

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

Tuesday, March 4, 2008

Breckenridge Council Chambers

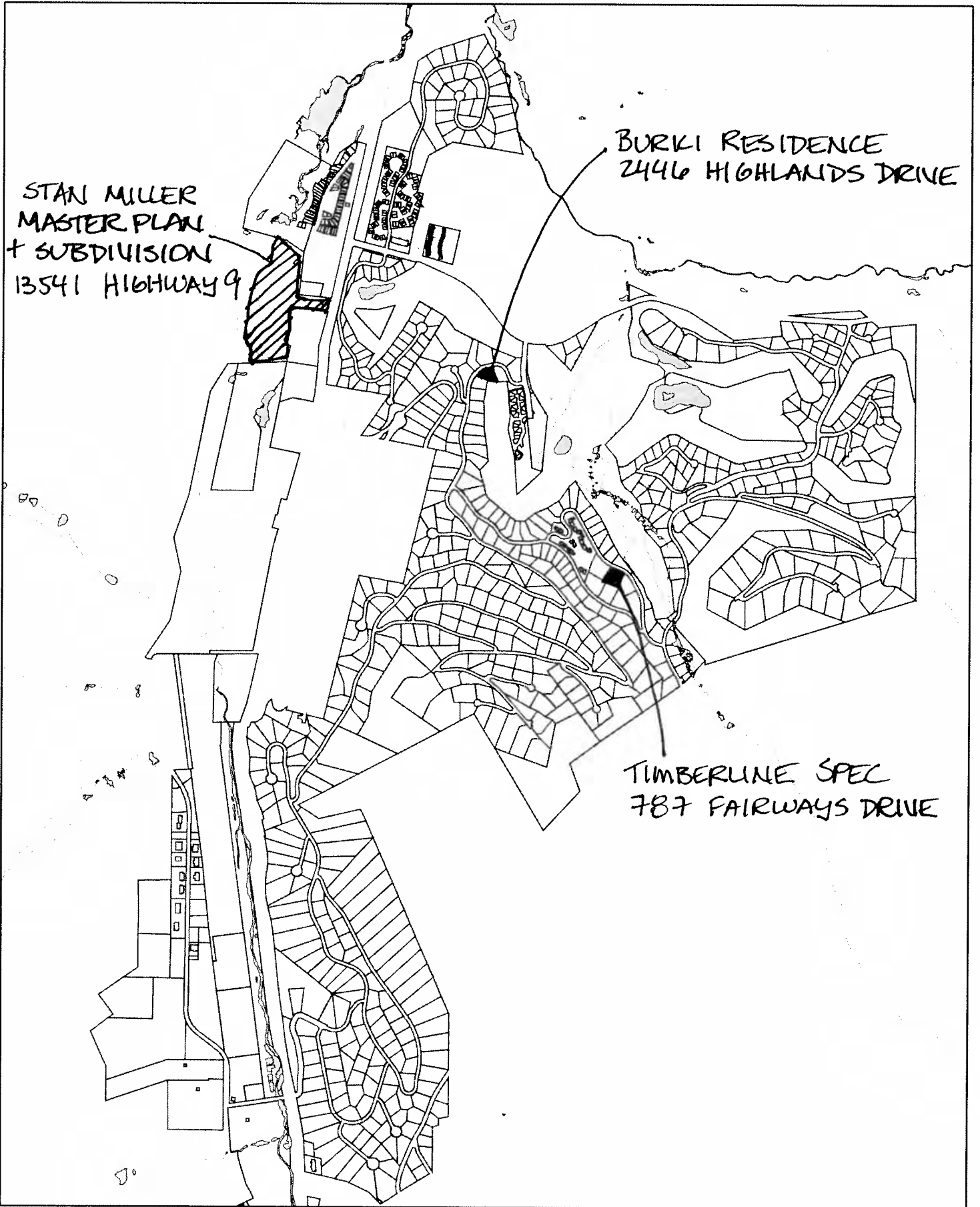
150 Ski Hill Road

*Dinner will be served to Planning Commission and Staff*

<b>5:00-6:45</b>	<b><i>Public Open House on Comprehensive Plan</i></b>	
<b>7:00</b>	<b><i>Call to Order of the March 4, 2008 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes February 19, 2008 Regular Meeting Approval of Agenda</i></b>	<b>3</b>
<b>7:05</b>	<b><i>Action Item - Comprehensive Plan (MT)</i></b>	<b>15</b>
<b>8:15</b>	<b><i>Consent Calendar</i></b>	
	1. Timberline Spec (JS) PC#2008020 787 Fairways Drive	<b>20</b>
	2. Burki Residence (CK) PC#2008021 2446 Highlands Drive	<b>25</b>
<b>8:30</b>	<b><i>Preliminary Hearings</i></b>	
	1. Stan Miller Master Plan (MM) PC#2008006 13541 Highway 9	<b>30</b>
	2. Stan Miller Subdivision (MM) PC#2008007 13541 Highway 9	<b>38</b>
<b>10:15</b>	<b><i>Work Session</i></b>	
	1. Landscaping Policy (JC)	<b>55</b>
<b>10:45</b>	<b><i>Town Council Report</i></b>	
<b>10:55</b>	<b><i>Other Matters</i></b>	
<b>11:00</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.*



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**Breckenridge North**

printed 2007



**PLANNING COMMISSION MEETING**

**WORK SESSION**

1. Comprehensive Plan (MT)

Mark Truckey presented the updated changes to the comprehensive plan recommended by the Planning Commission from the February 5 meeting. He explained an open house would be held on the plan prior to the Planning Commission's March 4 meeting.

