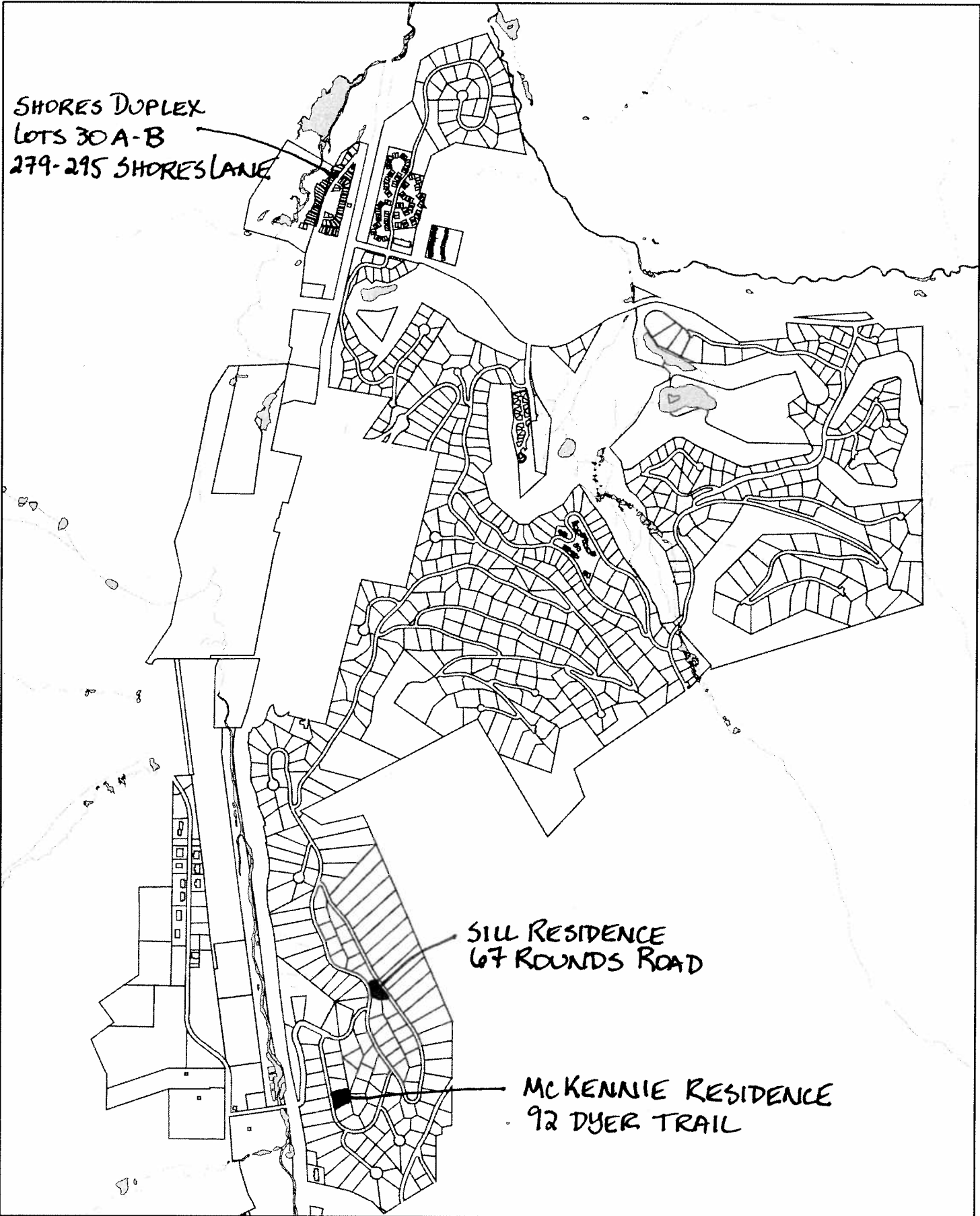


**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, March 18, 2008  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00</b>	<b><i>Call to Order of the March 18, 2008 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes March 4, 2008 Regular Meeting Approval of Agenda</i></b>	<b>4</b>
<b>7:05</b>	<b><i>Consent Calendar</i></b>	
	1. McKennie Residence (MGT) PC#2008027 92 Dyer Trail	<b>13</b>
	2. Beaver Run Summer Function Tent (CK) PC#2008025 620 Village Road	<b>19</b>
	3. Sill Residence (CK) PC#2008026 67 Rounds Road	<b>26</b>
	4. Sunset Condo Remodel (CK) PC#2008028 450 Four O'Clock Road	<b>31</b>
	5. Shores Duplex, Lots 30A & B (MM) PC#2008022 279 & 295 Shores Lane	<b>38</b>
<b>7:15</b>	<b><i>Final Hearings</i></b>	
	1. Lot 2, Block 7, Yingling and Mickles (MGT) PC#2008002 102 South Harris Street	<b>49</b>
<b>8:15</b>	<b><i>Preliminary Hearings</i></b>	
	1. Maggie Placer Development (MM) PC#2008024 9525 CO State Highway 9	<b>74</b>
<b>9:45</b>	<b><i>Work Session</i></b>	
	1. Solar Panels (JS)	<b>85</b>
<b>10:15</b>	<b><i>Town Council Report</i></b>	
<b>10:20</b>	<b><i>Other Matters</i></b>	
<b>10:30</b>	<b><i>Adjournment</i></b>	

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

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



SHORES DUPLEX  
LOTS 30A-B  
279-295 SHORES LANE

SILL RESIDENCE  
67 ROUNDS ROAD

MCKENNIE RESIDENCE  
92 DYER TRAIL

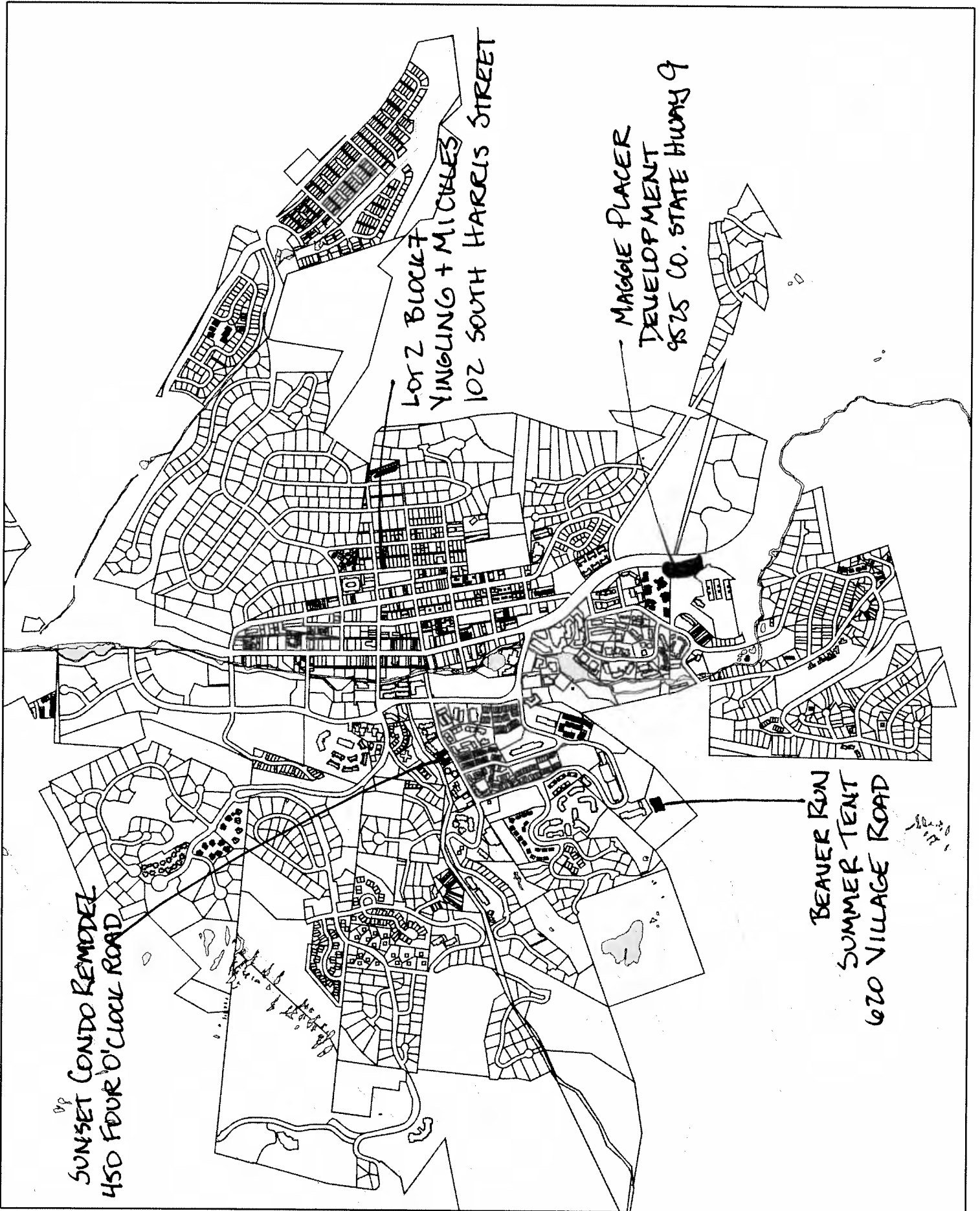


Town of Breckenridge and Summit County governments  
assume no responsibility for the accuracy of the data, and  
use of the product for any purpose is at user's sole risk.

Breckenridge North

printed 2007

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SUNSET CONDO REMDEZ  
450 FOUR O'CLOCK ROAD

LOT 2 BLOCK 7  
YINGLING + MICHELES  
102 SOUTH HARRIS STREET

MAGGIE PLACER  
DEVELOPMENT  
9525 CO. STATE HWY 9

BEAVER RUN  
SUMMER TENT  
620 VILLAGE ROAD



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Breckenridge South

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## ***PLANNING COMMISSION MEETING***

### ***THE MEETING WAS CALLED TO ORDER AT 7:06 P.M.***

#### ***ROLL CALL***

Michael Bertaux

John Warner

Rodney Allen

Peter Joyce

Mike Khavari

Sean McAllister (left @ 7:35)

Dave Pringle (arrived @ 7:11pm)

#### ***APPROVAL OF MINUTES***

With no changes, the minutes of the February 19, 2008 Planning Commission meeting were approved unanimously (6-0).

#### ***APPROVAL OF AGENDA***

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

#### ***ACTION ITEM:***

1. Comprehensive Plan

#### ***Commissioner Questions/Comments:***

Mr. Pringle: McCain property would be an excellent spot for an additional grocery store. Suggest striking the bullet point and adding, "With commercial retail uses preferred on the first floor."

Mr. McAllister: Feels a sustainability plan would be sufficient and thus not sure a sustainability chapter would be necessary.

Mr. Joyce: The plan will always have data that needs to be updated, so it will never be entirely current.

Mr. Bertaux: Suggested restricting home size/floor to area ratios "in relation to the lot size". Suggested the Comprehensive Plan encouraging retail commercial uses on the ground floor, rather than specifying a policy in the development code. The plan is a guide, not a mandate.

Dr. Warner: Regarding community facilities chapter 5 page 69: the last sentence regarding a daycare facility, do not use the singular; we may need more than one new facility. #14 regarding water reservoir, has McCain property been studied enough to commit to a reservoir there and should we have a more generic statement on increasing storage capacity, rather than a specific location? Explore option for additional water storage, period. Should community facilities seeking green standards be addressed in the plan? Maybe a sustainability chapter should be added. Struggles with small FARs recently (like 1:2 or 1:1.8). Would a neighborhood by neighborhood analysis be more practical? (Mr. Truckey explained that staff was initiating contacts with each neighborhood.) Still didn't know enough about incentives to make ground floor retail a preferred use. Disappointed in BEDAC and would have liked for them to come up with viable incentives for maintaining retail on ground floor, instead of assuming that planning staff could accomplish this. Agreed with focus on ground floor being retail, but eliminate the bullet suggesting code amendments at this time. Chapter 16 page 63, trash is a huge problem in our snow melt; issues and should be added to the discussion. Was comfortable in recommending approval of the plan - the information provided at the open house on each chapter resonated with me.

Mr. Allen: Asked if amendments to the resolution could occur. (Mr. Truckey said he would seek clarification from Tim Berry on how to incorporate any additional changes the planning commission recommends to the February 21 plan document.) Regarding community facilities and sustainability, should we address green-technology snow-melting options to address snow storage? Regarding the land use plan, 9 units per acre may not be working for the vitality of the town. Would an incentive program be possible if retail was required on the ground floor? Public that attended open house indicated maximum square footage for home construction on smaller lots is already covered by other means, such as setbacks. Ground floor office policy is still pretty strong. Page 16 of the packet, Park Avenue Section: remove all examples of traffic management. Personally still not comfortable approving the comprehensive plan as is. Feels more time should be spent.

Mr. Pringle moved to approve the resolution that recommended to the Town Council that the “Town of Breckenridge Comprehensive Plan, Dated February 21, 2008”, with amendments as suggested tonight, be adopted as the master (comprehensive) plan for the physical development of the Town. Mr. Bertaux seconded. The motion was approved unanimously (6-0).

Amendments: Documented above and to be attached to the resolution forwarded to Town Council.

***CONSENT CALENDAR:***

1. Timberline Spec (JS) PC#2008020; 787 Fairways Drive
2. Burki Residence (CK) PC#2008021; 2446 Highlands Drive

Dr. Warner was happy to see the solar panels proposed on the Burki Residence. Mr. Allen wanted to confirm that the building department would confirm the solar panels were installed and in use before C.O. was issued. Staff explained both the building department and the planning department would determine this during C.O. inspection.

With no motions, the consent calendar was approved unanimously (6-0).

***PRELIMINARY HEARINGS:*** (Presented concurrently)

1. Stan Miller Master Plan (MM) PC#2008006

Mr. Mosher presented. The applicant proposed a Master Plan for the recently annexed Stan Miller property and the adjacent Tract D-2 of The Shores at The Highlands Subdivision, (formerly the West Braddock Subdivision). The Master Plan identified density and uses for 6 development parcels (A, B, C, D, E and F), two public open space parcels (G and I) and a 60-foot right of way (ROW) for Stan Miller Drive. The proposed Master Plan was for a phased, integrated, residential neighborhood containing 100 deed restricted units and 55 market units. Subdivision of the development parcels would create 73 lots, three development Tracts and four pocket parks and connecting trails. This Master Plan included Tract D-2 of the Shores at The Highlands Subdivision.

2. Stan Miller Subdivision (MM) PC#2008007

Mr. Mosher presented. The applicant proposed to subdivide 40.41 acres known as the Stan Miller property and 2.29 acre Tract D-2, The Shores at the Highlands (Previously known as West Braddock) into seventy three (73) lots, three (3) deed restricted development Parcels and associated Rights of Way (ROW) tracts. There are two Public Open Space Parcels (G, I) and three Private Open Space Parcels. The proposal was to subdivide the property in Phases over time. The first subdivision would create the 6.12 acre Public Open Space and Blue River corridor, the parcel separating out the northerly 12 acres known as the “Sale Parcel”, which the owner intends to sell to “Braddock Holdings” (Breckenridge Lands LLC), a 60’ wide right of way for Stan Miller Drive, a deed restricted development Parcel in the location of the Stan Miller Inc. current office and the remaining property as one large Parcel. The property would then be re-subdivided over time.

This Master Plan and Subdivision has not presented any concerns to Staff. There will be further detailed review of the development on this property with each individual application for development. Any proposal will follow the density allocations and design standards established.

1. Did the Commission have any comments regarding waiver request for the smaller lot sizes and resulting reduced building setbacks?
2. Did the Commission have any comments regarding the location of the trail on the west side of the Blue River when the Blue River Restoration Master Plan suggests having trails located only on the east side?

Staff welcomed any further comments from the Commission. With any added comments, the Planning Department recommended these applications return for a second review.

Don Nilsson, Agent for Applicant: 155 total units are proposed on 36 acres or 4.2 units per acre. Proposed commercial uses ended up going away for a variety of reasons. Providing the required housing for the commercial uses is nearly 1 to 1 and does not count towards the suggested 80% requirement for annexation. That’s the main reason for not proposing commercial uses. Additionally, the Council was not supportive of having commercial in this area. An integrated neighborhood feel was sought. When driving down the street, a passerby should not notice any distinction between a deed restricted unit and a market rate unit throughout the neighborhood. The project will

take place over the next 18 years. Stan Miller Inc. has operated on this property for 30 years. Therefore, a phasing plan is being proposed so the business can continue to operate. Construction of the deed-restricted units will be phased as well so they don't all come on line at the same time, or compete with Block 11 housing. The river relocation includes public access and a soft surface trail system. Regarding the trail on the East or West side of river, the applicant is leaning towards keeping it on the east, since once a person crosses to U.S. Forest Service property just outside the Town Open Space, hunters can hunt (just across the river from the subdivision.) The river redevelopment and Stan Miller Drive will be built within the first two years after final approval. Applicant is prepared to install three bridges to access the West side if needed.

*Commissioner Questions/Comments:*

- Mr. Pringle: What will happen to the homes on the east side with the trail system? (Staff pointed out trails would exist through the back yards of those homes along the east side of river.). A bike path should also be included to reduce intersection conflicts between vehicles accessing Highway 9 and bike path crossings. What is the typical home size to be placed on the smaller lots? (Mr. Nilsson - pointed out the homes would be between 1,100-1,400 sq. ft., plus the garage.) The scope and the scale of single family home on lots 5,000 or less would be nice to know. (It was agreed upon by the applicant to put a maximum cap on the size of homes to be built on lots 5,000 or less.) Happy with applications. Need to address the trail system with Open Space and Trails Staff and their consultants.
- Mr. Joyce: Would there be public access to the County open space? (Staff stated no, access would exist on the west side of the river only.) Would the bridges then go away? (Staff stated yes, the bridges would go away.) Asked about water reclamation and river reconstruction. (Applicant explained that the river would be relocated onto virgin soil, but would still be subject to seasonal flows from areas up stream (McCain)). How would a bike bath on the west side be possible if the county won't grant access through their property? (Mr. Nilsson: we are hoping to eventually get a connection through this section of land. Eventually, County would have to step up to the plate.) Can the existing utility lines be buried? (Staff pointed out that the goal in the future is to bury the lines.)
- Mr. Bertaux: Stepped down due to a conflict of interest. Currently employed by Stan Miller Inc.
- Dr. Warner: Asked the applicant if they purposely avoided sinuosity in the river design? (Mr. Nilsson: seasonal flooding could ruin a winding river if and when it occurs as the channel is deeper and the flood plain is narrower.) Is looking for more sinuosity, but now understands why the applicant avoided it. Would prefer the bike path be on the west side of the river in the future due to vehicular conflicts near Highway 9. Ok with the smaller lot sizes. The proposed streets will allow for some parking and efficient snow staking. With asphalt close to the river, where would the water runoff go? (Mr. Nilsson explained the drainage plan and the series of detention ponds located in the pocket parks. The drainage wouldn't reach the river.) Was BOSAC's opinion considered regarding river trails? (Staff pointed out not yet, they would be consulted before next hearing.)
- Mr. Allen: Asked applicant why only 75% deed restricted is provided when typically annexations ask for 80%. (Staff and Agent pointed out that, when commercial was removed and units were dispersed about the subdivision, the ratio was allowed to be reduced. It is at Council's option on a case-by-case basis.) With 4.5 units per acre allowed in the Land Use Guidelines, could this preclude applicants from coming back for more density in the future? (Staff pointed out no. But a Master Plan modification would be needed.) If the annexation agreement specifies something, can an applicant still get positive or negative points when they comply? For example the applicant is getting positive points for affordable housing; should they get these when the annexation agreement required such? Sought clarification regarding lot size in relation to home size. On bike path, safety of our community members should take priority over wildlife protection. On lot size, how are we able to ok a waiver on an absolute policy? (Staff explained that code allows smaller lots on master planned developments.)
- Mr. Khavari: Agreed with all said. Proposal looks fine. Resolve trail issue prior to next hearing. This subdivision proposal is in general compliance with the Subdivision Standards with the exception of lot size and setbacks (discussed in the Master Plan). Additional data regarding the river relocation and treatment of ground and surface water is still pending.

**WORK SESSIONS:**

## 1. Landscaping Policy (JC)

Ms. Cram presented. Within the last year, three new ordinances have been adopted, one regarding Noxious Weeds (Ordinance No. 15, Series 2007) another regarding Mountain Pine Beetles (Ordinance No. 16, Series 2007) and lastly one regarding Water Features (Ordinance No. 39, Series 2007). In addition, staff has been discussing the importance of improving forest health through forest management plans, wildfire mitigation and replanting with diverse species. Staff has also discussed the possibility of adjusting the point multiplier for those developments that propose new landscaping with the Town Council.

Staff believes that updating the Town's Development Code with regard to Policy 22 - Landscaping, to include new absolute and relative policies is necessary to be consistent with the recently adopted ordinances noted above and desired forest management goals for future development. This would assist the public in knowing what requirements there are pertaining to these ordinances and provide potential opportunities to mitigate negative impacts when applying for a development permit.

Staff introduced some of the proposed changes to Policy 22 to the Planning Commission. Staff shared these with the Town Council in October and received feedback on what policies should be absolute and those that should be relative. Staff will use Planning Commission feedback to work with the Town Attorney to draft changes to Policy 22.

With the goal of trying to improve forest health, reduce wildfire risk and maintain buffers within Town, it is important to look at updating our existing landscaping policy. Staff welcomed any additional thoughts that the Planning Commission had with regard to landscaping.

During the worksession on February 19<sup>th</sup> we discussed the water features policy. In general the Commission was concerned about water features with regard to site disturbance and the loss of buffers and energy consumption. We also discussed the replacement of trees from MPB infestation and generally the Commission agreed that replanting should be required, but that it should be reasonable for property owners. Staff is continuing to draft language to incorporate the Commissions comments.

### *Commissioner Questions/Comments:*

- Mr. Pringle: Would suggest the town begin a PR campaign to replace dead trees. Two issues at hand: landscaping plans near the building envelope versus forested areas outside the envelope. Would encourage a landscaping policy that addresses staffs concerns but considering different scenarios. Can we discuss planting trees too close to buildings, which is occurring and shouldn't be? More isn't better, better is better.
- Mr. Joyce: What type of trees would be required? (Staff pointed out that species diversity would be encouraged.) Is the landscape guide on the website? (Staff stated yes.)
- Mr. Bertaux: Planting trees all at the same time is not a healthy alternative. What about 3-4 years down the road when an owner doesn't irrigate and everything dies?
- Dr. Warner: Can't tell if a 1 to 1 replacement is required or not. Wanted to see buffers replaced. An inch and a half aspen is a big tree. Would prefer a height as opposed to a diameter as a rule of thumb. Would it make sense to have #5 read "15 ft from the structure"?
- Mr. Allen: Buffers seem site specific. Clarify what an existing buffer is.
- Mr. Khavari: Does "between homes" include the backside of the home. (Staff: yes.) How would irrigation be addressed in specific places? (Staff recommended at-grade drip irrigation systems would be allowed until trees are established.)

Don Nilsson, local developer: taller trees don't always provide a better buffer. Do not encourage cottonwood trees on a hillside as they will look out of place.

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

Town Council discussed solar panels in the historic district. Dr. Warner had a conversation with Mr. Joyce about single pane glass on historic windows in the historic district. Mr. Joyce asked if the state historical society had an opinion.

***OTHER MATTERS:***

None.

***ADJOURNMENT:***

The meeting was adjourned at 10:49p.m.

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Mike Khavari, Chair



## TOWN OF BRECKENRIDGE

### Standard Findings and Conditions for Class C Developments

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

#### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated March 13, 2008, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on March 18, 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 September 24, 2009, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.

