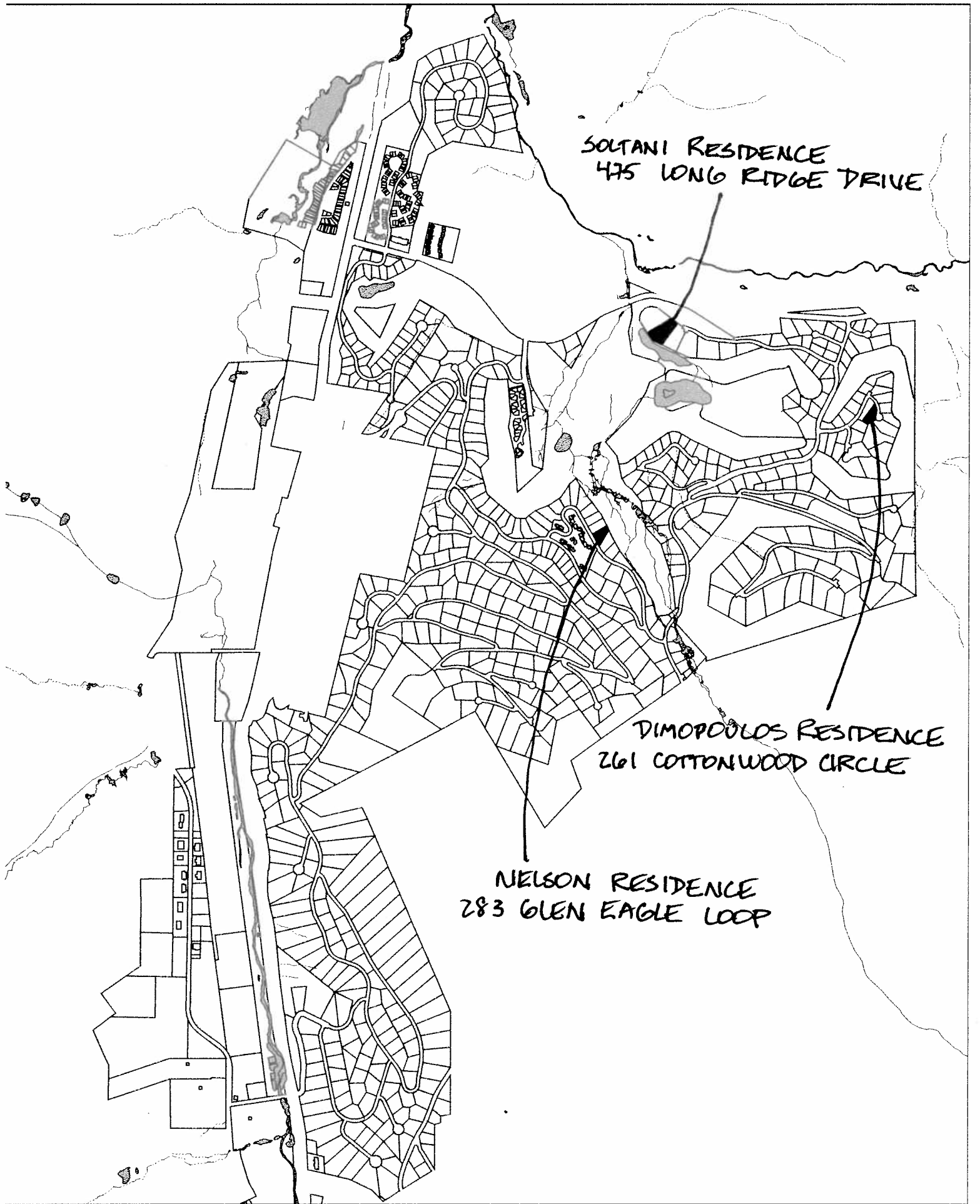


Town of Breckenridge
Planning Commission Agenda
Tuesday, May 20, 2008
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the May 20, 2008 Planning Commission Meeting; 7:00 p.m. Roll Call</i>	
	<i>Approval of Minutes May 6, 2008 Regular Meeting</i>	4
	<i>Approval of Agenda</i>	
7:05	<i>Consent Calendar</i>	
	1. Soltani Residence (MGT) PC#2008054 475 Long Ridge Drive	15
	2. Dimopoulos Residence (CK) PC#2008055 0261 Cottonwood Circle	21
	3. Nelson Residence (CK) PC#2008056 283 Glen Eagle Loop	26
7:15	<i>Combined Hearings</i>	
	1. Theobald Building Shed Relocation (MM) PC#2008057 101 South Main Street	31
8:00	<i>Preliminary Hearings</i>	
	1. Theobald Building Rehabilitation and Variance (MM) PC#2008058 101 South Main Street	44
	2. Blue Front Bakery Restoration, Local Landmarking and Redevelopment (MM) PC#2007140; 114 Lincoln Avenue	58
	3. Buffalo Crossing (MGT) PC#2008052 209 & 211 North Main Street	76
10:30	<i>Worksession</i>	
	1. Silverthorne House, 300 North Main Street (JS)	92
	2. Landscaping Policy (JC)	109
10:55	<i>Other Matters</i>	
11:00	<i>Adjournment</i>	

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

**The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.*



SOLTANI RESIDENCE
475 LONG RIDGE DRIVE

DIMOPOULOS RESIDENCE
261 COTTONWOOD CIRCLE

NELSON RESIDENCE
283 GLEN EAGLE LOOP



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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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SILVERTHORNE HOUSE
300 N. MAIN STREET

BLUE FRONT BAKERY
RESTORATION, LOCAL
LANDMARKING &
REDEVELOPMENT
114 LINCOLN AVENUE

BUFFALO CROSSING
201-211 N. MAIN STREET

THEOBALD BLDG. SHED RELOCATION
AND
THEOBALD BLDG. REHABILITATION
& VARIANCE
101 S. MAIN STREET



PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:05 P.M.

ROLL CALL

Michael Bertaux
Mike Khavari – absent

Rodney Allen
Dave Pringle

Sean McAllister – arrived @ 7:07
Leigh Girvin

APPROVAL OF MINUTES

With no changes, the minutes of the April 15, 2008 Planning Commission meeting were approved unanimously (4-0). Ms. Girvin abstained.

APPROVAL OF AGENDA

With no changes, the Agenda for the May 6, 2008 Planning Commission meeting was approved unanimously (4-0).

MAYOR WARNER ON TOWN COUNCIL APPOINTMENT TO PLANNING COMMISSION

Mr. Neubecker presented a memo concerning the Town Council Appointee to Planning Commission. At the Town Council meeting on April 22, 2008, the Council discussed the idea of removing the Town Council appointee to the Planning Commission, and adding a seventh citizen Commissioner. The two main reasons for this possible change include the amount of time already consumed by other Council related duties, and the ability to get better Town Council discussions in case of a call-up by the Council.

The Town Council members serve on many other boards and commissions besides Town Council. If a Council member also sits on the Planning Commission (which is one of the more time consuming boards), it creates an additional significant obligation in addition to their already full schedule. Furthermore, in the case of a call-up by the Town Council, the Council representative to the Commission is unable to participate in the discussion. This leaves only six members of the Town Council to make a decision on an already contentious issue. The Council would like to explore the idea of eliminating the Council representative from the Planning Commission and adding another citizen.

Mayor Warner reiterated the comments discussed above and asked for Commissioner comments.

Commissioner Questions/Comments:

- Mr. Allen: Supported not having a council member on planning commission. Lack of communication between the two bodies remains the number one concern. Liked the dinner idea a lot but not sure if a Town Council member should just attend work sessions.
- Mr. McAllister: Town council should have a pulse on the planning commission. Concerned about council's involvement without a seat on the commission.
- Mr. Pringle: Provided feedback to Mayor Warner regarding the historical significance of a Town Council member on the planning commission. There has been a Town Council member serving on the commission since the late 1970's. Up until five or so years ago the Town Council member could participate in both forums. (Staff pointed out that the policy was changed in 2002.) Pointed out the Town Attorney liked the process and thus the reason the policy was changed. All members are in their first term and therefore the history isn't as well known by all members.
- Mr. Bertaux: Not sure why it would be a problem why a Town Council member abstains when an item is called up at the council level. Council members should serve longer than one year.
- Ms. Girvin: Respected Mr. Pringle and Mr. Bertaux's opinions. Suggested changing meeting times and schedules to allow council members to attend work sessions.
- Mr. Khavari: (Via email) was not in favor of losing a council member.

Mayor Warner thanked the Commission, and will take the Commissioner comments to the next Town Council meeting scheduled for May 13.

CONSENT CALENDAR:

1. Bunchman Building Façade Improvements (JC) PC#2008053; 215 South Main Street

Mr. Bertaux wanted to verify that the outdoor seating would remain at The Crown restaurant. (Staff pointed out that yes the seating would remain.)

2. Lot 18 Timber Trail Home (MM) PC#2008046; 457 Timber Trail Road
Ms. Girvin asked if only two parking places were required. (Staff pointed out that only two spaces are required for a single family home regardless of the number of bedrooms.)
3. Stais Residence Wind Turbine (MGT) PC#2008051; 510 Wellington Road
4. Lot 2, Highlands Glen (MGT) PC#2008045; 100 Glenwood Circle
5. Barrett Sewer Line Placement (CK) PC#2008048; 226 Champion Trail
Mr. McAllister sought clarification regarding the HOA concerns. (The applicant pointed out that only a couple members of the HOA have raised concerns but not a majority of the membership.)
6. Entrekin Residence Remodel (MGT) PC#2008049; 210 South Gold Flake Terrace
7. Hart Residence Garage (MGT) PC#2008050; 128 North Gold Flake Terrace

Ms. Girvin made a motion to call up the Stais Residence Wind Turbine, PC#2008051, 510 Wellington Road. Mr. Bertaux seconded. The motion was approved unanimously (5-0).

Mr. Thompson explained the application, including more details on the wind turbine.

Mr. Stais, Applicant: Offered to answer any questions that were asked earlier at the site visit. Suggested the Town look at the existing ordinance to modify the sound policies.

Commissioner Questions/Comments:

- Mr. Allen: Put something in the code to set parameters sooner rather than later.
- Mr. McAllister: Wanted to ensure only one pole would be visible and not other mechanisms that would stand out. (The applicant stated only one pole would be visible.) If he were the applicant he would wait for the code to be amended. Thinks this would be a good test site for a wind turbine. Believed the Town should be encouraging wind turbines and other types of Renewable Sources of Energy.
- Mr. Pringle: Asked staff if future proposals would pose a problem if precedence was set via this application. (Staff pointed out the additional policies would evolve in the future.) Might be better for the applicant to wait for code amendments before moving forward. OK with this application as it was not in the Historic District and would be in the back yard.
- Mr. Bertaux: Pointed out conflicts exist within the code regarding noise decibels. Thought standing on the site that removing dead trees would increase the productivity of the turbine. OK with this application as it was not in the Historic District and the wind turbine would be sited behind the house.
- Ms. Girvin: Didn't think a 25 foot pole would generate enough wind to make it worth someone's time. Concerned that this was a Class C application and the neighbors weren't notified.

Mr. McAllister made a motion to approve the point analysis and the application for the Stais Residence Wind Turbine, PC#2008051, 510 Wellington Road. Mr. Allen seconded and the motion was approved unanimously (5-0).

With no other motions, the remainder of the consent calendar was approved unanimously (5-0).

COMBINED HEARINGS:

1. Taylor Residence and Variance (MM) PC#2008040; 231 South Gold Flake Terrace
Mr. Mosher presented a proposal to construct a new single family residence with four bedrooms, four and one-half baths, study, exercise room, and family room. There would be two interior gas fireplaces, two exterior gas fireplaces and one interior EPA Phase 2 wood burning fireplace. The variance request was from Policy 9, Placement of Structures, to allow reduced side yard building setbacks. Without any variance, the house could be only 10' wide with negative points, or zero feet wide, with no points.

Staff worked closely with the agent to address all concerns about developing this property. We believed to have addressed all applicable code issues, including Policy 8, Ridgeline and Hillside Development, and welcomed any additional comments from the Commission. The Planning Department recommended approval of the Taylor Residence and Variance, PC# 2008040 by supporting the Point Analysis, showing a passing score of positive one (+1) point, along with the attached Findings and Conditions.

Gene Baker, Baker+Hogan+Houx, Architects: Supported Staff's assessment of the project and the passing point score. Agreed to move more trees to the lower portion of the site to better buffer the development from Town views. Site would be undevelopable without the variance.

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

Commissioner Questions/Comments:

Mr. Bertaux: Final Comments: Supported the application. Agreed with the staff report and the Attorney's Findings to allow the reduced setbacks.

Mr. Allen: Final Comments: Fine with application. The adjoining neighbors were present and didn't feel there was any issue with the variance.

Mr. McAllister: Final Comments: Supported the application and agreed with Mr. Bertaux that the town Attorney's comments should be taken into account and taken seriously.

Mr. Pringle: Final Comments: Code has been changed since the lot was platted and it would make sense to continue with the development pattern of the existing homes along the street. Special finding noted in this application should be stated during any motion to approve.

Ms. Girvin: How many lots front Goldflake in this subdivision? How many more will we see? (Mr. Mosher: Thought there were about eight to ten lots in this block of Yingling and Mickles. Was not prepared to accurately answer this question.) What are the Town's plans for the abandoned Adams Avenue ROW? Not presently a trail. (Mr. Mosher: Leave it much like portions of the Klack Placer as unimproved open space.)

Final Comments: Didn't support the application. Not compatible with the neighborhood of Weisshorn and Goldflake. No trees will remain or grow in such small setbacks. No equipment can maneuver in such a small setback without going onto neighboring property. Need greater setbacks. Do not want to see any more 5-foot setbacks along this area. Was concerned about the visual effect clear cutting the trees would have.

Ms Girvin made a motion to deny the Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, under Policy 9/A (Placement of Structures). Mr. Allen seconded. After discussion, the motion was withdrawn.

(Staff pointed out that the variance allowed for the non-compliance with the absolute policy. However, assigning negative points under a relative policy would be allowed.)

Ms. Girvin made a motion to adjust the point analysis for the Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, to change the points under Policy 9/R (Placement of Structures) to negative six (-6) points because the suggested side yard setbacks were not met. Mr. McAllister seconded. The motion was denied (4-1).

Mr. McAllister made a motion to approve the Point Analysis for the Taylor Residence & Variance, PC#2008040, 231 South Gold Flake Terrace as presented by Staff. Mr. Allen seconded, and the motion was approved (4-1) with Ms. Girvin voting no.

Mr. Allen made a motion to approve the development request Taylor Residence and Variance, PC#2008040, 231 South Gold Flake Terrace, with the findings and conditions, including the special finding. Mr. Bertaux seconded. The motion was carried unanimously (4-0), with Ms. Girvin abstaining.

PRELIMINARY HEARING:

1. Maggie Placer Development (MM) PC#2008024; 9525 State Highway 9

Mr. Mosher presented a proposal to re-review the site impacts from the original application to a modified site plan showing a reduction in density. The original request was: *Per the Maggie Placer Annexation Agreement, to develop the property with 18 deed/equity permanently restricted housing units in the form of condominiums. Pursuant to the Annexation Agreement, there shall be 6 one bedroom Restricted Units, 8 two bedroom Restricted Units, and 4 three bedroom units. All parking for the units is surface spaces placed south of the building.*

Responding to some of the concerns expressed at the last hearing, the applicant was seeking Commissioner input on a possible reduction of density, parking and change in bedroom counts. Even though the overall unit count remains as 18, there would no longer be any three bedroom units. The concept would be to reduce the intensity of the project and lessen

the negative impacts seen in the initial submittal. Staff noted that this discussion would be similar to a question and answer worksession, rather than a formal staff presentation and public hearing. Only a site plan has been submitted showing the proposed changes in rough form. Essentially, here are the changes:

Before:	<u>Market</u>	After:
4 Free Market Cluster Lots		4 Free Market Cluster Lots
	<u>Affordable</u>	
4 – Three bedroom units		6 – Two Bedroom Units
8 – Two bedroom units		12 – One bedroom units
<u>6 – One bedroom units</u>		
18 units total		18 units total
Total Density 20,084 SF		16,116 SF (a 3,968 SF reduction)

The percentage of affordable to market remains the same at 82% of the project. The reduction in mass adds additional open space at the north of the site (preserving more of the existing trees as buffer), adds more snow stacking space, possibly additional parking spaces to the west of the parking lot, and a greater buffer towards the west of the multi-family building. The layout of the drives and lots may change slightly with further work.

The applicant sought the Commissioner’s comments on the site changes. Staff believed there would be some advantages to the reduction of density. Did the Commission believe this was enough change to provide the needed buffering and parking for a passing project? Also, with the elimination of the three bedroom units, it would be less likely that families would choose to live at the project. It would be more likely that single professionals will be purchasing these units and, with the additional one bedroom units, the overall parking needs would be reduced.

Pending the Commissioner’s reaction to the new site plan, the applicant will then return to the Town Council to request a modification of the existing Annexation Agreement to address the bedroom changes, and then return for further review with the Commission.

The access issues were still under discussion. Recently, it had been brought to staff’s attention that a full-movement (bidirectional) easement has been provided to Allair Timbers for access to and from Highway 9. Staff anticipated the applicant will be seeking to approach the two parties that have this easement to also share in this easement.

John Springer, Springer Development (Applicant): Pointed out the square footage would be reduced by approximately 4,000 square feet. As far as addressing the access issues, he believed that he does have access per his attorney’s counsel and the title company’s research.

Mr. Pringle opened the hearing for public comment.

Dan Wolf (Attorney for Ski and Racquet): According to his research, the applicant has no access rights over Ski and Racquet property. Allaire Timbers has access, but no one else (He handed out a letter dated June 12, 2007 that had been copied to the Town and applicant.) Has had no conversation with the applicant. Until this issue is resolved, he suggested tabling or denying the application until access issues are solved. This is not a landlocked property and other access points are available directly to Highway 9.

George Grill, The Corral HOA: A couple of minor concerns: provide a connection from this project directly to the Town sidewalk to the east. Drainage may be an issue. Drainage must be contained in site. Mosquitoes can be a problem too and would prefer to see drainage routed to storm drain system rather than a detention pond.

Dan Olmer, Agent for Ski & Raquet: This project has a lot of problems. I manage over 1,400 properties and I am familiar with lack of parking on projects like this one. This plan is extremely tight in all areas. Hoped that all issues would be kept in mind and that the developer’s feet are kept to the fire. Want this to be a development that the Town can be proud of.

Jan Bowman, Ski & Racquet: The previous owners of the Allair Timbers said that the new owners shall maintain the trail. Have used this for over 20 years and is used by a lot of others. (Staff noted that the trail is not on the applicant's property.)

Norman Stein, Director at Ski & Raquet: Parking problem still exists even with reduced density. There are not enough parking spaces.

Raul Hayworth, Ski & Raquet: To his knowledge, neither he nor the HOA as been contacted regarding the trail to the crest of the hill, but it is used frequently.

Jay Rust, President of Woods Manor HOA: Woods Manor is not in the town limits but is pursuing the possibility of being annexed. He was concerned about the small setbacks from the highway. Asked if this would be the most appropriate development within a prime view corridor entry to Town. Woods Manor has never approved use of a trail through their property. Has expressed concerns about the development in past meetings, but do not see much in the way of changes.

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

Commissioner Questions/Comments:

Ms. Girvin: Is there a trail on the property to get to town? (The applicant pointed out a trail does not go through to town and he believed Woods Manor didn't want the trail to go through. The trail is not part of this application as it is off the site.) Regarding handicapped parking, are there three handicap spaces required? If not, don't do three. They take up extra space. Asked about the annexation agreement, AMI targets, etc. (Mr. Mosher noted that the agreement and targets were already addressed at the Council level and are not part of what the Planning Commission will review.) Sought clarification regarding set backs. (Staff pointed out criteria.) Is this project proposed for two or three stories? (Applicant pointed out it was a three story project.) Asked staff to clarify procedures for site access issues with Ski and Racquet Club. (Staff explained that this application would not come before the Planning Commission again until the access issues have been resolved.) Asked if Commission always is allowed comments prior to annexation process with the Council. (Staff pointed out that having the Commission review of the annexation before it's processed through is at the discretion of Council. This project was reviewed by the Commission before it went to Council.) Yes plan B is better than plan A, but still a lot of intensity on small piece of property that is highly visible and prominent. Possibly ridge line development should apply. Don't allow to exceed two-stories. It's unfortunate something like this is being proposed on this site. The trail was another issue that needs to be addressed. Thought the trail should be part of the Town's overall trail system.

Mr. Allen: Reduction in intensity is generally good and he was fine with having only 1 and 2 bedroom units. Encouraged the applicant to have more parking even if open space needs to be utilized to allow for it. Allow for access to the trail from this property. Applicant is on the right track and he is ok with the intensity. Wants the architecture to look good and the site should be well buffered.

Mr. McAllister: Regarding storage of goodies, has this been discussed? (Staff pointed out adding storage for residents is not a Code requirement. This project will not likely have families with children.) Sought clarification regarding parking spaces. (Staff pointed out the amount of parking spaces has been reduced along with the bedroom count.) Pointed out these are deed restricted employee housing units tied to AMI. New intensity better than the old, but still a lot of intensity for the site. Was concerned about storage, parking, circulation, drainage, and ridge line development issues. Not sure if parking places number 20, 21 or 22 are in the best place and therefore compromise the site buffering. Not sure about changing Land Use District designation to allow 3 story building heights. Confused about the trail issues as it is not on this property. Do not proceed this application further until the access issue with Ski and Racquet is resolved. No reason to go further until answers are resolved.

Mr. Pringle: The application eliminated the 3 bedroom units. Not a family development. Liked this iteration better than the other one. It makes sense to drop the 3 bedroom units. Would support a LUD change to get to three stories.

Mr. Bertaux: Have the changes impacted the access issues? (Staff: no.) Noticed that one of the differences was adding envelopes on the market lots; will garages be present? (Mr. Mosher: The buildings and envelopes on the market lots are for illustration only. The Commission will be able to review the market lots with the subdivision application.) Fine with the reduction of density. Vehicular access will be an issue. Supported trail and sidewalk connections from inside the site. Would not support reducing the number of parking spaces. Believe you need as many that can fit on the site. Drainage still an issue and was encouraged to be kept on site. Advantage of new application is larger buffer area on one side of project but more landscaping would be needed throughout. The revised application shows nothing really great at this point. Still have concerns about the negative impacts of this to such a small site. Right number of units. This application not screaming out for an approval as presented.

WORKSESSIONS:

1. Partridge Family Project

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.

TOWN COUNCIL REPORT:

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

OTHER MATTERS:

Mr. Neubecker reminded the Commission that, due to the election of Peter Joyce to Town Council on April 1, the Commission needed to elect a new Vice-Chair for the Commission.

Mr. McAllister made a motion to nominate Mr. Allen to replace Mr. Joyce as Vice Chair. Ms. Girvin seconded, and the motion was approved unanimously (5-0).

ADJOURNMENT:

The meeting was adjourned at 10:04 p.m.

David Pringle, Vice Chair Pro Tem

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 15, 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 May 20, 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 November 26, 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.***

(Initial Here)



Class C Development Review Check List

Project Name/PC#:	Soltani Residence	PC#2008054
Project Manager:	Matt Thompson, AICP	
Date of Report:	May 13, 2008	For the 05/20/2008 Planning Commission Meeting
Applicant/Owner:	Seppy and Roya Soltani	
Agent:	Entrada Design Group	
Proposed Use:	Single family residence	
Address:	475 Long Ridge Drive	
Legal Description:	Lot 2, Highlands Park	
Site Area:	83,223 sq. ft.	1.91 acres
Land Use District (2A/2R):	6: Subject to the Delaware Flats Master Plan	
Existing Site Conditions:	The lot slopes uphill at 18% from the front of the disturbance envelope towards the rear of the envelope. The lot is moderately covered with medium sized lodgepole pine trees. The disturbance envelope sits near the top of the hill, but not directly on top of the crest of the hill. The lot is accessed from a private access and utility easement. There is an existing driveway scar cut into the lot, but applicant will use different access point to hide the garage doors. The old driveway scar will be revegetated and planted with trees and shrubs.	
Density (3A/3R):	Allowed: 7,000 sq. ft.	Proposed: 6,064 sq. ft.
Mass (4R):	Allowed: 7,000 sq. ft.	Proposed: 6,984 sq. ft.
F.A.R.	1:11.90 FAR	
Areas:		
Lower Level:	1,250 sq. ft.	
Main Level:	3,175 sq. ft.	
Upper Level:	1,639 sq. ft.	
Garage:	920 sq. ft.	
Total:	6,984 sq. ft.	
Bedrooms:	5	
Bathrooms:	4.5	
Height (6A/6R):	32 feet overall	
	(Max 32' per Highlands Park Plat)	
Lot Coverage/Open Space (21R):		
	Building / non-Permeable: 6,638 sq. ft.	7.98%
	Hard Surface / non-Permeable: 2,547 sq. ft.	3.06%
	Open Space / Permeable: 74,038 sq. ft.	88.96%
Parking (18A/18/R):	Required: 2 spaces	
	Proposed: 3 spaces	
Snowstack (13A/13R):	Required: 662 sq. ft. (25% of paved surfaces)	
	Proposed: 680 sq. ft. (26.70% of paved surfaces)	
Fireplaces (30A/30R):	5	
Accessory Apartment:	Yes. Meets Code.	
Building/Disturbance Envelope?	Disturbance envelope	
Setbacks (9A/9R):		

Front: Within the disturbance envelope.
 Side: Within the disturbance envelope.
 Side: Within the disturbance envelope.
 Rear: Within the disturbance envelope.

Architectural Compatibility (5/A & 5/R): This residence will be architecturally compatible with the land use district.

Exterior Materials: Vertical board on board reclaimed wood, small areas of horizontal steel accent panels oxidized so not reflective, 12 x 12 exposed cedar post, windows aluminum clad medium bronze anodized, and natural stone "sonoran" in color from Telluride Stone.

Roof: Majority asphalt composition shingles, standing seam accent standing seam copper non-reflective potash

Garage Doors: Reclaimed wood faced doors to match vertical board on board

Landscaping (22A/22R):

Planting Type	Quantity	Size
Spruce trees	10	5 (10'), 5 (12')
Bristlecone Pine	16	5 (6'), 5 (8'), 6 (10')
Aspen	10	5 (2" cal.), 5 (3" caliper)
Shrubs	92	#5 containers

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

Driveway Slope: 8 %

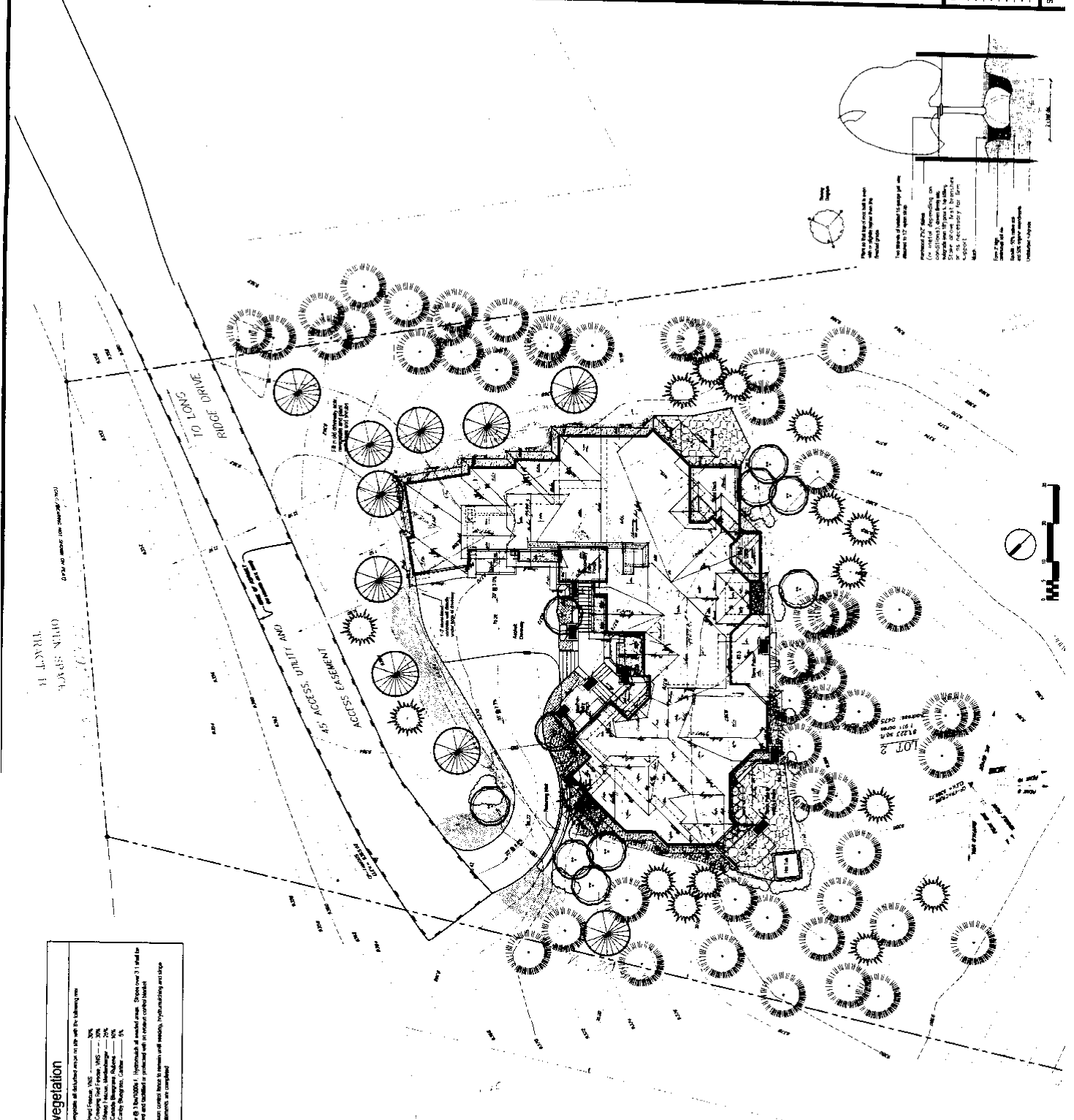
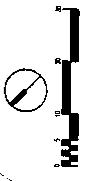
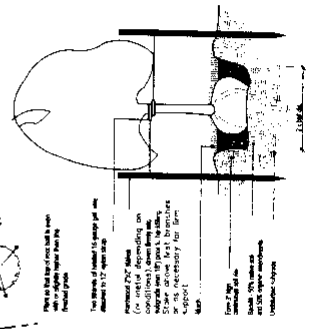
Covenants:

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

Staff Action: Staff has approved the Soltani Residence, PC#2008054, located at 475 Long Ridge Drive, Lot 2, Highlands Park.

Comments: The proposed Soltani Residence will meet the requirements of the Town's Ridgeline and Hillside Development Ordinance No. 40. The design of the structure is such that the building will blend into the surrounding topography and existing vegetation. Windows on the structure shall use non-reflective glass. The exterior building materials shall mimic, rather than contrast with the site's background. The building and roofs shall be a dark natural color to effectively blend the building with the background. Metal accents shall be rusty in appearance and non-reflective. The lock off unit is 380 sq. ft., hence is less than 1,200 sq. ft. and less than 1/3 the size the primary residence and meets the Town Development Code for an accessory apartment.

Additional Conditions of Approval:



Revegetation

Revegetate all disturbed areas in the site with the following:

Field Corn	10%
Shrub	30%
Grass	30%
Native Perennial	10%
Native Annual	10%
Native Shrub	10%

Note: All trees shall be 1/2" caliper at time of planting. All trees shall be planted in accordance with the following specifications:

- Planting shall be done in accordance with the following specifications:
- Planting shall be done in accordance with the following specifications:
- Planting shall be done in accordance with the following specifications:

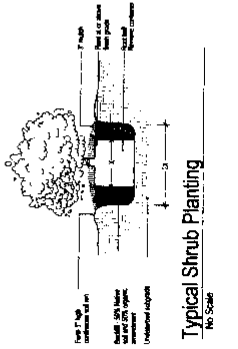
Legend

18 of 118

Existing Contour	Proposed Contour
Proposed Drainage Flow	Proposed Drainage Swath
Existing Landscape Plant to save	Proposed Spruce (10)
	(S) 12
	(S) 17
	Proposed Redwood Pine (18)
	(S) 17
	(S) 18
	(S) 19
	Proposed Aspen (10)
	(S) 3" cal
	(S) 2" cal
	Proposed Shrub (32)
	8" Containers
	Proposed Perennials
	105 sq ft @ 12" o.c.
	Proposed Cobble/Gravel
	1,761 sq ft.

Notes:

- Step walking topography from site in construction areas and remove from site. Only place excavated spoil during site preparation.
- Provide positive drainage away from all building foundations as specified on site plan.
- Remove all debris, paint, stumps, lumber, stumps, stumps, concrete, asphalt, etc. from site prior to landscape work.
- Disturbed areas on site shall receive a minimum of 2" of topsoil in preparation for landscape treatment. Landscape Architect to approve soil.
- Seed scattered areas, where shown, with specified seed mix. Apply straw mulch (10-5-5) or equivalent @ 2000/1000/1. Roll mulch into the soil.
- Cobble rock or rock from site will be used as a ground cover treatment in designated areas with noted terrain slope.
- Boundaries recovered during construction (2" and larger in diameter) to be stippled off site. When Absent, bury 10 to 12" of each boundary.
- Locate all plant materials to avoid snow sheds, power removal locations, sight lines, utility lines, fire hydrants, and easements.
- All new plants shall be placed under an automatic drip irrigation system.
- All plant materials shall be back filled with equal parts of organic amendments and native soil.
- All shrub and tree wells shall receive 3 inches of wood or gravel mulch.
- All newly planted trees shall be root bled at the time of installation.



