

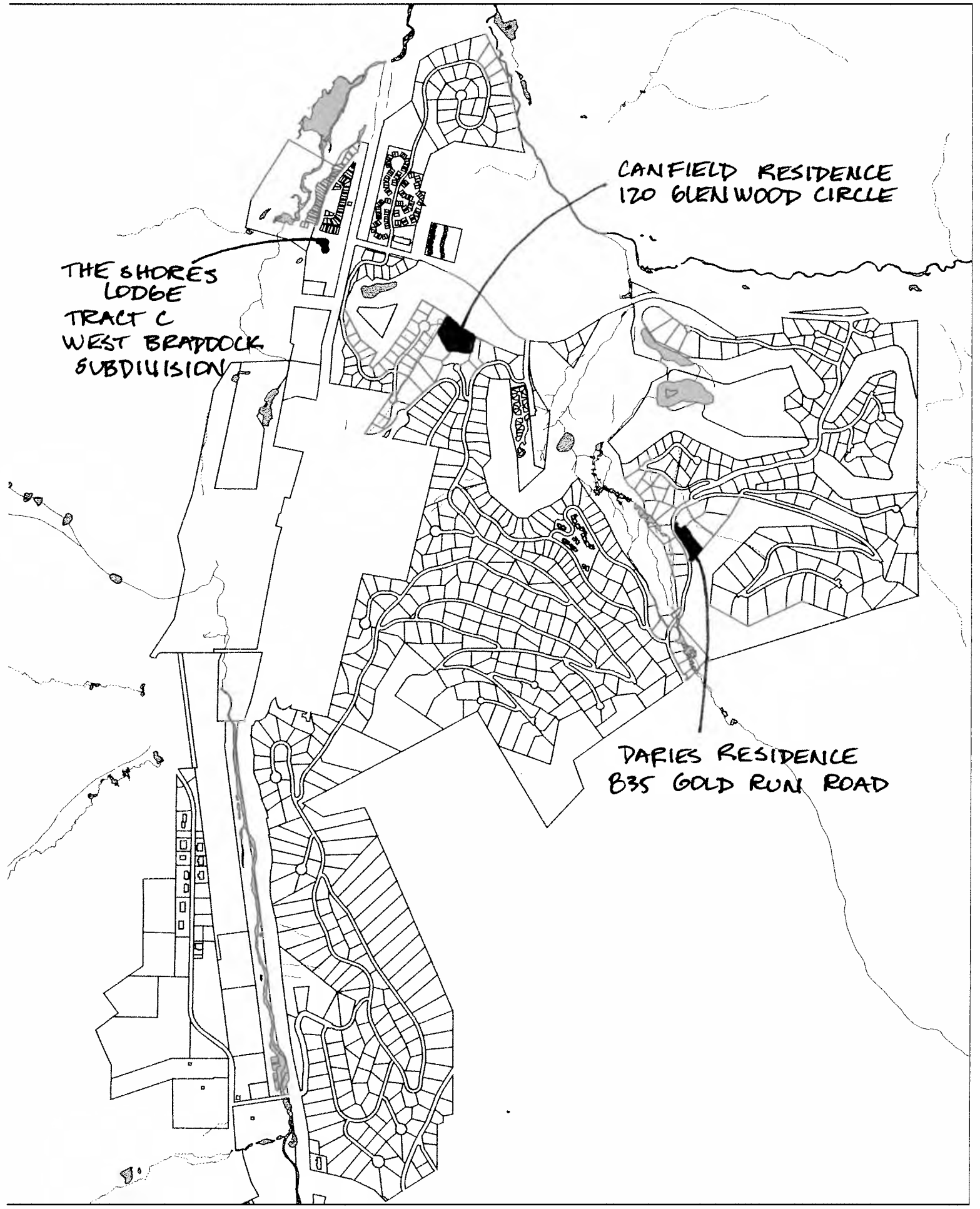
**Town of Breckenridge**  
**Planning Commission Agenda**

Tuesday, June 3, 2008  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00</b>	<b><i>Call to Order of the June 3, 2008 Planning Commission Meeting; 7:00 p.m. Roll Call</i></b>	
	<b><i>Approval of Minutes May 20, 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. Beaver Run Conference Center Deck and Stair Roof (MM) PC#2008065 620 Village Road	<b>15</b>
	2. Daries Residence (CK) PC#2008061 835 Gold Run Road	<b>20</b>
	3. Clubb Residence Exterior Remodel (MM) PC#2008062 110 Winwood Circle	<b>26</b>
	4. Nyberg Addition (CK) PC#2008060 128 Gold King Way	<b>33</b>
	5. Canfield Residence (MGT) PC#2008064 120 Glenwood Circle	<b>38</b>
<b>7:15</b>	<b><i>Worksessions</i></b>	
	1. Gondola Parking Lots Master Plan (CN)	<b>44</b>
	2. Historic Period of Significance (CN)	<b>45</b>
<b>8:45</b>	<b><i>Combined Hearings</i></b>	
	1. Partridge Subdivision and Variance (CK) PC#2008059 215 South Gold Flake Terrace	<b>46</b>
	2. Shock Hill Tract E Re-Subdivision (CN) PC#2008063 260 Shock Hill Drive	<b>54</b>
<b>9:30</b>	<b><i>Final Hearings</i></b>	
	1. The Shores Lodge (MM) PC#2007155 Tract C, West Braddock Subdivision	<b>60</b>
<b>10:30</b>	<b><i>Other Matters</i></b>	
<b>10:35</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.*



THE SHORES  
LODGE  
TRACT C  
WEST BRADDOCK  
SUBDIVISION

CANFIELD RESIDENCE  
170 GLENWOOD CIRCLE

DARIES RESIDENCE  
835 GOLD RUN ROAD

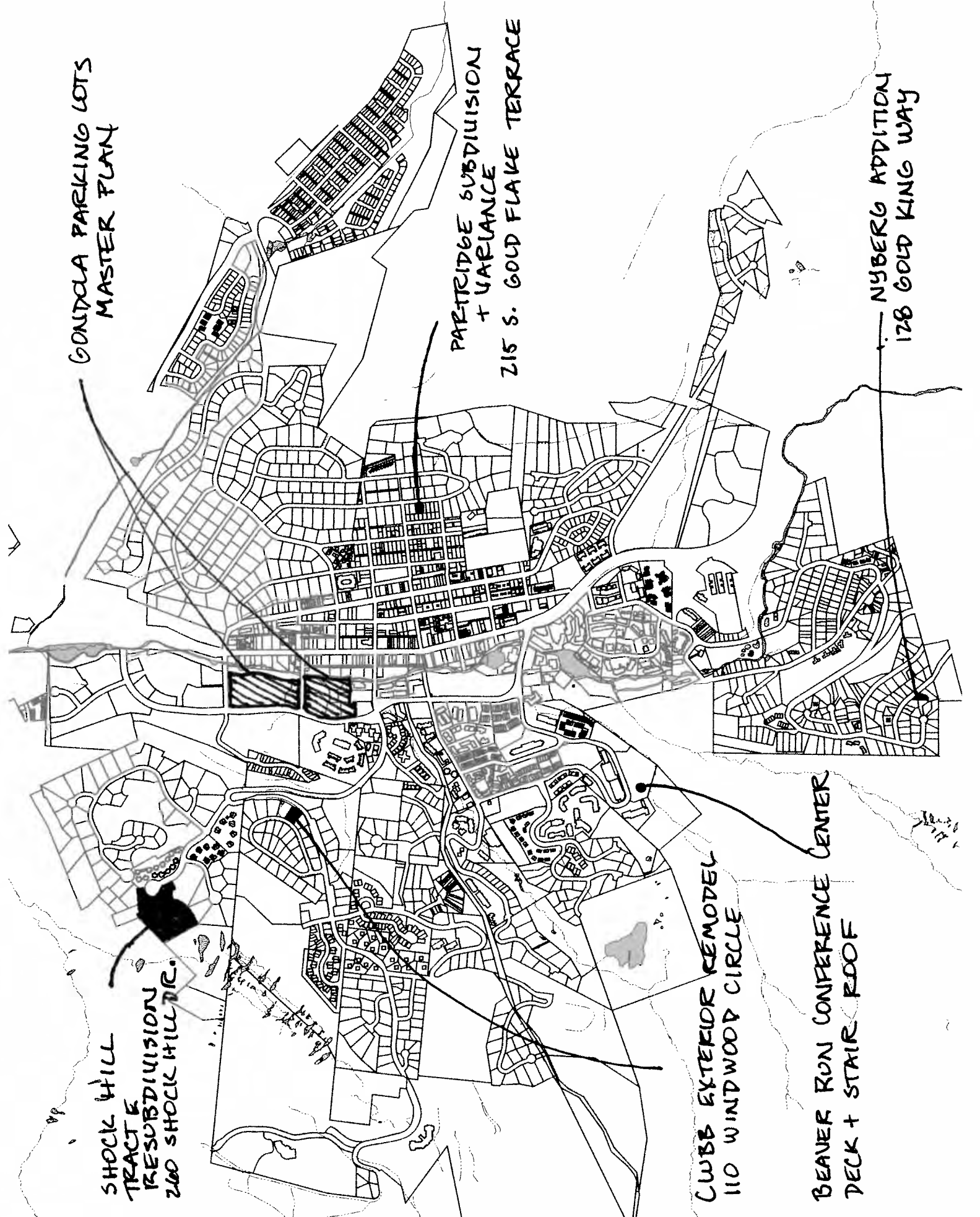


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assume no responsibility for the accuracy of the data, and  
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**Breckenridge North**

printed 2007

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GONDOLA PARKING LOTS  
MASTER PLAN

PARTIDGE SUBDIVISION  
+ VARIANCE  
215 S. GOLD FLAKE TERRACE

NYBERG ADDITION  
178 GOLD KING WAY

SHOCK HILL  
TRACTE  
RESUBDIVISION  
260 SHOCK HILL TIC.

CLUBB EXTERIOR REMODEL  
110 WINDWOOD CIRCLE

BEAVER RUN CONFERENCE CENTER  
DECK + STAIR ROOF







8. *If Development Permit Application No. 2008058 filed by the Applicant seeking a development permit to rehabilitate and restore the Theobald Building is not given final approval by the Planning Commission/Town Council, or the terms and conditions of any approval are not acceptable to the Applicant, the historic shed that is the subject of this permit shall be relocated on the property in a location to be approved by the Town, and the Applicant shall obtain approval from the Breckenridge Town Council of local landmark designation for the Theobald Building located on the property.*

Randy Hodges, Hodges/Marvin Architects, (Agent): Presented drawings as to what the shed would look like after its replacement on the property. Explained some of the shoring and construction processes.

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

*Commissioner Questions/Comments:*

Mr. Bertaux: Asked if Pup's Glide Shop was under ownership by the applicant. (Mr. Theobald: yes.) Asked if the foundation would be a full basement beneath the structure. (Mr. Hodges: no, they plan on avoiding the historic building to the south and maintaining a 4-foot crawl space along the south and east property lines.) Asked if the shed would have a basement after its replacement. (Mr. Hodges: no, a code compliant stair would consume too much of the floor area. All basement area would be in the main building.)

Final Comments: This application did comply with Priority Policy 108 for its replacement and with the applicants' track record he did not recommend the Town require a performance bond.

Mr. Allen: Did the description of relocation in the code mean moving of any nature of just moving off-site? (Mr. Mosher: Relocation can mean any movement of a structure. The preference was to leave the building as is. Second preference would be to move it on the property in the same context, and lastly would be moving it to another property in the Conservation District.)

Final Comments: Concurred with Mr. Bertaux's final comments. Supported the application.

Ms. Girvin: Final Comments: Concurred with Mr. Bertaux's final comments.

Mr. Khavari: Would the shed's height be increased with its replacement? (Mr. Hodges: the shed is in a hole today. It will be raised up just enough to protect it from drainage concerns.)

Final Comments: Concurred with Mr. Bertaux's final comments.

Mr. Bertaux made a motion to approve the point analysis presented for the Theobald Building Shed Relocation, PC#2008057, 101 South Main Street, with a passing score of positive one (+1) point. Mr. Allen seconded. The motion was approved unanimously (4-0).

Mr. Bertaux the made a motion to approve the combined application for the Theobald Building Shed Relocation PC#2008057, 101 South Main Street, with the findings and conditions and the approved point analysis. Mr. Allen seconded. The motion was approved unanimously (4-0)

***PRELIMINARY HEARINGS:***

1. Theobald Building Rehabilitation and Variance (MM) PC#2008058; 101 South Main Street

Mr. Mosher presented a proposal to completely restore the original east 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, and reset the historic shed addition as a stand-alone retail space behind the main building. No changes were 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 would be heated to eliminate the ice dangers.

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 has given this application careful thought because they were 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. Staff has the following questions for the Commission:

1. Did the Commission support lowering the historic floor elevation in order to meet Building Code requirements (leaving the exterior elevation the same) and allowing the building still to be landmarked?
2. Would the Commission support creating a variance to allow the basement density beneath the new construction to be counted as “free” density?
3. Did the Commission believe that the alterations to the historic structure as associated with the proposed use were in balance with the resulting vitality and better pedestrian connection along the north property line between the Riverwalk and Main Street?
4. Did the Commission believe that this design respects “the historic integrity of the building while also accommodating new functions”? Would you suggest negative points under this Design Standard?
5. Would the Commission support a variance for allowing the building to be lowered one level in its historic rating?
6. Would the Commission support awarding positive six (+6) points for heating the public sidewalk along the north property line?

Randy Hodges, Hodges/Marvin Architects, (Agent): Presented historic photos of the original historic east elevation of the Theobald Building that is to be completely restored. Goal is to return to the original historic condition. The north elevation would be changed to accommodate new window penetrations and entries for additional retail space along the sidewalk. Windows would be added if modification is approved. Digging of the basement would begin by digging from the back (west end) of the building and going underneath. The windows on the north side were to be added to add light to the interior of the building and create interest along the sidewalk.

Wayne Brown (Attorney), West, Brown, Huntley, and Thompson: Concerning the landmarking the building and not changing the floor elevation: need to lower the floor to meet required handicap access for all parts of the building. The historic structure next door complicates digging the basement (can’t use all the density that is allowed beneath the building). This reasoning should support a variance.

Robin Theobald (Applicant): Elevation of the interior floor would change but not the elevation of the exterior of the building.

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

*Commissioner Questions/Comments:*

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 River Walk. 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.

2. Blue Front Bakery Restoration, Local Landmarking and Redevelopment (MM) PC#2007140; 114 Lincoln Avenue

Mr. Mosher presented a proposal to completely restore the historic Blue Front Bakery, locally landmark the structure and develop the remaining available mixed-use density at the eastern portion of the site. Commercial/Retail uses were proposed on the main level (near the sidewalk) with an employee unit at the lower level and two apartments on the upper level.

Changes Since the Last Preliminary Hearing

1. The historic building shows a separation of four (4) feet wide with a depression in the façade that is five (5) feet deep.
2. Height of building at rear was reduced.
3. The architecture has been refined.
4. Information regarding the potential development of the property immediately to the west is included in the drawings.

The applicants and agent have met with Staff several times prior to this review. Staff appreciated the effort to have many of the details worked out prior to preliminary review; however, they did have questions for the Commission to comment on:

1. Was the Commission comfortable having the building masses fill more of the property rather than have a back yard with smaller out buildings?
  - a. Though not a Design Standard or Priority Policy, having the rear yard not fully covered was a development character of the Core Commercial Character Area. Would the Commission support having the site show more open space at the northwest portion of the site?
2. Did the Commission agree with Staff’s interpretation of the Historic Standards regarding the upper level windows and the “belt course” on the facades facing the ROWs? We would also like feedback on:

- a. Arched window transoms
- b. Window grouping vs. evenly spaced
- c. Belt course vs. two-story vertical elements

Staff recommended the application return for a final review.

Jane Sutterley (Architect): Pointed out changes to site plan and height of building. Housing unit removed from lower level. Rear yard completely maintained. Entire lower level is all on grade. Grass and picnic tables would be an option. Walkway increased in width. Notch between buildings got bigger and both buildings became smaller. The elevation brings attention to the prominent façade. Enough surface parking to fit 18 foot parking spaces. Showed photos of other buildings in town and their window style and pattern.

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

*Commissioner Questions/Comments:*

Mr. Bertaux: Final Comments: Appreciated work to reduce height at rear of building and provide bigger back yard. Concerned about future parking structure. The restoration of historic bakery building is still the jewel in this project. Fine with option B (windows); could go with either on south elevation. Since it would be all new construction, grouped windows would be fine. Supported positive nine (+9) points. Supported arched windows.

Mr. Allen: Can parking spaces be assigned now? (Staff explained complication with assigning spaces now.)  
Final Comments: Agreed with every one of Mr. Bertaux's final comments.

Ms. Girvin: Does a drawing exist of the historic building? (Staff presented photos of the historic building.) No opinion on 1. Preferred a simple look; the court house building across the street and the Exchange Building are very simple. Preferred equal distance between windows and no arches.

Mr. Khavari: Liked how the building was brought back and lowered at rear. Yes on 1. On 2, follow priority policy 48 in handbook and use equally spaced windows. Arched windows would be fine, more relaxed. Ok with positive nine (+9) points.