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

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

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

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

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

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

23. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
24. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
25. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
26. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
27. Applicant shall screen all utilities.
28. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
29. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
30. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
31. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that

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

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

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(Initial Here)



### Class C Development Review Check List

**Project Name/PC#:** McKennie Residence PC#2008027  
**Project Manager:** Matt Thompson, AICP  
**Date of Report:** March 7, 2008 For the 03/18/2008 Planning Commission Meeting  
**Applicant/Owner:** Tim and Tracy McKennie  
**Agent:** Stacy Lindholm for Allen-Guerra Design Build  
**Proposed Use:** Single family residence  
**Address:** 92 Dyer Trail  
**Legal Description:** Lot 22, Highlands at Breckenridge, Filing #1  
**Site Area:** 31,342 sq. ft. 0.72 acres  
**Land Use District (2A/2R):** 6: Subject to the Delaware Flats Master Plan  
**Existing Site Conditions:** The lot slopes gently uphill at 5% from the front of the building envelope towards the rear of the envelope. The site is moderately covered with medium sized lodgepole pine trees. There is a healthy aspen grove in the northeast part of the property.

**Density (3A/3R):** Allowed: unlimited Proposed: 4,590 sq. ft.  
**Mass (4R):** Allowed: unlimited Proposed: 5,468 sq. ft.  
**F.A.R.:** 1:5.70 FAR  
**Areas:**  
**Lower Level:** 2,100 sq. ft.  
**Main Level:** 2,057 sq. ft.  
**Upper Level:** 433 sq. ft.  
**Garage:** 878 sq. ft.  
**Total:** 5,468 sq. ft.

**Bedrooms:** 4  
**Bathrooms:** 5  
**Height (6A/6R):** 29.2'  
 (Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
 Building / non-Permeable: 5,011 sq. ft. 15.99%  
 Hard Surface / non-Permeable: 3,152 sq. ft. 10.06%  
 Open Space / Permeable: 23,179 sq. ft. 73.96%

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

**Snowstack (13A/13R):**  
 Required: 788 sq. ft. (25% of paved surfaces)  
 Proposed: 800 sq. ft. (25.38% of paved surfaces)

**Fireplaces (30A/30R):** 2 gas

**Accessory Apartment:** N/A

**Building/Disturbance Envelope?** Building envelope

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

Rear: within building envelope

**Architectural Compatibility (5/A & 5/R):** The proposed residence will be architecturally compatible with the land use district.  
**Exterior Materials:** Primary horizontal siding is 2x12 hand hewn cedar siding stained, vertical siding 1x6, 1x8, 1x10 board on board stained, door and window trim to be 2x and 3x cedar, and the stone is drystack moss rock.  
**Roof:** 40-year asphalt shingles  
**Garage Doors:** Cedar sided

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

Planting Type	Quantity	Size
Colorado Spruce trees	10	6' - 8'
Aspen trees	18	2" minimum caliper
Native Shrubs	20	5 gallon

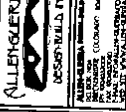
**Drainage (27A/27R):** Positive away from residence.  
**Driveway Slope:** 8% max  
**Covenants:**

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

**Staff Action:** Staff has approved McKennie Residence, PC#2008027, located at 92 Dyer Trail, Lot 22, Highlands at Breckenridge, Filing #1, with the attached findings and conditions.

**Comments:**

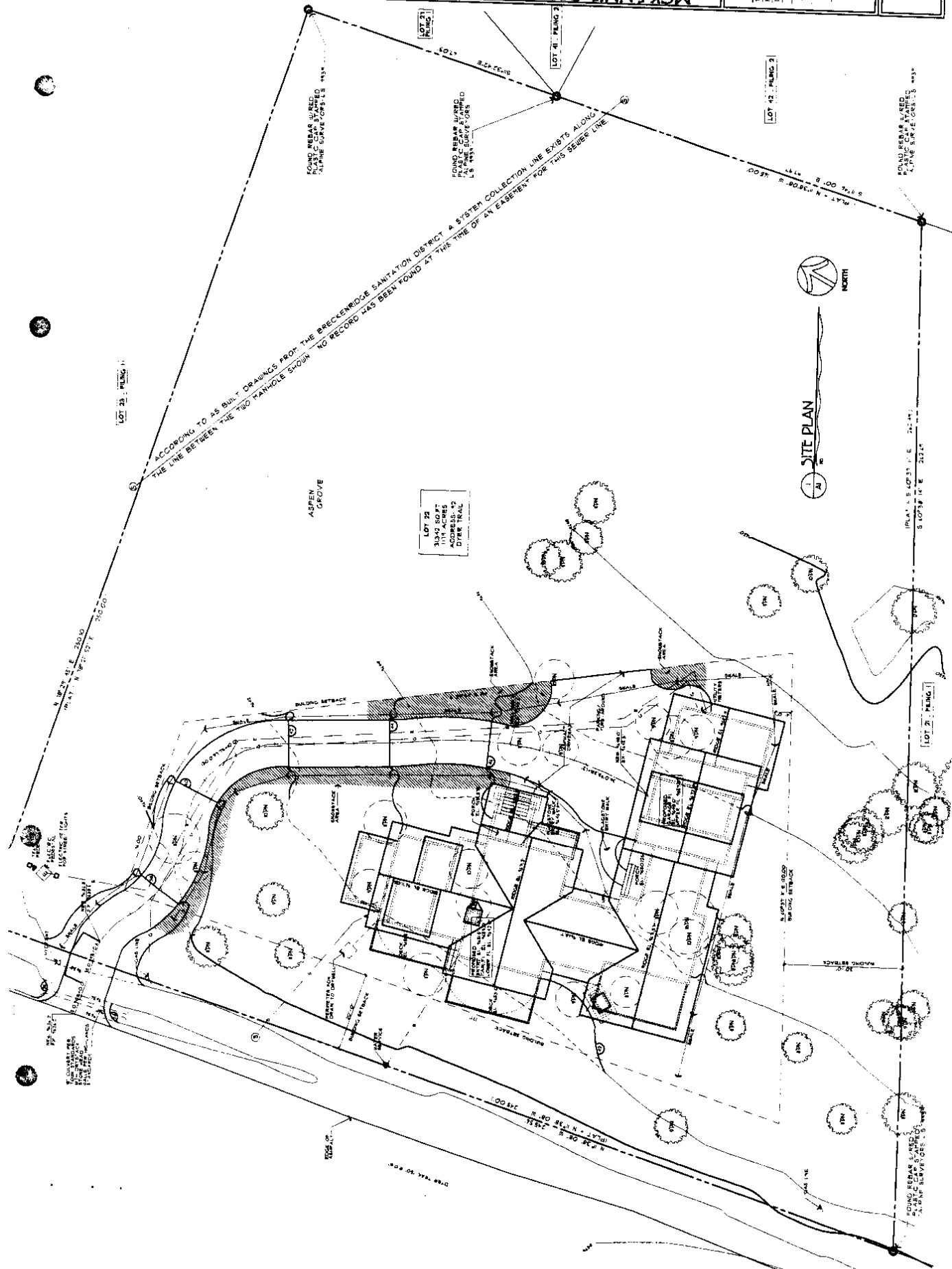
**Additional Conditions of Approval:**



SITE PLAN  
 LOTT 2, THE HIGHLANDS SUBDIVISION AT BRECKENRIDGE, HIGHLANDS, COLORADO  
 (CERTIFIED AS AN INSTRUMENT OF SERVICE UNDER THE PROFESSIONAL ENGINEERING REGISTRATION ACT BY THE BOARD OF ENGINEERS AND ARCHITECTS OF THE STATE OF COLORADO)

DATE	DESCRIPTION
1/14/2025	PRELIMINARY
5/17/2025	REVISED
9/12/2025	FINAL

AI



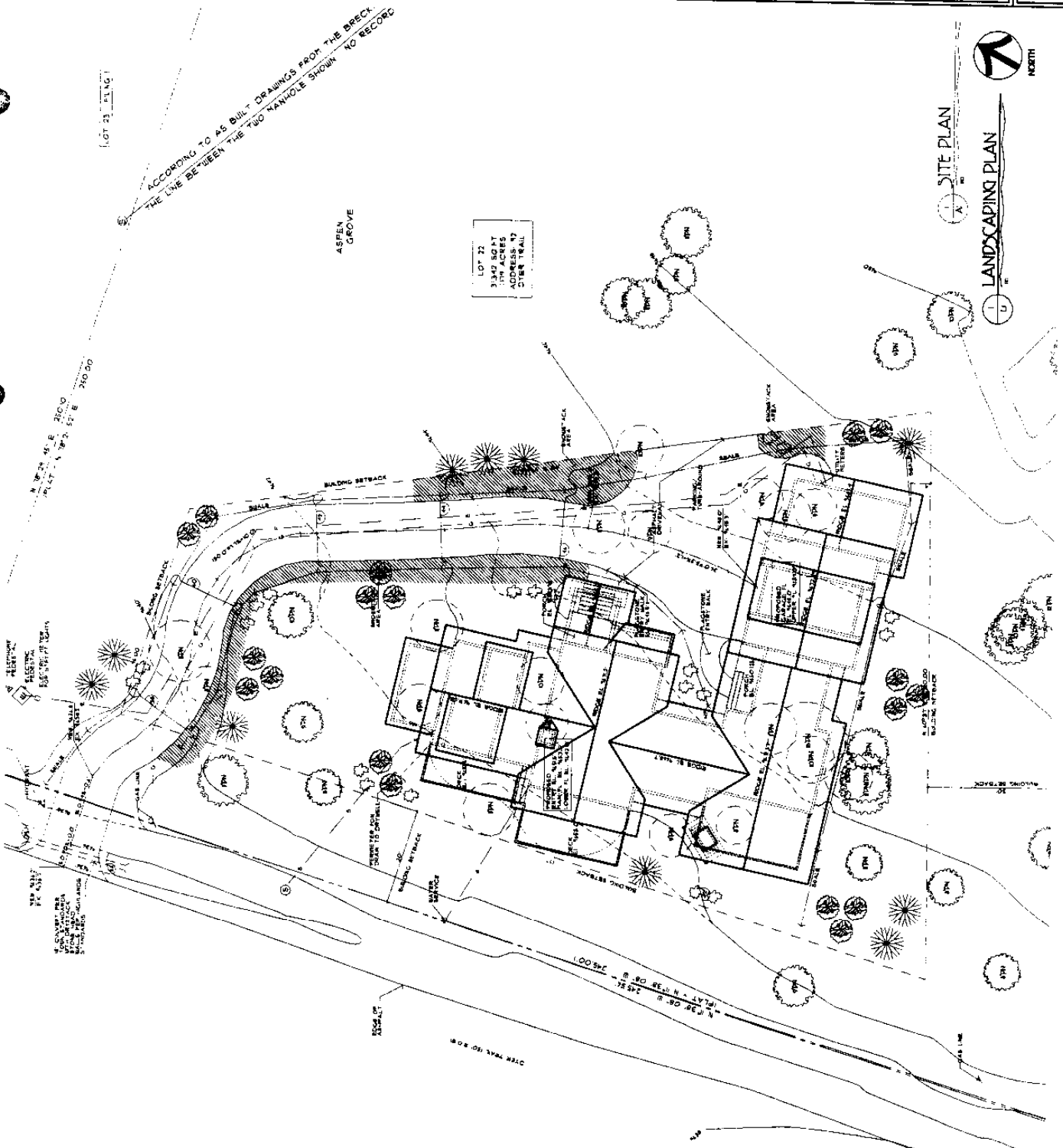


**ALLENQUERRA**  
DESIGN BUILD, INC.  
3000 N. W. 10TH AVE.  
SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1100  
WWW.ALLENQUERRA.COM

MCKENNE RESIDENCE  
 LOT 22 THE HIGHLANDS SUBDIVISION AT BRECKENRIDGE, COLORADO  
 LANDSCAPING PLAN  
 (CONVERT TO AN UNLIT PLAN, WORK OR REVISIONS FROM PREVIOUS WORK WITHIN PROJECT)

DATE	
DESIGNED BY	
PLANNED BY	
DATE	
DATE	

17



**PLANT LEGEND**

1	1 GAL. NAT. W. NURSE	COMMON NORTHERN SIEP	1 GAL.
2	2 GAL. NAT. W. NURSE	ASPEN	2 GAL.
3	3 GAL. NAT. W. NURSE	SPRING PRUNGER	3 GAL.
4	4 GAL. NAT. W. NURSE		4 GAL.
5	5 GAL. NAT. W. NURSE		5 GAL.

**CONIFEROUS TREE PLANTING**

CONIFEROUS TREES SHOULD BE PLANTED AT THE FOLLOWING SPACING:

1. 2" x 4" OR LARGER: 10 FT. x 10 FT.

2. 4" x 6" OR LARGER: 12 FT. x 12 FT.

3. 6" x 8" OR LARGER: 14 FT. x 14 FT.

4. 8" x 10" OR LARGER: 16 FT. x 16 FT.

5. 10" x 12" OR LARGER: 18 FT. x 18 FT.

6. 12" x 14" OR LARGER: 20 FT. x 20 FT.

7. 14" x 16" OR LARGER: 22 FT. x 22 FT.

8. 16" x 18" OR LARGER: 24 FT. x 24 FT.

9. 18" x 20" OR LARGER: 26 FT. x 26 FT.

10. 20" x 22" OR LARGER: 28 FT. x 28 FT.

11. 22" x 24" OR LARGER: 30 FT. x 30 FT.

12. 24" x 26" OR LARGER: 32 FT. x 32 FT.

13. 26" x 28" OR LARGER: 34 FT. x 34 FT.

14. 28" x 30" OR LARGER: 36 FT. x 36 FT.

15. 30" x 32" OR LARGER: 38 FT. x 38 FT.

16. 32" x 34" OR LARGER: 40 FT. x 40 FT.

17. 34" x 36" OR LARGER: 42 FT. x 42 FT.

18. 36" x 38" OR LARGER: 44 FT. x 44 FT.

19. 38" x 40" OR LARGER: 46 FT. x 46 FT.

20. 40" x 42" OR LARGER: 48 FT. x 48 FT.

**DECIDUOUS TREE PLANTING**

DECIDUOUS TREES SHOULD BE PLANTED AT THE FOLLOWING SPACING:

1. 2" x 4" OR LARGER: 10 FT. x 10 FT.

2. 4" x 6" OR LARGER: 12 FT. x 12 FT.

3. 6" x 8" OR LARGER: 14 FT. x 14 FT.

4. 8" x 10" OR LARGER: 16 FT. x 16 FT.

5. 10" x 12" OR LARGER: 18 FT. x 18 FT.

6. 12" x 14" OR LARGER: 20 FT. x 20 FT.

7. 14" x 16" OR LARGER: 22 FT. x 22 FT.

8. 16" x 18" OR LARGER: 24 FT. x 24 FT.

9. 18" x 20" OR LARGER: 26 FT. x 26 FT.

10. 20" x 22" OR LARGER: 28 FT. x 28 FT.

11. 22" x 24" OR LARGER: 30 FT. x 30 FT.

12. 24" x 26" OR LARGER: 32 FT. x 32 FT.

13. 26" x 28" OR LARGER: 34 FT. x 34 FT.

14. 28" x 30" OR LARGER: 36 FT. x 36 FT.

15. 30" x 32" OR LARGER: 38 FT. x 38 FT.

16. 32" x 34" OR LARGER: 40 FT. x 40 FT.

17. 34" x 36" OR LARGER: 42 FT. x 42 FT.

18. 36" x 38" OR LARGER: 44 FT. x 44 FT.

19. 38" x 40" OR LARGER: 46 FT. x 46 FT.

20. 40" x 42" OR LARGER: 48 FT. x 48 FT.

CONIFEROUS TREES SHOULD BE PLANTED AT THE FOLLOWING SPACING:

1. 2" x 4" OR LARGER: 10 FT. x 10 FT.

2. 4" x 6" OR LARGER: 12 FT. x 12 FT.

3. 6" x 8" OR LARGER: 14 FT. x 14 FT.

4. 8" x 10" OR LARGER: 16 FT. x 16 FT.

5. 10" x 12" OR LARGER: 18 FT. x 18 FT.

6. 12" x 14" OR LARGER: 20 FT. x 20 FT.

7. 14" x 16" OR LARGER: 22 FT. x 22 FT.

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9. 18" x 20" OR LARGER: 26 FT. x 26 FT.

10. 20" x 22" OR LARGER: 28 FT. x 28 FT.

11. 22" x 24" OR LARGER: 30 FT. x 30 FT.

12. 24" x 26" OR LARGER: 32 FT. x 32 FT.

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14. 28" x 30" OR LARGER: 36 FT. x 36 FT.

15. 30" x 32" OR LARGER: 38 FT. x 38 FT.

16. 32" x 34" OR LARGER: 40 FT. x 40 FT.

17. 34" x 36" OR LARGER: 42 FT. x 42 FT.

18. 36" x 38" OR LARGER: 44 FT. x 44 FT.

19. 38" x 40" OR LARGER: 46 FT. x 46 FT.

20. 40" x 42" OR LARGER: 48 FT. x 48 FT.





ALLEGRI ARCHITECTS, INC.  
 2000 S. UNIVERSITY BLVD.  
 SUITE 1000  
 DENVER, CO 80202  
 TEL: 303.733.1111  
 FAX: 303.733.1112  
 WWW.ALLEGRIARCHITECTS.COM

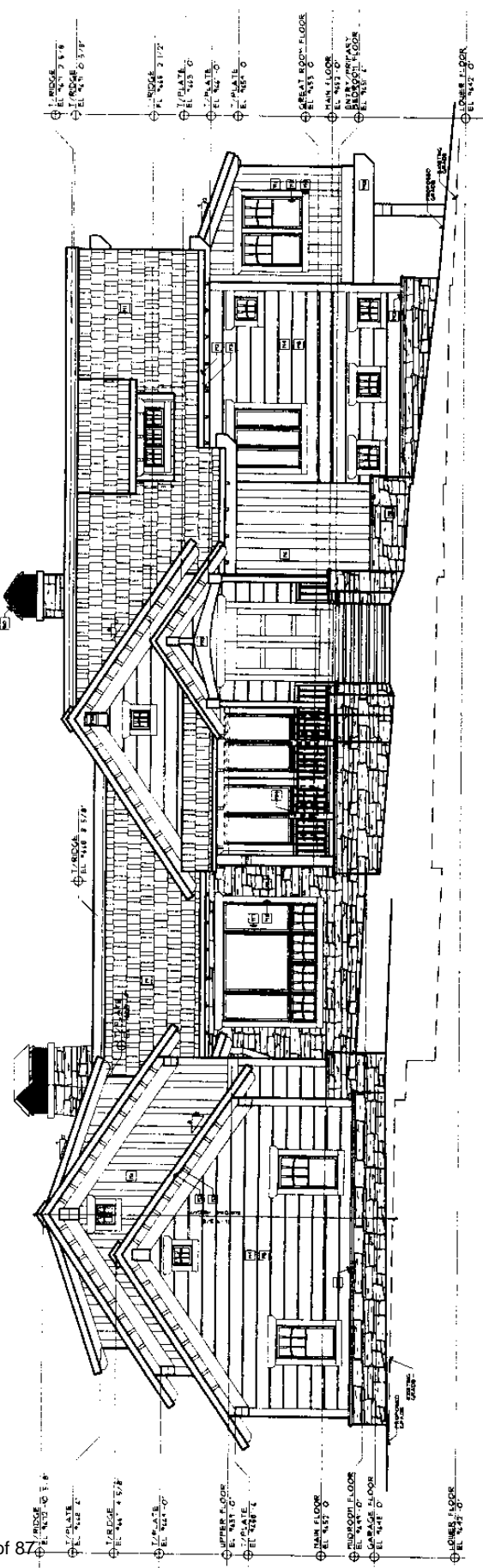
**MCKENNIE RESIDENCE**  
 LOT 22, THE HIGHLANDS SUBDIVISION AT BREWERIDGE, FILING 1  
 BREWERIDGE, COLORADO  
 (OWNER AS APPLICANT, PERMITS, ASHES OR PRODUCTION REQUIREMENTS WITHOUT VERTICAL CURSORS)

**EXTERIOR ELEVATIONS**

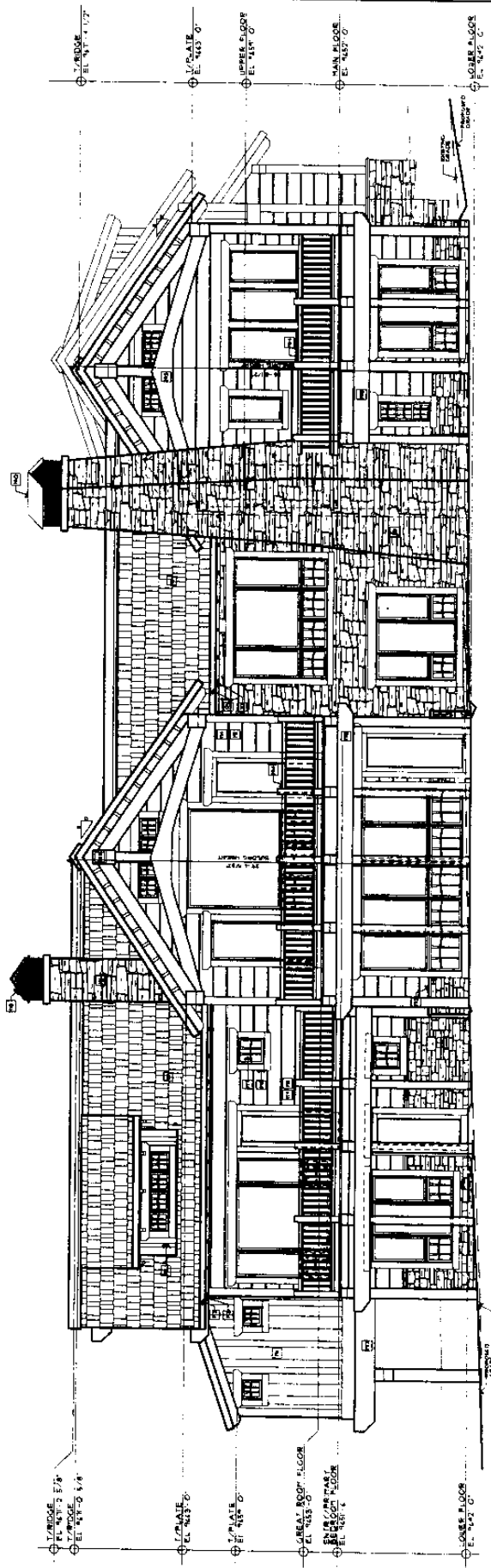
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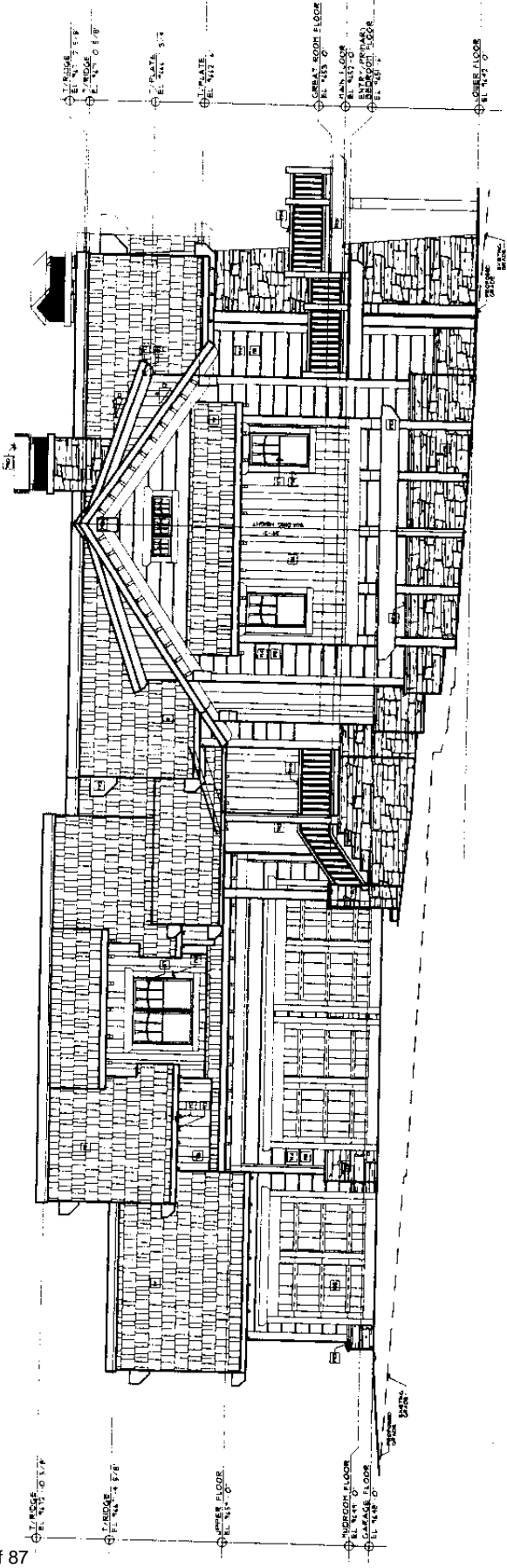