*Commissioner Questions/Comments:*

Mr. Pringle: Absent

Mr. McAllister: Arrived at 6:45pm

Mr. Joyce: Does information exist regarding the effects of using insecticides to prevent beetle kill? (Mr. Kulick responded that staff had done some research and although the data was not definitive, it indicated a strong concern with impacts of insecticides, particularly when introduced near water sources. Staff indicated Town Council direction was to pursuing tree spraying only on specimen trees this year.)

Mr. Bertaux: Arrived at 6:26pm. Watershed protection area should be mentioned under forest resources. (Staff noted it had been added.) Appears use of pine beetle insecticides is still inconclusive regarding impacts. 4 O'clock road and Park Avenue intersection needs some management, such as no left turns.

Dr. Warner: Didn't think beetle kill is "devastating" (as text suggests) but a wildfire would be. Make sure the environmental policy notes "preserving, maintaining, and enhancing" open space. Consider language regarding understanding the use of insecticides to control beetle infestation on the environment. List additional ways to prevent gridlock during peak days.

Mr. Allen: Concerned whether time allocated on plan document was sufficient. (Staff reminded Commission that each chapter in Plan had been previously reviewed by the Commission.) Suggested adding time on the March 4 agenda to allow public input and direction from the Commission. Sustainability section is example of time needed to prepare a document like this. It seems this plan is quite dated referring to 2004 not 2008. (Staff explained that the data in the document is being updated accordingly. Mr. Grosshuesch informed Commission of the utilization of the plan for the Town of Breckenridge and how it differs from the way most jurisdictions use their comprehensive plans.) Concerned that trends now may be different than four years ago and is that captured in the Plan? Suggested some word changes regarding the beetle kill paragraph. Page 10 in former version of Plan mentions 150 foot setback in LUD 4; is this still in effect? (Staff explained the Shores development is not within 150 feet setback from highway.) Water storage should be addressed in the master plan (McCain property). Page 100, check July 2007 numbers. Page 102 regarding hauling and storing snow, do we need to expand to discuss need to ensure snowmelt water is filtered/cleaned prior to release to streams? Page 103, include a statement on need for sidewalk along Airport Road. Page 105 regarding need for traffic light at 4 O'Clock Road and Park intersection. Page 107 is dated as employee-parking permits are already happening. Page 108 review for a lot has been completed already. Page 113, #19, again update this line, much has been accomplished in coordinating parking issues with the ski area. Page 124 regarding daycare, should we note that there may be a need for one additional day care facility (or at least continue to assess needs)? Page 134 under economy section, should we encourage a large conference facility? (Staff indicated that the issue has been discussed previously and was rejected partly because of large anchor hotel that would be required to support large conferences.)

Mr. Khavari: Agreed that beetle kill would not be "devastating" as Plan mentions. On the global warming section, do we have an advantage in the ski industry at our elevation? (Mr. Truckey: probably yes at least in the short-term.)

**THE MEETING WAS CALLED TO ORDER AT 7:08 P.M.**

**ROLL CALL**

Michael Bertaux  
Peter Joyce  
Sean McAllister

John Warner  
Mike Khavari

Rodney Allen  
Dave Pringle arrived @ 7:19pm

***APPROVAL OF MINUTES***

Mr. Allen suggested a change in the work session part of the minutes. Minutes should change to reflect that he had asked “if members of the Commission could attend and speak at a Council meeting ‘as an applicant’, or on an issue with a conflict of interest?” With no other changes, the minutes of the February 5, 2008 Planning Commission meeting were approved unanimously (6-0).

***APPROVAL OF AGENDA***

With no changes, the agenda for the February 19, 2008 Planning Commission meeting was approved unanimously (6-0).

***CONSENT CALENDAR:***

1. Valette Residence Permit Renewal (CN) PC#2008017; 301 South French Street

Mr. Joyce: on page 21, does condition of approval still exist that north deck be removed? (Mr. Neubecker: Yes, that is still a condition of approval. Staff showed the same plans from a few years ago, which still reflected the deck at the time.)

Dr. Warner: pointed out this home would have a driveway that would be heated. Should single-family residences be given a free ride regarding heated driveways? Or should negative points be assigned? The Commission will discuss in a work session.

2. Dudney Residence (CK) PC#2008016; 229 Highlands Drive
3. Vlach Residence (JS) PC#2008015; 1227 Discovery Hill Drive
4. Thomas Residence (MGT) PC#2008019; 478 Preston Way

Mr. McAllister: sought clarification regarding the driveway and the points assigned. Staff explained the reasoning behind the longer driveway. The long driveway was caused by the need to keep the slope of the driveway from not becoming steeper than 8%. The alternative was to snow-melt the driveway.

5. Lot 7, Warriors Preserve (MGT) PC#2008018; 111 Victory Lane

Dr. Warner: pointed out FAR regarding this item.

6. Summer Fun Park (CN) PC#2008014; 320 North Park Avenue

Dr. Warner: asked about fencing around this project.

