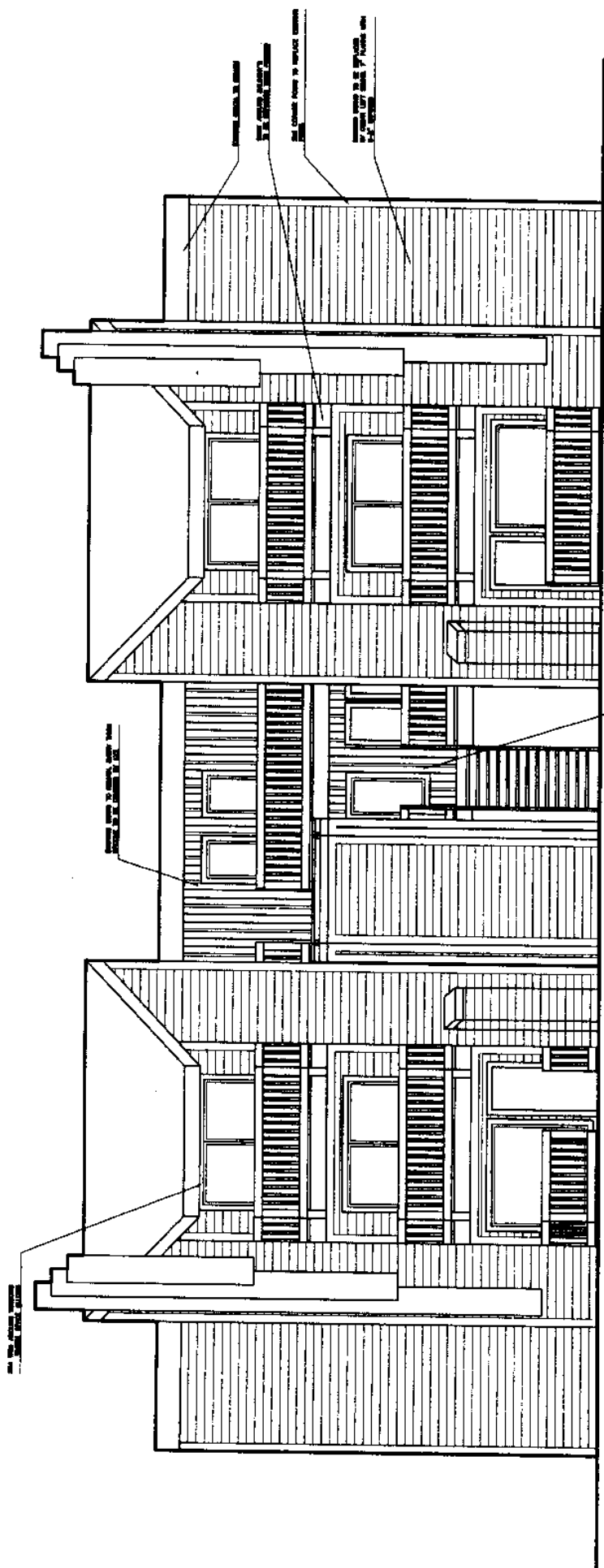
8. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
9. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will 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.
10. 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.

#### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

11. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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

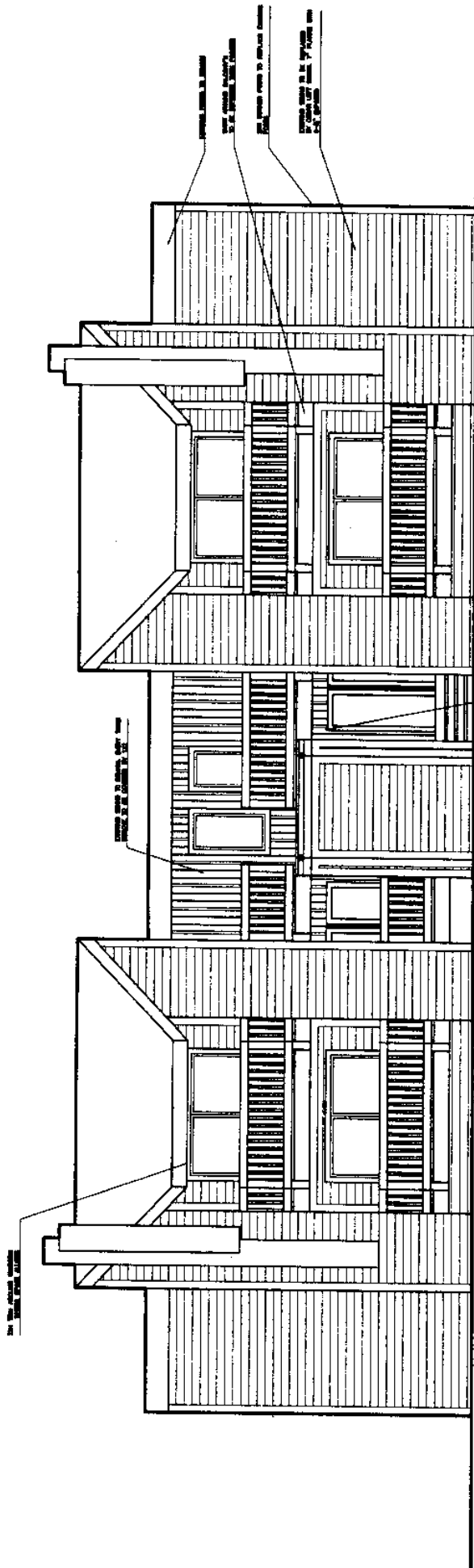
of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement 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.

17. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

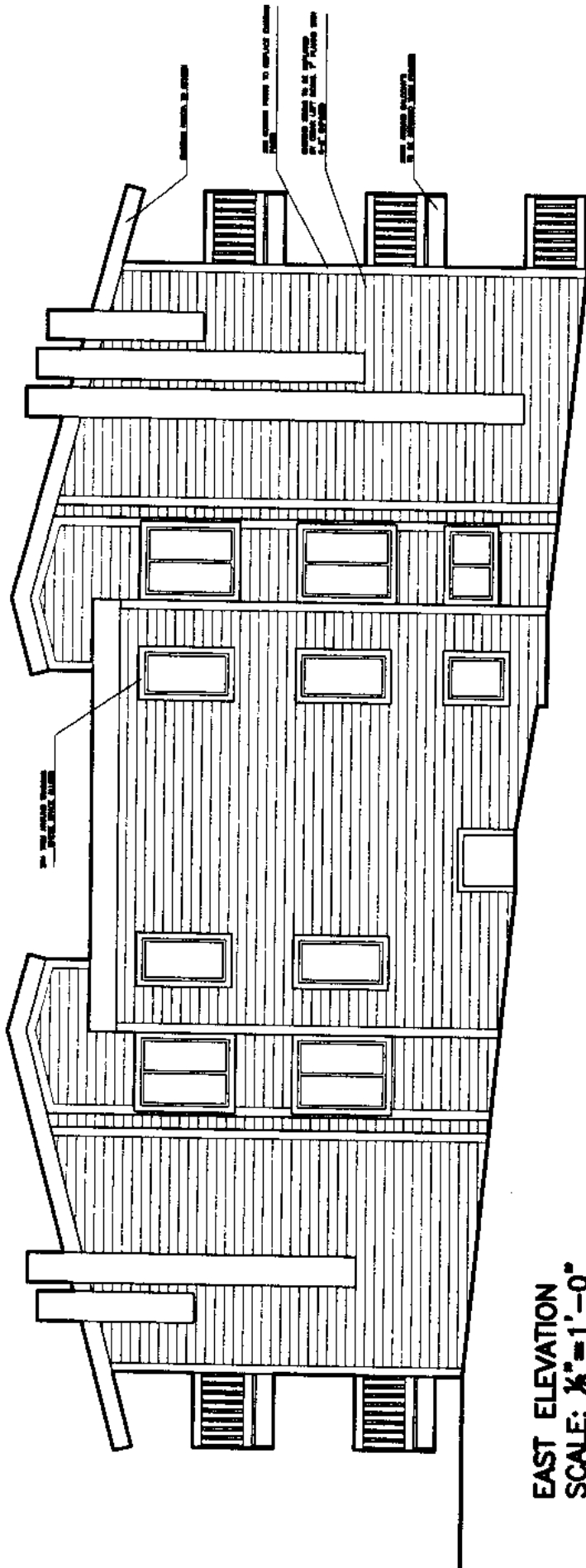


**NORTH ELEVATION**  
**SCALE: 1/8" = 1'-0"**

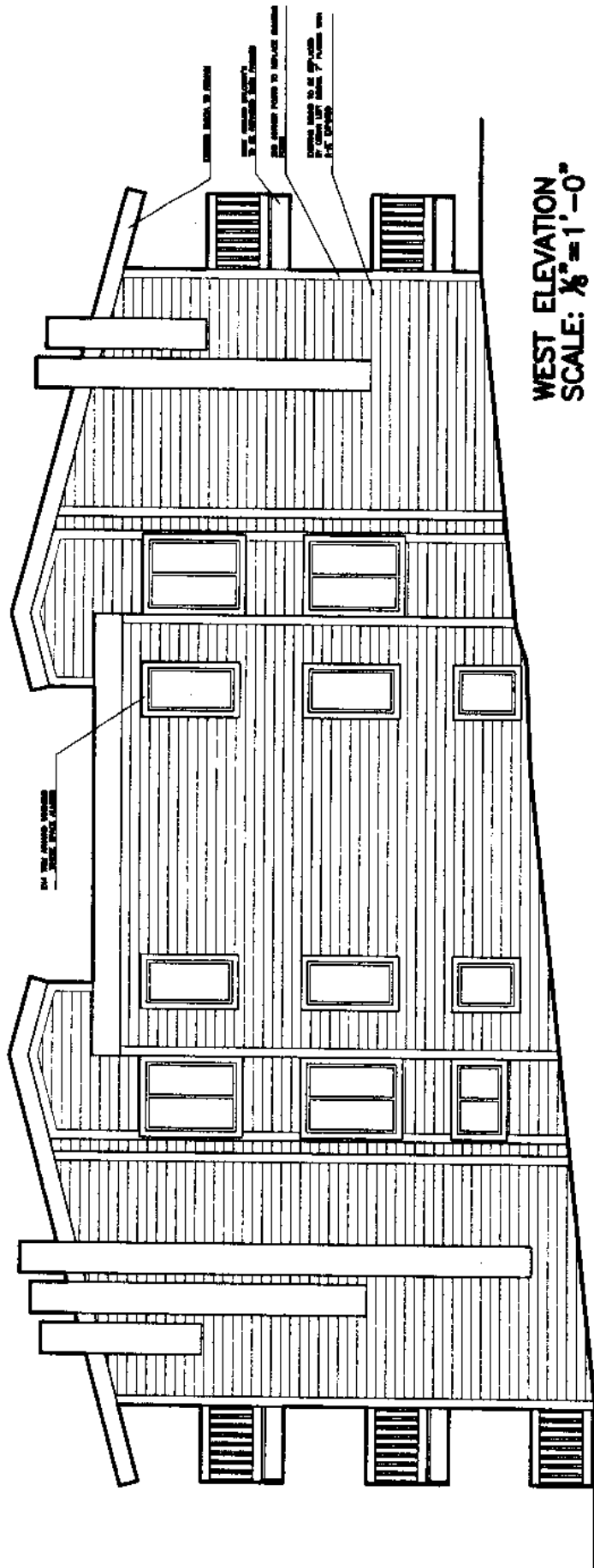




**SOUTH ELEVATION**  
**SCALE: 1/8" = 1'-0"**

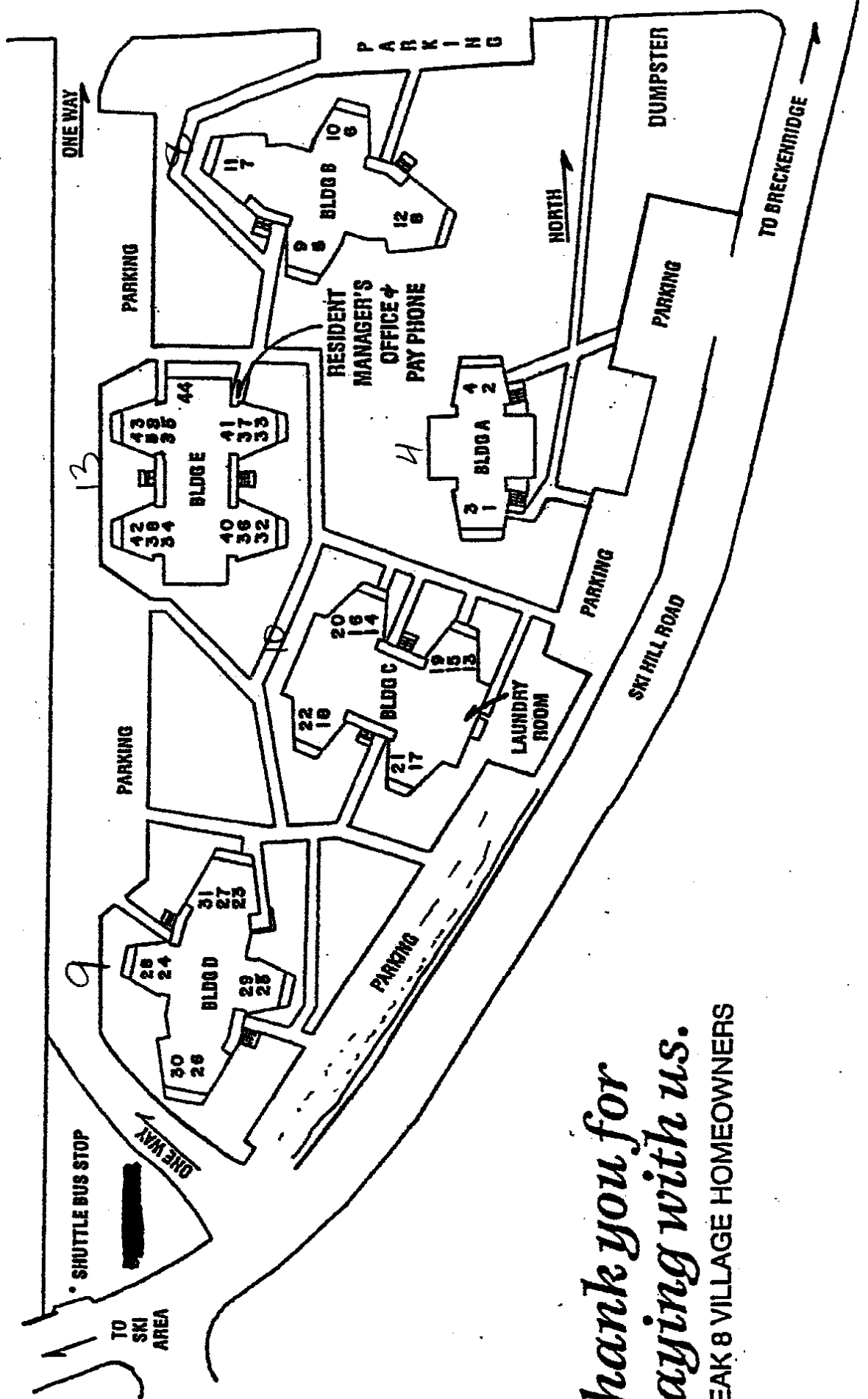


**EAST ELEVATION**  
**SCALE: 1/8" = 1'-0"**



WEST ELEVATION  
SCALE: 1/8" = 1'-0"

44 total units



*Thank you for staying with us.*  
—PEAK 8 VILLAGE HOMEOWNERS

**Planning Commission Staff Report**

**Project Manager:** Matt Thompson, AICP

**Date:** June 12, 2008, (For Meeting of June 17, 2008)

**Subject:** Extension of Ski School and Rental Temporary Sprung Permit Duration, (PC#2008069) Class C Minor Development Application

**Applicants:** Vail Summit Resorts

**Agent:** Jeff Zimmerman, Vail Summit Resorts

**Proposal:** This application is in reference to Development Permit (PC#2006129); Ski School and Ski Rental Temporary Sprung buildings, both of which are located at Peak 8 at the Breckenridge Ski Resort.

This request is to extend the length of the Development Permit for both structures. The time extension of the Rental Sprung would be tied to completion of all facilities at Peak 8 and the Ski School Sprung until the completion of building 804 plus an appropriate time frame for removal of both structures, typically the following summer. In addition this request contemplates that a Sprung structure may be relocated or sized appropriately to accommodate various business functions during the development of the base of Peak 8.

The applicant would like to extend the permit out as long as possible to allow time to complete construction of the permanent buildings. Per the Development Code the maximum time this permit can be extended is three years. Hence, the applicant is requesting extending the permits until August 15, 2011. This is a three year extension from the removal date of August 15, 2008 for the Rental Sprung building, PC#2006129.

**Address:** 1599 Ski Hill Road

**Legal Description:** Tract C, Peaks 7 & 8 Perimeter Subdivision

**Site Area:** 111.19 acres (4,843,436 sq. ft.)

**Land Use District:** 1: Low Density Residential and Recreational (1 unit per 10 acres)  
Subject to the Breckenridge Ski Resort Peak 7 & 8 Master Plan, 2005

**Site Conditions:** The Ski School Sprung building is behind the existing Kids Kastle, which is void of significant vegetation. The Rental Sprung building is in the existing parking lot at the base of Peak 8, adjacent to the gondola terminal building. This site is flat and has no development constraints other than maintaining minimum parking requirements.

**Adjacent Uses:** North: Public Open Space  
East: Four O'clock Subdivision  
South: U.S.F.S  
West: Ski Watch Condos/U.S.F.S

**Density:** Allowed under Master Plan: 282 SFEs Residential  
14.5 SFEs Commercial  
48 SFEs Guest Services

Proposed density\*: 4.8 SFEs (4,800 sq. ft.) Commercial Rental Shop  
2.2 SFEs (2,200 sq. ft.) Guest Services Ski School

(\*Note: When these temporary buildings are removed, this density will become available for other uses.)

**Mass:** Allowed under Master Plan: 14,500 sq. ft. Commercial  
48,000 sq. ft. Guest Services  
Proposed mass: 7,000 sq. ft.

**Height:** Recommended\*: 26' (mean)  
Proposed: 21'-3" (overall) Rental Shop  
18'-10" (overall) Ski School

(\*Note: LUD 39 does not address building heights for commercial or guest services buildings. 26' height limit is based on an interpretation of the Town Attorney for the previous proposal for similar buildings in November 2005).

**Parking:** Required: 0 spaces  
Proposed: 0 spaces  
(Parking for guest services and commercial uses are provided by common spaces at the Ski Area's existing parking lots. A minimum of 200 spaces that are available to Ski Area guests must be maintained within the Peak 7 & Peak 8 base areas.)

### Item History

The section below was taken from the previous Staff report and approval:

*The Breckenridge Ski Resort constructed two Sprung buildings at the base of Peak 8 during the fall of 2006. Each structure was developed under separate building permits and are referred to as the Ski School Sprung and the Rental Sprung. While each structure is a stand-alone project, the basis of both requests are similar and twofold; to continue to provide good guest service during an interim period of significant construction and address overcrowding of existing facilities. Vail Resorts commits that each structure is indeed temporary and every effort will be made to remove them from service at the earliest opportunity.*

*The Ski School Sprung is a 2,200 square foot facility located uphill of the existing Kids Kastle. It has been used to stage lessons and provide shelter and restroom facilities for the Children's Ski School. This structure will be removed when building 804 is open for business or by August 15, 2010, whichever comes first. (See the attached phasing plan for time frames.) The Rental Sprung will replace their current 3,200 square foot ski shop with a 4,800 square foot structure housing ski rental and retail capabilities. The old 3,200 sq. ft. rental building will be remodeled into a locker room and first aid facility.*

*The new Sprung Building will be removed by August 15, 2008 or at such time as their new, and yet to be announced, Skier Services center at the base of the Gondola is open for business, whichever comes first. Vail Resorts is in the design and development phase of that project and, pending approvals, anticipate a spring 2007 groundbreaking.*

*The granting of this variance will be in general harmony with the purpose of the Development Code, since it will help to ensure quality guest services during the transition from the existing facilities at Peak 8 to the new Peak 8 base. This interim period will result in a new world-class resort, which is beneficial to the community in general, and has been a goal of the Town and the Applicant for many years.*

## Staff Comments

**Land Use (Policies 2/A & 2/R):** District 39 is located at the very base of the Breckenridge Peak 8 Ski Area. The primary function of District 39 is to provide an area for lodging, residential and commercial development that will furnish goods and services for the everyday needs of the users and employees of the Peak 8 ski facility, as well as the surrounding neighborhoods.

The architectural requirements of these buildings should reflect the character of the mountain environment, while remaining compatible with existing developments in the area. It is important that all new development be integrated with the skier facilities and other existing developments. Some support commercial density may be incorporated into this District; however, it should be limited to goods and services that are directly related to accommodate the users and employees of the immediate development. The proposed use of a ski rental shop and a ski school are directly for the support of the users of Peak 8.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** Under the approved Peak 7 & 8 Master Plan, Vail Resorts can build up to 14,500 square feet of commercial space and 48,000 square feet of guest services. The request for a 4,800 commercial rental sprung building and a 2,200 square foot ski school for guest services is much less than Vail Resorts has approved for the Peak 7 & 8 Master Plan.

**Architectural Compatibility (5/A & 5/R):** Per Policy 5/R, all proposed new developments, alterations, or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in the land use guidelines. Per the land use guidelines for District 39, contemporary architecture utilizing natural finishing materials and ornamentation appropriate to the natural setting of the District is acceptable. All new development should be compatible with the existing neighborhood, as well as sensitive and harmonious to the immediate site. Development directly accommodating the users of the skiing facilities at the base of the area shall have structural, visual and architectural continuity.

Since the Peak 7 & 8 Master Plan is in effect, the Design Standards in the Master Plan override the Land Use Guidelines. The following are the Design Standards from the Peak 7 & 8 Master Plan: *The architecture will present a rustic mountain lodge style through the use of authentic stone foundations, large sheltering roof forms, large shaded windows, simple but strong detailing and a sense of informality. Natural and natural appearing materials such as lap and shingle siding, board and batten siding and real stone faced foundations will enhance the character and blend with natural surroundings. Natural appearing synthetic materials may only be used as exterior building materials where fire retardant materials are required by building and/or fire codes, or for elements, where in the determination of the Planning Commission, the synthetic material is indistinguishable from pedestrian level. The use of synthetic exterior building materials is subject to the Town of Breckenridge Development Code. No stucco will be used on any exterior building elevation. Wood elements will be stained, with muted colors chosen from a natural palate of weathered browns and grays. Brighter hues may be chosen for elements such as windows and window trim. Design diversity will be achieved with each type of building, or cluster of buildings, which may have their own style based on these qualities. This is one of the few places in Breckenridge, where larger buildings can comfortably be in scale with the mountain backdrop and clearly be dominated by the surrounding natural mountain setting.*

The existing temporary buildings use coated PVC fabric white in color. Due to the nature of these structures being temporary, Staff can support their use as skier services temporary buildings.

**Site Suitability (7/R) And Site Design (8/R):** *The Town finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe and efficient manner. The overall design objectives shall be:*

- *To blend development into the natural terrain and character of the site*
- *To minimize the negative impacts of off-site views of grading and building massing*

- *To minimize site surface disruption; reduce the potential for erosion and other environmental degradation*
- *To generally develop in a visually cohesive manner while providing privacy for the occupants of the site and buffering to the neighboring properties as well.*

The proposed ski school Sprung building will remain on the ski slope and blends in quite well when snow is on the ground. Staff and the applicant do not believe it makes sense to plant trees around the Sprung building as it is temporary and, when removed, does not want the trees in the middle of the ski run.

The rental Sprung building currently sits in the Peak 8 parking lot and sits directly on the asphalt, although a concrete curb has been built around the base of the building. The rental Sprung building causes no site surface disruption or erosion.