Typical Shrub Planting
No Scale



entrad
 100 N. Main Street, Suite 200
 Portland, Oregon 97201
 (503) 547-4432

Comments:
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SOLTANI RESIDENCE
 LOT 2 HIGHLANDS PARK

REVISIONS
 No. 1 Date: 2/15/08
 Date: 2/15/08

PRELIM
 DRB

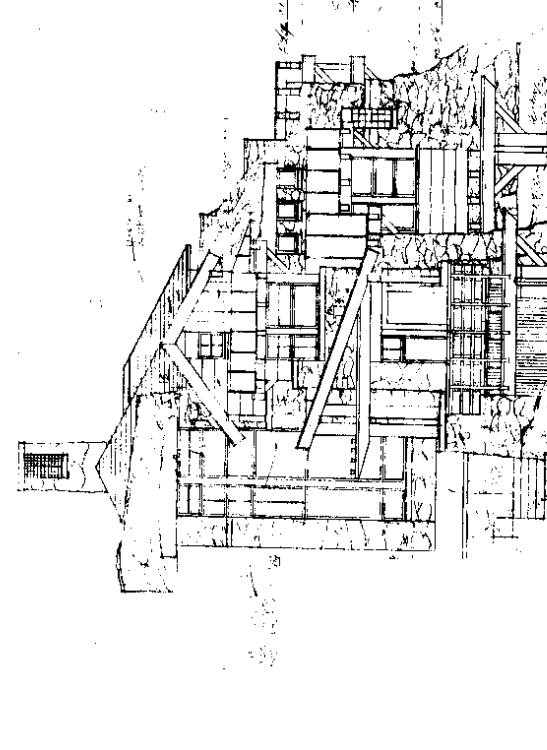
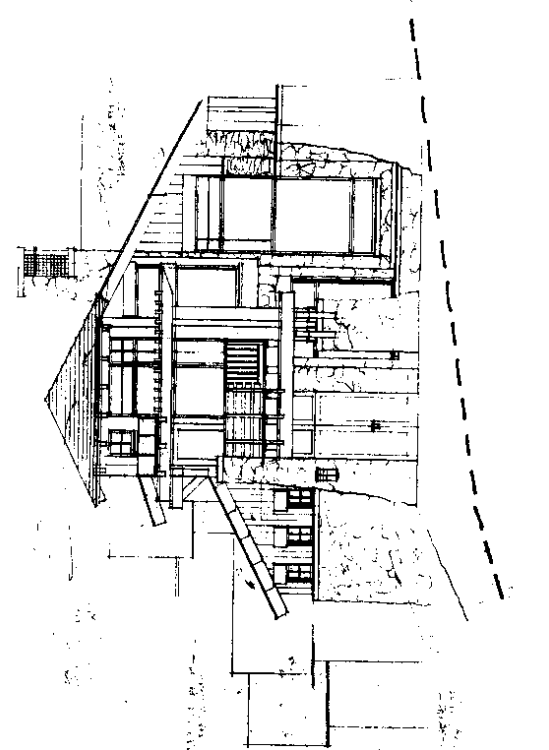
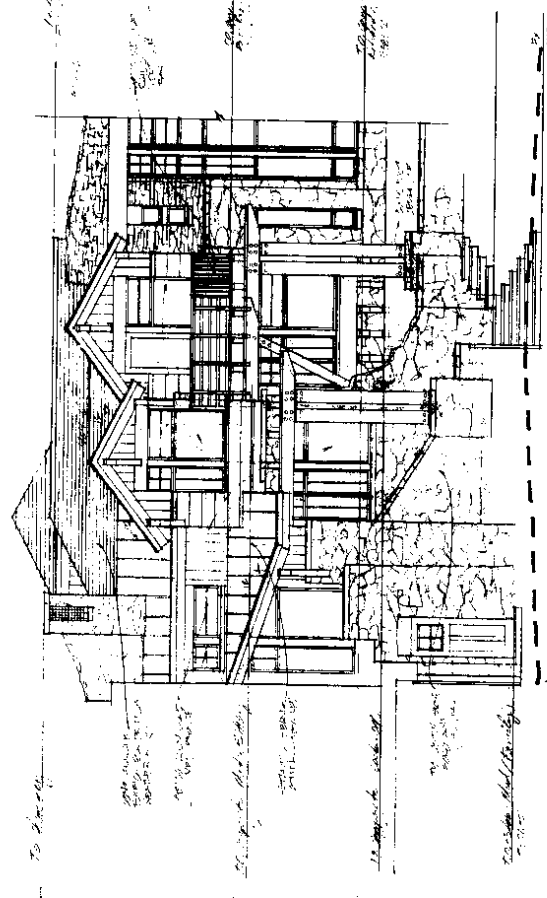
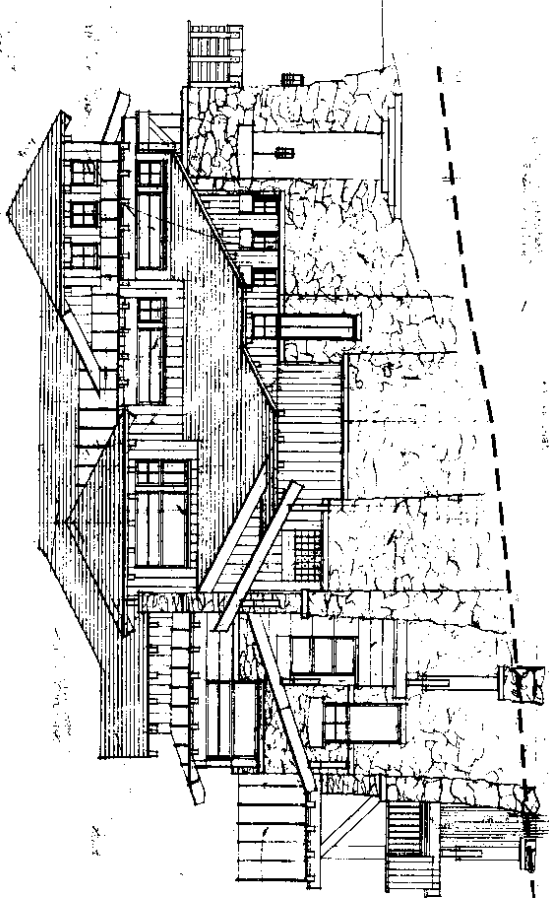
Project No:
 Drawn By: KK
 Date: APR 20, 2008
 Scale: 1/4" = 1'-0"

ELEVATION

SHEET TITLE

A5

SHEET NO.





100 N. Main Street
Breckenridge, CO 80424
(970) 469-4422

COMPANY:
Enfrida Design Group
100 N. Main Street
Breckenridge, CO 80424
(970) 469-4422

PROJECT:
Soltani Residence
100 N. Main Street
Breckenridge, CO 80424
(970) 469-4422

SOLTANI RESIDENCE
LOT 2 HIGHLANDS PARK
Breckenridge, CO

REVISIONS
No. 1 Date 2/18/08
No. 2 Date 4/23/08

PRELIM
DRB

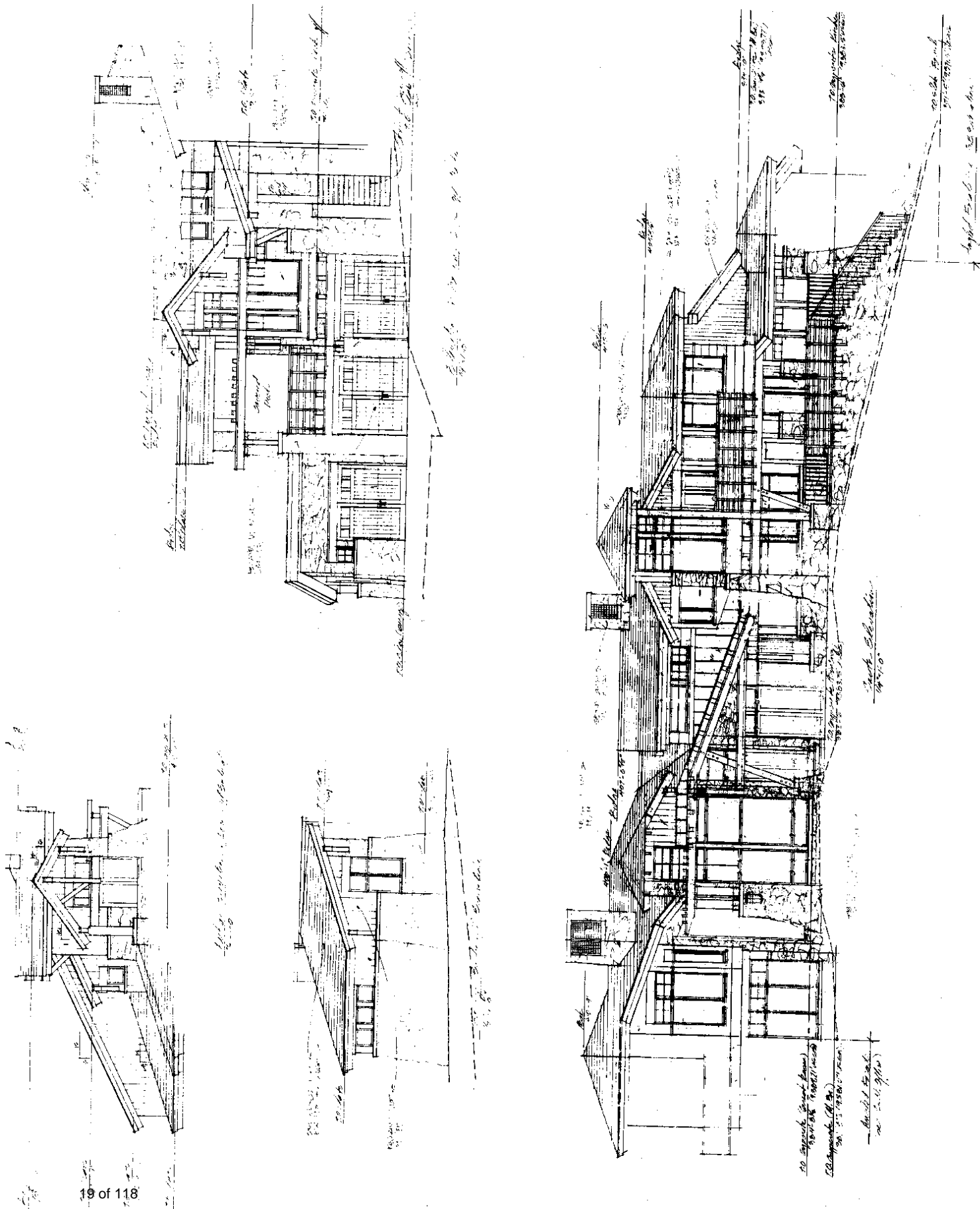
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Drawn By: JEC
Date: APR 23, 2008
Scale: 1/4" = 1'-0"

ELEVATION

SHEET TITLE

A6

SHEET NO.





entrada

100 S. P.O. Box 4720
Breckenridge, CO, 80424
(970) 547-4437

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SOLTANI RESIDENCE LOT 2 HIGHLANDS PARK

Breckenridge, CO

REVISIONS
No. 1 Date: 2/15/08
No. 2 Date: 2/15/08

**PRELIM
DRB**

Project No.

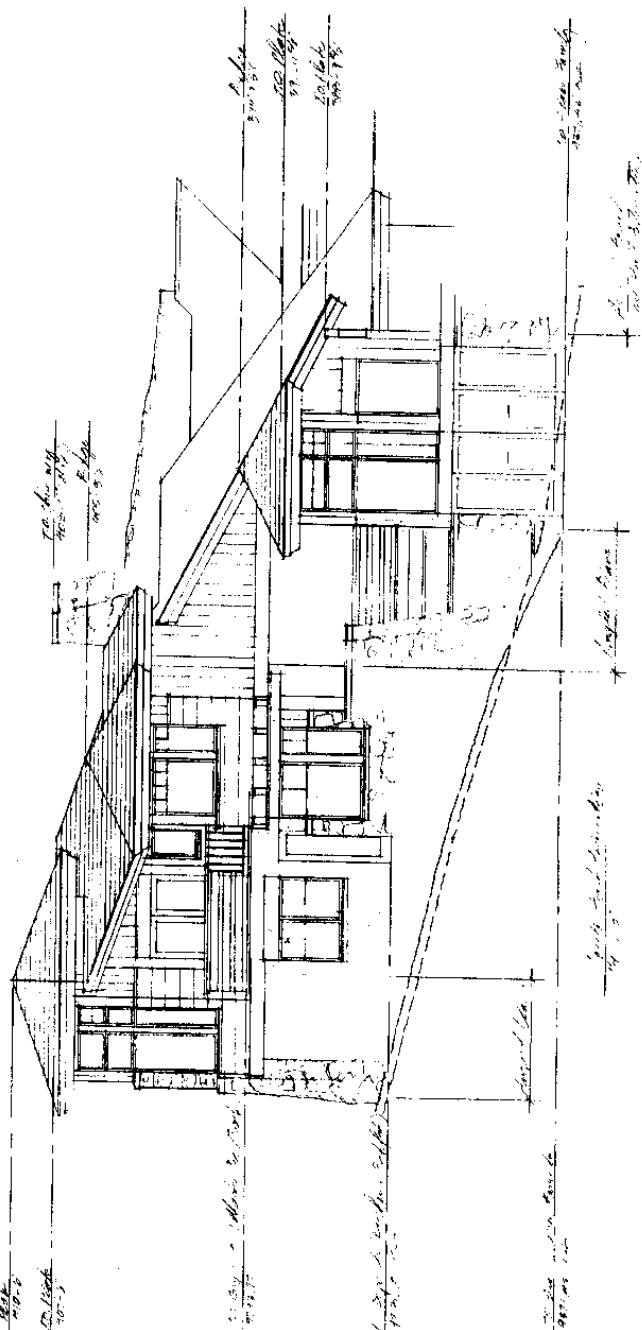
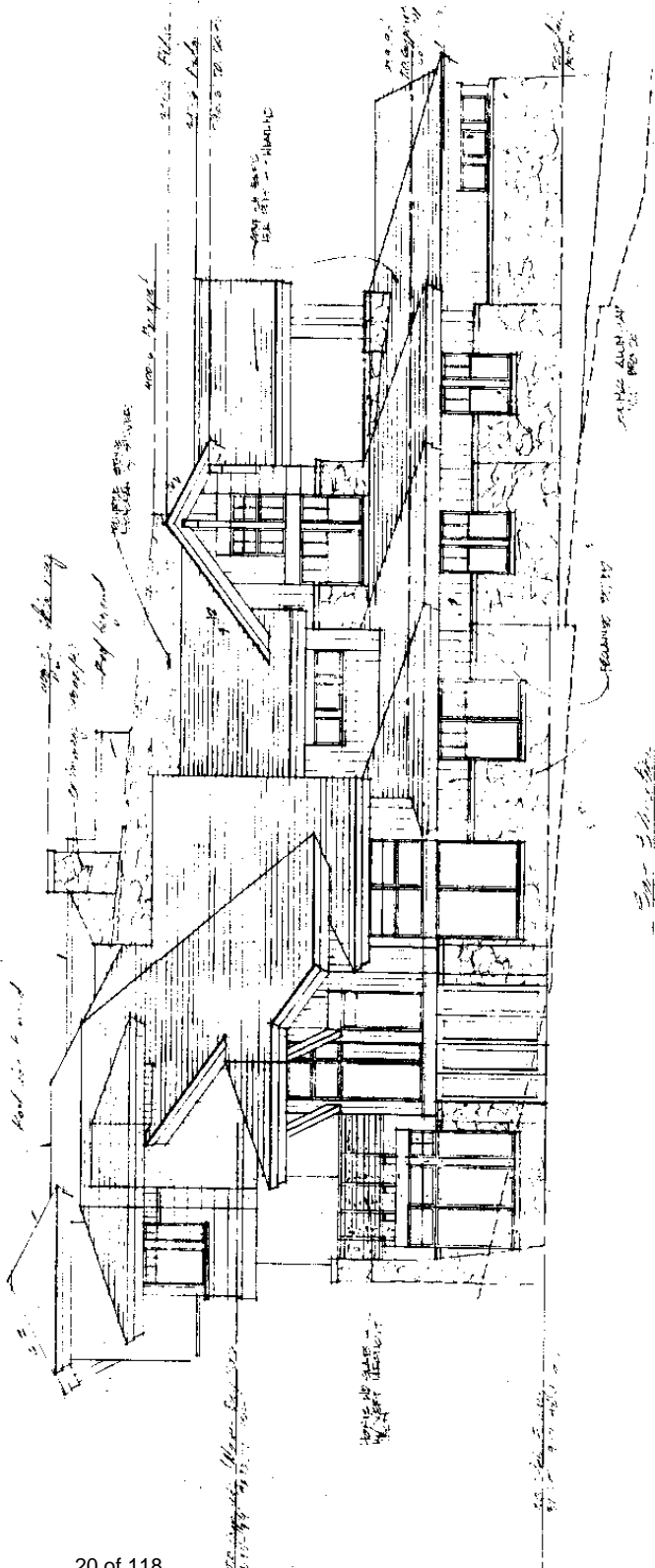
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Date: APR 25, 2008
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ELEVATION

SHEET TITLE

A7

SHEET NO.





Class C Development Review Check List

Project Name/PC#: Dimopoulos Residence PC#2008055
Project Manager: Chris Kulick
Date of Report: May 9, 2008 For the May 20, 2008 Planning Commission Meeting
Applicant/Owner: Linda Dimopoulos
Agent: Janet Sutterly
Proposed Use: Single-Family Residential
Address: 0261 Cottonwood Drive
Legal Description: Lot 54, Highlands Park
Site Area: 30,828 sq. ft. 0.71 acres
Land Use District (2A/2R):

Existing Site Conditions: 38: Subject to Delaware Flats Master Plan
 The lot slopes downhill from west to east at an average of 8%. The site has no existing trees but a swath of willows is located west of the building envelope. A 30 foot utility and drainage easement runs along the northern edge of the property line.

Density (3A/3R): Allowed: 6,186 sq. ft. Proposed: 4,766 sq. ft.
Mass (4R): Allowed: 6,186 sq. ft. Proposed: 5,520 sq. ft.
F.A.R.: 1:5.58 FAR
Areas:
Lower Level: 914 sq. ft.
Main Level: 2,458 sq. ft.
Upper Level: 1,394 sq. ft.
Accessory Apartment:
Garage: 754 sq. ft.
Total: 5,520 sq. ft.

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

Lot Coverage/Open Space (21R):
 Building / non-Permeable: 3,212 sq. ft. 10.42%
 Hard Surface / non-Permeable: 1,766 sq. ft. 5.73%
 Open Space / Permeable: 25,850 sq. ft. 83.85%

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

Snowstack (13A/13R):
 Required: 442 sq. ft. (25% of paved surfaces)
 Proposed: 442 sq. ft. (25.03% of paved surfaces)

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

Accessory Apartment: None

Building/Disturbance Envelope? Disturbance Envelope

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

Side: Disturbance Envelope
Rear: Disturbance Envelope

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

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

Exterior Materials:

Horizontal cedar siding, vertical cedar siding, and natural stone base.

Roof:

Composite Shingles

Garage Doors:

Wood Clad

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	6	6-10 feet tall
Aspen	15	1.5-2 inch caliper - 50% of each and 50% multi-stem
Bristle Cone Pine	4	6-8 feet tall
Shrubs and perenials	15	5 Gal.

Drainage (27A/27R):

Positive away from structure

Driveway Slope:

4 %

Covenants:

Standard Landscaping Covenant

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

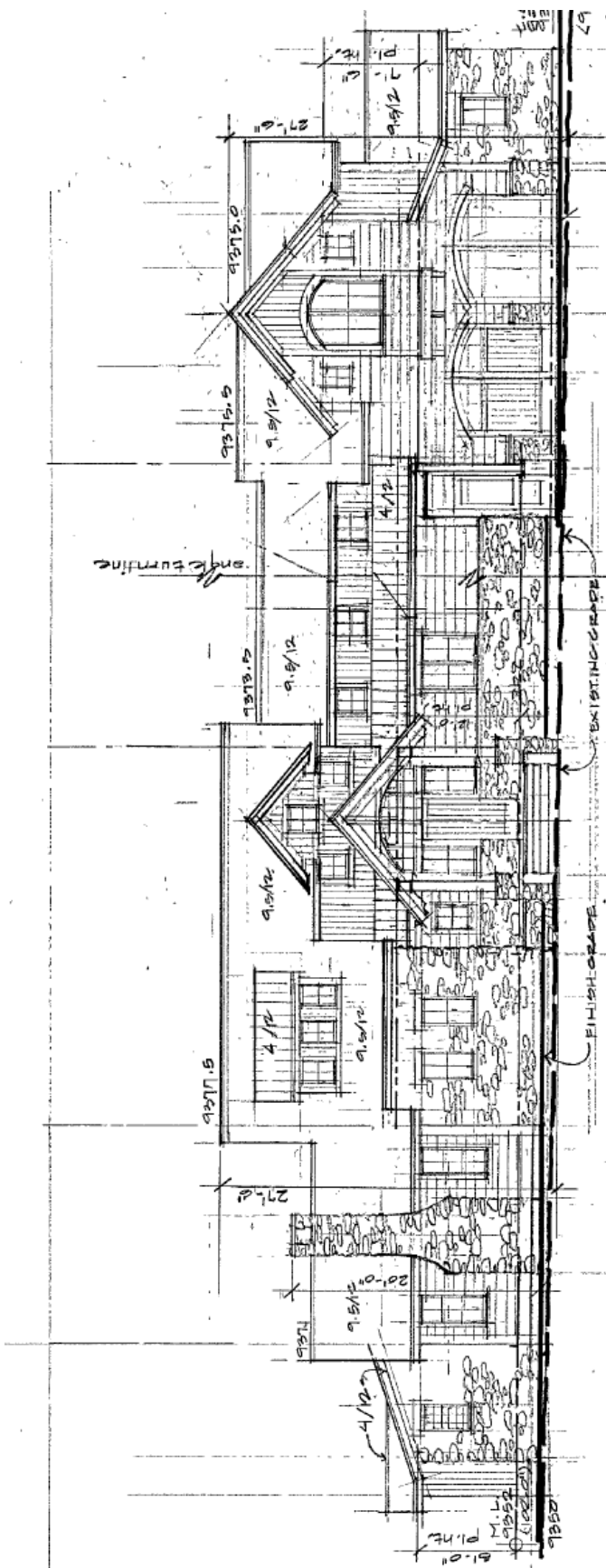
An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

Staff Action:

Staff has approved the Dimopoulos Residence, PC#2008055, located at 0261 Cottonwood Circle, Lot 54, Highlands Park, with the standard findings and conditions.

Comments:

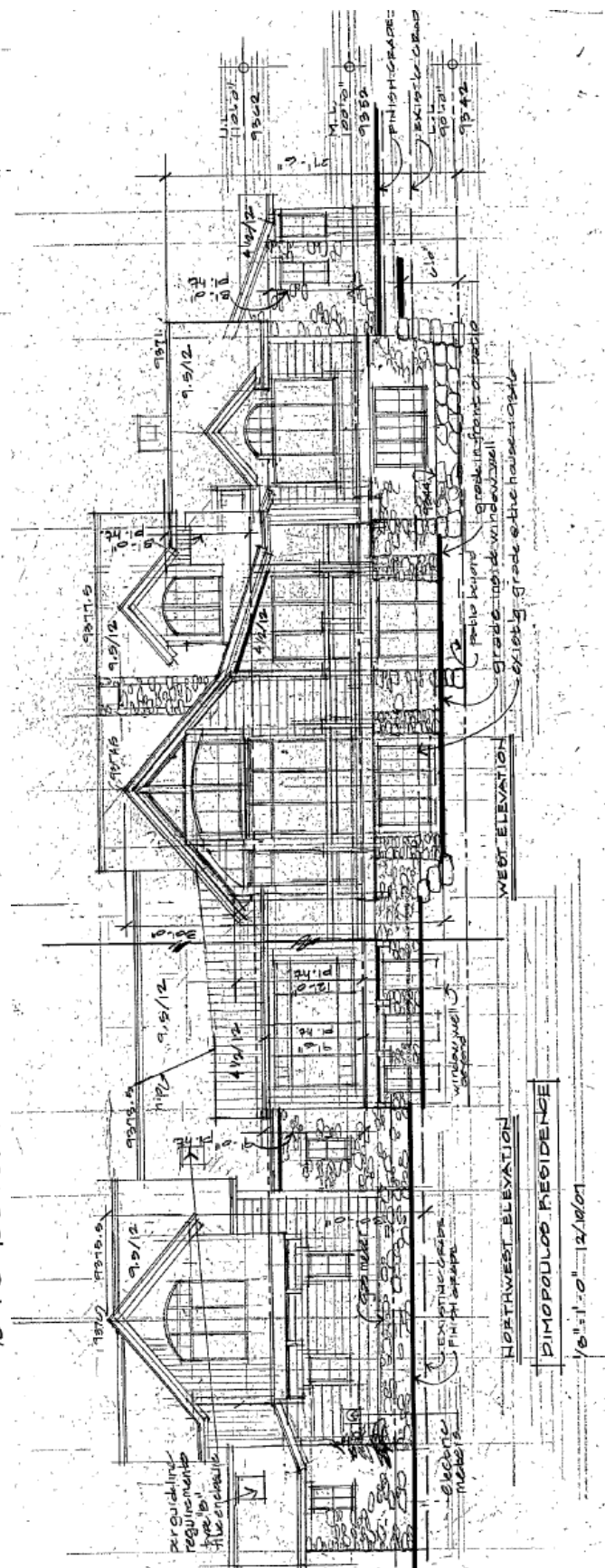
Additional Conditions of Approval:



SOUTHEAST ELEVATION

EAST ELEVATION
DIMOPOULOS RESIDENCE
 1/8" = 1'-0" 10 DEC-07

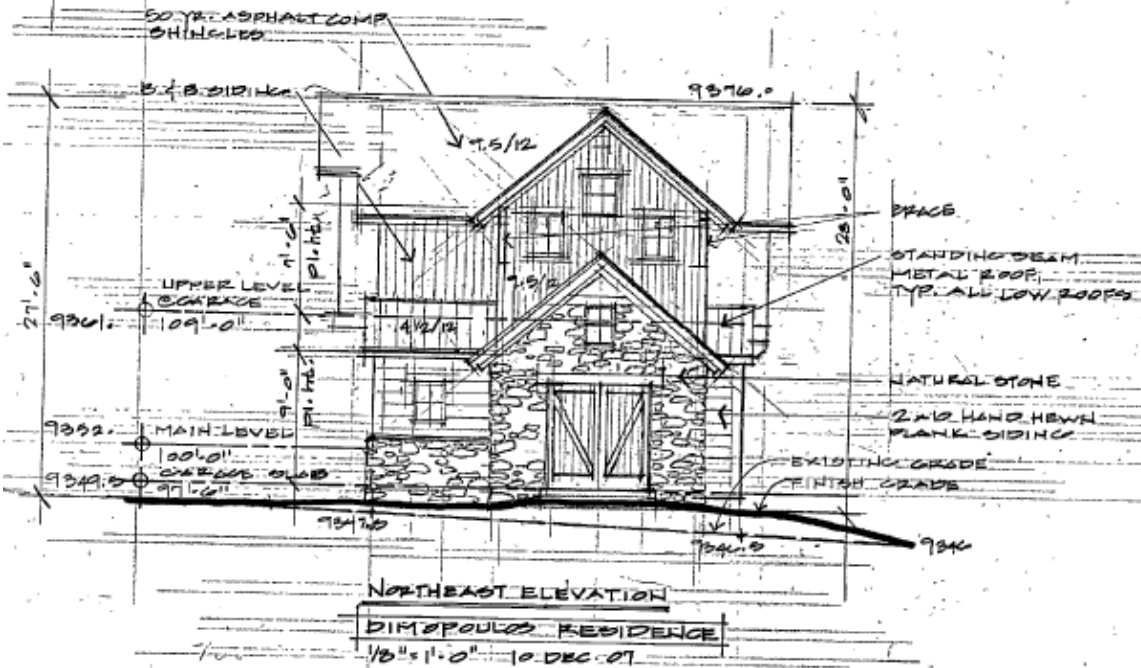
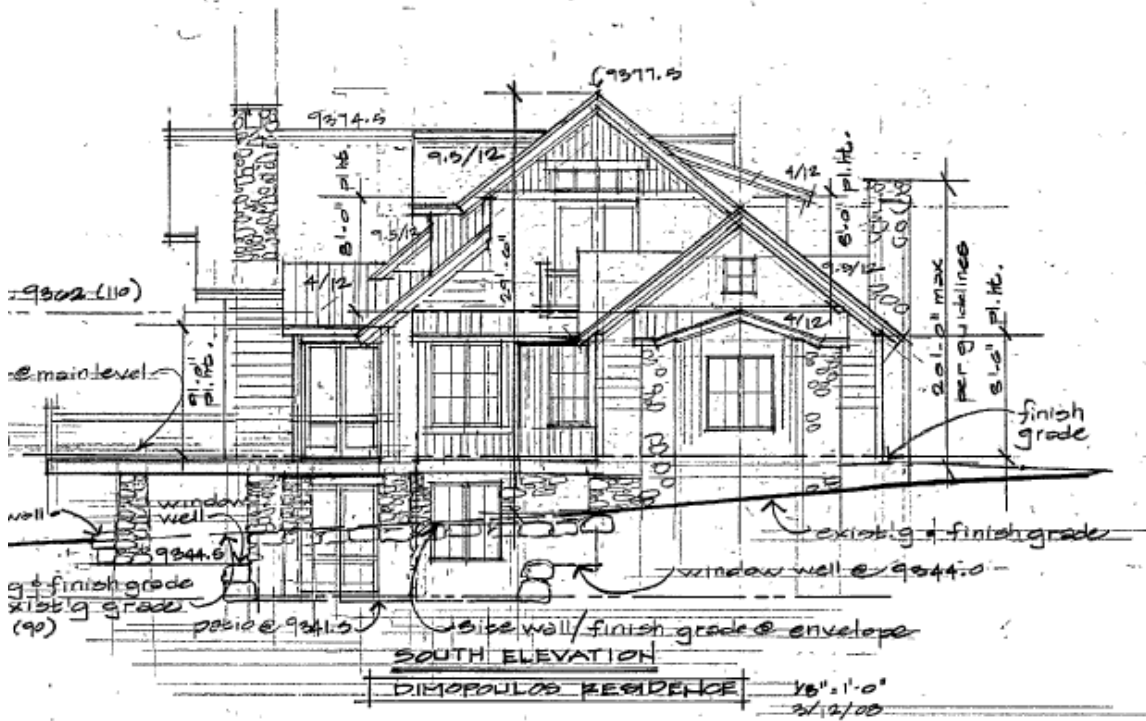
revised 3/13/08



WEST ELEVATION

NORTHWEST ELEVATION

DIMOPOULOS RESIDENCE
 1/8" = 1'-0" 12/10/07





Class C Development Review Check List

Project Name/PC#:	Nelson Residence	PC#2008056
Project Manager:	Chris Kulick	
Date of Report:	May 13, 2008	For the May 20, 2008 Planning Commission Meeting
Applicant/Owner:	Bruce & Debbie Nelson	
Agent:	Michael Shult	
Proposed Use:	Single-Family Residence	
Address:	283 Glen Eagle Loop	
Legal Description:	Lot 35, The Fairways at Breckenridge	
Site Area:	33,419 sq. ft.	0.77 acres
Land Use District (2A/2R):	6: Residential (Per Delaware Flats Master Plan)	
Existing Site Conditions:	The lot slopes downhill from north to south at an average of 3%. The site is sparsely covered in lodgepole pine trees.	
Density (3A/3R):	Minimum: 2,800 sq. ft.	Proposed: 4,555 sq. ft.
Mass (4R):	Minimum: 2,800 sq. ft.	Proposed: 5,248 sq. ft.
F.A.R.	1:6.37 FAR	1:5 FAR Maximum
Areas:		
Lower Level:		
Main Level:	2,627 sq. ft.	
Upper Level:	1,928 sq. ft.	
Accessory Apartment:		
Garage:	693 sq. ft.	
Total:	5,248 sq. ft.	
Bedrooms:	5	
Bathrooms:	5.5	
Height (6A/6R):	27 feet overall	
(Max 35' for single family outside Historic District)		
Lot Coverage/Open Space (21R):		
	Building / non-Permeable: 3,319 sq. ft.	9.93%
	Hard Surface / non-Permeable: 1,849 sq. ft.	5.53%
	Open Space / Permeable: 28,251 sq. ft.	84.54%
Parking (18A/18R):	Required: 2 spaces	
	Proposed: 3 spaces	
Snowstack (13A/13R):	Required: 462 sq. ft.	(25% of paved surfaces)
	Proposed: 766 sq. ft.	(41.43% of paved surfaces)
Fireplaces (30A/30R):	One - gas fired	
Accessory Apartment:	None	
Building/Disturbance Envelope?	Disturbance Envelope	
Setbacks (9A/9R):	Front: Disturbance Envelope	
	Side: Disturbance Envelope	
	Side: Disturbance Envelope	
	Rear: Disturbance Envelope	

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

Exterior Materials: Horizontal lap cedar siding, cedar shingle-siding, and natural stone veneer base.