7. Norton Residence (CK) PC#2008008; 117 Sage Drive

Dr. Warner moved to call up item #6, Summer Fun Park, PC#2008014. Mr. Joyce seconded. The call up passed 4-0. Mr. Bertaux and Mr. Khavari abstained.

Dr. Warner: sought clarification regarding the fencing, material and color.

Regarding the fencing, Rick Sramek from the Breckenridge Ski Resort explained to the Commission the type of fence to be used. Mr. Joyce asked if an alternative fence could be considered such as the steel mobile panels. Mr. Allen was supportive of the Fun Park but concerned about the visibility of the Fun Park on the Highway side of the project. Staff pointed out the fence would need to be mobile for seasonal purposes. Staff also brought attention to page 70 which illustrated the use of the fence. Mr. Allen asked if the Alpine Slide would continue to run. Mr. Allen was ok with buck rail fencing to be used with a matching color.

Dr. Warner moved to approve item #6 with condition 18 adding that “The fence along west side of the site shall be constructed of buck and rail with a fabric barrier attached, and the fence shall be removed by October 1<sup>st</sup>. Mr. McAllister seconded. The motion was approved 4-0, with Mr. Pringle, Mr. Bertaux, and Mr. Khavari abstaining.

With no other motions, the remainder of the consent calendar was approved.

**COMBINED HEARINGS:**

1. Wellington Neighborhood Phase II Block 8 Subdivision (MGT for MM) PC#2008013

Mr. Thompson presented a proposal on behalf of Mr. Mosher to resubdivide a portion of Lot 3, Block 6, of the Wellington Neighborhood (this would be the third filing for Phase II) in connection with the recently approved Wellington Neighborhood Phase II Master Plan. This resubdivision would create 12 lots for the construction and sale of 11 single-family homes and 1 double house (duplex) on one lot. The lots would be: Lots 1-12, Block 8, Wellington Neighborhood, Filing 3.

The initial subdivision for the Wellington Neighborhood (PC#1999149) encompassed the entire 84.6-acre property, while only a portion was initially developed. Lot 3, Block 6 was left unimproved and anticipated for future development. The Planning Commission approved the Wellington Neighborhood Phase II Master Plan (PC#2005042) on February 7, 2006 and the Town Council approved it on February 14, 2006.

The first re-subdivision of Wellington Neighborhood Phase II (Wellington Neighborhood Re-Subdivision of Block 5 and Lot 6 PC#2006013) was approved by the Planning Commission on February 21, 2006. This is the third re-subdivision filing, pursuant to that Master Plan, that identifies the lots to be created on a portion of Lot 3, Block 6 of the Wellington Neighborhood.

The layout of this block is similar to the illustrative plan of the Wellington Neighborhood Phase II Master Plan Modification. Staff has advertised this application as a combined preliminary and final review as they believed the pertinent issues were reviewed under the first re-subdivision. However, if the Commission believes that the layout of this re-subdivision is not ready for final approval, we suggest continuing this hearing to a future date.

Mr. David O’Neil, Applicant, pointed out that the same architects are designing this project as used in the passed.

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

*Commissioner Questions/Comments:*

Mr. Pringle: Final Comments: OK to approve this application with a condition that landscaping be added to buffer Lot 1 and Lot 7, Block 8 from French Gulch Road.

Mr. McAllister: Final Comments: OK to approve this application with a condition that landscaping be added to buffer Lot 1 and Lot 7, Block 8 from French Gulch Road.

Mr. Joyce: Final Comments: OK to approve this application with a condition that landscaping be added to buffer Lot 1 and Lot 7, Block 8 from French Gulch Road.

Mr. Bertaux: Final Comments: OK to approve this application with a condition that landscaping be added to buffer Lot 1 and Lot 7, Block 8 from French Gulch Road.

Dr. Warner: When cars are driving up French Gulch Road will their headlights shine into the windows on the Lot 1 and Lot 7, Block 8? (Mr. O’Neil did not think the headlights would impact the residences much. Mr. Thompson stated that on Lot 11, Block 7, Mr. O’Neil agreed to mitigate the effects of headlights with additional landscaping. Mr. O’Neil agreed to add landscaping to Lot 1, Lot 7, and in the common space for Dragonfly Green near French Gulch Road.)

Final Comments: OK to approve this application with a condition that landscaping be added to buffer Lot 1 and Lot 7, Block 8 from French Gulch Road.

Mr. Allen: Landscaping on private property should be included in the Conditions of the Development approval. Additional landscaping at the north end of Dragonfly Green should be included in the Conditions of Resubdivision.

Final Comments: OK to approve this application with a condition that landscaping be added to buffer Lot 1 and Lot 7, Block 8 from French Gulch Road.

Mr. Allen moved to approve Wellington Neighborhood Phase II Block 8 Subdivision, PC#2008013, with conditions to add landscaping to Dragonfly Green. Dr. Warner seconded. The motion was approved 6-0 with Mr. McAllister abstaining.

2. Wellington Neighborhood Phase II Block 8 Development (MGT for MM) PC#2008012

Mr. Thompson presented a proposal on behalf of Mr. Mosher to construct 13 units on 12 lots. 11 units are on single-family lots and 2 units are part of one duplex lot. Four of the single-family units are slated as “possible” market-rate units and the remaining lots are proposed as deed-restricted. The Planning Commission has previously seen all of the proposed models with earlier applications. The models for this block are: Winter Rose, Juniper, Hawthorne, Cottonwood, Oak, Copper Rose, Ponderosa and the Mountain Ash.