3. Buffalo Crossing (MGT) PC#2008052; 209-211 North Main Street

Mr. Thompson presented a proposal to add solar panels to the previously approved residential structure, and install an exterior sunken areaway to provide access to the basement housing unit under the approved residential building, and also provide access to a new proposed basement under the existing 360 square foot historic shed. A recommendation for local landmarking is also sought with this proposal. A change of use to coffee shop is also proposed since previous approval recently expired.

Alice Santman (Agent): Bello project referenced. Solar panels will be 3 to 3 ½ inches off the roof. Honeycomb color which is really dark.

Staff recommended the application return for a final hearing.

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

*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; did 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.

**WORKSESSIONS:**

1. Silverthorne House, 300 North Main Street (JS)

Chris Neubecker presented the staff report on behalf of Ms. Skurski. The primary questions were whether it would be acceptable to move the main building forward 20 feet, move the shed to the rear of the house, rotate the shed 90 degrees, and remove the existing trees in the front yard. Existing trees in poor health according to Mr. Herwehe's letter.

Dave Hartman (Applicant) explained that after several unsuccessful hearings at the Planning Commission, he would like to start over on the design of the site. To do this, he was requesting that the Commission weigh in on the issues presented by staff. By moving the structures, there would be the reestablishment of the front yard with the removal of the curb cut off of Main Street and removal of driveway. The buildings would have foundations installed and be restored to last another 100 years. Mr. Hartman also explained his opinion that Section 6 of the Handbook of Design Standards on relocating structures does not apply to buildings being relocated elsewhere on site, but only to structures being relocated to a different lot and therefore should not be applicable in this case.

*Commissioner Questions/Comments:*

Ms. Girvin: Open to buildings being moved as long as it enhances the historic nature of the house with new landscaping indicative of the historic time period. Also, the future development should be complimentary to the house and its historic nature. Disagreed with and questioned Rick Herwehe's credibility if according to his letter, the tree in front is a narrow leaf cottonwood. It is a balsam poplar (Balsam of Gilead). Suggested a landscaping plan that encourages the balsam poplar trees that were planted in historic Breckenridge. The Town is losing the species of trees that people planted in the past and replacing them with aspen, which do not look good in a landscape plan. Presented info from the forest service regarding the balsam trees for the applicant. Gaining landscaping area in the front yard would be beneficial.

Mr. Allen: Agreed with Ms. Girvin and supported moving of the house and shed but pointed out that negative points will be assigned when the application comes forward.

Mr. Bertaux: Agreed with Ms. Girvin that it is not a cottonwood tree but a balsam poplar. Supported buildings being moved if the other remaining healthy balsam tree in the front yard that is proposed to remain is properly cared for. Liked the relocation of the barn and encouraged the applicant to make it an affordable unit in the future plan. Liked the metal fence which is in the front yard and would suggest carrying it along the southern property line to address issues with Edleweiss Condos that the applicant previously mentioned. Supported the efforts to restore this important building. Would prefer to see the building restored in its original location.

Mr. Khavari: Open for moving the structures as long as everything fits in the rest of the plan which is forthcoming and if a great job on the restoration occurs. Benefits of restoration efforts justified moving the structure. Problems before were too much program on the back side of the lot and must watch that with moving forward on design. This is a work session item and if the future back lot development does not fit, cautioned the applicant that general relocation approval may change.

2. Landscaping Policy (JC)

Ms. Cram presented changes to the Policy 22 - Landscaping since the February 19<sup>th</sup> and March 4<sup>th</sup> Worksessions.

Questions: Should defensible space be an absolute or relative policy? Should a holistic approach with regard to forest health and species diversity be considered in order to receive positive points? Should the point multiplier be reduced to +2, +4, +6?

*Commissioner Questions/Comments:*

- Mr. Allen: Smaller lots within the conservation district need special consideration. Eight points should be an option for larger lots outside of the conservation district, strongly in favor of keeping eight points as an option. Two points should be an option as well. Forest health and species diversity should be encouraged. If defensible space is an absolute outside of the conservation district, need to have variance process for narrow lots.
- Ms. Girvin: Liked taking a more holistic look at landscaping. Keep in mind shrubs and native plantings of wildflowers replacing critical links in the chain of life. Regarding water features, “excessive” needs to be defined.
- Mr. Bertaux: Argument to be made to go to +2, +4, and +6 if folks think landscaping points are being given away. Perhaps forest management and landscaping should be separate, or more verbiage is needed to clarify how points will be awarded. Defensible space should be an absolute policy.
- Mr Khavari: If you really want forest management, make it an absolute policy. Two points would be fine because sometimes four points is too much, especially in the conservation district, where two points would be more appropriate. Thought +2, +4, and +6 would be good, worried a little bit about + 8, may really allow for bad design to pass such as excessive stucco, wood burning devices, etc. More verbiage with examples may help.

### 3. Sutterely-Kilgore Remodel (MGT)

Mr. Thompson presented a request to make modifications to the Sutterley residence, including a change to the siding of the front building (by exposing the logs), changing roof material at the front building to metal roof with a cut shake roof on the middle section to reduce snow shedding. Applicant also requested removing a few inches of shed at rear of property, so that building can meet setback requirement of building code. Material would be removed where shed connects to garage. Staff would process changes as Class D if OK with Commission.

Janet Sutterley: Bevel lap siding was clarified. Discussed excessive size of shed and how 3-5 inches would be shaved off.

#### *Commissioner Questions/Comments:*

- Mr. Khavari: Sought clarification on how old the siding was. (We think it is from 1952).
- Mr. Allen: Thought the log was cool and would encourage its use.
- Ms. Girvin: Would like to see siding stay on the house. No problem with 3-5 inches shaved from the shed. (Mr. Grosshuesch pointed out that the siding was not historic if from 1952.)

Entire Commission was OK with applicant using class D process for modifications.

#### **TOWN COUNCIL REPORT:**

There was not a representative present from the Town Council; therefore, there was no Town Council report.

#### **OTHER MATTERS:**

Mr. Neubecker discussed Council’s wish to draft an ordinance to replace the Council member serving on the commission with a citizen. Would likely be done as two readings, and would have a new Commissioner by July 1<sup>st</sup>.

#### **ADJOURNMENT:**

The meeting was adjourned at 11:01p.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 May 29, 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 3, 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 9, 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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## Planning Commission Staff Report

- Project Manager:** Michael Mosher
- Date:** May 23, 2008 (For meeting of June 3, 2008)
- Subject:** Beaver Run Conference Center East Stair, Deck and Roof Remodel  
(Class C Minor Hearing; PC#2008065)
- Applicant/Owner:** Beaver Run Resort
- Proposal:** To rehabilitate and repair the deck, roof and stairs at the east facing access to Beaver Run. This involves building an “over-roof” over a portion of the east building, adding a new roof over the existing stairs, rebuilding the existing stairs, adding French doors to the Conference Center lobby, and building a new raised deck over a portion of the existing deck to meet the lobby floor level.
- Address:** 620 Village Road
- Legal Description:** Block 3A, Beaver Run
- Land Use District:** 23: Residential: 20 UPA  
Commercial: 1:3 FAR
- Site Conditions:** The site is a flat, paved parking lot adjacent to the existing Beaver Run Conference Center. There are no significant development constraints.
- Adjacent Uses:** North: Cedars Condominiums                      South: Forest Service / Ski Area  
East: Forest Service / Ski Area                                      West: Beaver Run Condominiums

### Item History

Though hidden from the public right of way, this access point to Beaver Run is used heavily from the parking lot adjacent to the Quick Silver Super 6 chair lift. Winter guests use this access point to purchase lift tickets at the upper level of the Conference Center building before hitting the slopes. This area of Beaver Run has seen little improvement over the years and has problems with ice/snow shedding, drainage, snow stacking problems. There are uneven access stairs and an underutilized deck area. Portions of the roof, walls and deck have been damaged as a result. (See photo below.)

This application is not adding additional density or changing the character of the Conference Center. The proposed changes are essentially rebuilding and repairing this end of the Conference Center to be safer and better match the recent remodel of the other portions of the Center.



### Existing Conditions

### Staff Comments

**Land Use:** There is no proposed change in use.

**Density/Mass:** There is no proposed change in density or mass.

**Site Plan:** The impacts of the repairs do not extend beyond the existing limits of the existing structure. There are no site impacts.

**Parking:** There are no impacts to the existing parking.

**Architecture:** The proposed roof, stair railings and crib walls are to match the existing architecture of Beaver Run. Construction documents will be available at the meeting. Staff has no concerns.

**Point Analysis:** Staff finds no reason to assign positive or negative points to this application. The proposal meets all Absolute and Relative policies of the Development Code.

### Staff Action

The Planning Department has approved the Beaver Run Conference Center East Stair, Deck and Roof Remodel, PC#2008065, with the attached Findings & Conditions. We recommend the Planning Commission uphold this decision.

**TOWN OF BRECKENRIDGE**

**Beaver Run Conference Center East Stair, Deck and Roof Remodel  
Block 3A, Beaver Run  
620 Village Road  
PC#2008065**

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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 **May 23, 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 3, 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 3, 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. 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. 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.
9. Applicant shall install construction fencing in a manner acceptable to the Town Planning Department.
10. 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**

11. 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.
12. Applicant shall screen all utilities.
- 13. All new exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.**
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.
18. 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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Class C Development Review Check List

**Project Name/PC#:** Daries Residence PC#2008061  
**Project Manager:** Chris Kulick  
**Date of Report:** May 21, 2008 For the June 3, 2008 Planning Commission Meeting  
**Applicant/Owner:** Mike & Georgia Daries  
**Agent:** George Gruber  
**Proposed Use:** Single-Family Residential  
**Address:** 835 Gold Run Road  
**Legal Description:** Lot 146, Discovery Hill  
**Site Area:** 79,519 sq. ft. 1.83 acres  
**Land Use District (2A/2R):**

**Existing Site Conditions:** 6: Per Delaware Flats Master Plan  
 The lot slopes downhill from east to west at an average of 13%. The site is moderately covered in lodgepole pine trees. A 22.5' access utility and drainage easement runs along the northern border of the property.

**Density (3A/3R):** Allowed: Unlimited Proposed: 8,067 sq. ft.  
**Mass (4R):** Allowed: Unlimited Proposed: 9,286 sq. ft.  
**F.A.R.:** 1:8.56 FAR  
**Areas:**  
**Lower Level:** 3,289 sq. ft.  
**Main Level:** 4,778 sq. ft.  
**Upper Level:**  
**Accessory Apartment:**  
**Garage:** 1,219 sq. ft.  
**Total:** 9,286 sq. ft.

**Bedrooms:** 4  
**Bathrooms:** 3.5  
**Height (6A/6R):** 30 feet overall  
 (Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
 Building / non-Permeable: 5,541 sq. ft. 6.97%  
 Hard Surface / non-Permeable: 2,580 sq. ft. 3.24%  
 Open Space / Permeable: 71,398 sq. ft. 89.79%

**Parking (18A/18/R):**  
 Required: 2 spaces  
 Proposed: 4 spaces

**Snowstack (13A/13R):**  
 Required: 645 sq. ft. (25% of paved surfaces)  
 Proposed: 991 sq. ft. (38.41% of paved surfaces)

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

**Accessory Apartment:** None

**Building/Disturbance Envelope?** Disturbance Envelope

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



Side: Disturbance Envelope  
Rear: Disturbance Envelope

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

The residence will be compatible with the land use district and surrounding residences.  
Hand hewn, log chinking, and natural fieldstone base.  
Composite Shingle, Pre-treated corrugated metal

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

Planting Type	Quantity	Size
Engelmann Spruce	15	8 at 6-7 feet tall and 7 at 8-10 feet tall
Aspen	18	9, 1-1.5 inch caliper - 9, 2-2.5 inch caliper -50% of each and 50% multi-stem

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

**Driveway Slope:** 4 %  
**Covenants:** Standard landscaping covenant

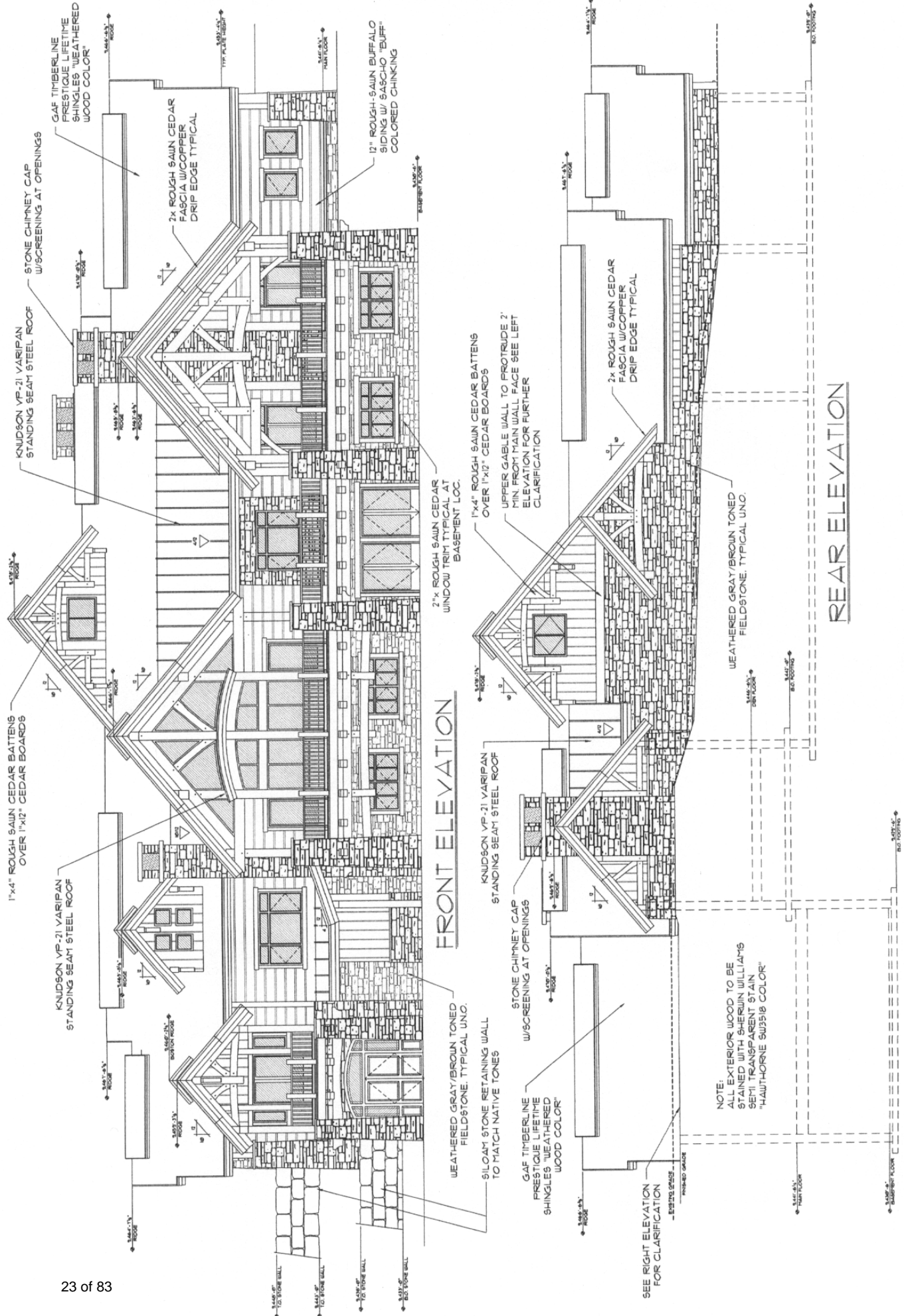
**Point Analysis (Sec. 9-1-17-3):** An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

**Staff Action:** Staff has approved the Daries Residence, PC#2008061, located at 835 Gold Run Road, Lot 146, Discovery Hill, with the standard findings and conditions.

**Comments:**

**Additional Conditions of Approval:**





1"x4" ROUGH SAUN CEDAR BATTENS OVER 1"x1/2" CEDAR BOARDS

KNUDSON VP-21 VARIPAN STANDING SEAT STEEL ROOF

GAF TIMBERLINE PRESTIGE LIFETIME SHINGLES "WEATHERED WOOD COLOR"

2x ROUGH SAUN CEDAR FASCIA W/COPPER DRIP EDGE TYPICAL

12" ROUGH-SAUN BUFFALO SIDING W/ SASCHO "BUFF" COLORED CHINKING

STONE CHIMNEY CAP W/SCREENING AT OPENINGS

KNUDSON VP-21 VARIPAN STANDING SEAT STEEL ROOF

2"x ROUGH SAUN CEDAR WINDOW TRIM TYPICAL AT BASEMENT LOC.

1"x4" ROUGH SAUN CEDAR BATTENS OVER 1"x1/2" CEDAR BOARDS

UPPER GABLE WALL TO PROTRUDE 2" MIN FROM MAIN WALL FACE SEE LEFT ELEVATION FOR FURTHER CLARIFICATION

2x ROUGH SAUN CEDAR FASCIA W/COPPER DRIP EDGE TYPICAL

WEATHERED GRAY/BROWN TONED FIELDSTONE: TYPICAL UNO.