Roof: Composite Shingle, Pre-treated corrugated metal

Garage Doors: Wood Clad

Landscaping (22A/22R):

Planting Type	Quantity	Size
Engelmann Spruce	8	3 @ 6 feet tall and 4 @ 8-10 feet tall
Aspen	16	8 @ 1-1.5 inch caliper & 8 @ 2-2.5 inch caliper-50% of each and 50% multi-stem

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

Driveway Slope: 1%

Covenants: Minimum 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 Nelson Residence, PC#2008056, located at 283 Glen Eagle Loop, Lot 35, The Fairways at Breckenridge, with the standard findings and conditions.

Comments:

Additional Conditions of Approval:

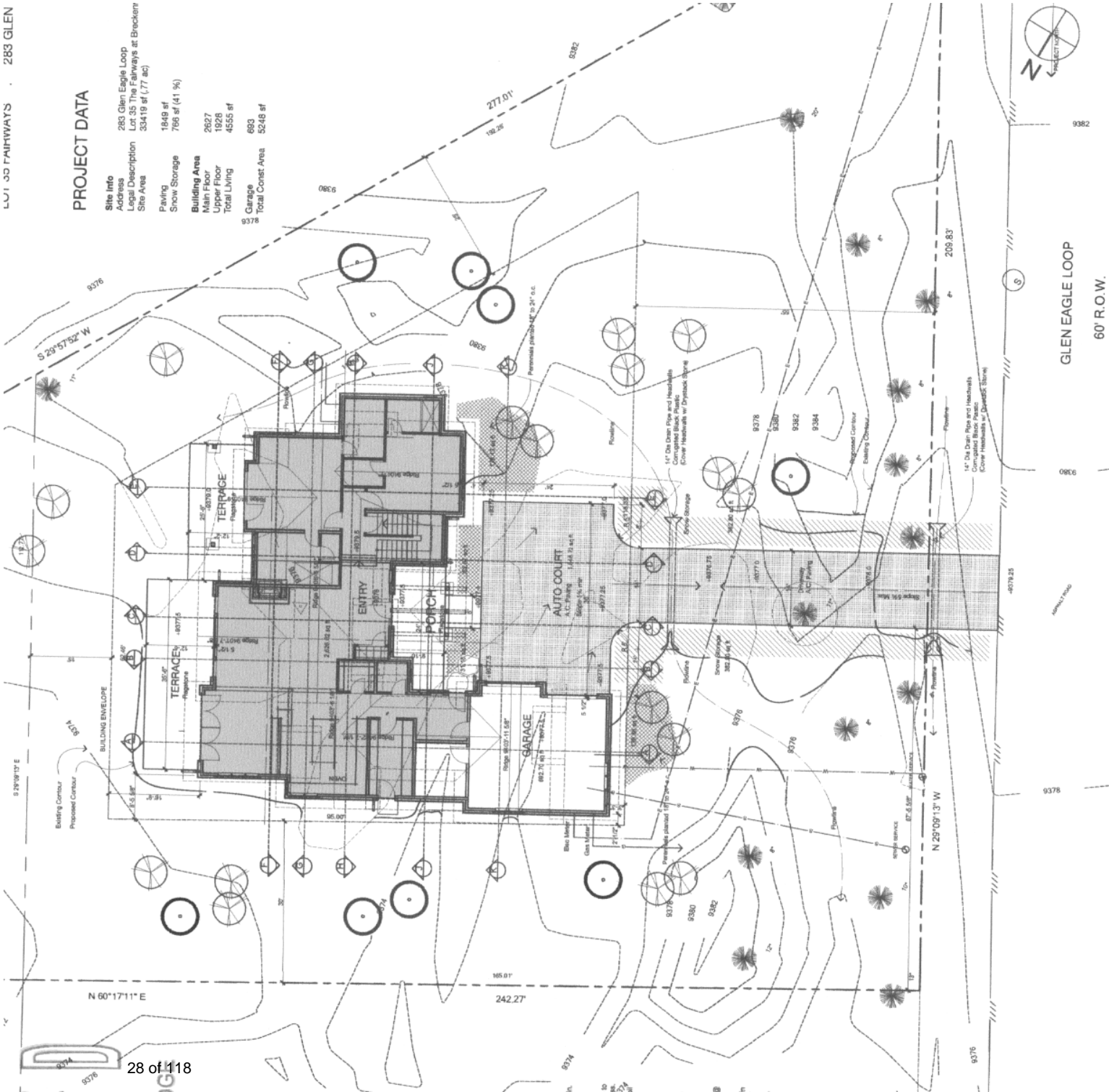
PROJECT DATA

Site Info
 Address 283 Glen Eagle Loop
 Legal Description Lot 35 The Fairways at Breckner
 Site Area 33419 sf (.77 ac)

Paving
 Paving 1649 sf
 Snow Storage 766 sf (41 %)

Building Area
 Building Area 2627
 Upper Floor 1928
 Total Living 4555 sf

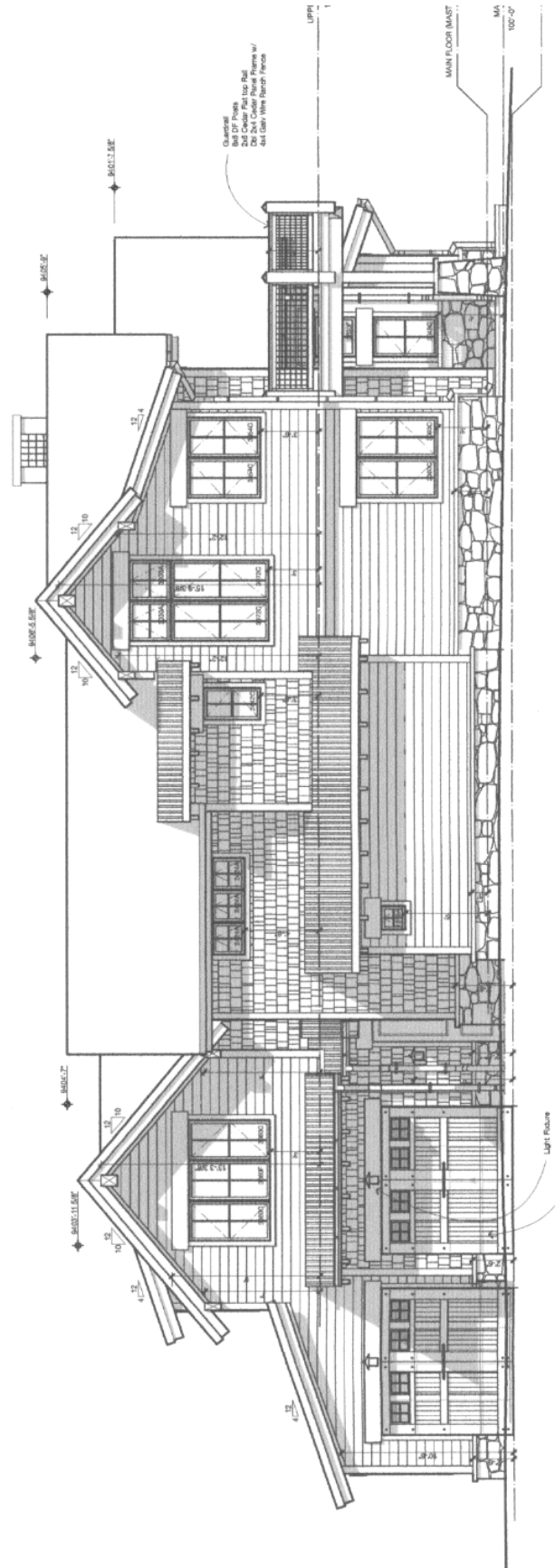
Garage
 Garage 693
 Total Const Area 5248 sf
 9378



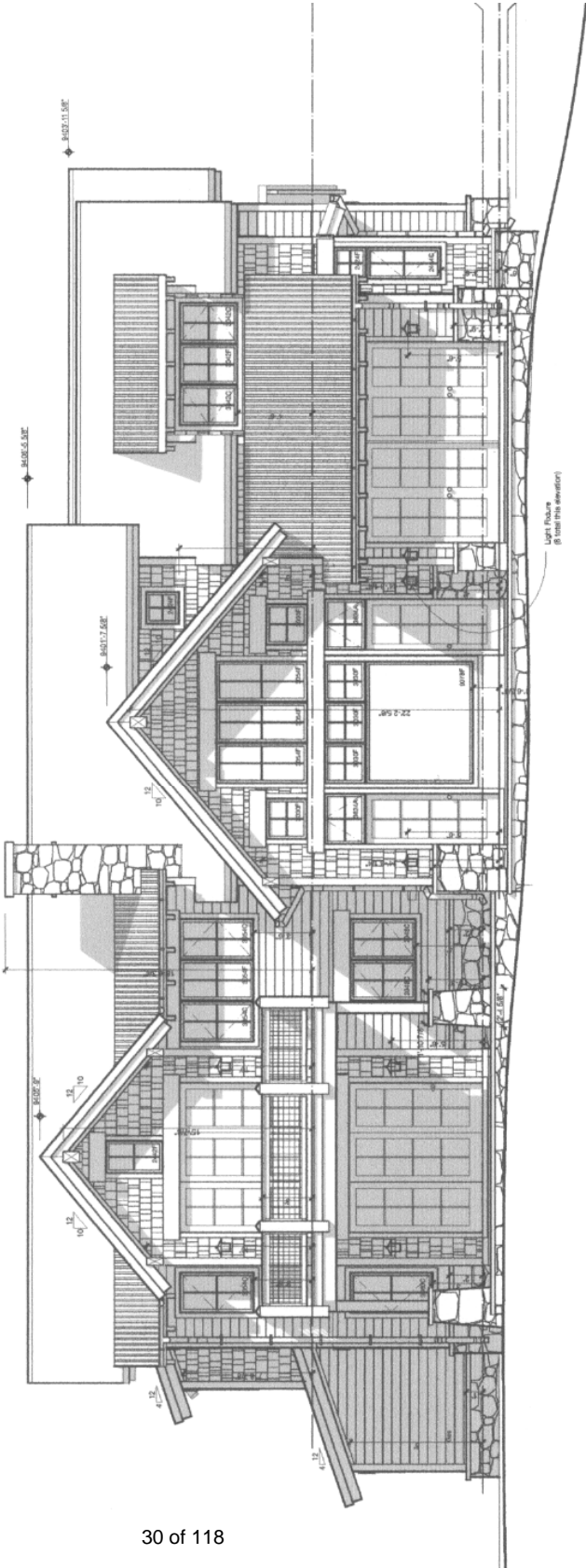
GLEN EAGLE LOOP
 60' R.O.W.



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

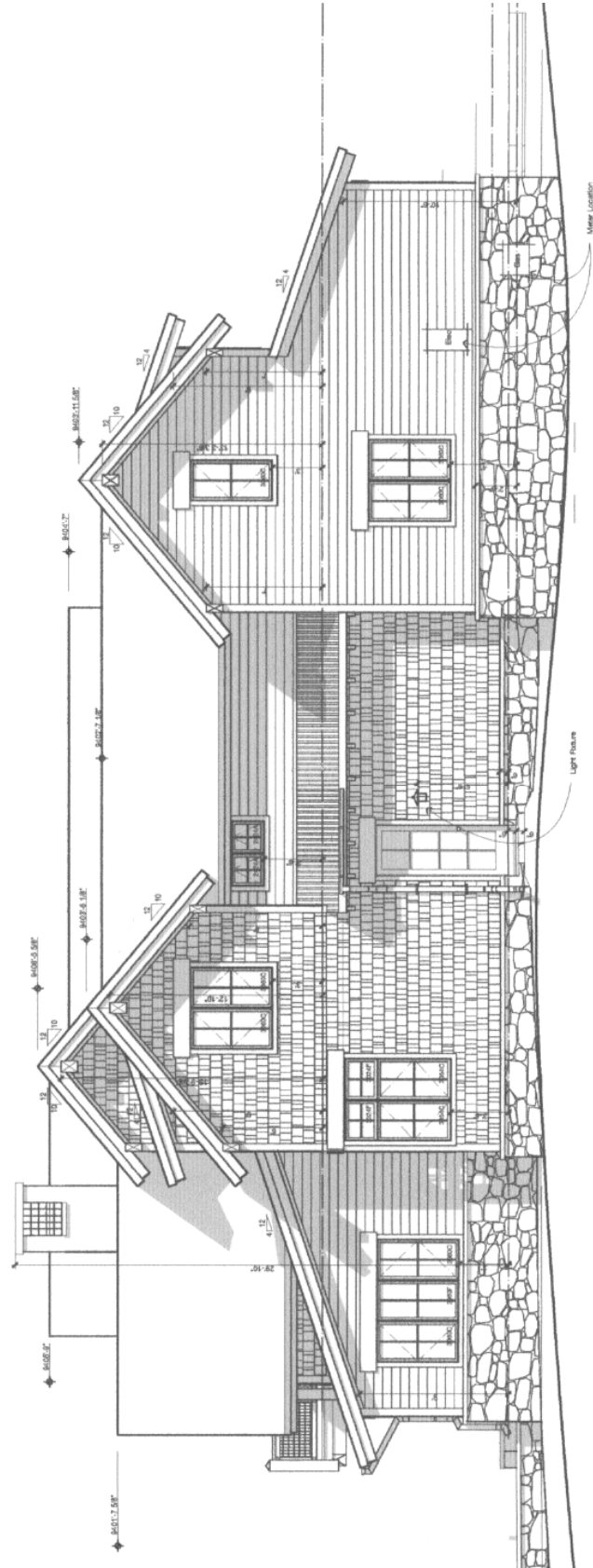


SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION

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



NORTH ELEVATION

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

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: May 14, 2008 (For meeting of May 20, 2008)

Subject: Theobald Building Historic Shed Addition Relocation/Rehabilitation and Foundation/Basement for Theobald Building (Class B Major, Combined Preliminary and Final Hearing; PC# 2008057)

Applicant/Owner: Theobald Family, LLC

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

Proposal: Temporarily move the historic shed addition that is currently attached to the back of the Theobald Building off-site while the rehabilitation of the Theobald Building (separate application) is undertaken. While the shed is stored off-site, a full basement and new foundation will be created for the Theobald Building. In addition, the review process for the rehabilitation and restoration of the Theobald Building will be conducted. The shed will then be brought back to the site (facing Ski Hill Road), rehabilitated and restored as a stand-alone retail building at the rear of the lot. The shed would be brought back and renovated under a separate pending application.

Address: 101 South Main Street

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

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

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

Historic District: Commercial Core, Character Area #6

Site Conditions: The property contains the historic Theobald Building with the shed attached at the rear. The non-historic shed (which was attached to the historic shed) has been recently removed (separate permit). At the rear property line is a non-historic one-story “out-building” that currently houses Pup’s Glide Shop. There are no platted easements on the property. No changes are proposed to “Pup’s Glide Shop”.

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

Density: Allowed under LUGs: 3,207 sq. ft.
Proposed density: N/A

Mass:	Allowed under LUGs:	3,207 sq. ft.
	Proposed mass:	N/A
Height:	Recommended:	25 feet (30 feet with negative points)
	Proposed:	N/A
Parking:	All parking, based on existing density and use, provided for in Service Area (4.5 spaces)	
Setbacks:	Front:	N/A
	Sides:	N/A
	Rear:	N/A

Item History

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

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

Staff has often found that, at times, the exactness of the policies from the Development Code and the Historic Standards are often difficult to apply or interpret with the variety of unusual conditions found with the Town’s many historic structures. For instance, for the Racer’s Edge redevelopment, the Town’s historic standards were modified during the review process to accommodate specific conditions that were not identified in the Development Code or Historic Standards in order to facilitate the redevelopment of the property.

Staff Comments

This application is to consider the proposed temporary removal of the historic shed and the creation of the basement and foundation of the Theobald Building. Both of these items are related to the application for the restoration and rehabilitation of the Theobald Building (separate application on this meeting). Staff notes that if the rehabilitation and restoration were not to be approved, the shed still could be returned to the site and the Theobald Building would be landmarked to allow the basement. The approval of this application is related to, but not dependent on, the Theobald Building application.

Per the Development Code:

9-1-2: PURPOSE:

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

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

The proposed change is to possibly move the river and walk east, closer to the backs of the buildings along Main Street (similar to the lots south of this block) creating more vitality and a better connection to the proposed changes north of Ski Hill Road. The Riverwalk alteration would increase pedestrian activity at the rear of the building, and the proposed renovations would further enhance the pedestrian experience.

Land Use (Policies 2/A & 2/R): The proposed use for the main building, existing “out-building” and rehabilitated shed is retail. Staff has no concerns about the proposed use.

Density/Intensity (3/A & 3/R)/Mass (4/R): Ultimately, there is to be no change in the density on the property. The removal of the shed and its future return do not impact the density. The creation of the basement and foundation beneath the historic Theobald Building is to be used as storage only. Per Policy 3/A of the Development Code, 3, (Absolute) Density/Intensity:

Commercial:

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

The applicant intends to locally landmark the building as part of the rehabilitation development permit application for the Theobald Building. A cultural survey for the property has already been conducted and submitted to the Town. Again, regardless of the outcome of the Theobald Building rehabilitation

and restoration development permit, this building can still be landmarked to obtain the “free” density for storage in the basement beneath the historic portion of the building. Staff has added a Condition of Approval stating:

Prior to Issuance of a Certificate of Occupancy or Certificate of Completion for the Primary Structure on Lot 1, Bartlett and Shock Subdivision: Applicant shall obtain approval from the Breckenridge Town Council of local landmark designation for the principal building on the property.

Staff has no concerns.

Architectural Compatibility (5/A & 5/R): This policy includes the policies and design standards set forth in the Handbook of Design Standards for the Historic and Conservation Districts and the related Character area handbooks. All proposals for development that are within the Conservation District are subject to the design standards and policies defined in the handbooks.

After the historic shed is replaced on the property, it will be renovated for retail use. Per the historic standards:

Renovation

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

Since the shed is currently attached to the back of the Theobald Building, there is one of the four walls “missing”. The plan is to face this missing portion towards Ski Hill Road, create a new entry wall, windows and an entry door (similar to what was approved for the Tin Shop). The existing three walls and roof will be restored and repaired as necessary preserving the character of the historic shed.

Per the Handbook of Design Standards for the Historic and Conservation Districts (Staff notes that the capitalized “P” in front of the policy indicates that it is a Priority Policy and must be met or have a variance granted):

Relocation of Historic Buildings

The Town recognizes that moving buildings is a part of the heritage of the community and that some buildings presently considered to be historic may have been moved to their present sites sometime in their history. Because moving buildings is a part of the history of Breckenridge, in some rare cases, a historic building may be considered for relocation to an appropriate setting when certain conditions merit doing so. This approach will be approved only if all the standards that follow are met unconditionally:

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

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

- *Restoring the building at its present site.*
- *Relocating the building within its original site.*
- *Stabilizing the building from deterioration and retaining it at its present site for future use.*

- *Incorporating the building into a new development on the existing site.*

The applicant intends to relocate the building within the present site and incorporate the building into a new development on the existing site. Staff believes that this policy has been met.

104. Relocation must be merited because of site conditions.

- *If the building is threatened in its present setting because of hazardous conditions, then the potential to preserve the building may be enhanced by relocating it.*
- *If the building will continue to deteriorate through neglect, or if it is particularly susceptible to vandalism, relocation may be desirable.*
- *If the historic context of the building has been so radically altered that the present setting does not appropriately convey its history, then relocation may be considered when it would enhance the ability to interpret the historic character of the building and the district.*
- *It is not the intent of the Town to allow relocation of historic structures simply to facilitate new construction on the original site.*

With this policy, negative points are warranted for the relocation to facilitate the new construction. Under Policy 5/R, Staff believes that negative five (-5) points are warranted for not fully meeting the intent of Design Standard 104 of the Handbook of Design Standards for the Historic and Conservation Districts.

105. The potential to preserve the building must be enhanced by its relocation.

- *In cases where the current setting has been radically altered from the historic character, the building may be enhanced by its new setting if the receiving site is more similar to the historic setting.*
- *Adequate historic documentation of the historic condition must be provided to do so.*

The new setting of the shed is not radical. It will no longer be attached to the primary structure, but it will be immediately adjacent to the structure and at the back of the lot as an out-building commonly seen in this character area.

106. The original condition of the building and its setting must be accurately recorded before removing the structure.

- Detailed photographs, notes, and drawings must be prepared which accurately record the exterior design, character of interiors, finishes, and general structural system.
- Reference measurements should be included of overall building dimensions, set-backs, and relationships to adjacent buildings.
- A copy of this documentation must be filed permanently with the Town of Breckenridge.

This has been added as a condition of approval.

107. Moving procedures must be devised that will protect the historic elements of the building during its relocation.

- *A clear sequence of steps must describe how the building's materials and features will be protected, including any appendages or elements that will be removed, labeled, and stored for re-assembly at the receiving site.*
- *Removal procedures must minimize damage to the historic materials.*
- *Each component must be labeled using a system that will assure accurate reconstruction.*

- *A plan for storing the materials until reconstruction occurs must provide for their shelter from weather or vandalism.*

The shed is to be moved intact, with no alterations, and protected from weather while the on-site construction is done. The complete relocation procedure will be reviewed and approved by the Building Department prior to any relocation work

P. 108. *The relocation site must provide an appropriate context for the building.*

- *The new site should convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, and age.*
- *The building should be located on the site in an orientation similar to the original setting.*

Staff believes that this policy is generally being met, as the structure is being returned to the original lot, and in a similar context near the rear of the lot. Throughout the Core Commercial Character Area, the larger buildings are abutting Main Street with the small out-buildings and sheds located at the rear of the site. Staff believes that this orientation is being respected with this application. A similar on-site relocation was approved for the Phillips Garage in the Shops at Historic South Main. In that example, the garage was moved from the alley to Adams Street, turned 90 degrees, and renovated for use as a retail shop. Does the Commission concur with staff's interpretation?

P. 109. *Adequate assurance must be provided that the relocation and subsequent rehabilitation of the building will be satisfactorily completed.*

- *The town must have a strong assurance that the project will be followed through to completion.*
- *It is not the intent to allow buildings to be relocated to facilitate development on the original site without assurance of proper preservation of the historic structure.*
- *The Town of Breckenridge may consider these options as a demonstration of a commitment to complete the project:*
 - *A performance bond, in an amount adequate to cover the estimated cost of the relocation and rehabilitation. The town may use the bond to complete the work if rehabilitation does not occur in reasonable time.*
 - *Proof of secure project financing. Where there is a strong demonstration of the financial ability to complete the rehabilitation, and a reliable loan schedule indicates a likelihood of the project moving ahead, this may be acceptable.*

Based on past precedent with the applicant, Staff believes that the project will be followed through to completion. If the Commission feels that a bond or other guarantee is needed, please let us know.

110. *Replacement materials must be kept to a minimum in the rehabilitation process.*

- *In relocating a historic building, subordinate additions or trim may be removed. These materials must be preserved and re-assembled at the new site.*

Again, the shed will be moved in its entirety and preserved off-site. A non-historic addition has already been removed under a separate permit. We have no concerns.

P. 111. *An appropriate rehabilitation plan for the building must be submitted for approval.*

- *The building cannot be moved and moth-balled for later rehabilitation.*

- *A complete review of the rehabilitation plan, using the Town's design standards for rehabilitation of historic buildings, must occur.*
- *The Town of Breckenridge will review the rehabilitation work and exercise its right to stop inappropriate measures that it identifies.*

The review of the rehabilitation plans are being heard on this meeting under a separate application.

P. 112. *Adequate assurance for continued preservation of the building at its relocated site must be provided.*

- *The Town may request a preservation and maintenance covenant for the building.*
- *This covenant shall continue with the property with any change in ownership and should include the right to require maintenance of the building when preservation of its integrity is threatened.*

Again, based on past precedent with the applicant, we believe this is not needed.

P. 113. *An appropriate plan for development of the original site must be submitted.*

- *The design shall be subject to the review with the design standards for new construction.*
- *Assurances that the new project will be completed, similar to those listed above for rehabilitation of the historic building, must be provided.*

The development plan for the shed has been submitted with the Theobald Building restoration and rehabilitation plan.

Overall, staff sees the proposal to temporarily remove the shed and then replace and renovate it on the same property as meeting all the relevant Priority Policies, with negative points warranted under Design Standard 104 (Relative Policy).

Building Height (6/A & 6/R): No changes proposed

Social Community (24/R): Part of this application is the creation of a new foundation and basement beneath the historic main building. Per this portion of the Development Code:

E. Historic Preservation And Restoration: The preservation and restoration of historic structures, town designated landmark, federally designated landmark, landmark sites, or cultural landscape districts within the town is a priority. Additional on site preservation and restoration efforts beyond the requirements of the historic district guidelines for historic structures and sites as defined in chapter 11 of this title are strongly encouraged.

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

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

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

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

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

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

With the stabilization and restoration of the historic fabric of the shed along with the creation of a new foundation (none exists now) Staff suggests awarding positive six (+6) points under this policy.

Point Analysis (Section: 9-1-17-3): Staff believes that this proposal passes all Absolute Policies of the Development Code. Based on the applicable criteria defined above, Staff suggests negative five (-5) points under Policy 5/R for not meeting Design Standard 104 of the Historic Handbook and positive six (+6) points under Policy 24/R for providing an average public benefit with a new foundation beneath the historic main building. This produces a passing score of positive one (+1) point.

Staff Recommendation

With the short building season, the applicant has asked for two separate permits for the rehabilitation of this site so they can begin on the site work for the project. By addressing just the removal of the shed and the excavation and basement construction, we believe they can proceed independently from the associated preliminary application for the restoration and rehabilitation of the main building.

This application has been advertized as a Combined Hearing as issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings. If the Commission disagrees, we suggest continuing this to a future hearing rather than denying the application.

We have two questions for the Commission:

1. Does the Commission believe that the relocation of the shed abides with Priority Policy 108 with its character and orientation being similar to the original setting?
2. Does the Commission believe a performance bond will be needed to ensure that this development will be completed?

Any other comments are welcome.

After discussion, the Planning Department recommends approval of the Theobald Building Historic Shed Addition Relocation/Rehabilitation and Foundation/Basement for Theobald Building, PC#2008057, by endorsing the attached Point Analysis, and supporting the attached Findings and Conditions.

Final Hearing Impact Analysis				
Project:	Theobald Building Historic Shed Addition Relocation/Rehabilitation and Foundation/Basement for Theobald Building		Positive Points	+6
PC#:	2008057			
Date:	05/14/2008		Negative Points	- 5
Staff:	Michael Mosher			
			Total Allocation:	+1
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)	0	Abides with suggested uses
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		No density changes
4/R	Mass	5x (-2>-20)		No mass changes
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	- 5	Proposal does not abide with Design Standard 104 of the Historic Handbook as the shed is being moved to facilitate new construction.
5/R	Architectural Compatibility H.D. / Above Ground Density 12	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10	(-3>-6)		
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		

16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	4x(-2/+2)		
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
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)		
			+6	The stabilization and restoration of the historic fabric of the shed along with the creation of a new foundation (none exists now) .
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		

TOWN OF BRECKENRIDGE

**Theobald Building Historic Shed Addition Relocation/Rehabilitation and Foundation/Basement for
Theobald Building
PERMIT 2008057
101 South Main Street
The North 25.66 feet of Lot 1, Bartlett and Shock Addition**

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

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 14, 2008** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **May 20, 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. 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 **May 27, 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. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
8. If Development Permit Application No, 2008 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.

PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Applicant shall submit proof of ownership of the project site.
10. The original condition of the historic shed and its setting must be accurately recorded before removing the structure.
 - Detailed photographs, notes, and drawings must be prepared which accurately record the exterior design, character of interiors, finishes, and general structural system.
 - Reference measurements should be included of overall building dimensions, set-backs, and relationships to adjacent buildings.
 - A copy of this documentation must be filed permanently with the Town of Breckenridge.
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 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.
13. 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.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION FOR THE PRIMARY STRUCTURE ON LOT 1, BARTLETT AND SHOCK SUBDIVISION:

14. Applicant shall obtain approval from the Breckenridge Town Council of local landmark designation for the Theobald Building located on the property.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

15. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
16. 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.
17. Applicant shall screen all utilities.
18. 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.
19. 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.
20. 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.
21. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
22. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

(Initial Here)

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: May 14, 2008 (For meeting of May 20, 2008)

Subject: (Class B Major, Preliminary Hearing; PC# 2008058)

Applicant/Owner: Theobald Family, LLC

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

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

Address: 101 South Man Street

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

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

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

Historic District: Commercial Core, Character Area #

Site Conditions: The property contains the historic Theobald Building with the shed attached at the rear. The non-historic shed (which was attached to the historic shed) has been recently removed (separate permit). At the rear property line is a non-historic one-story “out-building” that currently houses Pup’s Glide Shop. There are no platted easements on the property.

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

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

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

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

Item History

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

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

Staff has often found that, at times, the exactness of the policies from the Development Code and the Historic Standards are often difficult to apply or interpret with the variety of unusual conditions established with the Town’s many historic structures and the changes to the Town’s character and growth patterns. For instance, for the Racer’s Edge redevelopment, the Town’s historic standards were modified during the review process to accommodate specific conditions that were not identified in the Development Code or Historic Standards in order to facilitate the redevelopment of the property.

Staff Comments

This application is to restore and rehabilitate the existing Theobald Building and return the historic shed to the property.

The restoration portion of the proposal is to completely restore the original east façade of the historic building based on historic photographs. The non-historic application of bric-a-brac is to be removed and new fabricated details will be applied to bring the façade to its original historic appearance. In addition, the applicant intends to restore the original historic window openings along the north elevation (some have been covered on upper and lower levels), preserve the deteriorating historic metal siding by covering it with custom fabricated metal siding (matching historic profile and corrugation).

The renovation portion is to add new historically compliant storefront openings along the north elevation of the historic building (matching the suggested standards in the Handbook of Design Standards for the Historic and Conservation Districts), three new upper story windows, and add a new

portion to the northwest corner of the historic building with a secondary storefront entry, complete with a historic sheet metal cornice. The historic building will be locally landmarked to codify the basement storage area as required to obtain “free” density for the basement storage area. The historic shed will be returned to the site and renovated to operate as a stand-alone retail “out-building” between the historic main building and the non-historic building along the west property line.

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

9-1-2: Purpose:

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

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

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

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

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

The renovation of the main building involves creating a mezzanine on the upper level reducing the square footage on the upper floor to redistribute the density to the proposed addition towards the west end, maintaining the existing density total.

Per Policy 3/A, Density/Intensity:

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

Commercial:

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

As mentioned in the proposal description, the applicant intends to lower the interior floor level by one foot to meet the handicapped access requirements of the Building Code. The outside elevation will remain the same. Staff believes that the spirit of this condition has been met while abiding with the necessary code requirements. Does the Commission Concur?

As mentioned in the previous Staff report, the applicant will be locally landmarking this building to allow "free" density, for storage only, in the basement. This basement density is "free" beneath the historic portions of the building only. There is established precedent in several previous applications where the conditions described in Policy 3 were strictly adhered to. However, the applicant is seeking 432 square feet of "free" basement density beneath the new addition too. 292 square feet would be used for the mechanical equipment and 140 square feet for storage for the retail unit above.

Since there is no established precedent that has allowed this, we are having difficulty finding conditions which would support a variance under this absolute policy. We welcome Commissioner comment.

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

The Theobald Building

Per the Development Code:

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

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

Rehabilitation

Rehabilitation is the process of returning a property to a state which makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historic, architectural and cultural values. Rehabilitation may include the adaptive reuse of the building and major or minor additions may also occur. Most good preservation projects in Breckenridge may be considered a rehabilitation project.

Renovation

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

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

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

Staff appreciates the applicant's attention to detail in these aspects as they adhere to the definition and criteria for restoration of historic structures as identified in the Handbook of Design Standards for the Historic and Conservation Districts.

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

Appropriateness of use

Policy – Design Standard:

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

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

Of course today, 16 years later, the Riverwalk plays a very important role in the community. It is enjoyed by locals and visitors alike. The Riverwalk Center is the key cultural focal point in the Town flanking Main Street, one block away.

Staff asks the Commission if this policy is met in this particular situation.

19. New uses that require minimal change to the existing structures are preferred.

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

The proposed significant alterations to the historic structure all occur on the north elevation. (The east elevation is being accurately restored.) They involve the restoration of the three existing upper level window openings and the introduction of three additional windows (whether the openings are already there is to be determined) matching the rhythm established by the existing windows. On the street level, the character of the Commercial core is carried around the corner from Main Street with the introduction of three new storefront windows (playing off the rhythm of the windows above) that lead to a new storefront façade attached to the northwest end of the historic building. All of the new elements follow the guidelines for commercial-type building components described in the Handbook of Design Standards for the Historic and Conservation Districts for rehabilitation of commercial type buildings. There is a cornice, upper story windows with a rhythm, belt course, transoms, large display windows, recessed entries, and kickplates.

Staff notes, that we have reviewed recent applications where the building facing the main right of way had the facades “wrap around the corner” (The Rounds Building, The Breckenridge Welcome Center and the Bakery – *not yet approved*). (Staff notes: Nore’ Winter, who helped create the Historic Standard Handbooks, suggested creating two entrances on the Rounds Building during its review.) However, these examples are not historic. Staff believes that this design respects “the historic integrity of the building while also accommodating new functions”. Does the Commission concur? Would you suggest negative points under this Design Standard?