The last review of new homes on Block 7, PC#2007049, was presented to the Commission as a Class A (rather than separate Class Cs). Since the Commission has reviewed so many of these typical developments before, Staff presented this application as a combined Preliminary and Final hearing.

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

*Commissioner Questions/Comments:*

- Mr. Pringle: Wanted to make sure switching market rate units wouldn't negative negatively impact availability.  
Final Comments: Does it meet the requirements of the Master Plan? (Mr. Thompson answered yes it does meet the Master Plan.)
- Mr. McAllister: Abstained due to possible conflict of interest. Mr. McAllister has represented David O'Neil on a limited basis as an attorney.
- Mr. Joyce: Sought clarification regarding drainage. The applicant addressed his question.  
Final Comments: Fine with this application.
- Mr. Bertaux: Sought clarification on market rate units; staff clarified.  
Final Comments: OK
- Dr. Warner: If one is coming up French Gulch Road will the headlights shine in the windows on Lot 7? (Mr. O'Neil didn't think headlights would be an issue.) (Mr. Neubecker suggested the garage on Lot 1, Block 8, be moved to the north as far as possible without impacting the installed utilities, to block headlights. Mr. O'Neil stated he would check with his architects and see if the garage could be moved to the north to help mitigate headlights coming into the residence windows). How wide are the Greens compared to past Greens? (Mr. O'Neil pointed out they are about the same. Mr. O'Neil stated he thinks the greens are about as wide as the Pearl Street Mall. Mr. O'Neil believes there is something about this width that frames a sense of place.)  
Final Comments: Wanted to see extra landscaping on Lot 7 to mitigate headlights coming into windows.
- Mr. Allen: OK with this application with the addition of the more landscaping on Lot 7, and perhaps in the Right Of Way of French Gulch Road.  
Final Comments: I am fine with this application, no additional comments.
- Mr. Khavari: Final Comments: I am fine with this application, no additional comments.

Mr. Allen moved to approve Wellington Neighborhood Phase II Block 8 Development, PC#2008012, with two additional conditions of approval: moving the garage on Lot 1 to the north and additional landscaping in the French Gulch Road ROW or north end of Dragonfly Green. Dr. Warner seconded. The motion was approved 6-0 with Mr. McAllister abstaining.

***FINAL HEARING:***

1. 100 South Harris Street Restoration and Addition (MGT) PC#2008003; 100 South Harris Street  
Mr. Thompson presented a proposal to complete a full historic restoration on the residence and the barn in the rear of the property and construct a small addition to the main residence. The residence currently sits two and a half feet over the north property line. The applicant proposes to lift the residence, obtain Landmark status for the residence and the barn, and add a basement under the house and the new residential portion of the shed. The historic frame will be stabilized and moved temporarily to Lot 2 to facilitate basement construction. New floor framing is proposed as required, 15" above existing floor elevation to correct drainage. Restore the historic barn and turn it into a two-car garage. Applicant proposed to turn the lower roof (labeled as shed on site plan) part of the barn into an accessory apartment.

Staff appreciated the changes the applicant has made to work within the recommendations of the Development Code and “Handbook of Design Standards for the Historic and Conservation District”.

Staff had two questions for the Commission:

1. Did they support the use of vertical siding on the rebuilt concrete shed?
2. Did they support the amount of glass proposed on the west side of the accessory apartment/shed?

If the Planning Commission supported these changes, then Staff recommended the Planning Commission approve the Sutterley Residence, PC #2007003, Lot 1, Block 7, Yingling and Mickles, located at 100 South Harris Street, with the attached findings and conditions.

Staff also asked for the Commission to make a second recommendation to the Town Council that this property be designated as a Local Landmark.

Ms. Janet Sutterley, Architect: Discussed shed and adding a new window. Pointed out the window will not be in street view. South facing siding is beat up. Landscaping was designed together with adjoining lot. In terms of landscaping, she feels positive points are warranted. Point analysis for historic restoration should warrant positive twelve (+12) points rather than positive nine (+9). Significant public benefit may include cooperation with CMC students studying historic preservation degree.

Mr. Khavari opened the hearing for public comment.

Mr. Lee Edwards, local Architect: Landscaping sometime in the future will block the historic home. Historically, landscaping wasn't abundant. Allow applicant to raise the home out of the ground. Extensive work is being performed and positive twelve (+12) points are warranted. Concrete wall on East side of shed is deteriorating. Felt that vertical siding was appropriate for the east elevation (existing concrete grout shed) of residence.

*Commissioner Questions/Comments:*

Mr. Pringle: Regarding landscaping, more is not always better; rather, "better is better". Asked the applicant if she wanted to discuss landscaping points when she didn't need them. (The Applicant stated she did want to discuss landscaping points. She was trying to establish a precedent for next project, and thought this was worth positive points.) Sought clarification from staff regarding obtaining positive twelve (+12) points for restoration. If Commission goes ahead with positive twelve (+12) points, should the siding be horizontal and the openings be adjusted?

Final Comments: Wanted to say that the historic preservation effort is of "significant public benefit", but only meets the requirements of positive nine (+9) points. Would prefer to see some adjustments for positive twelve (+12) points but would suggest positive four (+4) points for landscaping.