**Placement Of Structures (9/A & 9/R):** These proposed sprung structures are well within all setbacks.

**Snow Removal And Storage (13/R):** The Peak 8 parking lot is cleared everyday before use when it snows. The rental Sprung structure does not interfere with snow removal or storage in the Peak 8 parking lot. Snow removal around the ski school Sprung building is be similar to how the current Ski School Yurt is maintained.

**Landscaping (22/A & 22/R):** No permanent trees or other landscaping is proposed at this time. The applicant will be placing movable planters for landscaping during the summer months around the rental sprung building in the Peak 8 parking lot to soften the visual impact of the development.

**Utilities Infrastructure (26/R):** All necessary utilities are located in the parking area of the base area. Vail Summit Resorts has added restroom facilities to the Ski School Sprung building. The current Ski School Yurt does not have restroom facilities. The proposed Rental Sprung building does not have a restroom. The proposed Building 804 at the base of Peak 8 will house the new ski school and will be the replacement for the Ullr Building. Construction of Building 804 is scheduled to begin in spring of 2009 and will be completed by winter of 2010. The Ski School Sprung Building and the Ski School Yurt would be removed by August 15, 2011. The rental sprung building will be removed by August 15, 2011.

**Point Analysis (Section: 9-1-17-3):** This application passed all absolute policies with the exception of Policy 36. A variance was previously granted from this Policy. No additional points were incurred under any remaining policies.

### **Staff Decision**

The Planning Department has approved of the Ski School and Rental Temporary Sprung Buildings Permit Duration request, (PC#2008069) with the attached Findings and Conditions.



**TOWN OF BRECKENRIDGE**

**Ski School and Rental Shop Sprung Buildings Permit Duration Extension  
1599D and 1600B Ski Hill Rd.  
Tract C, Peaks 7 & 8 Perimeter Subdivision  
PC#2008069**

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**STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve this application with the following findings and conditions.

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**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 June 12, 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 June 17, 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 three years from date of issuance, on August 15, 2011, 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 three years, 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. All development activity on this site shall be subject to the Peak 7 & 8 Master Plan.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. 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.
8. The Ski School Sprung Building shall be removed when Building 804 is open for business or August 15, 2011, whichever comes first.
9. The Rental Sprung Building shall be removed by August 15, 2011, or when the Skier Services Building is constructed at the gondola terminal (downtown), whichever comes first.
10. The applicant, owner, lessee, etc. of the temporary structure shall provide a monetary guarantee, ensuring the complete removal of the structure, site clean-up, and site revegation, once the permit for the temporary structure has expired. In addition, the applicant, owner, lessee, etc shall enter into an agreement with the Town, authorizing the Town to take possession of the structure and dispose of it upon failure of the applicant to remove the structure by the agreed to date.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
12. 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.
13. 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.

#### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

14. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
15. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment, meters and utility boxes on the building a flat, non-reflective color or to match the building color.

16. 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.
17. 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 not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
18. 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#:** Hugo Residence (PC#2008066)  
**Project Manager:** Julia Skurski, AICP  
**Date of Report:** June 11, 2008 for meeting of June 17, 2008  
**Applicant/Owner:** Bill Hugo  
**Proposed Use:** Single family residence  
**Address:** 63 Buffalo Terrace  
**Legal Description:** Lot 18, Highlands Park  
**Site Area:** 0.606 acres (26,414 square feet)  
**Land Use District (2A/2R):** Subject to the Delaware Flats Master Plan  
**Existing Site Conditions:** This site is flat with no trees. There is a 10' snow stack easement along the right-of-way, a 30' utility and drainage easement along the west property line and a 15x30 foot utility easement in the north-eastern property corner.

**Density (3A/3R):** Allowed: 5,283 sq. ft. Proposed: 4,842 sq. ft. per plat (850 sq.ft. under 4' exposed; not counted per plat-4,815 sq.ft. total (3,965+850))

**Mass (4R):** Allowed: 5,283 sq. ft. Proposed: 4,842 sq. ft. per plat (5,973 sq. ft. total)

**F.A.R. Areas:** 1:4.6 FAR

**Lower Level:** 1,195 sq. ft. (281 unfinished)  
**Main Level:** 2,229 sq. ft.  
**Upper Level:** 1,391 sq. ft.  
**Accessory Apartment:** n/a  
**Garage:** 877 sq. ft.  
**Total:** 5,692 sq. ft.

**Bedrooms:** 6  
**Bathrooms:** 5.5  
**Height (6A/6R):** 29 feet overall  
(Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**

Building / non-Permeable:	3,106 sq. ft.	12.00%
Hard Surface / non-Permeable:	2,430 sq. ft.	9.00%
Open Space / Permeable:	20,878 sq. ft.	79.00%

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

**Snowstack (13A/13R):** Required: 608 sq. ft. (25% of paved surfaces)  
Proposed: 688 sq. ft. (28.31% of paved surfaces)

**Fireplaces (30A/30R):** Three - gas fired

**Accessory Apartment:** None

**Building/Disturbance Envelope?** Disturbance Envelope

**Setbacks (9A/9R):** Front: within disturbance envelope  
Side: within disturbance envelope

Side: within disturbance envelope  
Rear: within disturbance envelope

**Architectural Compatibility (5/A & 5/R):**  
**Exterior Materials:**

This proposed residence will be architecturally compatible with the general design criteria for the neighborhood.  
Natural stone "telluride rico stack" base, chimney and lower level; horizontal beveled lap siding and cedar chingles in "covered bridge" semi-transparent stain; cedar trim in "pine cone" semi-transparent stain.

**Roof:**

Asphalt composite shingle (Elk Preminum Plus in Barkwood); and small portion of snap-seam metal roofing in "dark bronze"

**Garage Doors:**

Wood

**Landscaping (22A/22R):**

Planting Type	Quantity	Size
Colorado Spruce	4	6@ 8 feet tall and 2 @ 12 feet tall
Aspen	12	2-4 inch caliper -50% multi-stem
Narrowleaf cottonwood	2	2-3 inch caliper
Shrubs (potentilla, alpine currant, peking cotoneaster)	45	5 Gal.

**Drainage (27A/27R):**

Positive drainage away from the residence.

**Driveway Slope:**

2 %

**Covenants:**

Landscape covenant.

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

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 under any Relative policies.

**Staff Action:**

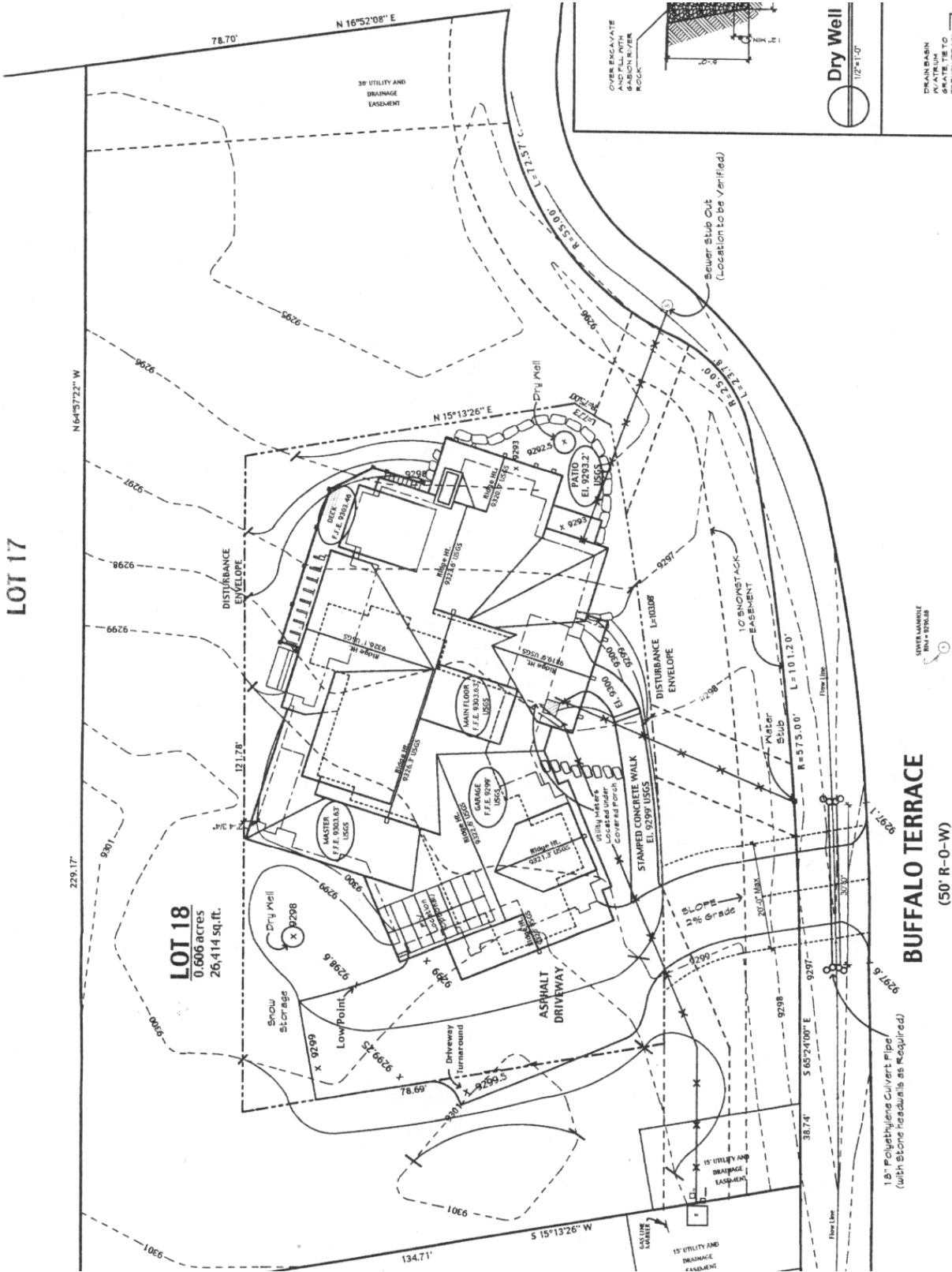
Staff has approved the Hugo Residence (PC#2008066) with standard findings and conditions.

**Comments:**

There is a plat note which limits square footage of the home to 20% of the gross lot area. The plat note states that square footage consists of all living space (with the exception of areas such as of attics) and areas which are under 4' exposed walls (850 square feet in this case) as well as the garage square footage into the density and mass calculation.

**Additional Conditions of Approval:**

**LOT 17**



**AREA CALCULATIONS**

	Unfinished	Finished	TOTAL
Lower	261 S.F.	1,476 S.F.	1,476 S.F.
Main/Garage	677 S.F.	2,224 S.F.	9,106 S.F.
Upper/Guest Suite		1,941 S.F.	1,941 S.F.
<b>TOTAL</b>	<b>1,188 S.F.</b>	<b>4,819 S.F.</b>	<b>9,175 S.F.</b>
Covered Porch		448 S.F.	
Under 4'-0" Exposed		850 S.F.	

NOTE: Square Footage are calculated for code purposes only and should be recalculated for any other purposes.



LOT 17

N 64°51'12" W

229.11'

LOT 18

DRYWELL LANDSCAPE, REF. DETAIL 2/A-U

DISTANCE ENVELOPE

LOT 19

N 16°52'08" E

78.10'

30' UTILITY AND DRAINAGE EASEMENT

R=3500 L=175.15'

DRYWELL • CONCRETE PATIO, REF. DETAIL 1/A-U

STAMPED CONCRETE PATIO

SEWER STUB OUT (LOCATION TO BE VERIFIED)

PROVIDE RIP RAP OVER LANDSCAPE FABRIC AT ALL DRIP LINES, TYP.

DISTURBED ENVELOPE

NATIVE GROUND PERENNIALS

WATER STUB

R=515.00 L=101.20'

STAMPED CONCRETE WALK

12" OR SMALLER SNOW STACK

20'-0" MAX

18" UTILITY AND DRAINAGE EASEMENT

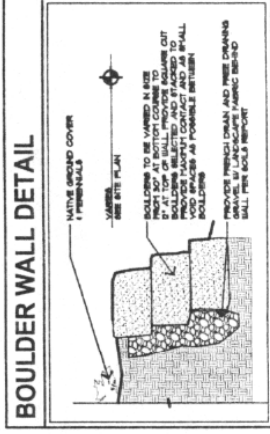
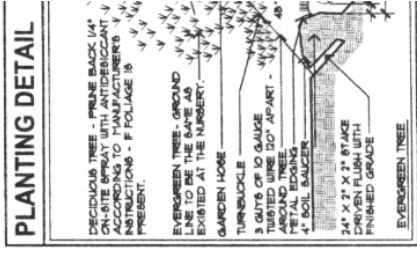
65'24.00" E

18" CULVERT PIPE

38.14'

18" UTILITY AND DRAINAGE EASEMENT

134.71'

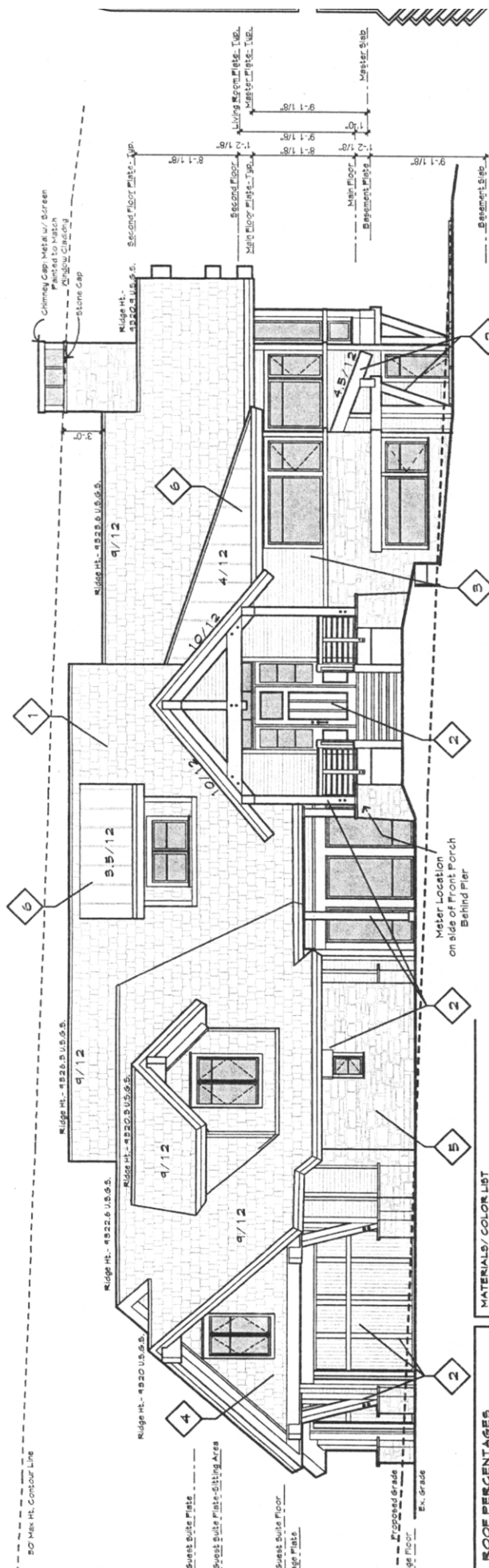


BUFFALO TERRACE

LANDSCAPE PLAN

SCALE: 1" = 10'-0"





**NORTHEAST ELEVATION**  
1/4" = 1'-0"

**MATERIALS/COLOR LIST**

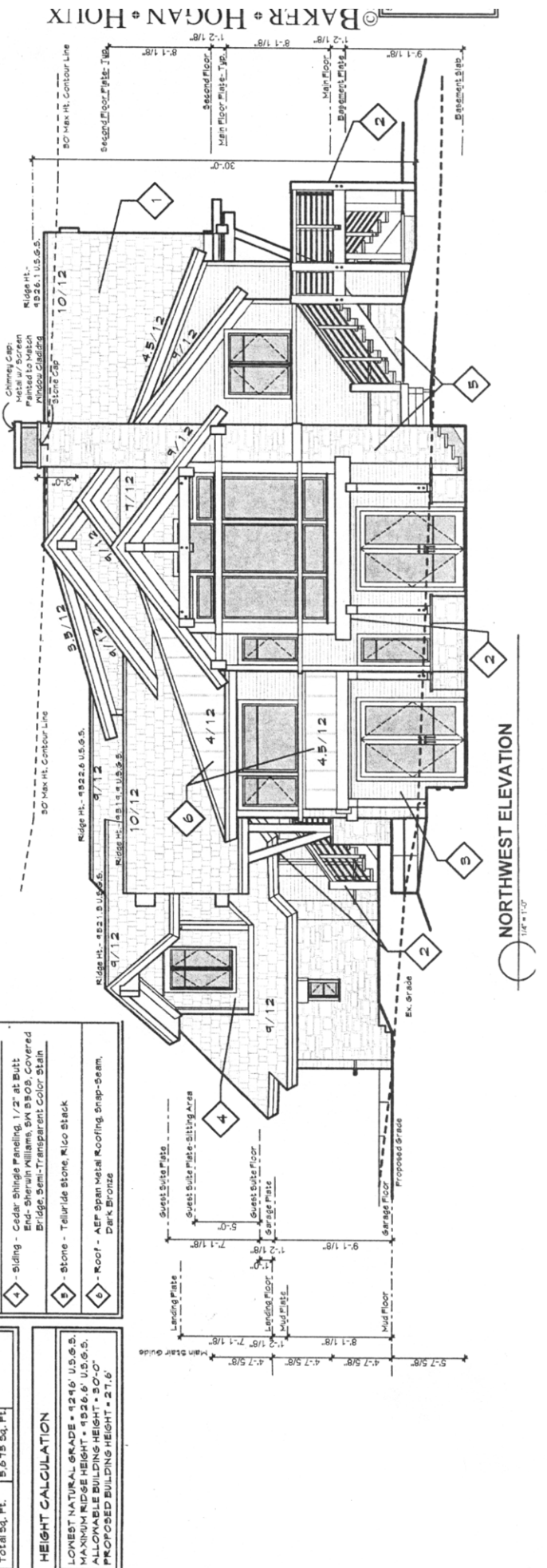
- 1 - Roof - Asphalt Shingles - Elk Premium Choice Prestique (40 year) - Darkwood
- 2 - Trim - Sherwin Williams SW 9046 Pine Cone, Solid Color Stain
- 3 - Siding - Beveled Lap Siding - 1/8" Min. - Cedar - Sherwin Williams, SW 9509, Covered Bridge, Semi-Transparent Color Stain
- 4 - Siding - Cedar shingle Siding, 1/2" at Butt End - Sherwin Williams, SW 9509, Covered Bridge, Semi-Transparent Color Stain
- 5 - Stone - Tealride Stone, Rico Stack
- 6 - Roof - AER Span Metal Roofing, Snap-Seam, Dark Bronze

**ROOF PERCENTAGES**

Roof Pitch	Square Footage	Percentage
9/12	5,976 Sq. Ft.	70.1 %
4/12 to 9/12	1,102 Sq. Ft.	19.4 %
4/12	549 Sq. Ft.	10.5 %
<b>Total Sq. Ft.</b>	<b>5,678 Sq. Ft.</b>	

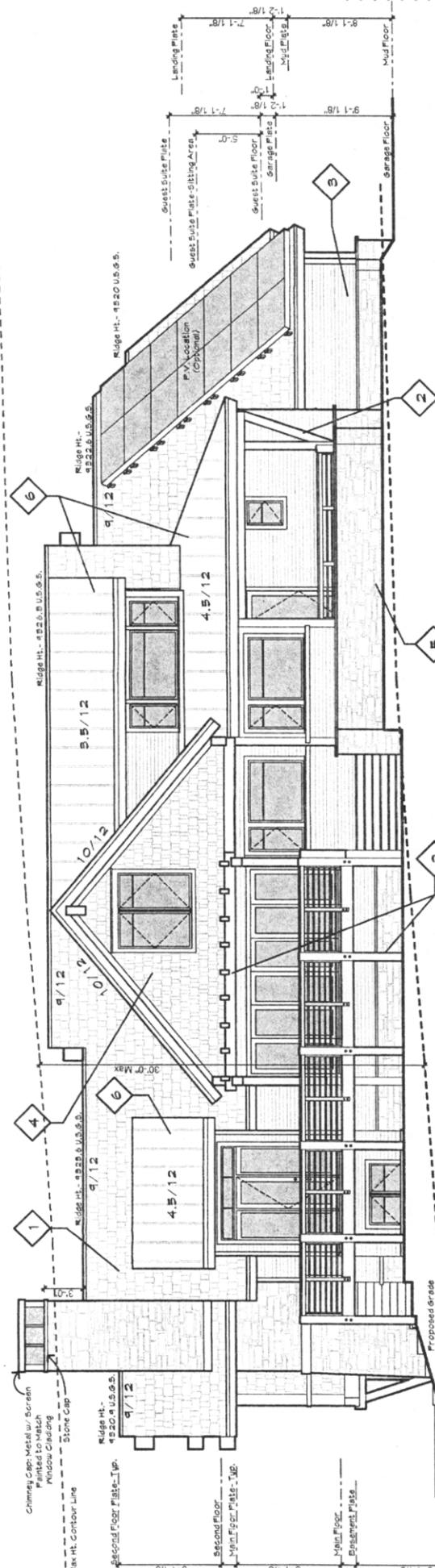
**HEIGHT CALCULATION**

LOWEST NATURAL GRADE = 4246' U.S.G.S.  
 MAXIMUM RIDGE HEIGHT = 4326.6' U.S.G.S.  
 ALLOWABLE BUILDING HEIGHT = 30'-0"  
 PROPOSED BUILDING HEIGHT = 27.6'



**NORTHWEST ELEVATION**  
1/4" = 1'-0"

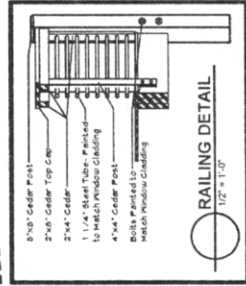




**MATERIALS/ COLOR LIST**

- 1 - Roof - Asphalt shingles - Elk Premium Choice Prestique (40 year) - Barkwood
- 2 - Trim - Sherwin Williams SW 9046 - Pine Cone, Solid Color Stain
- 3 - Siding - Beveled Lap siding - 1/8" Min - Cedar - Sherwin Williams SW 9509 Covered Bridge, Semi-Transparent Color Stain
- 4 - Siding - Cedar Shingle Paneling, 1/2" at Butt - Sherwin Williams SW 9509 Covered Bridge, Semi-Transparent Color Stain
- 5 - Stone - Telluride Stone, Rico Stack
- 6 - Roof - AEP Span Metal Roofing, Snap-Seam, Dark Bronze

**SOUTHWEST ELEVATION**  
1/4" = 1'-0"

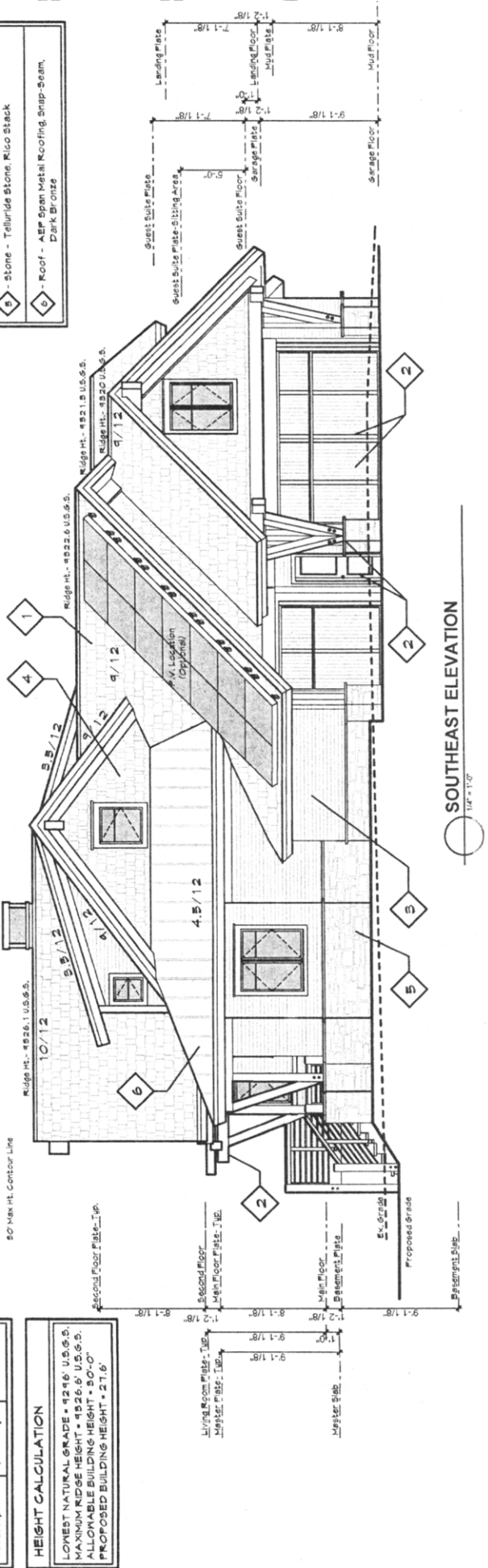


**ROOF PERCENTAGES**

	Square Footage	Percentage
8/12	5,979 Sq. Ft.	70.1 %
4/12 to 8/12	1,102 Sq. Ft.	14.4 %
4/12	549 Sq. Ft.	10.5 %
<b>Total Sq. Ft.</b>	<b>5,679 Sq. Ft.</b>	

**HEIGHT CALCULATION**

LOWEST NATURAL GRADE = 924.6' U.S.G.S.  
 MAXIMUM RIDGE HEIGHT = 952.6' U.S.G.S.  
 ALLOWABLE BUILDING HEIGHT = 80'-0"  
 PROPOSED BUILDING HEIGHT = 27.6'



**SOUTHEAST ELEVATION**  
1/4" = 1'-0"



Class C Development Review Check List

**Project Name/PC#:** Schaetzel Residence PC#2008047  
**Project Manager:** Chris Kulick  
**Date of Report:** June 11, 2008 For the June 17, 2008 Planning Commission Meeting  
**Applicant/Owner:** Tom & Elycia Schaetzel  
**Agent:** M. Pieske  
**Proposed Use:** Single Family Residential  
**Address:** 597 Broken Lance Drive  
**Legal Description:** Lot 2, Warriars Mark #2  
**Site Area:** 9,375 sq. ft. 0.22 acres  
**Land Use District (2A/2R):**

**Existing Site Conditions:** 30.7: Residential, per county approved density allocation map-maximum 6 UPA, Single-Family or Duplex  
 The lot slopes downhill from north to south at an average of 8%. The site is moderately heavily with lodgepole pine trees. A 8 foot utility easment runs along the northern, western and southern edges of the property line. A 5 foot utility easment runs along the eastern edge of the property line.