REAR ELEVATION

1"x4" ROUGH SAUN CEDAR BATTENS OVER 1"x1/2" CEDAR BOARDS

KNUDSON VP-21 VARIPAN STANDING SEAT STEEL ROOF

GAF TIMBERLINE PRESTIGE LIFETIME SHINGLES "WEATHERED WOOD COLOR"

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12" ROUGH-SAUN BUFFALO SIDING W/ SASCHO "BUFF" COLORED CHINKING

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KNUDSON VP-21 VARIPAN STANDING SEAT STEEL ROOF

2"x ROUGH SAUN CEDAR WINDOW TRIM TYPICAL AT BASEMENT LOC.

1"x4" ROUGH SAUN CEDAR BATTENS OVER 1"x1/2" CEDAR BOARDS

UPPER GABLE WALL TO PROTRUDE 2" MIN FROM MAIN WALL FACE SEE LEFT ELEVATION FOR FURTHER CLARIFICATION

2x ROUGH SAUN CEDAR FASCIA W/COPPER DRIP EDGE TYPICAL

WEATHERED GRAY/BROWN TONED FIELDSTONE: TYPICAL UNO.

REAR ELEVATION

FRONT ELEVATION

WEATHERED GRAY/BROWN TONED FIELDSTONE: TYPICAL UNO.

SILOAM STONE RETAINING WALL TO MATCH NATIVE TONES

STONE CHIMNEY CAP W/SCREENING AT OPENINGS

KNUDSON VP-21 VARIPAN STANDING SEAT STEEL ROOF

GAF TIMBERLINE PRESTIGE LIFETIME SHINGLES "WEATHERED WOOD COLOR"

SEE RIGHT ELEVATION FOR CLARIFICATION

NOTE: ALL EXTERIOR WOOD TO BE STAINED WITH SHERWIN WILLIAMS' SEMI-TRANSPARENT STAIN "HAUORTHORNE S23518 COLOR"







## Planning Commission Staff Report

- Project Manager:** Michael Mosher
- Date:** May 23, 2008 (For meeting of June 3, 2008)
- Subject:** Clubb Residence Remodel  
(Class C Minor Hearing; PC#2008062)
- Applicant/Owner:** Linda Clubb
- Proposal:** To remove existing exterior materials, then add natural stone wainscot, cedar horizontal siding, cedar shake shingles, new wood fascias, new composition shingle roof and a new wood garage door.
- Address:** 110 Windwood Circle
- Legal Description:** Lot 6, Christie Heights, Filing #1
- Land Use District:** 10: Residential 2 UPA, Single family up to 8-Plex, Townhouses
- Site Conditions:** The lot is heavily wooded with conifers. The existing house is located within the suggested setbacks. There are no significant development constraints.
- Adjacent Uses:** Single Family Residences

### Item History

Christie Heights Filing #1 was recorded in June 1986 creating Lot 6. The existing two-story house with attached two-car garage was constructed in 1991.

### Staff Comments

Since this is an exterior remodel, only those portions of the Development Code that are applicable will be reviewed in this report.

**Site Plan:** The impacts of the repairs do not extend beyond the existing limits of the existing structure. There are no site impacts.

**Architecture:** The exterior walls of the existing house are currently covered in light colored stucco. Essentially, all of the stucco is to be covered with new all natural materials. A new stone veneer base acts as a water table with beveled wood siding above. On the upper level cedar shingles (staggered and random) will be used. The fascia will be redone with an added 1X4 fascia board. The roof will be covered with a new architectural grade asphaltic shingle. A new copper chimney cap (dull) will replace the existing. A new wood-paneled garage door is also proposed. Staff has no concerns with the proposed exterior materials or architecture.

**Point Analysis:** Staff finds no reason to assign positive or negative points to this application. The proposal meets all Absolute and Relative policies of the Development Code.

**Staff Action**

The Planning Department has approved the Clubb Residence remodel PC#2008062, with the attached Findings & Conditions. We recommend the Planning Commission uphold this decision.

**TOWN OF BRECKENRIDGE**

**Clubb Residence Remodel  
Lot 6, Christie Heights, Filing #1  
110 Windwood Circle  
PC#2008062**

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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 **May 23, 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 3, 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 3, 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. 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. 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.
10. 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.
11. 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.
12. Applicant shall install construction fencing in a manner acceptable to the Town Planning Department.
13. 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**

14. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
15. 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.
16. 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.
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19. 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.

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23. 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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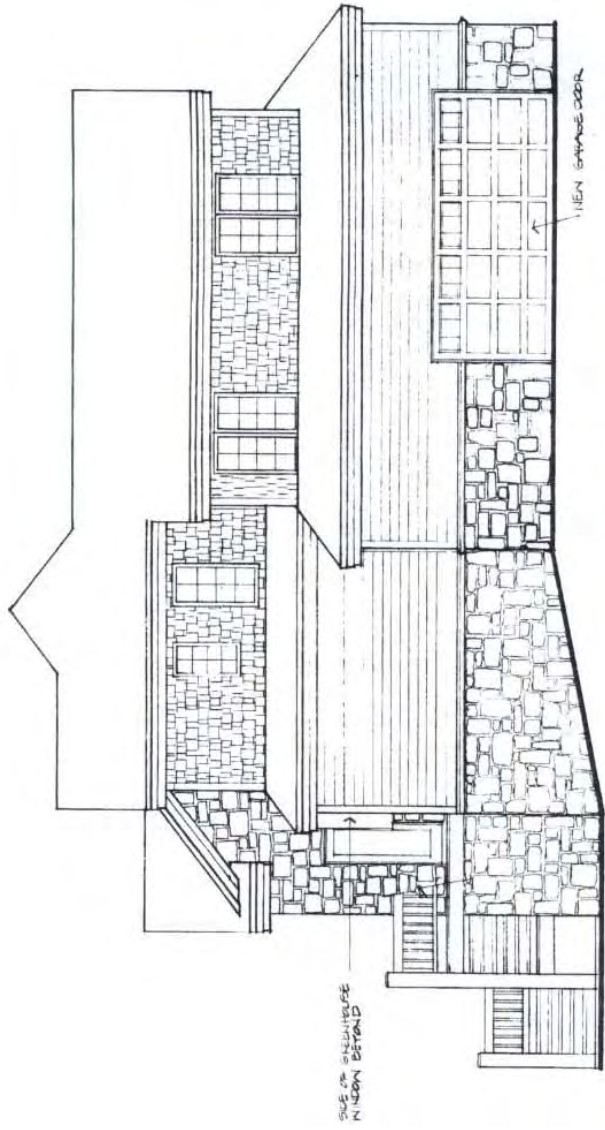
Job # 2215

Date 5-15-06

For Review

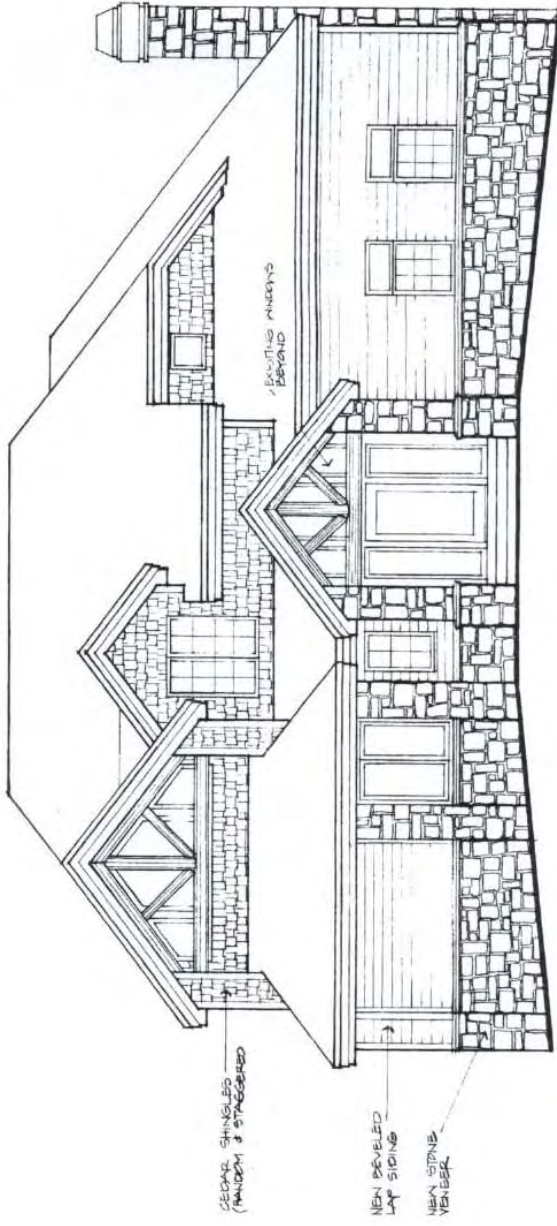
**CLUBB RESIDENCE**  
EXTERIOR FINISH REMODEL  
110 WINDWOOD CIRCLE  
BRECKENRIDGE, CO 80424

**NEELY ARCHITECTURE**  
J. LEE NEELY • ARCHITECT  
P.O. Box 3667  
705 Airport Road, Unit 5  
Breckenridge, Colorado 80424  
970-547-0554  
neely@colorado.net



NORTHEAST ELEVATION

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

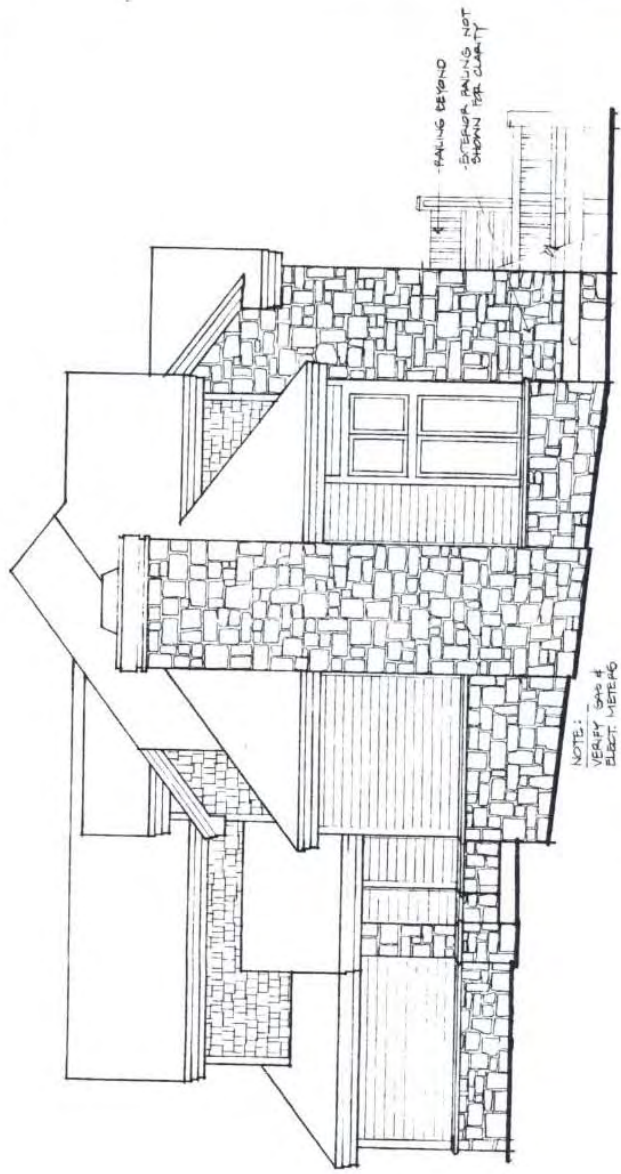


NORTHWEST ELEVATION

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

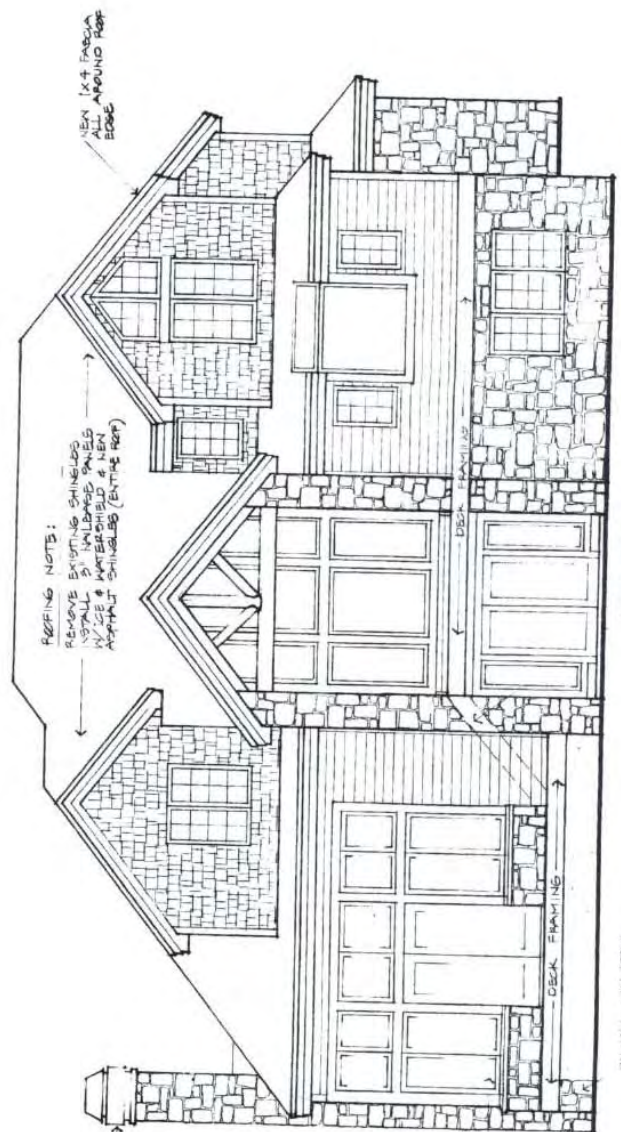


Job # 2215
Date 5-15-08
For Review



**SOUTHWEST ELEVATION**

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



**SOUTHEAST ELEVATION**



**Class C Development Review Check List**

<b>Project Name/PC#:</b>	Nyberg Addition	PC#2008060
<b>Project Manager:</b>	Chris Kulick	
<b>Date of Report:</b>	May 20, 2008	For the June 3, 2008 Planning Commission Meeting
<b>Applicant/Owner:</b>	Gary Nyberg	
<b>Agent:</b>	Paul Krause	
<b>Proposed Use:</b>	Single-Family Residential	
<b>Address:</b>	128 Gold King Way	
<b>Legal Description:</b>	Lot 6, Block 1, Warriors Mark West #4	
<b>Site Area:</b>	10,533 sq. ft.	0.24 acres
<b>Land Use District (2A/2R):</b>		

**Existing Site Conditions:** 30.5: Per County approved plat at time of annexation  
 Presently a 1,960 SF single-family home is situated on Lot 6. The applicants are proposing to add an additional 1,298 SF of living space and 619 SF garage to the existing residence. The lot slopes downhill from west to east at an average of 14%. A nordic skier access easment borders the northern and eastern edges of the lot. the lot is moderately covered with lodgepole pine trees.

**Proposed Addition**

<b>Density (3A/3R):</b>	Allowed: Unlimited	Proposed: 1,298 sq. ft.
<b>Mass (4R):</b>	Allowed: Unlimited	Proposed: 1,916 sq. ft.
<b>F.A.R.</b>	1:5.50 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>		
<b>Main Level:</b>	423 sq. ft.	
<b>Upper Level:</b>	874 sq. ft.	
<b>Accessory Apartment:</b>		
<b>Garage:</b>	619 sq. ft.	
<b>Total:</b>	1,916 sq. ft.	

**Total (Existing & Addition)**

<b>Density (3A/3R):</b>	Allowed: Unlimited	Proposed: 3,258 sq. ft.
<b>Mass (4R):</b>	Allowed: Unlimited	Proposed: 3,876 sq. ft.
<b>F.A.R.</b>	1:2.72 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>		
<b>Main Level:</b>	1,403 sq. ft.	
<b>Upper Level:</b>	1,854 sq. ft.	
<b>Accessory Apartment:</b>		
<b>Garage:</b>	619 sq. ft.	
<b>Total:</b>	3,876 sq. ft.	

<b>Bedrooms:</b>	4
<b>Bathrooms:</b>	3
<b>Height (6A/6R):</b>	28 feet overall

(Max 35' for single family outside Historic District)

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

Building / non-Permeable:	2,840 sq. ft.	26.96%
Hard Surface / non-Permeable:	1,677 sq. ft.	15.92%
Open Space / Permeable:	6,016 sq. ft.	57.12%

**Parking (18A/18/R):**

Required: 2 spaces  
Proposed: 4 spaces

**Snowstack (13A/13R):**

Required: 419 sq. ft. (25% of paved surfaces)  
Proposed: 421 sq. ft. (25.10% of paved surfaces)

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

**Accessory Apartment:** None

**Setbacks (9A/9R):**  
Front: 25 ft.  
Side: 7.5 ft.  
Side: 7.5 ft.  
Rear: 25 ft.

**Architectural Compatibility (5/A & 5/R):** The residence will be compatible with the land use district and surrounding residences.  
**Exterior Materials:** Proposed exterior materials for the addition will match materials from existing residence. Materials will include horizontal board siding, hardi board trim, stucco and natural stone. All Stucco and hardi board utilized is below 25% of the materials used of each façade.  
**Roof:** Composite shingles  
**Garage Doors:** Wood Clad

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

Planting Type	Quantity	Size
Colorado Spruce	1	1 @ 6 feet tall
Aspen	3	2-2.5 inch caliper, multi-stem
Shrubs and perennials	7	5 Gal.