**EAST ELEVATION**

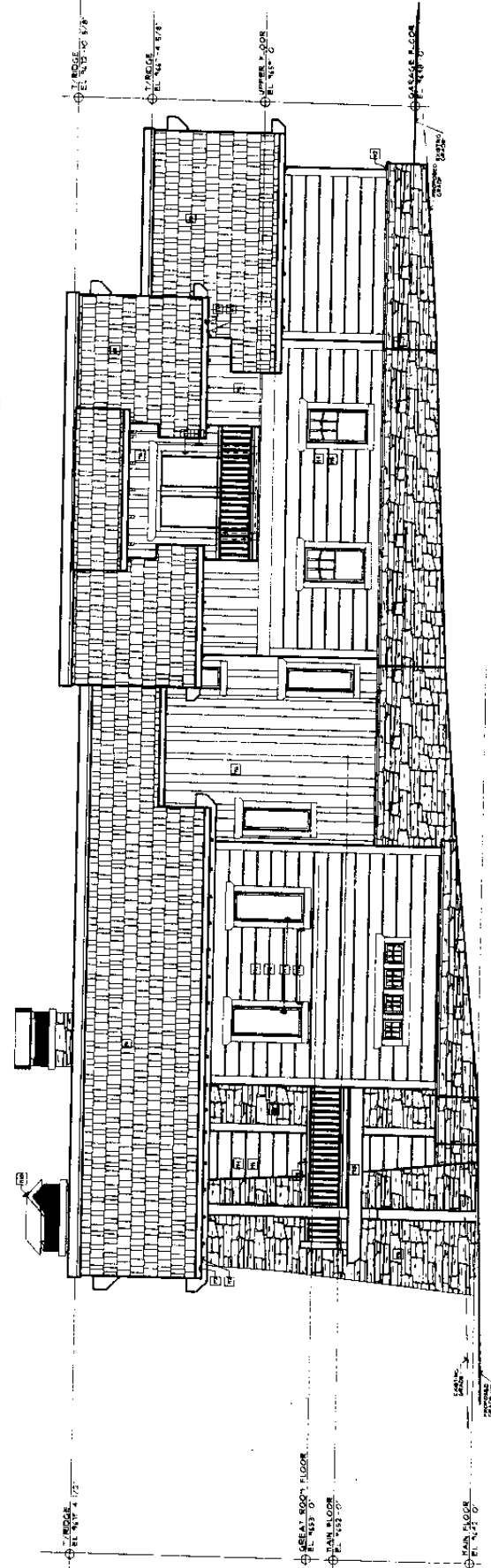


**WEST ELEVATION**

DATE	REVISION
1/15/10	FINAL ELEVATIONS
1/15/10	REVISIONS
1/15/10	PLANNING
1/15/10	PERMITTED



**NORTH ELEVATION**



**SOUTH ELEVATION**

## Planning Commission Staff Report

**Project Manager:** Chris Kulick

**Date:** March 4, 2008 (For meeting of March 18, 2008)

**Subject:** Beaver Run Summer Function Tent  
(Class C Minor Hearing; PC#2008025)

**Applicant/Owner:** Beaver Run Resort

**Proposal:** To construct a temporary tent for use during the summer only. The tent will provide additional space for conferences and functions. This same tent has been used for several years with the same design and same location.

**Address:** 620 Village Road

**Legal Description:** Block 3, Beaver Run

**Land Use District:** 23: Residential: 20 UPA  
Commercial: 1:3 FAR

**Site Conditions:** The site is a flat, paved parking lot adjacent to the existing Beaver Run Conference Center. There are no significant development constraints.

**Adjacent Uses:** North: Cedars Condominiums                      South: Forest Service / Ski Area  
East: Forest Service / Ski Area                                      West: Beaver Run Condominiums

### Item History

The conference and events tent has been installed every year for the past several years. In the past, the temporary summer tent has been approved at Beaver Run and The Village at Breckenridge. The Breckenridge Development Code requires temporary structures longer than three days in duration to be processed as Class C Minor permits.

There have been no problems in the past with these temporary tents. The tent acts as additional meeting space for conferences and weddings in an outdoor setting. Considering that this same tent has been used for several years, and will likely continue into future summers, Staff is recommending that the tent be approved for a two (2) year period, summer 2008 and summer 2009, with this permit. (Please refer to Condition #5 for details). This same duration was approved for the temporary tent two years ago, as the 18-month Class C permit spans two summers. (Please refer to Condition #5 for details.)

## Staff Comments

**Land Use:** Residential and commercial uses are allowed in this Land Use District, although these types of uses do not qualify as “commercial”. They are considered common space, as is conference space in a condo-hotel. The Development Code specifically allows for these types of temporary tents in Policy 36: Temporary Structures.

*(ABSOLUTE) TEMPORARY STRUCTURES (36/A): The placement of temporary structures within the Town of Breckenridge is strongly discouraged.*

*A. Temporary Structures: Temporary structures, other than temporary vendor carts for short-term special events or temporary vendors for the vending of food and/or beverages exclusively, shall be allowed subject to the following conditions:*

*(1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.*

*(2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.*

*(3) The temporary structure shall not be placed on site until a building permit has been issued for the new structure.*

*(4) The applicant, owner, lessee, etc. of the structure shall provide a monetary guarantee, ensuring the complete removal of the structure, site clean-up, and site revegetation, once the permit for the temporary structure has expired. In addition, the applicant, owner, lessee, etc. shall enter into an agreement with the Town, authorizing the Town to take possession of the structure and dispose of it upon failure of the applicant to remove the structure in a reasonable period of time.*

*(5) Exemptions: Temporary tents, air structures or other similar structures, not intended for office, retail, industrial or commercial uses, shall be exempt from the provisions of this Section, subject to all other relevant Development Code policies.*

This section of the Development Code was included specifically to permit temporary tents such as the one proposed today.

**Density/Mass:** Temporary tents such as the one proposed do not count as density or mass. They are considered common space or amenities to multi-family structures.

**Site Plan:** The tent will be placed in the parking lot behind the Beaver Run Conference building, adjacent to the Breckenridge Ski Area. The tent has been placed at this same location in the past. Staff has no concerns with the proposed site plan.

**Parking:** Adequate parking is available during the summer months in the adjacent parking lot. Guests of Beaver Run are the primary users of this facility, and the parking lots that are generally full in winter provide sufficient parking in summer. The tent will not block any emergency access to the building. Staff has no concerns regarding parking, considering this is a temporary, summer only use.

**Architecture:** The proposed tent is constructed of white vinyl and it supported by interior center poles. The tent will resemble a smaller version of the Riverwalk Center (former tent) with a peaked roof. Staff has no concerns with the proposed design of the tent.

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

### **Staff Action**

**The Planning Department has approved the Beaver Run Summer Tent, PC#2008025, for the summer of 2008 and 2009, with the attached Findings & Conditions. We recommend the Planning Commission uphold this decision.**

## TOWN OF BRECKENRIDGE

Beaver Run Summer Functions Tent  
620 Village Road  
PERMIT #2008025

---

### FINDINGS

1. The project is in accordance with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated March 4, 2008, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on March 18, 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 on September 30, 2009. 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. The Summer Function Tent approved by this permit may be installed between May 1<sup>st</sup> and September 30<sup>th</sup> of 2008, and between May 1<sup>st</sup> and September 30<sup>th</sup> 2009, and must be removed by October 1<sup>st</sup> of each year. All necessary building permits must be obtained each year that the tent is installed.
6. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.

### PRIOR TO ISSUANCE OF BUILDING PERMIT

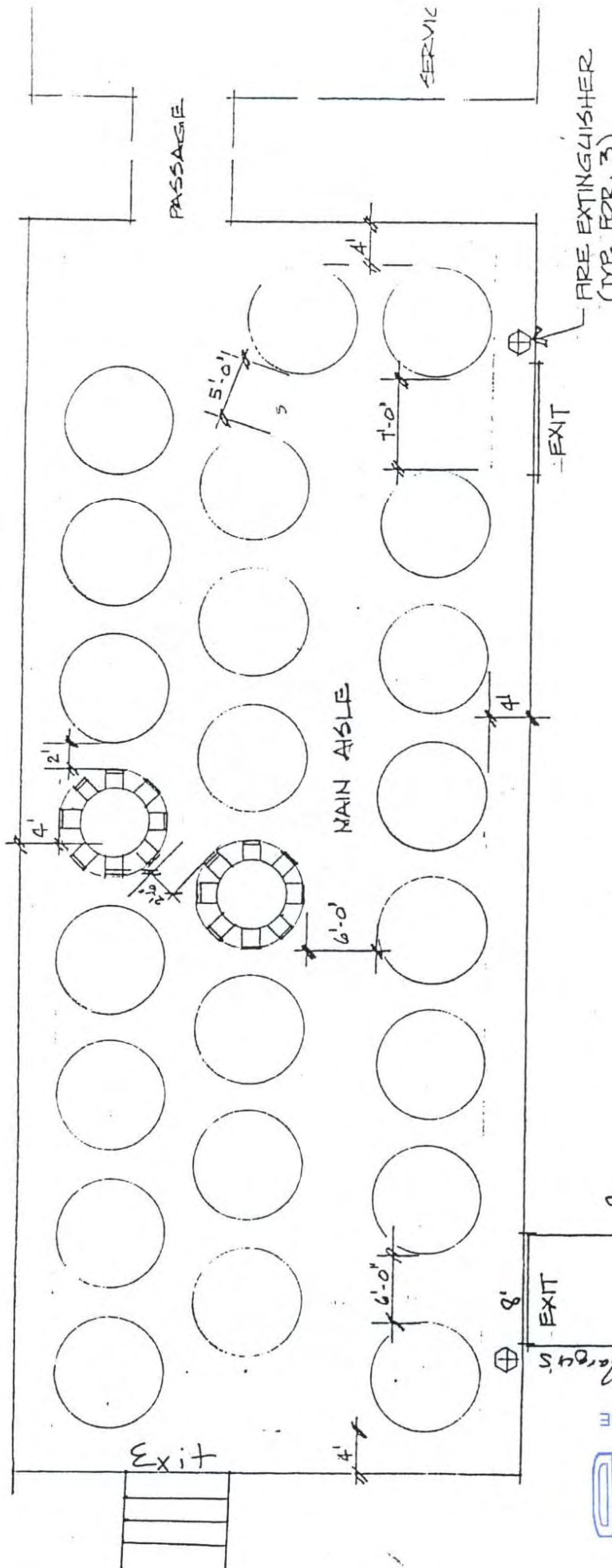
7. Applicant shall submit proof of ownership of the project site.

8. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, port-o-let and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

9. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. The 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. The Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
10. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
11. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

PROPANE



ARE EXTINGUISHER  
(TYP. FOR 3)  
 $X = 107 \div 2 = 53.5' > 50'$   
 SCALE: 1" = 10'

BEAVER RUN RESORT  
 TENT LAYOUT W/ROUND TABLES

NO SMOKING & EXIT SIGNS  
 OCCUPANCY LOAD

RECEIVED  
 MAY 02 2006  
 TOWN OF BRECKENRIDGE  
 PLANNING DEPT.

EXIT  
 8'  
 Entrance Margins  
 20'  
 Ramp Up



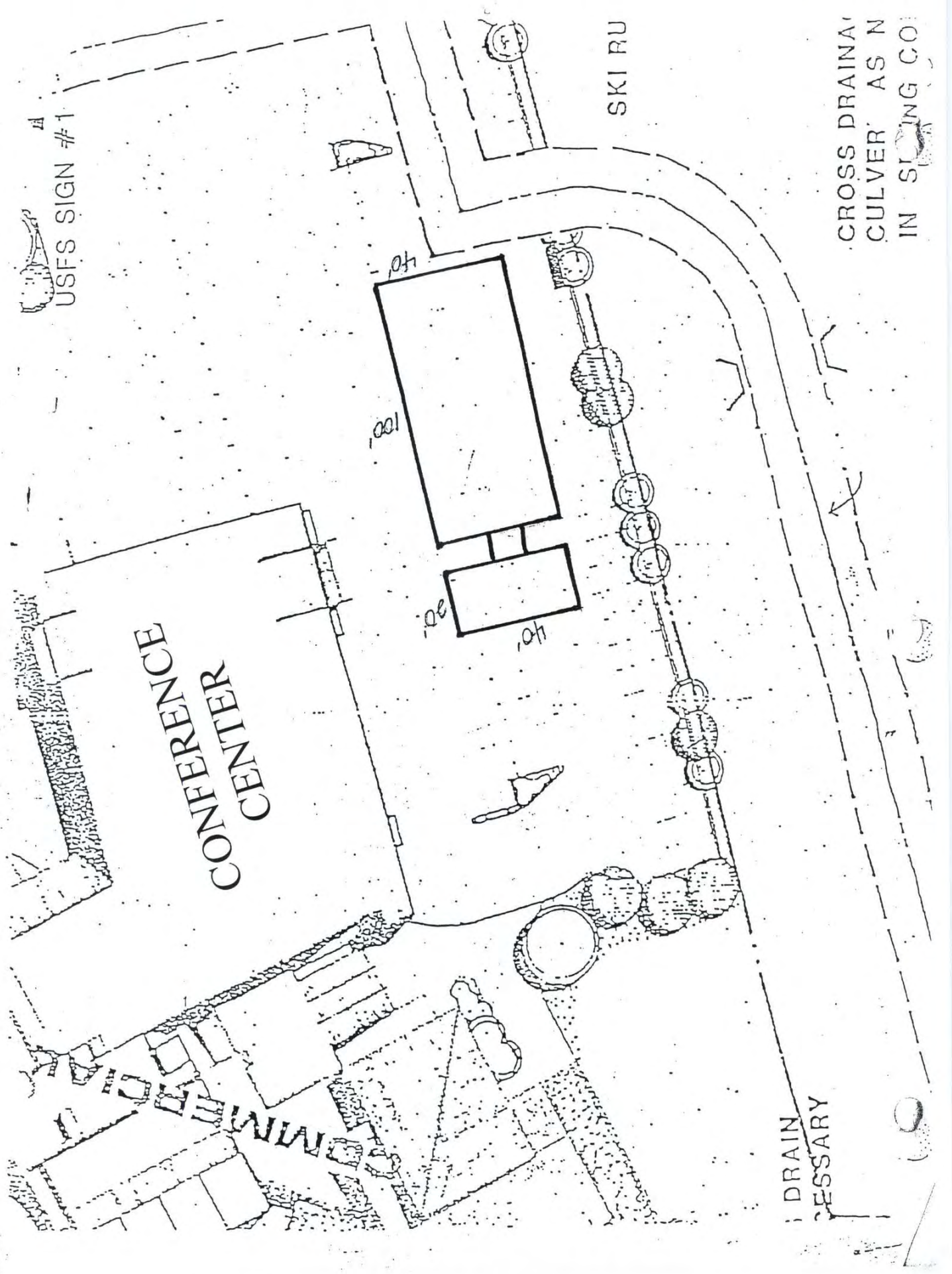
USFS SIGN #11

SKI RU

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CULVERT AS N  
IN SLOPING CO

CONFERENCE  
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DRAIN  
CESSARY





Class C Development Review Check List

**Project Name/PC#:** Sill Residence PC#2008026  
**Project Manager:** Chris Kulick  
**Date of Report:** March 4, 2008  
**Applicant/Owner:** 424 Kings Crown Road LLC.  
**Agent:** Erdkamp Construction  
**Proposed Use:** Single Family Residential  
**Address:** 67 Rounds Road  
**Legal Description:** Lot 115, The Highlands at Breckenridge #4  
**Site Area:** 44,023 sq. ft. 1.01 acres  
**Land Use District (2A/2R):**

**Existing Site Conditions:** 1 & 6: Residential (Subject to Delaware Flats Master Plan)  
 The lot slopes downhill from east to west at an average of 19%. The site is moderately covered with lodgepole pine and spruce trees. Utility easments are located in northeast and northwest corners of the lot. A sewer easment runs along the entire northern length of the property line.

**Density (3A/3R):** Proposed: 5,840 sq. ft.  
**Mass (4R):** Proposed: 6,798 sq. ft.  
**F.A.R.:** 1:6.48 FAR  
**Areas:**  
**Lower Level:** 2,898 sq. ft.  
**Main Level:** 2,942 sq. ft.  
**Upper Level:**  
**Accessory Apartment:**  
**Garage:** 958 sq. ft.  
**Total:** 6,798 sq. ft.

**Bedrooms:** 4  
**Bathrooms:** 4.5  
**Height (6A/6R):** 31 feet overall  
 (Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
 Building / non-Permeable: 6,183 sq. ft. 14.04%  
 Hard Surface / non-Permeable: 5,312 sq. ft. 12.07%  
 Open Space / Permeable: 32,528 sq. ft. 73.89%

**Parking (18A/18/R):**  
 Required: 2 spaces  
 Proposed: 5 spaces

**Snowstack (13A/13R):**  
 Required: 1,328 sq. ft. (25% of paved surfaces)  
 Proposed: 1,450 sq. ft. (27.30% of paved surfaces)

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

**Accessory Apartment:** None

**Building/Disturbance Envelope?** Neither

**Setbacks (9A/9R):**  
 Front: 30'  
 Side: 30'

Side: 30'  
Rear: 30'

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

**Exterior Materials:** 2" x 12" Spruce chinked siding, cedar trim and natural moss stone accents.  
**Roof:** Cedar and Composite Shingles  
**Garage Doors:** Wood Clad

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

Planting Type	Quantity	Size
Colorado Spruce	34	21 @ 6 feet tall and 13 @ 8 feet tall
Aspen	14	1.5"-2" inch caliper
Shrubs and perennials	32	5 Gal.

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

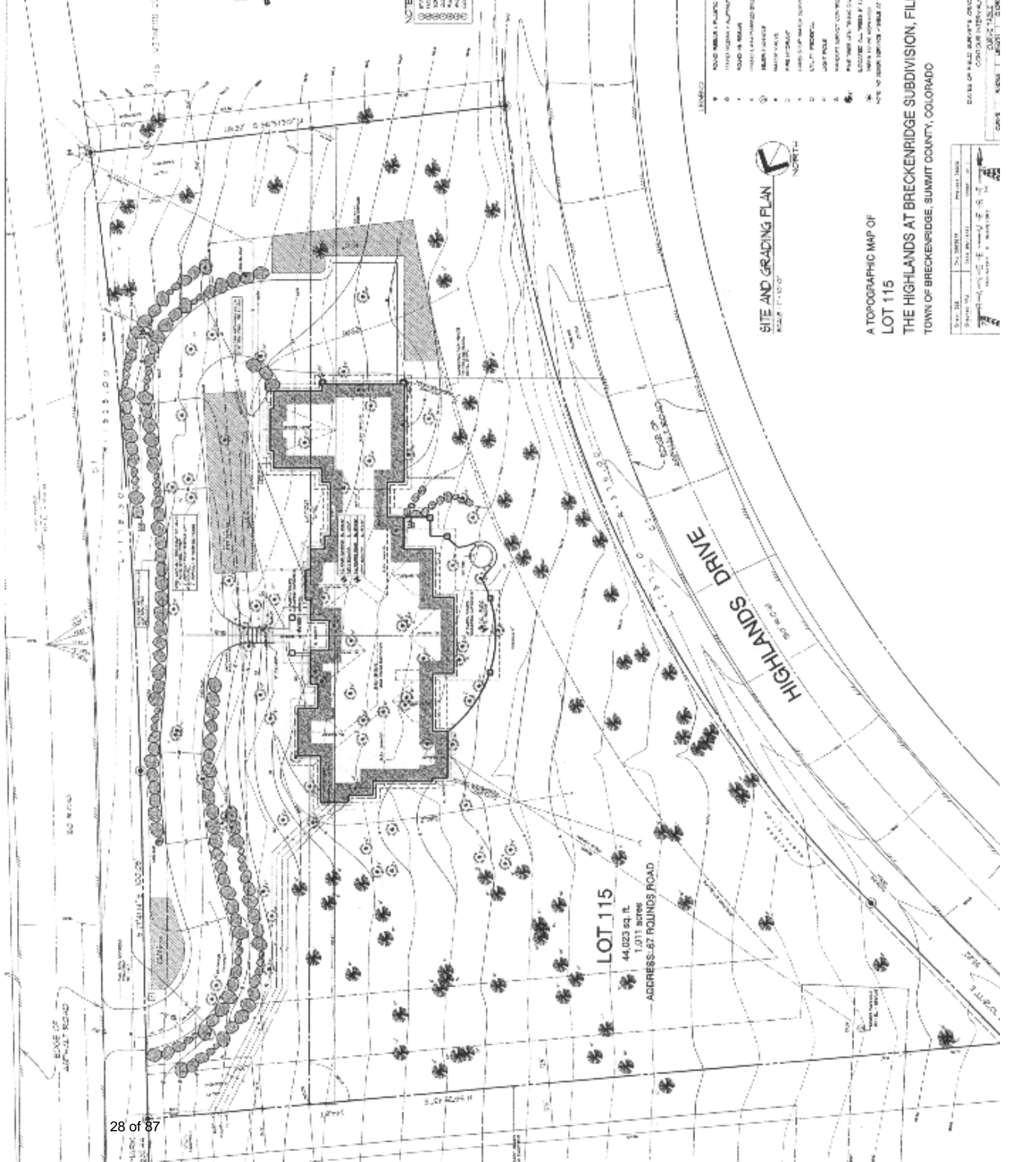
**Driveway Slope:** 8 %  
**Covenants:** Standard Landscaping Covenant

**Point Analysis (Sec. 9-1-17-3):** An informal point was conducted for this proposed residence and -4 points were assessed under policy 7R:Site and Environmental Design -D. Under this policy driveways are encouraged to work efficiently with the existing topography rather than requiring excessive site disturbance to accommodate their installation. Additionally +4 points were assessed under 22R: Landscaping for providing an above average landscaping plan. Overall the Sill Residence has a passing score of 0 points.

**Staff Action:** Staff has approved the Sill Residence, PC#2008026, located at 67 Rounds Road, Lot 115, Highlands at Breckenridge #4, with the standard findings and conditions.