**Density (3A/3R):** Allowed: Unlimited Proposed: 4,061 sq. ft.  
**Mass (4R):** Allowed: Unlimited Proposed: 4,865 sq. ft.  
**F.A.R.:** 1:1.93 FAR  
**Areas:**  
**Lower Level:** 1,180 sq. ft.  
**Main Level:** 1,959 sq. ft.  
**Upper Level:** 922 sq. ft.  
**Accessory Apartment:**  
**Garage:** 804 sq. ft.  
**Total:** 4,865 sq. ft.

**Bedrooms:** 5  
**Bathrooms:** 4  
**Height (6A/6R):** 34 feet overall  
 (Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
 Building / non-Permeable: 2,068 sq. ft. 22.06%  
 Hard Surface / non-Permeable: 1,302 sq. ft. 13.89%  
 Open Space / Permeable: 6,005 sq. ft. 64.05%

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

**Snowstack (13A/13R):**  
 Required: 326 sq. ft. (25% of paved surfaces)  
 Proposed: 447 sq. ft. (34.33% of paved surfaces)

**Fireplaces (30A/30R):** Two - one gas fired & one EPA phase II

**Accessory Apartment:** None

**Setbacks (9A/9R):**  
 Front: 28 ft.  
 Side: 11 ft.  
 Side: 11 ft.

Rear: 40 ft.

**Architectural Compatibility (5/A & 5/R):** The residence will be compatible with the land use district and surrounding residences.

**Exterior Materials:**

8" reveal cedar siding, 4" tongue & groove cedar siding and natural stone base.

**Roof:** Composite Shingles

**Garage Doors:** wood clad

**Landscaping (22A/22R):**

Planting Type	Quantity	Size
Douglas Fir	8	5'-7' tall
Aspen	16	1-1.5 inch caliper - 50% of each and 50% multi-stem
Shrubs and perenials	2	5 Gal.

**Drainage (27A/27R):** Positive away from structure

**Driveway Slope:** 4 %

**Covenants:** Standard Landscaping Covenant

**Point Analysis (Sec. 9-1-17-3):** An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

**Staff Action:** Staff has approved the Schaetzel Residence, PC#2008047, located at 597 Broken Lance Drive, Lot 2, Warriors Mark #2, with the attached findings and conditions.

**Comments:** Staff notes that the lower level of the house is unfinished, but appears to be set-up for a future accessory apartment. The applicants have indicayed there are no plans to have an accessory apartment. While an accessory apartment can be approved if it meets certain design criteria, the current layout does not meet those requirements. To this effect, we have added the following condition of approval.

**Additional Conditions of Approval:** 15. 220 volt power is not permitted to be installed in lower level of residence without receiving a permit for an approved accessory apartment.

## TOWN OF BRECKENRIDGE

Schaetzel Residence  
Lot 2, Warriors Mark #2  
597 Broken Lance Drive  
PC # 2008047

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

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### 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 **June 11, 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 **June 17, 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 **December 24, 2009** 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. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
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. A **four-foot tall Construction fence** shall be constructed on the building setback lines to contain site disturbance within the envelope. The fence must remain in place until the Town grants the final Certificate of Occupancy.
12. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
13. 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.
14. 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.
15. 220 power is not permitted to be installed in the lower level of structure without receiving a permit for an approved accessory apartment.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

16. Applicant shall submit proof of ownership of the project site.
17. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
18. 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.
19. 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.
20. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the dripline of 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.
21. 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.

22. 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.
23. 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.
24. 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.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

25. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
26. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches 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 ground.
27. 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.
28. Applicant shall screen all utilities.
29. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
30. 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.
31. 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.
32. 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.

33. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
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.***

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(Initial Here)



**Snow s**

Snow stack

**Lot Coy**

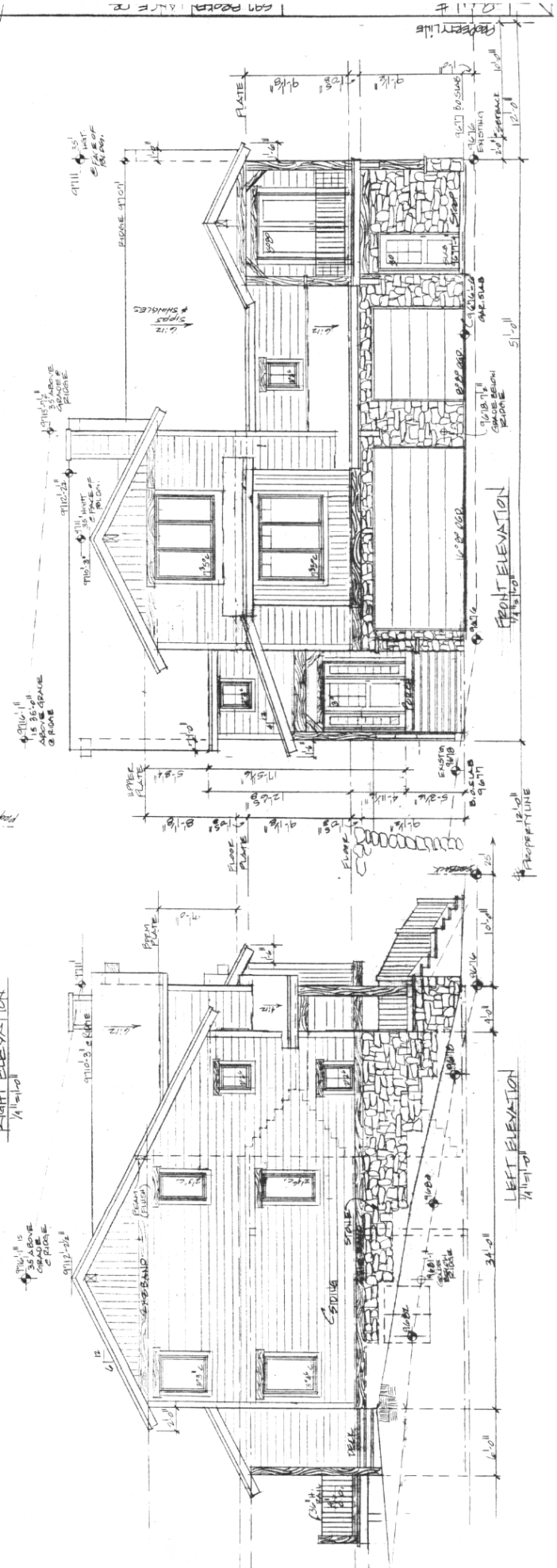
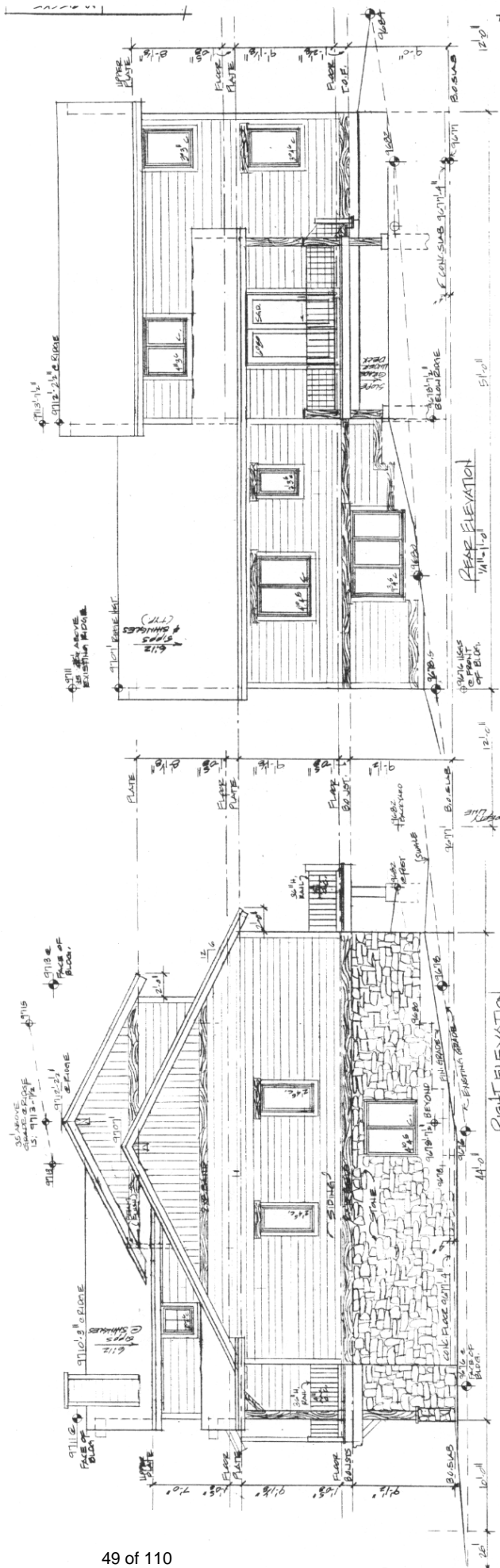
- Lot size
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**Site Not**

1. Electric
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BASES OF BEARINGS: THE LINE BETWEEN THE CORNER OF LOT 1 AND LOT 2 AND THE BEARING S 7329'13\"/>





## Planning Commission Staff Report

**Project Manager:** Michael Mosher

**Date:** June 12, 2008 (For meeting of June 17, 2008)

**Subject:** Theobald Building Renovation, Landmarking and Variance Request (Class B Major, Final Hearing; PC# 2008058)

**Applicant/Owner:** Theobald Family, LLC

**Agent:** Randy Hodges, Hodges/Marvin Architects, Inc.

**Proposal:** To completely restore the original façade of the Theobald Building (based on historic photographs), lower the interior floor (no changes to the exterior) in order to meet handicap access standards, rehabilitate and restore the north elevation to facilitate a viable retail experience between the Riverwalk and Main Street, replace the historic shed addition as a stand-alone retail space behind the main building. No changes are proposed to the non-historic building (Pup’s Glide Shop) that exists at the west property edge. The north sidewalk in the public right of way will be heated to eliminate the ice dangers.

**Address:** 101 South Main Street

**Legal Description:** The North 25.66 feet of Lot 1, Bartlett and Shock Addition

**Site Area:** 0.074 acres (3,207 sq. ft.)

**Land Use District:** 19, Commercial 1:1 FAR/20 UPA residential (w/ 1,000 ft. multiplier)

**Historic District:** Commercial Core, Character Area #6

**Site Conditions:** The property contains the historic Theobald Building and the non-historic one-story “out-building” that currently houses Pup’s Glide Shop. The historic shed has been moved, temporarily, off site for future replacement. The non-historic shed (which was attached to the historic shed) has been recently removed (separate permit). There are no platted easements on the property.

**Adjacent Uses:** North: Ski Hill Road, then retail and offices  
East: Main Street, then retail and offices  
South: Motherloaded Restaurant  
West: Alley, Bly Building and Riverwalk

**Density:** Allowed under LUGs: 3,207 sq. ft.  
Proposed density: 3,207

**Mass:** Allowed under LUGs: 3,207 sq. ft.  
Proposed mass: 3,207

<b>Height:</b>	Recommended:	25 feet (30 feet with negative points)
	Proposed:	24 feet to cornice of new structure
<b>Parking:</b>	All parking, based on existing density and use, already provided for in Service Area. (4.5 spaces)	
<b>Setbacks:</b>	Front:	0 ft.
	Sides:	0 ft.
	Rear:	0 ft.

**Comments from the May 20, 2008 Meeting**

- Mr. Bertaux: Is Staff considering or suggesting language for a variance? (Mr. Mosher: We would like the Commission to give Staff some direction and then we would consult with the Town Attorney for the actual language.) Great project. The building needs renovation and was glad to see this type project going on. Interior floor elevation change is fine. A survey would be recommended to track any elevation before and after the renovation. The allowed basement density beneath a historic structure is not really “free” but a relocation of this density beneath a small portion of the new construction would be OK. The resulting vitality to this end of the block is good. Do not support awarding any negative points for the remodel of the building as the resulting vitality is important. Support awarding positive six (+6) points for heating the public sidewalk. Seeking National rating is up to the property owner. Supported lowering the historic rating as the building would still meet state requirements within the Conservation District.*
- Mr. Allen: If density on the new structure is deemed appropriate, would TDRs be an option? (Mr. Neubecker: the historic district is not a receiving area, so TDRs would not be allowed.) Asked Mr. Hodges to explain the metal cornice that would be used on the new north entry. (Mr. Hodges: A building that was being torn down in Texas was where the historic cornice came from.) Noted that Doug Carrs’ property received positive points for internal circulation. Can we apply like points here? (Staff presented the proposed circulation patterns on the site to the Commission and discussed the Carr application and the points assigned to that application. Staff will look to the code to see if points can be assigned. Staff also pointed out capital improvements do warrant positive points, but this project is not in the capital improvements plan.) Supported lowering floor elevation as it will not be noticed. Allow the basement density but did believe this is a relocation of the allowed density and not “free”. Public benefits far exceeded code issues with this application. Supported alterations to historic structure. Respecting the historic nature, respected integrity and supported positive points for heating sidewalk. Supported allowing the lowering of the rating. Maybe add positive points for public sidewalk but maybe penalize for energy consumption.*
- Ms. Girvin: On the north elevation existing entry feature, there are architectural “do-dads”. When were they added? (Mr. Theobald: added in the 1970s.) Were any more windows found that have been covered up? (Mr. Theobald: Yes, in the north and south elevations and one in the second floor.) Asked if footers will support the building. (Mr. Hodges: clarified the support structure for the basement and*

*outlined its location.) How do you get underneath to build the basement? (Mr. Hodges: stated they would shore it up like a mine and enter through the back of the building, then work toward the sides. Furthermore not all of the basement is beneath the existing building; some is under the new addition.) No problem with lowering the floor. Proposal to bring basement walls back would be the same square footage, thus be a relocation of density but not “free”. Changes are in balance with connection to Riverwalk. Not keen on the large lower level windows on north elevation. If you look at other historic structures lower windows aren’t present elsewhere. The historic fabric would be removed if these three windows were added. Lowering the historic rating is ok. Not in favor of heating sidewalks or driveways for it’s a terrible waste of energy but would support heating this sidewalk in this case, just not sure about positive six (+6) points for the public benefit as a result.*

*Mr. Khavari: On the Phillips garage were negative points assigned? (Mr. Mosher: No.) Have negative points ever been assigned for relocation. (Mr. Neubecker: Yes, negative points have been assigned for relocation in the past.) This is a good project, but a bunch of things that we are seeking variances for may start a precedent which is a concern. Basement is ok underneath the historic and non-historic floor structure. What is the approximate square footage of the heated sidewalk? (Estimates were given but staff will look into it and report back.). # 1 yes. #2 not free density just relocating. #3 Yes. #4 Yes, work with windows by adjusting sizes or numbers. Ok with rating and ok with heating not sure about positive six (+6) points.*

### **Changes since the Last Submittal**

1. Elevations and plans of the relocated shed have been included.
2. The applicants have submitted a letter and photos addressing some of the concerns expressed during the last hearing regarding the proposed architecture.

### **Item History**

This building has been used as a variety of different stores since John D. Roby opened his store in 1866. The Springmeyers operated a grocery store from 1945 until it was sold to George and Jean Theobald in 1953. The Theobald family continued to operate a grocery/general store until 1960 when it was then leased as a variety of retail uses to the present day.

The Theobald family has been involved in several recent rehabilitations of their historic properties throughout Town; the Racer’s Edge buildings and sheds restoration and rehabilitation, Robert Theobald Office restoration and rehabilitation (Hamlets Bookstore), Barney Ford Museum, The Tin Shop restoration and rehabilitation, McAdoo Corner restorations and the Shops at Historic South Main Street (Photo Shop and sheds rehabilitation and restoration and the Phillips Garage Rehabilitation). All of these redevelopments offered the public benefit of a revitalized use of an otherwise under utilized or “abandoned” historic site.

Staff has often found that, at times, the exactness of the policies from the Development Code and the Historic Standards are often difficult to apply or interpret with the variety of unusual conditions established with the Town’s many historic structures and the changes to the Town’s character and growth patterns. For instance, for the Racer’s Edge redevelopment, the Town’s historic standards were

modified during the review process to accommodate specific conditions that were not identified in the Development Code or Historic Standards in order to facilitate the redevelopment of the property.

### **Staff Comments**

This application is to restore and rehabilitate the existing Theobald Building and return the historic shed to the property as a stand-alone retail building at the back of the lot.

The restoration portion of the proposal is to completely restore the original east façade of the historic building based on historic photographs. The non-historic application of bric-a-brac on the east façade is to be removed and new historically-accurate fabricated details will be applied to bring the façade to its original historic appearance based on photos. In addition, the applicant intends to restore the original historic window openings along the upper level north elevation, preserve the deteriorating historic metal siding by covering it with custom fabricated metal siding, and remove the non-historic side entrance.

The renovation portion of the proposal is to add new historically compliant storefront openings along the north elevation of the historic building (matching the standards suggested in the Handbook of Design Standards for the Historic and Conservation Districts), three new upper story windows (matching the rhythm of the existing windows), and add a new subordinate building portion to the northwest corner of the historic building with a secondary storefront entry, complete with a historic sheet metal cornice. The historic building will be locally landmarked to codify the basement storage area as required to obtain “free” density for the basement storage area. The historic shed will be returned to the site and renovated to operate as a stand-alone retail “out-building” between the historic main building and the non-historic building along the west property line. Several variances are requested from the historic standards, as this situation (on a corner lot) is not fully addressed in the booklets.

Staff has given this application careful thought because we are confronted by two important issues: 1) The viability and “heartbeat” of the Commercial Core with the connection to the Riverwalk and 2) the possible removal of historic fabric and alterations to the building to meet this goal. Per the Development Code:

#### **9-1-2: Purpose:**

*The purpose of this chapter is to ensure that future growth and development which occurs in Breckenridge is in accord with the wishes of the residents hereof; to identify and secure, for present and future residents, the beneficial impacts of growth; to identify and avoid the negative impacts of growth; to ensure that future growth is of the proper type, design and location and served by a proper range of public services and facilities; and in other respects to achieve the goals and implement the policies of the Breckenridge comprehensive planning program, as amended from time to time. In addition, to preserve the historic resources and aesthetic qualities necessary to sustain the desirability of Breckenridge as a destination resort and economically viable community. (Ord. 19, Series 1988)*

Since the last review, Staff has examined the property file for the Rounds Building (PC#95-4-11). Although not a historic building, this proposal was for a new structure on a corner condition within the Commercial Core Character Area. In this memo, Noré Winter, of Winter and Company, identified certain policies and design standards that would have impacts on the corner design and how the standards could be interpreted for a corner condition. We are comparing comments made with that submittal to this application. Noré Winter, who helped the Town create their historic standards, wrote two memos addressing the proposed design for the Round Building as it related to the standards. In

these memos he identified specific design standards and Priority Policies that related to the proposal. Staff has identified those comments related to the corner situation (not the proposed materials, balcony design, or other non-related issues to this application). The applicable comments are referred to and discussed below in the remainder of this report.

Ultimately, the applicant intends to create an activity level along the north face of this property that does not currently exist. The intersection of Lincoln Avenue (and Ski Hill Road) and Main Street is the busiest and the most visible intersection in Town. As guests arrive to this intersection, three of the corners have active and viable non-historic retail spaces on both sides of the corners. The Theobald building has retail facing Main Street only. The ground floor of the north face of this building is void of any fenestration, is always in the shade creating icy conditions on the sidewalk and offers no “bread crumb trail” connection between the Riverwalk and Main Street.

Overall, we believe that the proposed renovation of this historic building and site will play an important role in achieving the goals and implementing the policies of the Code and preserving the historic resources and aesthetic qualities necessary to sustain the desirability of Breckenridge as a destination resort and economically viable community.

**Land Use (Policies 2/A & 2/R):** The proposed use for the overall property is retail. Staff has no concerns about the proposed use.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** There is to be no change in the existing density on the property. As it stands today, the historic building and shed have 3,207 square feet and the non-historic “out-building” (Pup’s Glide Shop) is 441 square feet.

The renovation of the main building involves reducing the second floor area by creating a mezzanine to redistribute some of the overall allowed density into the proposed addition towards the west end, maintaining the existing overall density on the property.

Per Policy 3/A, Density/Intensity:

(2) *Square footage shall be calculated by counting the following floor areas against the density calculations:*

*Commercial:*

*Density shall be calculated by adding the total square footage of each floor of the building. Except as provided below, this shall include any basement areas or storage areas, no matter what the proposed use shall be, and shall be measured from the outside of the exterior walls. Exceptions: a) any portion of a basement area of a "town designated landmark" as defined in chapter 11 of this title, which is: 1) located directly underneath the existing building, 2) completely or partially buried below grade, and 3) properly restricted to use as storage for tenants or occupants of the building, shall not be counted toward allowed density for such building so long as the historic USGS floor elevation of the building is maintained; and b) any underground portion of a building which is used to provide required or approved parking for the project. (Highlight Added.)*

As mentioned in the proposal description, the applicant intends to lower the interior floor level by one foot to meet the handicapped access requirements of the Building Code. The outside building elevation will remain the same.

Since the last review, the applicants have discovered that the floor was not physically attached to the exterior walls of the structure. Any change in the floor has no affect on the exterior of the building. Staff

believes that the spirit of this condition has been met while abiding with the necessary code requirements.