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

**Driveway Slope:** 6 %

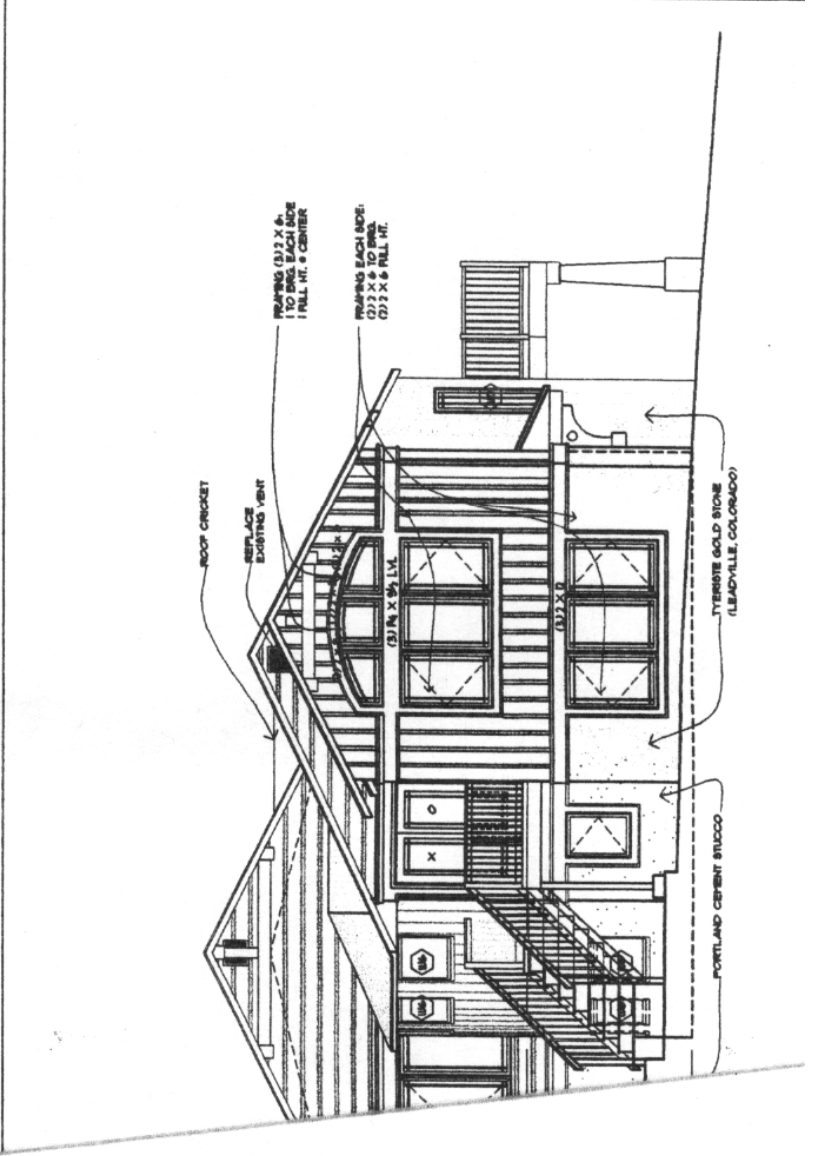
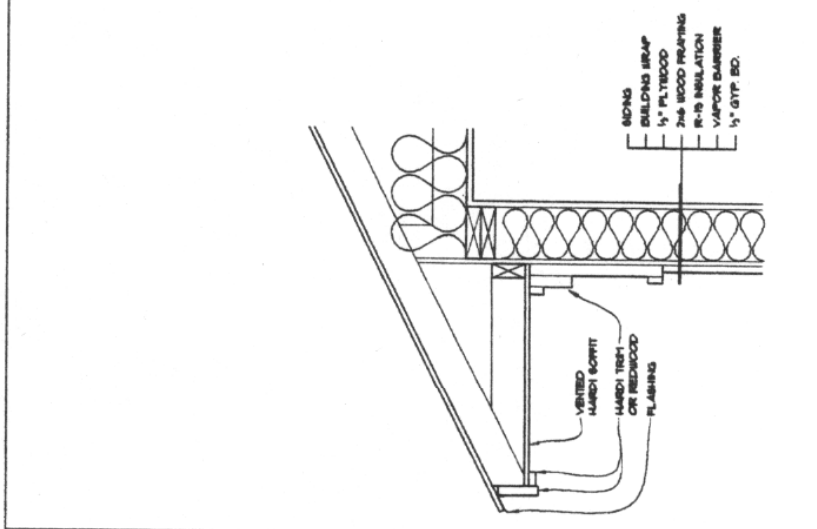
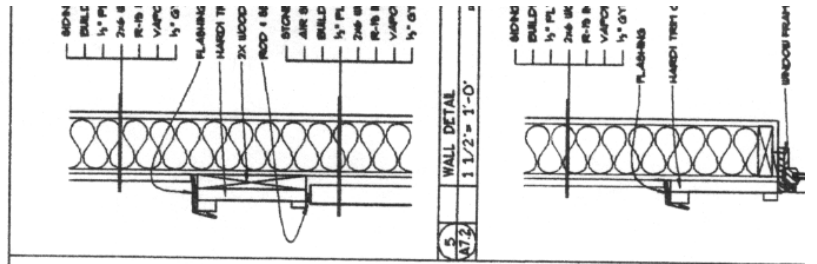
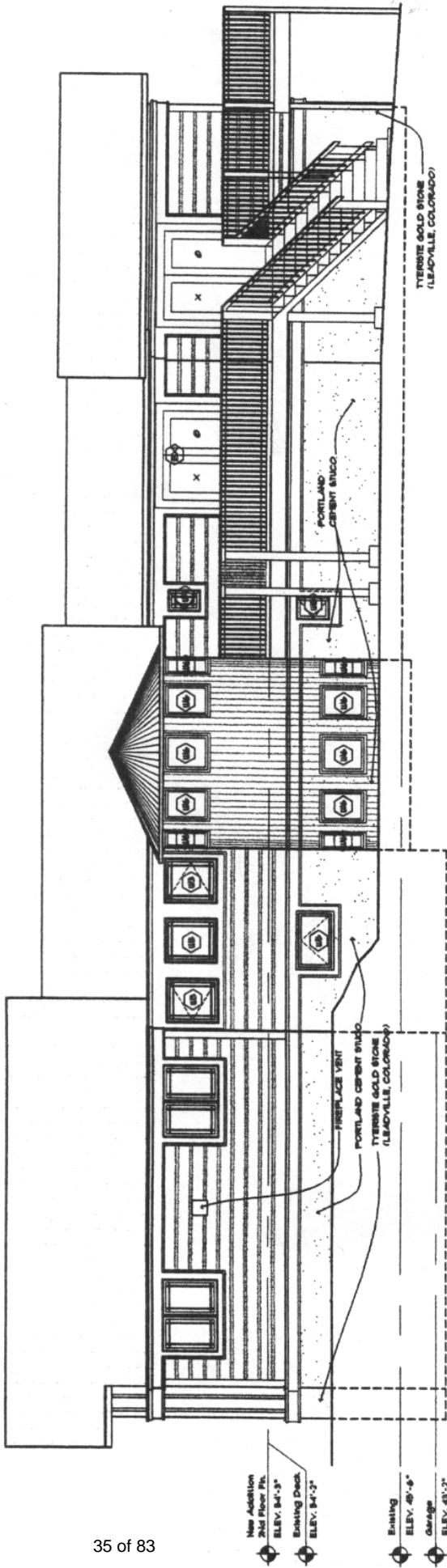
**Covenants:** Standard landscaping covenant

**Point Analysis (Sec. 9-1-17-3):** Staff conducted an informal point analysis of this residence and found no reason to warrant positive or negative points.

**Staff Action:** Staff has approved the Nyberg Addition, PC#2008060, located at 128 Gold King Way, Lot 6, Block 1, Warriors Mark West #4, with the standard findings and conditions.

**Comments:**

**Additional Conditions of Approval:**



FRAMING (3/2 X 6 TO BRG. EACH SIDE 1 FULL HT. & CENTER)

FRAMING EACH SIDE (2/2 X 6 TO BRG. (2/2 X 6 FULL HT.

ROOF CRICKET

REPLACE EXISTING VENT

PORTLAND CEMENT STUCCO (LEADVILLE, COLORADO)

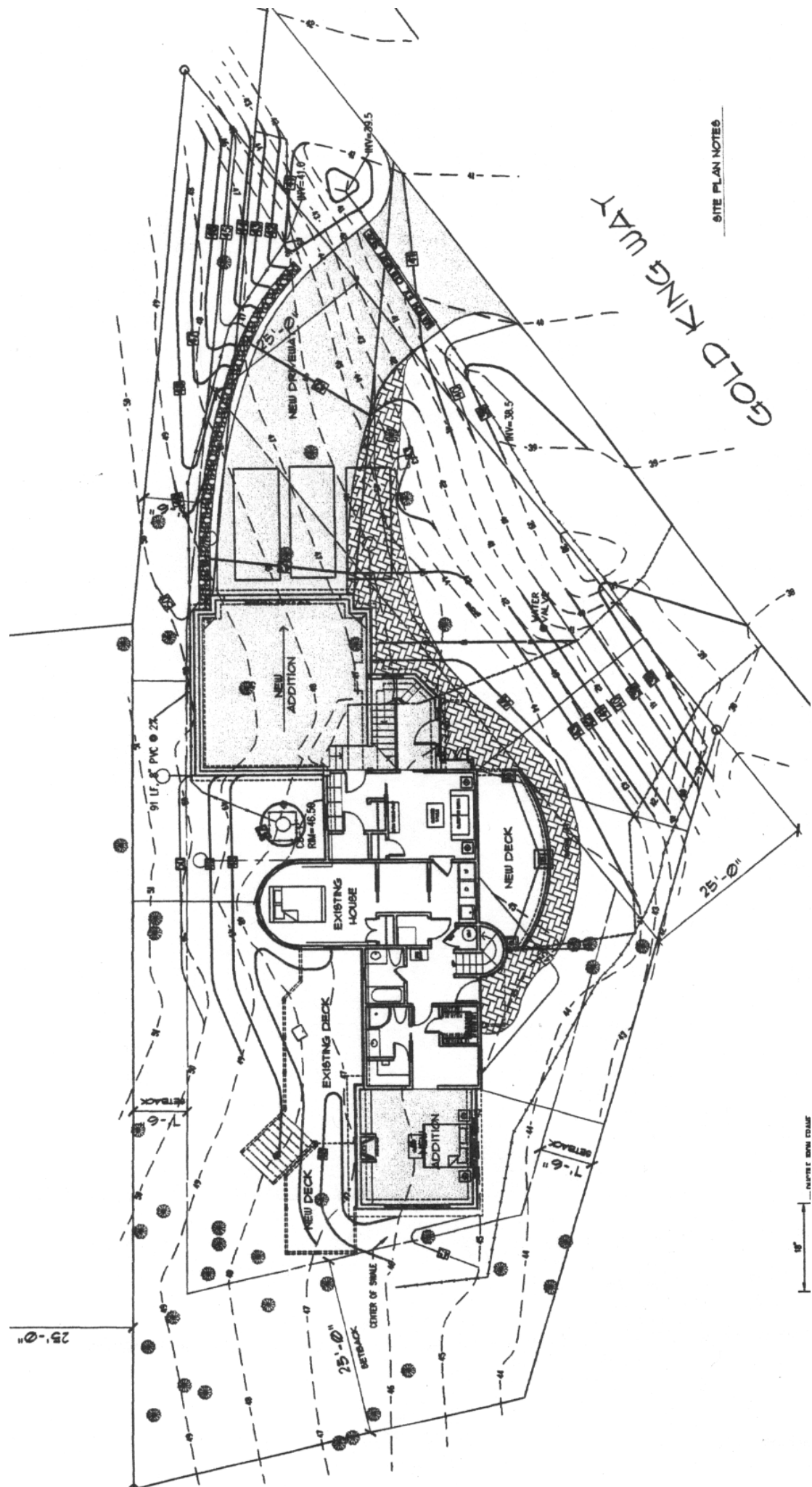
TERRAZZO GOLD STONE (LEADVILLE, COLORADO)

MONO BUILDUP 1/2" PL 2x6 BR R-19 I VAPOR 1/2" GY FLASHING HARDY TR 1/2" GY WINDOW FRAME

VENTED HARDY TRIT OR REDWOOD FLASHING







GOLD KING WAY

SITE PLAN NOTES



**Class C Development Review Check List**

<b>Project Name/PC#:</b>	Canfield Residence	PC#2008064
<b>Project Manager:</b>	Matt Thompson, AICP	
<b>Date of Report:</b>	May 29, 2008	For the 06/03/2008 Planning Commission Meeting
<b>Applicant/Owner:</b>	Chris and Kari Canfield	
<b>Agent:</b>	Michael Gallagher	
<b>Proposed Use:</b>	Single family residence	
<b>Address:</b>	120 Glenwood Circle	
<b>Legal Description:</b>	Lot 3, Highlands Glen	
<b>Site Area:</b>	163,785 sq. ft.	3.76 acres
<b>Land Use District (2A/2R):</b>	6: Subject to the Delaware Flats Master Plan	
<b>Existing Site Conditions:</b>	The disturbance envelope on this lot sits in the middle of a saddle between a hill on Lot 2 and a small hill on Lot 3. Only three trees are being removed for the house and the driveway. The lot is accessed through a 35' wide private access, utility and drainage easement. There is a triangle shaped utility and drainage easement near the driveway entrance to the lot. All utilities will follow the driveway alignment.	
<b>Density (3A/3R):</b>	Allowed: unlimited	Proposed: 6,077 sq. ft.
<b>Mass (4R):</b>	Allowed: unlimited	Proposed: 7,277 sq. ft.
<b>F.A.R.</b>	1:22.50 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>	2,408 sq. ft.	
<b>Main Level:</b>	2,625 sq. ft.	
<b>Upper Level:</b>	1,044 sq. ft.	
<b>Garage:</b>	1,200 sq. ft.	
<b>Total:</b>	7,277 sq. ft.	
<b>Bedrooms:</b>	4	
<b>Bathrooms:</b>	7	
<b>Height (6A/6R):</b>	30 feet overall	
	(Max 35' for single family outside Historic District)	
<b>Lot Coverage/Open Space (21R):</b>		
	Building / non-Permeable: 5,219 sq. ft.	3.19%
	Hard Surface / non-Permeable: 2,227 sq. ft.	1.36%
	Open Space / Permeable: 156,339 sq. ft.	95.45%
<b>Parking (18A/18/R):</b>	Required: 2 spaces	
	Proposed: 3 spaces	
<b>Snowstack (13A/13R):</b>	Required: 557 sq. ft. (25% of paved surfaces)	
	Proposed: 900 sq. ft. (40.41% of paved surfaces)	
<b>Fireplaces (30A/30R):</b>	6 gas	
<b>Accessory Apartment:</b>	N/A	
<b>Building/Disturbance Envelope?</b>	Disturbance envelope	
<b>Setbacks (9A/9R):</b>	Front: within disturbance envelope	

Side: within disturbance envelope

Side: within disturbance envelope

Rear: within disturbance envelope

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

This residence will be architecturally compatible with the neighborhood.

**Exterior Materials:**

1 1/4" x 10" ship lap horizontal cedar siding, trim cedar 2 x 4/ 2 x 6 corner boards, 2 x 12 cedar fascia, and natural LaJunta stone veneer.

**Roof:**

Composition shingles

**Garage Doors:**

Custom clad to match siding material with small windows

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

Planting Type	Quantity	Size
Colorado Spruce	6	6' - 8'
Aspen	15	1.5" - 2.5" min. caliper with at least 50% multi-stem
Flower beds	3	flat

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

Positive away from residence.

**Driveway Slope:**

8 %

**Covenants:**

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

Staff conducted an informal point analysis and found no reason to warrant positive or negative points.

**Staff Action:**

Staff has approved the Canfield Residence, PC#2008064, located at 120 Glenwood Circle and Lot 3, Highlands Glen Subdivision with the standard findings and conditions.

**Comments:**

**Additional Conditions of Approval:**











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## MEMORANDUM

**TO:** Planning Commission

**FROM:** Chris Neubecker, Senior Planner

**DATE:** May 30, 2008

**SUBJECT:** Gondola Lot Master Plan

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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 our recommendations down to two options, which we call 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 is the “Breckenridge Station/Hotel” plan.

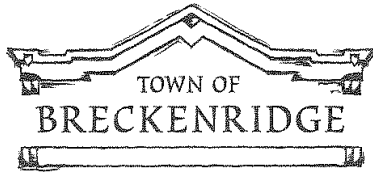
The Breckenridge Station/Hotel plan includes an icon hotel, much like the grand hotels of Colorado resort and railroad history. This condo/hotel would use up a good portion of the allowed density on the property, and could incorporate a signature restaurant/bar as part of the “breadcrumb” to draw visitors 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 results in more commercial development on the ground floor, and thus may compete more with existing businesses. The layout of buildings also makes “hot beds” more difficult.

Both plans incorporate 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. We will present these revisions to the Commission on Tuesday, and we look forward to hearing your input on the direction of this project.