**Comments:**

**Additional Conditions of Approval:**



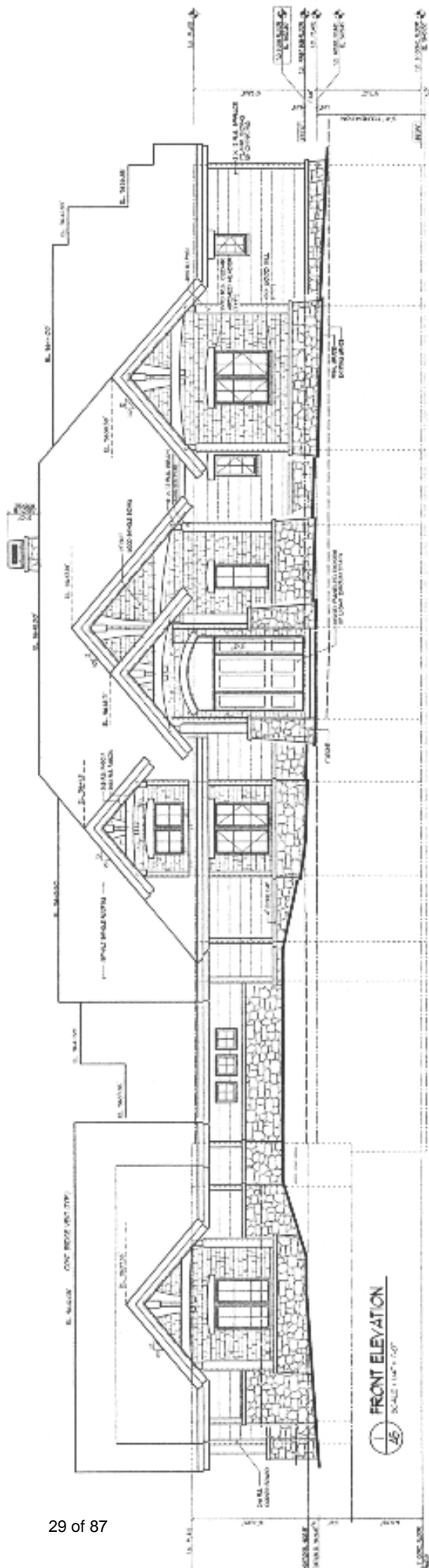
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- 1 ROAD (WALL & PAVING)
- 2 CONCRETE/ASPHALT PAVEMENT
- 3 ROAD (W/ BUILTUP)
- 4 ROAD (W/ ASPHALT)
- 5 ROAD (W/ GRASS)
- 6 ROAD (W/ GRAVEL)
- 7 ROAD (W/ DIRT)
- 8 ROAD (W/ GRAVEL & ASPHALT)
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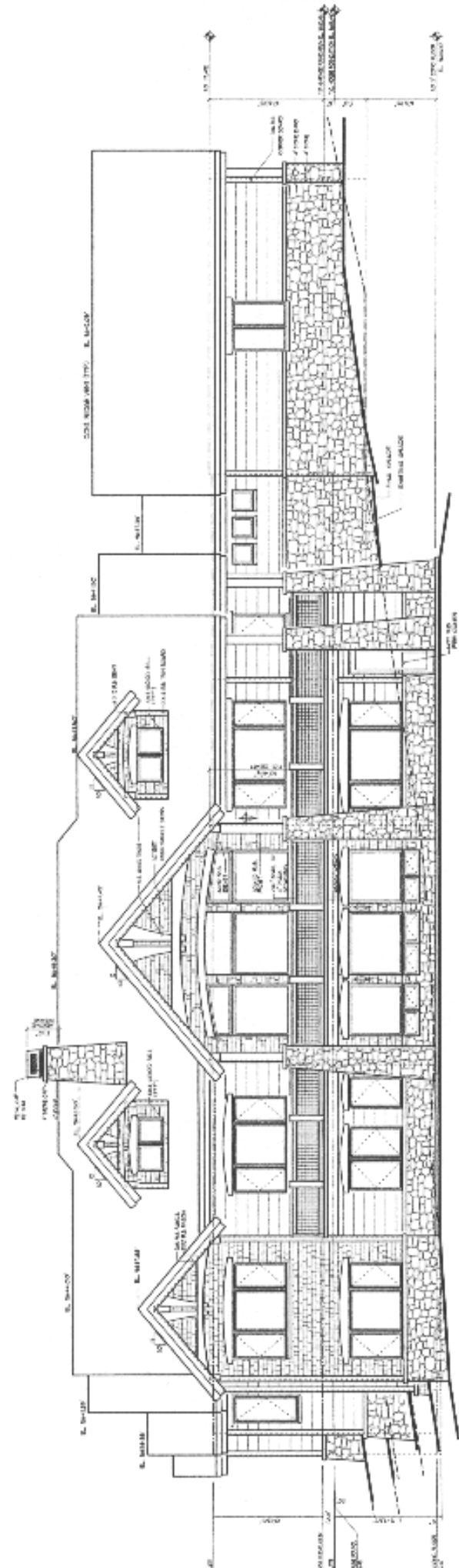
**SITE AND GRADING PLAN**  
 DATE: 11-10-07  
 PROJECT: THE HIGHLANDS AT BRECKENRIDGE SUBDIVISION, FILI

A TOPOGRAPHIC MAP OF  
**LOT 115**  
 THE HIGHLANDS AT BRECKENRIDGE SUBDIVISION, FILI  
 TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO

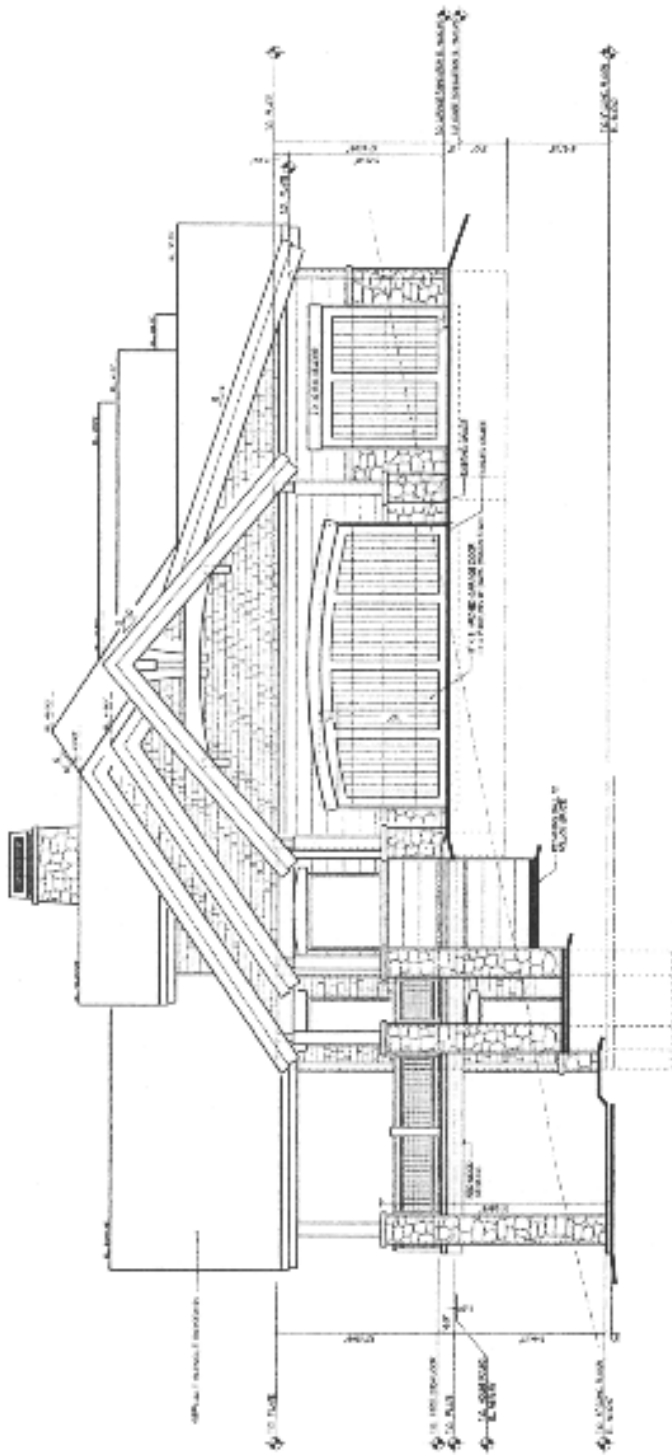
**LOT 115**  
 44,023 sq. ft.  
 1.011 acres  
 ADDRESS: 67 ROUNDS ROAD



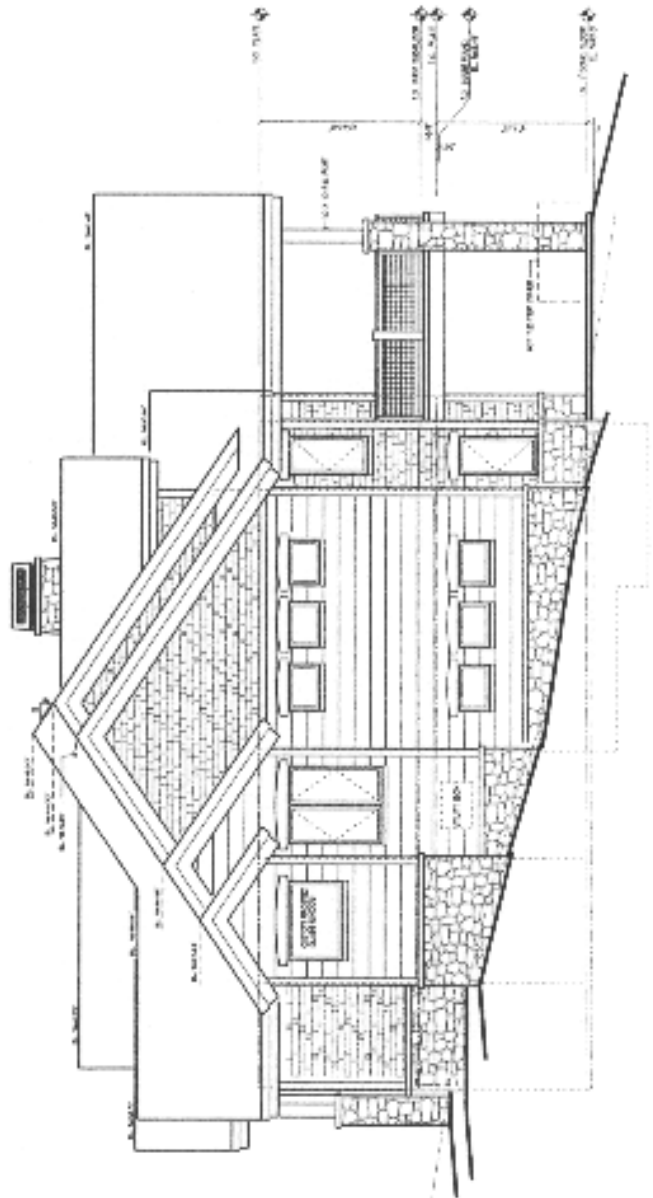
**1**  
**FRONT ELEVATION**  
 SCALE: 1/8" = 1'-0"



**2**  
**REAR ELEVATION**  
 SCALE: 1/8" = 1'-0"



1 LEFT SIDE ELEVATION  
AS NOTED



2 RIGHT SIDE ELEVATION  
AS NOTED

## Planning Commission Staff Report

- Project Manager:** Chris Kulick, Planner I
- Date:** March 4, 2008 (For meeting of March 18, 2008)
- Subject:** Sunset Condominium Remodel (Class C Minor, PC# 2008028)
- Applicant/Owner:** Sunset Condominium Homeowner's Association
- Agent:** Gary A. Polage
- Proposal:** This is an exterior renovation of the existing Sunset Condominium building. New roof, porch, steps and entry elements will be added to the front (south) side of the building. Basement egress windows will be added to basement units in order to bring them up to code for residential occupancy. The roofing material of the building is to be replaced with composite shingles. The existing front entry circulation of the units is to be changed by the removal and re-alignment of some stairs and porches. The current set up of angled parking in the central parking area, which forces residents to back onto Four O' Clock Road, is to be converted to nose-in parking. This proposed change would eliminate the need for backing onto Four O'clock Road. Due to already deficient snow-stacking capacities onsite, a snowmelt system is proposed for the central parking area. Total scope of the project includes the installation of new siding, railings, decking material, stairs, paving, snowmelt system, rock base, roofing materials and new paint colors. A material and color sample board will be available for review at the meeting.
- Address:** 450 Four O'clock Road
- Legal Description:** Sunset Condominiums
- Site Area:** 0.61 acres (approximately 26,572 sq. ft.)
- Land Use District:** 21, Multi-family, 15 UPA
- Site Conditions:** The site has one two-story existing structure containing 13 residential condominium units. Surface parking is located in front of the building and the site has some existing landscaping.
- Adjacent Uses:** Residential
- Density/Mass:** No change
- Height:** No change
- Parking:** No change in number of spaces but central parking is to be converted from angled to perpendicular to eliminate the need to back onto Four O'clock Road.

**New Landscaping:**

Planting Type	Quantity	Size
Colorado Spruce	8	10'
Aspen	14	2" min. caliper
Miscellaneous Shrubs	33	5 gallon

**Item History**

The Sunset Condominiums were constructed in 1972, and contains 13 residential units.

**Staff Comments**

Project Description: The exterior materials are outdated and the HOA would like to update their building and property with a more contemporary appearance. Throughout the history of Sunset Condominiums there has been issues with inadequate egress for subterranean dwelling space within the units of the building. As part of this application staff has worked with the HOA and the building department to make sure the inadequacies of egress are being addressed. The building’s exterior remodel and modification consists of:

- New entry porch features over all front entrances.
- New lower level egress windows.
- Repair and/or restore and repaint vertical board and batten siding.
- Provide newly landscaped areas between the light wells.
- Replace brick accent areas with thin-set natural stone veneer.
- Provide a new hot water snowmelt system and repaving of the sidewalks and stairs with new concrete, and parking areas with new concrete or asphalt.
- Repair existing retaining walls
- Repair damaged trim, siding, and flashing around the backside of the complex, and repaint.

**Architectural Compatibility (5/A & 5/R):** The Sunset Condominium remodel will be architecturally compatible with the land use district and surrounding residential developments, bringing with it an updated look to the area. New materials for the project will be mostly natural. The maximum percentage of non-natural materials on any facade of the building is 19%; therefore no negative points are warranted.

**Point Analysis (Section: 9-1-17-3):** Staff conducted an informal point analysis for the Sunset Condominium remodel project and found it to pass all applicable Absolute and Relative Policies of the Development Code.

**Staff Recommendation**

Staff has approved the Sunset Condominium Remodel, PC#2008028, located at 450 Four O’clock Road, Sunset Condominiums, with the attached findings and conditions.



## TOWN OF BRECKENRIDGE

Sunset Condominium Exterior Remodel  
450 Four O'clock Road  
PERMIT #2008028

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

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### FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **March 4, 2008**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **March 18, 2008**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen months from date of issuance, on **September 25, 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 eighteen months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.

6. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Applicant shall submit proof of ownership of the project site.
10. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
11. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
12. 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.
13. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. **No staging is permitted within public right of way without Town permission.** Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
14. Applicant shall execute a License Agreement running with the land, in a form acceptable to the Town Attorney, for all improvements within the Town owned Rights-of-Way.
15. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site, if light fixtures are replaced. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

16. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
17. 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.
18. Applicant shall screen all utilities, to match the building.
19. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
20. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
21. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
22. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney.
23. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

FOUR SEASONS  
RIN

N. GARDEN ST.  
150.00'

150.00'

150.00' E

150.00'

N. GARDEN ST.

150.00'

N. GARDEN ST.

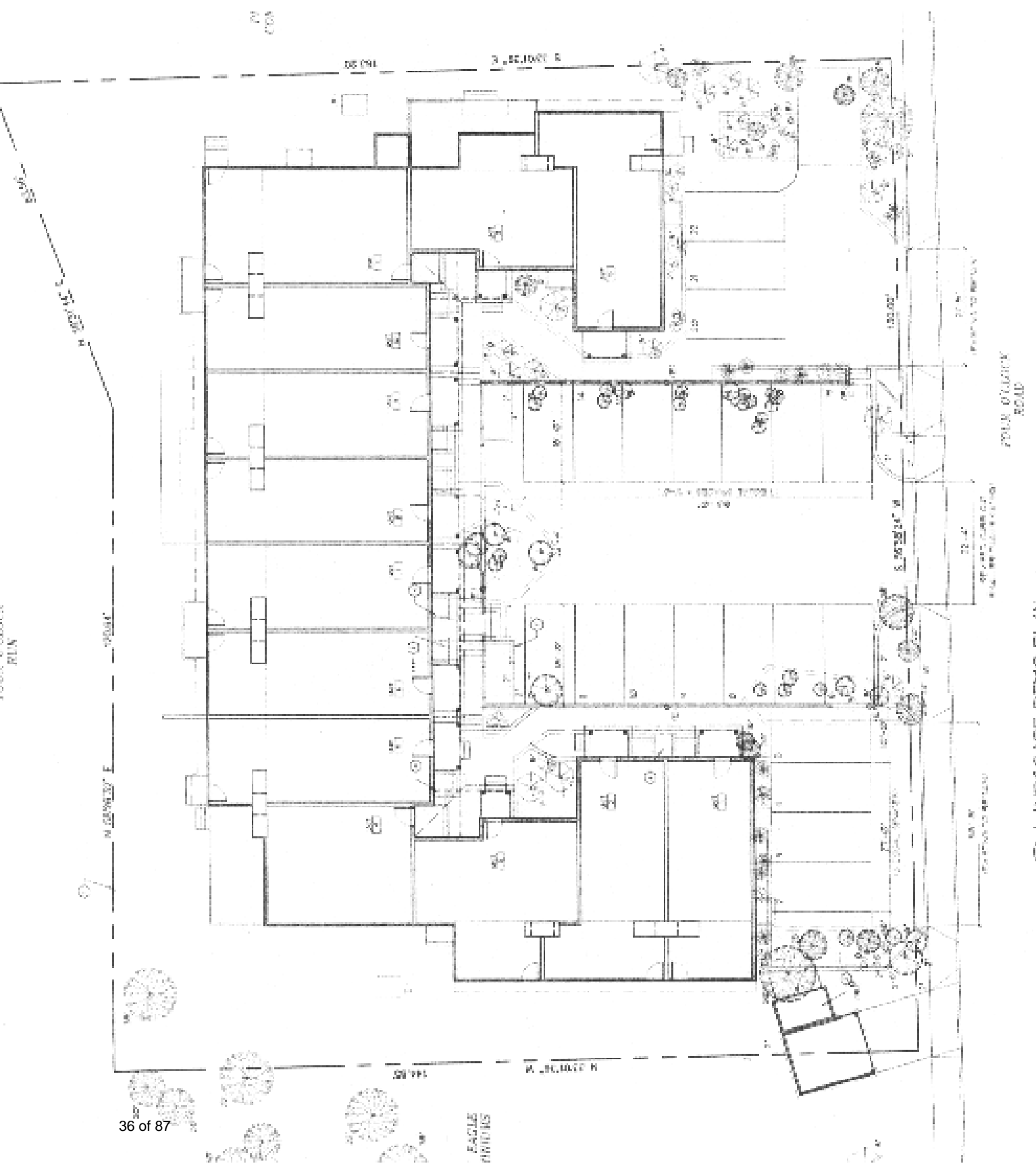
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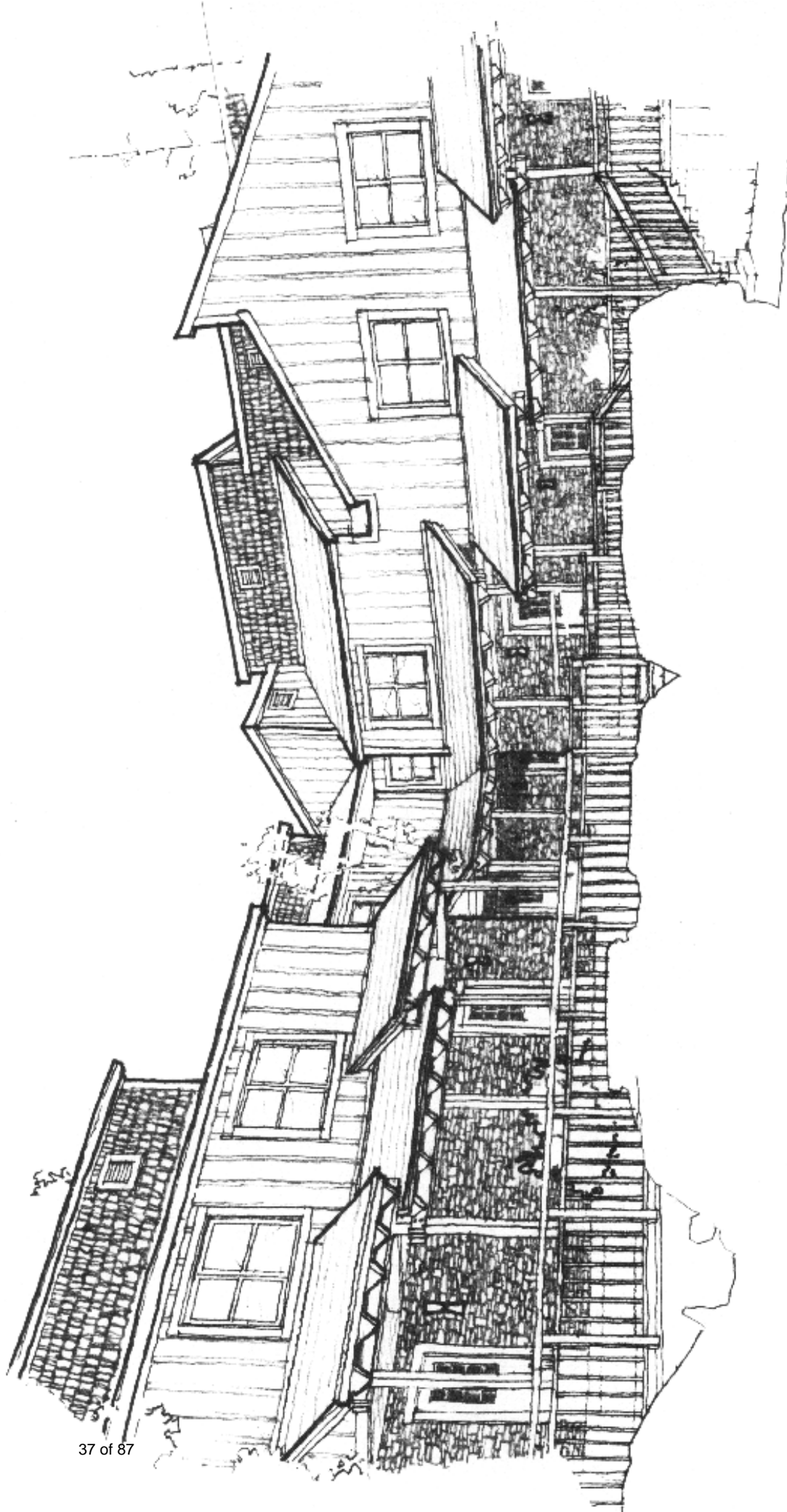
FOUR SEASONS  
ROAD

150.00'

36 of 87

EAGLE  
BRIDGES







**Class C Development Review Check List**

**Project Name/PC#:** Shores Duplex - Lots 30A and B, 279 and 295 Shores Lane PC#2008022

**Project Manager:** Michael Mosher

**Date of Report:** March 10, 2008 For the March 18, 2008 Planning Commission Meeting

**Applicant/Owner:** AZCO, John Niemi

**Agent:** Allen Guerra Design Build, Erica Swissler

**Proposed Use:** Duplex

**Address:** 279 and 295 Shores Lane

**Legal Description:** Tract A, Lots 30A and 304 B, Shores at the Highlands (Pending re-subdivision)

**Site Area:** 280,962 SF ~6.45 acres

**Land Use District (2A/2R):** 6, Highlands at Breckenridge, Subject to the Shores at the Highlands Master Plan.

**Existing Site Conditions:** The property is currently being re-graded and capped from previously disturbed cobble from the Stan Miller Inc. operations and previous dredge mining. There is no vegetation on the property. The Shores Lane right of way is being constructed at the time of this writing.