As mentioned in the previous Staff report, the applicant will be locally landmarking this building to allow “free” density, for storage only, in the basement as the code allows. The policy states that this basement density is “free” beneath the historic portions of the building only. There is established precedent in several previous applications for residential buildings where the conditions described in Policy 3 were strictly adhered to.

However, in this case, the placement of the historic building is immediately adjacent to the public sidewalks to the north and east, and the neighboring commercial building to the south. To dig out a full basement at these edges would likely compromise the stability of the neighboring structures. As proposed, the basement area is held back from these edges and avoids compromising the neighboring structures. The perimeter foundation edges will have a new standard foundation to minimize impacts to the neighboring structures.

As a result, the applicant is seeking to place 432 square feet of the allowed 1,810 square feet of this “free” basement density beneath the new addition. Of this square footage, 292 square feet would be used for the mechanical equipment and 140 square feet for storage for the retail unit above. A Condition of Approval has been added to ensure the space would be used for storage and mechanical uses only.

Since using all of the allowed density in the basement could compromise the integrity of the adjacent structures, Staff believes the intent of this policy has been met and that this Policy is irrelevant to the development and requires no variance.

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

##### **The Theobald Building**

Per the Development Code:

*5 x (-5/0) B. Conservation District: Within the conservation district, which area contains the historic district, compatibility of a proposed project with the surrounding area and the district as a whole is of the highest priority. Within this district, the preservation and rehabilitation of any historic structure or any town designated landmark or federally designated landmark on the site (as defined in chapter 11 of this title) is the primary goal. Any action which is in conflict with this primary goal or the "Handbook Of Design Standards" is strongly discouraged, while the preservation of the town's historic fiber and compliance with the historic district design standards is strongly encouraged. Applications concerning development adjacent to Main Street are the most critical under this policy. (Ord. 24, Series 2001)*

Per the Handbook of Design Standards for the Historic and Conservation Districts:

*Design Goals for the Core Commercial Character Area: The design goals for the Core Commercial Character Area are to preserve the historic resources found there, establish a visual context that is compatible with these older buildings, and to enhance the pedestrian-friendly atmosphere found there.*

##### **Rehabilitation**

*Rehabilitation is the process of returning a property to a state which makes a contemporary use possible while still preserving those portions or features of the property which are significant to its*

*historic, architectural and cultural values. Rehabilitation may include the adaptive reuse of the building and major or minor additions may also occur. Most good preservation projects in Breckenridge may be considered a rehabilitation project.*

### Renovation

*To "renovate" means to improve by repair, to revive. In renovation, the usefulness and appearance of the building is enhanced. The basic character and significant details are respected and preserved, but some sympathetic alterations may also occur. Alterations that are made should be generally reversible, should future owners wish to restore the building to its original design.*

This building is unusual in that the corrugated metal we see on the north and west elevation is historic and actually structural. There is no sheathing over the interior framing. To preserve this unusual assembly, the applicant proposes to preserve the original fabric in place and have new corrugated steel manufactured to the exact matching profile of 3 1/4" centers applied over the original siding.

Staff notes (as explained by the applicant): Today's standard profile of corrugated metal is 2 1/2" centers. The applicant has located a manufacturer in Pennsylvania willing to produce the duplicate material for the restoration as a special order. The custom manufacturing and shipping will add more than 50% to the cost over using a modern non historic profile siding. In addition, because lumber used in historic construction is of different dimensions (a 2x4 was actually 2" by 4" where a modern 2X4 is actually 1 1/2" by 3 1/2"), the applicant is custom milling/sawing all lumber to be used in this historic restoration from local pine beetle killed logs to match the historic nominal size. The saw mill, also historic, was restored by Mr. Theobald and is being operated by him entirely at his own expense.

Staff appreciates the applicant's attention to detail in these aspects as they adhere to the definition and criteria for restoration of historic structures as identified in the Handbook of Design Standards for the Historic and Conservation Districts. We heard general support for this during the last hearing. We have no concerns.

All proposals for development that are within the Conservation District are subject to the design standards and policies defined in the handbooks. Per the Handbook of Design Standards for the Historic and Conservation Districts (Staff notes that the capitalized "P" in front of the policy indicates that it is a Priority Policy and must be met or have a variance granted):

Per Noré Winter's memo for the Rounds Building for the corner condition of the Round Building (Noré's comments are in quotes.):

"In order to address this issue, we need to consider the design standards, but since the standards do not address site-specific conditions such as this, we also need to review the broader goals in the design standards that relate to the historical development patterns of the community."

**P** – Design Standard 4 - *Respect the historic Settlement Patterns.*

*Site new buildings such that they are arranged on their sites in ways similar to historic buildings in the area.*

At the last hearing we had heard concerns about having the large windows on the ground level along the north elevation. Per the Noré Winter memo for the Rounds Building:



“In, general, the proposed building would respect the settlement patterns; it respects the town grid and lot layout patterns. The “front” of the building, which faces Main Street, is arranged similar to historic buildings in the area...The Washington Street side would have read as the side of the Main Street building, and then appeared to have had one or two storefronts in the middle facing Washington. (Note that this is a Priority Policy).”

Staff believes that this analysis would support the additional storefront being proposed on the north elevation of the Theobald Building. As a result, we believe that that this Policy is irrelevant to the development and requires no variance. Does the Commission concur?

### Appropriateness of Use

*Policy –*

*Building uses that are closely related to the original use are preferred. Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to the building and its site. This can be accomplished without radical alteration of the original architecture.*

Design Standard 18: *Seek uses that are compatible with the historic character of the building.*

As one might imagine, when this building was constructed in 1883, there was no Riverwalk, in fact, the Blue River was later dredge mined and served as the “back-yard” to the more important functions of Main Street. This use of the river corridor continued until 1992 when the Town began it’s restoration of the Blue River corridor beginning at the Dredge Pond. The Historic Handbooks were majorly revised the same year.

Of course today, 16 years later, the Riverwalk plays a very important role in the community. It is enjoyed by locals and visitors alike. The Riverwalk Center is the key cultural focal point in the Town flanking Main Street, one block away. Staff believes that this portion of the design standards has been met.

Design Standard 19: *New uses that require minimal change to the existing structures are preferred.*

- *When a more radical change in use is necessary to keep the building in active service, then those uses that require the least alteration to significant elements are preferred.*
- *It may be that in order to adapt your building to the proposed new use, such radical alteration to its significant elements would be required that the entire concept is inappropriate. Experience has shown, however, that in most cases, designs can be developed that respect the historic integrity of the building while also accommodating new functions. (Highlight Added.)*

The significant alterations to the historic structure all occur on the north elevation. (The primary elevation facing Main Street is being accurately restored.) The proposal involves the restoration of the three existing upper level window openings and the introduction of three additional windows (whether the openings are already there is to be determined) matching the rhythm established by the existing historic windows. On the street level, the character of the Commercial core is carried around the corner from Main Street with the introduction of three separate storefront windows groupings (matching the rhythm of the windows above) that lead to a new storefront façade attached to the northwest 1/2 end of the historic building. All of the design elements of the new façade strictly follow the guidelines for commercial-type building components described in the Handbook of Design Standards for the Historic and Conservation Districts for rehabilitation of commercial type buildings. There is a cornice, upper

story windows with a rhythm, belt course, transoms, large display windows, recessed entries, and kickplates. Staff has no concerns with the proposed design of the north elevation.

**P** – Policy 96 – *Use a ratio of solid to void that is similar to those found on historic and supporting structures.*

**P** – Policy 210 - *Develop building fronts that reinforce the pedestrian-friendly character of the area.*  
- *Avoid large blank wall surfaces that diminish pedestrian interest.*

Per the Noré Winter memo for the Rounds Building: “Certainly the Main Street elevation meets this standard. The proposed elevations are in keeping with the historic context. This is an important issue, however, with respect to the Washington Street elevation: Historically, a commercial building that was located on a corner would have had its primary façade facing the dominant street, and it would have had a portion of its storefront wrap around to the side of the street. The display windows would not have continued uninterrupted for the entire length of the side elevation, however. Portions of the side elevation would have been more opaque.”

This analysis of the Rounds Building design supports the applicant’s proposal. The primary façade facing Main Street has the large expanses of glass on the sidewalk level, while the windows facing Ski Hill Road are broken up in separate groups along the façade, allowing the wall to be more opaque. The applicants have provided examples of this design in other historic commercial building in Town, in Georgetown and in Leadville (attached). As a result, we believe that that this Policy is irrelevant to the development and requires no variance. Does the Commission concur?

**P.** Priority Policy 20: *Respect the historic design character of the building.*

*Any alteration that would cause a reduction in a building's rating is not allowed. See pages 5 and 6 for rating categories. Refer to the historic/ architectural survey on file for specific ratings.*

Per the Handbook of Design Standards:

*Contributing building category:*

*These buildings date from the period of historic significance in Breckenridge and also retain substantial portions of their historic design character such that they have a high level of historic integrity. Some minor alterations exist, but the overall historic quality is easily discerned. The rehabilitation strategy that is generally most appropriate for such buildings is to preserve original features intact and remove the minor non-contributing alterations that have occurred.*

*Contributing with qualifications category:*

*These buildings also retain enough of their historic integrity to still help interpret the earlier history of Breckenridge, but they have experienced more substantial alterations. The original character is still retrievable for most of these structures, however. Removal of non-contributing alterations and restoration of earlier design features is generally the most appropriate approach for these structures.*

The Theobald Building (aka J.B. Roby Store/George B Watsons Clothing and Gent’s Furnishing Store) has had a recent Cultural Resource Survey conducted on May 7, 2002. The results of this survey rated this building as “contributing” and eligible for assessment by the National Registry. This represents one of the highest ratings for historic structures in the Town. (Staff has included a copy of the Cultural Resource Survey with your packet). Staff anticipates that with the additions and alterations to the north elevation of the building this rating would likely lower to the “contributing with qualifications” rating.

Additionally, we note that, at some future date, the proposed additions could be removed and the appearance of the building could be restored to how it looks today, restoring its current rating. A variance for this Priority Policy has been included in the Findings and Conditions.

Under the relative portion of Policy 5:

*5 x (-5/0) B. Conservation District: Within the conservation district, which area contains the historic district, compatibility of a proposed project with the surrounding area and the district as a whole is of the highest priority. Within this district, the preservation and rehabilitation of any historic structure or any town designated landmark or federally designated landmark on the site (as defined in chapter 11 of this title) is the primary goal. Any action which is in conflict with this primary goal or the "Handbook Of Design Standards" is strongly discouraged, while the preservation of the town's historic fiber and compliance with the historic district design standards is strongly encouraged. Applications concerning development adjacent to Main Street are the most critical under this policy. (Ord. 24, Series 2001)*

Since the development is not in substantial compliance with the Handbook of Design Standards, we are suggesting negative five (-5) points for lowering the rating of the building.

**Policy 23:** *Avoid removing or altering any historic material or significant features.*

- *Preserve original doors, windows and porches.*
- *Preserve original facade materials.*
- *Examples of historically significant architectural features are porches, turned columns, brackets, and jig-saw ornaments. Other significant elements may be the overall building form, or roof form.*

The most significant features are all seen on the east elevation. The north elevation is a wall of corrugated metal with three windows. The modifications will remove historic fabric, but no “significant architectural features”. The overall building form and the roof form remains intact.

Policy 41: *Respect traditional entrance patterns when planning additions to buildings.*

- *Retain the appearance of the relationship of primary entrances, usually facing the street, when planning new additions.*

**P – Policy 219 -** *Maintain the similarity of historic building heights as seen at the sidewalk edge. If an allowed building height would be higher than nearby historic structures, set back the taller portion to the middle of the lot.*

*\* Building heights should step down to the rear of properties to retain the lower scale that is traditional on alleys.*

The primary entrance to the Theobald Building remains easily identifiable along Main Street. With the modifications to the north elevation, we see the new storefront entrance as a new “secondary entrance” since it also faces the street. It has been designed lower than the historic structure and meets Priority Policy 219.

The overall square footage of the addition is 648 square feet while the square footage of the historic structure will be 2,388. Since the addition represents less than 50% of the floor area, no connector link is required. A similar analysis was used on the Peterson Addition, (PC#2004082) in April of 2005.

### **The Historic Shed**

The plans show the recently moved historic shed (PC#2008057) to be replaced onto the property and rehabilitated for use as a stand-alone retail building. The plan is to restore and stabilize the shed, turn it 90 degrees from its original orientation and face the back of the shed (that contains no remaining historic fabric) towards Ski Hill Road between the Theobald Building and Pup's Glide Shop. The side facing Ski Hill Road would then be constructed with a new front and small porch, similar to the Tin Shop (see plans).

All of the historic siding, which has both board and batten along with the metal siding on the west elevation, is to be preserved and repaired as needed. Existing historic openings are to be respected. Where possible, the existing windows are to be preserved. Those openings that had been covered in the past will be exposed and have either a new historically compliant window or door. All the existing interior structure will be preserved, where possible, by "sistering" new framing alongside the historic members.

Staff appreciates the preservation and stabilization of the historic portion of the shed and the adaptive reuse as a retail shop. This same concept was approved with the Historic Shops at South Main Street with the Phillips Garage. No negative points were incurred for the relocation and modifications to the historic garage. We have no concerns.

Staff is suggesting positive points for the restoration of the Theobald Building primary façade and for the stabilization of the shed (see below).

**Building Height (6/A & 6/R):** The existing historic building measures 26'-6" above the sidewalk. The proposed addition to the back of the building measures 24'-0". We have no concerns.

**Snow Removal and Storage (13/R):** As part of the enhancements along the north property, the applicant is proposing to heat the public sidewalk (approximately 750 square feet), eliminating the ice dangers that occur every winter. There are no significant snow removal or storage requirements on the site. There is ample area for snow stacking for the small area at the back of the site between the out buildings. Staff has no concerns.

**Access / Circulation (16/A & 16/R; 17/A):** Per this policy:

*3 x (-2/+2) - (1) Pedestrian Circulation: Whenever appropriate to the type and size of the development, the inclusion of a safe, efficient and convenient pedestrian circulation system is encouraged. The provision of pedestrian circulation areas adjacent to and at the same level as adjacent sidewalks is strongly encouraged.*

Since the applicant intends to heat the sidewalk along the length of the property in the Ski Hill Road Right of Way (with an encroachment license agreement), vastly improving public safety. We are suggesting positive three (+3) points under this policy.

**Parking (18/A & 18/R):** All parking, based on the existing density and use, provided for in Service Area (4.5 spaces). Staff has no concerns.

**Landscaping (22/A & 22/R):** No landscaping exists on the site nor is any proposed. In the Core Commercial area, landscaping is not typically seen on any properties except along the street edge in the Town Right of Way.

**Social Community / Employee Housing (24/A & 24/R):** Since the entire project totals 3,741 square feet (less than 5,000 square feet), employee housing is not required.

**Historic Preservation and Restoration (24/R):** Per the Development Code:

*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.*

*Examples: 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.*

With the Restoration/preservation of the windows, doors, 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, we are suggesting positive nine (+9) points under this policy.

**Energy Conservation (33/R):** Per the Development Code:

*Conservation Measures: Energy conservation measures beyond those required by the provision of the State Energy Code are encouraged.*

3 x (-2/+2) *B. Energy Conservation: Structures shall be oriented in such a way as to be conducive to the conservation of energy and to the mitigation of the adverse elements of climate, aspect, and elevation. In addition, the installation of additional insulation to mitigate heat loss over and above that required by the State Energy Code is strongly encouraged. Elements which are encouraged are: southern orientation of windows, few windows on the north side of buildings, few or no open breezeways, the provision of airlock entryways, and the addition of insulation over and above that required by the Uniform Building and Energy Codes.*

For the use of a snow melting system for the proposal, we are suggesting negative three (-3) points under Section B of this policy.

**Point Analysis (Section: 9-1-17-3):** The application is not conforming to Policy 5/A Architectural Compatibility for relocating some of the “free” density outside the building footprint and for not meeting Priority Policy 20, Respect the historic design character of the Building, for lowering the rating

of the structure with the renovation. Negative five (-5) points were assigned for an “action which is in conflict with this primary goal of the "Handbook of Design Standards" (lowering the building’s historic rating) and for proving a snow-melt system (-3). Positive points were awarded for the public safety of heating the sidewalk (+3) and for the preservation/restoration efforts overall (+9). With approval of the variances, the Point Analysis shows a passing score of positive four (+4) points.

**Landmarking:** The applicant intends to have the building locally landmarked per Ordinance 24, Series 2001.

According to Section 9-11-4 of the Landmarking Ordinance, in order for a structure to be eligible for landmarking it must meet at least one of the applicable criteria listed under architectural, social or geographic/environmental significance.

Subsections (A)(1) through (3) of this Section read as:

1. *Landmarks and Landmark Sites. Landmarks or landmark sites shall meet at least one of the following:*
2. *Archaeological Sites. Archaeological sites shall meet one or more of the following:...*
3. *All properties proposed for designation as landmarks or landmark sites under this Chapter shall be evaluated for their physical integrity using the following criteria (a property need not meet all of the following criteria)...*

Staff evaluated the building and property based on Subsections 1 and 3, not section 2, (as this is not an Archaeological Site). Per the Town Attorney, the proposal need only comply with one-listed criteria in each applicable section, in this case 1 and 3. Staff believes that the Theobald Building, meets the established criteria for landmarking. Specifically, three items under the Landmarks and Landmark Sites sections and one item under the Physical Integrity section. They are:

- **Architectural:** This two-story, all wood, commercial building boasts an ornate false-fronted facade that features wooden "cast iron" plasters and "stone" quoins. Hand lathes and jigsaws were used to fashion the decorative Italianate Revival features. The building's first floor has a recessed entryway and two large, two-over-three, display windows that have fancy kick plates below them. The building's sidewalls, however, have always been sheathed with plain corrugated metal. The "muffin-shaped" finials, or confectionery symbols which adorn the top of the Lincoln Avenue entrance were added in 1916.

Staff believes the structure exemplifies specific elements of architectural style or period (Criteria 1.a (1)). Staff believes that the structure is of a style associated with the Breckenridge area. (Criteria 1.a (5)), and represents the early residential development in Breckenridge (Criteria 1.a. (6)).

- **Physical Integrity:** Staff believes that the structure shows character, interest, or value as part of the development, heritage, or cultural characteristics of the community, region, state, or nation (Criteria 3a.), as it represents early Breckenridge commercial activity.

We believe that the Commission should recommend to the Council to landmark the proposed development. According to the revised Section 9-11-3 B. 2, the process for which a structure can be landmarked is through a Class B Minor Development Permit. However, the request is included with this proposal. A finding has been added that the Planning Commission has recommended that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for

architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance. We welcome any Commissioner Comments.

### **Staff Recommendation**

Besides the request for the two variances, the proposal meets the intent of the remaining policies of the Handbook of Design Standards for the Historic and Conservation Districts and the Design Standards for the Historic District Character Area #6: Core Commercial. We believe that this project will add to the viability and “heartbeat” of the Commercial Core and enhance the connection to the Riverwalk while respecting the design goals of the Town’s historic standards. We have two Questions for the Commission.

1. Does the Commission believe that the intent of Policy 3/A, regarding the reallocation of the “free” basement density has been met and is therefore irrelevant to the development and requires no variance?
2. Does the Commission believe that the additional Ski Hill Road façade is in general compliance with the related policies of the Handbook of Design Standards for the Historic and Conservation Districts regarding the settlement patterns (Priority Policy 4), Priority Policy 96 (Use a ratio of solid to void that is similar to those found on historic and supporting structures), Priority Policy 210 – (Develop building fronts that reinforce the pedestrian-friendly character of the area.- Avoid large blank wall surfaces that diminish pedestrian interest)?

We welcome any additional questions or comments.

We have requested three motions associated with the approval of this project.

1. We ask the Commission to recommend to the Town Council that they adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.
2. We recommend the Commission endorse the attached Point Analysis For the Theobald Building Renovation, Landmarking and Variance Request (PC# 2008058) reflecting a passing score of positive four (+4) points.
3. Lastly, we recommend approval of Theobald Building Renovation, Landmarking and Variance Request (PC# 2008058) along with the attached Findings and Conditions.

<b>Final Hearing Impact Analysis</b>				
Project:	Theobald Building Renovation, Landmarking and Variance Request	<b>Positive</b>	<b>Points</b>	<b>+12</b>
PC#	2008058			
Date:	06/12/2008	<b>Negative</b>	<b>Points</b>	<b>- 8</b>
Staff:	Michael Mosher			
		<b>Total Allocation:</b>		<b>+4</b>
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		The proposed use for the overall property is retail.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		A portion of the "free" basement density is to be placed beneath a non-historic portion of the development.
3/R	Density/ Intensity Guidelines	5x (-2>-20)		There is to be no change in the existing density on the property. As it stands today, the historic building and shed have 3,207 square feet and the non-historic "out-building" (Pup's Glide Shop) is 441 square feet.
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies	Variance	Variance requested for lowering the buildings historic rating.
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	- 5	Reducing the rating of the historic building from "contributing" to "contributing with qualifications"
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	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)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		The existing historic building measures 26'-6" above the sidewalk. The proposed addition to the back of the building measures 24'-0".
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)		
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	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	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	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	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		



			+3	The applicant intends to heat the sidewalk along the length of the property in the Ski Hill Road Right of Way (with an encroachment license agreement)
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
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	<b>Loading</b>	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	<b>Landscaping</b>	Complies		
22/R	Landscaping	4x(-2/+2)		
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
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)		
			+9	With the Restoration/preservation of the windows, doors, 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
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	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	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	- 3	For the use of a snow melting system for the proposal.
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	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	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		

## TOWN OF BRECKENRIDGE

**Theobald Building Renovation, Landmarking and Variance Request**  
**101 South Main Street**  
**The North 25.66 feet of Lot 1, Bartlett and Shock Addition**  
**PERMIT #2008058**

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**STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve this application with the following findings and conditions.

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### 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 **June 12, 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 **June 17, 2008** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

#### Variance Findings — Priority Policy 20

7. The property that is the subject of this Application is located at 101 South Main Street. Such property is located within the Town's Historic District, and within the Town's Character Area #6, known as the "Commercial Core Character Area." The building that is located on the property currently has a "contributing" building category designation.
8. Policy 5 (Absolute) of Section 9-1-19 of the Town's Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) ("Development Code") provides, in pertinent part, as follows:
  - B. Conservation District: Within the Conservation District, which area contains the Historic District . . . substantial compliance with both the design standards contained in "The Handbook of Design Standards" [the Town of Breckenridge "Handbook of Design Standards for the Historic and Conservation Districts, February 1992"] ("Design Standards") and all specific individual standards for the transition or character area within

which the project is located is required to promote the educational, cultural, economic and general welfare of the community through the protection, enhancement and use of the District structures, sites and objects significant to its history, architectural and cultural values.

9. Pursuant to the Design Standards, a “priority policy” is a policy that must be met in order for an application to be found to be in “substantial compliance” with the Design Standards as required by Paragraph B of Policy 5 (Absolute) of Section 9-1-19 of the Development Code.
10. Priority Policy 20 of the Design Standards (“Priority Policy 20”) provides, in pertinent part, as follows:
  20. Respect the historic design character of the building.
    - Any alteration that would cause a reduction in the building’s rating is not allowed.
11. A Design Standard priority policy is treated by the Town as an absolute policy under the Development Code. Therefore, Priority Policy 20 of the Design Standards is treated as an absolute policy under the Development Code.
12. An absolute policy is defined by Section 9-1-5 of the Development Code as “a policy which, unless irrelevant to the development, must be implemented for a permit to be issued.”
13. If the Application is granted the rating of the building located on the subject property will most likely be changed from its current “contributing” category designation to the lower “contributing with qualifications” designation. This change in rating violates Priority Policy 20. Therefore, unless a variance is granted from the prohibition of Priority Policy 20, the Application will have to be denied pursuant to Section 9-1-18-2(E)(5) of the Development Code. (“If the proposed development does not implement all affected absolute policies (subject to variance) . . . . the Planning Commission shall deny the permit.”)
14. The Applicant seeks a variance from Priority Policy 20 to allow the classification of the building located upon the property to be changed from “contributing” to “contributing with qualifications.”
15. A variance is defined in Section 9-1-5 of the Development Code as follows:

VARIANCE: A finding by the approving agency that, although a proposed development is not in strict compliance with an absolute policy, to deny the development permit would result in "undue hardship" as defined by law. No relief from compliance with an absolute policy shall be granted except upon findings that:

- A. the failure to implement the absolute policy is of insignificant proportions; and
- B. the failure to implement the absolute policy will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and

C. there are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood.

16. Section 9-1-11 of the Development Code sets forth the Town's rules for the granting of a variance from the provisions of the Development Code.
17. Paragraph (A)(2) of Section 9-1-11 of the Development Code provides that "(a) variance may be granted with respect to any absolute policy contained in this chapter."
18. Because Priority Policy 20 is treated as an absolute policy, the Planning Commission may lawfully grant a variance with respect to Priority Policy 20 if all applicable variance requirements are satisfied.
19. The Applicant has filed the required application for a variance, and has paid the applicable fee.
20. All required notice with respect to the hearing on the Applicant's request for a variance has been given as required by the Development Code.
21. Paragraph A of Section 9-1-11 of the Development Code provides as follows:

A. Purpose/Limitations:

1. In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.

This paragraph establishes one requirement for the granting of a variance.