P. 20. Respect the historic design character of the building.

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

Per the Handbook of Design Standards:

Contributing building category:

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

Contributing with qualifications category

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

The Theobald Building (aka J.B. Roby Store/George B Watsons Clothing and Gent’s Furnishing Store) has had a recent Cultural Resource Survey conducted on May 7, 2002. The results of this survey rated this building as “contributing” and eligible for assessment by the National Registry. This represents one

of the highest ratings for historic structures in the Town. (Staff has included a copy of the Cultural Resource Survey with your packet). Staff anticipates that with the additions and alterations to the north elevation of the building this rating would likely lower to “contributing with qualifications” rating. We note that the proposed additions could be removed and the appearance of the building could be restored to how it looks today. In order to allow this development to proceed, a variance would need to be processed and approved. However, if the variance is to be granted, we would still suggest negative points for lowering the rating of the building. Per the Development Code:

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

- A. The failure to implement the absolute policy is of insignificant proportions; and*
- B. The failure to implement the absolute policy will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and*
- C. There are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood.*

The actual verbiage for a variance request has not been drafted yet, but there is the possibility of identifying the impacts of this development not being significant compared to the benefits. We welcome any Commissioner comments.

23. Avoid removing or altering any historic material or significant features.

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

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

41. Respect traditional entrance patterns when planning additions to buildings.

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

The primary entrance to the Theobald Building remains easily identifiable along Main Street. With the modifications to the north elevation, we see the new storefront entrance as a new “secondary entrance” since it also faces the street.

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

We welcome any Commissioner comment.

The Historic Shed

At the time of this writing, the applicant has revised the plans to keep the historic shed on the property and rehabilitate it for use as a stand alone retail building (see site plan – this application is included in the packet). Thus, there are no elevations to present with this review. The plan is to restore and stabilize the shed, turn it 90 degrees and face the back (no remaining historic fabric) towards Ski Hill Road between the Theobald Building and Pup’s Glide Shop. The new front would then be constructed with a new front and small porch, similar to the Tin Shop. Staff appreciates the preservation and stabilization of the historic portion of the shed and the adaptive reuse as a retail shop. This same concept was approved with the Historic Shops at South Main Street with the Phillips Garage. No negative points were incurred for the modifications to the garage. Staff will present more architectural detail at the next hearing.

We welcome any Commissioner comments.

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

Snow Removal and Storage (13/R): As part of the enhancements along the north property, the applicant is proposing to heat the public sidewalk, eliminating the ice dangers that occur every winter.

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

3 x (-2/+2)

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

Since the applicant intends to heat the sidewalk along the length of the property in the Ski Hill Road Right of Way (with an encroachment license agreement), we are suggesting positive six (+6) points at final review. Does the Commission concur?

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

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

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

Point Analysis (Section: 9-1-17-3): Staff has not drafted a preliminary point analysis for this proposal yet since there are several conditions associated with this proposal that would require variances and associated negative points. Variances are requested for:

1. “Free” basement density beneath a non-historic structure
2. Priority Policy 20 – reducing the building’s “contributing rating.

In addition, there would be associated negative points associated with the alterations to the north elevation.

1. Design Policy 19 – “New uses that require minimal change to the existing structures are preferred.”
2. Under Policy 5/R of the Development Code: “*Any action which is in conflict with this primary goal or the "Handbook Of Design Standards" is strongly discouraged, while the preservation of the town's historic fiber and compliance with the historic district design standards is strongly encouraged.*” (For lowering the rating of the building.)

Staff Recommendation

The applicant has a strong desire to rehabilitate this building and enhance the pedestrian experience along this block with this proposal. Staff is supportive of the concept, but we are having difficulty adapting the submitted design in accordance with the Development Code and the Historic Standards. As mentioned above, 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.

1. Does 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. Does the Commission believe that the alterations to the historic structure as associated with the proposed use are in balance with the resulting vitality and better pedestrian connection along the north property line between the Riverwalk and Main Street?
4. Does 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 consider not assigning any negative points for relocating the shed (similar to the Phillips Garage) on the same property?
6. Would the Commission support awarding positive six (+6) points for heating the public sidewalk along the north property line?

We welcome and further comments and discussion. The Planning Department recommends this application return for a second review.

A TOPOGRAPHIC MAP OF

NORTH 25.66 FEET OF LOT 1,

BARTLETT AND SHOCK ADDITION TO THE TOWN OF BRECKENRIDGE

SUMMIT COUNTY, COLORADO

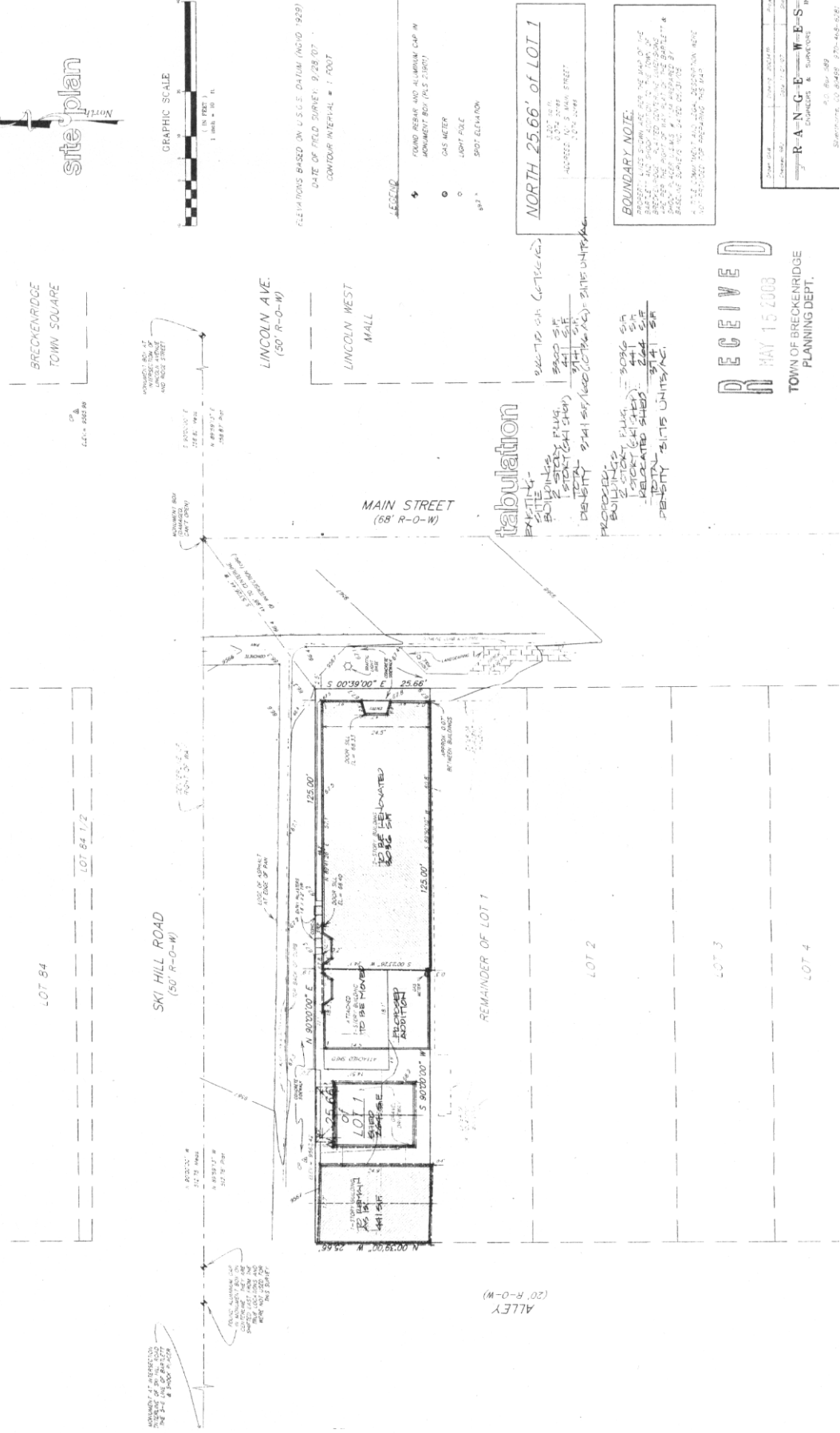
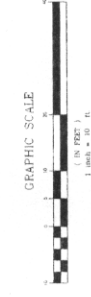
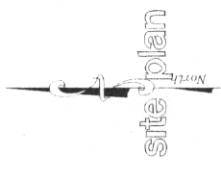
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architects, inc.
Box 1297 Dillon, Colorado, 80435
970-468-5871

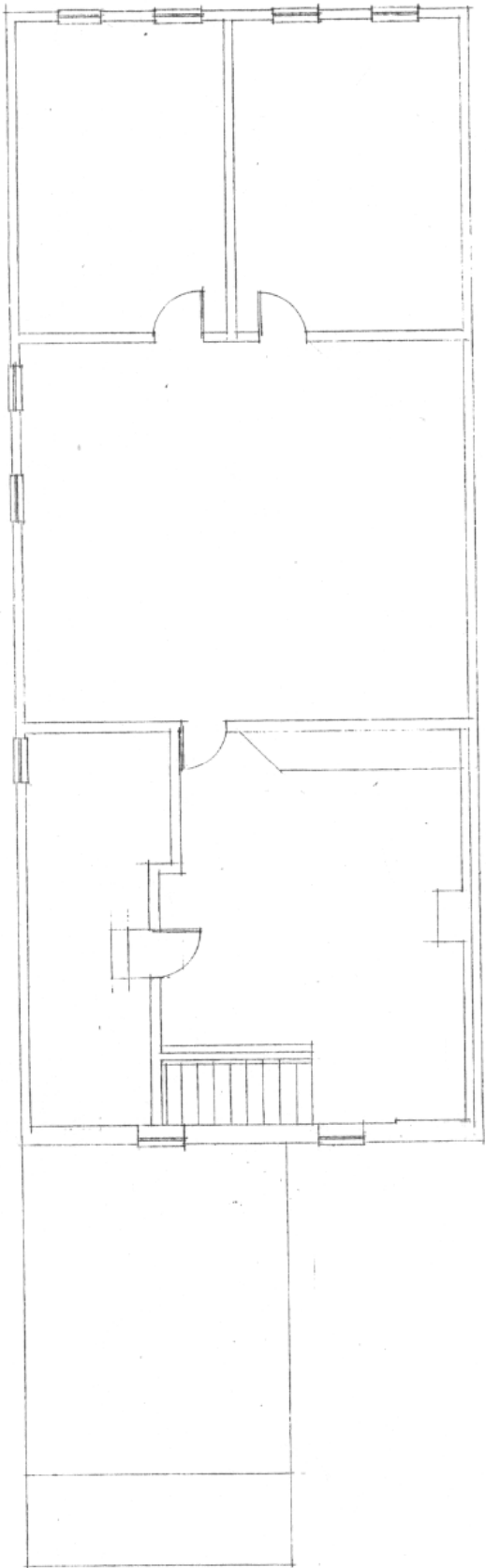
REVISIONS
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THEOBALD BUILDING

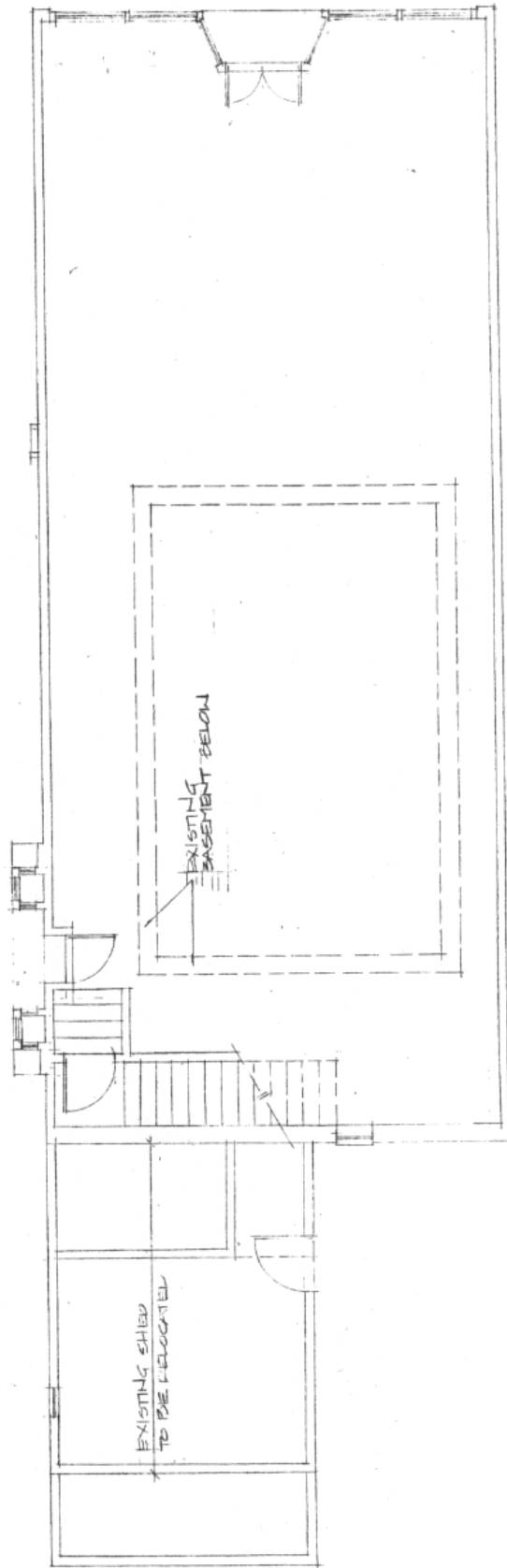
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APPROVED BY
TOWN OF BRECKENRIDGE
PLANNING DEPT.
MAY 15 2003

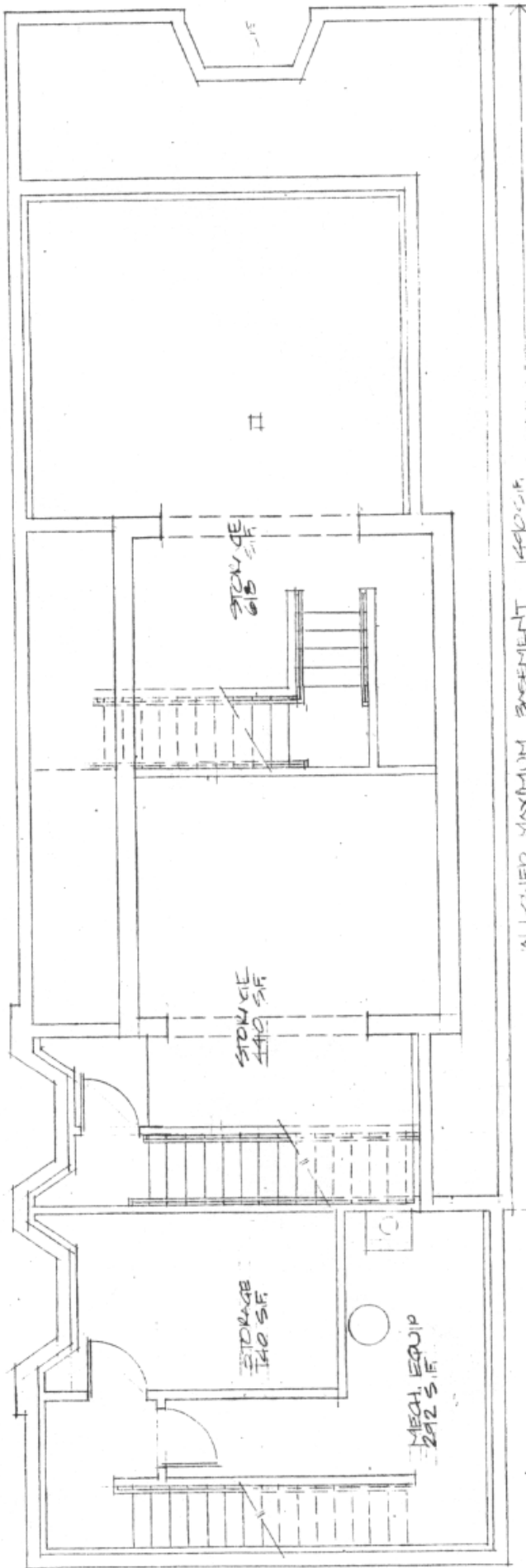




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4-11-04 1476 S.F.



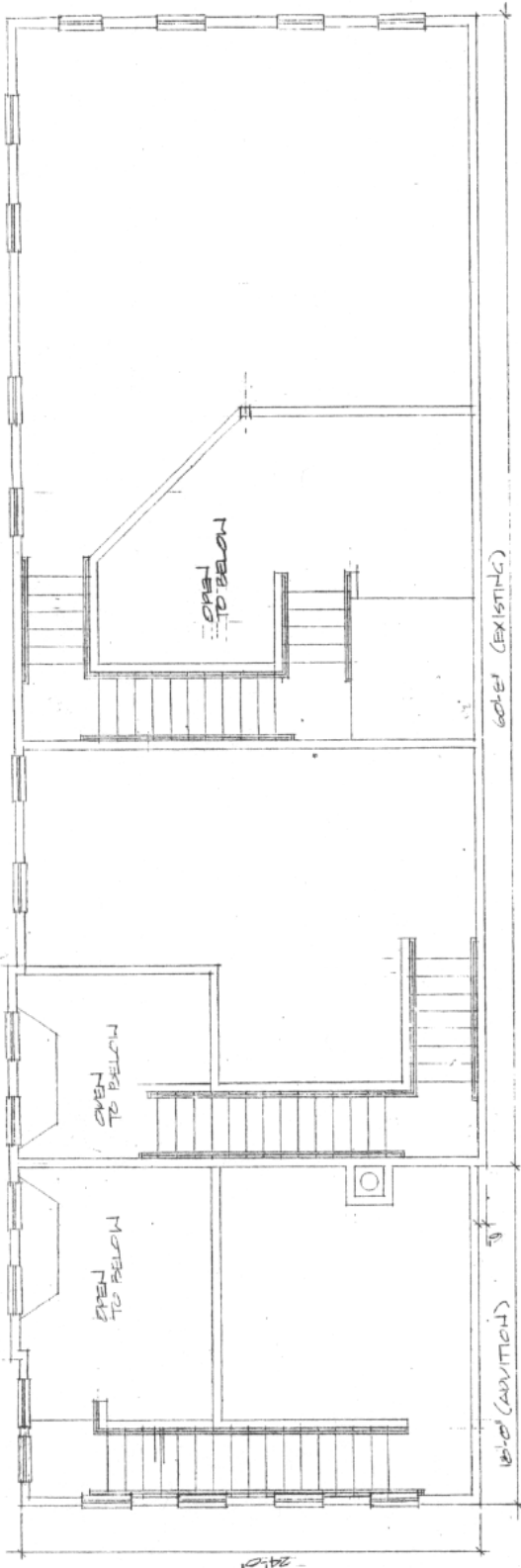
existing main level plan
4-11-04 1510 S.F.



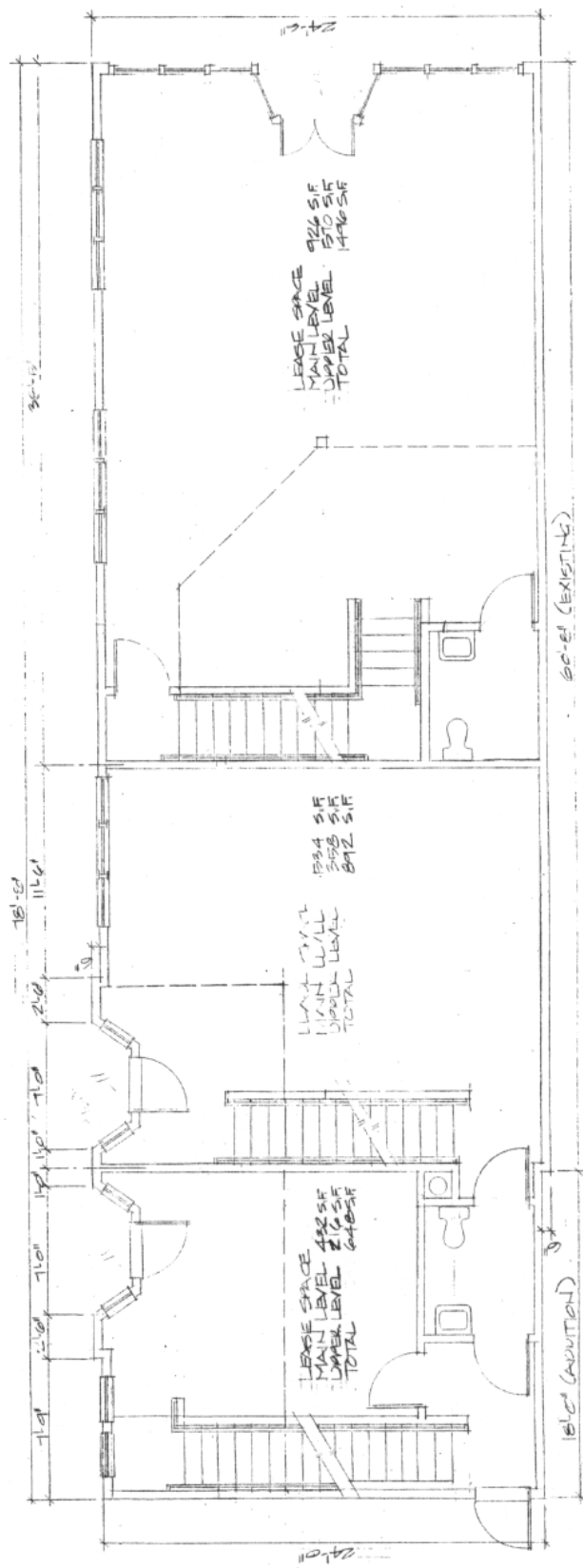
ALLOWED MAXIMUM EASEMENT 1440 S.F.
 BASED ON FOOTPRINT OF
 EXISTING STEEL BUILDING.

NOTE - ACTUAL EASEMENT MAY
 VARY BASED ON EXCAVATION,
 SOILS COND. FINDS AND ADEQUATE
 BUILDING FOUNDATION.

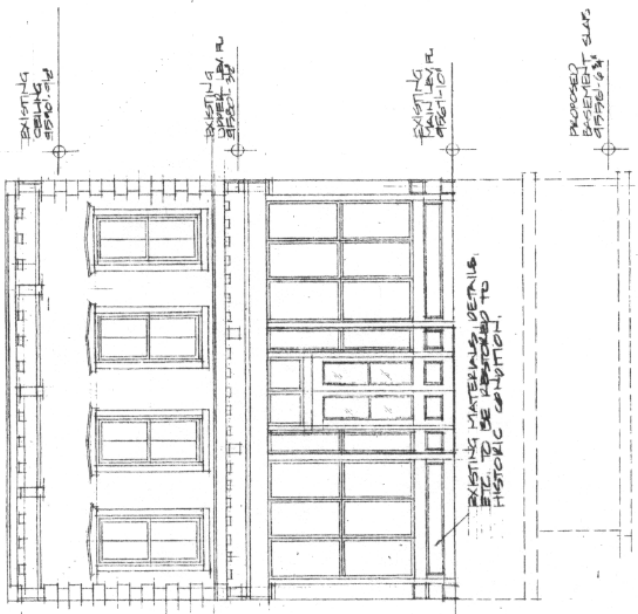
proposed basement plan
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 140 S.F. STORAGE
 140 S.F. STORAGE
 615 S.F. STORAGE



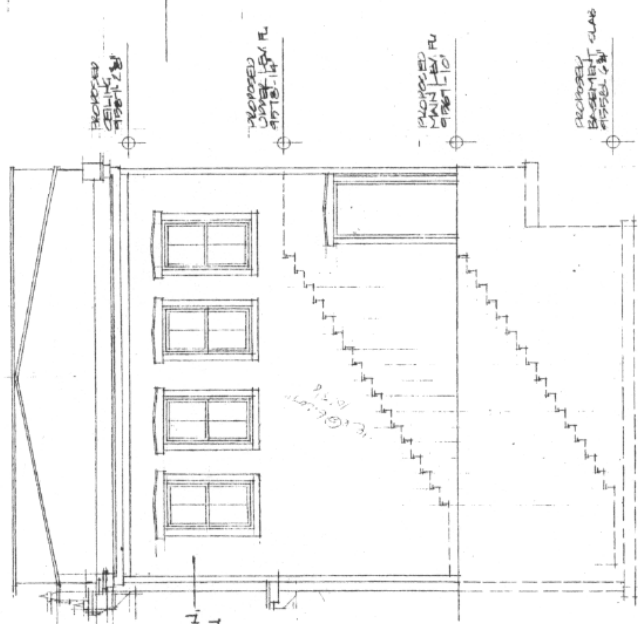
proposed upper level plan
 144'-5 1/2" TOTAL BUILDING



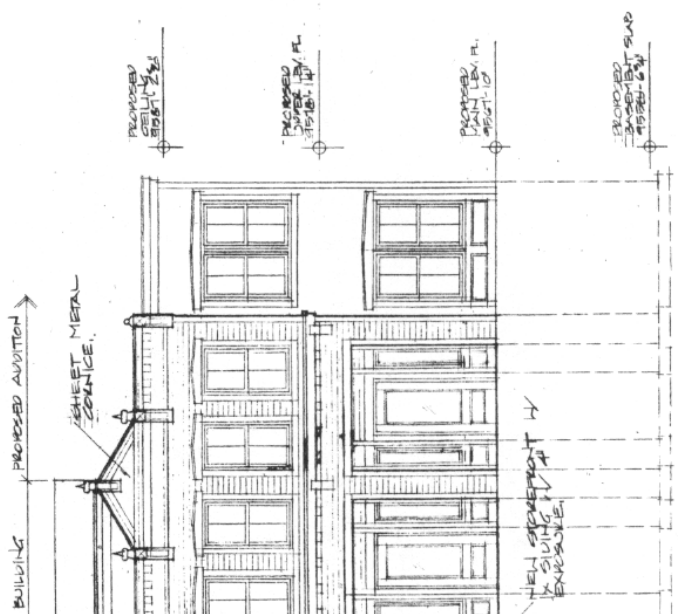
proposed main level plan
 60'-0" TOTAL BUILDING



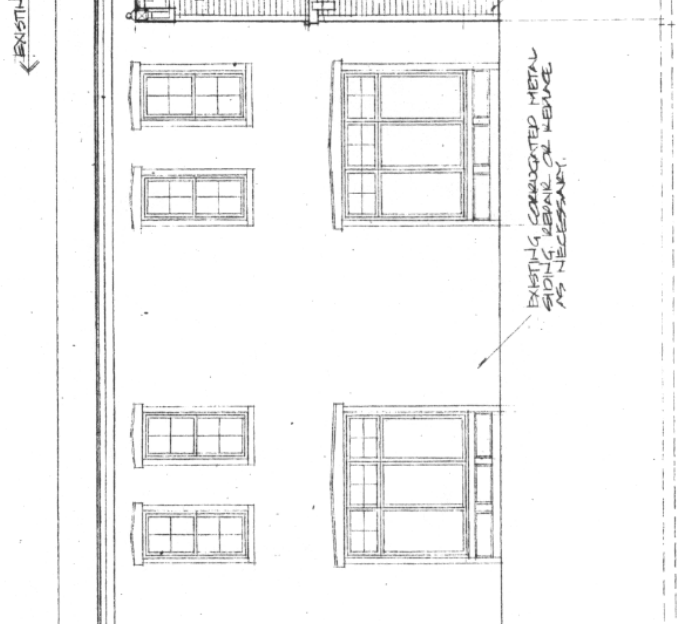
west elev.
4'-11 1/2"



east elev.
4'-11 1/2"



north elev.
4'-11 1/2"



EXISTING BUILDING ← PROPOSED ADDITION →

SHEET METAL CORNICE

WELL SCHEDULEMENT 4' X SIDING EXPOSURE

EXISTING CORRODED METAL SIDING REPAIR OR REMOVE AS NECESSARY.

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: May 8, 2008 (For meeting of May 20, 2008)

Subject: Blue Front Bakery Restoration, Landmarking and Redevelopment, Class A Second Preliminary, PC#2007140

Applicants/Owners: Blue Front, LLC; Nathan Patch - Craig Beardsley

Agent: Janet Sutterley, Architect

Proposal: 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 are proposed on the main level (near the sidewalk) and two apartments on the upper level.

Address: 114 Lincoln Avenue

Legal Description: Lot 40 Bartlett and Shock

Site Area: 0.123 acres (5,381 sq. ft.)

Land Use District: 18-2, 1:1 FAR, Commercial and 20 UPA, Residential

Historic District: Character Area #6 - Commercial Core

Site Conditions: The property slopes downhill towards the west at a rate of about 13%. The site contains the historic bakery (converted to a garage by 1914). A portion of the Courthouse Parking lot encroaches onto the north portion of the site. Native grasses and weeds cover the rest of the site. The Town sidewalk encroaches within the southwest corner of the lot. There are no platted easements on the property. A Town light standard is located on the property and will be moved to Town property with this application.

Adjacent Uses: North: Courthouse Parking Lot East: Summit County Courthouse
South: Lincoln Avenue West: Lot 41 and Salt Creek Saloon

Density: Maximum allowed if 100% Commercial: 5,381 sq. ft.
Maximum allowed if 100% Residential:

Condominiums:	2,224 sq. ft.
Condo-Hotel:	2,965 sq. ft.
Bed and B'fast:	2,965 sq. ft.
Hotel/Lodge/Inn:	2,965 sq. ft.
Apartments	2,965 sq. ft.

Proposed:
Commercial: 2,250 sq. ft.
Residential (Apartments): 1,779 square feet

Above Ground Density: In the Commercial Core, above ground density is not restricted.

Mass: No mass bonus for commercial. Residential has bonus based on Apt. use.
Commercial: 2,250 sq. ft.
Apartments (15%): 1,984 sq. ft.
Total allowed: 4,234sq. ft.

Proposed: 4,234 sq. ft.

Height: Recommended (measured to mean): 23 feet suggested (26 feet max)
Proposed: 22'-6" feet (mean); 27'-3" feet (overall)

Parking: Required:
Commercial: 3.15 spaces
Residential:
 Unit A 1.149 ~2.0 spaces
 Unit B 0.80~1.0 spaces
Total: 6.15 spaces

Existing
(spaces are 1/2 in Exchange lot and 1/2 on property): 5.25 spaces

Proposed: 5.25 spaces

Needed to purchased in the Service Area: 0.90 spaces

Setbacks: Front: 3'.
Sides: 2'6" and 4'5"
Rear: 20'

Item History

A Cultural Survey has been created for the Blue Front Bakery and Grocery. This 1-1/2-story, false-fronted building was built in 1880 as the Blue Front Bakery and Grocery for Lloyd Adamson. Adamson also ran a branch of the store in the mining camp of Dyersville, located in Indiana Gulch.

Following Adamson's departure to the East, W.M. Enterline operated the grocery. Enterline eventually moved into a larger building next door to the east, and dedicated this original store building to the sale of hay, grain, flour, and feed. Later, he also sold notions here.

Carl B. Galloway followed W.M. Enterline in business in 1902, opening the Lincoln Avenue Grocery and City Bakery. He used this original building as a warehouse, while the main store continued to be situated next door. By 1906, however, local competitor Christ Kaiser had acquired the business stock and property. By August of 1914, the tiny false-fronted building had been converted into a garage. The Robert Theobald

family acquired the property from the Kaiser family. Having been now owned by the Theobald family for many years, the building is presently used only for storage.

Staff notes: According to the Sanborn maps and historic photos, the building was moved about four (4) feet towards the west when it was a garage. The original Bakery and Grocery Store was in a slightly different location originally than what we see today. The 1896 Sanborn maps (and historic photos from 1909) show the bakery immediately *adjacent* to the large neighboring Grocery and Hardware building to the east. Later, after the bakery was converted to a garage, the 1914 Sanborn maps (and an undated photo) show the garage *moved* about 4-5 feet towards the west and separated from the same building. The building material of the Bakery all appears to be historic. Why it was moved can only be speculated.

Comments from the November 11, 2007 Meeting

Public Comment:

Jon Gunson, owner of neighboring Lot 41: Supported applicant in their desire to create new development and deviate from historic building. Liked the architecture. Supported having the windows not follow the rhythm, as it would be a new building. To replicate historic look in new buildings would create a "Disneyland" look for Breckenridge.

Commissioner Questions/Comments:

Mr. Joyce: Final Comments: Step down the northwest corner of the lot and open up a bit. Figure out how to make building different but adhere to the priority policy for the windows. Don't mind grouping, not sure about full radius on top. Figure out rear parking. Would like to see historic character remain per priority policy. Great start. Progress is being made.

Mr. McAllister: Agreed that the northwest portion of the property could open up a bit. Will take a close look at the priority policy. Like the arched windows and groupings. Would be supportive of having a single large arched window in the center (similar to Rounds Building). Would be open to talk about this subject more.

Mr. Pringle: How much would entry be recessed? (Ms. Sutterley: three feet.) Would it make sense to recess it more? Perhaps recess the center portion of the upper level too. (Mr. Mosher: Staff would not support this concept.) Not comfortable with corner pieces. South elevation looked and appeared as corners are popping out. Look forward to more detail with next submittal. Final Comments: The upper level double windows in the front are too prominent; and there seems to be a lot going on with the south side of building. Not as concerned about rear of the building. Liked the Ridge Street architecture although window patterns may be excessive. The rhythm you describe changes when you go around the corner. Work on solid to void ratio on all elevations. Work on front end.