**Lot 30A / 279 Shores Lane**

<b>Density (3A/3R):</b>	Unlimited	Proposed: 2,356 sq. ft.
<b>Mass (4R):</b>	Unlimited	Proposed: 3,024 sq. ft.
<b>F.A.R.:</b>	1:92.91 FAR	Over entire site.
<b>Areas:</b>		
<b>Main Level:</b>	1,539 sq. ft.	
<b>Upper Level:</b>	817 sq. ft.	
<b>Garage:</b>	668 sq. ft.	
<b>Total:</b>	3,024 sq. ft.	
<b>Bedrooms:</b>	3 Bedrooms	
<b>Bathrooms:</b>	3.5 Bathrooms	

**Lot 30B / 295 Shores Lane**

<b>Density (3A/3R):</b>	Unlimited	Proposed: 2,643 sq. ft.
<b>Mass (4R):</b>	Unlimited	Proposed: 3,299 sq. ft.
<b>F.A.R.:</b>	1:85.17 FAR	Over entire site.
<b>Areas:</b>		
<b>Main Level:</b>	1,558 sq. ft.	
<b>Upper Level:</b>	1,085 sq. ft.	
<b>Garage:</b>	656 sq. ft.	
<b>Total:</b>	3,299 sq. ft.	
<b>Bedrooms:</b>	4 Bedrooms	
<b>Bathrooms:</b>	3.5 Bathrooms	

**Totals**

**Total Density:** 4,999.0 SF

**Total Mass:** 6,323.0 SF

**Height (6A/6R):** 30'-max per Mst Pln 28.89 feet overall

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

Building / non-Permeable:	7,052 sq. ft.	2.51%
Hard Surface / non-Permeable:	5,239 sq. ft.	1.86%
Open Space / Permeable:	268,671 sq. ft.	95.63%

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

Required:	4 spaces	
Proposed:	4 spaces	Extra Space in Driveways

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

Required: 1,310 sq. ft. (25% of paved surfaces)  
Proposed: 1,712 sq. ft. (32.68% of paved surfaces)

**Fireplaces (30A/30R):** 6 Gas-fired

**Building/Disturbance Envelope?** Footprint Lots Pending re-subdivision

**Separation between neighboring Buildings**

Front: N/A No neighboring buildings yet  
Side: 36 ft.  
Side: N/A No neighboring buildings yet  
Rear: N/A No neighboring buildings yet

**Architectural Compatibility (5/A & 5/R):** The overall massing of the duplex has been broken up nicely and the roof forms are also broken up with multiple gables and shed elements. The two sides of the duplex are different in massing (not mirrored) and access to the garages are taken from the rear of the building with the driveways being shared with the neighboring units. All proposed materials are to be natural and the proposed colors are all earth tone. Staff has no concerns with the architecture.

**Exterior Materials:** Natural cedar siding, pre-weathered dull-gray zinc wainscot (less than 25% of each elevation); natural moss-rock wainscot.. A material and color sample board will be available for review at the meeting.

**Roof:** Architectural grade asphaltic shingle roof

**Garage Doors:** Wood

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

Planting Type	Quantity	Size
Colorado Spruce	15	8@ 8-10 feet tall and 10 @ 12 feet tall
Aspen	47	1.5-2 inch caliper - 50% of each and 50% multi- stem
Shrubs and perennials	27	5 Gal.

**Drainage (27A/27R):** The site is relatively flat, and the existing grade is very permeable (Dredge tailings). Staff has no concerns.

**Driveway Slope:** 3.0 % Slope

**Covenants:** No restrictions

**Point Analysis (Sec. 9-1-17-3):** Staff has found that this application abides with all Absolute Policies in the Development Code and the Master Plan and has found that there are no negative or positive points incurred from any relative Policies in the Development Code.

**Staff Action:** The Planning Department has approved the Shores at the Highlands Duplex Lots 30A & 30B (PC#2008022) with the attached Findings and Conditions.

**Comments:**

**Additional Conditions of Approval:** 14. A five-foot tall chain link fence shall be constructed on the property envelope line along the south, east, and north edges to contain site disturbance within the property. Any property abutting an existing or proposed riparian corridor or waterway must have approved sedimentation/run-off mitigation in place. The fence must remain in place until the Town grants the final Certificate of Occupancy.

## TOWN OF BRECKENRIDGE

**Shores at the Highlands Duplex Lots 30A &30B  
Lot 30A and 30B, Shores at the Highlands Subdivision  
279 and 295 Shores Lane  
PERMIT #2008022**

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

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### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **March 10, 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 **March 18, 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 **September 23, 2009** unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.



5. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
8. 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 30' at any location.
9. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
10. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
11. 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.

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

12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
13. The public access to the lot shall have an all weather surface, drainage facilities, and all utilities installed acceptable to Town Engineer.
14. A **five-foot tall chain link fence** shall be constructed on the property envelope line along the north, east and west edges to contain site disturbance within the property. Any property abutting an existing or proposed riparian corridor or waterway must have approved sedimentation/run-off mitigation in place. The fence must remain in place until the Town grants the final Certificate of Occupancy.
15. 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.
16. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the dripline of trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers,

and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.

17. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
18. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
19. 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.
20. 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.
21. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property.

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

22. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
23. Applicant shall submit and obtain approval of a re-subdivision of the Shores at the Highlands Subdivision.
24. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
25. Applicant shall screen all utilities.
26. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
27. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material

deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.

28. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town 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.
29. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney.
30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
31. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

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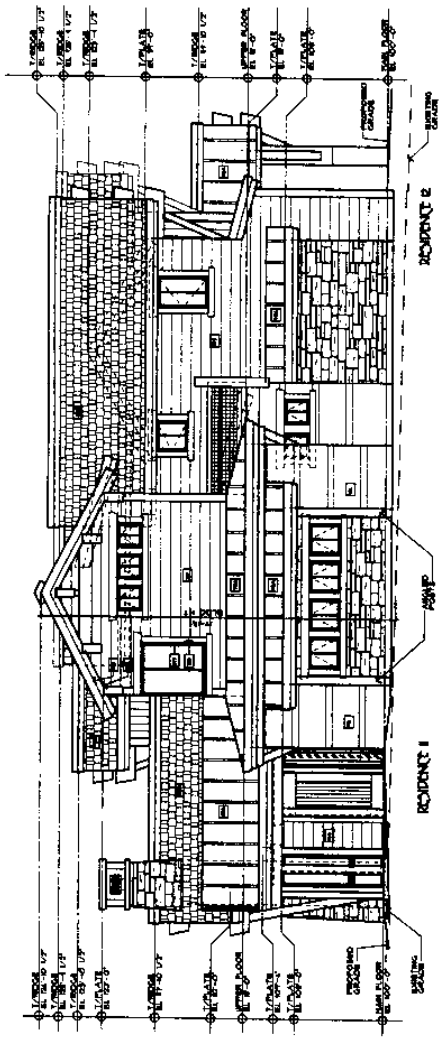




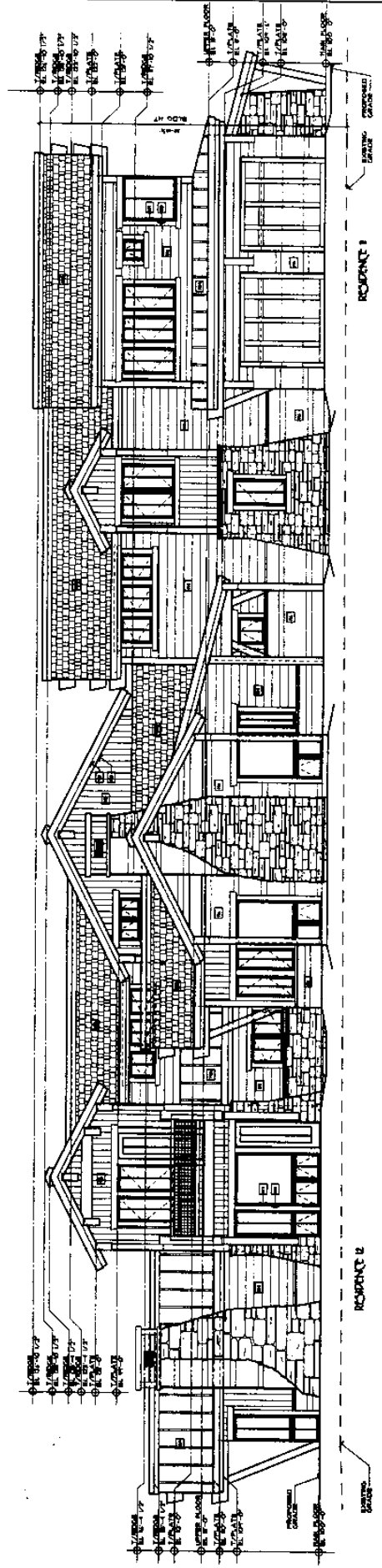
ON THE JOB CONSULTING FIRM  
 10000 W. ALPINE DRIVE  
 SUITE 100  
 DENVER, COLORADO 80231  
 TEL: 303.751.1111  
 WWW.ALLEGGERIA.COM

THE SHORES AT THE HIGHLANDS - RESIDENCES II & 12  
 TRACT A, LOT 30A & 30B, 279 & 290 SHORES LANE  
 BRECKENRIDGE, COLORADO  
 EXTERIOR ELEVATIONS  
 PROJECT NO. \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_  
 DATE \_\_\_\_\_

A6



11 EAST ELEVATION  
 (MATCH FOOTING - SEE PLAN 107)



12 SOUTH ELEVATION  
 (MATCH FOOTING - SEE PLAN 107)

A7

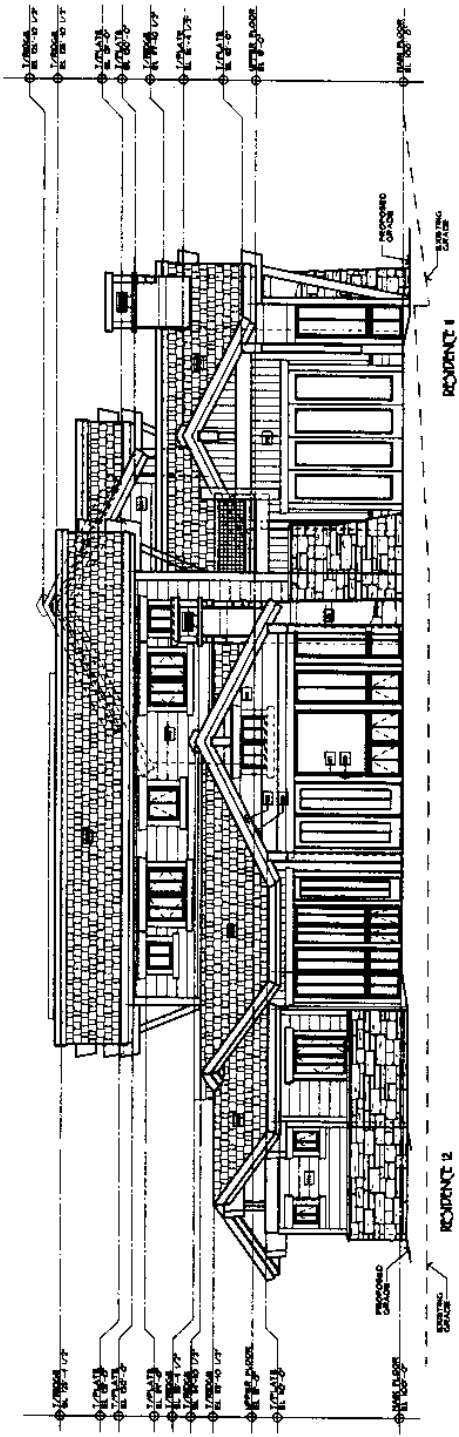
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THE SHORES AT THE HIGHLANDS - RESIDENCES II & 12  
 TRACT A LOT 30A & 30B 279 & 295 SHORES LANE  
 BRENTWIDGE COLORADO

EXTERIOR ELEVATIONS

CONTRACTOR TO VERIFY ALL DIMENSIONS WITH FIELD SURVEYOR BEFORE CONSTRUCTION. NO DIMENSIONS SHALL BE CHANGED WITHOUT WRITTEN CONSENT.

**ALLIANCE**  
 DESIGN & CONSTRUCTION, INC.  
 1000 14TH AVENUE, SUITE 1000  
 DENVER, COLORADO 80202  
 TEL: 303.733.1111 FAX: 303.733.1112  
 WWW.ADCONSTRUCTION.COM







## Planning Commission Staff Report

**Project Manager:** Matt Thompson, AICP

**Date:** March 4, 2008, for P.C. meeting of March 18, 2008

**Subject:** Hastings Residence  
Class B – Minor, Final Hearing; PC#2008002

**Applicant/Owner:** Steve Hastings

**Agent:** Janet Sutterley, Architect

**Proposal:** To construct a new single-family residence with a two car garage. Applicant proposes to do some historic preservation on the sheds near the alley. A variance from the required rear yard setback is proposed.

**Address:** 102 S. Harris Street

**Legal Description:** Lot 2, Block 7, Yingling & Mickles

**Site Area:** 0.143 acres (6,234 sq. ft.)

**Land Use District:** 17: Residential

**Historic District:** Historic District Character Area #1: East Side Residential

**Site Conditions:** The property slopes gently uphill at 4% from the west towards the east. There are two historic sheds on the property. The sheds sit on the Harris Street Alley and are slightly over the property line. Applicant proposes to move the sheds inside the property line by at least one foot. The lot is currently accessed from South Harris Street using a gravel driveway that crosses Lot 2 to access Lot 1, Block 7, Yingling & Mickles. Lot 2 currently has no residence on the property.

**Adjacent Uses:** North: 100 S. Harris St. Historic residence      West: Colorado Mountain College  
South: Vacant Lot 3, Yingling & Mickles      East: Harris Street Alley

**Density:** Allowed under LUGs: 2,519 sq. ft. (11 UPA)  
Proposed density: 2,481 sq. ft. (10.8 UPA)

**Above Ground Density:** Recommended: 2,061 sq. ft. (9 UPA)  
Proposed: 2,106 sq. ft. (9.2 UPA)

**Mass:** Allowed under LUGs: 3,023 sq. ft.  
Proposed mass: 3,013 sq. ft.

**F.A.R.** 1:2.0

<b>Total Floor Area:</b>	<u>Residence</u>	
	Lower level:	465 sq. ft. (basement)
	Main level:	1,877 sq. ft. (garage 507 sq. ft.)
	Upper level:	736 sq. ft.
	Total:	3,078 sq. ft.
	<u>Shed # 1</u>	
	Main level:	220 sq. ft.
	<u>Shed # 2</u>	
	Main Level:	180 sq. ft.
<b>Height:</b>	Recommended:	23' mean
	Maximum allowed:	26' mean
	Proposed:	23' mean
<b>Lot Coverage:</b>	Building / non-Permeable:	2,366 sq. ft. (38% of site)
	Hard Surface / non-Permeable:	1,340 sq. ft. (21% of site)
	Open Space / Permeable Area:	2,528 sq. ft. (41% of site)
<b>Parking:</b>	Required:	2 spaces
	Proposed:	2 spaces
<b>Snowstack:</b>	Required:	214 sq. ft. (25% of paved surfaces)
	Proposed:	244 sq. ft. (28%)
<b>Setbacks:</b>	Front:	23 ft.
	Side:	3.6 ft. (north)
	Side:	3 ft. (south)
	Rear:	1 ft. (shed)

### Item History

Per a recent Colorado Cultural Resource Survey: *“research was conducted primarily through Summit County Assessor records indicate that this property was developed beginning in the 1880’s, with the barn likely built circa 1882, followed by the house circa 1885. This lot appears to have been owned by the Fletcher/Hagen family since August 7, 1889, when Mrs. Emma Fletcher purchased this property from Mrs. M. J. Watson, “together with improvements” property. Oral tradition, however (passed down to Ed Hagen, the great-grandson of Eli Fletcher), holds that the house was built in 1877. The house was probably built in phases, with the front side-gabled section the earliest. Precise dates are unknown, however.”* Yingling and Mickles, Block 7, Addition was platted in 1892; that is probably the reason why the house, barn, and sheds all are over the property lines.

Again per the recent Cultural Resource Survey: *“Although in somewhat deteriorated condition, the two sheds and privy are also representative of (probably) pre-twentieth century vernacular architecture. The property clearly qualifies for local landmark designation, and it is a strongly contributing property within the Breckenridge Historic District.”*

*“This property displays a high standard of physical integrity, relative to the seven aspects of integrity as defined by the National Park Service and the Colorado Historical Society, Office of Archaeology and Historic Preservation – setting, location, design, materials, workmanship, feeling and association. There have been no additions, and no notable exterior alterations, to any of the buildings within the past fifty years.”*

One Cultural Resource Survey was performed for Lot 1 and Lot 2, Block 7, Yingling and Mickles, as these were originally considered one property. The house referenced in the report refers to the existing home on Lot 1. It appears that there has never been a residence on Lot 2.

### **Staff Comments**

**Land Use (Policies 2/A & 2/R):** Applicant proposes to use the property for a single-family home, which is a use that complies with the suggested use for this land use district.

Per the Breckenridge Land Use Guidelines: *“District 17 is a substantially developed residential area of historic Breckenridge, central to the existing activity patterns of the Town. Although the District is composed of a variety of housing types and densities, the medium density, single-family detached units are the most prevalent.”*

*“In order to preserve the traditional character of the District from further erosion, only one residential structure shall be allowed on any one lot. Duplexes are strongly discouraged.”*

**Density/Intensity (3/A & 3/R)/Mass (4/R):** The proposed project below the allowed total residential density of 2,519 sq. ft. (proposed at 2,481 sq. ft.) for the property. The residence and the secondary structures are 10 sq. ft. under the allowed mass of 3,023 sq. ft. (proposed at 3,013 sq. ft.).

**Above Ground Density (5/A & 5/R):** As proposed the project is at 9.2 UPA above ground density (2,144 sq. ft.). The recommended above ground density at 9 UPA is 2,061 sq. ft. The maximum above ground density allowed in this character area is 10 UPA (with negative points). Per Policy 5(A) C (2) A: *“Within the east side residential, north end residential, and the North Main Street residential character areas, a maximum of 9.0 units per acre for aboveground density for new construction is allowed, except for those developments described in subsection C(2)B of this policy. Projects within such areas which contain 9.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.”*

B. *“In connection with permit applications for projects which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts") anywhere within the east side residential, north end residential, and the North Main Street residential character areas, a maximum of 10.0 units per acre for aboveground density is allowed. Projects of such types which contain 10.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.”*

**Priority Policy 118:** *New buildings should be in scale with the existing historic and supporting buildings in the area.*

- *Development densities of less than nine units per acre are recommended.*
- *Locating some building area below grade to minimize the mass of the structures is encouraged.*

- *Locate larger masses back from public view.*
- *Use landscaping, especially large trees, to screen larger building masses.*

The applicant's proposal of 2,144 sq. ft. of above ground density at 9.4 UPA is in substantial compliance with Policy 5(A) and Priority Policy 118. Negative three (-3) points are warranted under policy 5/R, for exceeding the recommended above ground density.

**Architectural Compatibility (5/A & 5/R):** Per the recently completed Cultural Resource Survey: Shed #1 (possibly a granary), *“Measures 12’ by 18’ and is supported by wood timbers on grade foundation. Its walls are made of horizontal wood planks, covered with rusted corrugated metal. The moderately pitched front gable roof is covered with rusted corrugated metal roofing material, laid over 1x wood decking. A vertical wood plank door, side-hinged with metal strap hinges, enters the west elevation from a concrete block stoop. A boarded window opening penetrates the west elevation.”*

Shed #2 or coal shed *“Measures 12 ½’ by 15’.* It is supported by wood timbers on grade foundation, and its exterior walls are clad with rusted corrugated metal over wood frame construction. The moderately pitched front gable roof is covered with rusted corrugated metal roofing material laid over 1x wood decking. A vertical wood plank door enters the building on the west elevation. Two window openings – both filled with horizontal wood planks – penetrate the east elevation, facing the alley.”

*“The ruins of a privy, which measures approximately 4 ½’ by 6’, is located between the two sheds. The privy features horizontal wood plank walls, and a collapsed shed roof. The privy’s entry appears to have been from within the coal shed (shed #2 on the Sutterley plans).*

The home is designed with a main roof with a 50-year asphalt composition shingles (12:12 pitch) facing Harris Street, and other gables facing north/south, with corrugated metal proposed on the shallower 4 ½ :12 pitch. There is a porch on the front and side of the home. The garage is attached to the main residence with a smaller link. The garage and the home simulate historic forms, but incorporate a bit more complexity than typical for a historic house. Arched windows are proposed in a few locations, but they have not been overused. Most windows proposed are simple, vertically oriented double hung windows with divided light panes on the upper sash (6 over 1 and 2 over 2). French doors are proposed on the south side of the home, within the connector element.

A natural stone chimney is proposed on the north side of the home, and a natural stone base is also proposed. The stone base is exposed a maximum of three feet (3’) on the northwest corner of the home, and is exposed less than two feet (2’) in most other areas. This amount of stone is consistent with other approved projects, and is designed to look functional (as a foundation), as it would have been used historically. The main siding material proposed is 4 ½” bevel lap siding. This dimension is appropriate for this neighborhood. Board and batten siding is proposed in the gables.

Per the Handbook of Design Standards for the Historic and Conservation Districts, Priority Policy 90: *“Use material that appear to be the same as those used historically. New materials that appear to be the same in scale, texture and finish as those used historically may be considered.”* Per the Design Standards for this Character Area #1, Priority Policy 125: *“This historic district should be perceived as a collection of wooden structures. A strong uniformity in building materials is seen in the area. Most structures, both historic and more contemporary, have horizontal lap siding. This material is usually painted. Although a few historic log buildings serve as accents to the lap siding standard, this uniformity of materials should be respected.”*

- *“Use painted wood lap siding as the primary building material. An exposed lap dimension of approximately 4 inches is appropriate.”*
- *“Rough-sawn, stained or unfinished siding materials are inappropriate on primary structures.”*

Staff supports the architecture and materials on the proposed home.

**Building Height (6/A & 6/R):** The height of the proposed residence is 23’ mean. The recommended maximum height of 23’ to the mean.

**Site Plan:** Staff has some concerns with the site plan. The proposal encroaches on three of four setbacks. The front setback of 22’ is within the historic settlement range for this block of S. Harris Street. The garage is now 21’ off of the rear property line on the alley, which will allow for two guest parking spots.

Design Standard:

*Priority Policy 115: Design front yards to be composed predominantly of plant materials, including trees and grass, as opposed to hard surface paving.*

- *Hard surface plazas in front of buildings are generally inappropriate in this area. Avoid locating parking in front yards.*

Applicant has met Policy 115 as the front yard is primarily plant materials. Furthermore, the applicant has indicated a desire to prepare a good landscaping plan for this property.