22. Paragraph D of Section 9-1-11 of the Development Code sets forth the additional criteria which must be established by an applicant in order for a variance to be granted. Such paragraph provides as follows:

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

1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.
2. That such special circumstances were not created by the applicant.
3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

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

23. The Planning Commission has received and considered the evidence submitted in connection with the Applicant's request for a variance; and based upon such evidence makes the following findings as required by the definition of a "variance" in Section 9-1-5 of the Development Code:

A. The denial of the Application would result in "undue hardship" as defined by law.

*Reason/Factual Basis for Finding:* Denying the application would result in the historic building located on the property not being restored and rehabilitated as proposed in the Application. The restoration and rehabilitation of the historic building is of importance to both the Town and the Applicant. Under the circumstances presented in this Application, the denial of the Applicant's variance request would result in undue hardship to the Applicant.

B. The failure to implement that portion of the requirements of Priority Policy 20 is of insignificant proportions.

*Reason/Factual Basis for Finding:* Compared to be substantial historical, cultural, and aesthetic benefits to be derived by the public from the restoration and rehabilitation of the historic building on the property, granting the variance and allowing the designation of the structure to be reduced from "contributing" to "contributing with qualifications" is comparatively insignificant proportions.

C. The failure to implement the requirements of Priority Policy 20 will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy.

*Reason/Factual Basis for Finding:* See the Reason/Factual Basis for Finding under Findings A and B of this Paragraph.

D. There are exceptional circumstances applicable to the Application which do not apply generally to other properties in the same district or neighborhood.

*Reason/Factual Basis for Finding:* The applicable conditions are site-specific to the Applicant's property which is the subject of the Application, and do not exist generally within the Town's Historic District or the land use district in which the Applicant's property is located.

24. The Planning Commission makes the following additional findings as required by Section 9-1-11 of the Development Code:

A. There are practical difficulties and unnecessary physical hardships associated with the Application. Such difficulties and hardships are inconsistent with the objectives of Chapter 1 of Title 9 of the Breckenridge Town Code, known as the Breckenridge Development Code.

*Reason/Factual Basis for Finding:* There are practical difficulties and unnecessary physical hardships that make it difficult for the Applicant to undertake the restoration and rehabilitation of this important piece of property in a way that would preserve the “contributing” classification of the building on the property.

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

*Reason/Factual Basis for Finding:* See the Reason/Factual Basis for Finding under Finding A.

- C. That such special circumstances were not created by the applicant.

*Reason/Factual Basis for Finding:* The special circumstances have been created by persons other than the Applicant.

- D. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.

*Reason/Factual Basis for Finding:* The applicable conditions are site-specific to the Applicant’s property and do not exist generally within the Town’s Historic District or the land use district in which the Applicant’s property is located.

- E. That the granting of the variance will be in general harmony with the purposes of the Development Code, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

*Reason/Factual Basis for Finding:* See the Reason/Factual Basis for Finding under Findings A, B, C, and D of this Paragraph.

- F. The variance applied for does not depart from the provisions of the Development Code any more than is required.

*Reason/Factual Basis for Finding:* *Reason/Factual Basis for Finding:* See the Reason/Factual Basis for Finding under Findings A, B, C, D, E, and F of this Paragraph.

Accordingly, the Applicant’s request for a variance from the requirements of Priority Policy 20 to allow the rating of the building located on the subject property to be changed from its current “contributing” category designation to the lower “contributing with qualifications”, all as described in the Application and supporting documentation, is GRANTED.

25. Re: Policy 3/A (Density Intensity):

The density reflected in this Application has been calculated in compliance with Policy 3 (Absolute) (Density/Intensity) of Section 9-1-19 of the Breckenridge Town Code (the “Development Code”), and the Planning Commission specifically finds and determines as follows:

1. The building located on the property that is the subject of this Application will be designated as a town-designated landmark structure pursuant to the Town’s Historic Preservation Ordinance (Chapter 11 of Title 9 of the Breckenridge Town Code).
2. Pursuant to Section 9-1-19(C) of the Development Code, the density for the basement portion of the project described in the Application has not been counted as part of the overall project density for this Application because:
  - A. the density will be located directly underneath the building;
  - B. the density will be completely or partially buried below grade;
  - C. the basement will be properly restricted to use as storage for tenants or occupants of the building;
  - D. the USGS floor elevation of the building will be maintained as part of the work to be done pursuant to the Application; and
  - E. there is no underground portion of the building on the property which is to be used to provide required or approved parking for the project.

#### II. Handbook of Design Standards—Policy #18

The use of the property proposed by the Applicant in the Application is compatible with the historic character of the building located on the property. Therefore, the Application complies with Policy No. 18 of the Handbook of Design Standards For the Historic and Conservation Districts, February 1992” (“Handbook of Design Standards”). Policy No. 18 is not a priority policy as defined in the Handbook of Design Standards.

#### III. Handbook of Design Standards—Policy #19

The changes proposed to the historic building on the property that is the subject of the Application are minimal. The design of the renovation work to be done pursuant to the Application respects the historic integrity of the building currently located on the property, while also accommodating new functions as proposed in the Application. Therefore, the Application complies with Policy No. 19 of the Handbook of Design Standards. Policy No. 19 is not a priority policy as defined in the Handbook of Design Standards.

#### IV. Handbook of Design Standards—Policy #41

The work described in the Application respects the traditional entrance patterns of the building located on the property, and therefore complies with Policy 41 of the Handbook of Design Standards. Policy No.41 is not a priority policy as defined in the Handbook of Design Standards.

26. The Planning Commission recommends that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.

## 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 three years from date of issuance, on **June 24, 2011**, 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 three years, but without the benefit of any vested property right.
4. Applicant shall notify the Town of Breckenridge Community Development Department prior to the removal of any building materials from the historic structures. Applicant shall allow the Town of Breckenridge to inspect the materials proposed for removal to determine if such removal will negatively impact the historic integrity of the property. The Applicant understands that unauthorized removal of historic materials may compromise the historic integrity of the property, which may jeopardize the status of the property as a local landmark, and thereby the free basement density associated with commercial storage. Any such action could result in the revocation and withdrawal of this permit.
5. 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.
6. 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.
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.

### PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Applicant shall submit proof of ownership of the project site.
10. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.



11. 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.
12. Applicant shall contact the Town of Breckenridge and schedule a preconstruction meeting between the Applicant, Applicant's architect, Applicant's contractor and the Town's project Manager, Chief Building Official and Town Historian to discuss the methods, process and timeline for restoration efforts to the historic building(s).
13. An Improvement Location Certificate (ILC) from a Colorado registered surveyor showing the top of the existing historic buildings' ridge heights shall be submitted to the Town. An ILC showing the top of the existing buildings' ridge heights must also be submitted to the Town after construction activities, prior to the certificate of occupancy. The building is not allowed to increase in height due to the construction activities, other than what the Town has approved.
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 a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
16. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site.

#### PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

17. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
18. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
19. Applicant shall screen all utilities.
20. 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 use of the basement density for the project.
21. Applicant shall execute and record with the Summit County Clerk and Recorder an encroachment license agreement running with the land, in a form acceptable to the Town Attorney, for the addition of a snow melt system located within the Ski Hill Road right of way.

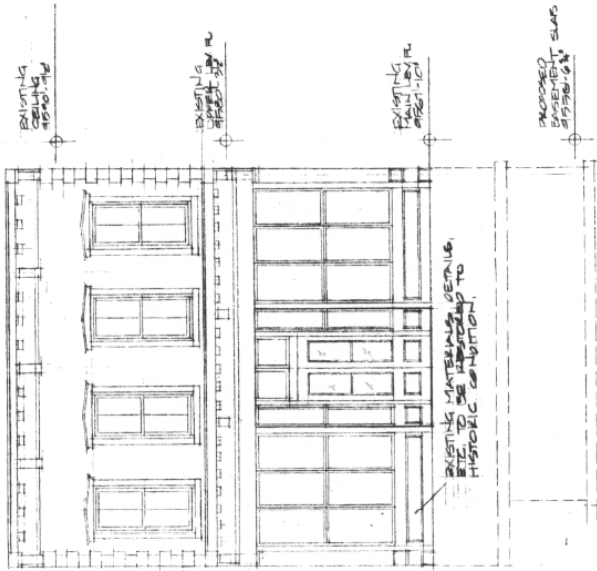
22. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved snowmelt system for the property.
23. At all times during the course of the 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.
24. 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 not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
25. 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.
26. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
27. 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.***

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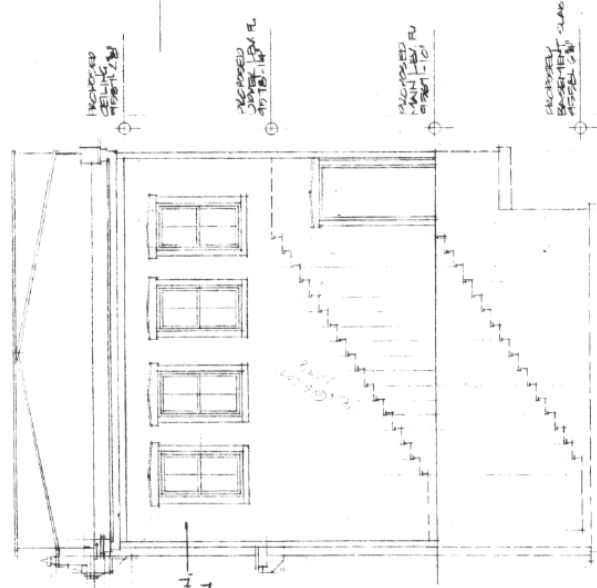
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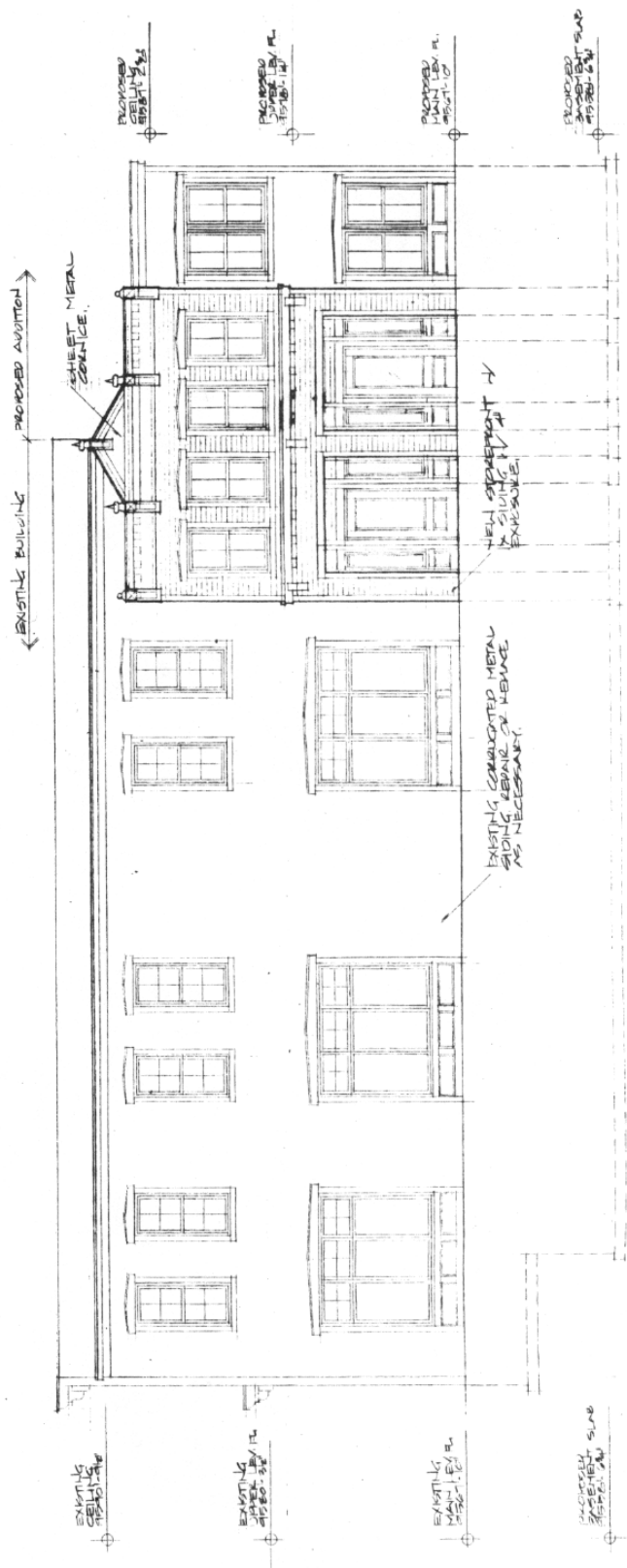




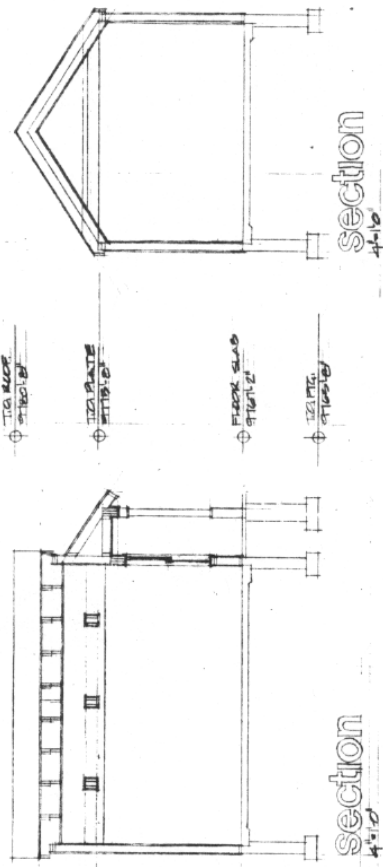
East elev.  
45110'



West elev.  
45110'

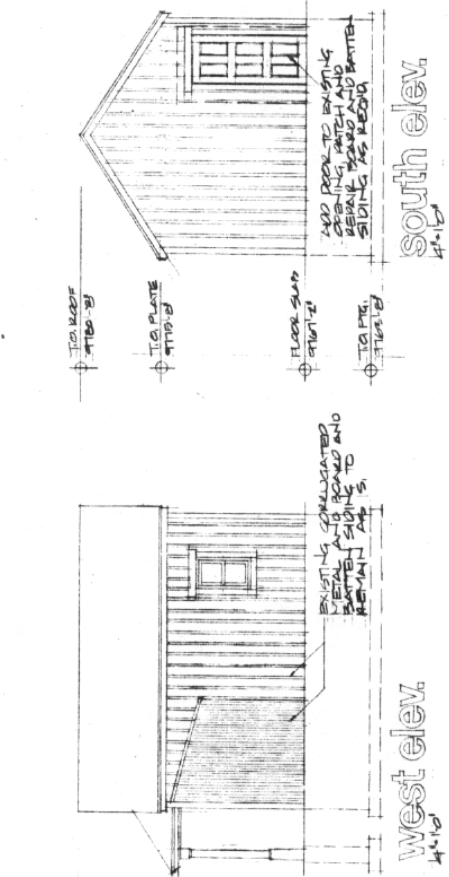


North elev.  
45110'



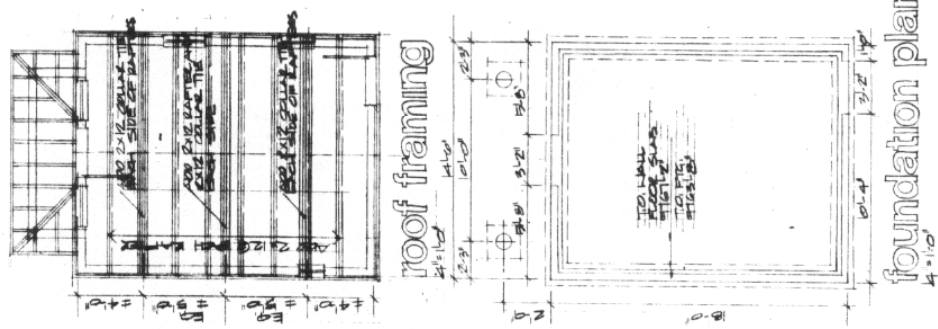
section  
4'-11.0"

section  
4'-11.0"



west elev.  
4'-11.0"

south elev.  
4'-11.0"

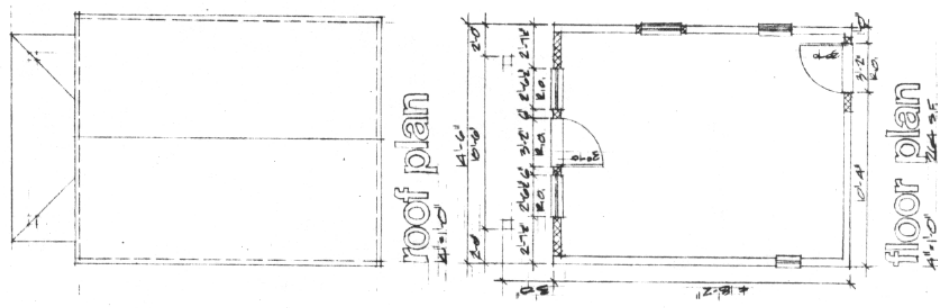


roof framing  
4'-11.0"

east elev.  
4'-11.0"

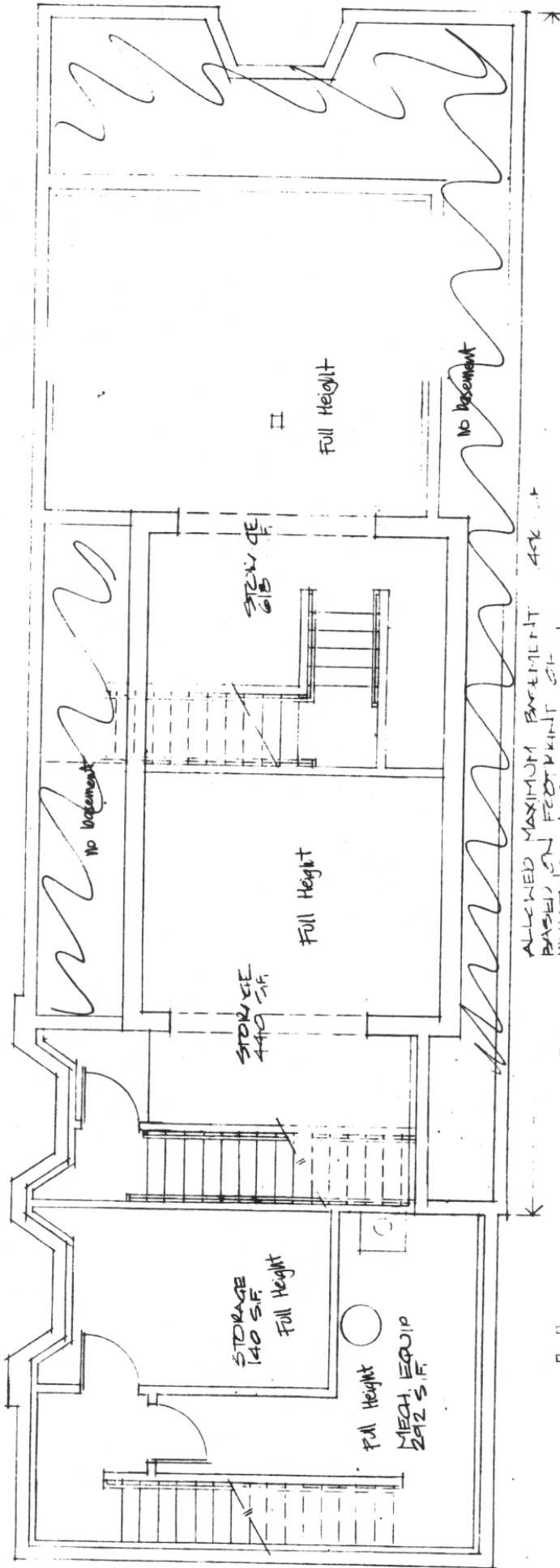
north elev.  
4'-11.0"

foundation plan  
4'-11.0"



roof plan  
4'-11.0"

floor plan  
4'-11.0"



ALLOWED MAXIMUM BASEMENT AREA BASED ON FOOTPRINT OF EXISTING STEEL BUILDING.

NOTE - TOTAL EXEMPT FROM DEPARTMENTAL PART II EXEMPTION. SEE CITY CODES AND BUILDING DEPARTMENT.

# Proposed basement plan

**Theobald Family LLP**  
**Robin G. Theobald, Managing Partner**  
**Post Office Box 37**  
**Breckenridge, Colorado 80424**  
**(970) 453-6901      FAX (970) 453-4998**  
**THEOBALD@COLORADO.NET**

May 30, 2008

Members of the Breckenridge Planning Commission:

RE: 101 S. Main St. Restoration and Renovation

I would like to address the concerns expressed by commissioners at the Preliminary Hearing May 20, 2008.

Heating Sidewalk on North side, Ski Hill Rd.

We feel the Staff recommendation of 6 positive points is supported by the extreme public benefit. The argument that there should be negative points for energy conservation has been counter indicated by precedent on numerous occasions for the NORTH side of buildings. Most notable is the Breckenridge Welcome Center.

Additionally, we would like you to consider that in the reconstruction of the public sidewalk we will be abandoning a curb cut onto our property on Ski Hill Rd.

Historic Integrity of the building while also accommodating new functions:

We have proposed to break up the expanse of blank wall on Ski Hill Rd. A row of windows on the second floor with out being balanced by windows on the ground floor will do little to change the big blank wall appearance. The building is 26.5' in height. The first floor has 13' ceilings, second floor, 12' ceilings. The second floor windows begin 17' above the sidewalk. The new door feature on Ski Hill Rd. begins 52' from the front corner of the building. Without the first floor windows the blank portion of the wall on Ski Hill Rd. will be 884 sq. ft.

Historically, corner commercial buildings in business areas often had different businesses on each street facing side. However,



traditionally, mercantile shops used all their wall space to shelve merchandise, behind the counter. These businesses would not have windows in places that goods could be kept.

Please see the attached photos of both uses.  
Examples are from Breckenridge, Leadville and Idaho Springs.

Lastly, we ask you to consider the importance of natural light in the new spaces.

Adapting historic buildings to modern use often necessitate changes that may not be exactly, historically correct for any particular building.

As much as we would like to be able to restore all of our historic buildings to the original condition, it is not economically practical for us to commit all of our properties to use as museums. We have fully restored the Barney Ford House to preserve qualification for designation to the National Historic Registry. We have restored the Tin Shop and adapted it for use as a Visiting Artist Studio and Residence. We have donated both of these buildings for use by Town of Breckenridge.

It is our passion to protect, preserve, restore and rejuvenate the many historic buildings that the Theobald family has saved over the past 50 years. However, we cannot afford to keep these properties without realizing the income necessary for us to continue preserving the Historic District for Breckenridge and its residents.

The restoration of this building will only be possible for us if it is approved as we have submitted it to you after numerous revisions at the request of Breckenridge Planning Staff over the last 6 months.