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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Chris Neubecker  
**DATE:** May 30, 2008  
**SUBJECT:** Historic District Period of Significance

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The Town Council recently directed staff to reconsider a change to the Period of Significance for determining if a structure is “historic”. As you may know, 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 that seemed necessary 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 and will provide the list again to the Planning Commission during the work session on Tuesday evening. We will also show photographs of the affected homes to the Commission to indicate the architectural character of the structures built between 1943 -1967.

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 than we need to protect. We look forward to the input of the Commission and your thoughts on the change to this date.

**Planning Commission Staff Report**

**Project Manager:** Chris Kulick, Planner I                      PC#2008059

**Date:**                      May 20, 2008 (For meeting of June 3, 2008)

**Subject:**                      Partridge Family Lot Line Adjustment & Setback Variance (Combined Hearing)

**Applicant/Owner:** Partridge Family LLC.

**Agent:**                      George Gruber

**Proposal:**                      This is an application 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. Additionally the applicant is requesting a variance from policy 9A: and 9R: Placement of Structures as it pertains to the side setbacks for the proposed lots.

**Address:**                      215 & 219 S. Gold Flake Terrace

**Legal Description:** Lots 20 & 21, Block 11, Yingling Mickles

**Site Area:**                      0.2152 acres (9,375 sq. ft.) & 0.1434 acres (6,250 sq. ft.)

**Land Use District:** 1: 1 Unit per 10 Acres, Low Density Residential, Recreational (platted single-family subdivision)

**Site Conditions:**                      The site slopes downhill from Goldflake Terrace at an average rate of greater than 10%. The site is moderately wooded with mostly lodgepole pine trees.

**Adjacent Uses:**                      Single-family homes

**Density:**                      Allowed under LUGs:                      Unlimited sq. ft.

**Mass:**                      Allowed under LUGs:                      Unlimited sq. ft.

**Required Setbacks:**                      **Absolute**  
15' (Front)  
40' Combined (Side)  
15' (Rear)  
**Relative**  
25' (Front)  
50' Combined (Side)  
15' (Rear)

**Item History**

Lots 20 & 21 were originally platted as part of Block 11 of the Yingling and Mickles subdivision in 1882, and were 50' X 125' in size. In 1995 a re-subdivision of Lots 18, 19 and 20 occurred where Lot 19 was divided in half giving 25 feet to Lots 18 and 20 each. The end result of that subdivision transformed Lot 20

into a 75' X 125' Lot. After the Town established the Historic District in the early 1990's, lots 20 & 21 were sited *outside* the Conservation District. In 2000, Policy 9 regarding Placement of Structures was modified to address setbacks for lots without platted envelopes outside the Conservation District (Ord. 13, Series 2000). Essentially, those lots outside the Conservation District that do not have platted envelopes should have combined side yard setbacks that are no less than 50 feet.

On May 6, 2008, Staff presented the Planning Commission a worksession on Lots 20 & 21, Block 11, of Y&M regarding a request to establish the developable area for houses on both of the lots. The memo and meeting minutes follow.

*Mr. Kulick presented a worksession to discuss relevant issues involved with resubdividing 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. Additionally the applicant would like help determining acceptable setbacks for the same lots.*

*Staff supported the adjustment of the lot line between lots 20 & 21 to convert the lots from one 75' X 125' lot and one 50' X 125' lot into two 62.5 X 125' lots. Staff was also supportive of allowing side setbacks that would be less than required by code based on the dimensions of the lots, past precedent from previous applications on the west side of Gold Flake Terrace and previous direction from a Commission work session conducted on January 2, 2007, regarding a similar property in Block 11, of Yingling & Mickles.*

**Questions for the Commission:**

- *Did the Commission support the lot line adjustment?*
- *Did the Commission believe the applicants should be allowed to exceed the established side setback requirements for homes outside of the historic district?*

*George Gruber, Agent for the Applicant: Building at 45-46 feet would be impossible if there were a disturbance envelope as well.*

*Commissioner Questions/Comments:*

*Mr. Allen: 8 foot setbacks would leave 48 feet and therefore 8 feet would be a good number.*

*Mr. McAllister: Supported the lot line adjustment and would like 8 foot setbacks.*

*Mr. Pringle: Yes on lot line adjustment and yes 7-8 feet would be fine and be consistent with neighborhood.*

*Mr. Bertaux: Could building envelopes be a possibility? Wanted consistency to exist in the neighborhood; it makes sense to follow similar designs in the neighborhood. Would support the application and the variance request.*

*Ms. Girvin: Main concern about the setback was the trees; a way to keep trees between the houses was encouraged. (The Applicant pointed out that the trees were infested.) 8 foot setbacks would be fine.*

The dimensions of the proposed lots 20 & 21 being 62.5' X 125' each are slightly different than the typical 50' X 125' in the neighborhood but meeting the established side setbacks is still unrealistic with a 62.5' wide lot. The design options for a 62.5' wide lot are a 12.5' wide structure without any negative points and 22.5' structure with negative points, neither of which is a desirable option. In addition, a house of this size would not be compatible with the rest of the neighborhood. The applicants the applicants are requesting a variance to allow residences to be built to within 8' from the side yard property line on Lots 20 and 21. The setback is to be measured from the overhang of the house.

In order to gain perspective of what the character of the neighborhood is, staff has conducted research on the surrounding parcels located on the west side of Gold Flake Terrace and has concluded all residences are significantly below the relative side combined minimum of 50' and the absolute side combined minimum of 40'.

**Lot 17**

- Lot Dimensions: 50' X 125'
- Side Setbacks: 5' north & 5' south
- Year Approved: 1998

**Lot 18**

- Lot Dimensions: 75' X 125'
- Side Setbacks: 8' north & 8' south
- Year Approved: 1979

**Lot 22**

- Lot Dimensions: 50' X 125'
- Side Setbacks: 7' north & 7' south
- Year Approved: 1999

**Lot 23**

- Lot Dimensions: 50' X 125'
- Side Setbacks: 5' north & 5' south
- Year Approved: 1997

**Staff Recommendation**

Staff supports the adjustment of the lot line between lots 20 & 21 to convert the lots from one 75' X 125' lot and one 50' X 125' lot into two 62.5' X 125' lots. Staff is also supportive of a variance allowing side setbacks at 8' from the property line in the creation of building envelopes. This recommendation is based off of the dimensions of the lots, past precedent from previous applications on the west side of Gold Flake Terrace and previous direction from a Commission work session conducted on January 2, 2007 regarding a similar property in Block 11, of Yingling & Mickles.

**TOWN OF BRECKENRIDGE**

**Lots 20 & 21, Block 11, Y&M Lot Line Adjustment & Setback Variance  
215 & 219 S. Goldflake Terrace  
PERMIT #2008060**

STAFF RECOMMENDATION: The staff recommends the Planning Commission approve this application with the following Findings and Conditions

**FINDINGS**

1. The proposed project is in accord with the Subdivision Ordinance 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 **May 20, 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 3, 2008** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.

**VARIANCE FINDINGS**

1. The Applicant seeks a variance from the setback requirements of Section 9-2-4-5(C)(7) of the Town's Subdivision Ordinance (Chapter 2 of Title 9 of the Breckenridge Town Code) in order to resubdivide two lots with only an eight foot side yard setback, instead of the 15 foot and combined 50 foot side yard setbacks that are normally required.
2. The Applicant's lots that are the subject of the Application, known as Lots 20 and 21, Block 11, Yingling & Mickles Subdivision, is located outside of the Town's Conservation District. The lots together are 125 feet wide and 125 feet deep.
3. The Applicant has filed the required application for a variance, and has paid the applicable fee.
4. All required notice with respect to the hearing on the Applicant's request for a variance has been given as required by the Subdivision Ordinance.
5. Section 9-2-1-10 of the Subdivision Ordinance authorizes the Town to grant a variance from the requirements of the Subdivision Ordinance, and sets forth the Town's rules for the granting of a variance from the provisions of the Development Code.
6. Section 9-2-1-10 of the Subdivision Ordinance provides as follows:
  - A. General: Where the town finds that extraordinary hardships will result from strict compliance with the provisions of this chapter, it may approve variances so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the

basic intent and purpose of this chapter, and further provided the town shall not approve variances unless it makes findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or have a significant adverse effect on any adjacent property;
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the regulations found in this chapter are carried out;
4. The granting of the variance will not in any manner conflict with the general goals, policies and provisions of the town's comprehensive plan or development code;
5. The unique circumstances associated with the property were not created by the applicant or anyone in privity to the applicant; and
6. The variance granted does not depart from the provisions of this chapter more than necessary to alleviate the hardship.
7. 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 Section 9-1-10-1 of the Subdivision Ordinance:
  - A. Extraordinary hardships will result from strict compliance with the provisions of this chapter.
  - B. Substantial justice will be done by the granting of the variance requested by the Applicant.
  - C. The granting of the variance requested by the Applicant will not have the effect of nullifying the basic intent and purpose of the Subdivision Ordinance.
  - D. The granting of the variance will not be detrimental to the public safety, health, or welfare, or have a significant adverse effect on any adjacent property.

*Reason/Factual Basis for Finding:* Allowing reduced side yard setbacks for the Applicant's property provides an opportunity to develop within the existing character of the neighborhood and not unduly contrast with the existing built environment.

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

*Reason/Factual Basis for Finding:* The Applicant's lots are some of the few lots outside of the Conservation District that were historically platted.

- F. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the regulations found in this chapter are carried out.

*Reason/Factual Basis for Finding:* Without a variance the Applicant's lots would be prohibited from being developed in a manner that would unduly contrast with the existing character of the neighborhood.

- G. The granting of the variance will not in any manner conflict with the general goals, policies and provisions of the town's comprehensive plan or development code.

*Reason/Factual Basis for Finding:* The Town's standards for placement of structures was not designed to accommodate historic sized lots outside of the Conservation District and therefore a variance is required to achieve suitable development.

- H. The unique circumstances associated with the property were not created by the applicant or anyone in privity to the applicant.

*Reason/Factual Basis for Finding:* The Applicant's lots were platted over 100 years ago, long before the applicant held any interest in these properties.

- I. The variance granted does not depart from the provisions of this chapter more than necessary to alleviate the hardship.

*Reason/Factual Basis for Finding:* The Applicant's request to establish an 8 foot side yard setback offers more relief than many properties in the same block, which have existing setbacks as low as 5 feet.

Accordingly, the Applicant's request for a variance from the setback requirements of Section 9-2-4-5(C)(7) of the Town's Subdivision Ordinance as described in the Application and supporting documentation, is GRANTED.

#### **CONDITIONS**

1. The Final Plat of this property may not be recorded 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, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, 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 will expire three (3) years from the date of Town Council approval, on **June 3, 2011** unless the Plat has been filed. 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. 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.

#### **PRIOR TO RECORDATION OF FINAL PLAT**

6. Applicant shall submit and obtain approval from Town staff of a final plat that meets Town subdivision requirements and the terms of the subdivision plan approval.
7. Applicant shall submit and obtain approval from the Town Attorney for any restrictive covenants and declarations for the property.

8. The final plat shall include a statement specifying that with the exception of driveway and utility installations, no building, decks, grading, or construction disturbance may extend beyond the building envelope limits.
9. Per Section 9-2-3-5-B of the Subdivision Standards, the following supplemental information must be submitted to the Town for review and approval prior to recordation of the final plat: title report, errors of closure, any proposed restrictive covenants, any dedications through separate documents, and proof that all taxes and assessments have been paid.





## Planning Commission Staff Report

- Project Manager:** Chris Neubecker, AICP
- Date:** May 29, 2008 (For meeting of June 3, 2008)
- Subject:** Shock Hill Tract E Resubdivision (Class A, Combined Hearing, PC#2008063)
- Applicant/Owner:** AZCO II, LLC; John Niemi
- Agent:** Steve West; West, Brown, Huntley and Thompson
- Proposal:** 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 is 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.
- Address:** 260 Shock Hill Drive
- Legal Description:** Tract E, Shock Hill Subdivision
- Site Area:** 6.67 acres
- Land Use District:** 10: Residential-2 UPA, Single Family, up to 8-plex, townhouses  
Subject to the Shock Hill Master Plan, which identifies this site for a lodge (condo-hotel) with 66 SFEs existing on-site.
- Site Conditions:** The site is undeveloped, except for the gondola mid-station in the southeast corner of the site. The site is moderately forested with mostly lodgepole pine trees. There is an abandoned Nordic ski trail that crosses through the center of the tract.
- The 100' gondola aerial tramway access easement crosses though the southeastern and southern part of the lot. There is a 25' public trail easement along the north lot line, and a 20' drainage easement along the northwest property boundary. Additionally, there are several trail easements on the west side of the property, either along the boundary with Tract E-2, or within Tract E-2. The site slopes downhill to the south and west, at an average rate of 13% within the development area, and as much as 38% within Tract E-2, which would be dedicated to the Town as open space.
- Adjacent Uses:** North: Single family homes and lots                      South: Gondola and vacant lodge site  
East: Shock Hill Drive/Shock Hill Cottages                      West: Cucumber Gulch

### Item History

The Shock Hill Lodges on Tract E and C were approved by the Town Council on January 22, 2008. As a condition of the approval of the lodges, the applicant is required to dedicate a 2.3 acre parcel on the downhill

side of Tract E to the Town of Breckenridge as public open space. The site is relatively steep, and adjacent to Cucumber Gulch, and this dedication will ensure that there is no development on this portion of the site.

### **Condition of Approval #19**

Per the Development Permit PC#2007108 for the construction of the Shock Hill Lodge on Tract E, the applicant is required to dedicate Tract E-2 to the Town. Specifically:

*“Applicant shall submit to and obtain approval from the Town of Breckenridge of a Class B Subdivision permit dividing Tract E into two parcels, Tracts E-1 and E-2. Tract E-2, which will be approximately 2.25 acres and is which will be generally downhill and to the west of Tract E-1, as shown on the Development Agreement dated March 13, 2007 (Reception #851343), shall be dedicated to the Town of Breckenridge by general warranty deed in a form and substance acceptable to the Town Attorney. The conveyed property shall be subject to no liens or encumbrances, except the lien of the general property taxes for the year of conveyance.”*

### **Staff Comments**

**Master Plan:** No changes are proposed to the Master Plan at this time.

**Design Compatible with Natural Features (9-2-4-2):** This policy requires that the design of subdivisions respond to the natural limitations and opportunities, including trees, topography, drainage patterns and other natural features. In this subdivision, however, there are no roads proposed, and no additional development sites beyond those previously approved by the Shock Hill Subdivision. The steepest portion of the site will be on Tract E-2, which will be dedicated to the Town of Breckenridge for use as public open space. The open space parcel will include portions of the existing Black Loop trail, which is currently within a trail easement. No changes are proposed to the natural character of the site. The site is well wooded, and no additional trees or other landscaping is proposed or required.

**Drainage, Storm Sewers and Flood Prevention (9-2-4-3):** This portion of the code requires that applicants provide adequate drainage facilities, and ensure that the proposed developments do not have a negative impact to adjacent properties. Lots are required to be laid out to facilitate positive drainage and respond to the natural drainage patterns of the site. It also sets standards for the location of detention facilities, and for the dedication of drainage easements.

Since there is no additional development proposed as part of this applicant, staff finds no reason to construct additional drainage facilities, or dedicate additional easements. All drainage for the development of Tract E-1 has already been designed and approved. No changes are proposed or required.

**Landscaping (22/A & 22/R):** No landscaping is required or proposed as part of this subdivision. There are no roads proposed, which usually would require landscaping. This is not a traditional subdivision to create future roads and development sites.

**Utilities Infrastructure (9-2-4-4):** This policy requires the installation of utilities to serve the future development. These utilities include including water, sewer, electricity, telephone, natural gas, and cable television service. In this case, all required utilities for Tract E-1 exist within the Shock Hill Drive right-of-way. We anticipate no need for utilities on Tract E-2, as this will remain public open space.

**Lot Dimensions, Improvements and Configuration (9-2-4-5):** This policy addresses the size of lots, arrangement of lots in relation to each other, and access from public streets. It sets minimum standards for platting site disturbance envelopes and access. Since Tract E-1 already has access from Shock Hill Drive, and Tract E-2 already has access from the existing trail network, no changes to the access are required or proposed. Staff finds that the requirements for platting disturbance envelopes do not apply to this re-subdivision, and that the minimum lot size of 5,000 square feet is met with this proposal.

**Pedestrian and Bicycle Circulation Systems (9-2-4-7):** This policy requires that subdivisions provide adequate circulation for non-auto oriented movement, including cyclists and pedestrians. It requires the preservation of existing trails, and that new trails tie into the existing trail network. In this case, all existing trails will be preserved. No new pedestrian or bicycle trails are proposed, or required. In addition, the on-site pedestrian circulation system has already been designed and approved for the Shock Hill Lodge. No additional connections are required at this time.

**Street Lighting (9-2-4-8):** The existing street lamps along Shock Hill Drive are adequate for the existing streets. No new streets are proposed, and no additional lighting is required.

**Existing and Proposed Streets (9-2-4-11):** This policy sets standards for the location and layout of streets, No additional streets are required or proposed.

**Dedication of Park Lands, Open Space, and Recreational Sites (9-2-2-4-13):** This policy requires the dedication of 10% of the land within a subdivision, or 10% of the value of the land, upon subdividing land. It does not require a land dedication from a person or entity which subdivides land for which an open space dedication has previously been made. In this case, the land dedication was made with the original Shock Hill Subdivision. However, Tract E-2 will be dedicated to the Town of Breckenridge as public open space, as a requirement of the Development Agreement.