Mr. McAllister: Not in favor of positive four (+4) points for this landscaping plan. Positive nine (+9) points for historic restoration, not positive twelve (+12) points. Vertical siding on east elevation ok. Fine with the amount of glass shown on shed.

Final Comments: Agreed with staff regarding positive nine (+9) points for historic preservation. Vertical siding fine and ok glass proposed. Ok with Landmarking.

Mr. Joyce: Asked if the proposed windows lined up with the historic openings. (Ms. Sutterley stated the window openings weren't exact.)

Final Comments: Ok with landscaping as planned and would be in favor of positive points for landscaping if the sizes were increased. Not supportive of vertical siding because of Priority Policy 125. Landmarking supported. Points proposed were agreeable.

Mr. Bertaux: Asked how many times have positive fifteen (+15) points have been awarded for historic preservation? (Staff could not think of an example. Ms. Sutterley thought her current house had received positive fifteen (+15) points under the old point system.)

Final Comments: Agreed with staff's points analysis; would support positive four (+4) for landscaping.

Dr. Warner: What was the original use of the barn? (Mr. Thompson: A shoe and boot place, shop for making skis, and most recently a wallpaper business.)

Final Comments: Supported Landmarking. Felt that the landscaping is exceptional and thus warrants positive four (+4) points. Likes flat rock work proposed. Supported positive nine (+9) points for historic preservation; as proposed positive twelve (+12) would be possible with one less

window. Vertical siding only ok in the eave; would prefer horizontal siding on shed where concrete is replaced.

Mr. Allen: Asked Ms. Sutterley if the log underneath the siding was usable. (Ms. Sutterley pointed out those logs may not be chinked, may not be good to expose.) Sought clarification regarding landscaping absolutes. (Staff explained criteria for points and gave examples of positive points awarded in the past.) Regarding garage doors on Lincoln, he suggested remote door openers to improve traffic flow, so user would not need to park in ROW while opening door.

Final Comments: Supported positive four (+4) points for landscaping. Following examples in Development Code leads to positive nine (+9) points but significant public benefit leads to positive twelve (+12). Positive twelve (+12) points with minor changes would be possible.

Mr. Khavari: In the eave area (where there is currently vertical siding) vertical siding is appropriate. All other elevations should be horizontal.

Final Comments: Supported positive nine (+9) points as is. Horizontal siding on concrete replacement encouraged.

Mr. Bertaux moved approval with staff's point analysis as is, seconded by Dr. Warner. Motion passed 4-3. There was then a long discussion about the motion, and what was just recently approved. Staff indicated that there should be one motion on the point analysis, and only once the point analysis is finalized, a motion on the project.

Mr. Allen moved to amend the previous motion and Dr. Warner seconded but both parties withdrew amendment.

Mr. Pringle moved to rescind all actions taken above. Mr. McAllister seconded. Approved 7-0.

Mr. McAllister moved to approve point analysis as is with no changes, and Dr. Warner seconded. Motion denied 1-6.

Mr. Pringle moved to change point analysis to assign points for landscaping from zero (0) to positive four (+ 4) points. Mr. Allen seconded. Approved 6-1.

Mr. Pringle moved to approve 100 South Harris Street Restoration and Addition, PC#2008003, 100 South Harris Street, with the modification for point analysis regarding landscaping. Mr. Bertaux seconded. Approved 7-0.

### ***WORK SESSIONS:***

#### **1. Solar Panels (JS)**

Ms. Skurski presented. The topic of solar panels is on the Planning Commission's Top Five list. Solar panels have been a recent issue with the installation of solar panels on a few buildings in Town, and with a greater emphasis on renewable energy. Staff foresees that applications for solar panels will increase in the future out of concern for energy conservation and the Green Building Code. There are no standards in the Development Code, which would specifically prohibit this; therefore, Staff has allowed the use of solar panels both inside and outside of the Conservation District without any negative or positive points.

The purpose of this work session is to discuss an approach to drafting a policy, which would create consistent regulations for solar panels both within and outside Conservation District, if the Commission would also like to address this.

Staff asked for feedback from the Commission on the following:

1. Would the Commission like to address solar panels outside of the Conservation District in addition to the Conservation District?
2. Were there any additional concerns with solar panels other than what was mentioned in the memo?
3. Should policy 5R or 33R be re-worded to better address renewable energy sources and design standards?

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

Mr. Pringle: Should remote arrays be specifically mentioned and encouraged? Do we want to see solar in the historic district? If so, panels should not change the slope of the roof. If positive points are awarded for solar and then the solar is removed what will the town do? What is the life of the