Thank You,

Robin & Patty Theobald

**Planning Commission Staff Report**

**Project Manager:** Matt Thompson, AICP

**Date:** June 11, 2008 (For meeting of June 17, 2008)

**Subject:** Buffalo Crossing (Class B Final Hearing; PC#2008052)

**Applicant/Owner:** Jeff Progar, Eagle Equity Investments

**Agent:** Alice Santman, Baker + Hogan + Houx

**Proposal:** Add south facing solar panels to the roof of the approved residential structure of 2,080 sq. ft. with a 585 sq. ft. employee-housing unit. Requesting local Landmarking of 360 sq. ft. historic cabin to remain commercial and the addition of a 360 sq. ft. basement under the historic cabin. Addition of a bronze buffalo statute as public art facing N. Main Street. Addition of two exterior areaway accesses to the employee housing unit and to the basement of the proposed commercial unit facing the alley.

**Address:** 209 and 211 N. Main Street

**Legal Description:** Lot 67 and Lot 68 Bartlett & Shock

**Site Area:**

Lot 67:	0.133 acre	5,772 sq. ft.
Lot 68:	0.094 acre	4,095 sq. ft.
Total:	0.227 acre	9,867 sq. ft.

**Land Use District:** 19: Land Use Type: Commercial  
Intensity of Use: 1:1 FAR/20 UPA

**Historic District:** Main Street Residential/Commercial (Character Area #5)

**Site Conditions:** The site is developed with two existing commercial structures. One structure is a small historic cabin, most recently it was used by Blue River Anglers. The second larger structure is the purple building used by Breck Ski Shop and is not historic. The rear of the lot is a dirt parking lot. There are no trees on the property. The site is relatively flat. There is a 3' x 3' public service pedestal easement (Rec. # 357363) in the northwest corner of Lot 68. There is a 13' x 13' triangle in the southeast corner of Lot 68, which is a building restriction area; the existing historic cabin does not encroach on this restricted area.

**Adjacent Uses:** North: Ski Country Sports  
East: North Main Street  
South: White Cloud Lodging  
West: Alley/East Sawmill Parking Lot

**Density:** Allowed: 1:1 FAR/20 UPA residential  
Existing commercial: 1,885 sq. ft.  
Allowed commercial: 9,867 sq. ft. (if all is commercial)  
Proposed commercial: 4,049 sq. ft.

	Allowed residential:	2,671 sq. ft. (based on mixed use formula)
	Proposed residential:	2,080 sq. ft.
<b>Above Ground Density:</b>	Recommended:	3,262 sq. ft. (9 UPA)
	Proposed:	4,245 sq. ft. (11.7 UPA)
<b>Mass:</b>	Allowed:	6,915 sq. ft.
	Proposed mass:	5,067 sq. ft.
<b>F.A.R.</b>	1:1.41	
<b>Total Floor Area:</b>	Existing ski shop (purple building):	1,885 sq. ft.
	Existing 1 story historic cabin:	360 sq. ft.
	Proposed new commercial on alley:	1,804 sq. ft.
	<u>Proposed new residential on alley:</u>	<u>2665 sq. ft. (1,538 SF below grade)</u>
	Previous Total:	6,714 sq. ft.
	New Total:	7,074 sq. ft. (including 360 sq. ft. of free density under Landmarked Historic structure.)
<b>Height:</b>	Recommended:	23' mean
	Maximum allowed:	26' mean
	Proposed:	21' 7" mean (tallest structure)
<b>Lot Coverage:</b>	Building / non-Permeable:	4,176 sq. ft. (42.32% of site)
	Hard Surface / non-Permeable:	1,528 sq. ft. (15.48% of site)
	Open Space / Permeable Area:	4,163 sq. ft. (42.19% of site)
<b>Parking:</b>	Required:	9.33 spaces
	Proposed:	3 spaces
<b>Snowstack:</b>	382 sq. ft. (25% of 1,528)	
<b>Setbacks:</b> (New building)	Front (East): 0 ft. (existing Breck Ski Shop)	
	Side (South): 5 ft. (new residential building)	
	Side (North): 0.2 ft. (existing Breck Ski Shop)	
	Rear (West): 6 ft. (new commercial building)	

### Item History

The Planning Commission approved this project on October 16, 2007 under the name KCW, Breckenridge, for applicant Doug Carr. Mr. Carr has now sold the property and the approved project to Jeff Progar of Eagle Equity Investments. At that time, staff presented the idea of two new structures, a remodel of a non-historic building and historic preservation of the historic structure. On May 20, 2008, the Planning Commission reviewed a proposal to add solar panels, add areaways for basement access, add a buffalo bronze statue, and request for a local landmark on historic cabin. The minutes from the May 20, 2008 final hearing are shown below.

## Minutes from the May 20, 2008, Preliminary Hearing

### *Commissioner Questions/Comments:*

*Mr. Allen: Final comments: Thought positive points should be awarded for renewable energy if it is installed. Below grade, at areaway, siding should be historic and not at odds with priority policy. Ok with change of use and fine with both proposed ideas. Parking ok and landmarking and buffers.*

*Mr. Bertaux: Stairway around sunken grade, would it have a railing detail? (Applicant pointed out yes, and showed where railing would be needed.) Agreed with Mr. Allen's final comments. On parking spaces, pointed out that if a restaurant goes to retail, the town will not "buy them back", or refund any payments. (Applicant was OK with this.) Siding should be exposed panel. Landmarking ok and statue fine.*

*Ms. Girvin: What are we commenting on today? (Staff: Are solar panels ok? Landmarking of cabin? Addition of statue for public art? Exterior access vs. Policy 192 policy? Siding on below grade?) Sought clarification regarding employee housing and storage access. (Applicant explained access points and pointed out there would be storage under the cabin.) Where are the employee housing windows? (Applicant pointed out window locations.) Employee unit under garage is not dignified. Solar is ok only if actually installed. Local Landmarking of cabin is fine. Concrete foundation covered by river rock may be an option; something to improve the concrete should be done. Thought statue was generic and could be better. Heated drive should not be allowed in the town; does not agree with them. (The applicant sought clarification on heated concrete and what she meant on comment.) Explained a philosophical concern with heating driveways.*

*Mr. Khavari: Confused about lower level employee housing. Agreed with Mr. Allen's final comments.*

### Staff Comments

**Land Use (Policies 2/A & 2/R):** No change is proposed to the approved uses. *District 19 is the community focal point and primary center of commercial activity, prominent for its historic character. It is preferred that this District remains a center of retail trade and services, with a pedestrian orientation. New commercial structures of compatible architecture are encouraged. Commercial activities, particularly those, which contribute to the solidarity of the central business district are encouraged. Ideally, this includes retail trade uses, which are associated with the pedestrian traffic areas. Commercial uses with residential secondary uses are also acceptable. Due to the proximity of the transit center and gondola, which are north-west of this property, this area is anticipated to attract more pedestrian traffic, and could eventually turn into a more commercial character. Staff finds that commercial uses with secondary residential uses are acceptable for these proposed buildings.*

The new residential unit proposed on the alley does meet the Town's Downtown Overlay District, Ord. 23, Series 2007, as it is more than 40' off of Main Street and is proposed behind a commercial structure.

The existing 1-story historic structure (facing Main Street) on Lot 68 will remain a commercial building, possibly a coffee shop. The applicant is requesting a local Landmark designation from the Town, which would allow them to add a 360 sq. ft. basement under the historic cabin and not calculated toward allowed density. The existing purple ski shop building (also facing Main Street) will be remodeled (reduced in size from 2,601 to 1,885 with a covered porch) but will remain commercial. Of the two new buildings on the alley, one is entirely residential and the other is entirely commercial. Staff believes this ratio of 60.4% of total square footage on the property as commercial and 39.6% as residential is "secondary," as encouraged

in the Land Use Guidelines. The most similar precedent for this application is the Daniels Property at 203 N. Main Street, which included 66% commercial and 34% residential (with all residential on the alley), for no negative points. Staff recommends no negative points under Policy 2/R Land Use.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** The proposed project is under the allowed total residential density of 2,657 sq. ft. (proposed at 2,080) for the property, and within the allowed commercial density. As a local landmark, the area below the cabin would not count as density, per Policy 3/A – Density, paragraph C: *“Density shall be calculated by adding the total square footage of each floor of the building. Except as provided below, this shall include any basement areas or storage areas, no matter what the proposed use shall be, and shall be measured from the outside of the exterior walls. Exceptions: a) any portion of a basement area of a “town designated landmark” as defined in chapter 11 of this title, which is: 1) located directly underneath the existing building, 2) completely or partially buried below grade, and 3) properly restricted to use as storage for tenants or occupants of the building, shall not be counted toward allowed density for such building so long as the historic USGS floor elevation of the building is maintained; and b) any underground portion of a building which is used to provide required or approved parking for the project.”*

The basement under the historic cabin would be the exact same size as the building above. Applicant is requesting a local landmark designation, the criteria for a local landmark are listed later in this staff report.

Staff has no concerns with the density proposed on site.

**Above Ground Density (5/A):** No change is proposed. As proposed the project is at 11.7 UPA above ground density (4,245 sq. ft.). The recommended above ground density at 9 UPA is 3,262 sq. ft. The maximum above ground density allowed in this character area is 12 UPA (with negative points). As a result, the project is currently meeting Absolute Policy 5/A, but will be assigned eighteen negative points (-18) under policy 5/R, for exceeding 9 UPA. This remains the same from the last staff report.

**Architectural Compatibility (5/A & 5/R):** The proposed new structures incorporate residential architectural features.

Staff believes adding some shrubs around the open air areaway will help to screen and soften the area. Snow removal may be an issue with this areaway. The applicant proposes the floor of the areaway to be covered in gravel, which would allow water to percolate down through the rocks. The applicant believes snow removal can still be accomplished with the gravel. This areaway is very similar to one used to access the basement of the historic barn on the alley just to the south of this property (Daniels Property Re-Development and Landmarking, PC #2006192).

The applicant has requested the addition of solar panels on the proposed residential building. The Town has recently approved policy on solar panels in the Historic District, which will not go into effect until late June. However, Staff believes this application would meet the requirements of the new policy, which will be part of Policy 5/A Architectural Compatibility. The section of south facing roof is not more than 20% of the roof surface. This is a non-primary elevation not facing Main St. The proposed solar panels would be near the alley and well screened from Main St.

**Site Plan:** No significant change is proposed to the location of the buildings. However, the yard space behind the historic cabin would be replaced with a sunken areaway. Priority Policy 192: *“Maintain the character of yard spaces, especially front and side yards visible from the street. 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.” The applicant is not proposing to move the existing commercial buildings, which are zero (0) feet off of the front property line. At the last meeting, the Commission did not indicate any concern with the sunken area.

Priority Policy 192 encourages front and side yards: *Maintain the character of yard spaces, especially front and side yards visible from the street.* The proposed hammerhead will allow the views of the Ten Mile Range to be visible from Main Street in between the two buildings.

**Placement Of Structures (9/A & 9/R):** The placement of structures is unchanged from the previous application.

**Snow Removal And Storage (13/R):** 382 sq. ft. of area will be required for snow storage. Staff feels that with moving some of the proposed landscaping the snow storage will be adequate and functional. As a condition of approval the applicant needs to provide a landscaping plan that is functional with the snow storage prior to a building permit. Applicant has decided to heat the driving and walking surfaces to help alleviate snow removal and storage problems. Staff recommends negative three (-3) points under Policy 33/R – Energy Conservation, for the snowmelt system.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** No change from previously approved plan. Vehicular access to the site is provided from the alley. Applicant is proposing to eliminate the Main Street curb cut, which Staff supports. We have added a condition of approval requiring the applicant to replace the curb cut with a curb and gutter, according to Town Engineer standards.

The existing sidewalk along the west side of Main Street provides pedestrian access. A pavers pedestrian walkthrough between the two existing structures and the two new structures is proposed. There appears to be some overlap of the pedestrian path with driveway, which could lead to some conflicts with cars and pedestrians in this area. A public access easement will be required, as the public will be allowed to walk through this site. The circulation of this application does not change from the previous approval. However, this areaway will help the access from the employee housing unit.

**Parking (18/A & 18/R):** No change is proposed from the approved plan. The proposed parking will meet the parking requirements for this development. The paving of existing, unpaved driveways and parking areas is required for all Class C Major applications and higher. In this case, Staff recommends a credit for ten (10) existing spots per the Policy 37: Special Areas (37/A) – “*Credit for Voluntarily Abandoned Parking Spaces: The parking requirement for any property within this area will be reduced to the extent of the number of functional parking spaces voluntarily abandoned by the property owner.*” This property is in the Parking Service Area, hence parking is calculated by a ratio of square feet to number of parking spaces. Existing 1,885 sq. ft. commercial building = 2.63 spaces, 360 sq. ft. existing historic commercial building = 1.26 spaces (as a coffee shop), 1,804 sq. ft. commercial building = 2.52 spaces, 585 sq. ft. employee housing = .643, 2,080 sq. ft. residential = 2.28 spaces, for a total of 9.33 spaces (if pooled), of that 3 spots need to be on-site, as they are for the residential units. Staff supports the parking plan.

**Change Of Use of Historic Cabin:** The Planning Commission approved a change of use from a retail use (Blue River Anglers) to a coffee shop or café at the final hearing on October 16, 2007. However, that Class C approval expired on April 24, 2008. The applicant is now asking to extend that change of use approval until they can start construction of the approved project in the summer of 2008.

Due to the change in use from retail to a coffee house, .503 of a parking space is required, however the Town must round up to a whole parking space, so one total parking spaces will be required per Section 9-3-8: Off-Street Parking Requirement, of the Town Code. The applicant does have the land to provide 1 space, but the parking space is not currently paved. Per Section 9-3-9: Design Standards For Off-Street Parking Facilities: L. Paving: “1. *Off-Street Parking Spaces: All off-street parking spaces shall be paved.*” Hence, if this parking space is to be counted towards a parking requirement that space must be paved. The applicant could choose to pay a fee in lieu of proving the paved parking space, which is \$13,000.00 per parking space.

However, in this case the applicant would only have to pay a portion of a parking spot,  $.503 \times \$13,000.00 = \$6,539.00$ .

Section 9-3-16 of the Off-Street Parking Regulations allows the Town Council to grant a variance, exception or waiver of condition from any requirement of the parking ordinance. After discussions with the Town Attorney, he has indicated that a waiver can be granted without requiring a full variance. At this time, Staff recommends a waiver from the requirement to pave one parking space, with the condition that if a building permit for redevelopment of the property is not obtained within 18-months (the duration of this Class C permit) applicants shall either:

1. Pave the parking, or;
2. Pay the fee in lieu of providing the paved parking space.

The Conditions of Approval read:

4. If applicant does not obtain a building permit for redevelopment of the property by April 23, 2008, the applicant shall either:
  - a. Pave the parking, or;
  - b. Pay the fee in lieu of providing the paved parking space. The fee in lieu shall be equal to \$6,539.00 for .503 of a parking space (at a rate of \$13,000 per space) in lieu of providing additional on-site parking per Section 9-3-13 of the Breckenridge Town Code (Off-Street Parking Regulations).
5. Per the Breckenridge Sanitation District this property currently has temporary connection to the water and sewer line via the Breckenridge Ski Shop located at 211 North Main Street. A permanent connection shall be completed by August 2, 2008.

At this time we do not believe it makes good sense to pave the parking, since it would likely be removed within a short time. If the applicant has not obtained a building permit for this property by August 2, 2008 Staff will require the property owner to either pave the spot or pay the \$6,539.00 fee in lieu of providing the paved parking space. We have added a condition of approval to this effect.

**Employee Housing (24/R):** Applicant is proposing a 585 sq. ft. employee housing unit under the garage of the new residential unit. The employee housing unit would be accessed through the proposed sunken areaway.  $585 \text{ sq. ft. employee housing unit} / 6,714 \text{ sq. ft. of new density} = .087$  or 8.7%, which per Code warrants positive eight (+8) points (percentage of project density in employee housing  $8.51 - 9.0 = +8$  points).

**Landscaping (22/A & 22/R):** The landscaping is unchanged from the previous approval. The proposed landscaping plan includes six (6) new Colorado Spruce trees (10' - 12 tall), twenty-two (22) new aspen (2" to 2 1/2" caliper with 50% being multi-stem), and various new shrubs (5-gallon). There are currently no trees

on-site. Considering the small size of the lot, and the relatively large size of the plantings proposed, Staff recommends positive four (+4) points for Policy 22/R-Landscaping with these larger sizes the applicant has proposed. Staff recommends adding shrubs around the areaway to screen and soften the open air areaway.

**Social Community / Historic Preservation (24/R):** Applicant has proposed to restore the historic cabin on the property. The applicant has proposed to restore the front window to a vertical style, rebuild the historic false front to the building, installation of a new foundation and basement, structural stabilization, and remove the asphalt siding to reveal the original lap siding. Staff recommends (+6) points for historic preservation. The only change from the previous approval is the addition of the basement and the areaway to access the proposed basement.

The recommended point allocation is consistent with the Balma Residence that recently received six positive points (+6) for restoration to one structure. The previous approval of Legacy Place received ten positive points (+10) under the old point system for equivalent restoration efforts. We will have detailed descriptions of the restoration efforts noted above available for Commission review at the meeting.

*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.*

*Examples<sup>1</sup>: 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*

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<sup>1</sup> 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.



*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 for precedent:

Balma Residence Addition and Density Transfer. The following restoration efforts were proposed:

1. Level and stabilize the floor framing and foundation under the living room area of the historic structure. (More than 50% of structure.)
2. The historic bay window on the west elevation will be leveled and stabilized including foundation work below.
3. Existing historic river rock stone along the foundation will be re-grouted with a historically compatible material as needed.
4. The roof on the historic structure/non-historic addition will be replaced with an appropriate smooth sawn wood shingle.
5. Historic horizontal lap siding will be repaired where damaged.
6. Historic bead-board and decking on the front porch will be repaired.
7. The front door will be replaced with an appropriate half-light door.
8. Four non-historic windows with fake mullions will be replaced in the kitchen with more appropriate divided light windows.
9. The historic wrought iron fence will be repaired by straightening bent pickets and realigning the sagging gate and a new section that has been in storage will be installed at the west and north sides of the property.

Legacy Place Historic Restoration. A proposal for restoration of the historic cabin and shed and 1954 cabin has been received. Restoration efforts for the cabin include:

- ❑ The historic window on the north elevation will be restored all other non-historic windows will be replaced with wood windows to match historic window profiles. The historic profiles will be revealed as restoration of the cabin begins.
- ❑ The non-historic front door will be replaced with a wood half-light door.
- ❑ The existing historic log siding will be repaired as needed, any new material will match historic material, chinking will also be restored with a historically compatible material.
- ❑ The roof will be stabilized with new plywood and ice and water shield a new composition shingle to meet National Park Service standards will be provided.
- ❑ The existing historic framing will be reinforced.
- ❑ The electric and plumbing will be replaced.
- ❑ The non-historic front porch will be replaced with a historically compatible wood porch.
- ❑ The non-historic western addition will be removed bringing the cabin back to a more historic look.

Restoration efforts for the shed include:

- ❑ The shed will be relocated on site and placed on a new thickened edge concrete slab.
- ❑ The historic structure will be reinforced structurally as needed.

- ❑ The existing corrugated metal roof will be re-used on top of new plywood and ice and water shield.
- ❑ New electrical will be added for lighting purposes.
- ❑ Restoration of doors and windows including replacing a missing mullion.
- ❑ The existing historic siding will be patched and repaired as needed and a new clear coat stain added.

Restoration efforts of the 1954 cabin include:

- ❑ Replacing the roof with rusting corrugated metal on top of new plywood and ice and water shield.
- ❑ The structure will be placed on a new concrete foundation.
- ❑ Existing non-historic doors will be replaced with appropriate half-light and paneled doors.
- ❑ The existing historic window on the south elevation (existing north) will be restored in original location, all other windows will be replaced with wood windows in historic openings and two new windows to match historic profiles added on the new south elevation.
- ❑ The attic space opening, currently plywood will be replaced with a wood window to match the historic profile.
- ❑ Utility meters on the east elevation will be relocated to enhance front view of “Lottie’s Cabin”.
- ❑ The electric and plumbing will be replaced.
- ❑ The non-historic dormer will be removed.
- ❑ A new wooden step on a concrete slab will be added to be more historically accurate.

The applicants propose to replace the existing siding on the 1954 cabin with new horizontal lap siding. Staff and our historic consultant have examined the siding and think that much of it is salvageable with stain, or paint. Since the cabin is contributing to the Historic District, we believe that restoration of as much fabric as possible is important. Policy 25 recommends the repair of original features where feasible, deteriorated architectural features should be repaired rather than replaced.

We believe that with the restoration/repair of the existing siding on the 1954 cabin and the list provided above that nine positive points (+9) are warranted for restoration efforts. We have included a condition of approval that the restoration efforts include restoration/repair of existing siding, rather than replacement prior to receiving a building permit.

The applicant has proposed to restore the front window to a vertical style, rebuild the historic false front to the building, installation of a new foundation and basement, structural stabilization, and pull of the asphalt off the siding to reveal the original lap siding. Staff recommends (+6) points for historic preservation. This recommendation has not changed from the previous approval.

**Landmarking:** As part of this application, the applicant is requesting to locally landmark the historic cabin. Ordinance 24, Series 2001 allows the Town to designate local landmarks with property owner’s consent. A portion of the ordinance (included for the Commission’s reference) requires the subject property to meet at least one of the criteria for architectural, social, or geographic/environmental significance: *(Staff has highlighted the applicable criteria.)*

*9-11-4: DESIGNATION CRITERIA: The following criteria shall be used in reviewing proposals for designation pursuant to Section 9-11-3:*

*A. Landmarks/Landmark Sites. Landmarks or landmark sites must be at least fifty (50) years old and meet one or more of the criteria for architectural, social or geographic/environmental*

significance as described in subsections (A)(1) through (3) of this Section. A landmark may be exempted from the age requirement if it is found to be exceptionally important in other significant criteria.

1. *Landmarks and Landmark Sites. Landmarks or landmark sites shall meet at least one of the following:*

*a. Architectural*

1. ***Exemplifies specific elements of architectural style or period.***
2. *Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally.*
3. *Demonstrates superior craftsmanship or high artistic value.*
4. *Represents an innovation in construction, materials or design.*
5. ***Is of a style particularly associated with the Breckenridge area.***
6. *Represents a built environment of a group of people in an era of history.*
7. *Includes a pattern or grouping of elements representing at least one of the above criteria.*
8. *Is a significant historic remodel.*

*b. Social*

1. *Is a site of a historic event that had an effect upon society.*
2. ***Exemplifies cultural, political, economic or social heritage of the community.***
3. *Is associated with a notable person or the work of a notable person.*

*c. Geographic/Environmental*

1. ***Enhances sense of identity of the community.***
2. *Is an established and familiar natural setting or visual feature of the community.*

(Paragraph 2 omitted. Not applicable)

3. *All properties proposed for designation as landmarks or landmark sites under this Chapter shall be evaluated for their physical integrity using the following criteria (a property need not meet all of the following criteria):*

- a. *The property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation.*
- b. ***The property retains original design features, materials and/or character.***
- c. ***The structure is on its original location or is in the same historic context after having been moved.***
- d. *The structure has been accurately reconstructed or restored based on documentation.*

Staff finds that the historic cabin meets several of the designation criteria listed above. The barn is an example of a simple out-building in its period. It is substantially in the same condition as when originally constructed. We welcome any Commissioner comments.

**Utilities Infrastructure (26/A & 26/R; 28/A):** All utilities for this site are available either in the alley or Main Street. A Condition of Approval has been added that the historic cabin have it's own water and sewer connection and remove the connection from the blue Breckenridge Ski Shop building that led to the historic cabin.

**Drainage (27/A & 27/R):** Positive drainage is provided for the site. A new drainage swale is proposed along the center of the parking lot, flowing west toward the river. Staff has no concerns with the proposed drainage plan.