116. *“Minimize the visual impact of parking as seen from the street.”*

- *“Avoid locating parking in front yards. Locate parking in rear yards where feasible*
- *“If parking must be sited in the front, use paving designs that will help to retain a yard character and visually separate parking from the street edge.”*

The proposal does minimize the visual impact of the parking as it is inside in the garage, which is accessed from the alley.

Design Standard:

127. *“Use secondary structures in new development where feasible.”*

- *“Housing utilitarian functions, such as parking, storage, and waste receptacles in secondary structures is encouraged.”*
- *“Using secondary structures for utilitarian functions (not living area) will help reduce the perceived scale of the development by dividing the total floor area into a cluster of smaller structures rather than one large building.”*
- *“Use simple building forms and materials for these structures.”*

Staff supports the reuse of the secondary structures for utilitarian functions like storage.

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

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

This shed is a contributing building, and staff believes that removal of historic fabric would cause a reduction in the historic rating. Applicant has agreed to keep the historic fabric in place.

**Placement Of Structures (9/A & 9/R):**

Per Character Area #1: East Side Residential, Building Setbacks:

*“Most buildings in the area have front and side yards, and although there are variations in their dimensions, a relatively uniform setback exists. No new buildings should project in front of the typical setback line for the block.”*

*Design Standard:*

*Priority Policy 114: Maintain the typical setback of buildings along the block.*

- *This is a very important standard.*
- *The East Side Residential Character Area setbacks occur as front and side yards.*
- *New buildings in this area should be set back in line with traditional house types. Locating a building at the sidewalk line, in a commercial building format, would be inappropriate in this context. Similarly, a setback that is farther back than the norm is inappropriate.*
- *Note the characteristic setback dimensions may vary from block to block.*

The applicant has met the absolute side yard and front yard setback requirements for the main house.

The applicant proposes to move the historic shed #1 and #2 as shown on the site plan. Shed #1 is proposed to move 8’ to the south and turned 90 degrees, so that the current north wall will be facing east. Shed #2 is proposed to be moved to 13’ to the west. Shed #1 will need a variance to sit only one-foot inside of the property line along the alley, as it does not meet the absolute three-foot setback required by Policy 9(A). Per the Land Use Guidelines for District #17: *“The preservation of historic secondary structures remains a desirable goal. The rehabilitation and preservation of these accessory outbuildings is strongly encouraged. In situations where alley encroachment problems can be alleviated, relocation of these structures on site is encouraged.”*

Staff and the Code encourage the applicant to move the sheds as little as possible from the historic alignment while bringing it within the property lines and off of the alley R.O.W. Staff supports the 1’ setback off the alley as it keeps the shed #1 close to its historic alignment along the alley, while getting the shed onto private property. Negative nine points (-9) are warranted for failing to meet three of the recommended setbacks.

**Variance (9-1-11):**

The request for 1’ setback off the alley will require a variance. Per Section 9-1-11 of the Development Code:

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

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

The existing historic sheds sit over the property line and currently encroach into the Harris Street Alley R.O.W. This is the historic location of the sheds.

*2. That such special circumstances were not created by the applicant.*

The historic sheds are non-conforming structures (because they do not meet setbacks), which were built long before the applicant purchased this lot. The Applicant bought the property with the sheds already on-site.

*3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.*

The granting of the variance is in general harmony with this chapter. Moving shed #2 off of the alley, and moving shed #1 at least one foot off of the alley will allow for more efficient snow removal in Harris Street Alley. Moving shed #2 to three feet off of the southern property line gives some area for buffering between Lot 2 and Lot 2, Block 7, Yingling and Mickles. Moving the sheds further onto the property will only improve the situation, and will not be materially detrimental to anyone residing or working in the vicinity.

*4. The variance applied for does not depart from the provisions of this chapter any more than is required. (Ord. 19, Series 1988)*

The sheds are only proposed to move by a few feet, in order to maintain their historic context near the alley. Staff is supportive of the variance request, as this will keep the sheds as close to their historic alignment on the Harris Street Alley as possible while getting them onto the private property and out of the alley R.O.W. Similar variances have been approved for other historic structures.

**Snow Removal And Storage (13/R):** The driveway for the garage and the patio will be heated. There appears to be adequate area to store snow on Lot 2. Staff has no concerns related to snow storage.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** Vehicular access to the site is provided from the Harris Street Alley. This will require cars to back onto Harris Street Alley, which is allowed for single-family residences. Staff supports using Harris Street Alley as the access to the residence as opposed to using the front yard for access to the garage.

**Parking (18/A & 18/R):** Harris Street Alley was found to be the best place to access the garage, particularly when taking into consideration Priority Policy 115 and 116. Per Parking Policy 18/R: encourages: “*The placement and screening of all off street parking areas from public view is encouraged.*” Staff recommends positive (+2) two points for using the alley as the access point for vehicles to the residence.

**Landscaping (22/A & 22/R):** The applicant has provided a formal landscaping plan for the final hearing. A colored landscaping plan will be available at the meeting for Commissioner review. The property

currently has no trees, formal ground cover, nor shrubs. Staff would like to see one spruce tree added near the proposed hot tub for screening and some small adjustments to the landscaping plan. With these minor changes Staff recommends positive + 4 points for the landscaping plan.

**Social Community / Employee Housing / Historic Preservation (24/A &24/R):** Applicant is not proposing any employee housing, nor is any required. However, the applicant’s historic restoration plan is to: *“Proposing to move the historic shed #1 and #2 as shown on the site plan. Shed #1 is proposed to move 8’ to the south and turned 90 degrees, so that the current north wall will be facing east. Applicant proposes to move Shed #2 13’ to the west. Provide slab and foundation to Code. Fully restore sheds, using all wood from both sheds (framing and siding). Reuse corrugated metal siding from existing sheds, save all historic openings, and re-roof with new corrugated metal. Applicant may need to replace some of the metal siding.”*

Examples of a recent project that received positive points for Historic Preservation are listed below:  
Ducayet Residence (+6 points): *“The two historic sheds on the property are proposed to be restored. Restoration efforts proposed for the sheds include: New poured in place foundation on Shed A. Under pinning of Shed B and pouring foundation below shed. Structural stabilization of the framing. Repair of doorframes, sills and heads. Repair or replacement of door hinges. Inspection of corrugated metal roofs for repair or replacement. Removal of asphalt and metal siding to reveal original wood siding Match dimensions of any wood siding that may need to be replaced with comparable aged siding. Repair window frames and sash by patching, splicing or reinforcing. Replace windows if necessary .”*

Staff fully supports the restoration of shed #1 and shed # 2. We find that the proposed restoration efforts will significantly improve the aesthetics, functionality and stability of these historic resources. The foundations and structural stabilization alone will significantly improve the lifespan of these buildings. The following section of Policy 24/R-Social Community, identifies criteria for assigning points:

*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.*

*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.*

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



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

Staff is now comfortable with the proposed restoration method for shed #1 and shed #2. We recommend six (+6) positive points under this policy.

**Utilities Infrastructure (26/A & 26/R; 28/A):** The utilities infrastructure is available in the public right-of-way. The applicant will bring a utilities plan to the meeting for review by the Commissioners.

**Point Analysis (Section: 9-1-17-3):** Staff finds that the proposal warrants negative -9 points for encroaching on both side yard and the rear yard setbacks, and another negative -3 points for exceeding 9 UPA Above Ground Density (proposed at 9.2 UPA, Policy (5/R) points assessed for 9.01 - 9.50 above ground UPA receives negative -3 points), for a total of negative - 12 points. Staff recommends + 4 points for the landscaping plan, positive + 2 points for putting the driveway and garage at rear, and positive + 6 points for restoration of the two sheds; this would result in a passing total point analysis of zero (0).

### **Staff Recommendation**

Staff recommends the Planning Commission approve the Hastings Residence, PC#2008002, Lot 2, Block 7, Yingling & Mickles, located at 102 S. Harris Street with the attached Findings and Conditions.

<b>Final Hearing Impact Analysis</b>				
Project:	Hastings residence at 102 S. Harris Street	<b>Positive Points</b>	<b>+12</b>	
PC#:	2008002	<b>Negative Points</b>	<b>- 12</b>	
Date:	03/05/2008	<b>Total Allocation:</b>	<b>0</b>	
Staff:	Matt Thompson			
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)	0	Single family home complies with the suggested use.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)	- 3	Above ground density of 9.01 - 9.50 is assessed -3 points (9.2 in this proposal)
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)	0	The house is designed at 23' to the mean roof height.
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)		
	Site and Environmental Design / Driveways and Site Circulation Systems			
7/R	Site and Environmental Design / Site Privacy	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies	N/A	
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 9	Fails to meet two side yard setbacks, and fails to meet the rear setback on the alley.
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		Snowmelt system at driveway, parking pad, and heated patio.
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		

18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)	+2	Driveway and garage doors not visible from Harris Street nor Lincoln Avenue.
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		(6) Blue Spruce 8' tall, (2) Spring snow crab apple trees, (6) multi-stem aspen 1 1/2" - 2", (16) various 5-gallon shrubs.
22/R	Landscaping	4x(-2/+2)	+4	
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15	+6	On site historic preservation/restoration effort of average public benefit. Restoration of two sheds.
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		

## TOWN OF BRECKENRIDGE

Hastings Residence  
Lot 2, Block 7, Yingling and Mickles  
102 S. Harris Street  
PERMIT #2008002

### FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **March 4, 2008**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **March 18, 2008**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. The variance requested, to allow less than a five-foot rear setback off an alley, is granted based on the following required criteria being met:

*There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular of which the applicant desires a variance, and does not apply generally to all uses.*

The location of the existing, non-conforming historic structures constitutes a “special circumstance” which is being addressed. The applicant is proposing to move the existing shed #1 to one foot off of the alley, Staff and the Code encourage the applicant to move the sheds as little as possible from the historic alignment while bringing it within the property lines and off of the alley R.O.W.

*There are special circumstances applying to this land and building which are unique in that it is an existing, non-conforming structure permitted by the Town, and does not conform front setback requirements of the Development Code. The special circumstances were not created by this applicant.*

The special circumstance was created by the need to find a new location for historic sheds while allowing the property owner to vehicular access from the alley.

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

Granting the variance will be in harmony with the Town’s Development Code because the design will allow the front yard to be composed predominantly of plant materials, including trees and grass, as opposed to hard surface paving.

*The variance does not depart from the provisions of the Development Code more than is required.*

This request does not depart from the Development Code any more than is required by keeping the historic structures near their original location, while allowing the structures to be on private property and out of the alley R.O.W.

7. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

#### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit will expire three (3) years from the date of Town Council approval, on March 25, 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 thirty (30) days of the permit mailing date, the permit shall only be valid for eighteen (18) months, rather than three (3) years.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Driveway culverts shall be 18 inch heavy duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
9. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snow plow equipment from damaging the new driveway pavement.
10. Applicant shall field locate utility service lines to avoid existing trees.
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

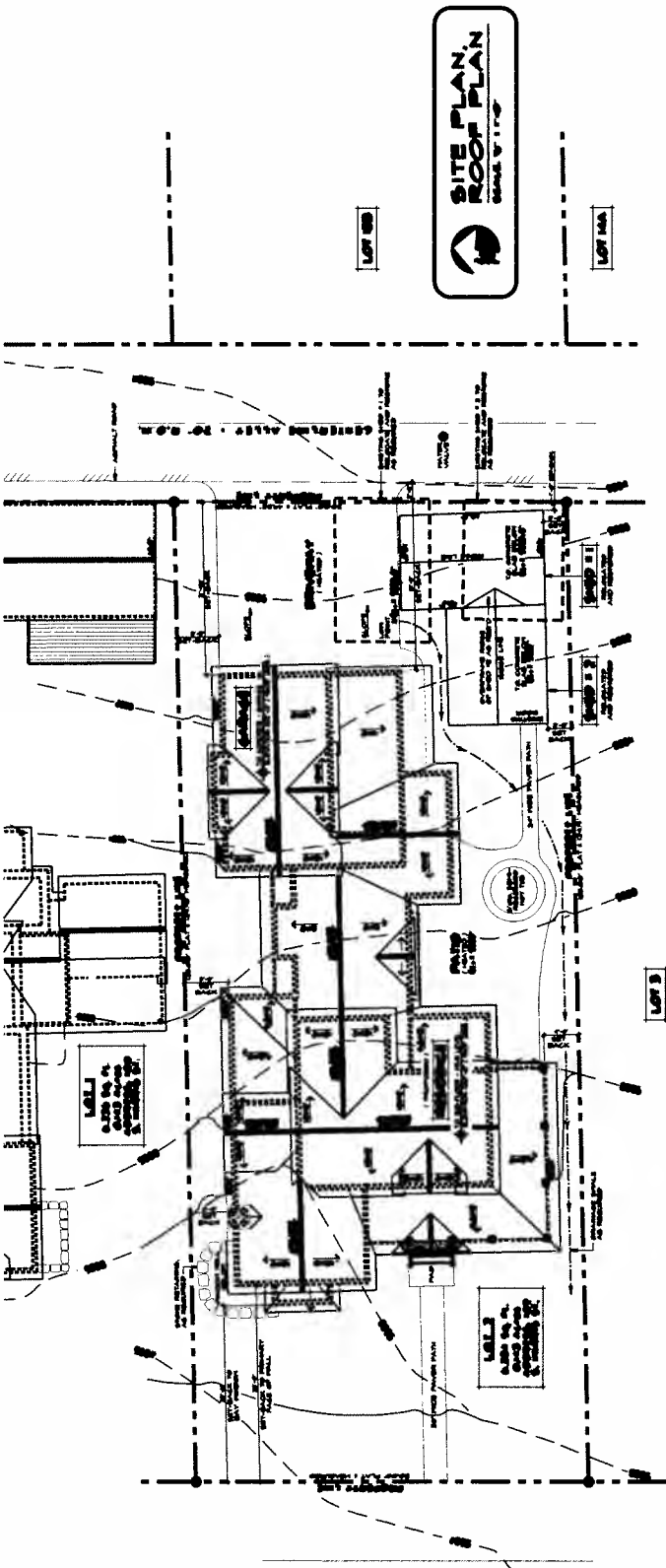
13. Applicant shall submit proof of ownership of the project site.
14. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
15. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
16. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
17. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
18. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
19. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property.
20. Applicant shall install construction fencing around the construction site acceptable to the Town Planning Department. An on site inspection shall be conducted prior to issuance of building permit.
21. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
22. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

23. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
24. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches from the property. Dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above ground.
25. 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.

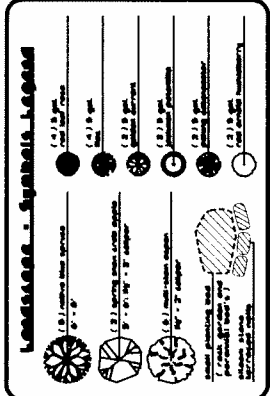
26. Applicant shall screen all utilities.
27. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
28. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing 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.
29. 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.
30. 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.
31. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
32. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.

(Initial Here) \_\_\_\_\_

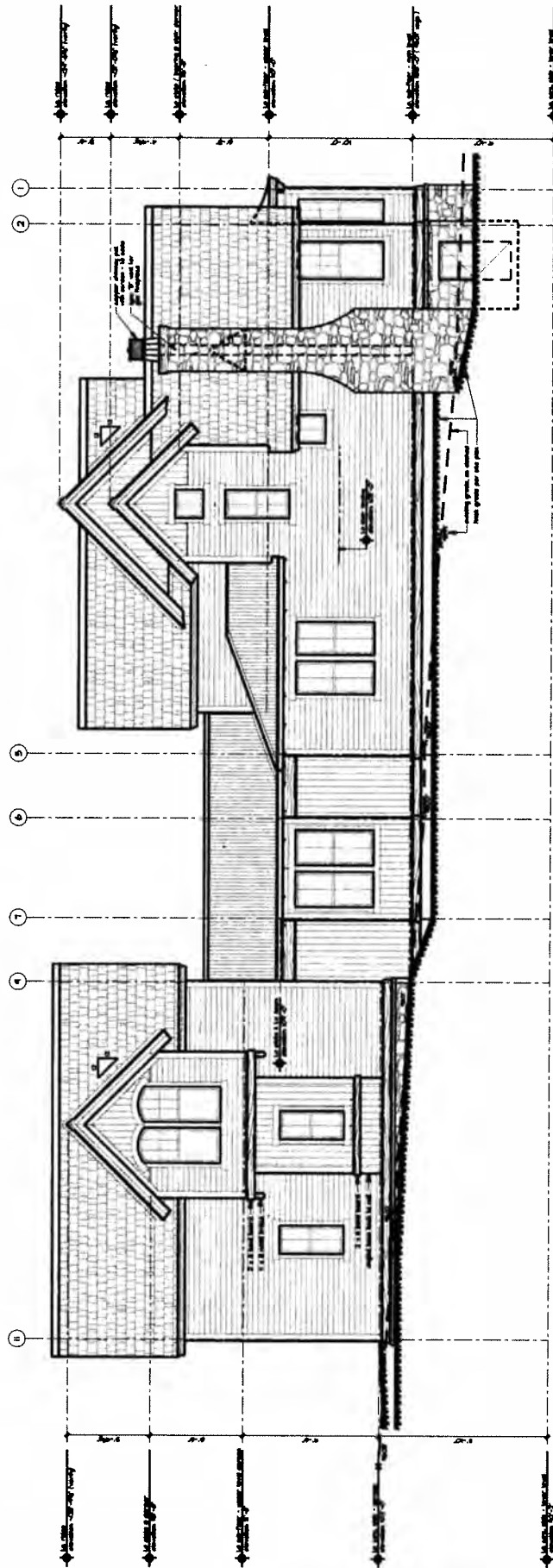


**Landscapes - General Notes**

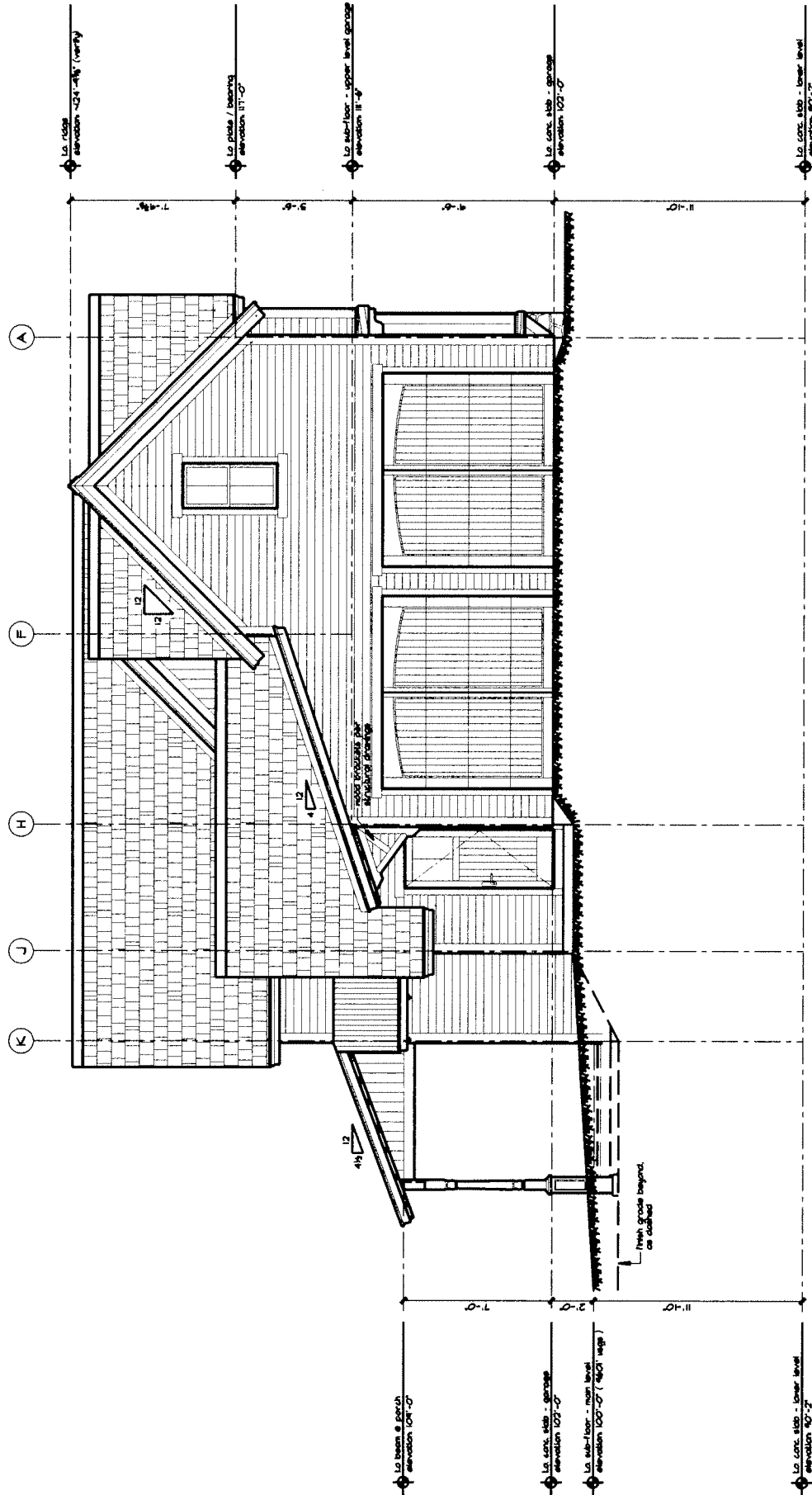
1. All trees shown on this plan are to be planted within 12 months of construction completion.
2. All trees shown on this plan are to be planted within 12 months of construction completion.
3. All trees shown on this plan are to be planted within 12 months of construction completion.
4. All trees shown on this plan are to be planted within 12 months of construction completion.
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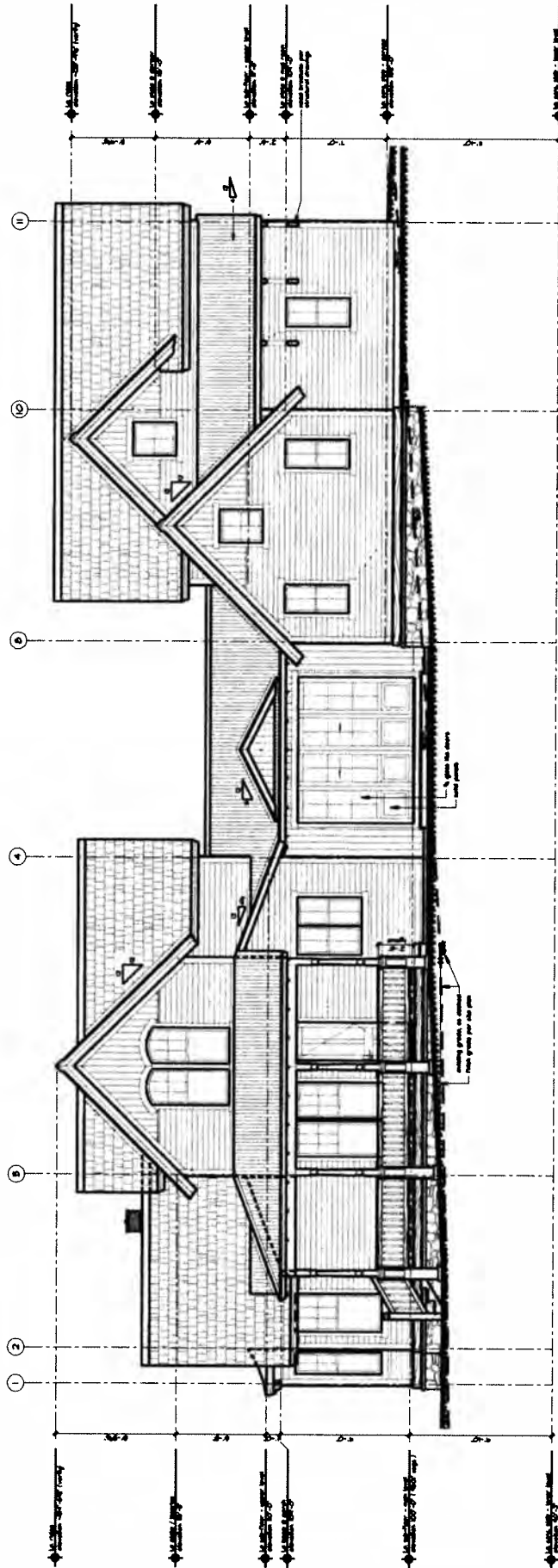