- shingles type solar cells? (Mr. Allen replied that it was 20 years.) Based on the technology today, there is not a way to have zero visual impact.  
Final Comments: Integrity of historic homes is paramount. On historic structures, panels should be allowed by special review only. Fine with solar panels on new buildings in the District.
- Mr. McAllister: Panels should be out of sight and out of view. Fine with points but it is difficult to get too specific with type of PV for a certain amount of points when technology will constantly be changing in this field.  
Final Comments: In favor of severe limitations, with similar pitch line of the existing roof. Don't change angle of roof, and put the panels out of sight, off of the primary facade.
- Mr. Joyce: Panels should be the same color of the existing roof, black or bluish black. Parallel to the pitch of the roof. Look at the multiplier and types of PVs. 3" above the existing roof seems like the standard.  
Final Comments: Agreed with Mr. Pringle and Mr. McAllister's final comments. Did not want to prohibit having panels but would prefer panels to match roof color.
- Mr. Bertaux: How flat is "flush mounted"? (Staff replied that typically we have been seeing 3 1/2" above the roofline).  
Final Comments: Inside the conservation district and outside are two different worlds. Inside is difficult but did not want to prohibit them or allow for any potential damage to the historic structure. OK with the existing policies in the Historic District Guidelines. Not concerned with solar panels outside the district.
- Dr. Warner: Should there be a standard (gold, silver, bronze) regarding points assigned for different materials used? What about a new pitch of panel if it is in the rear of the building? Would be all right with 3"-5" above existing roofline, or industry standard. Believes that the shingle style cells are better than remote arrays.  
Final Comments: Would like to discuss panels both inside and outside the Conservation District. Remote arrays and shingles should be studied further specific to this area and the snow here. Inside the district: hopeful of new technology. Concerned but would not want to close the door. Policy 69 alleviates most of concerns. Would be OK with special review of historic structures. Put in the conditions of approval. The Town of Breckenridge needs to monitor panels throughout their life. Reword policy 5R and 33R.
- Mr. Allen: Final Comments: Incentives for solar panels with positive points and make sure they continue to work. Points should be assigned according to type of panel used on a case-by-case basis. Match the pitch and color of the roof. Inside and outside the historic district are two different topics of discussion. Inside should not be on the primary facade. Outside of the District would be ok with the panels being on the primary facade. We need to discuss wind power and Policy 33 in the future.
- Mr. Khavari: Sought clarification regarding the Green Building Code and its limitations on where and how the panels would be installed (Mr. Grosshuesch stated that the Green Building Code allows for points on the building side but does not address appearance or placement.)  
Final Comments: Agreed with special review, not highly visible and does not effect the integrity of the structure and roof. Should not have any adverse effects to the Historic District.

## 2. 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.

Staff discussed water features and replanting for Mountain Pine Beetle infected trees with the Commission. Due to lack of time, the Landscaping Ordinance will be discussed again at the March 4<sup>th</sup> meeting.

*Commissioner Questions/Comments:*

- Mr. Pringle: Asked about water rights on water features. (Staff pointed out that water in Town is metered.) Size needs to be addressed for disturbance and energy issues. Seek information from the CSU forest service on replanting recommendations for Mountain Pine Beetle. Let's think about where we are planting trees so that trees don't become a problem in the future by being too close to structures.
- Mr. Joyce: Page 143 regarding replanting for Mountain Pine Beetle trees, what about 2-3 acre lots? Staff pointed out that replanting would be required in a reasonable manner. The Commission suggested defining "reasonable".
- Dr. Warner: Suggested a ratio to define reasonable time for replanting after removal of Mountain Pine Beetle infested trees.
- Mr. Allen: Ok with year-round operation of water feature with negative points assigned under energy conservation. Strictly against use of any chemical to prevent freezing. Pointed out Policy 9 on page 146 might be illegal. Really like three zones for defensible space.
- Mr. Khavari: Would like to regulate size for water features.

***TOWN COUNCIL REPORT:***

None

***OTHER MATTERS:***

None.

***ADJOURNMENT:***

The meeting was adjourned 11:20p.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 February 28, 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 4, 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 10, 2009, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.

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

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

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

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

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

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

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

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

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

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

## MEMORANDUM

To: Planning Commission  
From: Mark Truckey, Assistant Director of Community Development  
Re: Comprehensive Plan  
Date: February 26, 2008

The Planning Commission has now held two work sessions to discuss the draft Comprehensive Plan in its entirety. On March 4, we will be holding a public open house on the Plan, followed by an action item at the beginning of the Planning Commission meeting. The action item will include an opportunity for public comment, followed by commissioner deliberation. The Planning Commission will then be asked to take formal action to make a recommendation to the Town Council regarding adoption of the Plan. A resolution is attached which will serve as formal recommendation to the Town Council.

Included below is a list of revisions that have been made to the Plan based on planning commissioner comments at the February 19 meeting. These revisions, along with the revisions made previously based on the February 5 meeting, have been incorporated into a new version of the Plan that is available on the Town website and will be available at the March 4 open house. We have provided you this new version, dated February 21, 2008. This incorporates the changes that you have suggested at both February meetings and incorporates numerous updates to data, tables, etc. that contain more current information. The February 21 version is the same that the Town Council was recently given and is referenced in the attached resolution.

### **Plan Revisions Based on February 19 Planning Commission Comments**

#### Natural Environment Chapter II

*The suggested new paragraph on forest loss to pine beetle/wildfire/watershed issues that was presented at the 2/19 meeting is changed to remove the word “devastating”:*

The loss of our lodgepole forest and potential subsequent wildfire ~~could have devastating affects on~~ would alter the landscapes surrounding Breckenridge. The aftermath of such events could result in a loss of vegetation and ability to hold the soil in place. When this happens, the entire watershed becomes susceptible to greatly accelerated erosion, resulting in increased sedimentation in our streams and potentially Goose Pasture Tarn, the Town’s primary water supply. Aquatic habitat could be ~~devastated~~ significantly impacted. Large wildfire events in other parts of Colorado (e.g., the Hayman Fire) have experienced these issues. Therefore, the Town is pro-actively looking at ways to better manage its watersheds and plan for post-pine beetle conditions.