Mr. Bertaux: Sought clarification regarding the housing unit. (Staff clarified.) Sought clarification regarding the basement structure. (Ms. Sutterley: Full basement storage under the landmarked bakery, employee housing in Northwest corner. Southeast would have only crawl space beneath the retail, north east corner would be garages for the residential above.)

Final Comments: Try for the right proportion of solid to void. Strengthen the horizontal belt element. Arched doorways would be ok. Landscaping may have a tough time with so little sunshine. Would support the positive nine (+9) points for historic restoration. Don't feel so strong about the open back yard. Against the parking lot; not the same as an alley. Emphasize the belt course more.

Dr. Warner: Asked Mr. Gunson for any feel on his proposed development on the neighboring Lot 41 development. (Mr. Gunson stated that he had no real feel as of now, but wished to work with

applicant to mitigate common issues.) Chair Khavari interjected that we should be discussing the application before us, not a future application that staff has not seen yet. Improve upon window solid to void ratio. Liked proposed window grouping, said this is a new building. Maybe lessen the arch in the windows so not so pronounced. Reduce scale in the northwest corner of the site. Fine with positive nine (+9) points for historic preservation.

Mr. Allen: Final Comments: Agreed with Mr. Joyce on many points. Sought clarification regarding affordable housing points. Step down and open up near the parking lot. Adhere to the priority policies, but make different. On the right track.

Mr. Khavari: Why wasn't storage area counted as density? (Staff answered.) Sought clarification regarding height measurements. (Staff explained.) Final Comments: Agreed with Mr. Joyce also. Lower the height at the northwest corner and open up the site a bit here. Maintain the character of the Core Commercial area. You are on the right track.

Changes Since the Last Meeting

1. The Northwest building has been pulled back opening up a rear yard for a garden and sitting area.
2. The elevations have been revised to show two separate options for the upper story windows.
3. The residential units have been defined as apartments.
4. The upper level transoms have been removed.
5. There is no employee unit proposed.
6. The belt course has been redesigned and better abides with the Historic Standards.

Staff Comments

Staff notes, that with the new Commissioners, much of this report will remain unchanged to better explain the initial review process from the last hearing.

Land Use (Policies 2/A & 2/R): Land Use District 18-2 suggests both residential and commercial uses. Staff has no concerns with the proposed uses. The applicants intend to have the main level for commercial uses only. This abides with the recently adopted Downtown Overlay District Ordinance prohibiting residential use on ground floor in the core of Town (Ord. 23, Series 2007). Staff has no concerns.

Density/Intensity (3/A & 3/R)/Mass (4/R): Since the last hearing, the applicants have created two apartment units for the residential portion of the proposal. The total residential density equals 1,779 square feet. The street/main level commercial uses total 2,250 square feet. This matches the maximum allowed based on the mixed use. Staff has no concerns with the density for the proposed uses.

The maximum allowed mass is also dependant on the proposed mixed use. The allowed total is 4,484 square feet. The proposed mass is 4,287 square feet. Staff has no concerns.

Architectural Compatibility (5/A & 5/R): Since this policy also addresses the design criteria found in the Handbook of Design Standards for the Historic and Conservation Districts along with the individual Character Areas, discussion of all historic details will be reviewed here.

(Staff notes that during the worksession and preliminary hearing, the Commission agreed with the proposed larger massing of the new building as it matched what was found historically in the surviving photographs and maps.)

Site Plan: The project follows the historic settlement pattern for this block (Priority Policy 4). It also matches the Town grid (Priority Policy 5). Staff believes that the new construction and adaptive re-use of the bakery reinforces the unity of the block (Priority Policy 8).

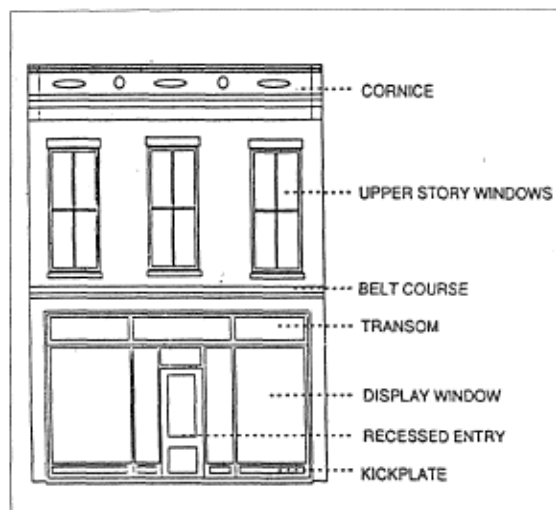
All parking is located at the rear of the site in the existing Town Parking lot (discussion below). Landscaping has been kept to a minimum along the street edge to be harmonious with the functions of the Commercial Core Character Area.

Historically, the bakery was touching the adjacent historic building, as exhibited in surviving photographs. The Commission was supportive of placing the buildings as currently shown separated on the site plan. No link is proposed as the two buildings are not to be connected. This positioning is similar to other buildings located in the Commercial Core, having little to no side yards. The proposal maintains a strong “building wall” along the sidewalk per the Core Commercial design standards.

However, the design standards describe the historic pattern in this character area as often having sheds/outbuildings and other service functions in the rear yard. Additionally, Priority Policy 219 states, “*Building heights should step down to the rear of properties to retain the lower scale that is traditional on alleys.*” This is a corner lot with two frontages to Right of Ways: Lincoln Avenue and Ridge Street. It also abuts the Courthouse Parking lot (a potential future parking garage) and the plans include a pedestrian link from this parking to Lincoln Avenue. Since this lot doesn’t have a typical alley function in the rear yard, we believe this criterion is not fully applicable. The revised design now shows the building stepping down in height and an open space behind the primary buildings. Staff is supportive of the modification. Does the Commission believe this change meets this Priority Policy?

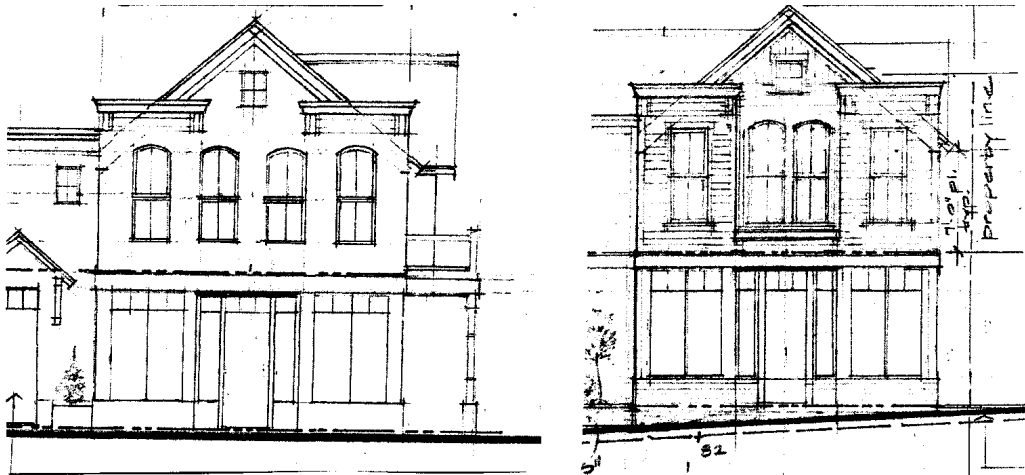
Elevations: The typical building details for this character area included large display windows at the street level (commercial/retail) with simple smaller rectangular windows above (residential). Historically, the upper level of a building exhibited more solid than the typical solid-to-void ratio we see in other Districts.

Section 4.3 of the Handbook of Design Standards for the Historic and Conservation Districts describes the specific building components found on typical historic commercial buildings found in Breckenridge. This is exhibited in the illustrations that follow:



Typical storefront elements should be preserved.

Illustration from Handbook



Option A

Option B

The proposed elevations follow this example with two exceptions.

Windows: Typically, the windows on the upper level were spaced uniformly across the elevation. In option B we see a pairing of windows in the center portion of the elevation accentuated by a change in façade depth. Option A matches the Historic Standards.

Priority Policy 48 states that this is a “very a important unifying feature of buildings downtown, because it is repeated on most buildings”. The importance of this design is repeated in Priority Policy 222 of the Design Standards for the Historic District Character Area #6” Core Commercial.

Staff supports placing four evenly spaced windows along this upper level elevation as shown in option A and repeating a similar pattern on the east elevation to abide with this policy. Does the Commission agree?

The elevations also show arched upper level window heads, rather than a simple rectangle. Historic arched windows do exist in Town, but the simple rectangular windows are more prevalent on upper levels of commercial buildings. Arched windows are seen on some historic residential buildings and on the Colorado Mountain College. At the last hearing we heard mixed comments on the arched windows.

Design Policy 223 states: “*Maintain the pattern created by upper story windows. Windows of a similar size and shape to those found historically should be used, and other façade elements that establish the same pattern should be incorporated.*” Though this is new construction and some standards may be relaxed, we believe that the arched windows on the upper level detract from the historic character of the Core Commercial character area and may confuse the interpreted character of this area. We suggest using simple rectangular windows on the upper levels of the new building. Does the Commission concur?

Though not shown on the elevations, the applicants are proposing to use awnings over the lower level windows. Awnings are encouraged in the historic handbook. Staff is supportive of the addition of awnings to the buildings, and believes they will add vitality to this block.

The proposed building shows a recessed entrance on the street level as suggested in the handbook. The wood lap siding, stone base, and false-front design all abide with the handbooks.

Building Height (6/A & 6/R): The suggested building height for this Land Use District is 23 feet, not to exceed 26 feet. Measuring to the mean of the sloped roof or the top of the parapet (in this case they are the same), the proposed building is 22'-6" tall. Staff has no concerns with the proposed building height.

Site Suitability (7/R) And Site Design (8/R): Since this proposal is in the Core Commercial area of Town and no significant natural features exist on the lot, there are no related portions of this policy that are applicable to this proposal.

Placement Of Structures (9/A & 9/R): As a commercial use at ground level, zero setbacks are allowed. The submitted plans show setbacks of about three (3) feet from all property edges facing the right of ways. Staff has no concerns.

Snow Removal and Storage (13/R): The plans call for the pedestrian connection and patio to be snow melted (with covenant). The parking lot is maintained by the Town. Staff has no concerns.

Access / Circulation (16/A & 16/R; 17/A & 17/R): There is a portion of the site that will be used for pedestrian circulation that is subject to the impacts of future development. A social pedestrian path exists through the lot today and is used frequently. The proposed formal connection is from Lincoln Avenue north to the parking lot along the west property line. The applicant's have been meeting with the property owner of Lot 41, Jon Gunson, to coordinate a pedestrian passage between the two properties. A shared easement would be platted on each property ensuring this connection. The attached site plan shows the potential development on Lot 41 (future application) dashed in. Staff is supportive of this connection (not necessarily the dashed future footprint) from the parking area to Lincoln Avenue.

A new pedestrian link and areaway is proposed along the north property line in anticipation of a future parking garage where the Exchange Parking Lot currently is located. The walkway is 5'-6" wide and is located adjacent to the building facilitating access to the commercial level of the west elevation. Just north of the walkway the pans show an areaway that will access the two levels of the future garage. Since the garage does not exist, this will not be constructed. However, Staff appreciates the plan being provided for on the applicant's property.

Parking (18/A & 18/R): Per a verbal agreement with the Town, the owner of Lot 40 has allowed 5 1/4 public parking spaces from the Exchange Parking lot to encroach onto the north edge of the property. As a result, the property would carry credit for 5 1/4 parking spaces in the Parking Service Area. These parking spaces are not reserved or assigned. The remaining required parking (0.9 spaces) will be purchased per the Service Area requirements.

As part of the potential two-level parking structure plan, the submitted drawings show future garages for the residential units beneath the north building. Knock-out panels will be cast in the concrete along access to this level if and when the garage is built. There is also a mechanical room and storage area for the residential. These areas, being below grade and being part of the residential use does not count towards density or mass for the project. Until the parking structure is built, the residential parking is pooled along with the public parking in the Exchange lot through an agreement with the property owners.

Landscaping (22/A & 22/R): Requirements for any landscaping in the Core Commercial area is limited. It is stated that the majority of plantings within the property should be native while perennial plantings may be used as accents. There is no requirement for substantial planting in this Character Area. The plans show

plantings between buildings allowing full pedestrian access to the fronts of the buildings and a small seating area and garden at the back of the site. Staff has no concerns.

Social Community / Employee Housing (24/A &24/R): Since the development is less than 5,000 square feet in density, no employee housing is required. Since the last hearing, this has been removed from the program. Staff has no concerns.

The restoration of the historic Bakery (alone) was previously approved in 1991 (PC#91-6-1). This permit has since expired. The current application will be following the same plans. Essentially, with the detail of the surviving photos and the remaining historic fabric, the restoration should bring the look of this historic building back to its original configuration. Staff is pleased with this proposal as the Code fully supports this kind of development. As part of the restoration, a full basement (for storage only) would be created and, with a local landmarking would not count towards density calculations for the property.

Per the Development Code: +9 - *On site historic preservation/restoration effort of above average public benefit.*

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

As a result of the complete restoration of the bakery and the introduction of a larger building at the corner of Lincoln and Ridge Street, Staff believes that positive nine (+9) points could be awarded under this policy. The complete site would more closely represent what was located here historically.

We heard general support from the Commission for awarding positive nine (+9) points at the final hearing for the restoration efforts.

Utilities Infrastructure (26/A & 26/R; 28/A): All necessary utilities are located in the adjacent ROWs. Staff has no concerns.

Point Analysis (Section: 9-1-17-3): At the time of this writing, we find that this application abides with all Absolute policies and has incurred no negative points under the relative policies.

Staff Recommendation

Since the last meeting, Staff has met with the applicant and agent several times to address the concerns expressed at the previous hearing. We feel the key issues have been well addressed. The agent has asked for a decision on the design of the upper level windows. This is a new building in the District and some design standards can be relaxed. However, Priority Policies must be met or have a variance provided for.

1. Is the Commission supportive of the reduced building height and the larger back yard exhibited in the drawings?
2. Staff believes that option A better follows the Priority Policy described in the Handbook. Does the Commission prefer Option A or option B for the window design?
3. Does the Commission have any concerns with the arched upper level windows?

4. Does the Commission support awarding positive nine (+9) points for the historic restoration of the Bakery?

We welcome any additional comments and suggest this application return for a final hearing.

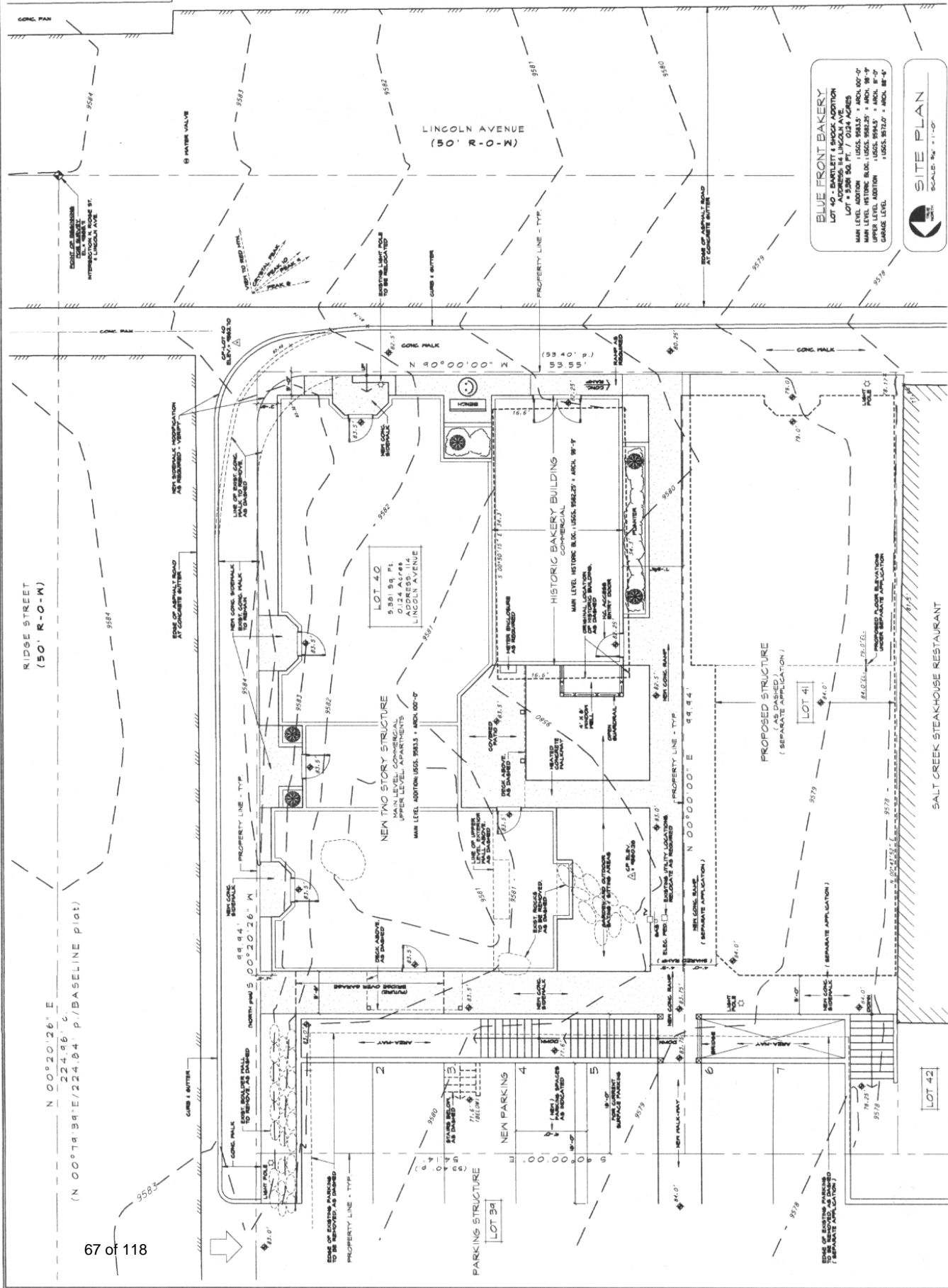
BLUE FRONT BAKERY
 #14 LINCOLN AVENUE
 LOT 40, BARTLETT AND SHOCK ADDITION
 BRECKENRIDGE, COLORADO

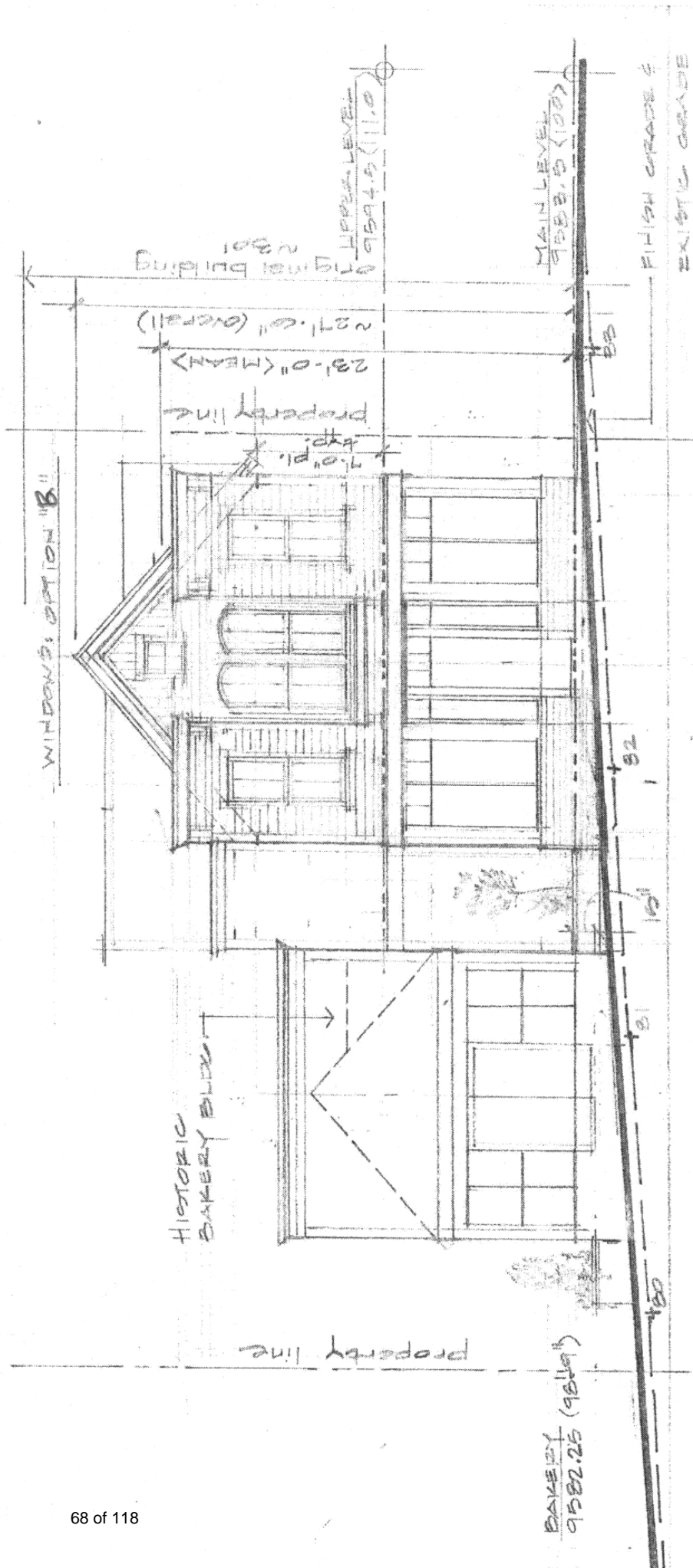
SITE PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 08-18-2008

J.T. Suterbery, Architect, P.C.
 architectural consultation
 P.O. Box 9636 • Breckenridge, Colorado 80424 • 970.453.1718
 Leonard H. Chasteland, Inc.
 computer aided design services
 P.O. Box 2907 • Dillon, Colorado 80438 • 970.252.1433



BLUE FRONT BAKERY
 LOT 40, BARTLETT AND SHOCK ADDITION
 ADDRESS: 14 LINCOLN AVE
 LOT = 5,591 SQ. FT. / 0.134 ACRES
 MAIN LEVEL ADDITION 15552.98333' ± ACOIL 00'-0"
 UPPER LEVEL ADDITION 15552.98333' ± ACOIL 8'-0"
 GARAGE LEVEL 15552.98333' ± ACOIL 8'-0"





< LINCOLN AVE. >

BLUE FRONT BAKERY
SOUTH ELEVATION
 1/8" = 1'-0" 4/4/08

PER VEL 74.5
PROPERTY INC

IN VEL 85.5

WINDOWS: ONION "A"

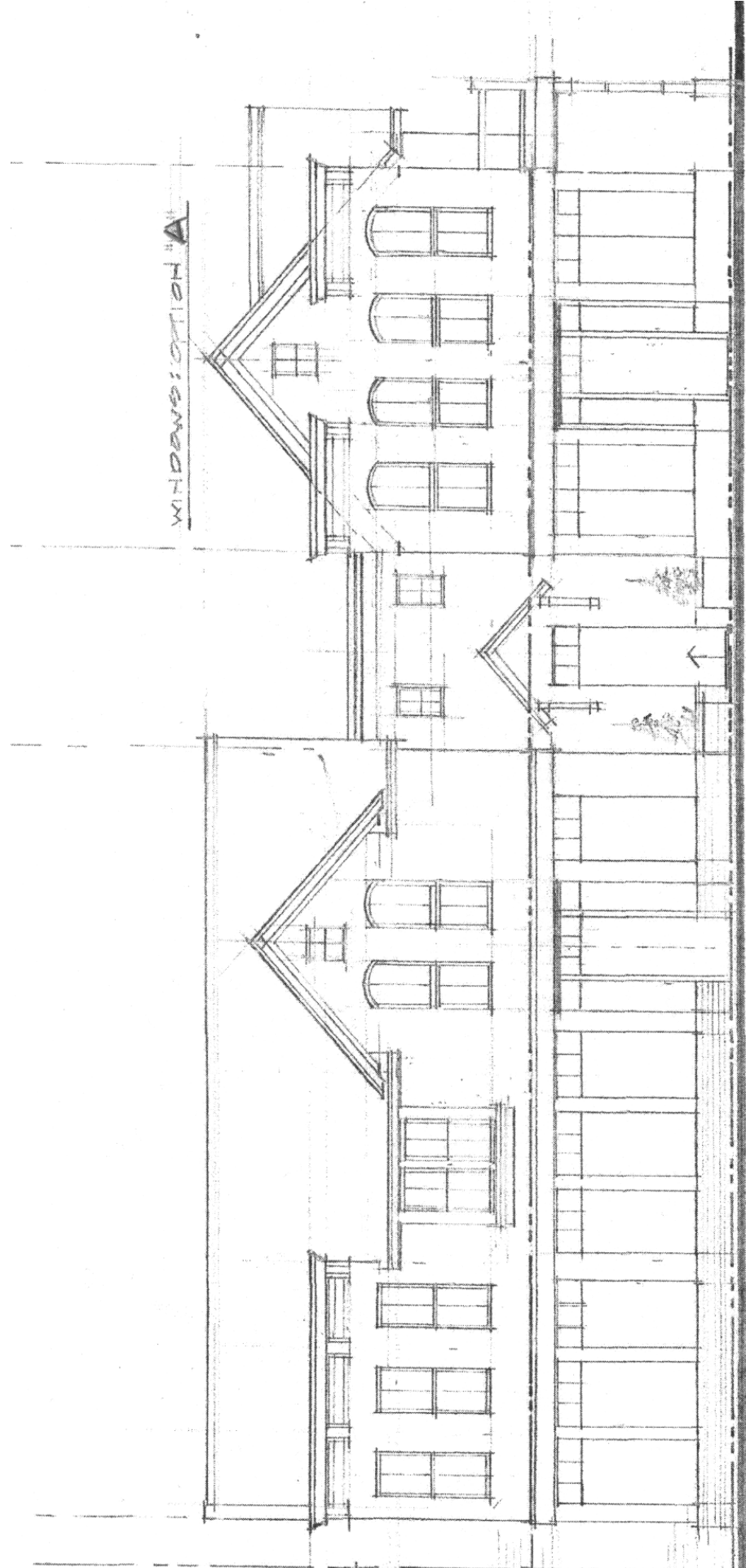
RESIDENTIAL ENTRY
(APTS)