**Energy Conservation (33/R):** The applicant is proposing to put solar panels on a south facing roof of the new residential unit on the alley. These solar panels will save this residence 27% – 31% energy savings on the same size house without the solar panels. Staff recommends positive three (+3) points under Policy 33/R for the installation of solar panels. As noted in the discussion on snow storage negative three (-3) points are recommended for the heated driveway system.

**Public Art (43/A):** The applicant has proposed to add a buffalo statue and a possible calf as a piece of public art. The buffalo bronze would be placed in-between the historic cabin and the pedestrian walk-way.

Per the Development Code on Public Art: *“An application for a Class C or Class D development permit for the placement of public art shall be reviewed only for site function suitability, and not for content of the public art or aesthetics. The Public Art Commission shall not review such applications unless specifically requested to do so by the Planning Commission.*

*(43/R): The placement of art in public places enriches, stimulates and enhances the aesthetic experience of the Town. The Town's Public Art Program is designed to complement the visual experience that is the cornerstone of the Town's identity. The Town recognizes and rewards the efforts of applicants who place art in publicly accessible areas on private property by providing an incentive as hereafter provided in this Policy.*

*1 x (0/+1) A. Class A and B development permit applicants may receive a maximum of one positive point (+1) if the Planning Commission finds, based upon a recommendation from the Public Arts Commission, that public art is proposed to be provided as a part of a proposed project which meets the following requirements:*

*(1) The public art meets the site selection criteria set forth in the art in public places master plan which is a correlative documents to this code. (Ord. 10, Series 2006)*

*(2) The public art meets the artwork selection criteria set forth in the art in public places master plan which is a correlative documents to this code. (Ord. 10, Series 2006)*

*(3) The internal circulation of the proposed site is adequate to allow for reasonable and safe public access to the artwork.*

*(4) The placement of the art on the proposed site does not result in the assessment of any negative points under other policies of this code.*

*(5) The placement of the art on the proposed site complies with all applicable building and technical codes.*

*(6) The applicant provides the town with adequate assurances that the artwork will be privately owned, maintained and insured.*

*No more than one positive point shall be awarded to an applicant under this policy regardless of the number of pieces of public art placed on the site.*

*All public art for which a positive point is awarded pursuant to this policy shall remain permanently on the site, unless removal or relocation of such artwork is approved by the town pursuant to either a modification of the existing development permit or the issuance of a new development permit.” (Ord. 35, Series 1996)*

The Public Arts Commission has reviewed this application. They did recommend awarding one positive point (+1) for the proposed bronze. However, the Arts Commission did have a few comments on the bronze. First, they would like some assurance that there is not the same bronze already in Summit County. (The artist has indicated he has not sold any that he knows of in Summit County). The Arts Commission cautioned that the calf could be used as a step for people to get on top of the buffalo. The Arts Commission also requested the applicant consider a more abstract or less generic buffalo bronze. The applicant has expressed a willingness to consider these suggestions.

**Point Analysis (Section: 9-1-17-3):** At this time, staff recommends negative (-18) points for 5R Architectural Compatibility (11.7 UPA), and negative three (-3) points under Policy 33/R – Energy Conservation. We recommend a positive three (+3) points under Policy 16/R Internal Circulation for pedestrian circulation, four points (+4) under Policy 22/R-Landscaping, positive eight (+8) points for Policy 24/R-Social Community/Employee Housing, positive six (+6) points Policy 24/R-Social Community/Historic Preservation, positive three (+3) points under Policy 33/R – Energy Conservation: Renewable Energy Sources for the installation of solar panels, and positive one (+1) point for Policy 43/R Public Art, for a total passing point analysis of positive four (+4) points.

### **Staff Recommendation**

Staff recommends the Planning Commission approve PC#2008052, Buffalo Crossing, Lot 67 and Lot 68, Bartlett & Shock, located at 209 and 211 N. Main Street with the attached Findings and Conditions.

Staff also ask that the Planning Commission give a recommendation to the Town Council to approve Local Landmark status to the historic cabin on the property. A separate motion will be required for this recommendation.

**Final Hearing Impact Analysis**

Project: Buffalo Crossing  
 PC# 2008052  
 Date: 06/12/2008  
 Staff: Matt Thompson, AICP

**Positive Points +26**

**Negative Points - 21**

**Total Allocation: +4**

Items left blank are either not applicable or have no comment

Sect.	Policy	Range	Points	Comments
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	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	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12	(-3>-18)	- 18	11.7 UPA
5/R	Architectural Compatibility H.D. / Above Ground Density 10	(-3>-6)		
6/A	<b>Building Height</b>	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)		
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)		
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)		
9/A	<b>Placement of Structures</b>	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	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	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)	+3	Pedestrian access easement across property
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
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	<b>Loading</b>	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	<b>Landscaping</b>	Complies		
22/R	Landscaping	4x(-2/+2)	+4	6 Spruce (10' - 12'), 22 Aspen (2" - 2.5" min. caliper). No trees currently on property.
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)	+8	8.7% of project will be an employee housing unit, percentage of project in employee housing 8.51 - 9.0 = +8 points
24/R	Social Community - Community Need	3x(0/+2)		
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	On site historic preservation/restoration effort of average public benefit.
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	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	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	+3	Installation of solar panels provides 27% - 31% energy savings
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	-3	Heated driveway and walkway
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37/R	Cucumber Gulch/Setbacks	2x(0/+2)		
37/R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)	+1	Bronze buffalo facing N. Main St.
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		

## TOWN OF BRECKENRIDGE

Buffalo Crossing  
Lot 67 and Lot 68 Bartlett & Shock  
209 and 211 N. Main Street  
PERMIT #2008052

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**STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve this application with the following findings and conditions.

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### 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 **June 11, 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 **June 17, 2008**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

### 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 three years from date of issuance, on **June 24, 2011**, 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 three years, 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 not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. 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.
9. 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 snow plow equipment from damaging the new driveway pavement.
10. 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.
11. If applicant does not obtain a building permit for redevelopment of the property by August 2, 2008, the applicant shall either: a. Pave the parking, or; b. Pay the fee in lieu of providing the paved parking space. The fee in lieu shall be equal to \$6,539.00 for .503 of a parking space (at a rate of \$13,000 per space) in lieu of providing additional on-site parking per Section 9-3-13 of the Breckenridge Town Code (Off-Street Parking Regulations).

#### PRIOR TO ISSUANCE OF BUILDING PERMIT

12. Applicant shall submit proof of ownership of the project site.
13. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
14. Applicant shall provide plans stamped by a registered architect licensed in Colorado, per Section 9-1-17-10 of the Breckenridge Town Code.
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. Applicant shall identify all existing trees that 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.
17. 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.
18. 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.

19. 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.
20. Applicant shall install construction fencing around the building site in a manner acceptable to the Town of Breckenridge Planning Department. An on site inspection shall be conducted.
21. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
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.
23. Prior to issuance of a building permit for the historic cabin, the Town Council shall approve local landmark status for the cabin. If local landmark status is not approved, the basement under the cabin will need to be eliminated from the approved plans.

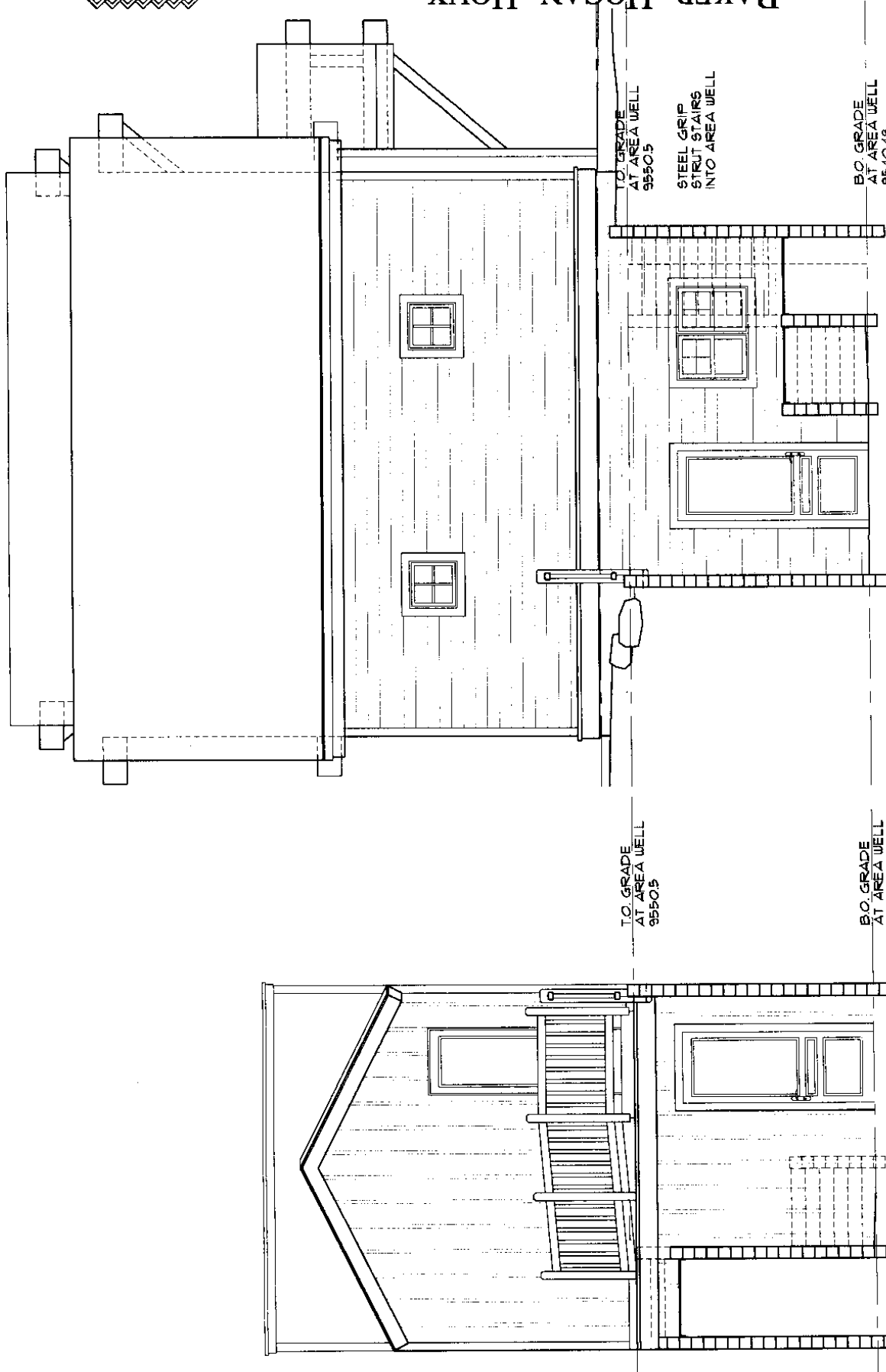
#### PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

24. Applicant shall execute and record with the Summit County Clerk and Recorder the Town's standard employee housing covenant for **585** square feet of employee housing within the project.
25. Applicant shall replace the curb cut with curb and gutter, per Town Engineering Standards.
26. Applicant shall grant a public pedestrian easement through the property from Main Street to the alley at the west part of site. The easement shall be in a form acceptable to the Town Attorney.
27. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
28. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
29. Applicant shall screen all utilities.
30. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
31. 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.

32. 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 not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
33. 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.
34. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
35. 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)



**EAST ELEVATION - AREA WELL**  
 AT HISTORIC CABIN  
 SCALE: 1/4" = 1'-0"

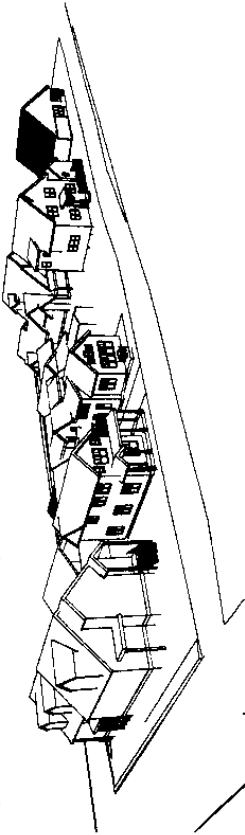
**WEST ELEVATION - AREA WELL**  
 AT PRIVATE RESIDENCE  
 SCALE: 1/4" = 1'-0"

**BAKER + HOGAN + HOUX**  
 ARCHITECTURE & PLANNING / AIA / P.C.  
 P O BOX 931, 160 EAST ADAMS, BRECKENRIDGE, COLORADO 80424 (970) 453-6880

**SUPPLEMENTAL**  
 SHEET NUMBER: \_\_\_\_\_ OF \_\_\_\_\_

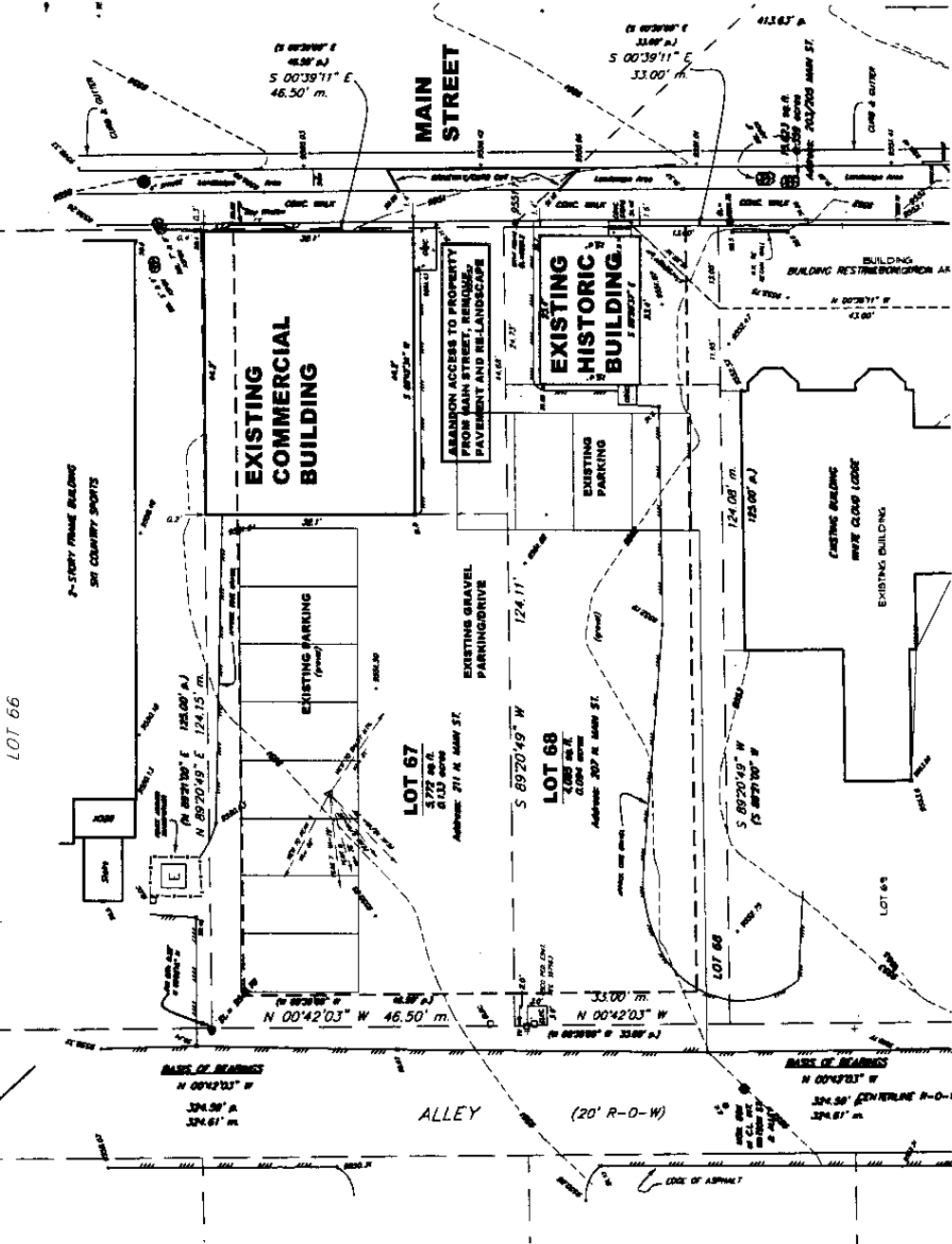
JOB NO: 506102  
 DATE: 06/11/08  
 DRAWN BY: A  
 CHECKED BY: A

# BUFFALO CROSSING



## SHEET INDEX

- A-1 EXISTING CONDITIONS SITE PLAN, SHEET LIST
- A-2 PROPOSED SITE PLAN, WORKS LEGEND, NOTES
- A-3 PROPOSED SITE PLAN, SECTION
- A-4 PROPOSED RESIDENCE ELEVATION
- A-5 PROPOSED RESIDENCE ELEVATION
- A-6 PROPOSED RESIDENCE ELEVATION
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- A-10 PROPOSED RESIDENCE ELEVATION
- A-11 PROPOSED RESIDENCE ELEVATION
- A-12 PROPOSED RESIDENCE ELEVATION
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- A-15 PROPOSED RESIDENCE ELEVATION
- A-16 PROPOSED RESIDENCE ELEVATION
- A-17 PROPOSED RESIDENCE ELEVATION
- A-18 PROPOSED RESIDENCE ELEVATION
- A-19 PROPOSED RESIDENCE ELEVATION
- A-20 PROPOSED RESIDENCE ELEVATION



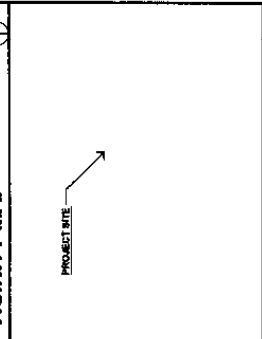
## EXISTING CONDITIONS SITE PLAN

SCALE: 1" = 10'-0"

## LEGAL DESCRIPTION

LOT 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

## VICINITY MAP



## GENERAL NOTES

- 1) CONSTRUCTION SAFETY: The General Contractor shall provide for the safety of all workers and the public during construction and shall comply with all applicable safety regulations.
- 2) UTILITIES: The General Contractor shall verify the location and depth of all existing utilities (water, sewer, gas, electric, telecommunications, etc.) prior to construction. The General Contractor shall be responsible for any damage to existing utilities.
- 3) EROSION CONTROL: The General Contractor shall implement erosion control measures to prevent sediment from entering adjacent properties or water bodies.
- 4) TRAFFIC CONTROL: The General Contractor shall implement traffic control measures to ensure the safe flow of traffic during construction.
- 5) NEIGHBORHOOD RELATIONS: The General Contractor shall maintain good relations with neighboring properties and the community.
- 6) ENVIRONMENTAL PROTECTION: The General Contractor shall take measures to protect the environment and minimize noise and dust.
- 7) RECORD DRAWINGS: The General Contractor shall provide and maintain accurate record drawings throughout the project.
- 8) COMMUNICATION: The General Contractor shall maintain open communication with the Architect and the Owner.
- 9) SCHEDULING: The General Contractor shall provide a detailed construction schedule and update it as needed.
- 10) PAYMENT: The General Contractor shall submit invoices for payment in accordance with the contract terms.
- 11) INSURANCE: The General Contractor shall maintain adequate liability and workers' compensation insurance.
- 12) SUBMITTALS: The General Contractor shall submit all materials and equipment for the Architect's review and approval.
- 13) PROTECTION OF EXISTING CONDITIONS: The General Contractor shall take measures to protect existing buildings and structures on the site.
- 14) HISTORIC PRESERVATION: The General Contractor shall follow all applicable regulations regarding the preservation of historic buildings.
- 15) ACCESSIBILITY: The General Contractor shall ensure that the project complies with all applicable accessibility requirements.
- 16) SIGNAGE: The General Contractor shall install and maintain any required signage.
- 17) UTILITIES REPAIR: The General Contractor shall be responsible for the repair of any damaged utilities.
- 18) DEMOLITION: The General Contractor shall obtain all necessary permits for any demolition work.
- 19) SITE RESTORATION: The General Contractor shall restore the site to its original condition or better.
- 20) FINAL INSPECTION: The General Contractor shall participate in the final inspection of the project.

**Town of Breckenridge Signature Block:**  
 Upon the issuance of a development permit by the Town of Breckenridge, this site plan shall be binding upon the applicant, and the applicant's successors and assigns, until such time as the Town has issued a final certificate of occupancy or a certificate of compliance. Prior to the issuance of a final certificate of occupancy or certificate of compliance, this plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction location, uses, occupancy and operation of all land and structures within this plan. All conditions, requirements, locations and limitations set forth herein shall be in the development permit for this site. Abandonment, withdrawal or amendment of this plan may be permitted only in accordance with the Breckenridge Development Code. This document represents the entire understanding between the applicant and the Town of Breckenridge with regard to development rights and density remaining on this site.