*Policy 3 has been amended as follows:*

3. Preserve, maintain, and enhance accessible open space, trails and backcountry.

*A new policy 18 has been added to discuss evaluation of spraying to prevent beetle infestation:*

18. Carefully evaluate the effects of pesticide use in controlling pine bark beetle infestations and manage pesticide spraying programs to avoid environmental impacts.

## Transportation Chapter IV

*The section on Park Avenue has been modified to add a discussion on need for more traffic management at the intersection with Four O’Clock Road, as follows:*

### e. Park Avenue

This avenue is a two lane (plus turn lane) fully improved road running north/south on the west side of Breckenridge. In 2004, Park Avenue was designated as State Highway 9 and now serves as the primary route through Breckenridge, as well as being the main road to the Watson-Sawmill-Parkway Center-F Lot-Tiger Dredge parking lots located adjacent to it. The Hwy 9 study recommends improvements to Park Avenue including the widening to four lanes from the north Main Street Intersection to Ski Hill Road and signaling the intersections between as needed. There is also a potential need for a signalized intersection or other forms of traffic management (e.g., no left turn signals from sidestreet) at the corner of Four O’Clock Road and Park Avenue. This road is one of the few that is anticipated to need major improvements such as adding lanes. The Town and the ski area are also working on improving the pedestrian connection from the F Lot parking lot to the Quicksilver lift. Park Avenue is now under the control of CDOT and thus improvements and access control will be subject to their standards. New development along this road will need to be consistent with CDOT plans for improvements and access controls.

*A new sentence has been added regarding addressing snow storage and runoff into area streams:*

An issue associated with maintenance is that of hauling snow after it has been plowed. Plowing of streets and sidewalks isn’t the last step in dealing with snow in the Breckenridge transportation system. Snow has to be hauled away or the piles and berms created from plowing get too high and subsequent plowed snow merely rolls back down. As berms keep creeping in size, they reduce effective road surfaces and can eventually block off access altogether. The amount of snow that the Town has to haul away is tending to increase to some degree, irrespective of snowfall amounts. The Town currently uses the Stillson placer property and the McCain-Block 11 property to store hauled snow. However, there are issues pertaining to both of these sites: the former is not very large and has site constraints, while the latter will eventually be affected by implementation of the McCain-Block 11 master plan. The Town is committed to assure another adequate site is available before allowing uses on the McCain-Block 11 property that preclude the storage of hauled snow. In addition, the eventual site for snow storage should utilize best management practices that remove pollutants from snowmelt prior to being released via stormwater into local streams.

*Under the “Pedestrian Paths” section, a new sentence has been added to suggest sidewalks along Airport Road:*

The Breckenridge Subdivision Ordinance requires that new subdivision proposals include a pedestrian system designed to preserve and integrate with existing paths appropriate to the magnitude of the proposed development. This provision allows the Town to require that subdividers provide easements for pedestrian uses. The Development Code contains policies which encourage a safe, efficient and convenient pedestrian circulation system, and which require the provision of pedestrian systems that integrate with existing systems. It should be noted that sidewalks are not appropriate for every street because they create impervious surfaces and usually require Town maintenance. As a result, sidewalks should only be provided when intensity of



anticipated use points to their need. One location sidewalks should be constructed is along Airport Road, particularly as the new housing projects on Block 11 are developed.

#### Community Facilities Chapter V

*A new policy 14 has been added to address pursuing a water reservoir on the McCain property:*

14. Pursue the establishment of a new water reservoir to hold Town water at the McCain property.

*The Day Care section has been modified to identify the need for an additional daycare facility at buildout:*

In response to the shortage of day care, and because of a desire by the Town to provide adequate day care for Town residents and workers, the Town initiated construction of a new day care facility on Valley Brook Road in 2007, directly across the street from the Carriage House. When completed in 2008, the new Valley Brook day care facility will accommodate ~~????~~ 69 children. This will account for a little over half of the projected daycare need at build-out. It is therefore thought that an additional daycare facility will need to be constructed sometime between now and buildout to accommodate the remaining projected daycare needs.

1 ***FOR ADOPTION – MARCH 4***

2  
3 BEFORE THE PLANNING COMMISSION

4  
5 OF THE TOWN OF BRECKENRIDGE

6  
7 RESOLUTION No. \_\_\_\_\_, SERIES 2008

8  
9 A RESOLUTION RECOMMENDING THE ADOPTION OF THE “TOWN OF  
10 BRECKENRIDGE COMPREHENSIVE PLAN, DATED FEBRUARY 21, 2008” AS THE  
11 MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE TOWN  
12

13 WHEREAS, pursuant to Section 9-4-1(A) of the Breckenridge Town Code it is the duty  
14 of the Town Council of the Town of Breckenridge to adopt a master (comprehensive) plan for  
15 the physical development of the Town; and  
16

17 WHEREAS, a proposed “Town of Breckenridge Comprehensive Plan, Dated February  
18 21, 2008” (“2008 Town Comprehensive Plan”) has been prepared, a copy of which is marked  
19 Exhibit “A”, attached hereto and incorporated herein by reference; and  
20