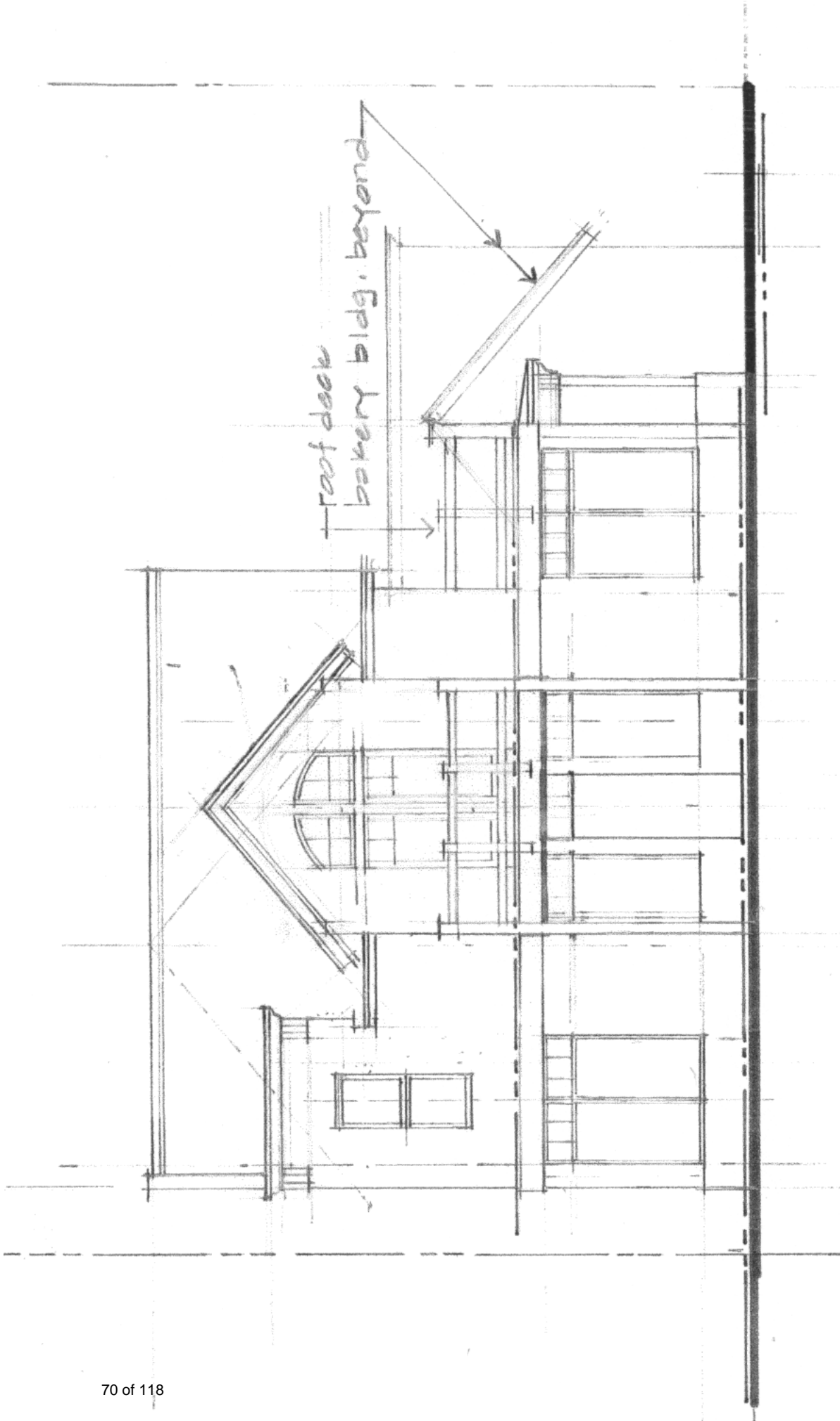
EXISTING FINISH GRADE

BLUE FRONT BAKERY

EAST ELEVATION <RIDGE ST.>

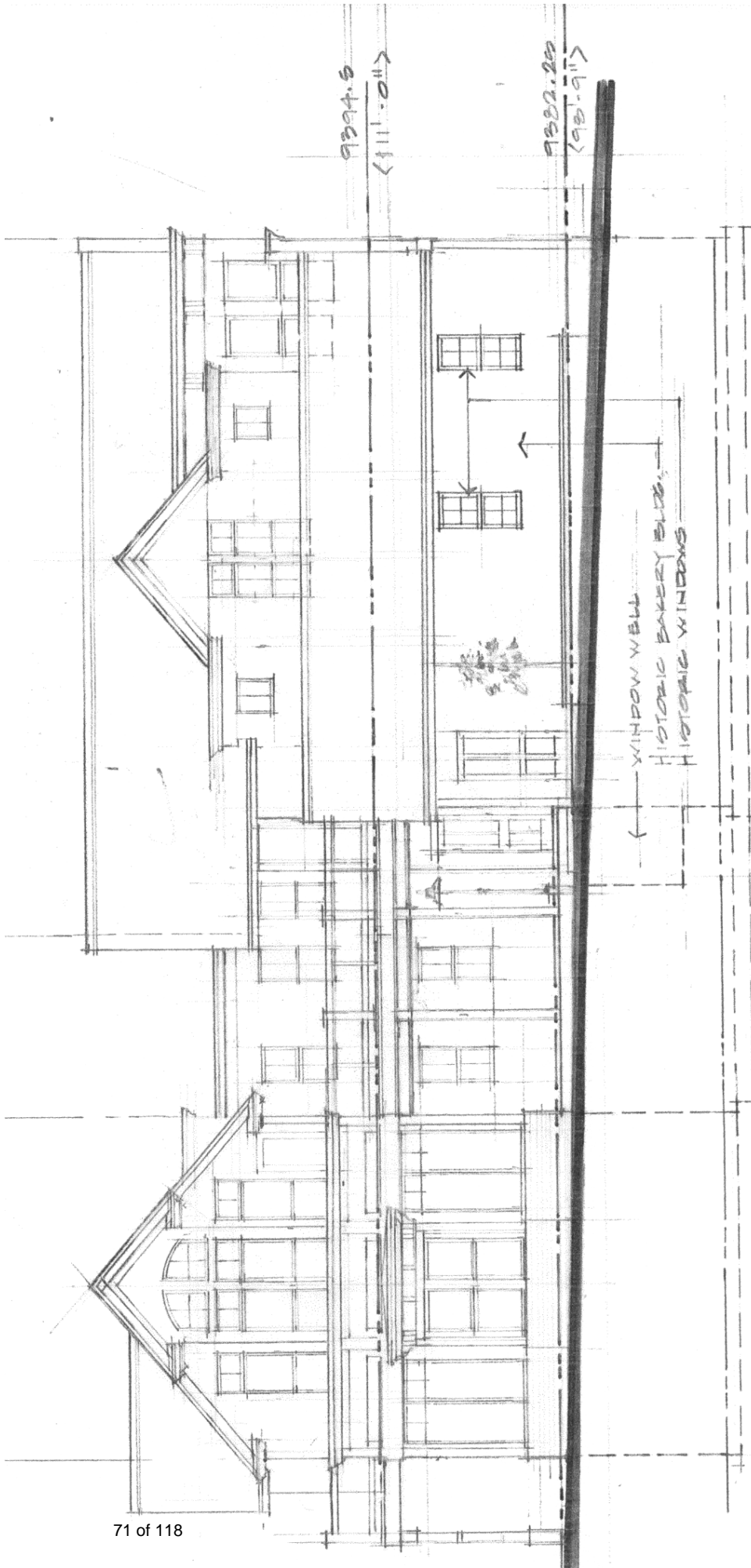
1/8" = 1'-0" 4/4/08





BLUE FRONT BAKERY
NORTH ELEVATION

1/8" = 1' - 0" 4/4/08

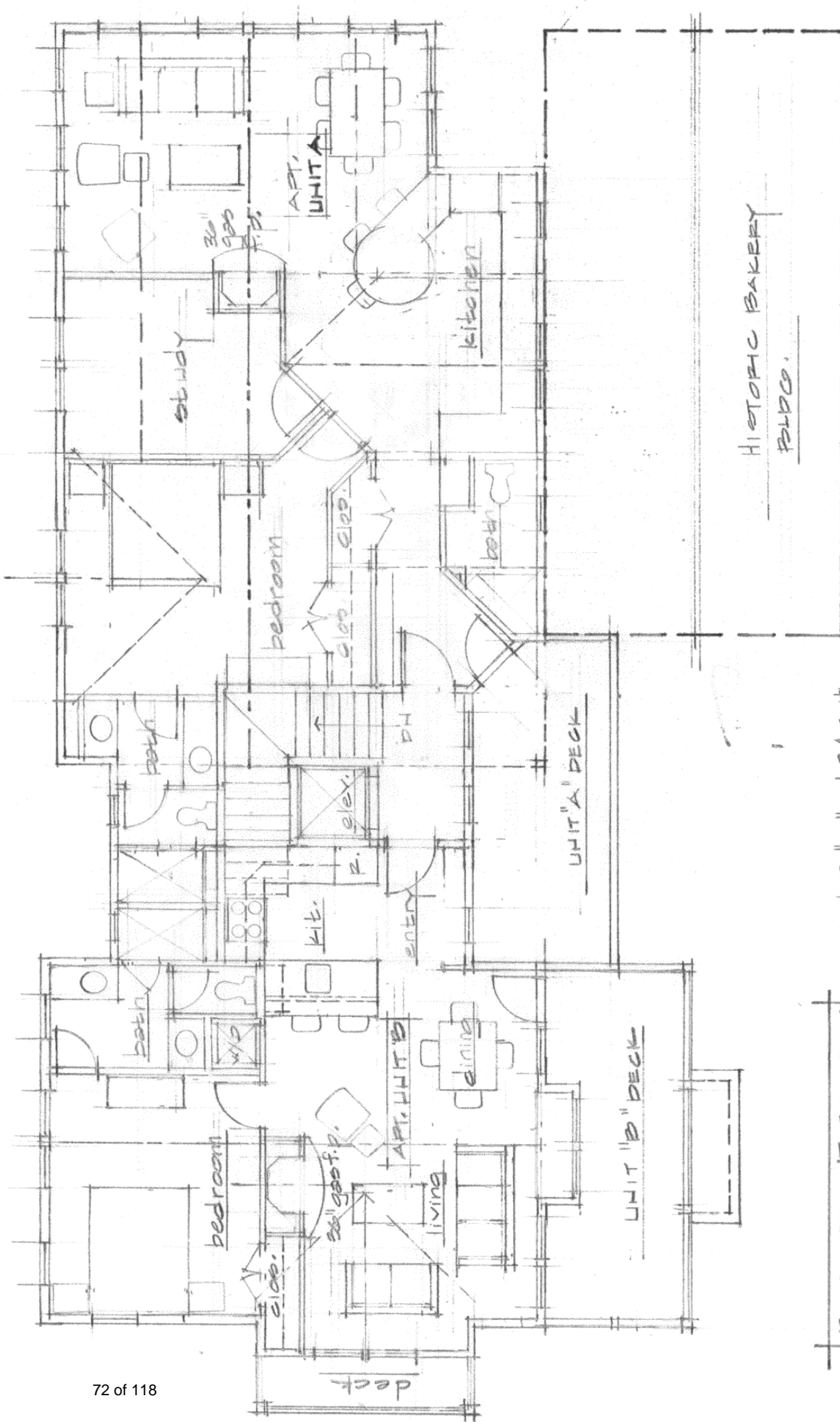


BLUE FRONT BAKERY

WEST ELEVATION

1/8" = 1'-0" 4/4/00

5/5/00



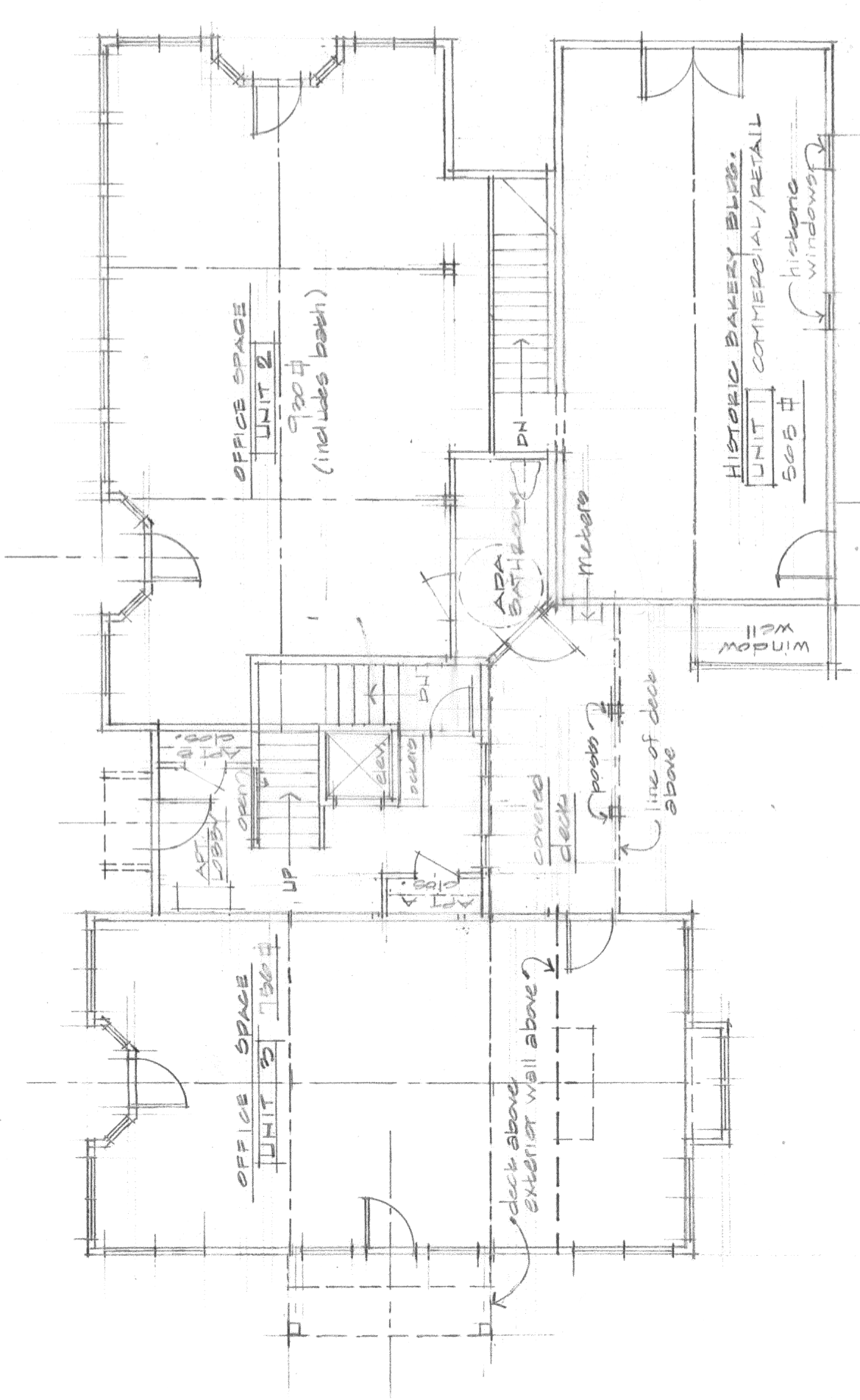
HISTORIC BAKERY
PUDO.

UNIT "A" = 1045 #
 UNIT "B" = 735 #
 ART. DENSITY (RESIDENTIAL) 1780 #

BLUE FRONT BAKERY
 UPPER LEVEL PLAN
 1/8" = 1'-0" 4/4/08
 5/5/08

parking A = 1.149 ~ 2.0
 B = 0.80 ~ 1.0

1779



BLUE FRONT BAKERY

MAIN LEVEL

1/8" = 1'-0" 4/4/08

2250

UNIT 1 500

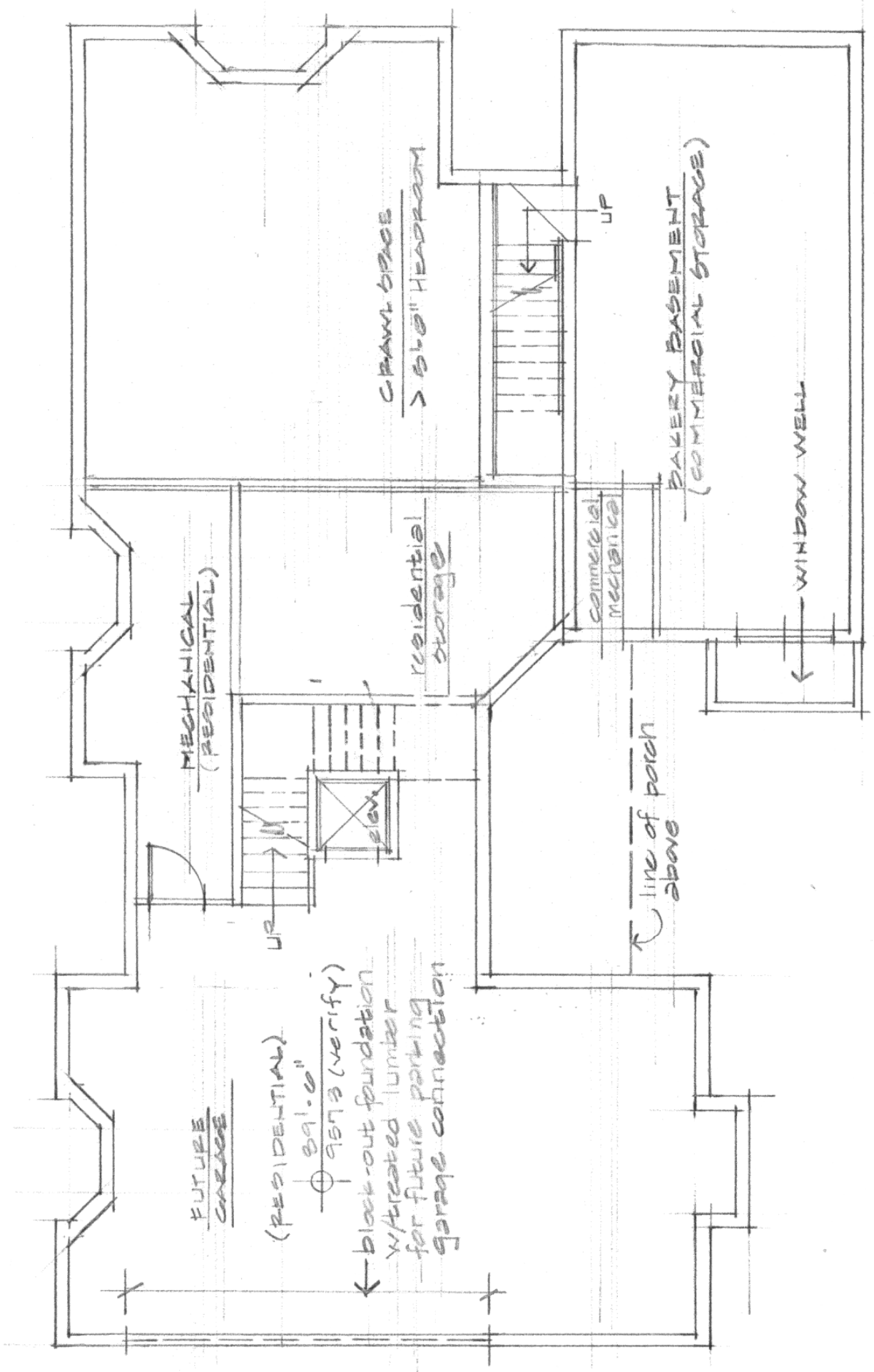
UNIT 2 930

UNIT 3 750

RESIDENTIAL MASS: 2580

2250 # TOTAL COMMERCIAL

parking = 3.15 ~ 4.



FUTURE GARAGE

(RESIDENTIAL)

⊙ 891.0"
957.3 (verify)
← block-out foundation w/ treated lumber for future parking garage connection

MECHANICAL (RESIDENTIAL)

CRAWL SPACE
5.0" HEADROOM

RESIDENTIAL STORAGE

COMMERCIAL MECHANICAL

BAKERY BASEMENT (COMMERCIAL STORAGE)

← WINDOW WELL

↪ line of porch above

BLUE FRONT BAKERY
LOWER LEVEL PLAN

1/8" = 1'-0" 5/6/08



May 12, 2008

Breckenridge Planning Commission
Breckenridge, CO 80424

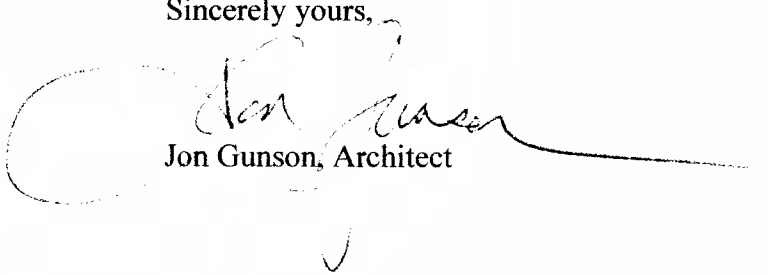
I am the Owner of Lot 41, Bartlett & Shock Subdivision, which is adjacent to the Blue Front Bakery project. Unfortunately I will be out of town and therefore unable to attend the May 20th public hearing on the project.

Janet Sutterly and I have worked together to coordinate the functional aspects of our respective projects and the future parking structure. We have paid particular attention to building heights, floor levels, circulation and public access.

In my absence, please accept this letter as my total support of the Site Plan and the Architectural Design of the Blue Front Bakery project.

Thank you for your consideration.

Sincerely yours,


Jon Gunson, Architect

RECEIVED

TOWN OF BRECKENRIDGE
PLANNING DEPT.

Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: May 14, 2008 (For meeting of May 20, 2008)

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

Applicant/Owner: Jeff Progar, Eagle Equity Investments

Agent: Alice Santman, Baker + Hogan + Houx

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

Address: 209 and 211 N. Main Street

Legal Description: Lot 67 and Lot 68 Bartlett & Shock

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

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

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

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

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

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

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

Item History

The Planning Commission approved this project on October 16, 2007 under the name KCW, Breckenridge, for applicant Doug Carr. Mr. Carr has now sold the property and the approved project to Jeff Progar of Eagle Equity Investments. At that time, staff presented the idea of two new structures, a remodel of a non-historic building and historic preservation of the historic structure. The minutes from the October 16, 2007 final hearing are shown below.

Minutes from the October 16, 2007, Final Hearing

Commissioner Questions/Comments:

Mr. Pringle: Final Comments: Good project. Liked the fact the applicant broke down the square footage between commercial and residential. Architecture is nice. Agreed with point analysis. Could be swayed for +3 points under Policy 16/R.

Mr. Allen: Pedestrian access through the property should result in positive points per policy 16/R-Internal Circulation. (Mr. Pringle saw a mutual benefit to applicant and the Town.)

Final Comments: Really liked the project and how it was broken up. Positive three points for pedestrian circulation should be awarded. Could support more points for historic preservation.

Dr. Warner: West side of development would be close to the alley; were there any safety concerns to pedestrians walking to the west? (Applicant would be willing to sign the walkway for pedestrians to be aware of the approaching alley.)

Final Comments: Agreed with point analysis. Would favor additional points for pedestrian circulation. Appreciate getting rid of curb cut. On positive points for preservation, we may not have given enough points to the St. Mary's restoration. (Different application).

Mr. Bertaux: Sought clarification regarding parking. (Staff explained the code, which allows property owners to get credit for voluntarily abandoning commercial parking where River Walk improvements are anticipated.) Did you determine that the false front was there historically? (Ms. Santman: We deferred to Rebecca Waugh, who determined this building was moved from near Blue River Plaza, and did have a false front.)

Final Comments: Appreciated the historic preservation. Positive points seem consistent with precedence. Would like to add "pedestrian" to access easement condition.

Mr. Joyce: Smooth or rough board and batten? (Applicant would like to use existing material.) Would the new building with board and batten look the same as the existing material? (Applicant would attempt to keep the material the same.)

Final Comments: Appreciate changes made and liked the access easement.

Mr. Khavari: Was the false front historic? (To the applicants knowledge, yes.)

Final Comments: Agreed with all said, including positive points for access easement. Nice job.

Mr. McAllister: Agreed with Mr. Pringle and agreed with point analysis.

Dr. Warner moved to add three additional positive three points (+3) for pedestrian circulation, policy 16R.

Mr. Allen seconded. The motion was carried 5-2, with Mr. Pringle and Mr. McAllister dissenting.

Mr. Bertaux moved to approve PC#2007086; KCW Breckenridge with amending condition #7 ("Applicant shall provide for public access to allow the general public to cross the property between Main Street and the alley to the west along the walkway. Access to be constructed by Applicant by providing a limited purpose pedestrian easement on a plat and/or in a separate instrument in such a form as is reasonably acceptable to the Town Attorney.") Dr. Warner seconded. The motion was approved unanimously (7-0).

Staff Comments

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

eventually turn into a more commercial character. Staff finds that commercial uses with secondary residential uses are acceptable for these proposed buildings.

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

The existing 1-story historic structure (facing Main Street) on Lot 68 will remain a commercial building, possibly a coffee shop. The applicant is requesting a local Landmark designation from the Town, which would allow them to add a 360 sq. ft. basement under the historic cabin and not calculated toward allowed density. The existing purple ski shop building (also facing Main Street) will be remodeled (reduced in size from 2,601 to 1,885 with a covered porch) but will remain commercial. Of the two new buildings on the alley, one is entirely residential and the other is entirely commercial. Staff believes this ratio of 60.4% of total square footage on the property as commercial and 39.6% as residential is "secondary," as encouraged in the Land Use Guidelines. The most similar precedent for this application is the Daniels Property at 203 N. Main Street, which included 66% commercial and 34% residential (with all residential on the alley), for no negative points. Staff recommends no negative points under Policy 2/R Land Use.

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

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

Staff has no concerns with the density proposed on site.

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

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

Staff does have some questions about how the open air areaway will work with the architecture of historic cabin. Staff is not sure what material would be most appropriate for the wall that is below grade but will now be exposed. Does the Planning Commission feel it is appropriate to imitate the historic siding on the cabin below grade on this wall? Or, does the Planning Commission believe a treated concrete wall would be

more appropriate as to not add confusion to what is historic and what is not historic? Staff request the Planning Commissioner's input on this question. Staff believes adding some shrubs around the open air areaway will help to screen and soften the area. Snow removal may be an issue with this areaway. The applicant proposes the floor of the areaway to be covered in gravel, which would allow water to percolate down through the rocks. The applicant believes snow removal can still be accomplished with the gravel. This areaway is very similar to one used to access the basement of the historic barn on the alley just to the south of this property (Daniels Property Re-Development and Landmarking, PC #2006192).

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

Site Plan: No significant change is proposed to the location of the buildings. However, the yard space behind the historic cabin would be replaced with a sunken areaway. Priority Policy 192: *"Maintain the character of yard spaces, especially front and side yards visible from the street. Consider opportunities to provide view corridors through sites along side yards. This is especially appropriate along the west side of Main Street where views to the Ten Mile Range are noteworthy. Also consider opportunities to provide pedestrian access through sites to connect with town-wide pedestrian routes."* The applicant is not proposing to move the existing commercial buildings, which are zero (0) feet off of the front property line.

Priority Policy 192 encourages front and side yards: *Maintain the character of yard spaces, especially front and side yards visible from the street.* The proposed hammerhead will allow the views of the Ten Mile Range will to be visible from Main Street in between the two buildings. Does the Planning Commission find that this policy is still met with the lawn behind the historic cabin removed.

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

Snow Removal And Storage (13/R): 382 sq. ft. of area will be required for snow storage. Staff feels that with moving some of the proposed landscaping the snow storage will be adequate and functional. As a condition of approval the applicant needs to provide a landscaping plan that is functional with the snow storage prior to a building permit. Applicant has decided to heat the driving and walking surfaces to help alleviate snow removal and storage problems.

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

The existing sidewalk along the west side of Main Street provides pedestrian access. A pavers pedestrian walkthrough in between the two existing structures and the two new structures is proposed. There appears to be some overlap of the pedestrian path with driveway, which could lead to some conflicts with cars and pedestrians in this area. A public access easement will be required, as the public will be allowed to walk

through this site. The circulation of this application does not change from the previous approval. However, this areaway will help the access from the employee housing unit.

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

Change Of Use of Historic Cabin:

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

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

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

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

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

The Conditions of Approval read:

4. If applicant does not obtain a building permit for redevelopment of the property by April 23, 2008, the applicant shall either:
 - a. Pave the parking, or;
 - b. Pay the fee in lieu of providing the paved parking space. The fee in lieu shall be equal to \$6,539.00 for .503 of a parking space (at a rate of \$13,000 per space) in lieu of providing

additional on-site parking per Section 9-3-13 of the Breckenridge Town Code (Off-Street Parking Regulations).

5. Per the Breckenridge Sanitation District this property currently has temporary connection to the water and sewer line via the Breckenridge Ski Shop located at 211 North Main Street. A permanent connection shall be completed by August 2, 2008.

At this time we do not believe it makes good sense to pave the parking, since it would likely be removed within a short time. Staff requests the Planning Commission comment on extending this agreement on the parking spot until August 2, 2008, corresponding with the Breckenridge Sanitation District date to connect to the water and sewer line. If the applicant has not obtained a building permit for this property by August 2, 2008 Staff would recommend the applicant be required to either pave the spot or pay the \$6,539.00 fee in lieu of providing the paved parking space.

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

Landscaping (22/A & 22/R): The landscaping is unchanged from the previous approval. The proposed landscaping plan includes six (6) new Colorado Spruce trees (10' - 12 tall), twenty-two (22) new aspen (2" to 2 1/2" caliper with 50% being multi-stem), and various new shrubs (5-gallon). There are currently no trees on-site. Considering the small size of the lot, and the relatively large size of the plantings proposed, Staff recommends positive four (+4) points for Policy 22/R-Landscaping with these larger sizes the applicant has proposed. Staff would recommend adding shrubs around the areaway to screen and soften the open air areaway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Landmarking: As part of this application, the applicant is requesting to locally landmark the historic cabin. Ordinance 24, Series 2001 allows the Town to designate local landmarks with property owner’s

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

consent. A portion of the ordinance (included for the Commission's reference) requires the subject property to meet at least one of the criteria for architectural, social, or geographic/environmental significance: (*Staff has highlighted the applicable criteria.*)

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

A. *Landmarks/Landmark Sites. Landmarks or landmark sites must be at least fifty (50) years old and meet one or more of the criteria for architectural, social or geographic/environmental significance as described in subsections (A)(1) through (3) of this Section. A landmark may be exempted from the age requirement if it is found to be exceptionally important in other significant criteria.*

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

a. *Architectural*

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

b. *Social*

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

c. *Geographic/Environmental*

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

(Paragraph 2 omitted. Not applicable)

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

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

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

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

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

Energy Conservation (33/R): The applicant is proposing to put solar panels on a south facing roof of the new residential unit on the alley. Staff is willing to consider awarding positive points for Renewable Sources of Energy. However, Staff does not have data on how much energy can be saved or created through these solar panels. If the applicant can provide us some information on how much energy will be saved and/or created with the solar panels Staff can consider awarding positive points under Policy 33/R.

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

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

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

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

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

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

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

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

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

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

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

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

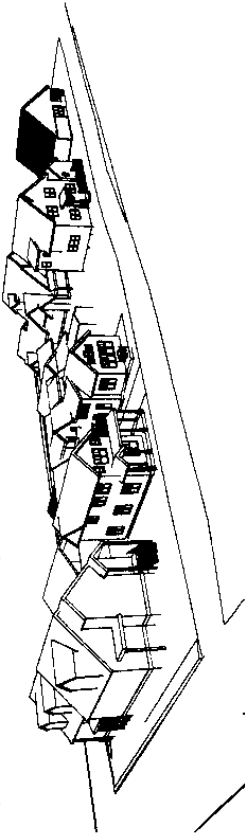
The Public Arts Commission has reviewed this application. They did recommend awarding one positive point (+1) for the proposed bronze. However, the Arts Commission did have a few comments on the bronze. First, they would like some assurance that there is not the same bronze already in Summit County.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

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

Staff Recommendation

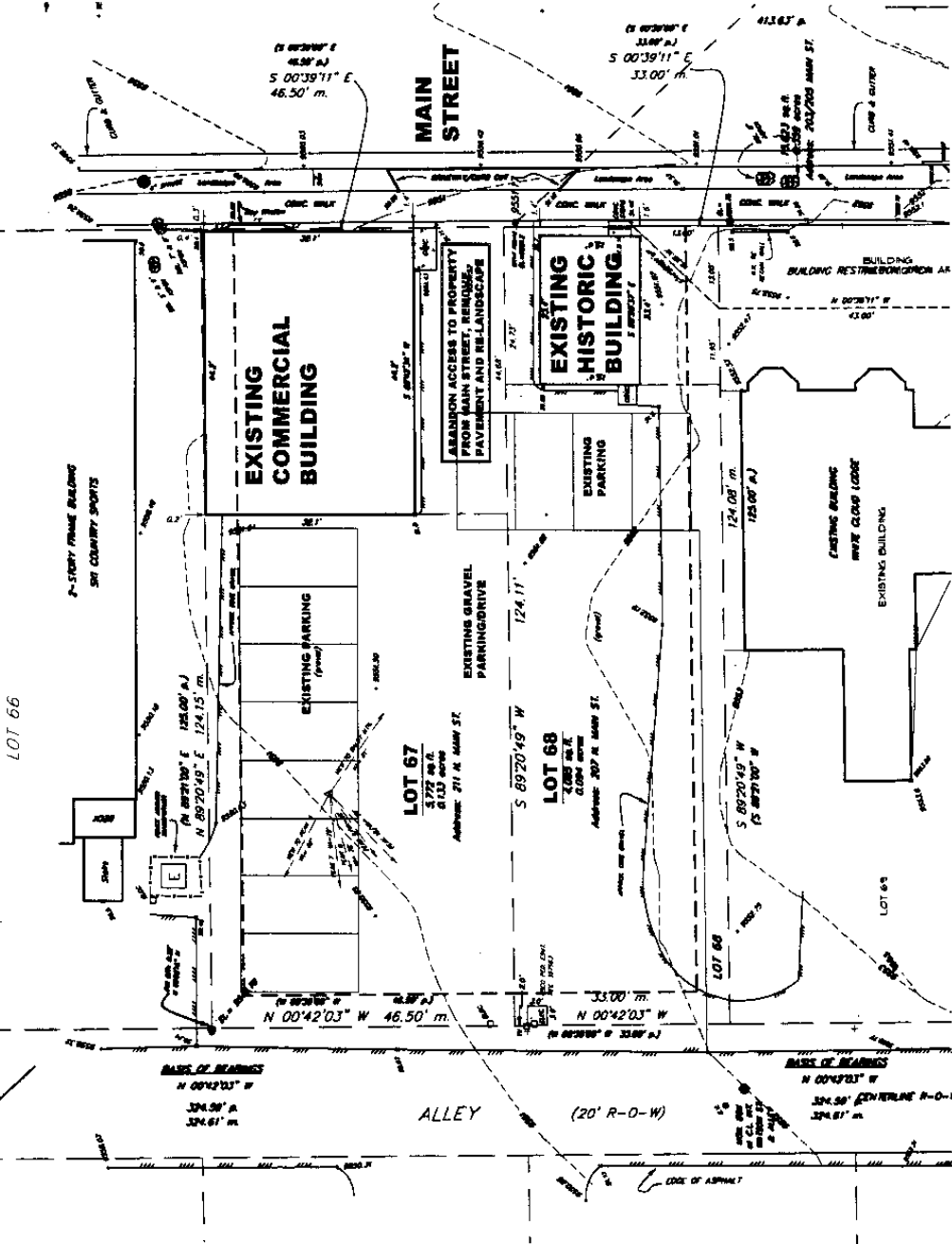
Staff believes this application, PC#2008052, Buffalo Crossing, Lot 67 and Lot 68, Bartlett & Shock, is headed in the right direction and ready for a final hearing. We welcome any Planning Commission input.

BUFFALO CROSSING



SHEET INDEX

- A-1 EXISTING CONDITIONS SITE PLAN, SHEET LIST
- A-2 PROPOSED WALKWAY LEGEND, NOTES
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- A-5 PROPOSED SIDEWALK ELEVATION
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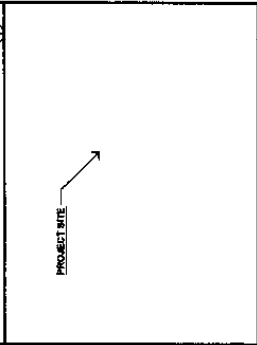
EXISTING CONDITIONS SITE PLAN

SCALE: 1" = 10'-0"

LEGAL DESCRIPTION

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

VICINITY MAP



GENERAL NOTES

- 1) CONSTRUCTION SAFETY: The General Contractor shall provide for the safety of all workers and the public during construction and shall comply with all applicable safety regulations.
- 2) UTILITIES: The General Contractor shall verify the location and depth of all existing utilities before excavation and shall provide for their protection.
- 3) EROSION CONTROL: The General Contractor shall implement erosion control measures to prevent soil erosion and sedimentation during construction.
- 4) TRAFFIC CONTROL: The General Contractor shall implement traffic control measures to ensure the safe flow of traffic during construction.
- 5) NEIGHBORHOOD RELATIONS: The General Contractor shall maintain good relations with the surrounding neighborhood and shall address any concerns or complaints promptly.
- 6) ENVIRONMENTAL PROTECTION: The General Contractor shall implement measures to protect the environment and shall prevent any pollution or contamination.
- 7) SAFETY: The General Contractor shall implement safety measures to prevent accidents and injuries during construction.
- 8) QUALITY CONTROL: The General Contractor shall implement quality control measures to ensure the quality of the construction work.
- 9) COMMUNICATION: The General Contractor shall maintain open communication with the project manager and shall provide regular progress reports.
- 10) RECORDS: The General Contractor shall maintain accurate records of all construction activities and shall provide copies of these records to the project manager.
- 11) CLOSURE: The General Contractor shall implement measures to ensure the safe closure of the construction site and shall restore the site to its original condition.
- 12) INSURANCE: The General Contractor shall obtain and maintain adequate insurance coverage for all construction activities.
- 13) PERMITS: The General Contractor shall obtain all necessary permits and shall comply with all applicable regulations.
- 14) SCHEDULING: The General Contractor shall develop and maintain a detailed construction schedule and shall provide copies of this schedule to the project manager.
- 15) BIDDING: The General Contractor shall submit accurate and complete bids for all construction work.
- 16) CONTRACT ADMINISTRATION: The General Contractor shall administer the construction contract and shall ensure that all terms and conditions are met.
- 17) PAYROLL: The General Contractor shall maintain accurate records of all payroll and shall provide copies of these records to the project manager.
- 18) TAXES: The General Contractor shall pay all applicable taxes and shall provide copies of tax returns to the project manager.
- 19) FINANCIAL REPORTING: The General Contractor shall provide regular financial reports to the project manager.
- 20) RISK MANAGEMENT: The General Contractor shall identify and manage all risks associated with the construction project.
- 21) SUSTAINABILITY: The General Contractor shall implement sustainable construction practices and shall minimize the environmental impact of the project.
- 22) COMMUNITY ENGAGEMENT: The General Contractor shall engage with the community and shall address any concerns or complaints.
- 23) TRANSPORTATION: The General Contractor shall implement measures to ensure the safe transportation of materials and equipment.
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- 45) TRANSPORTATION: The General Contractor shall implement measures to ensure the safe transportation of materials and equipment.