### **Staff Recommendation**

Staff finds that the proposed subdivision meets the requirements of the Subdivision Standards. Subsequent to approval and recordation of the subdivision plat, Tract E-2 will be dedicated to the Town, thereby satisfying Condition #19 of Development Permit PC#2007108, and paragraph 1A of the Development Agreement.

We recommend approval of this resubdivision of Tract E, Shock Hill, PC#2008063.

We have advertised this application as a combined preliminary and final hearing, as we find no reason to hold two hearings. We welcome any additional comments or concerns.

## TOWN OF BRECKENRIDGE

Shock Hill Tract E Resubdivision  
260 Shock Hill Drive, Tract E, Shock Hill  
PC#2008063

STAFF RECOMMENDATION: The staff recommends the Planning Commission approve this application with the following Findings and Conditions

### FINDINGS

1. The proposed project is in accord with the Subdivision Ordinance 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 May 29, 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 3, 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.
7. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

### CONDITIONS

1. The Final Plat of this property may not be recorded 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, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, 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 will expire three (3) years from the date of Town Council approval, on June 10, 2011 unless the Plat has been filed. 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. 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.

**PRIOR TO RECORDATION OF FINAL PLAT**

6. Applicant shall submit and obtain approval from Town staff of a final plat that meets Town subdivision requirements and the terms of the subdivision plan approval.
7. Per Section 9-2-3-5-B of the Subdivision Standards, the following supplemental information must be submitted to the Town for review and approval prior to recordation of the final plat: title report, errors of closure, any proposed restrictive covenants, any dedications through separate documents, and proof that all taxes and assessments have been paid.



**Planning Commission Staff Report**

**Project Manager:** Michael Mosher

**Date:** May 29, 2008 (for the June 3, 2008 Meeting)

**Subject:** The Shores Lodge, Final Hearing  
(Class A Development PC#2007155)

**Owner/Applicant:** AZCO II, LLC; John Niemi

**Agents/Architects:** Craine Frahm Architects; Dan Craine, Bob Fradley

**Proposal:** 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.

**Legal Description:** Tract C, West Braddock Subdivision

**Address:** Pending

**Site Area:** 5.47 Acres (238,273 square feet)

**Land Use Districts:** 16, Subject to the West Braddock Master Plan

**Site Conditions:** The property is currently being re-graded and capped from previously disturbed cobble from the Stan Miller Inc. operations and previous Dredge mining. There is no vegetation on the property. Towards the north, several of the Shores Duplexes are under construction. Stan Miller Drive has yet to be constructed.

**Density:**

**Allowed per the West Braddock Master Plan for Tract C:**

68 SFEs of Multi-family	81,600 sq. ft. (1,200 SF/ SFE)
Employee Housing (Up to 10% is exempt):	8,160 sq. ft. (if 10% constructed)
<u>Meeting/Amenities:</u> Required minimum:	2,331 sq. ft. (1/35 SF of <i>allowed</i> residential density)
Allowed <u>Meeting/Amenities</u> total w/bonus:	4,662 sq. ft. (max of 200% of above)
Total Allowed:	94,422 sq. ft.

**Proposed:** *Per the Development Code: 3. (Absolute) Density/Intensity (3/A): "Multi-family" the total square footage of the residential portions of the building from the*



*outside of the exterior wall to the outside of the interior wall, if adjacent to a common area, or to the outside of the other exterior wall if not. Common areas such as lobbies, hallways, and amenity areas shall not be counted against the density. (Highlight added.)*

Residential (Lodge): 67.76 SFEs	81,456 sq. ft.
Areas Exempt from Density Calculations:	
Less Employee Housing (exempt):	-812 sq. ft.
<u>Proposed Amenities:</u>	<u>4,662 sq. ft.</u>
Grand Total:	85,306 sq. ft.

**Allowed Mass:**

*Note: Condo-Hotels may be allowed an additional twenty five percent (25%) of aboveground floor area for the provision of accessory, amenities, and/or common areas. \**

*Meeting And Conference Rooms or Recreation and Leisure Amenities: The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in subsection A of this policy is strongly encouraged. (These facilities, when provided over and above that required in subsection A of this policy, shall not be assessed against the density and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under subsection A of this policy.) (Highlight added.)*

Residential (Lodge):	81,600 sq. ft.
25% Common Area/Amenities Bonus	20,400 sq. ft.
<u>Amenity and Meeting Room Bonus</u>	<u>2,331 sq. ft.</u>
Total:	104,331 sq. ft.

**Proposed Mass:**

Total Residential, Amenities and Common area <i>above</i> ground:	
Residential (incl. 812 SF empl. unit):	81,456 sq. ft.
Common Area	18,204 sq. ft.
<u>Amenity (up to 100% over exempt)</u>	<u>2,331 sq. ft.</u>
Total:	101,991 sq. ft.

**Units:**

72-unit, including “lock-offs” (8 units are to have owner “lock-off” rooms)

**Height:**

Per LUD 6: 26’-0” (two stories to mean)  
Proposed Height: 37’-9” (to mean)

**Lot Coverage:**

Coverage	Area	Percentage of Site
Total Site Area	238,159 SF	
Building	39,511 SF	17%
Asphalt Drive	40,505 SF	17%
Hardscape (snow-melted)	10,003 SF	4%
Hardscape (non-melted)	5,263 SF	2%
Open Space	142,877 SF	60%

**Snow Storage:**

Required Snow Storage (25%)	10,126.0 SF
Provided Snow Storage (26%)	12,000.0 SF

*(Note: The driveway at the porte-cochere, access to the service area and all of the pedestrian hardscape are to be heated with a snowmelt system. A covenant will be required guaranteeing maintenance of the system).*

**Setbacks:** North: 28 feet  
South: 150 feet  
East: 73 feet  
West: 30 feet

**Parking:** Required: 87 spaces  
Proposed: 102 spaces (all surface parking)

**Employee Housing:** 4.51% to be deed restricted on-site and off-site for zero points

**Refuse:** Trash/recycling enclosure included within south portion of building

**Landscaping:**

Colorado Blue Spruce: 1 @ 12 feet tall  
7 @ 14 feet tall  
21 @ 16 feet tall  
11 @ 18 feet tall  
TOTAL: 40

Hoopsi Spruce: 2 @ 10 feet tall  
9 @ 12 feet tall  
8 @ 14 feet tall  
2 @ 16 feet tall  
TOTAL: 21

Quaking Aspen: 6 @ 3" caliper  
181 @ 4" caliper  
2 @ 5" caliper  
33 @ 3" caliper (multi-stem)  
24 @ 4" caliper (multi-stem)  
4 @ 5" caliper (multi-stem)  
TOTAL: 250

Narrowleaf Cottonwood: 25 @ 3" caliper  
7 @ 4" caliper

TOTAL: 32

Douglas Fir

1 @ 10 feet tall

4 @ 12 feet tall

9 @ 14 feet tall

1 @ 16 feet tall

TOTAL: 15

TOTAL NUMBER OF TREES: 358

Variety of 5 gallon Native Shrubs

### **Background**

As an original part of the Delaware Flats, this property is in Land Use District 6. Per the original Delaware Flats Master Plan, this was filing Subdistrict 3A, which was annexed to the Town in 1982.

The Delaware Flats Master Plan Amendment was approved by Town Council on May 8, 1999 (PC#1999015), further defining density and uses for Subdistrict 3A. Staff notes that, within this Subdistrict, the densities assigned for each individual use may add up to more than 150 SFEs but, in any combination, the total for this Subdistrict can be no greater than 150 SFEs. Following these guidelines, the West Braddock Master Plan (PC#2006076) was approved by the Planning Commission on August 1, 2006 and by the Town Council on August 8, 2006. This Master Plan was modified in September of 2007 (PC#2007120) to re-distribute the allocated density to a slightly different parcel layout.

This particular parcel was assigned 68 SFEs of multi-family density. The applicants are proposing a condo hotel with a 1,200 square foot multiplier per SFE.

### **Comments from the February 5, 2008 Meeting**

*Commissioner Questions/Comments:*

*Mr. Pringle: Sought clarification regarding radon gas. (Staff: monitoring is planned in buildings that are being designed and planned to be vented if discovered.) Have concerns that this class of project may not draw folks prone to use public transportation. They will depend more on the shuttle service being offered. A shuttle is almost mandatory for a project like this in this location. The area around the river is public land. Does the master site plan address public parking and river access? (Staff: this will be part of the Stan Miller Development to be reviewed at a future meeting.) Have we thought about vehicular movement regarding the Red White and Blue fire district circulation on the neighboring property? (Staff: This will be part of the Stan Miller project for a future meeting.) Sought clarification regarding the chimneys and how they would be designed. Chimneys draw attention away from entry. Architecture could use more accentuation. Appeared flat across structure.*

*Final Comments: Positive points for architecture are not warranted at this time until some modifications are made. Pedestrian and vehicular circulation will work well the way this development is planned. Would support positive points. Site will operate more*

*like lodging hot beds, but are we comfortable with this type of use on the periphery of town? Liked the way the building articulates and creates interest. Chimneys spread out defused the interest. Building lacks a focal point. Positive feeling. Nail down employee housing density and unit count.*

*Mr. McAllister: This is a good start. Work within the code and address concerns about architecture. Some architectural compatibility between neighboring buildings would enhance project. Accent the entryway more; does it fit with everything else? Skeptical that shuttles don't actually add to the traffic problem. Circulation is great as well as landscaping. Energy conservation is great. Support use of geo-thermal. Multiple deed-restricted units are encouraged.*

*Mr. Joyce: Would this be LEED certified? (Architect: We will be striving for green construction, but LEED certification is time consuming and costly. Will be using beetle kill wood, and other green building material and techniques.) Sought clarification regarding detention ponds and water quality. (Staff pointed out that a separate application is expected to route water from the Blue River through this development and the neighboring duplex property.) Do roof areas drop snow onto decks below? (Mr. Frahm pointed out the snow would miss the decks when it falls.)*

*Final Comments: Contemporary architecture is good, needs some work. Agreed with comments made about architecture. A model would be helpful. Placing some density into the roof forms is needed; also step the building down at the ends. As presented, Policy 33R, Energy Conservation, would warrant positive points. Would like to see additional transit information from established developments. Landscaping warranted positive points. Would hold off on positive points for circulation for now.*

*Mr. Bertaux: Sought clarification on one shuttle vehicle or the possible immediate need for two shuttle vehicles. Since proposal included the neighboring duplex property, two might be needed immediately. (Staff pointed out initially one service vehicle would be utilized; but at Highland Greens, shuttles were so popular that another was soon added.) The main entry to the building is difficult to locate; needs accentuation. Overall the building is nice looking, but needs additional variation. Spruce up the building more. Overall site plan is great and orientation to the south is great. Building isn't too exciting. More variety is needed regarding architecture. Believe that one service van will not likely satisfy demand. Generally supported the project.*

*Final Comments: OK with the architecture, but would like some revisions. Define entryway better to invite people to come into the building. Maybe stone should frame the entry. Guest loads would likely warrant two shuttle vehicles. Energy conservation points are supported. Project would do well, but with this location outside core of town, need more focus on amenities. Surprised amenity package didn't focus more on fitness center and pool.*

*Dr. Warner: Build some density into the roofline to add variety to building. Have concerns as to whether the shuttle service actually reduces traffic in downtown, especially with so much density in this part of town. Questioned the shuttle warranting positive four (+4) points. (Mr. Grosshuesch - With a past traffic study by Charlier, service vans were a positive factor and were encouraged. They appear to be working. We can enforce their use by covenants. Mr. Frahm indicated that guests would expect a certain level of service, including the shuttle.) Would the required square footage of employee housing consist of a single unit or multiple units? Would prefer to have multiple units rather than one large*

one. (Architect: This is still under discussion, but a manager unit is planned to be on site.)

*Final Comments: Work more on the architecture then we will look at positive points. Struggled with flat rooflines. Vary roof more and step down at the ends. Maybe consider going to negative fifteen (-15) points on height so you can better define the entry. Landscaping looks good. Open to idea of positive points for circulation. Supported energy points too. Address the housing units/square footage. Would like some input from staff of usefulness of shuttles throughout town.*

*Mr. Allen: Liked the project. Architecture is good. Roofline is bothersome and positive points are not supported at this time. Lower the chimneys as they are too enhanced compared to the rest of the building. Circulation is good as well as energy conservation; supported positive points. Suggested negative points for snowmelt. Liked the different separations of the building. Would like to know at next meeting where Shock Hill affordable housing would be incorporated.*

*Final Comments: Architecture positive points not supported at this time. Building is too uniform. Break up roofline more. Build more density into the roof. Possible negative points for no density in roof and not stepping building edges. If you must, take a negative fifteen (-15) point hit for height overage and do something dramatic to building. Size of building is broken up well. Nail down affordable housing. Not in favor of a single unit. Would like to see a menu of affordable housing. Shuttles are a great idea but needed to be convinced the system will support the numbers.*

*Mr. Khavari: With height being over, will this hinder neighbors? (Staff doesn't anticipate any issues as neighboring properties are far away and toward the north.) Break up architecture.*

*Final Comments: Give entry more mass. Maybe consider going to negative fifteen (-15) points for height at entry. Energy conservation is great. Multiple employee housing units are encouraged. Might suggest another preliminary hearing. On shuttle points, will wait for more information from staff.*

### **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.

### **Staff Comments**

**Land Use (Policies 2/A & 2/R):** The submitted plans abide with the uses allowed in the Master Plan for multi-family residential.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** Per the absolute portion of this policy:

*D. Employee Housing Density Calculations:*

- (1) *A maximum of ten percent (10%) of the density of a project which is located outside of the conservation district shall be excluded from the calculated density of the project if such density is used to construct "employee housing" as defined in section 9-1-5 of this chapter. An employee housing unit which is located within the conservation district shall count against the density and mass of the project for which such unit was provided. Employee housing units that are condominiums shall be calculated as one thousand two hundred (1,200) square feet under subsection B of this policy.*

With this submittal, the drawings show that a unit on Level One is to be restricted as an employee unit. Thus, the 812 square feet is exempt from density calculations. Staff notes that the unit is still subject to any mass calculations. So, the gross density of 81,456 square feet may be reduced to 80,644 square feet. This falls below the allowed 81,600 square feet. Staff has no concerns.

As noted above, the mass for condo hotel use has certain “mass bonuses” to encourage the addition of amenities/conference space within the building. A standard 25% mass bonus over the allowed density is allowed for condo hotel use for common areas (hallways, etc.) and amenity/conference spaces. The amenities/conference space is required to be, at a minimum, one square foot for every 35 square feet of proposed residential density. Thus, the minimum required amenities/conference space for this building is 2,331 square feet and is to be included in the 25% mass “bonus”.

In addition, if the applicant wishes to provide more than the 1/35 minimum requirement, up to 100% extra amenity/conference space may be added and would not be subject to any density *or* mass calculations. With this application, the drawings indicate the 100% extra is being proposed.

Summarizing, the total mass allowed for the building is 104,331 square feet and 104,322 square feet is being proposed (including the employee housing unit). The proposed building is under the allowed mass. Staff has no concerns.

**Architectural Compatibility (5/A & 5/R): Architectural Compatibility (5/A & 5/R):** Per this section of the Code:

*A. General Architectural And Aesthetic Compatibility: 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. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent land use districts is discouraged. This section only applies to areas outside of the historic district. (Ord. 19, Series 1995)*

Since the last review and with comments from the Commission, the elevations have been changed. The stone chimneys have been lowered and are less pronounced overall. They appear more in balance with the mass of the structure and roof forms. The large expanses of glass in the upper level gables have been reduced to exhibit a balanced solid to void ratio typical of the mountain character of Breckenridge. This allows the vertical siding to add some visual mass to the upper level gable ends. The smaller secondary

windows have been enlarged slightly giving the massing of the elevations a better balance and a more solid feel.

Overall, the roof forms have been modified to accentuate the ends of the roofs stepping down from the taller masses found in the middle portions. The large ridge beams at the main gable ends have been extended beyond the roof edge to suggest a “barn hoist” element. Staff finds this feature to be unique for a lodge and believes it add an interesting identifiable element for the building.

The roof over the main entry shows the most radical change. The ridgeline of the porte-cochere now matches the same orientation as the main building (it was perpendicular at the last hearing) and steps down to “protect” the entry with a lower visual mass than the main building beyond. The heavy timber accents and massive shed elements introduce the arriving guests to the overall architectural flavor of the rest of the building. (A model will be presented at the evening meeting.) Staff is supportive of this modification.

The materials include natural cedar siding, vertical standing-seam siding at the base of the building with 2X pine horizontal lap siding on the upper levels. The portions of dull corrugated metal panel siding are located adjacent to the dry-stacked natural stone chimney elements. The roof is a combination of a dull zinc (pre-weathered) standing-seam and architectural grade asphaltic shingle materials. All trim and deck railings are natural wood. Overall, the proposed building exhibits contemporary mountain architecture with all natural materials on the exterior walls with an accent of dull corrugated metal panel siding (much less than 25% of any elevation).