Date \_\_\_\_\_  
 Date \_\_\_\_\_  
 Date \_\_\_\_\_

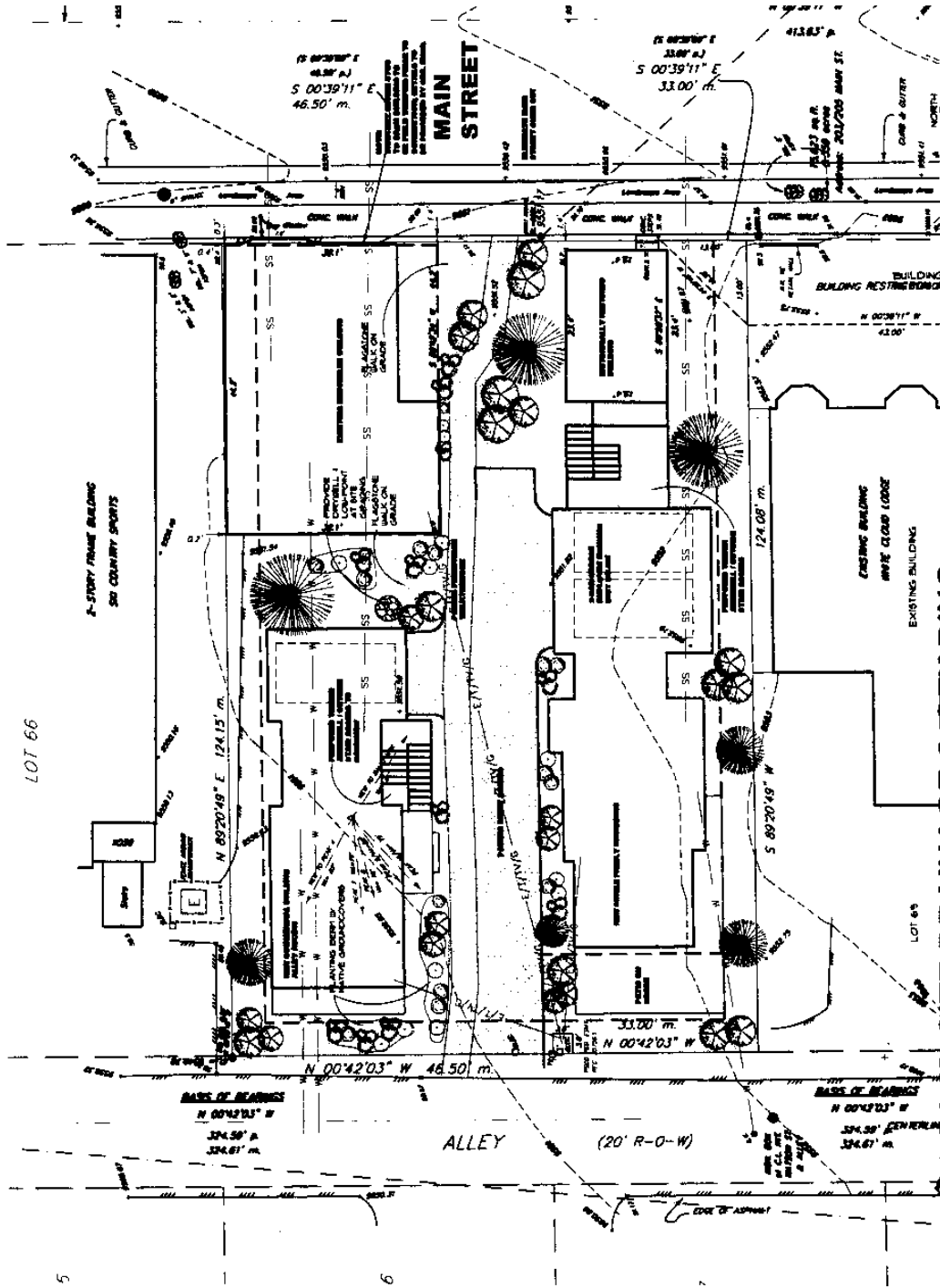
TC3 Architects, P.C.  
 Thomas K. Connolly

Director of Community Development

**CALCULATION SUMMARY:**

TOTAL ALLOWED ABOVE GROUND DENSITY @ 12 UPA	4,348 SF
ABOVE GROUND DENSITY PROVIDED	4,246 SF
TOTAL DENSITY PROPOSED ON PROJECT:	
6,714 SF	
TOTAL COMMERCIAL:	4,048 SF / 60.4%
TOTAL RESIDENTIAL:	2,666 SF / 39.6%
Employee Housing:	
6886/738 = 9.17% of project total = +8 points	

LOT 66

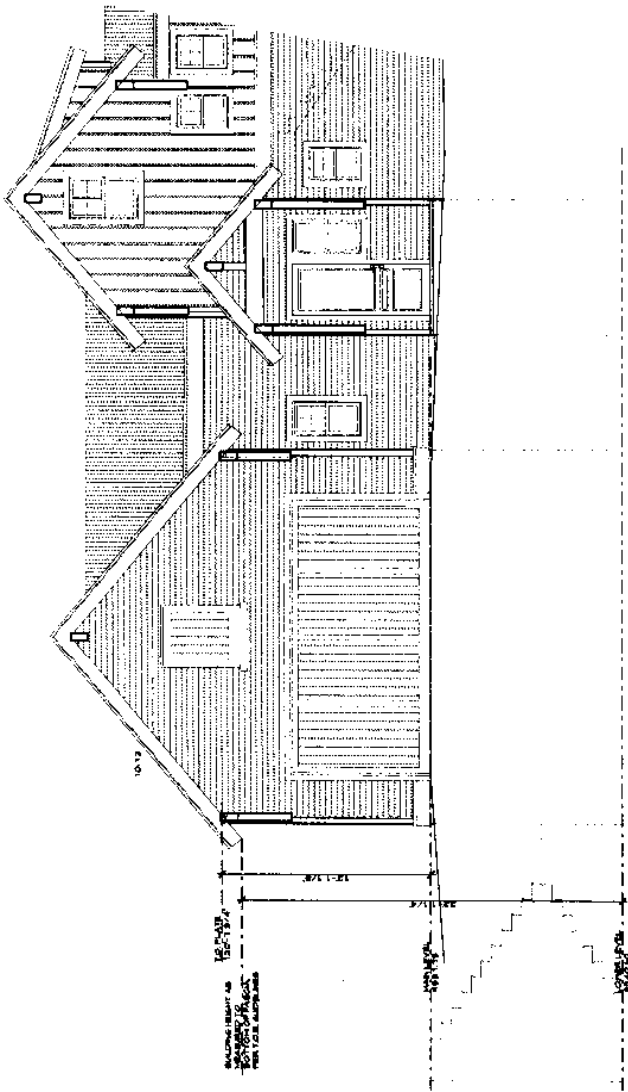


**PROPOSED SITE DRAINAGE & GRADING**

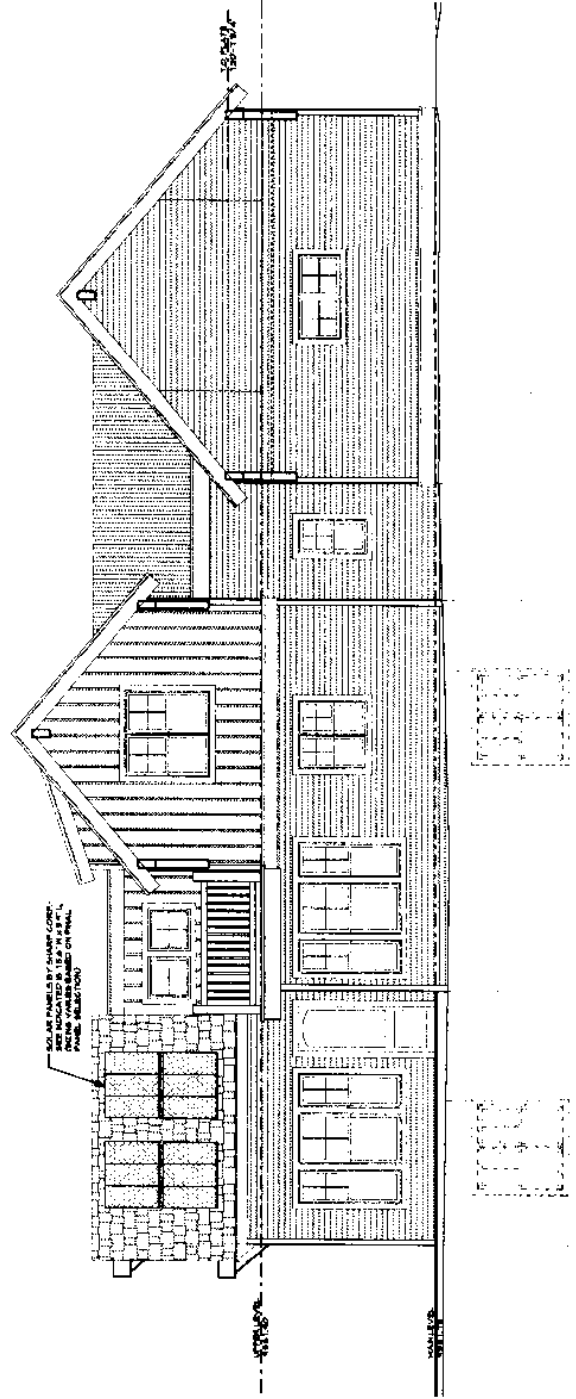
SCALE: 1" = 10'-0"

<b>OWNER:</b>	<b>ARCHITECT:</b>	<b>CONTRACTOR:</b>	<b>ENGINEER:</b>	<b>SURVEYOR:</b>
	BAKER, HOGAN, LOUK 300 EAST ADAMS STREET DENVER, COLORADO 80202 (303) 453-8800 FAX: (303) 453-8800			

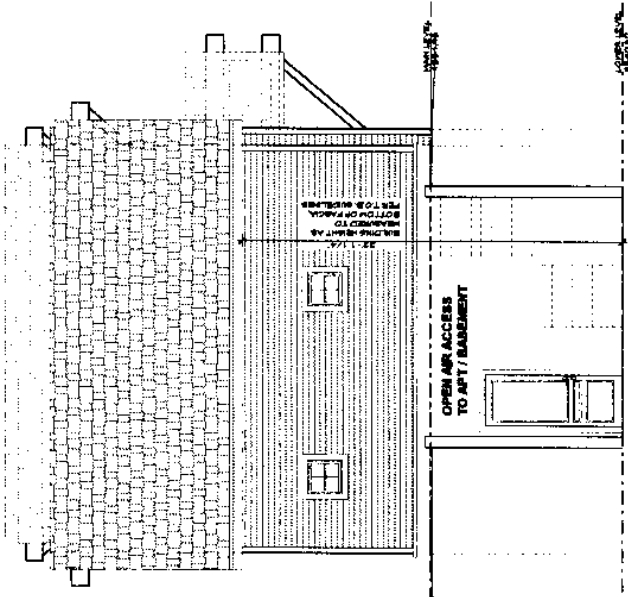
<b>NEW COMMERCIAL - (ALLEY WAY)</b>	Commercial Lower Level: 1,682 SF Commercial Main Level: 763 SF <b>1,894 TOTAL SQUARE FOOTAGE</b> Above Ground Density: 763 SF Garage MASS: 294 sf Module Size: 752 sf
<b>NEW RESIDENCE (ALLEY WAY)</b>	Lower Level: 632 SF Main Level: 879 SF Upper Level: 369 SF <b>2,096 TOTAL SQUARE FOOTAGE</b> Above Ground Density: 1,248 SF Garage MASS: 628 sf Module Size: 1,248 sf
<b>EMPLOYEE HOUSING UNIT (Below Ground): 688 SF</b>	
<b>REMODELED COMMERCIAL (MAIN STREET)</b>	Main Level: 1,270 SF Upper Level: 616 SF <b>1,886 TOTAL SQUARE FOOTAGE</b> Above Ground Density: 1,886 SF
<b>RENOVATED HISTORIC (COMMERCIAL)</b>	Main Level: 360 SF Above Ground Density: 360 SF



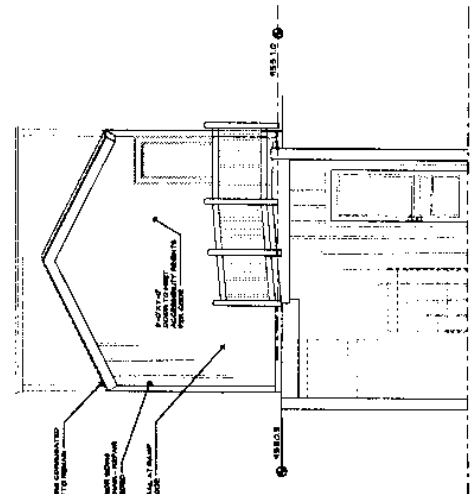
**NORTH ELEVATION - PARTIAL**  
SCALE: 1/4" = 1'-0"



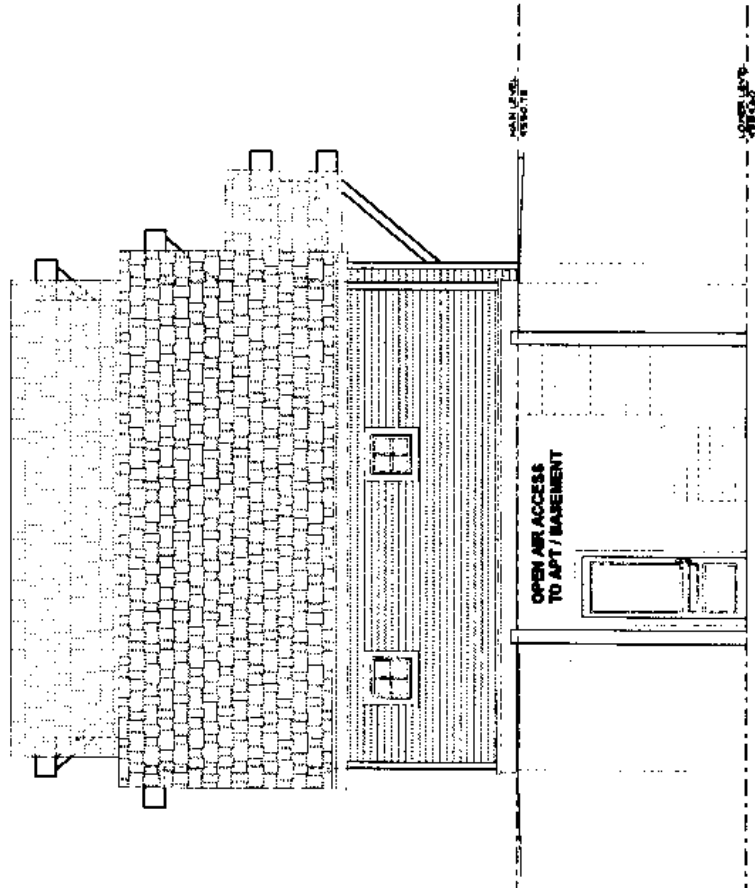
**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



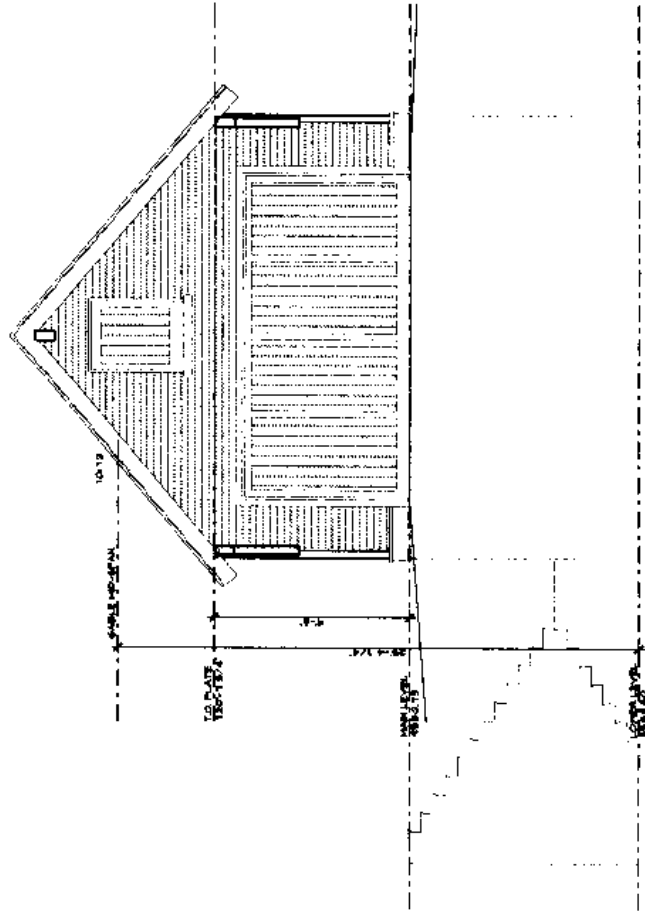
**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

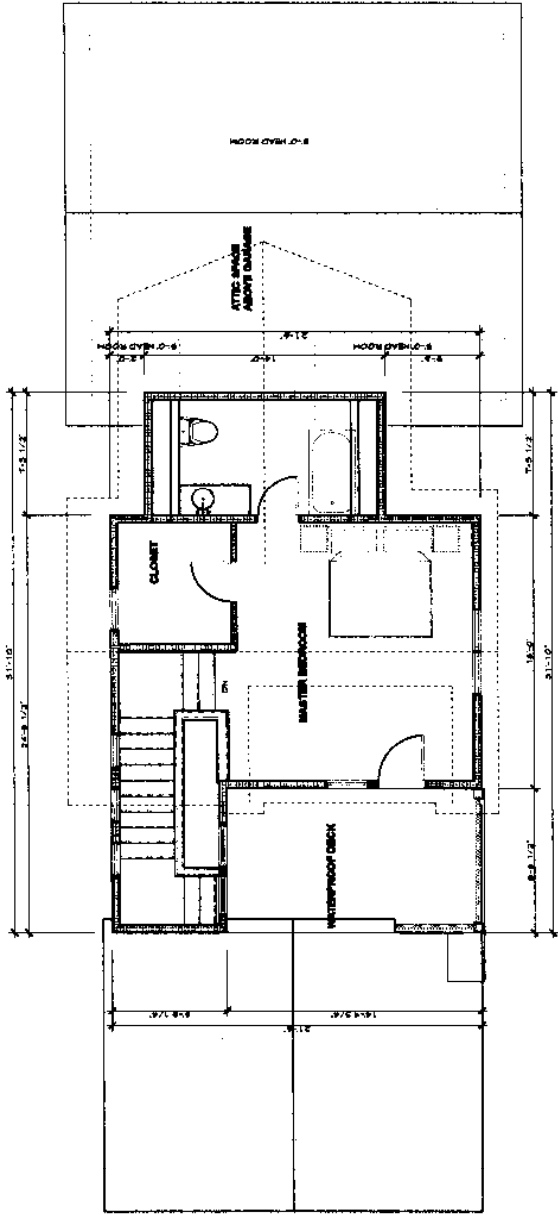


**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



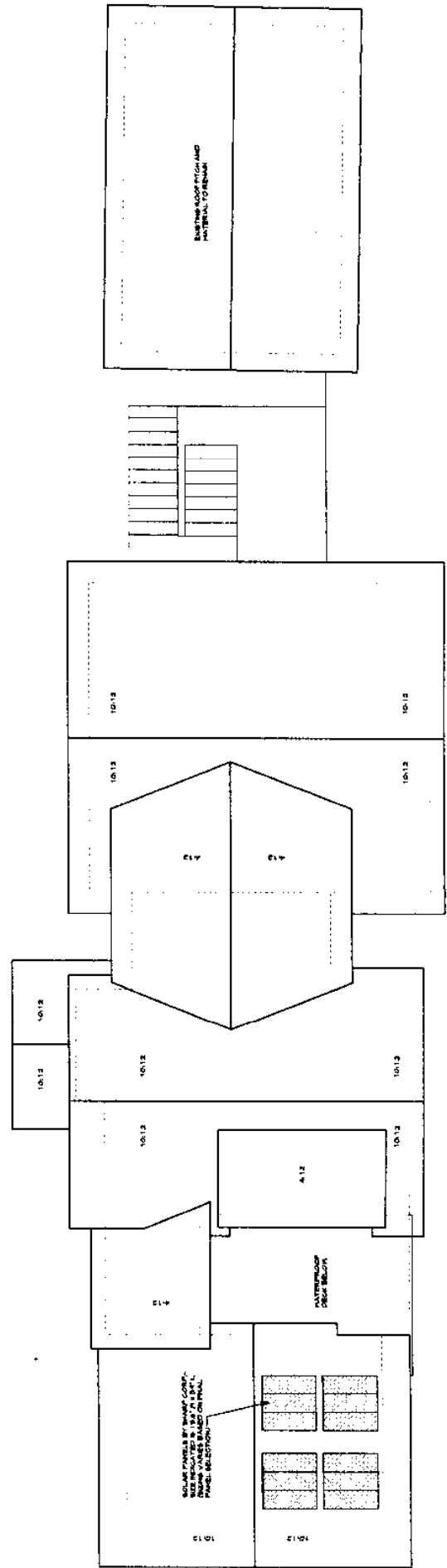
**NORTH ELEVATION - GARAGE ONLY**  
SCALE: 1/4" = 1'-0"





NORTH

UPPER LEVEL - RESIDENCE



NORTH

ROOF PLAN - PRIVATE RESIDENCE

HISTORIC BUILDING - ROOF PLAN

SCALE: 1/4" = 1'-0"



---

## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Chris Neubecker, Senior Planner  
**DATE:** June 12, 2008  
**SUBJECT:** Planning Commission Fall Field Trip

---

Staff would like the Commission to start to think about topics and dates for a fall 2008 field trip. Staff was thinking that we could again focus on Ski Area Base development, considering the large redevelopment and master planning of the gondola parking lots. This area is also a de-facto base area, and is one of the largest and most important pieces of land anticipated for development in Breckenridge over the next 5-10 years.

Other topics that should be considered are historic preservation, capacity issues, and affordable housing developments.

The trip has traditionally taken place in September or October of each year. Please bring your ideas about this field trip. If you have other field trip ideas that you think we should consider, please mention those ideas as well.



---

## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Chris Neubecker  
**DATE:** June 12, 2008  
**SUBJECT:** Historic District Period of Significance

---

At the meeting on June 3, 2008 staff reiterated the idea of changing our Period of Significance from pre-1942 to "50 years or older". This was based on a suggestion from the Town Council to reconsider our Period of Significance. Since we did not have time at the last meeting to show photographs, we would like to take some time to show you some photos of existing buildings that would soon fall under the 50-year rules.

Currently, "historic" structures in Breckenridge are those that were built prior to 1943, which was the end of gold dredge mining in Breckenridge. However, many communities, including the National Trust for Historic Preservation and the Department of the Interior, use a 50-year rule: properties 50 years and older are eligible for historic designation.

The idea behind this change is that many structures associated with the dawn of skiing in Breckenridge would become eligible for "historic" designation, and would therefore garner greater protection from demolition or significant alteration.

As you will see from the photos, many of the buildings have been significantly altered over time, including complete exterior remodels and major additions that have significantly altered the character of the homes. We would like the Commission to consider the architectural character of these homes, and indicate if you find there is an architectural character or theme that we need to protect. We look forward to the input of the Commission and your thoughts on the change to this date.



---

## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Chris Neubecker, Senior Planner  
**DATE:** June 12, 2008  
**SUBJECT:** Planning Commission Rules of Procedure

---

With the removal of the Town Council appointee to the Planning Commission, and the replacement with a Town Council liaison, staff recommends changing the order of the agenda items. This is because the Town Council liaison will generally not sit through the entire meeting. Rather, they will attend only during the beginning portion of the meeting; they will participate in work session items, then leave. This is to ensure that they do not participate in the discussion of development permit application, which may be potential call-up hearings by the Town Council.

In order to officially change the order of the meetings, the Town Attorney has drafted the attached resolution, which must be adopted by the Commission. Staff will be happy to answer any questions about the rules of Procedure during the meeting on Tuesday evening.

Staff suggests the following motion:

“I motion to adopt a resolution amending Rule 16 of the Town of Breckenridge Planning Commission Rules of Procedure (Feb. 2005 edition) concerning the order of business at a Planning Commission meeting as presented to the Commission in today’s packet.”

1 **FOR ADOPTION — JUNE 3**

2  
3 Additions To The Current Planning Commission Rules Are  
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

5  
6 BEFORE THE PLANNING COMMISSION

7  
8 OF THE TOWN OF BRECKENRIDGE

9  
10 RESOLUTION

11  
12 A RESOLUTION AMENDING RULE 16 OF THE “TOWN OF BRECKENRIDGE  
13 PLANNING COMMISSION RULES OF PROCEDURE (Feb. 2005 edition) ” CONCERNING  
14 THE ORDER OF BUSINESS AT A PLANNING COMMISSION MEETING

15  
16 WHEREAS, Section 2-2-7 of the Breckenridge Town Code requires the Breckenridge  
17 Planning Commission to adopt rules for the transaction of its business; and

18  
19 WHEREAS, the Breckenridge Planning Commission has heretofore adopted its  
20 "Planning Commission Rules of Procedure (Feb. 2005 edition)" ("Rules"); and

21  
22 WHEREAS, Rule 36 of the Rules provides that the Rules may be amended by the  
23 affirmative vote of a majority of the quorum of the Commission who are present at any regular  
24 or properly called special meeting that includes the amendment of the Rules as one of the stated  
25 purposes of the meeting; and

26  
27 WHEREAS, the Breckenridge Planning Commission desires to amend Rule 16 of the  
28 Rules as hereafter set forth.

29  
30 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE  
31 TOWN OF BRECKENRIDGE, COLORADO, as follows:

32  
33 Section 1. Rule 16 of the "Planning Commission Rules of Procedure (Feb. 2005  
34 Edition)" is hereby amended so as to read in its entirety as follows:

35  
36 **Rule 16. Order of Business**

37  
38 Items shall be placed on the agenda according to the order of business. The order  
39 of business for each regular meeting shall normally be as follows:

40  
41 Call to Order; roll call

42 Approval of the minutes

43 Discussion and revision of the proposed agenda; adoption of an agenda

44 **Consent Calendar**

45

- 1 Worksession(s)
- 2 ~~Consent Calendar~~
- 3 **Combined Hearing(s)**
- 4 Final Hearing(s)
- 5 Preliminary Hearing(s)
- 6 Other Matters
- 7 Adjournment

8  
9 In his discretion, the Director may schedule an application out of the normal order  
10 of business if it involves a matter of substantial public interest, or if the Director  
11 determines that good cause exists to vary the normal order of business. Further,  
12 by general consent of the Commission, items may be considered out of order.

13  
14 Section 2. The Planning Commission finds, determines and declares that this  
15 Resolution was duly adopted by the affirmative vote of a majority of the quorum of the  
16 Planning Commission who were present at a regular or properly called special meeting  
17 that included the amendment of the Rules as one of the stated purposes of the meeting.

18  
19 Section 3. This resolution shall become effective upon its adoption.

20  
21 RESOLUTION APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

22  
23 TOWN OF BRECKENRIDGE PLANNING  
24 COMMISSION

25  
26  
27 By \_\_\_\_\_  
28 Chair

29 ATTEST:  
30  
31  
32  
33 \_\_\_\_\_  
34 Secretary