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

Date _____
 Date _____
 Date _____
 Director of Community Development

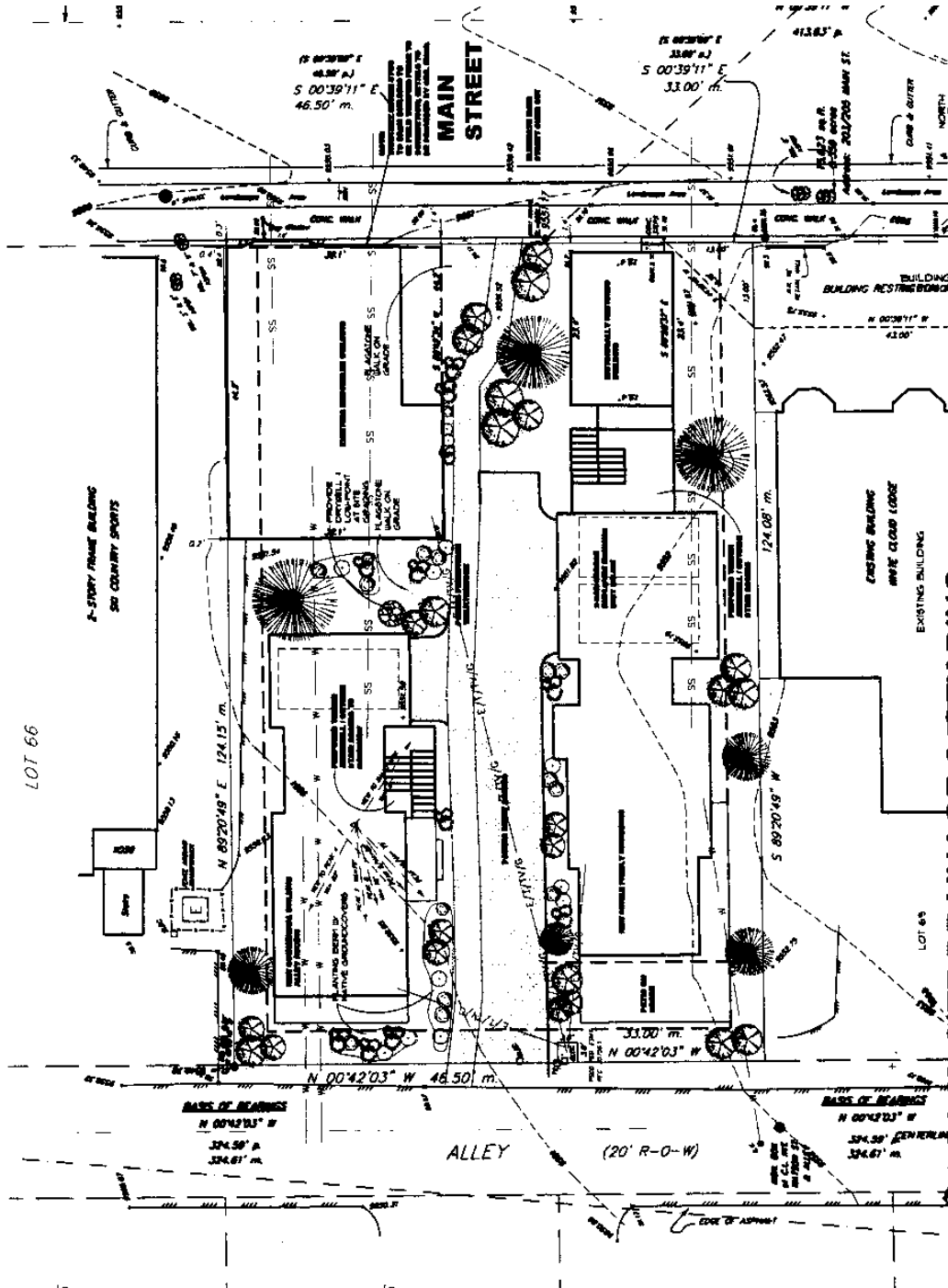
TCS Architects, P.C.
 Thomas K. Connolly

CALCULATION SUMMARY:

TOTAL ALLOWED ABOVE GROUND DENSITY @ 12 UPA	4,348 SF
ABOVE GROUND DENSITY PROVIDED	4,246 SF
TOTAL DENSITY PROPOSED ON PROJECT:	
6,714 SF	
TOTAL COMMERCIAL:	4,048 SF / 59.4%
TOTAL RESIDENTIAL:	2,666 SF / 39.6%
Employee Housing:	
6886/738 = 8.1% of project total = +8 points	

LOT SIZE:	9,667 SF
BUILDING COVERAGE:	4,176 SF
PAVING / PATIOS:	1,838 SF
TOTAL LOT COVERAGE:	6,014 SF
LOT OPEN SPACE:	4,193 SF

LOT 66

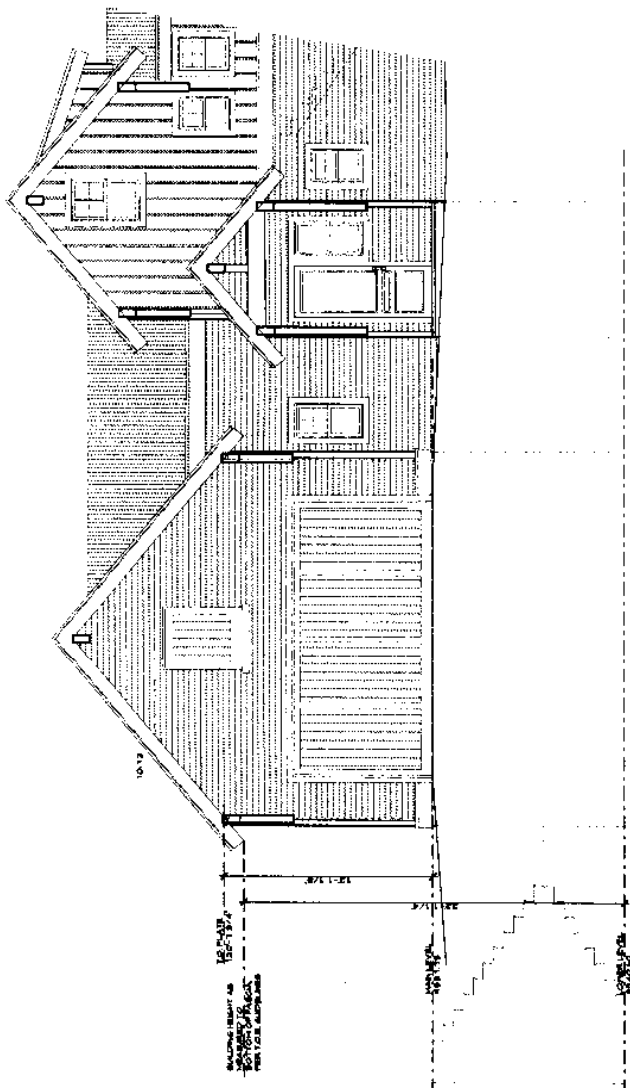


PROPOSED SITE DRAINAGE & GRADING

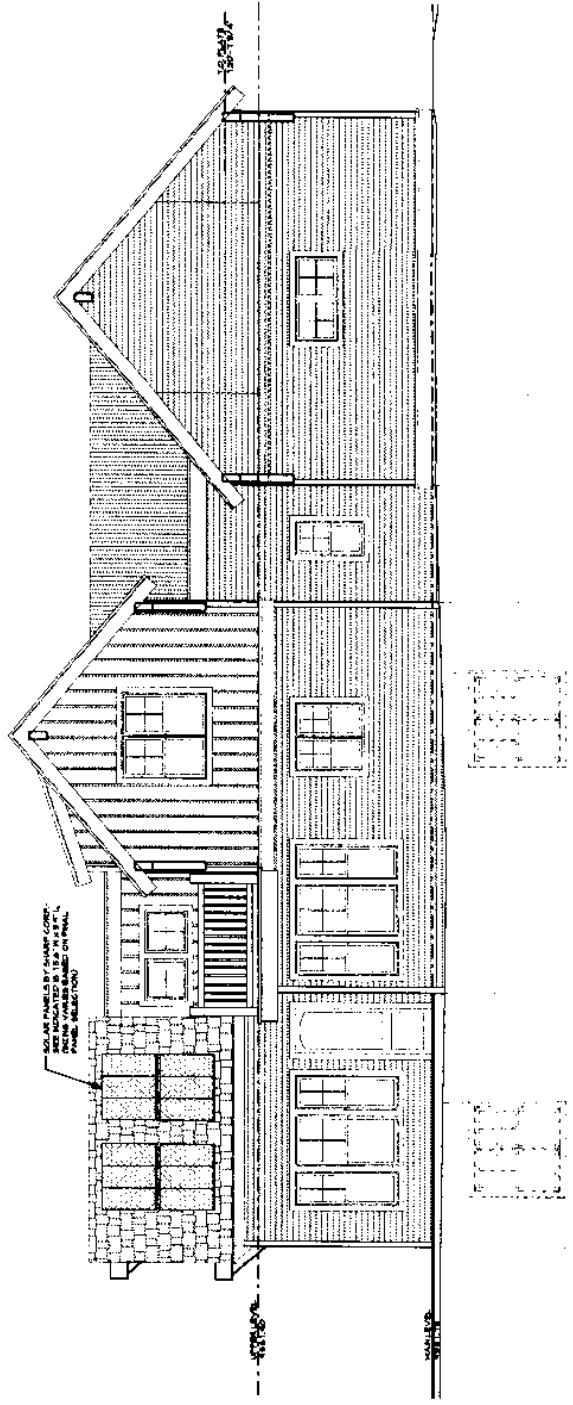
SCALE: 1" = 10'-0"

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

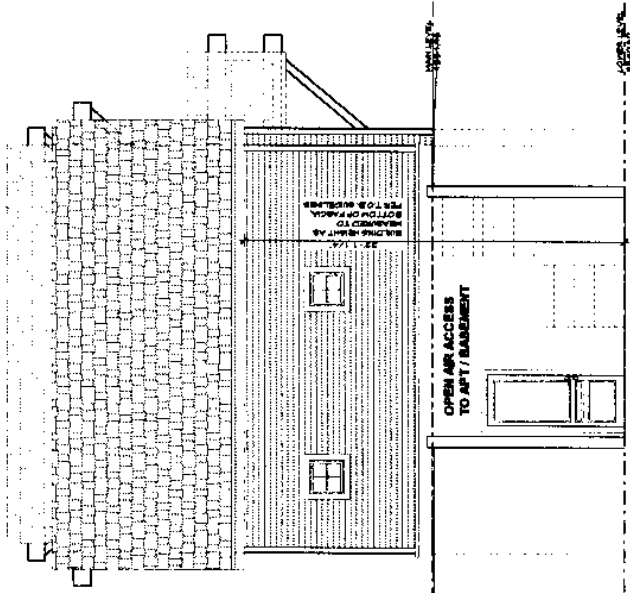
OWNER:	ARCHITECT:	CONTRACTOR:	ENGINEER:	SURVEYOR:
	BAKER, LUCIAN, LIOUX 300 EAST ADAMS STREET BRECKENRIDGE, CO 80424 (719) 451-8400 FAX: (719) 451-8400			



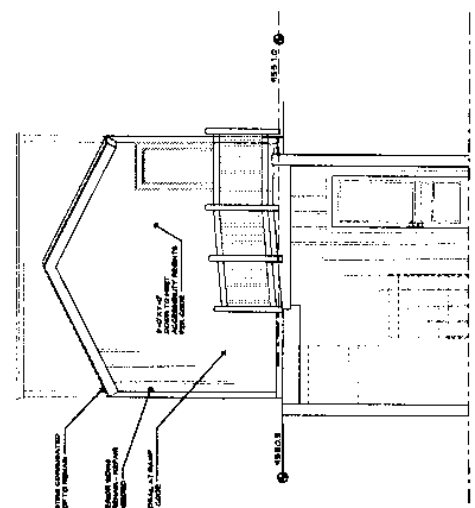
NORTH ELEVATION - PARTIAL
SCALE: 1/4" = 1'-0"



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



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



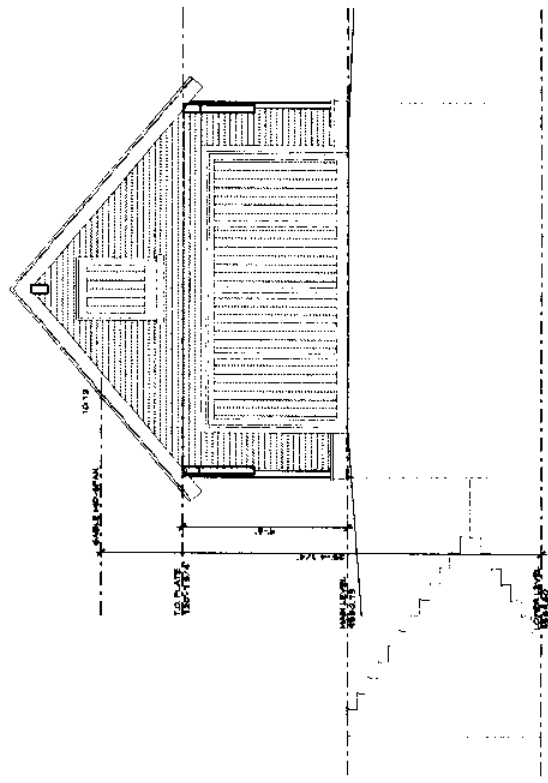
WEST ELEVATION
SCALE: 1/4" = 1'-0"

REVISIONS:

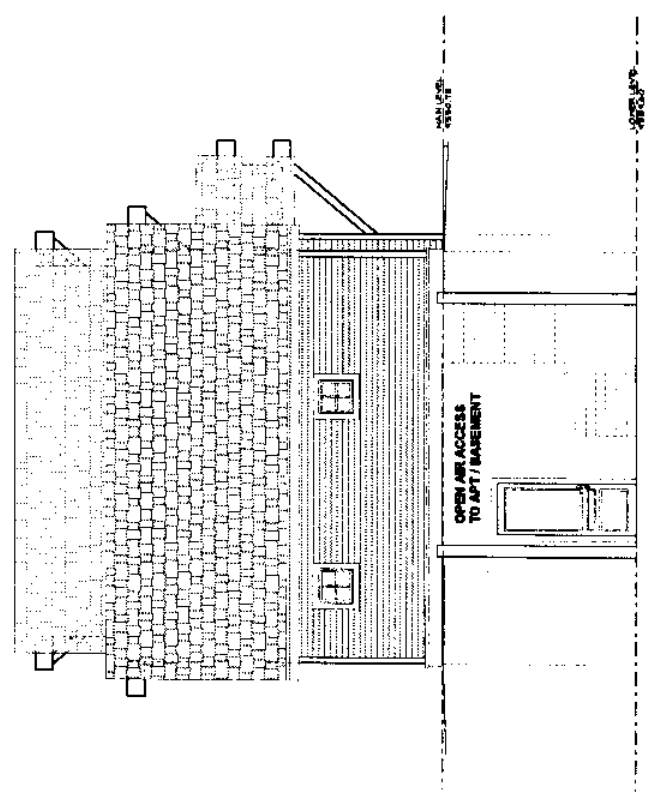
JOB NO.	904102
DATE	4-2-08
PROJECT	APT
LOCATION	
DESIGNER	
CHECKED BY	
DATE	
SCALE	
NOTES	

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BAKER + HOGAN + HOUX
 ARCHITECTURE & PLANNING / AIA / PC
 PO BOX 931, 160 EAST ADAMS, BRECKENRIDGE, COLORADO 80424 (970) 453-6880
BUFFALO CROSSING
 203 / 205 MAIN STREET BRECKENRIDGE, COLORADO 80424

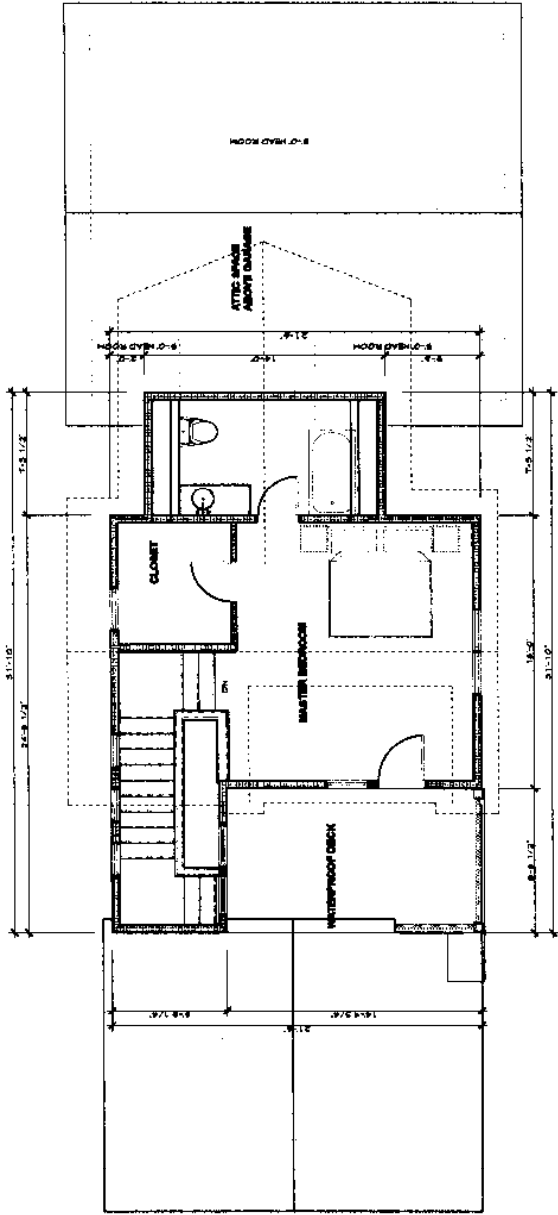
SHEET NUMBER:
A-5



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

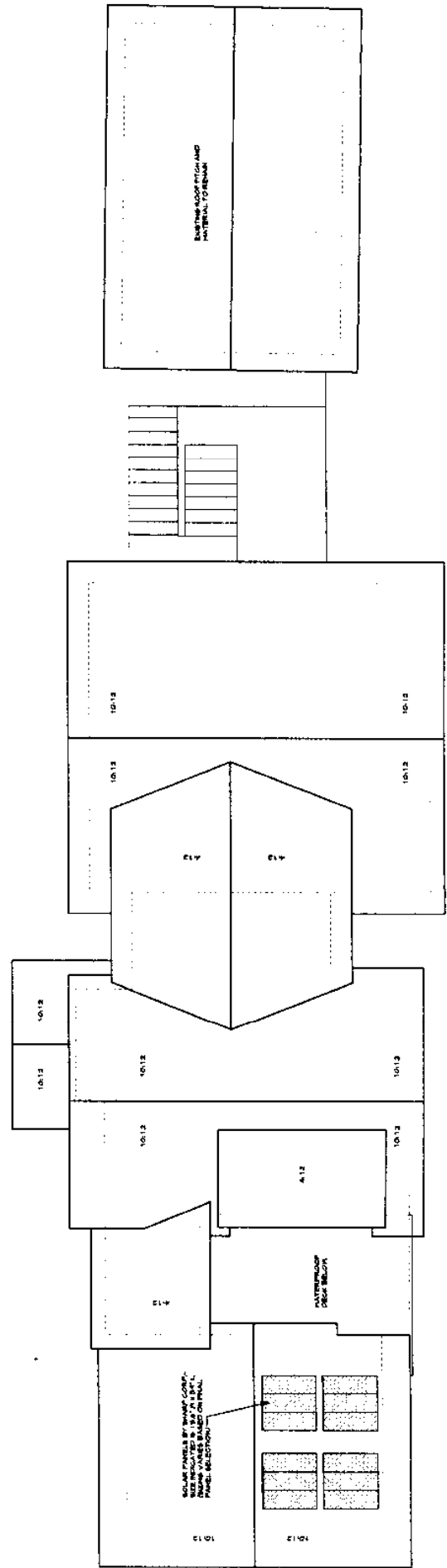


EAST ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH

UPPER LEVEL - RESIDENCE



NORTH

ROOF PLAN - PRIVATE RESIDENCE

HISTORIC BUILDING - ROOF PLAN

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

Planning Commission Staff Report

- Project Manager:** Julia Skurski, AICP
- Date:** May 15, 2008 (for the May 20, 2008 meeting)
- Subject:** Judge Silverthorne House Relocation Worksession
(Class A Development PC#2007004)
- Owners/Applicants:** David and Liz Hartman
- Proposal:** The applicants propose to move the Silverthorne house 20 feet forward (west toward Main Street) and relocate the existing barn which sits on the rear property line to behind the house, restore the exterior of the house, landmark the house, remove the curb cut and parking in the front yard and re-established the front yard. A future submittal which includes development in the rear of the site will be submitted at a later date.
- Legal Description:** South 60 ft. of Lots 22&22 ½, Snider Addition Subdivision, and North 15' of Lot 60, Bartlett & Shock Subdivision
- Site Area:** 15,213 sq. ft. (0.35 acres)
- Land Use Districts:** 11: Residential 12 UPA; Commercial 1:3 F.A.R.
- Historic District:** #4, North End Residential Character Area
- Site Conditions:** This site has two historic structures; the Judge Silverthorne House, which is currently being utilized as a property management office and a historic carriage barn located in the rear of the property. There is access to the site along the south property line from N. Main Street, which runs through the site to the alleyway in the rear of the property. There are four mature trees on the property with one in the front yard and one in the rear of the house.
- Setbacks:**
- | | |
|---------------------|----------------------------|
| <u>Recommended:</u> | |
| Front: | 10' absolute/ 15' relative |
| Side: | 3' absolute/ 5' relative |
| Rear: | 5' absolute/ 15' relative |
| <u>Existing:</u> | |
| Front: | 60' |
| Side: | 5' |
| Rear: | 3' (from carriage barn) |
| <u>Proposed:</u> | |

Front:	40'
Side:	6'
Rear:	90'

Item History

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

The applicant has had several preliminary site plan meetings with the Planning Commission on March 6, 2007, May 15, 2007, and November 6, 2007. Since the Commission was uncomfortable with the site plans proposed, the applicant has decided to start over on the project. Mr. Hartman is requesting that the Commission weigh in on the requested placement of the Silverthorne House and carriage barn, removal of the front yard trees, and interpretation of Section 6 of the Handbook of Design Standards. The applicant has included a description of the proposal as an attachment to this report.

Movement of the Historic Structures

It is proposed that the Silverthorne house move 20 feet west and historic carriage barn be relocated from the alleyway to behind the Silverthorne house to keep it in context with the house as well as protect it from the snow stacking and plowing activities in the alleyway. Both structures are proposed to have foundations under them. Staff finds that there are a few policies that are applicable to the relocation of both historic structures on site. Further, the applicant disagrees with staff’s interpretation that Section 6 of the Handbook of Design Standards applies to historic structures being relocated on its original site and that their interpretation is that Section 6 applies only to buildings being relocated to a different site. There is a description from the applicant attached. Staff would like to get the Commission’s opinion as to if this policy has been correctly interpreted.

Architectural Compatibility (5/A & 5/R): Policy 5, Architectural Compatibility, addresses all the Design Standards and Priority Policies found the Handbook of Design Standards for the Historic and Conservation Districts and the associated Handbooks for each Character Area.

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

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

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

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

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

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

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

The historic carriage barn is being relocated from the alley and the Silverthorne house is being shifted 20 feet to the west. While the relocation would facilitate future development on the site, it would also result in a restored building, removal of the curb cut, and elimination of the driveway in the front yard. Further, it would be similar to other historic front yard setbacks found on the same block. Staff asks if the Planning Commission finds the proposal to meet this policy.

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

Relocating the historic carriage barn and shifting the Silverthorne house 20 feet forward on the lot does not have the structures remaining in their respective original settings. Having the barn still within the rear yard *may* provide “orientation similar to the original setting”. At a previous hearing, a majority of the Commission voiced that the relocation of the barn was acceptable given the circumstances and that will provide screening from the future development in the rear of the lot. The applicant has proposed to relocate the house 20 feet west. Staff has looked at the average front yard setback on the historic structures on the east side of the street, within the North Residential Character area, which is approximately 43 feet. The approximate front yard setback throughout the entire character area is 34 feet (includes west side of N. Main Street). The Silverthorne house currently has a 60 foot front yard setback and is proposed at 40 feet. This may be considered similar context when compared to other historic structures in the character area. If the Commission is supportive of relocating the two buildings, then Priority Policy 108 may be considered met.

There may be some potential benefits of relocation of the house and carriage including the increased visibility of the Silverthorne house from the street, elimination of the existing access and parking area in the front yard, re-establishment of the front yard character, and the placing foundations under the structures and making appropriate repairs to the structures. The applicant has agreed to plant substantial landscaping in the front yard if able to relocate the building. The yard would be increased in size with the removal of the access drive from the front yard. Having the front yard free of the non-historic drive in the front yard will greatly enhance the appearance and context of the site. Does the Planning Commission believe that the proposed movement of the building meets the Priority Policies and respects the historic settlement pattern?

Existing Vegetation

Staff is concerned that the relocation of the house 20 feet forward results in the removal of the existing trees (one cottonwood and two lodge pole pine trees). Rick Herwehe, Certified Arborist from A Cut Above Forestry, has provided two letters regarding the health of the trees (attached). The trees are showing signs of risk and weakness. The applicant believes the trees' health are declining, as they are near the end of their life cycle. Should the Commission decide to allow the Silverthorne house to be shifted, and remove these trees, Staff would like to see significant tree sizes in the forthcoming landscape plan. If the trees are found to be unhealthy and unable to be preserved, this would then comply with Priority Policy 1 (below).

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

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

Does the Commission support relocating the Silverthorne house 20 feet to the west, the carriage barn to the rear of the Silverthorne house and removal of the trees in the front yard? Lastly, depending on the Commission's response to the relocation of the structures, the applicant will begin the redesign of the site development in the rear of the lot.

LOT 22, SNIDER'S ADDITION
300 N. MAIN STREET

EXISTING LOCATION OF HISTORIC STRUCTURES

House is approximately 60' from front property line

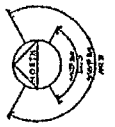
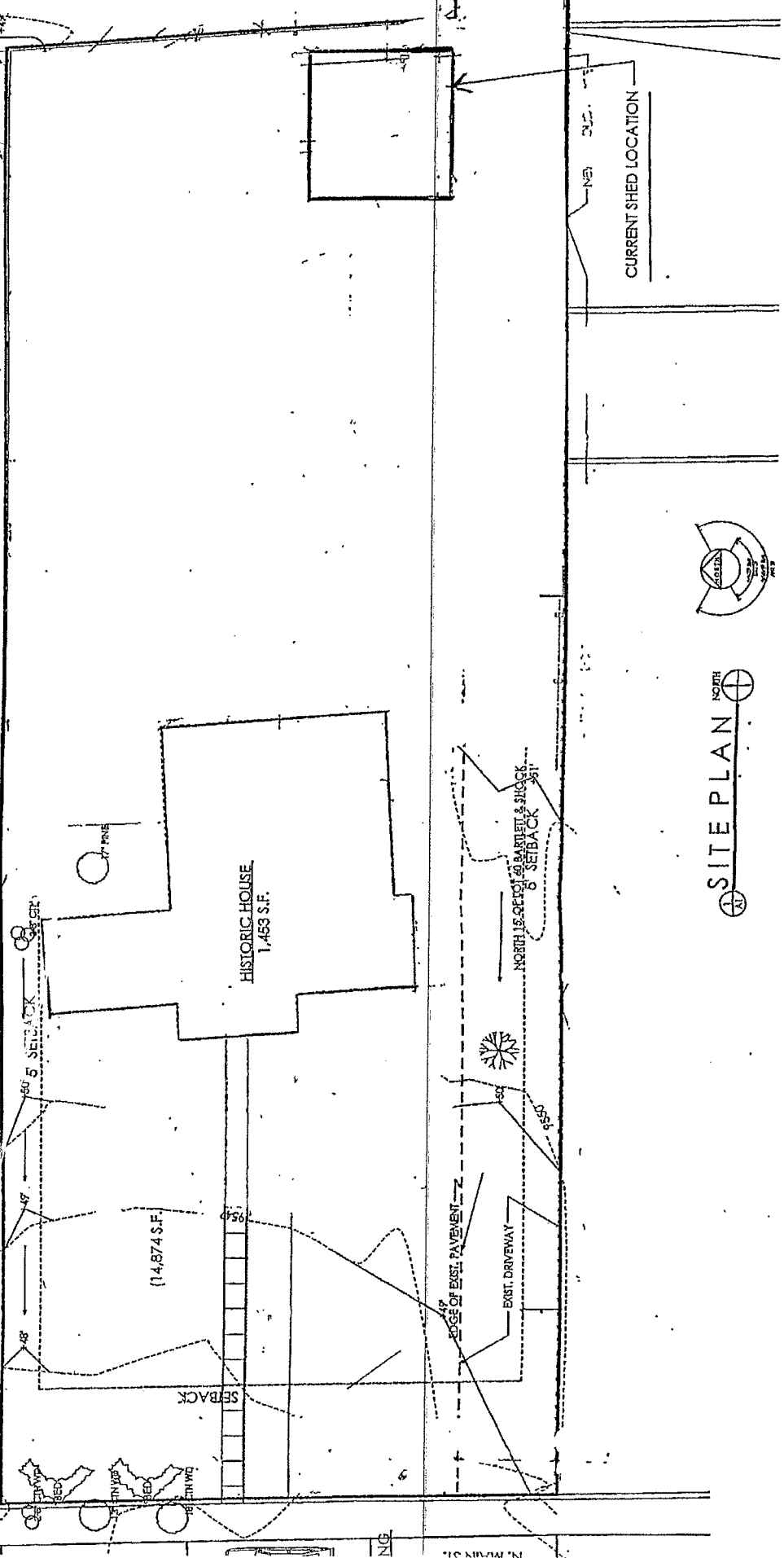
EXISTING
CONDITIONS

BRITTANY PLACE

SOUTH 60' OF LOT 22 SNIDER'S ADDITION

SOUTH 60 FEET OF LOT 22 SNIDER ADDITION

EDGE OF EXIST. PAVEMENT



11 SITE PLAN NORTH

LOT 22, SNIDER'S ADDITION
300 N. MAIN STREET

House moved 20' to West - 40' set back

BRITTANY PLACE

SOUTH 60' OF LOT 22 1/2 SNIDER'S ADDITION

SOUTH 60 FEET OF LOT 22 SNIDER ADDITION

50' 5" SETBACK

(14,874 S.F.)