2 North Elevation  
Scale: 1/4" = 1'-0"

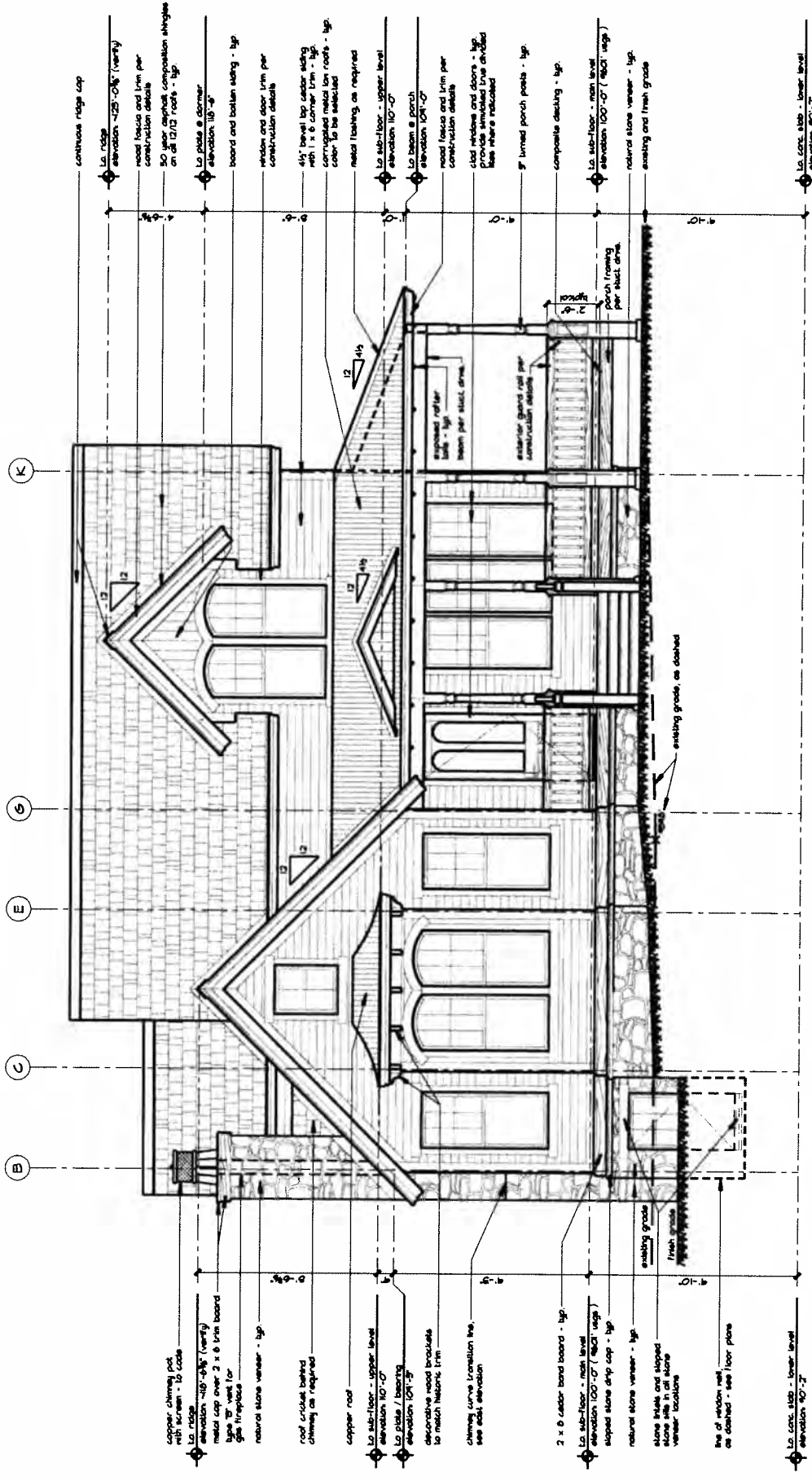


**1**  
A-6  
**East Elevation**  
Scale: 1/4" = 1'-0"



2  
113

**South Elevation**  
Scale: 1/4" = 1'-0"



**West Elevation**  
 Scale: 1/4" = 1'-0"

## Thompson, Matt

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**From:** timbrush22@comcast.net  
**Sent:** Friday, February 15, 2008 6:18 PM  
**To:** Thompson, Matt  
**Cc:** cassidy@loring.net  
**Subject:** 102 Harris St. proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Red

**Attachments:** 102 Harris St. proposal



102 Harris St.  
proposal

Dear Matt,

We write this letter in regards to the proposed new residence at 102 S. Harris, and the fact that, as designed, the house will block our view of Peaks 5, 6, 7, and 8.

We have owned and lived full time in the log cabin at 103 1/2 Harris St. Alley (directly east of the proposed house) since 1992. One of the best aspects of living here is the view. It is important to the enjoyment we get from living here and it is important to our property value. Losing the view to a new house would certainly diminish both our enjoyment and our property value.

We attended the Jan. 15th planning board meeting regarding this proposal, and we expressed our concern about losing our view. Several board members noted our concern, and asked the architect, Janet Sutterley, to take our concern seriously and to do "whatever you can" to help us keep the view. We certainly appreciate the board members' concern, and we certainly hope that Janet Sutterley will do as they asked.

Also, we are concerned about her proposal to move the barns along the alley to make room for the house. She would move barn #2 west, away from the alley, and strip it of its siding and turn it into a hot tub enclosure. This idea is silly, as a hot tub would not be enclosed at all, but open to view from Harris St. and Harris St. Alley. We are opposed to this and we think the other neighbors would be opposed also. She also said that the north side of barn #2 has no siding, therefore making it ok to strip the rest of the siding. On this point she is flat wrong: about half to two thirds of the corrugated metal siding is intact, with the middle third or so missing, exposing an inner wall of old license plates. She would also move barn #1 to the spot where #2 now stands to make room for the garage. If the barns are left alone, the garage would have to be built somewhere else, probably on the Harris St. side of the house. This would help immensely in preserving our view. Therefore we urge you and the planning board to keep the barns where they are.

Another concern we have about the proposed garage is the added automobile congestion to an already crowded, and narrow, Harris St. Alley. In winter, when snow plowing, storage and removal is an issue, another driveway to plow would surely worsen the problem. Moving the garage and driveway to Harris St. would eliminate both problems in Harris St. Alley. We also urge you and the board to consider this.

The board also was concerned that the connector between the two halves of the house was too long. Shortening the connector and moving the east half of the house further west towards Harris St. would also help us preserve our view.

Finally, how can we read the specific rules or guidelines for protecting in-town view corridors? Any info on this would be useful to us.

Thank you for considering our real and deep concerns about the proposed house, our view of the mountains, and more congestion and snow problems in Harris St. Alley.

Sincerely,  
Tim and Cassidy Brush  
103 1/2 Harris St. Alley  
Breckenridge  
453-2732

We had wanted to contact you regarding the 3200sf home proposed for lot 2 on 102 harris st. We have owned, and lived in, the historic log cabin on 103.5 Harris St alley for 17 years. The view for us is extremely important, and the proposed home will essentially block it. It appears that we will be viewing a 24" high garage. We feel this will affect our property value as well as the pleasure we have in seeing the 10 mile range. The view is paramount for us.

My wife and I attended the town hearing on \_\_\_\_\_ night and expressed our concerns to the town council. After Janet Sutterlys (sp?) presentation, the council politely asked her to consider our concerns regarding the view. They had discussed the possibility of moving both structures west, closer to Harris St.

Also, there was discussion about keeping the barns where they are rather than moving them. Moving shed #2 (?) would create a problem for the vacant lot that is south of lot 2. If the barns are kept where they are, the council thought there would be ???continuity of placement??? relative to the other sheds located on the Alley. Janet said the corrugated shed as in bad repair and should be moved, however we feel this was to accommodate the home design. The barn was not as she had reported. We would probably benefit with regards to our view if the barns were kept where they are.

The council also thought that the connector between the front and back sections of the proposed house could be made smaller.

Because of the grade of the lot, any movement toward the west would help us maintain our view.

What, exactly, is the "code"/rule regarding view corridors. We would like to know the specifics, and would appreciate your help in exploring our options.

Thank you for your consideration and we look forward to hearing back from you soon.

**Thompson, Matt**

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**From:** timbrush22@comcast.net  
**Sent:** Wednesday, February 20, 2008 12:55 PM  
**To:** Thompson, Matt  
**Subject:** 102 S. Harris

Matt,

Thanks for talking with me the other day when lunch was beckoning.

Also, thanks for the photo. The problem with the photo, and the perceived view slot, is that the photo was taken about 10-12 feet north of our line of sight to the summit of Peak 7. If the north side of the proposed house lines up with the wooden post that's behind the old truck, then the bedroom above the garage will block our valued view.

If the garage is built on the west end of the house (which would eliminate the extra congestion in crowded and narrow Harris St. Alley), or the bedroom not built atop the garage, our view would be largely preserved.

That's it for now. Thanks again for your time and thought on this matter.

Sincerely,  
Tim and Cassidy Brush

**Thompson, Matt**

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**From:** eugenia kotsis [ggkotsis@yahoo.com]  
**Sent:** Tuesday, January 15, 2008 9:35 AM  
**To:** Thompson, Matt  
**Subject:** 102 South Harris Street

Hi Matt--

My husband and I own the lot and the house next to 102 South Harris (104 and 106 South Harris). I guess our concern is that the proposed house seems to be very big, although we assume some of it will be underground. Is the size in keeping with the allotted density for the land, or is the builder asking for a variance???? We would also like to know that the design of the house will keep in character with the Historic District Neighborhood.

Our only other concern is that our lot will not be trashed or used in any way while they temporarily move the house on 100 South Harris Street to 102 South Harris. Please let me know if you have any information regarding these issues. Thank you for your help.  
Genie Kotsis Galetta

PS DO you know who the builder and architect is for the project?

---

Never miss a thing. Make Yahoo your homepage.

03/05/2008



**Thompson, Matt**

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**From:** eugenia kotsis [ggkotsis@yahoo.com]  
**Sent:** Wednesday, January 16, 2008 6:38 AM  
**To:** Thompson, Matt  
**Subject:** RE: 102 South Harris STreet

Dear Matt--thank you for your reply. I believe that the sheds are on the property at 100 South Harris STreet. I guess we would be worried about any setback variance that affects the new house at 102 S. Harris, especially if it means that any part of the structure would be allowed closer to our property than is normally customary. Please let me know if this is the case and what could we do if this is an issue. thanks again for your help. Genie Galetta

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Never miss a thing. [Make Yahoo your homepage.](#)

03/05/2008

**Planning Commission Staff Report**

**Project Manager:** Michael Mosher

**Date:** March 11, 2008 (For meeting of March 18, 2008)

**Subject:** Maggie Placer Employee Housing Development (Class A, Preliminary Hearing; PC# 2008024)

**Applicant/Owner:** John Springer, Springer Development

**Agent:** John M. Perkins, JMP Architects

**Proposal:** 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. A material and color sample board will be available for review at the meeting.

**Address:** 9525 State Highway 9

**Legal Description:** A parcel of land located in the Maggie Placer, U.S.M.S. no. 1338, in sec. 6, township 7 south, range 77 west of the 6th p.m., County of Summit, state of Colorado

**Site Area:** 1.8169 acres (79,144 sq. ft.)

**Land Use District:** 30, Residential, per approved plat, Multi-family - Subject to Annexation Agreement.

**Site Conditions:** The property is primarily treed with mature Lodgepole Pines. These trees were sprayed for Pine Beetle infestation prevention last year. A pocket of younger pines and aspens occurs at the south east corner of the property. The topography undulates and drops off sharply towards the north end of the site. Overhead power lines cross the east side of the property. There are no platted easements on the property.

**Adjacent Uses:** Multi family residential

North:	Village Point Townhomes
South:	Ski and Racquet Club
West:	Allaire Timbers BnB
East:	State Highway 9 & Southside Estates

**Density:** Allowed under LUGs: Per Agreement - 18 units  
Proposed density: 20,084 sq. ft.

**Mass:** Allowed under LUGs: Per Agreement - 18 units  
Proposed mass: 20,084 sq. ft.

<b>Height:</b>	Recommended:	Two-stories (26 feet to the mean)
	Proposed:	<i>(Pending)</i>
<b>Lot Coverage:</b>	<i>Pending Information</i>	
<b>Parking:</b>	Required:	24 spaces
	Proposed:	25 spaces
<b>Snowstack:</b>	<i>Pending Information</i>	
<b>Setbacks:</b>	Front:	15 ft.
	Sides:	5 ft.
	Rear:	15 ft.

### **Item History**

Staff has been working with John Springer, of Springer Development, and John M. Perkins, AIA of JMP Architects to present a proposal to you regarding the development of the recently annexed Lot 6, Tract 7-77, Section 06, Quarter 2, Maggie Placer, MS#1338, (Maggie Placer Development). 82% of the proposed units are to be permanently affordable (this application) and the remaining 4 market units, cluster single-family homes(separate applications). The permanently affordable rate is set at 80% AMI to 115%AMI. All of the affordable housing is to be constructed prior to the sale of the 4 market rate lots. This development is not to be phased.

### **Staff Comments**

**Land Use (Policies 2/A & 2/R):** With the annexation, this property was placed in Land Use District (LUD) 30 since the majority of the property was located in this LUD. (The other, smaller, portions were LUDs 24 and 25.) LUD 30, is for multi-family residential uses, per approved plat, or, as in this case, is subject to Annexation Agreement. Staff has no concerns.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** LUD 30 addresses much of the Warrior’s Mark area and states that allowed densities are subject to the previously recorded plats. In this case, the property had no previous subdivision/recorded plat and no density allocation, except the 1 SFE per the County zoning. With the annexation process, unit counts were established in the annexation agreement for Maggie Placer. Thus, Staff is treating the established density allocation from the agreement as the allowed density for the property.

Per the agreement:

*3.2 Development Density: Town of Breckenridge Land Use District Guidelines which are in effect as of the date of this Agreement provide that the maximum density in Land Use District 30 is per approved plat between 2 and 25 units per acre. As of the date of this Agreement, the Property is unplatted. However, the parties acknowledge that Town staff has recommended to Town Council that a subdivision plat for the Property be approved allowing a development of 22 units on the 1.85 acre parcel. Under the applicable Town guidelines such density is acceptable for multi-family development in Land Use District 30 if the development project contains not less than 81% affordable housing encumbered with a Town-approved restrictive covenant. The parties acknowledge that the Town staff’s recommendation has not been approved or acted upon by Town as of the date of this Agreement, and that nothing in this Agreement shall obligate*

*Town to approve the proposed plat. However, if such plat is not adopted within one year of the date of this Agreement, the Owner shall have the rights and remedies provided in Paragraph 11 of this Agreement.*

*11. ANNEXATION CONTINGENCIES. Town and Owner agree that the annexation of the Property and the effectiveness of this Agreement are contingent upon the occurrence of all of the following events, and the annexation and this Agreement shall be effective on the date on which the last of the following events occurs:*

- A. final approval by Town of the Development Permit by Town through its land use regulatory system;*
- B. final adoption of an ordinance placing the Property into Land Use District 30; and*
- C. Town's approval of the Restrictive Covenant.*

*Provided, however, that, if all of the foregoing events have not occurred on or before one year from the date hereof, then this Agreement shall be null and void and of no further force or effect, and Owner may pursue disconnection of the Property from Town, and Town shall not object to such disconnection.*

After the approval of this development, the applicant will be recording a plat to create the individual condominium units along with the four cluster single-family lots for sale. As presented, this proposal is for 18 affordable units (82% affordable) with a total of 20,084 square feet. Pursuant to Policy 3/A Density/Intensity:

*Employee housing units that are condominiums shall be calculated as one thousand two hundred (1,200) square feet under subsection B of this policy (As opposed to 900 square feet/SFE). (Highlight added.)*

This equates to 18.40 SFEs. The density for the pending cluster single-family lots is unlimited, but size will be limited by the pending platted disturbance envelopes and applicable policies defined in the Town Code. This represents 4 SFEs.

Under the LUGs, with 1.82 acres, the property is allowed up to 45.5 units (25 UPA X 1.85 AC). The proposed 22 units falls within the suggested density range for LUD 30. The Annexation Staff has no concerns.

**Architectural Compatibility (5/A & 5/R):** The condominium building is to be mostly constructed of natural materials. These include cedar horizontal lap siding, cedar board and batten siding, cedar shake siding, 2X wood trim, asphaltic shake shingle roof, and dull corrugated metal roof accents. A small amount of stucco is located on the south elevation (below the parking level) and represents less than 25% of that elevation.

To integrate the building into the site, the lower level has been placed below grade to the south and daylights at the north, following the slope of the hill. The taller roof forms have been held back from the north making the mass step down with the hillside. The massing of the building has been broken up nicely with undulating roof forms, dormer elements in the upper roof, and bay windows.

The roof forms step down at the north and south edges, but not at the east and west. Staff does not recommend negative points. Density has been placed in the roof forms to reduce the massing. Overall, staff supports the design of the building and has no concerns.

**Building Height (6/A & 6/R):** This proposal is located in LUD 30, which suggests two-story development. Specifically:

*Building Heights: Generally, structures in excess of two stories above grade are discouraged. Because this District is partially built out, it is important that heights of new structures be compatible with the existing neighborhood. Individual building heights will be determined through the development review process and shall be carefully assessed on the character of existing terrain and visual impacts to the rest of the valley.*

As with any non-single-family building, the building height is measured to the mean of the roof forms. As mentioned above, the roof forms have stepped down from south to north to reduce the overall building height. There are also recessed light-wells along the south elevation, below the parking lot level, to allow entries and egress windows for the lower units. The tallest portion of these light-wells measures 31 feet.

The tallest portion of the north elevation measures 50 feet. Staff is still working with the architect to reduce this overage to obtain a passing point analysis. We expect revisions at the next hearing.

A provision of Policy 6/R allows positive points to be awarded to building that are over height:

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

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

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

Staff suggests awarding positive one (+1) point for incorporating density in the uppermost story of the roof.

**Site and Environmental Design (7/R):** During annexation review, the Council asked that special care be taken to lessen the visual impacts of the development from the north end of the site. Here, the property slopes downhill sharply to a heavily wooded area. The concept is to buffer the development as seen from Highway 9 heading south and from the neighboring Village Point Townhomes. Additionally, screening the development from Highway 9 is important.

Responding to these concerns, the building is setback about 70 feet from the north property line with many of the mature trees being preserved. However, the submitted civil drawings show drainage swales and a detention pond being placed where the buffer is most important. We will have further discussion at the next hearing.

Along the east property line, abutting Highway 9, an extensive landscaping plan is proposed (more details at the next hearing) along with a landscaped berm to help block noise from this side of the property. Staff notes that there is about 30 feet outside the property line of existing mature trees that also help in the buffering.

Towards the west, the building is setback 15 feet from the property line. The existing trees within this zone are to be preserved, but Staff believes additional plantings could be added in this area to further enhance the buffering. We welcome Commissioner comment.

**Ridgeline and Hillside Development (8/A):** Staff does not believe that this proposal represents ridgeline/hillside development. However, per this policy, the design shows that all the decks facing north are

“enclosed”, with no open railing, to reduce light overflow. In addition, the proposed earth tone colors coupled with dark-sky compliant lighting should minimize the visual impacts along the north edge of the development. We have no concerns.

**Placement Of Structures (9/A & 9/R):** Per the relative policy:

*b. Other Residential Development:*

1. *Front yard: Fifteen feet (15').*
2. *Side yard: Five feet (5').*
3. *Rear yard: Fifteen feet (15'). (Ord. 13, Series 2000)*

*d. Perimeter Boundary: The provisions of this subsection shall only apply to the perimeter boundary of any lot, tract or parcel which is being developed for attached units (such as duplexes, townhouses, multi-family, or condominium projects), or for cluster single-family (CSF) use.*

The drawings indicate a 15-foot setback around the entire development. (With an essentially triangular lot, it was difficult to establish any “side yard”, so 15 feet was used throughout.) The proposal meets all suggested setbacks. We have no concerns.

We also note that, when this property is subdivided, the cluster single-family lots will have disturbance envelopes to establish building separation and buffering (cluster single family homes (CSF) are not subject to the typical 50-foot combined side yard setback requirement). This will be reviewed with the Planning Commission for approval with that application.

**Snow Removal And Storage (13/R):** More detail to be provided at a future meeting.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** As mentioned above, the property is to have the condominium building along with four separate lots for cluster single-family homes. All properties are accessed from a single private driveway, sharing the same access point as Allaire Timbers BnB and the Ski and Racquet Club, just off of Highway 9. The applicant is currently working with Town and County engineering staff to improve the entrance off of Highway 9 to allow the access point (not the entire drive) to be two-way rather than one-way accessible. The applicant and Staff (and the neighbors) do not want the traffic generated from this proposal to have to feed all the way through the one-way drive through the Ski and Racquet Club parking lots in order to exit. These improvements will also enhance the Town bus drop-off and pick-up point at the driveway. We will have more information at the next hearing.

Within the property the main drive splits to service the condominiums to the north and the CSF homes to the west and south. All of the cluster homes shall share a single private drive. The parking for the condominiums is all on grade immediately adjacent to the building. Handicapped access is accommodated with the plan. All access to the units occurs directly off the parking at the south end of the building with stairs for each level above and below the parking area. The plan is efficient and simple. Staff has no concerns.

**Parking (18/A & 18/R):** For the units and bedrooms proposed, 24 parking spaces are required. The plans shows 25 are being provided. This meets the intent of the Code. Generally, Staff prefers to have additional

parking on site if possible. However, with the Town's bus system stopping just off the main driveway to the site, we believe the need for each tenant to own a car is reduced. We have no concerns.

**Landscaping (22/A & 22/R):** More detail to be provided at a future meeting.

**Social Community / Employee Housing (24/A & 24/R):** This proposal is providing 82% of the units as permanently affordable employee housing. This is well over the 10% required to obtain positive ten (+10) points.

**Utilities Infrastructure (26/A & 26/R; 28/A):** All needed utilities are located off-site along the highway edge. The overhead utility lines, similar to those along Highway 9 north of Town, are high-power lines and are difficult and expensive to bury in short portions. Engineering Staff is monitoring collecting funds from applicants to bury these lines in phases throughout Town. We suggest the same for this property. We have no concerns.

**Drainage (27/A & 27/R):** The site drains towards the north. A swale through the parking lot directs water towards the west then along the west edge of the site in a trench to a detention pond. The detention pond is located within the treed area that is planned to buffer the property. Staff plans to work closely with the applicant's engineer and Town Staff to place the detention area to avoid the mature trees and plant additional trees to mitigate any negative impacts from the disturbance.

### **Staff Recommendation**

This proposal is off to a good start and, with the small lot, had obtained 82% of the units as permanently affordable. The cluster homes will be reviewed as separate Class C applications after the subdivision is processed. We do have concerns with the overall building height and expect revisions at the next hearing. The Planning Department recommends this application return for a second review.