The massing of the building has been broken up nicely with an undulating footprint in three connected primary masses. There is some repetition of “module-bays” on each elevation (no more than two) with a unique connecting element joining each of the three masses. The roof forms reflect this “module” design and have been broken up well.

With the changes shown with this submittal, Staff believes that positive points are warranted under Policy 5/R-Architectural Compatibility, for the overall architectural design that includes generous use of natural materials, large sheltering roofs with steep pitches, variety of wall planes and articulation in the roof. We suggest awarding positive three (+3) points. We welcome any Commission comment.

**Building Height (6/A & 6/R):** The suggested height in this Land Use District is two-stories, or 26 feet, measured to the mean of the roof (a relative policy). With this submittal, the tallest portion measures just less than 38 feet to the mean. Per the Development Code:

*-10 points Buildings that are more than one-half (1/2) story over the land use guidelines recommendation, but are no more than one story over the land use guidelines recommendation.*

At no more than 38 feet, this building is less than one full story over the recommended building height and, as a result, warrants a point assignment of negative ten (-10). For any building that is over the suggested height, the Code allows for possible positive points for the following:

*(b.) For all structures except Single Family and Duplex Units outside the Historic District: Additional negative or positive points may be assessed or awarded based upon the Planning Commission's findings of compliance with the following:*

*1 x (-1/+1) 1. It is encouraged that buildings incorporate the upper most story density into the roof of the structure, where no additional height impacts are created.*

*1 x (-1/+1) 2. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Long, un-broken ridgelines, 50 feet or longer, are discouraged.*

Since the last review, the roof forms have been modified to better emphasize the ends stepping down in height. The large primary roofs are accented with gable end dormers essentially placing some of the density into the massing of the main roof forms. We now find that the roof forms step at the ends and density has been incorporated into the upper roof forms. We suggest awarding positive two (+2) points for the design. We welcome any Commissioner comments.

**Hillside and Ridgeline Development (8/A):** Staff does not consider this site as hillside or ridgeline development.

**Placement of Structures (9/A & 9/R):** The placement of the building complies with the relative setback requirements. We have no concerns.

**Snow Removal and Storage (13/R):** The non-snow melted areas provide adequate space to store the snow. All of the pedestrian paved areas are to be snow melted along with the porte-cochere and driveway. All lower level patios off each unit and the public sidewalk along the north right of way are also snow melted. A Snow Melt Covenant (and License Agreement for the public portion) will be recorded ensuring this in perpetuity for the development. The snow storage areas are shown to be away from the pedestrian circulation and landscaped areas. Please see sheet L2-02.

At the final review on the recently approve Tract C Shock Hill (PC#2007109), negative points were assigned for the extensive snow melt system and the use of non-renewable energy to provide this heat. Responding to this, the applicant is proposing a geothermal heat exchanger to reduce the energy required to heat (and cool) the building and snow melt system. (Please see the discussion under Policy 33/R below.) Staff has no concerns. We welcome any Commissioner comments.

**Refuse (15/A & 15/R):** The refuse and recycling area is shown inside the garage entrance at the south end the building. Since it is incorporated within the principal structure, one positive (+1) point under this Relative Policy is warranted based on past precedent.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** Per the Development Code:

*3 x (-2/+2) A. Accessibility: It is encouraged that internal circulation systems provide the types, amounts, and locations of accessibility needed to meet the uses and functions of the movement of persons, goods, services, and waste products in a safe and efficient manner, with maximum use of pedestrian orientation, and a minimum amount of impervious surfaces.*



*Internal circulation elements should be designed in such a manner that the elements are integrated with each other as well as possible, and that conflicts between elements are minimized. The following represent the criteria utilized to analyze how well the project has met this particular policy.*

*(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.*

*(2) Separation Of Systems: The separation of circulation systems and patterns which are basically incompatible is encouraged.*

*(3) Delivery Areas: Delivery areas and refuse pickup should be located away from public spaces.*

The plans show a good separation of vehicular and pedestrian circulation. With all surface parking, vehicular access and circulation occurs outside the site-internalized pedestrian circulation system. All circulation is on grade. The point of refuse pick-up and trash removal is located at the south end of the building away from any pedestrian sidewalk. In addition, there are multiple on-grade connection points (from each building exit) to the looped circulation path surrounding the building. The applicant and agent have indicated that there will be stop signs at each vehicular intersection to control traffic.

Recently, both of the Shock Hill Lodges received positive points (+3) under this policy for good separation of systems. This plan is simple and efficient. As a result, Staff is suggesting that positive three (+3) points be awarded at final review, for the internal circulation system.

In addition to providing a safe and efficient internal circulation system, the drawings show that proposed public sidewalk located in the Shores Lane right of way will be snow melted. During a recent review of another application with a heated public sidewalk, we heard general support from the Commission to award positive points under this policy. In this situation, we believe the sidewalk will not be as heavily used at a sidewalk in downtown Breckenridge. Thus we suggest awarding the minimum positive three (+3) points for this public safety feature. The recordation of an encroachment license agreement will be added as a Condition of Approval. Does the Commission concur?

**Parking (18/A & 18/R):** Per the Parking Ordinance:

Condominium - hotel	
efficiency, studio, 1 bedroom	1.0/du
2 bedroom and larger	1.5/du
divisible unit	+0.5 for each divisible room

This calculates to 98 parking spaces being required for the units and lock-offs. The current submittal is showing 102 spaces. The surface parking is adequately screened by a landscaped berm from the adjoining right of ways and has pockets of landscaping to “naturalize” some of the hardscape.

With the geological restraints the property exhibits, placing the parking beneath the building cannot be done. The proposed parking wraps around, on grade, to the east and south portions of the building to minimize the distance from vehicle to building. On a side note, the applicant has indicated that the condo hotel will have a bellman to greet guests at the porte-cochere and to park and deliver the guest's vehicles to the main entry of the building. We appreciate the extra parking and have no concerns.

**Landscaping (22/A & 22/R):** At this final review the landscaping plan appears quite comprehensive. With a property void of any vegetation, landscaping will play an important part of making the building appear as finished when initially complete. Responding to this, the drawings show a varied plan with very large trees being proposed.

As the above list shows, there is a nice variety of species and sizes to complement the site. Some of the proposed stock is very large and will give the site a mature look early on. Staff is suggesting positive four (+4) points for the quantity and sizes of the proposed plantings.

**Social Community / Employee Housing (24/A & 24/R):** With this submittal, the applicant is proposing a minimum of 4.51% of the residential density or 3,674 square feet (4.51% X 81,456 square feet) in deed restricted employee housing. Providing this number will result in zero (0) points being assessed under this policy.

Responding to concerns expressed at the last hearing from the Planning Commission, one of the units within the building has been identified as being an employee unit. This unit is 812 square feet. To obtain a minimum of zero points, the remaining 2,862 square feet of employee density will be placed in units off-site within the Upper Blue Basin. The exact location and quantity of units has yet to be determined.

**Proposed Amenities:** At this review, the planned amenities are:

- Conference Rooms = 1,400 SF
- Front Desk/Bag & Ski Storage/Exec. Offices = 1,200 SF
- Fitness/Locker Rooms/Treatment Rooms = 1,200 SF
- Lounge/Bar/Warming Kitchen = 862 SF

Per the Code: *3 x (0/+2) D. Meeting And Conference Rooms or Recreation and Leisure Amenities: The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in subsection A of this policy is strongly encouraged. (These facilities, when provided over and above that required in subsection A of this policy, shall not be assessed against the density and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under subsection A of this policy.) (Ord. No. 9, Series 2006)*

With the bonus amenity space, and past precedent, Staff is suggesting positive three (+3) points. This is consistent with the recent approval for Crystal Peak Lodge (VRDC Building 701). Staff also notes, the Grand Lodge at Peak 7 was awarded positive six (+6) points for providing *triple* the minimum requirement.

**Transit (25/R):** A shuttle service is proposed to serve the Shores Lodge, which would provide access around town by an on-call shuttle service. The service would be available to any guest of the lodge, and the

applicant has indicated that the shuttle would also be made available to all the residents of the neighboring Shores Duplexes. This service would provide a great guest benefit, and would also help by eliminating many private vehicle trips and cars parked around Town.

Responding to questions about the effectiveness of other shuttle services around Town, Staff contacted several lodges inquiring about the frequency that guests used the shuttle services that were available. All managers (6 lodges contacted) stated that the shuttle services were heavily used during the ski season. The uses ranged from 45-50 trips a day to “non-stop” use day and night. Some have purchased a second vehicle to accommodate the load of riders (Highland Greens, Valdoro). The manager at Valdoro Mountain Lodge said that one of their vans has logged 8,000 in-town miles since January 2008. The Overlook had 25 trips to non-stop per day. Staff believes that by providing a shuttle service with this development provides a positive public benefit and would significantly reduce individual vehicular trips in and out of downtown.

A covenant will be required to be recorded for this service and will be added as a Condition of Approval at the final hearing. Based on past precedent, and the research done, we are suggesting positive four (+4) points for this addition.

**Drainage (27/A and 27/R):** Per the Code:

*Water Quality (31/A and 31/R):*

*31. (ABSOLUTE) WATER QUALITY (31/A): All drainage systems, grading, or earth disturbances shall be so designed and maintained as not to increase turbidity, sediment yield, or the discharge of any other harmful substances which will degrade the quality of water. All developments shall comply with the requirements of the Breckenridge Water Quality and Sediment Transport Control Ordinance .*

*31. (RELATIVE) WATER QUALITY (31/R):*

*3 x (0/+2) Water Criteria: The provision of measures over and above those required by the Breckenridge Water Quality and Sediment Transport Control Ordinance are encouraged. Measures which are effective over the long-term are preferred.*

Responding to some concerns expressed by the Engineering Department, the stormwater and site staging pan have been modified. The final design will be submitted and reviewed with the construction documents. Staff has no concerns.

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

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

*3 x (0/+2) A. Renewable Sources of Energy: The implementation and operation of systems or devices which provide an effective means of renewable energy are encouraged. The provision of solar space heating and solar hot water heating, as well as other renewable sources, are strongly 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.*

The building has been located such that most of the units will have direct sunlight. The exterior amenities are protected from the north winds by the mass and shape of the building. The natural sun exposure of the site will reduce much of the typical snow build-up seen in many shadier sites about Town.

The applicant is proposing to provide a geo-thermal heating/cooling system with this application to aid the extensive snow-melting. Geothermal heating takes advantage of the Earth's ability to store vast amounts of heat in the soil. This heat energy is maintained at a constant temperature (about 50°F +) in the soil and near-surface rocks.

Geothermal heating systems, also called ground-source heat pumps, "capture" this steady supply of heat energy and "move" it from the Earth and through a heating/cooling system. Basically, once installed, the heat pumps will use much less energy, save money each month, and reduce the amount of pollution produced by fossil fuel systems. Typically, ground-source heat pumps can use 25%-70% less energy than conventional heating and cooling systems for that segment of the buildings heating/cooling to which it is applied.

Based on past precedent, negative points have been assigned for extensive snow melt systems for larger projects like Lodges.

Staff is supportive of these proposals and believes that the renewable geothermal energy design warrants positive six (+6) points under Section A of this policy.

However, for the extensive use of a snow melting, we are suggesting negative six (-6) points under Section B of this same policy. Therefore the resulting total score under Policy 33/R would be zero (0) points.

**Exterior Lighting:** Since the last review, a lighting and photometric site plan has been submitted for review. The photometric plan has indicated the rough foot-candles at about 10-foot intervals over the entire site. The plans indicate nearly zero (0 to 0.2 Foot Candles) at the property edge. Staff has no concerns.

The proposed exterior light fixtures for the building, walkways and parking area are all full cut-off and conform to the recently adopted Exterior Lighting Policy. Staff has no concerns.

**Point Analysis:** The application has conformed to all Absolute Policies of the Development Code. Negative

points have been incurred for Policy 6/R for the height overage (-10) and energy consumption 33/R, for a total of negative sixteen (-16) points. However, Staff is suggesting awarding positive points under Policy 5/R for the architecture (+3), Policy 15/R for inclusion of the dumpster in the primary building (+1), Policy 16/R for the safe and efficient internal circulation system and heating a public sidewalk (+6), Policy 22/R landscaping (+4), Policy 25/R for the shuttle service for both Lodge guests and Shores Duplex owners (+4), Policy 33/R for providing a geothermal system to supplement the snow melt system,(+6). This provides a total point score of positive eight (+8) points.

**Project Signage:** Locations for the monument sign and signs on the building have not yet been indicated. Any finished signage will be handled under a separate permit application.

**Seven-Week Review Process:** Staff has worked closely with the applicants and agent to thoroughly review this application as it was submitted. The seven-week review schedule was loosely followed.

### **Staff Recommendation**

The applicant and agent have responded to address concerns expressed at the last hearing. The only negative points incurred are for the height overage and the extensive snow melting system. We ask the Commission if you support awarding positive three (+3) points heating the public sidewalk. We also welcome any additional comments about this proposal.

Staff recommends the Commission support of the Shores Lodge Point Analysis showing a passing score of positive eight (+8) points. We also recommend approval of the Shores Lodge, PC#2007155, with the attached Findings and Conditions.

**Final Hearing Impact Analysis**

Project: The Shores Lodge  
 PC#: 2007155  
 Date: January 8, 2008  
 Staff: Michael Mosher

**Positive Points +24**  
**Negative Points - 16**  
**Total Allocation: +8**

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		Complies with uses approved in Master Plan
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)		81,456 square feet, or 67.76 SFEs, of residential density being used. Less than allowed.
4/R	Mass	5x (-2>-20)		Allowed mass for the building is 104,331 square feet and 101,991 square feet is proposed. The building is under the allowed mass.
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)	+3	The overall architectural design includes generous use of natural materials, large sheltering roofs with steep pitches, variety of wall planes and articulation in the roof forms.
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10	(-3>-6)		
6/A	<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)	- 10	
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)	+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)	+6	Safe and efficient internal circulation system and heating a public sidewalk.

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	Colorado Blue Spruce:1 @ 12 feet tall; 7 @ 14 feet tall; 21 @ 16 feet tall; 11 @ 18 feet tall; TOTAL: 40 - Hoopsi Spruce: 2 @ 10 feet tall; 9 @ 12 feet tall; 8 @ 14 feet tall; 2 @ 16 feet tall; TOTAL: 21 - Quaking Aspen: 6 @ 3" caliper; 181 @ 4" caliper; 2 @ 5" caliper; 33 @ 3" caliper (multi-stem); 24 @ 4" caliper (multi-stem); 4 @ 5" caliper (multi-stem); TOTAL: 250 - Narrowleaf Cottonwood: 25 @ 3" caliper; 7 @ 4" caliper; TOTAL: 32 Douglas Fir; 1 @ 10 feet tall; 4 @ 12 feet tall; 9 @ 14 feet tall; 1 @ 16 feet tall; TOTAL: 15 - TOTAL NUMBER OF TREES: 358; Variety of 5 gallon Native Shrubs
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)	0	812 sf provided inside. Remaining 2,862 sf to be provided off-site.81,600 total Density
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		
25/R	Transit	4x(-2/+2)	+4	Shuttle service for both Lodge guests and Shores Duplex owners.
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)	+6	
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	-6	Geothermal heat exchange for snow melt.
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)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		

## TOWN OF BRECKENRIDGE

The Shores Lodge  
Tract C, West Braddock Subdivision  
(Address pending)  
PERMIT #2007155

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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 **May 29, 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 3, 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 10, 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. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

#### PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
12. Applicant shall submit and obtain approval from the Town for an engineering report and plan of the proposed geo-thermal system. If the geo-thermal system is not sufficient to effectively supplement the proposed snow melting system, or it is removed from the development plan, the applicant shall return to the Planning Commission for re-review as a modification to the approved permit and point analysis.
13. 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.
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. The road 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.
16. 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. An on site inspection shall be conducted.
17. 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.

18. 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

19. Applicant shall execute and record with the Summit County Clerk and Recorder the Town's standard employee housing covenant for 3,674 square feet of employee housing within the Upper Blue Basin.
20. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
21. 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.
22. 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.
23. Applicant shall screen all utilities.
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 snow melt system and specifically include reference to the geothermal system as a part of the heating system.
25. Applicant shall execute and record with the Summit County Clerk and Recorder an agreement running with the land, in a form acceptable to the Town Attorney, for an encroachment license agreement with the Town of Breckenridge for the snow melting of the public sidewalk within the Shores Lane public right of way.
26. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
27. 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.
28. 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.
29. 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.