SEBACK

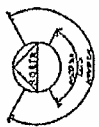
20'

NORTH 15' OF LOT 22 1/2 SNIDER'S ADDITION
5' SETBACK

EDGE OF EXIST. PAVEMENT

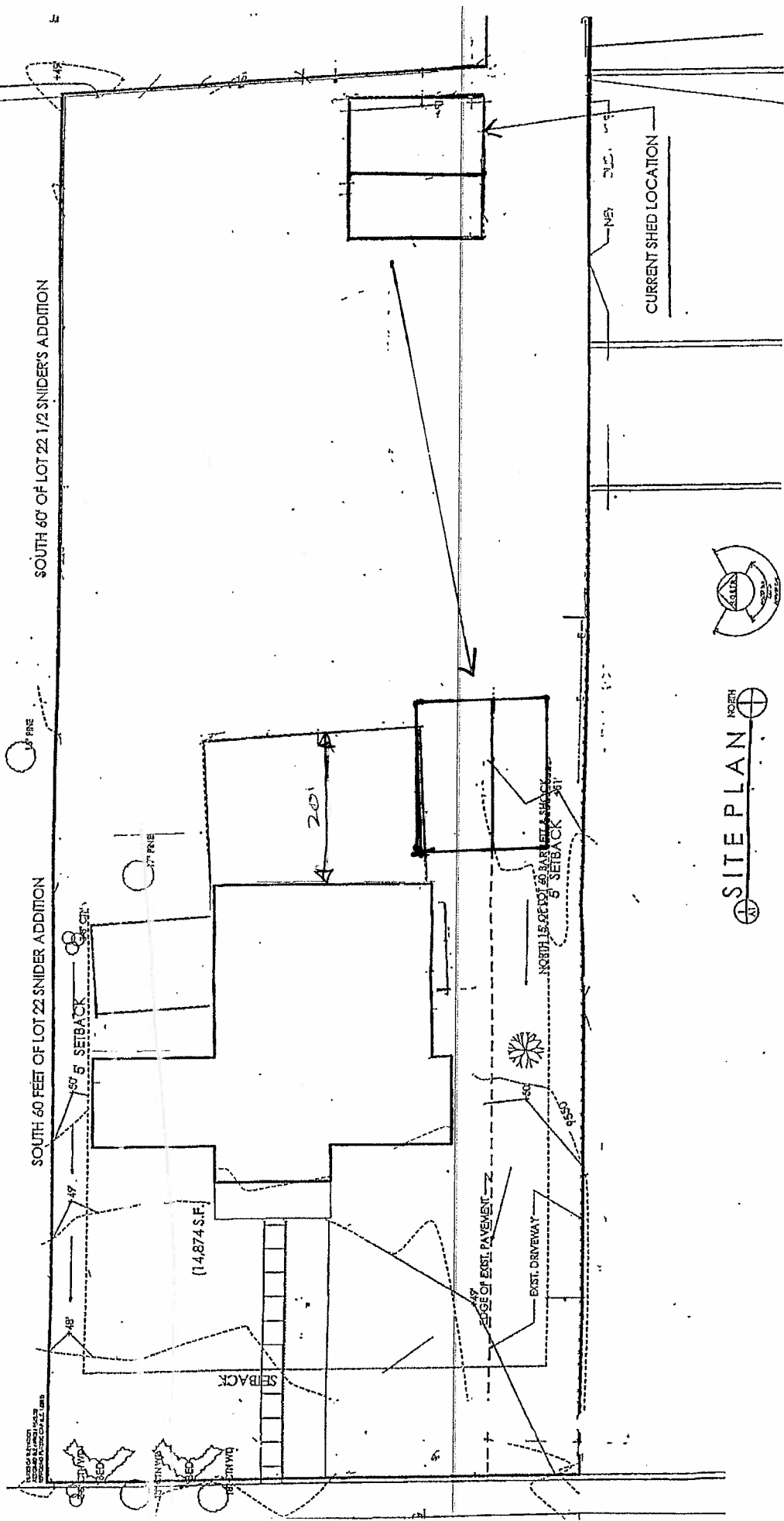
EXIST. DRIVEWAY

CURRENT SHED LOCATION



SITE PLAN

PROPOSED
20' MOVEMENT



**PREVIOUS
10' PROPOSAL**

**LOT 22, SNIDER'S ADDITION
300 N. MAIN STREET**

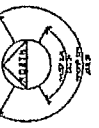
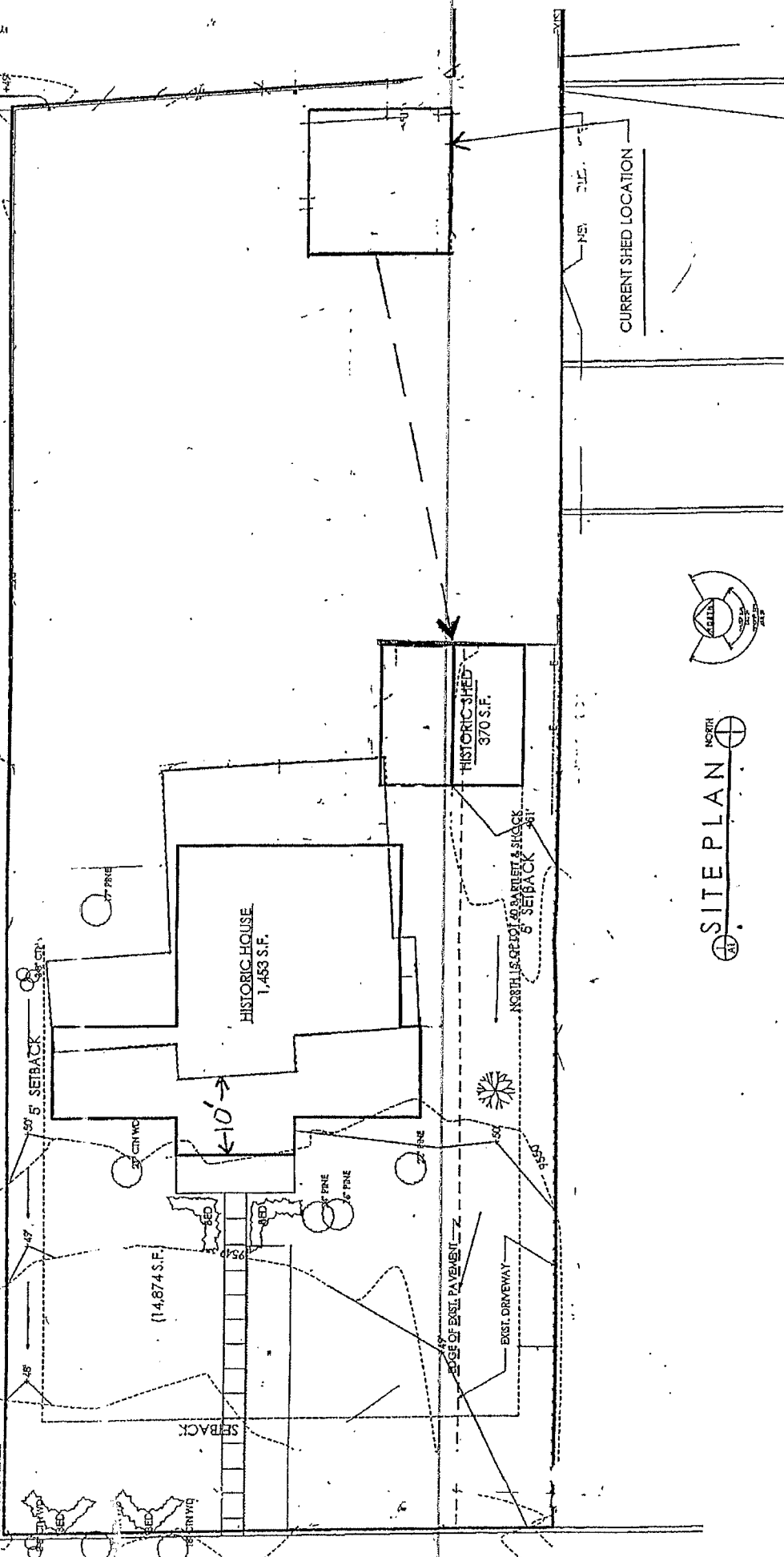
House moved 10' to West - 50' set back

BRITTANY PLACE

SOUTH 60' OF LOT 22 1/2 SNIDER'S ADDITION

SOUTH 60 FEET OF LOT 22 SNIDER ADDITION

WALL OF BRICKWORK
WOODEN PLANK FLOOR



61 SITE PLAN NORTH

May 12, 2008

Julia Skurski
Planning Department
Town of Breckenridge
P.O. Box 168
Breckenridge, CO 80424

Dear Julia:

We are requesting a work session with the Breckenridge Planning Commission to discuss the possible movement of the historic house and shed on our property at 300 N. Main Street, in the hope that we can reach concerns as to how we might proceed with our project at that location. We are hopeful that some preliminary conclusions can be reached with respect to those so that we can attempt to come up with a development plan for the remainder of the property. That is because eventual location of those historic structures will, in large part, determine the design of any future development on the property.

At the November meeting of the Planning Commission we presented a development plan that raised numerous issues and concerns with both Staff and the Commission. Those issues included placement of structures, parking, removal of the road cut, removal of the paved driveway, the size of structures, the architecture of the new structures, and various fencing issues.

Because this is an important project to both the Town and us, we would like to return to the Planning Commission to address the narrower issue of the placement of the historic structures on the site, leaving the remaining development issues to a later date. While we realize that future development of the property presents numerous issues, we are hopeful that the Planning Commission will review our proposal for the movement, rehabilitation and land marking of the historic structures, as a positive approach to the development of our property in a way that preserves and enhances the historic structures, and presents a positive development for both the Town and us.

What we are proposing is to move the historic house located on the property approximately 20 feet to the west, so that it can be placed upon a new foundation, to rehabilitate and restore the historic house, and to landmark same. To move the house such distance will require the removal of the existing trees around the house, however, those trees have all lived well past their prime and are, at the present time, in significant decline. While it is unknown exactly how long they might live, our proposal is to replace those trees with substantial specimen trees that will enhance the property, the historic setting of the house, and the Town for the next 100 years.

RECEIVED
MAY 13 2008

TOWN OF BRECKENRIDGE
PLANNING DEPT.

1. Place the house on a secure foundation, with basement storage area under the house.
2. Restore the exterior of the house.
3. Landmark the house.
4. Remove the existing road cut on to Main Street which will make the intersection of Watson and Main Street much safer and work better for pedestrians due to the elimination of the driveway onto Main Street.
5. Remove approximately 2,000 square feet of asphalt from the front and front side yard, and replace asphalt with landscaping. We propose that this plan will net an additional 1000 square feet of landscaped yard on Main Street .

The movement of the historic house, in this fashion, will leave it with a significant, 40 foot setback so as to maintain the historic setting of a residence with a significant front yard and landscaping, while making the historic structure itself more visible to both the casual and the informed observer. Because of other development which has occurred on north Main Street over the past forty years, the house no longer has the prominence that it once held. That is especially true because of the condominium project immediately to the south.

We also would propose to move the existing historic shed, located near the rear of property, which is in danger of being damaged or destroyed because of its proximity to the alleyway, forward on the Lot so that it is placed on the far south side of the Lot, near the rear of the historic house. We would place that structure on a new foundation, renovate and restore the structure, and create a deed restricted housing unit very similar to the plan proposed in November. We believe that placing the historic shed near to the historic house will maintain the continuity and setting of the historic structures on the site so that they can continue to relate to one another.

We have carefully reviewed Section 6, the Relocation Standards, relating to the Relocation of Historic Buildings set forth in the Handbook of Design Standards, and believe that we will, with our proposal, meet all of the priority standards as well as most, if not all, of the non-priority standards set forth in that Section. In addressing those Standards, we think it is important to read all of them together, as well as the prelude to same, which sets forth the Policy. The intent of Section 6 deals with the moving of a historic structure from one property to another. The site, as used in the design standards, is the total area of the property and does not refer to location within a property's boundaries.

The more important of those Standards are set forth below:

“P-103. All other alternatives to relocate must be reasonably considered prior to consideration of relocating the building.

- Options that should be considered prior to relocation to another site are:
- Restoring the building at its present site.
- Relocating the building within its original site.
- Stabilizing the building from deterioration and retaining it at its present set for future use.
- Incorporating the building into a new development on the existing site.”

We believe we are meeting this policy by relocating and restoring the building within its original site.

“P-104. Relocation must be merited because of site conditions.

- If the building is threatened in its present setting because of hazardous conditions, then the potential to preserve the building may be enhanced by relocating it.
- If the building will continue to deteriorate through neglect, or if it is particularly susceptible to vandalism, relocation may be desirable.
- If the historic context of the building has been so radically altered that the present setting does not appropriately convey its history, then relocation may be considered when it would enhance the ability to interpret the historic character of the building and the district.
- It is not the intent of the Town to allow relocation of historic structures simply to facilitate new construction on the original site.”

We believe that the historic context of the building has been radically altered because of the development which has occurred on each side of it. We also believe that both historic structures will, if redevelopment of the site does not occur, continue to deteriorate. The small shed building at the rear of the property is threatened because of the hazardous conditions presented by the alley.

“P-105. The potential to preserve the building must be enhanced by its relocation.

- In cases where the current setting has been radically altered from the historic character, the building may be enhanced by its new setting if the receiving site is more similar to the historic setting.
- Adequate historic documentation of the historic condition must be provided to do so.”

We do not believe that this Standard applies because it seems to be directed to moving a historic structure from one site to another. We would fully comply with Standards 106 and 107.

“P-108. The relocation site must provide an appropriate context for the building.

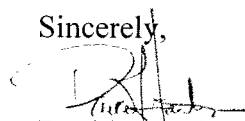
- The new site should convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, and age.
- The building should be located on the site in an orientation similar to the original setting.”

Again, it appears that priority policy 108 is designed to address the moving of a building from one property to another. We are not doing that. However, we do believe that the moving of the building within the site will establish the house and the shed in a context that will more appropriately reflect the prominence they once held. All remaining policies set forth in the Relocation Standards will be met.

The proposal that we are submitting will, we believe, present a win-win situation for both the Town and us because the new structures will be preserved, and actually enhanced, be situated in a more appropriate and highly visible setting. We will then be in a position to develop the remainder of our property in a manner which creates far less impact upon the historic structures.

We look forward to meeting with you on May 20, 2008, to discuss this matter further.

Sincerely,



David and Liz Hartman



A Cut Above Forestry, Inc.

Specializing on Tree Service and Forestry Consulting

May 13, 2008

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

Dear Dave,

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

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

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

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

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

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

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

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

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

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

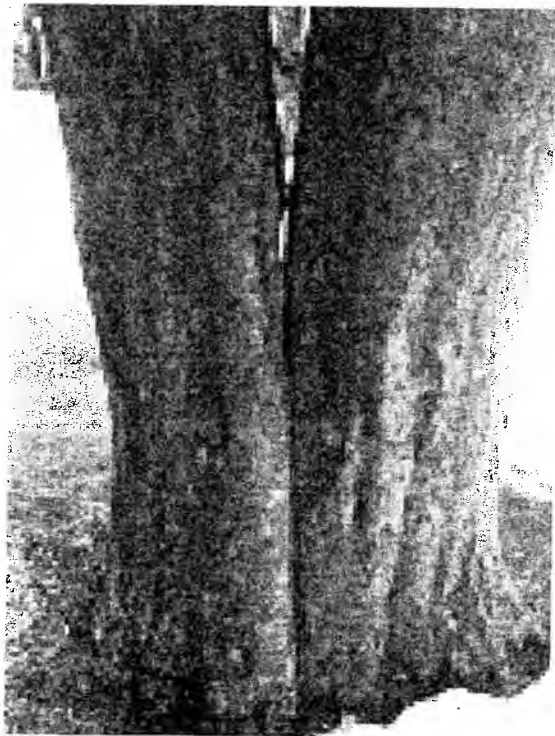
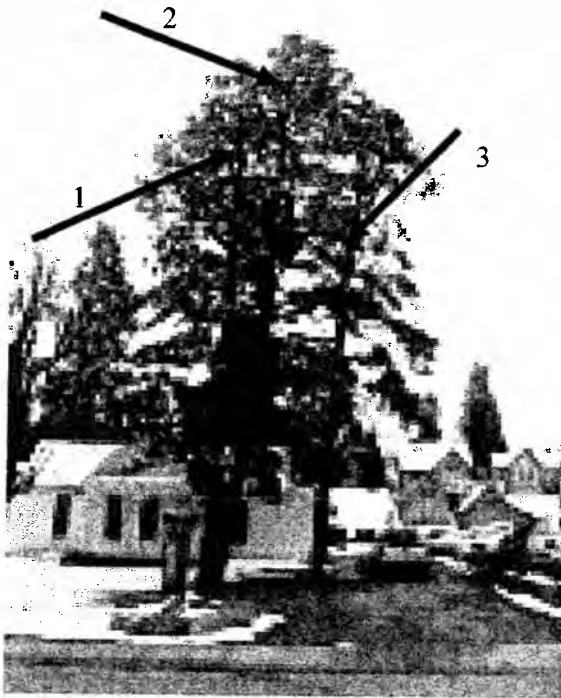
Please contact me with any questions at 970-453-9154.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Herwehe', with a long horizontal flourish extending to the right.

Rick Herwehe

Forester, ISA Certified Arborist#RM-2195





A Cut Above Forestry, Inc.

Specializing on Tree Service and Forestry Consulting

May 5, 2008

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

Dear Dave,

Thank you for contacting A Cut Above Forestry to address your tree care concerns. As you requested, I inspected the narrowleaf cottonwood (*Populus angustifolia*) located in front of your Breckenridge office.

You informed me that future plans for the building include bumping out the front of the building approximately 10 feet; you were concerned about how building close to the trunk would affect the tree's structural integrity and health.

The cottonwood tree is a 26-inch diameter, 50-foot tall codominant. I did not core the tree to collect age data but based upon the size, condition, and location of the tree I estimate an age of 80-100 years.

- The soil appears compacted from years of activities in the area. The compaction has likely caused some root damage and retarded continued root development.
- The trunk shows no signs of serious damage. I performed a mallet test on the tree and heard no sign of stem rot.
- The scaffold branches have strong attachments but several are broken and the branch on the east side has a small cavity.
- Several dead branches are present in the top of the crown. An overabundance of dead terminals is usually a sign of decline often caused by root problems.
- This tree probably looks acceptable when leafed out but the large dead branches are hazardous and a sign of more serious problems.

Trees operate on an energy cycle, during the summer months the leaves produce sugar through photosynthesis. The tree produces more energy than it needs for normal functions. The reserves are stored in the woody roots as starch and these stored reserves are called upon in the spring at bud break. As a tree reaches maturity and overmaturity the energy production is at a maintenance level. The stored reserves will typically support budbreak but additional stress to the tree caused by biotic or abiotic damage can throw the tree into irreversible decline.

This tree will likely continue to decline, lose branches and become susceptible to breakage and failures regardless of any construction activities on the site. Pruning the tree to remove the dead branches will reduce the immediate risk to persons and property from breaking branches. However, the top will continue to dieback over the next few years and likely never improve in health or appearance.

Although this tree may survive the proposed construction activities, its appearance, health and structural strength will likely continue to decline at an accelerated rate.

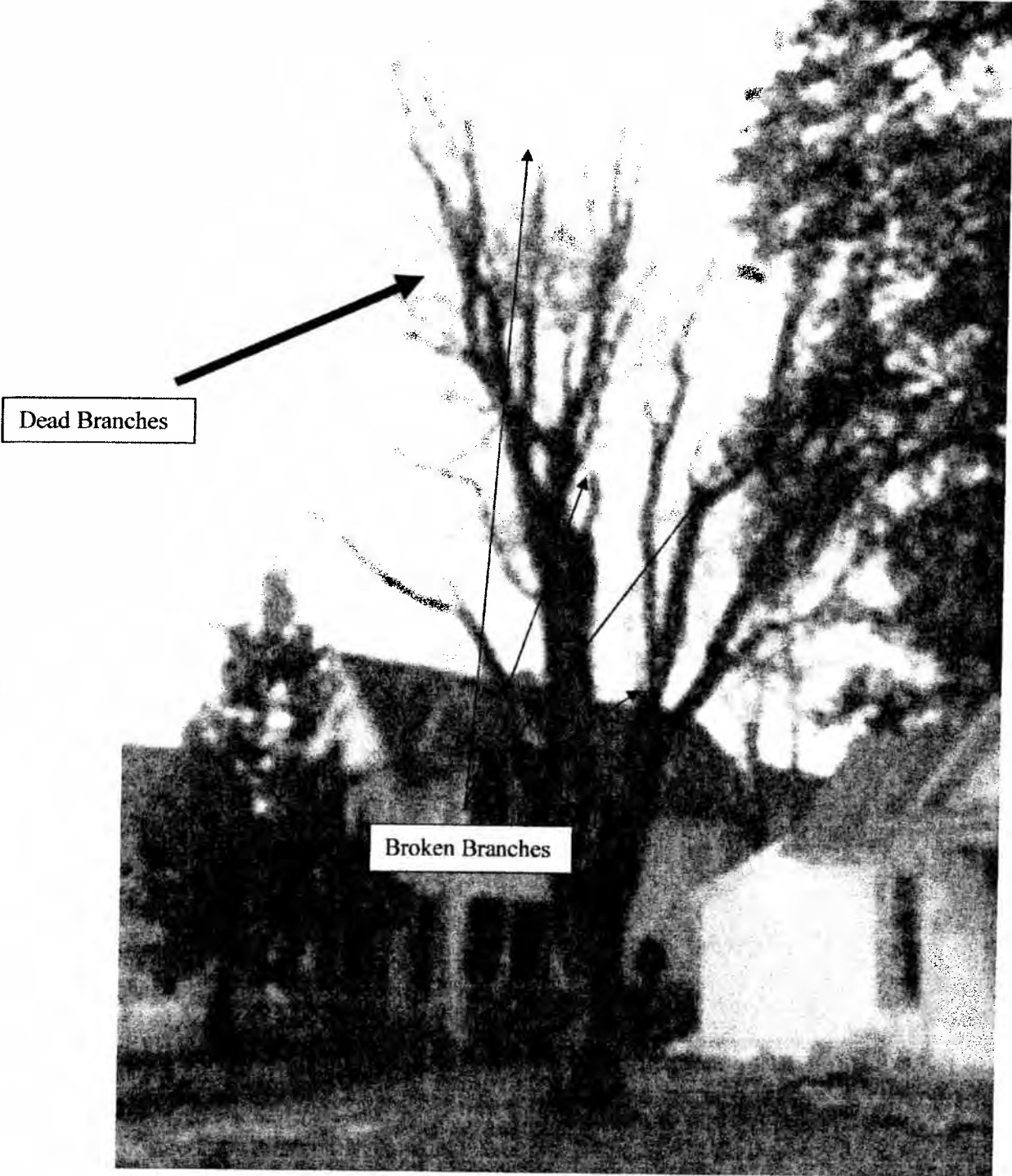
I recommend removing this tree prior to construction to reduce risks to persons and property. Please contact me with any questions or concerns at 970-453-9154.

Sincerely



Rick Herwehe
Forester, Certified Arborist #RM-2195

Enc: photo



Memo

To: Planning Commission
From: Jennifer Cram, AICP
Date: February 28, 2008
Subject: **Landscaping Ordinance Updates**

During the worksessions on February 19th and March 4th staff discussed proposed changes to Policy 22 - Landscaping with the Commission. Changes were discussed to both Absolute and Relative policies.

Absolute Policies – Noxious Weeds, MPB, Fuels Reduction and Water Features

The Commission was comfortable with the proposed changes to absolute policies to address Noxious Weeds, the removal of Mountain Pine Beetle (MPB) infested trees and Fuels Reduction to be consistent with existing Town Ordinances and Conditions of Approval.

A new absolute policy to address water features was also discussed. The Commission noted that Water Features should not be allowed outside of disturbance envelopes, that the use of Glycol should be prohibited and that those water features that were excessive in size and/or that were heated to run year round should receive negative points under Policy 33 – Energy Conservation.

Defensible Space – Relative or Absolute Policy?

Defensible Space - With the growing threat of forest fires in and around Breckenridge, we would like to develop a process for property owners to create defensible space around their homes. We understand the desire to maintain buffers and keep homes screened on the hillsides.

Staff believes that we could develop recommended guidelines that would allow property owners to create defensible space around their homes and maintain buffers by requiring the replanting of firewise trees. (Firewise trees are determined based on their moisture content, generally deciduous trees planted in an irrigated planting bed are considered firewise). We have included a diagram and descriptions from a Colorado State University Cooperative Extension publication to give the Planning Commission an idea of what defensible space might look like.

The Commission was comfortable with adding a new relative policy to address Defensible Space during the last two worksessions. With recent discussions about the alarming impacts from MPB infestations, staff believes that it may be important to not only encourage property owners to create defensible space, but to require it through an absolute policy.

- We would like to know if the Commission supports creating a new absolute policy to address defensible space around structures?

Relative Policies – Forest Health and Species Diversity

Forest Health - We would like to encourage private property owners to improve the health of the trees on their properties. Forest management includes thinning trees starting with dead and diseased trees and replanting to encourage species diversity. The Town Council believes that enhancing existing relative policies would encourage more property owners to improve the health of the trees on their properties. The way that policy 22R is applied by staff and the Commission will also be important, as we have many existing tools in Policy 22R.

With this being said, staff believes that positive points should only be awarded under Policy 22R for those projects that look at the health of existing trees along with the replanting of appropriate species in a variety of sizes including larger trees according to industry standards. We believe that just planting new trees is no longer enough to receive positive points.

Staff believes that properties can be reviewed on a case-by-case basis and positive points awarded based on the amount of healthy existing vegetation that remains and the amount and sizes of new vegetation that can be planted that will fit based on mature growth habit. Where few or no trees currently exist, projects could still be eligible for positive points for above average landscaping plans based on proposed species, quantity and size. In reviewing a proposed landscape plan for positive points, staff will look at the health of existing trees, species diversity of new plantings (with native species being preferred), size of new plantings and location to provide buffers to public rights of way and neighboring structures for privacy. The landscaping Guidelines will also be updated to provide information on recommended species, industry standards for sizes, planting details etc.

- We would appreciate the Commissions input on this new holistic approach to awarding positive points for landscaping based on forest health and species diversity.

Point Multipliers for Policy 22 - Landscaping

Currently a development permit application can obtain up to +4, or +8 positive points under Policy 22R – Landscaping for proposed landscape improvements that provide exceptional buffers and aesthetics. Many projects are able to mitigate significant negative impacts using this policy. It has been suggested that the point multiplier could be reduced to +2, +4, +6... to encourage better design of projects, or mitigation through other policies.

Town Council did not believe that the point multiplier should be reduced. The existing ordinance gives staff the ability to get significant landscaping for positive points. With a new holistic approach to awarding positive points, we believe that +4 to +8 points could be warranted.

- Does the Planning Commission want to consider reducing the point multiplier to +2, +4, +6, or keeping the point multiplier as is?

Summary

With the goal of trying to improve forest health, reduce wildfire risk and maintaining buffers within Town it is important to look at updating our existing landscaping policy. We have noted several topics that might be considered. We welcome any additional thoughts that the Planning Commission may have with regard to landscaping.

Staff has included an updated copy of Policy 22 – Landscaping for review and will be available during the worksession on May 20th to answer questions and receive feedback.

Defensible Space Management Zones

Zone 1 is the area of maximum modification and treatment. It consists of an area of 15 feet around the structure in which all flammable vegetation is removed. This 15 feet is measured from the outside edge of the home's eaves and any attached structures, such as decks.

Zone 2 is an area of fuel reduction. It is a transitional area between Zones 1 and 3. The size of Zone 2 depends on the slope of the ground where the structure is built. Typically, the defensible space should extend *at least* 75 to 125 feet from the structure. See Figure 2 for the appropriate distance for your home's defensible space. Within this zone, the continuity and arrangement of vegetation is modified. Remove stressed, diseased, dead or dying trees and shrubs. Thin and prune the remaining larger trees and shrubs. Be sure to extend thinning along either side of your driveway all the way to your main access road. These actions help eliminate the continuous fuel surrounding a structure while enhancing homesite safety and the aesthetics of the property.

Zone 3 is an area of traditional forest management and is of no particular size. It extends from the edge of your defensible space to your property boundaries.

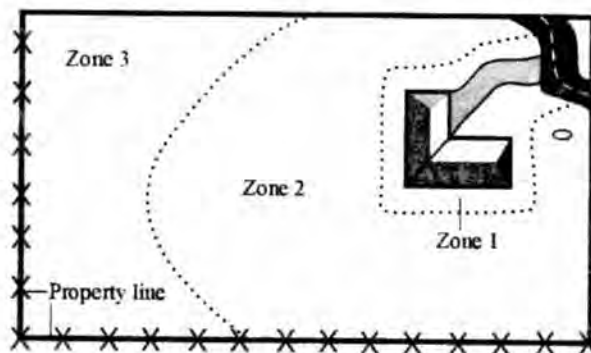


Figure 1: Forested property showing the three fire-defensible zones around a home or other structure.

22. (ABSOLUTE) LANDSCAPING (22/A):

General Statement: The Town hereby finds that it is in the public interest for all developments to maintain healthy trees and to provide landscape improvements for the purposes of; complimenting the natural landscape and retaining the sense of a mountain environment; improving the general appearance of the community and enhancing its aesthetic appeal; preserving the economic base; improving the quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the adverse effects of climate, aspect, and elevations; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving air and water quality.

To ensure that landscaping is provided and maintained, the following requirements for the installation, maintenance, and protection of landscaping areas are required to be met for every project issued a permit under this Chapter:

A. Maintenance:

(1) All plantings shall be maintained in a healthy and attractive condition. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating.

(2) Properties shall be kept free of noxious weeds as designated in the Town's Noxious Weed Management Plan as updated from time to time.

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(3) Landscaping structural features such as fencing, planter boxes, etc., shall be maintained in a sound structural and attractive condition.

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(4) Mountain Pine Beetle infested trees shall be cut as close to the ground as possible and chipped, or removed from the property and disposed of properly, so as not to spread infestation to other properties prior to Beetle flight (approximately June 30th) on an annual basis.

(5) Properties shall be kept free of leaf clutter and dead standing trees. Dead branches on living trees shall be trimmed to a minimum height of six-feet (6') and a maximum height height of ten-feet (10') above ground level.

(6) Whenever plants are removed or die, they shall be replaced by planting materials as soon as possible that meet the original intent of the approved landscaping design. Mountain Pine Beetle infested trees shall be replaced on a case-by-case basis in a manner to provide sufficient buffers within 5 years between properties for privacy and to screen properties from public right of ways. Property owners will not be required to replace trees on a per caliper inch basis.

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B. Requirements:

(1) All open industrial or commercial storage areas shall be screened from all public rights of way or adjacent property by use of landscaping, berms, or a combination of landscaping and other structural features to a height of six feet (6') minimum.

(2) When a parking lot and public right of way are contiguous, a landscaped area a minimum of five feet (5') in width, separating the parking lot from the right of way, and which also effectively screens the lot shall be provided.

(3) Any site contiguous to or facing any other residential uses or future residential uses shall screen its parking lots, loading docks, or similar uses through the use of landscaping elements to a height of four feet (4').

(4) All surface areas designed on the approved landscaping plan that will not be a hard surface shall be planted with adequate ground cover as approved by the Town and shall be top-dressed with a minimum of two inches (2") of top soil prior to planting. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided.

(5) Not less than six percent (6%) of the interior areas of all parking lots and drive-in establishments shall be placed in landscaping.

~~(6)~~ At least fifty percent (50%) of all tree stock shall be of a size equal to or greater than six feet (6') in height ~~for evergreen trees~~ and ~~one and one-half (1 1/2")~~ caliper ~~for deciduous trees~~, measured six inches (6") above ground level. Said tree shall be in a minimum of five (5) gallon containers, if container stock; or a minimum of twelve inch (12") root spread, if bare root stock; or a minimum of fourteen inch (14") ball diameter if balled and burlapped with the ball depth not less than seventy five percent (75%) of diameter or three-quarters (3/4) of width. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Town.

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~~(7)~~ At least fifty percent (50%) of all shrub stock shall be of a size equal to or greater than Type 2, four (4) cans or more, two feet (2') and up, if deciduous; Type 1, twelve inch (12") spread, if creeping or prostrate evergreens; or Type 2, twelve inch (12") spread and height, if semi-spreading evergreens. Size adjustments which reflect the growth habits of a particular species may be made at the discretion of the Town.

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~~(8)~~ All plant materials shall be specified and provided according to the

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American Standard for Nursery Stock and adapted to a high alpine environment, or an elevation appropriate for the site. Additional information beyond the minimum requirements stated therein which provide a more definitive indication of size, quality, shape, confirmation, condition, and/or the method of transplanting is encouraged.

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(9) Large trees shall be staked as per American Nursery Standards. (Ord. 19, Series 1988)

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C. Water Features

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(1) Water features shall not be permitted outside of disturbance envelopes, nor shall they be permitted on properties that do not have platted disturbance envelopes when the construction of said feature results in the removal of existing trees that provide required site buffers. Water features constructed within disturbance envelopes shall not negatively impact site buffers.

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(2) The use of Glycol, or other anti-freezing additives within water features is prohibited.

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(3) Water features that are excessive in size, or that are heated for year round use shall receive negative points under Policy 33 – Energy Conservation.

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22. (RELATIVE) LANDSCAPING (22/R):

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A. All developments are strongly encouraged to make landscaping improvements which contribute to the objective of maintaining healthy tree stands and a more beautiful, safe, and environmentally sound community. To meet this goal, all projects will be evaluated on how well they implement the following suggested criteria:

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(1) It is encouraged that at least one tree a minimum of eight-feet (8') in height, or three inch (3") caliper be planted at least every fifteen feet (15') along public rights of way.

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(2) It is encouraged that all landscaping areas have a minimum dimension of five feet (5').

(3) Development permits should identify and preserve specimen trees, significant tree stands, and tree clusters. Trees considered as highest priority for preservation are those that are disease-free, have a full form, and are effective in softening building heights and creating natural buffers. Buildings shall be placed in

locations that result in adequate setbacks to preserve these priority trees. Measures shall be taken to prevent site work around these tree areas. Applicants are encouraged to seek professional advise on these issues from experts in the field.

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(4) Selective tree cutting/thinning to maintain the health of the tree stand, provide solar access, or to allow for greater species diversity, is appropriate, provided that an effective buffer of vegetation is maintained to help blend the development into the site. Clustering trees and creating natural openings is preferred over randomly leaving single trees throughout the site.

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(5) The creation of defensible space around structures is strongly encouraged outside of the conservation district. Zone 1 extends 15-feet from the edge of a structures or eaves. Zone 1 should be removed of all flammable vegetation. Zone 2 is generally 75 to 125 feet from the structure. Vegetation in Zone 2 should be thinned to remove dead and diseased trees first and then healthy trees to provide approximately ten-feet between crowns. Zones 1 and 2 should be planted with fire-wise plant materials as specified in the Town of Breckenridge Landscaping Guide to maintain site buffers. Zone 3 is of no particular size and extends from the edge of Zone 2 to the property boundary. This area should remove dead and diseased trees. (Insert sketch of Zones.)

(6) It is encouraged that the landscaping materials utilized are those species that are native to Breckenridge, or appropriate for the high alpine altitude climate found in Breckenridge. The Town of Breckenridge Landscaping Guide shall be used to evaluate this particular criteria.

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(7) Installation, use and maintenance of irrigation systems to insure survival of landscaping in the long-term is strongly encouraged until plant material is established.

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(8) Revegetation measures, including but not limited to, seeding, netting, mulching, and irrigation for disturbed areas and cut/fill slopes are strongly encouraged. Cut and fill slopes should not exceed a 2:1 gradient.

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(9) It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that the applicants provide for an irrigation system that is based on the recycling of water. In general native species are the most drought tolerant after establishment.

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(10) It is encouraged that wheel retention devices be utilized for parking areas adjacent to landscaping in those instances where the devices will not interfere with propose snow plowing operations.

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(11) It is encouraged that plant materials be provided in sufficient quantity, of acceptable species, and placed in such arrangement so as to create a landscape which is appropriate to the Breckenridge setting and which subscribes to the Historic District Guidelines.

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(12) It is encouraged that the remaining fifty percent (50%) of the tree stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices at maturity which recognize the Breckenridge environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size and shape shall be in general compliance with the American standard for nursery stock. 50% of all deciduous trees should be multi-stem.

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(13) It is encouraged that the remaining fifty percent (50%) of the shrub stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices which recognize the Breckenridge environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size, root spread, and ball size and shape shall be in general compliance with the American standard for nursery stock.

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(14) It is encouraged that landscaping be provided in a sufficient variety of species to ensure the continued appeal of a project in those instances where a particular species is killed through disease.

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(15) It is encouraged that at least fifty percent (50%) of the area of a project that is not being utilized for buildings or other impervious surfaces shall be kept in a natural state, or if not naturally forested, that it be planted with landscaping materials other than ground cover such as trees and shrubs.

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(16) It is encouraged that all planting materials proposed for areas also designated as snow stacking areas be of a size or type that will not be adversely affected by the proposed snow

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storage.

(17) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of policy 22 "Landscaping" of this policy is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property. (Ord. 19, Series 1995)

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