We would like Commissioner comments on the site buffering and any other aspects of this application.

EXISTING UTILITIES SEE SEPARATE SHEET

EXISTING UTILITIES SEE SEPARATE SHEET

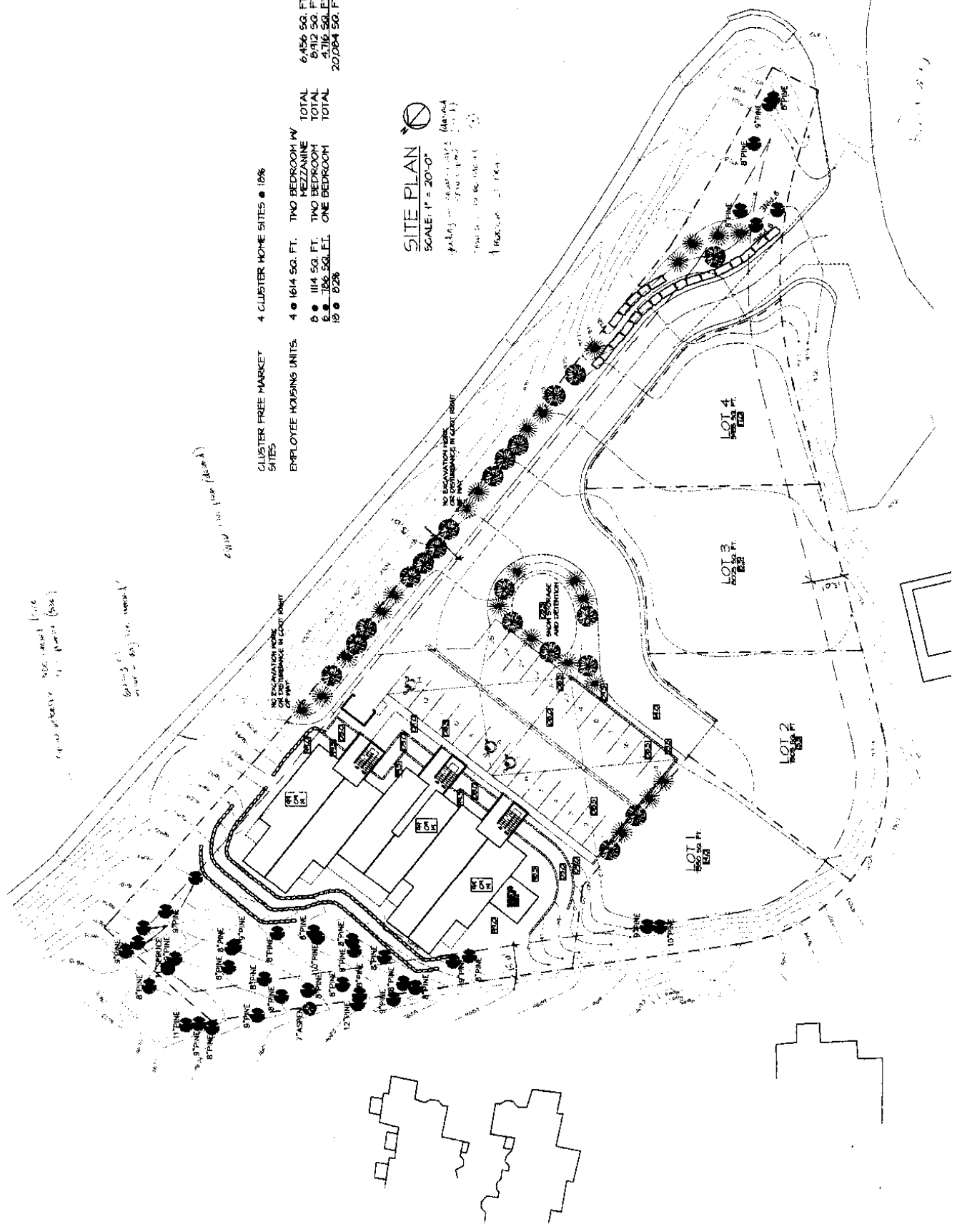
EXISTING UTILITIES SEE SEPARATE SHEET

CLUSTER HOME SITES • 18%

EMPLOYEE HOUSING UNITS:

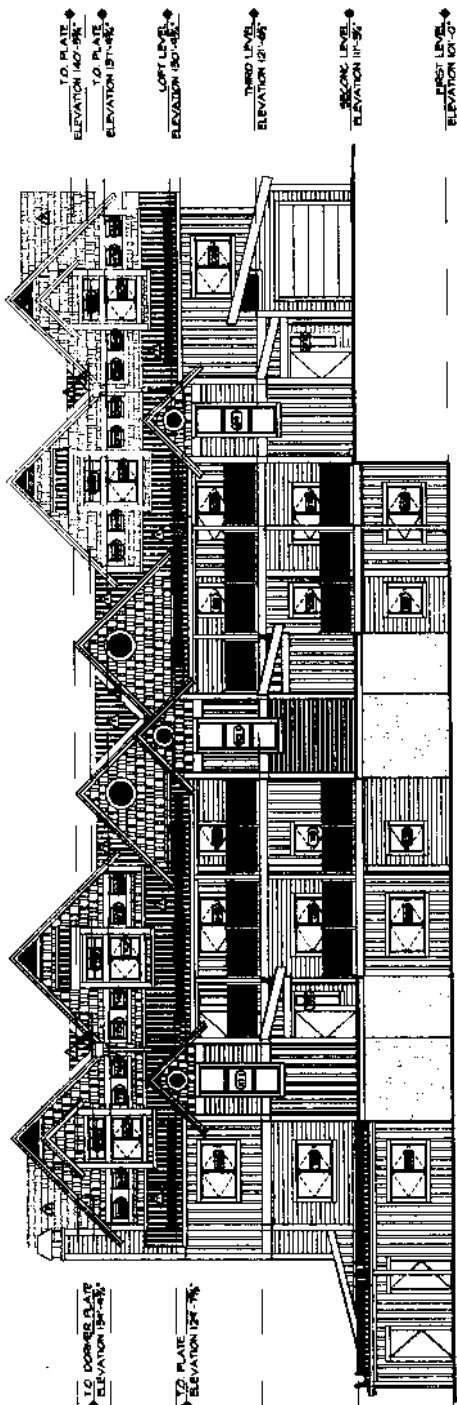
4 • 1614 SQ. FT.	TWO BEDROOM W/ MEZZANINE	TOTAL	6456 SQ. FT.
8 • 1114 SQ. FT.	TWO BEDROOM	TOTAL	8912 SQ. FT.
8 • 1266 SQ. FT.	ONE BEDROOM	TOTAL	10128 SQ. FT.
18 • 828		TOTAL	14904 SQ. FT.

**SITE PLAN**  
 SCALE: 1" = 20'-0"  
 DATE: 10/15/14  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

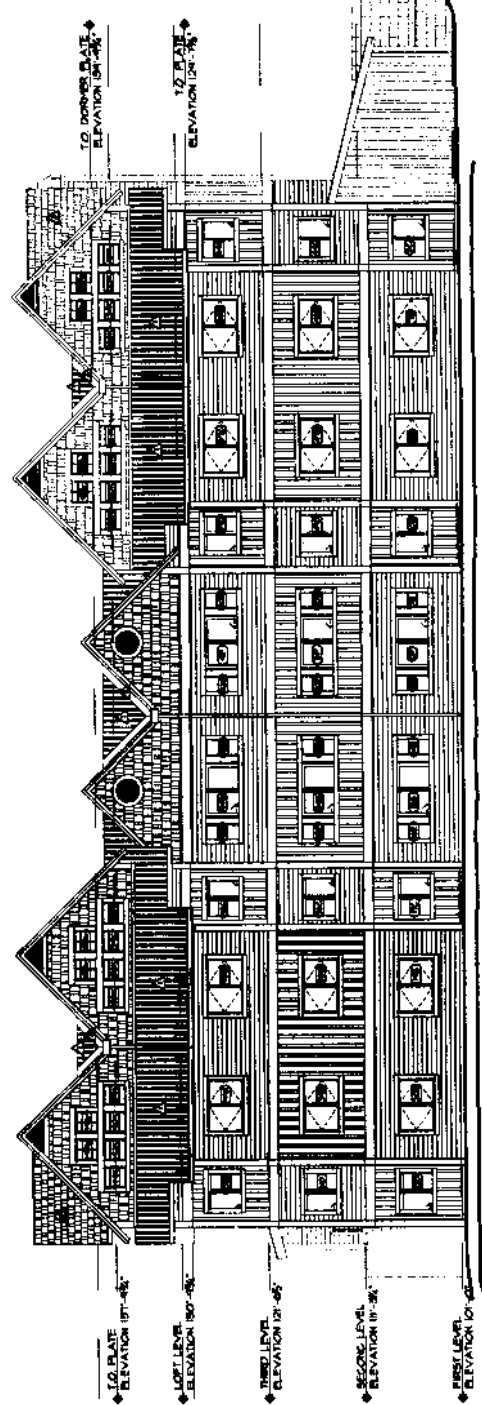




- △ Carriage provide
- △ 24 gable on side carriage
- △ 40 gable on side

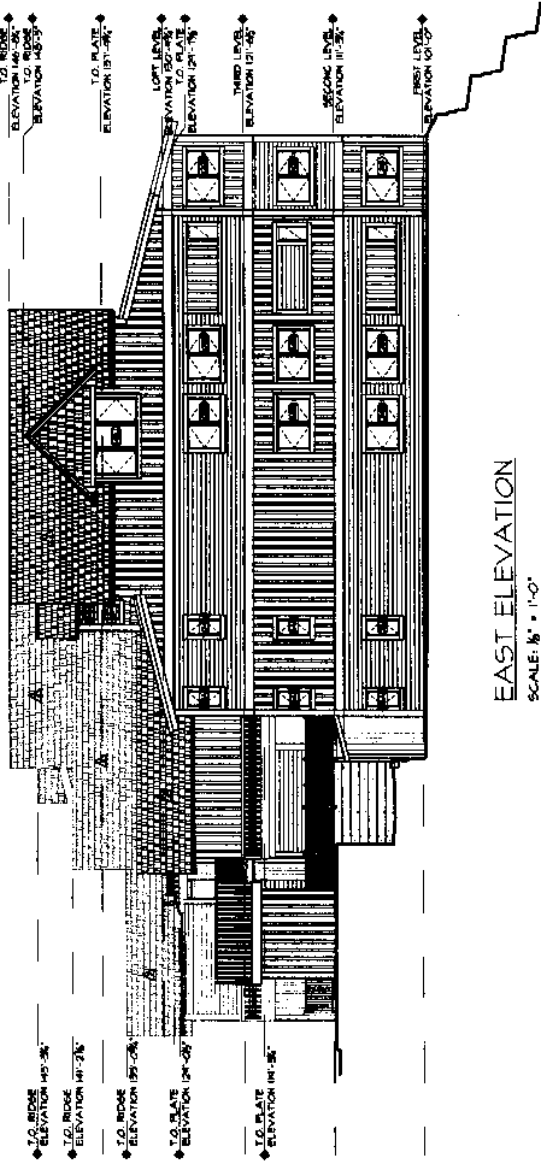


**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

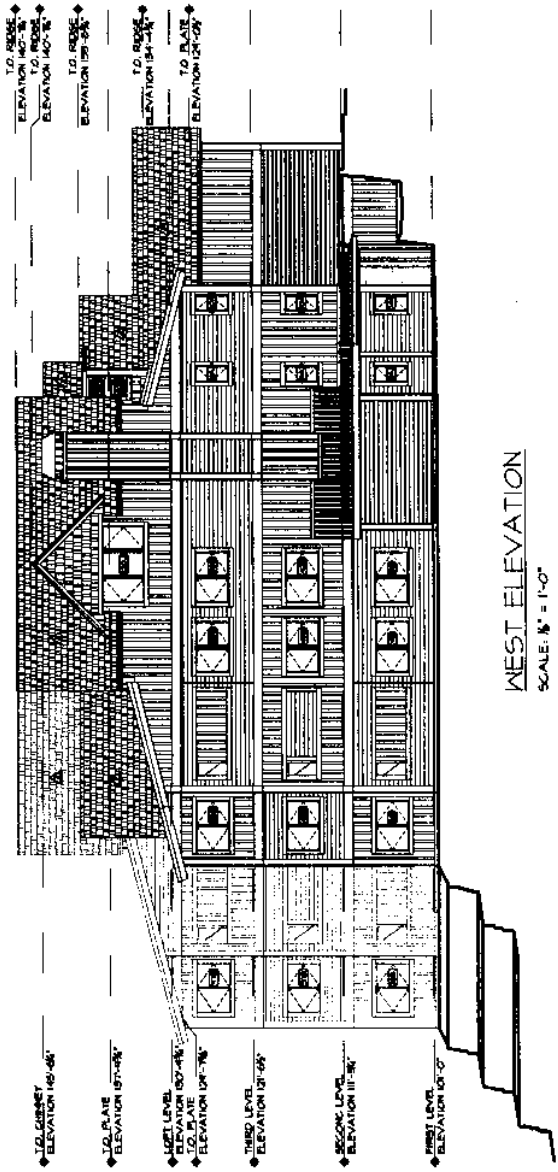


**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

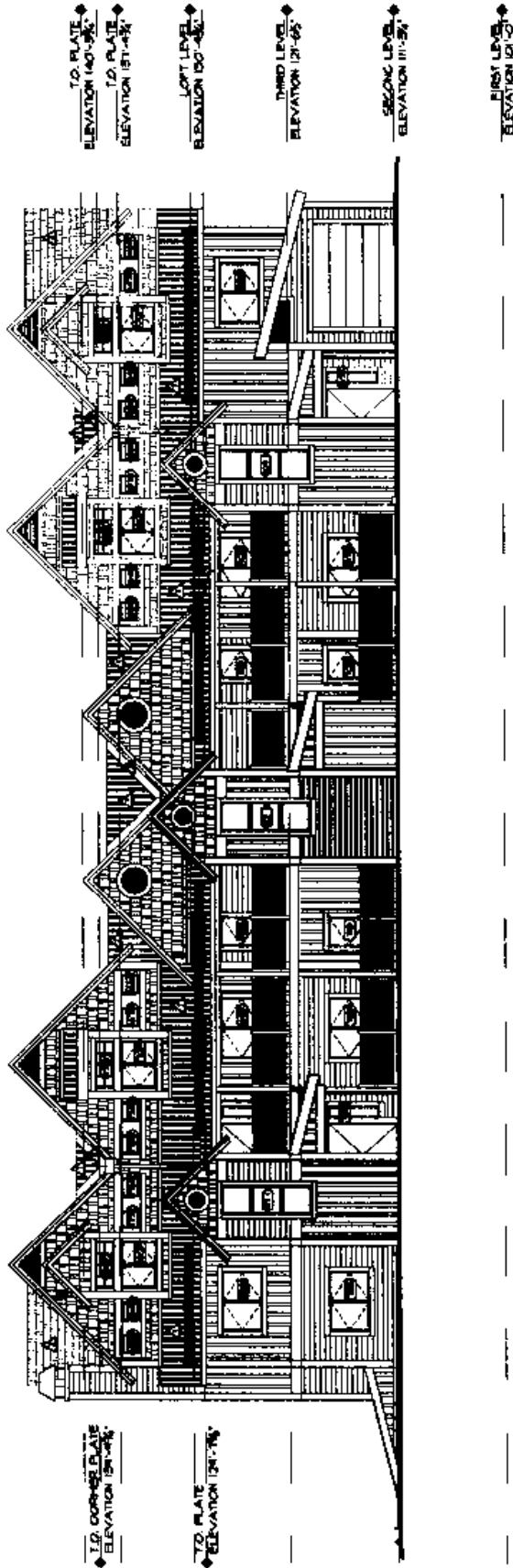
- △ Compacted metal roofing with layer plate. Peak to be provided by "Weather board" or approved eqpt.
- △ 24 gauge metal valley flashing 30" wide single sheet, on site folded to match color and finish of corrugated roofing.
- △ 40 year warranted composition shingles by "Tromax" or "Etc" roofing companies.



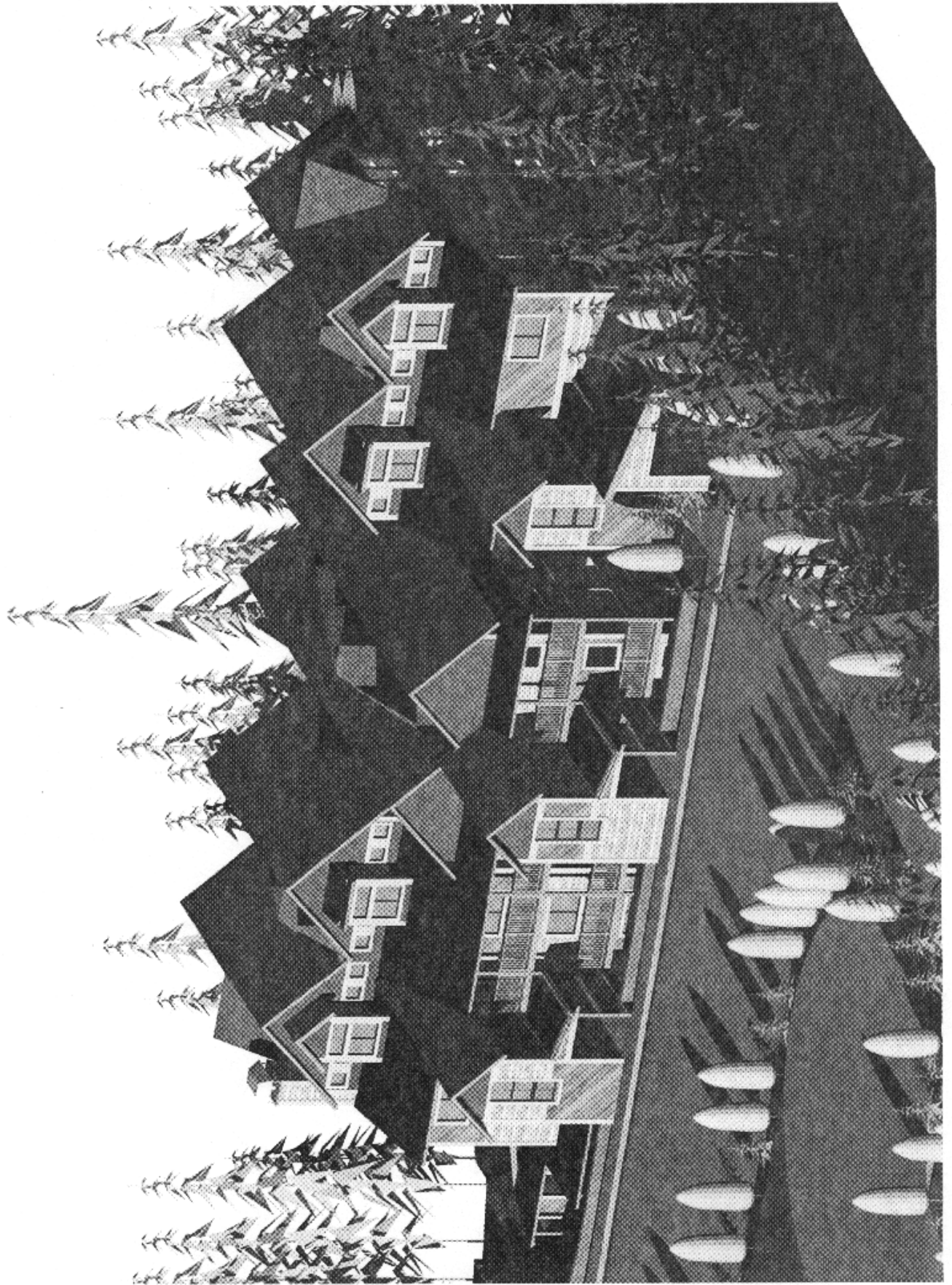
EAST ELEVATION  
SCALE: 1/8" = 1'-0"



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



SOUTH ELEVATION  
FROM PARKING LOT  
 SCALE: 1/8" = 1'-0"



# Memo

To: Planning Commission

From: Julia Skurski, AICP

Date: March 18, 2008

Re: Policy for Solar Panels in the Conservation District- Work Session

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The topic of solar panels on historic structures is on the Planning Commission's Top Five list. With a greater emphasis on renewable energy, Staff foresees that applications for solar panels will increase in the future. There are no standards in the Development Code that would specifically prohibit this; therefore, Staff has allowed the use of solar panels both inside and outside of the Conservation District.

Staff has taken this as a worksession item to the Commission on February 12. The following bullet points are a summary of direction given from that worksession:

- Do not change the slope of the existing roofline.
- Permit panels on the non-primary elevation.
- Distinguish new construction from historic structures.
- Include detached site arrays in criteria.
- Panels must not damage the historic roof or structure.

Staff has drafted a policy based on Commissioner comments and concerns for structures and sites within and outside of the Conservation District. Staff would like to get Commissioner comments on the drafted policy.

## 5. (ABSOLUTE) ARCHITECTURAL COMPATIBILITY:

(A) Solar panels and devices within the Conservation District: While the town does not want to prohibit the installation of solar panels or other solar devices on historic structures or sites as an alternative energy source, the preservation of the historic structure and sites and their character defining elements are extremely important. The following regulations shall apply to the installation of all solar panels or devices within the Conservation District.

(1) Within the Conservation District, no solar devices shall be installed on a structure or site without first obtaining a Class C minor development permit from the Town. Solar panels and devices are encouraged to be installed on a non-historic building or building addition, if available, and integrated into the building design. To ensure that the character of the Conservation District and its historic structures and sites are protected, applications will be reviewed under the following requirements.

(a) Solar panels or other solar devices on roofs shall be placed on a non-character defining roofline of a non-primary elevation (not readily visible from public streets). Solar panels shall be setback from the edge of a flat roof to minimize visibility and may be set at a pitch and elevated if not readily visible from public streets. On all other roof types, solar panels shall be located so as not to alter a historic roofline or character defining features such as dormers or chimneys. All panels shall run closely parallel the original roofline, not to exceed nine inches (9") above the roofline.

Applications for new structures within the Conservation District are encouraged to include building integrated solar panels or other devices on the building into the initial design, rather than as a later addition.

(b) Detached solar arrays at a historic site may be located in the rear or side yard if the arrays are not highly visible from the public streets and do not detract from other major character defining aspects of the site. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

(c) Character defining elements such as historic windows, walls, siding or shutters, which face public streets or contribute to the character of the building, shall not be altered or replaced for the purpose of installing solar devices. Solar devices integrated into non-historic windows, walls, siding or shutters, which do not face public streets, are encouraged.

(B) Solar panels and devices outside the Conservation District: The Town encourages the installation of solar panels or other solar devices on structures or

sites outside the Conservation District as an alternative energy source. The following regulations shall apply to the installation of all solar panels or devices outside the Conservation District.

(1) No solar devices shall be installed on a structure or site outside the Conservation District without first obtaining a Class D development permit from the Town. The director shall have the right to move a project to a Class C minor development permit application, and require review by the Planning Commission, if he feels the purpose of this code would be best served by the reclassification.

(a) Solar panels or other devices shall run closely parallel to roofline, not to exceed nine inches (9") above the roofline. Applications for new structures are encouraged to include building integrated solar panels or other devices on the building into the initial design, rather than as a later addition.

(b) Detached solar arrays may be located in the rear or side yard, not highly visible from the public streets. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

(B) Definitions:

Solar panel: Electrical device consisting of an array of connected solar cells, which converts solar energy into electricity. Also referred to as photovoltaic (PV) panel or solar array.

Solar device: Solar devices include, but are not limited to, solar membranes, solar shingles, solar in glass, non-PV technology, and solar hot water systems.