30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
31. 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.
32. 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)

# The Shores Lodge Class A Development Permit

Breckenridge, CO

**CFR**  
CRAIG FRANK ARCHITECTS  
1100 17TH AVENUE  
DENVER, CO 80202  
TEL: 303.733.1133  
FAX: 303.733.1133

**DESIGNWORKSHOP**  
Landscape Architecture • Land Planning  
Urban Design • Tourism Planning  
Associate: James J. Palmer • 300 Lake City  
• 1000 14th Street, Suite 1000

120 East Main Street,  
Aspen, Colorado 81611  
(970) 925-3300  
Facsimile (970) 920-1487

WWW.DESIGNWORKSHOP.COM  
AZCO II, LLC  
646 RUBY TRAIL WAY  
CASTLE ROCK, CO, 80508

DATE: 01/11/11  
DRAWN BY: J. PALMER  
CHECKED BY: J. PALMER

NO.	DATE	DESCRIPTION
1	01/11/11	ISSUE FOR PERMIT
2	01/11/11	ISSUE FOR PERMIT
3	01/11/11	ISSUE FOR PERMIT
4	01/11/11	ISSUE FOR PERMIT
5	01/11/11	ISSUE FOR PERMIT
6	01/11/11	ISSUE FOR PERMIT
7	01/11/11	ISSUE FOR PERMIT

PROJECT NUMBER: SNOWMELT PLAN

SHEET NUMBER: L2-02



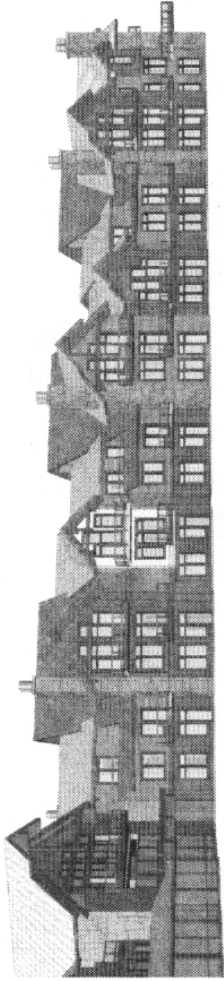
The Shores Lodge  
 Class A  
 Development  
 Permit

Breckenridge, CO

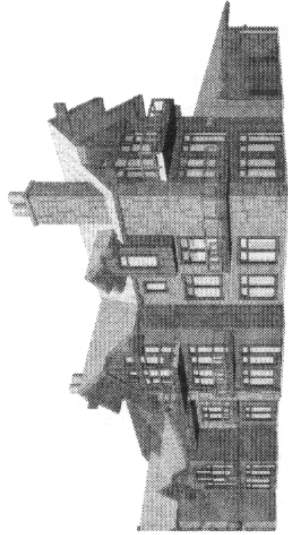
GRAINE FRANK ARCHITECTS  
 1500 JUNCTION 6 & 6655  
 BOULDER, CO 80504  
 VOICE: 303-447-3165  
 FAX: 303-442-1151



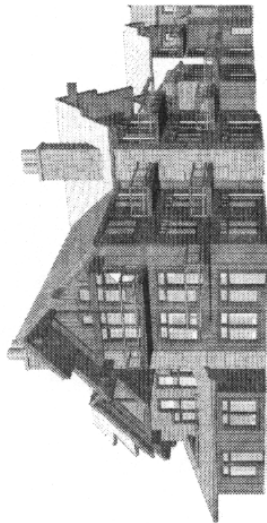
OWNER: AZCO II, LLC  
 644 RUBY TRUST WAY  
 CASTLE ROCK, CO, 80108



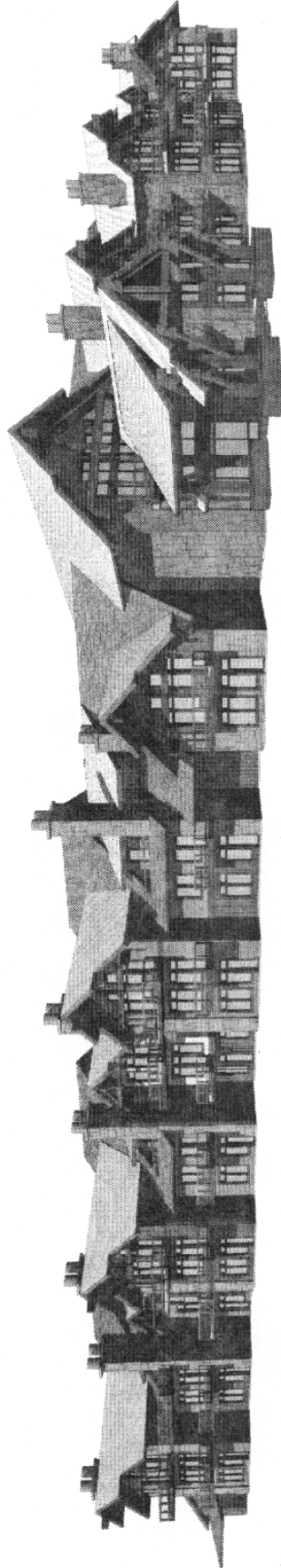
④ Rear



① East



③ West



② Front

ISSUE	No.	REVISION	DATE
	1	Final Dev. Permit Submitted	01/01/2009
	2		
	3		
	4		
	5		
	6		
	7		
	8		

JOB NUMBER: 04303  
 SHEET TITLE: PERSPECTIVE VIEWS

SHEET NUMBER

A4.11

# The Shores Lodge Class A Development Permit

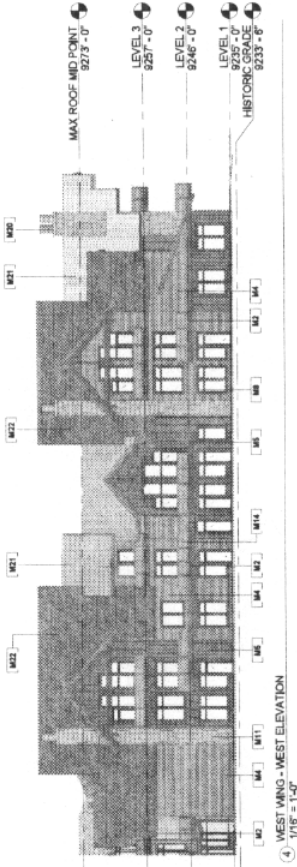
Breckenridge, CO



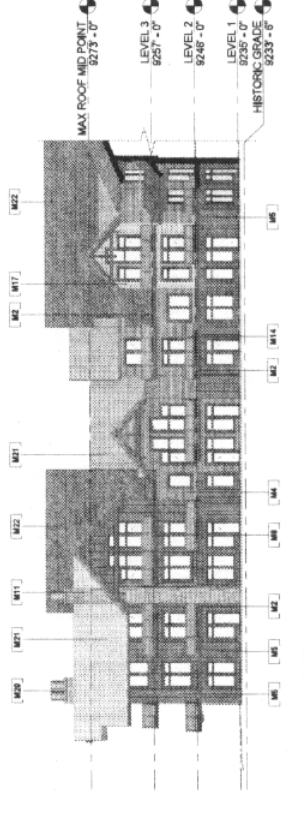
OWNER: AZCO II LLC  
644 RUBY TRUST WAY  
CASTLE ROCK, CO, 80108

Key Value	Keynote Text
M2	FASQIA- ROUGH SEWAL 2X CEDAR STAINED FINISH SUPERDECK NEW BARN RED 2309
M4	FINISH: 2X ONE LAP SIDING WITH HEAVY WANE STAINED FINISH: SUPERDECK WESOLITE2312
M5	BOARD AND BATTEN SIDING= VERTICAL CEDAR SIDING 1/8" W/ 1/2" GUTTERS FINISH: SUPERDECK TEAK 2310
M7	DOORS/WINDOWS= PELLA SERIES
M8	DOOR/WINDOW TRIM= 2X & 3X FINISH: SUPERDECK NEW BARN RED 2309
M11	STONE VENEER= DRY STACKED LIMESTONE VENEER, GALLEROS CORP. JR. TELLURIDE FINISH: FACTORY STACKED
M14	DECK RAILS= STAINED CEDAR NEEVEL POSTS, HAND FORGED STEEL RAILS W/ WOVEN WIRE BALUSTERS, STAINED FINISH: SUPERDECK TEAK 2310
M17	CORRUGATED METAL PANEL FINISH: SIDING, NONREFLECTIVE MATTE FINISH
M20	METAL CHIMNEY CAP
M21	SECONDARY ROOF= PREWEATHERED ZINC STANDING SEAM
M22	MAIN ROOF= 50 YEAR ASPHALT SHINGLES- K PRESTIQUE BARKWOOD

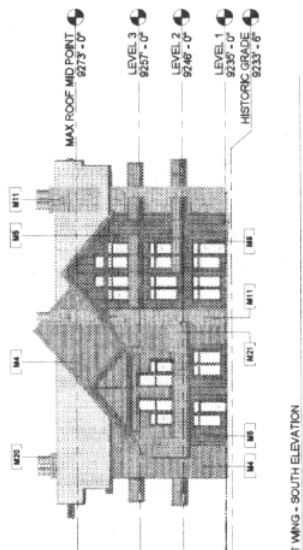
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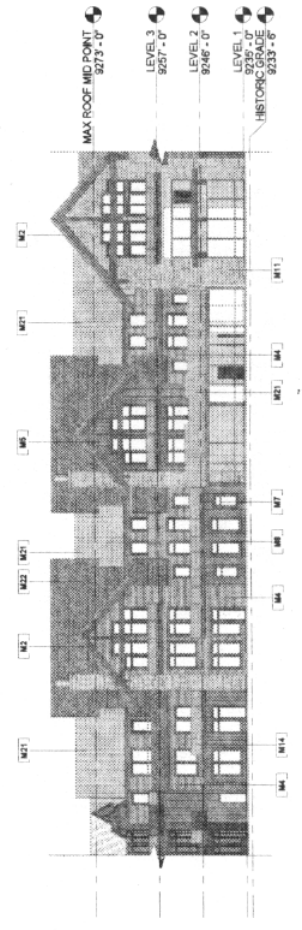
4 WEST WING - WEST ELEVATION  
1/16" = 1'-0"



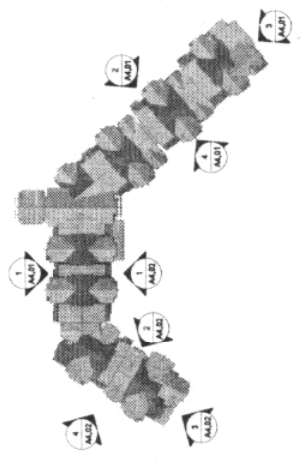
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1/16" = 1'-0"



3 WEST WING - SOUTH ELEVATION  
1/16" = 1'-0"



1 NORTH WING - SOUTH ELEVATION  
1/16" = 1'-0"



0 KEY PLAN  
1/16" = 1'-0"

ISSUE No.	REVISION	Date
1	Final Draw, Permit Submittal	05/05/2008
2		
3		
4		
5		
6		
7		
8		

JOB NUMBER: 064323  
SHEET TITLE: BUILDING ELEVATIONS

SHEET NUMBER: A4.02

# The Shores Lodge Class A Development Permit

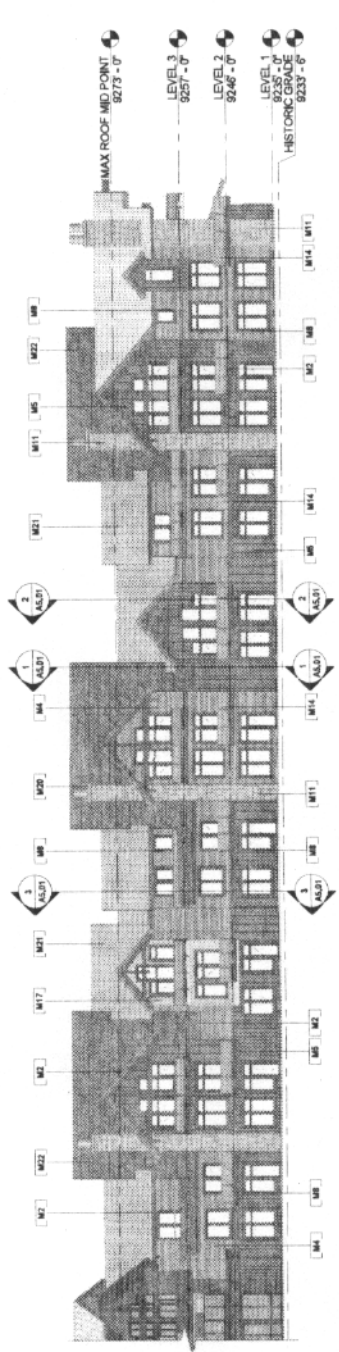
Breckenridge, CO



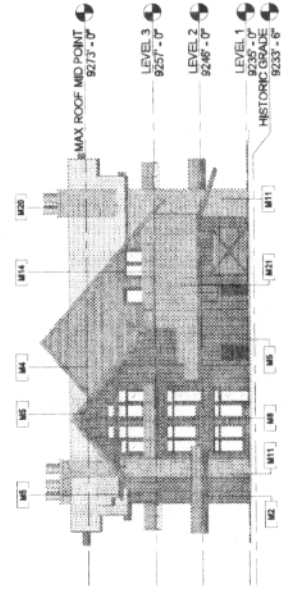
CRAIIM DESIGN ARCHITECTS  
1841 LINDCOLN BL, 6400  
BRECKENRIDGE, CO 80424  
PHONE: 970.461.1133  
FAX: 970.461.1133

CLIENT: AZCO ILLIC  
644 RUBY TRUST WAY  
CASTLE ROCK, CO. 80108

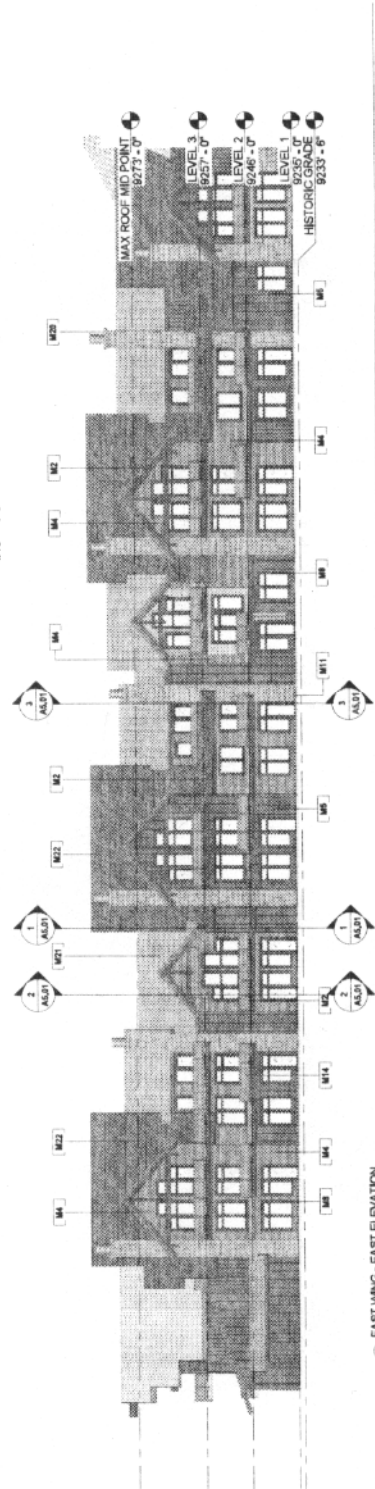
Key Value	Material Legend	Keywords Text
M2	FASQIA- ROUGH SEWN 2X CEDAR STAINED FINISH SUPERDECK	
M4	NEW BARN RED 2309 HORIZONTAL LAP SIDING 2X ONE HUNDRED FIFTY FIVE WOOD GRAIN STAINED FINISH SUPERDECK	
M5	MESOLITE 2312 BOARD AND BATTEN SIDING- VERTICAL CEDAR SIDING 1X8 W 1-1/2" BATTEN, STAINED FINISH SUPERDECK TEAK 2318	
M7	DOORSWINDOWS- PELLA WINDOW COMPANY - ARCHITECT SERIES - NON-REFLECTIVE FINISH	
M8	DOORSWINDOWS- PELLA WINDOW COMPANY - ARCHITECT SERIES - NON-REFLECTIVE FINISH	
M11	STONE VENEER- DRY STACKED LIMESTONE VENEER, CALLEDOS CORP. #6 TELLURIDE PARQUETURE STAINED	
M14	DECK RAILS STAINED CEDAR	
M17	STEEL RAILS W/ WOVEN WIRE BALUSTERS STAINED FINISH SUPERDECK WAHOGANY 2314 CORRUGATED METAL PANEL SIDING, NON-REFLECTIVE MATTE FINISH	
M20	METAL CHIMNEY CAP	
M21	SECONDARY ROOF- PREWEATHERED ZINC STANDING SEAM ROOF- 60 YEAR ASPHALT SHINGLES 4 PRESTIGUE BARKWOOD	
M22		



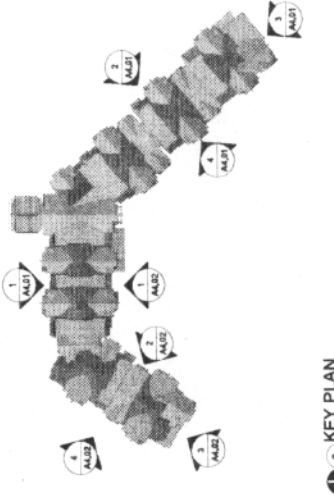
1 EAST WING - WEST ELEVATION  
1/16" = 1'-0"



2 EAST WING - SOUTH ELEVATION  
1/16" = 1'-0"



3 EAST WING - EAST ELEVATION  
1/16" = 1'-0"



4 NORTH WING - NORTH ELEVATION  
1/16" = 1'-0"

ISSUE	No.	REVISION	DATE
	1	Final Draw - Permit Submittal	05/05/2008
	2		
	3		
	4		
	5		
	6		
	7		
	8		

JOB NUMBER: 064323  
SHEET TITLE: BUILDING ELEVATIONS



KEY PLAN  
1" = 80'

SHEET NUMBER: A4.01