21 WHEREAS, pursuant to Section 9-4-3 of the Breckenridge Town Code, the proposed  
22 2008 Town Comprehensive Plan has been referred to the Town of Breckenridge Planning  
23 Commission for its review and recommendation; and  
24

25 WHEREAS, Section 9-4-3 of the Breckenridge Town Code directs the Planning  
26 Commission to deliver to the Town Council, in writing, its recommendations concerning the  
27 proposed 2008 Town Comprehensive Plan prior to the time when the Town Council is to hold its  
28 public hearing to consider the adoption of such plan; and  
29

30 WHEREAS, the Planning Commission has reviewed the proposed 2008 Town  
31 Comprehensive Plan and is familiar with its contents; and  
32

33 WHEREAS, the Planning Commission finds and determines that it should recommend to  
34 the Town Council that the proposed 2008 Town Comprehensive Plan be adopted by the Town  
35 Council as the master (comprehensive) plan for the physical development of the Town.  
36

37 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE  
38 TOWN OF BRECKENRIDGE, COLORADO, as follows:  
39

40 Section 1. The Planning Commission hereby recommends to the Town Council of the  
41 Town of Breckenridge that the ”Town of Breckenridge Comprehensive Plan, Dated February 21,  
42 2008” (Exhibit “A” hereto) be adopted as the master (comprehensive) plan for the physical  
43 development of the Town.  
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Section 2. This resolution shall be deemed to be the Planning Commission’s written recommendations concerning the proposed “Town of Breckenridge Comprehensive Plan, Dated February 21, 2008” as required by Section 9-4-3 of the Breckenridge Town Code.

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

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

TOWN OF BRECKENRIDGE PLANNING  
COMMISSION

By \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary



**Class C Development Review Check List**

<b>Project Name/PC#:</b>	Timberline Spec Home	PC#2008020
<b>Project Manager:</b>	Julia Skurski, AICP	Planner II
<b>Date of Report:</b>	February 25, 2008	for meeting of March 4, 2008
<b>Applicant/Owner:</b>	Dave Edraney, Timberline Homebuilders	
<b>Agent:</b>	Darci Hughes, Riverbend Architecture and Planning	
<b>Proposed Use:</b>	Single Family Residence	
<b>Address:</b>	787 Fairways Drive	
<b>Legal Description:</b>	Lot 259, Gold Run at the Highlands	
<b>Site Area:</b>	56,200 sq. ft.	1.29 acres
<b>Land Use District (2A/2R):</b>	LUD 6: Subject to the Delaware Flats Master Plan	
<b>Existing Site Conditions:</b>	This lot fronts Glen Eagle Loop but is accessed by a 45' shared access, utility and drainage easement from Fairways Drive. There is also a 10' snow storage easement along Glen Eagle Loop. The lot is uphill sloping from Glen Eagle Loop.	
<b>Density (3A/3R):</b>	Allowed: unlimited	Proposed: 5,780 sq. ft.
<b>Mass (4R):</b>	Allowed: unlimited	Proposed: 6,110 sq. ft.
<b>F.A.R.</b>	1:9.20 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>	2,115 sq. ft.	(330 sq. ft. unfinished)
<b>Main Level:</b>	2,195 sq. ft.	
<b>Upper Level:</b>	830 sq. ft.	
<b>Accessory Apartment:</b>	n/a	
<b>Garage:</b>	970 sq. ft.	
<b>Total:</b>	6,110 sq. ft.	
<b>Bedrooms:</b>	5	
<b>Bathrooms:</b>	6	
<b>Height (6A/6R):</b>	29 feet overall	
	(Max 35' for single family outside Historic District)	
<b>Lot Coverage/Open Space (21R):</b>		
	Building / non-Permeable: 4,399 sq. ft.	7.83%
	Hard Surface / non-Permeable: 2,446 sq. ft.	4.35%
	Open Space / Permeable: 49,355 sq. ft.	87.82%
<b>Parking (18A/18/R):</b>	Required: 2 spaces	
	Proposed: 3 spaces	
<b>Snowstack (13A/13R):</b>	Required: 612 sq. ft. (25% of paved surfaces)	
	Proposed: 1,274 sq. ft. (52.09% of paved surfaces)	
<b>Fireplaces (30A/30R):</b>	4 - gas fired	
<b>Accessory Apartment:</b>	None	
<b>Building/Disturbance Envelope?</b>	Disturbance Envelope	
<b>Setbacks (9A/9R):</b>	Front: 48 ft.	
	Side: 114 ft.	
	Side: 35 ft.	
	Rear: 112 ft.	

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

This proposed residence will be architecturally compatible with the general design criteria for the neighborhood.  
Natural stone veneer base in "stacked moss rock", horizontal cedar siding, vertical T&G cedar siding.  
Asphalt shingles in "Rustic Slate"  
Wood clad, stained to match

**Roof:**

**Garage Doors:**

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

Planting Type	Quantity	Size
Colorado Spruce	3	8'
Colorado Spruce	4	10'
Colorado Spruce	2	12'
Aspen	5	1 1/2"-3" caliper
Shrubs and perennials	8	5 gallon

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

There is positive drainage across the site.

**Driveway Slope:**

8 %

**Covenants:**

Landscape Covenant.

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

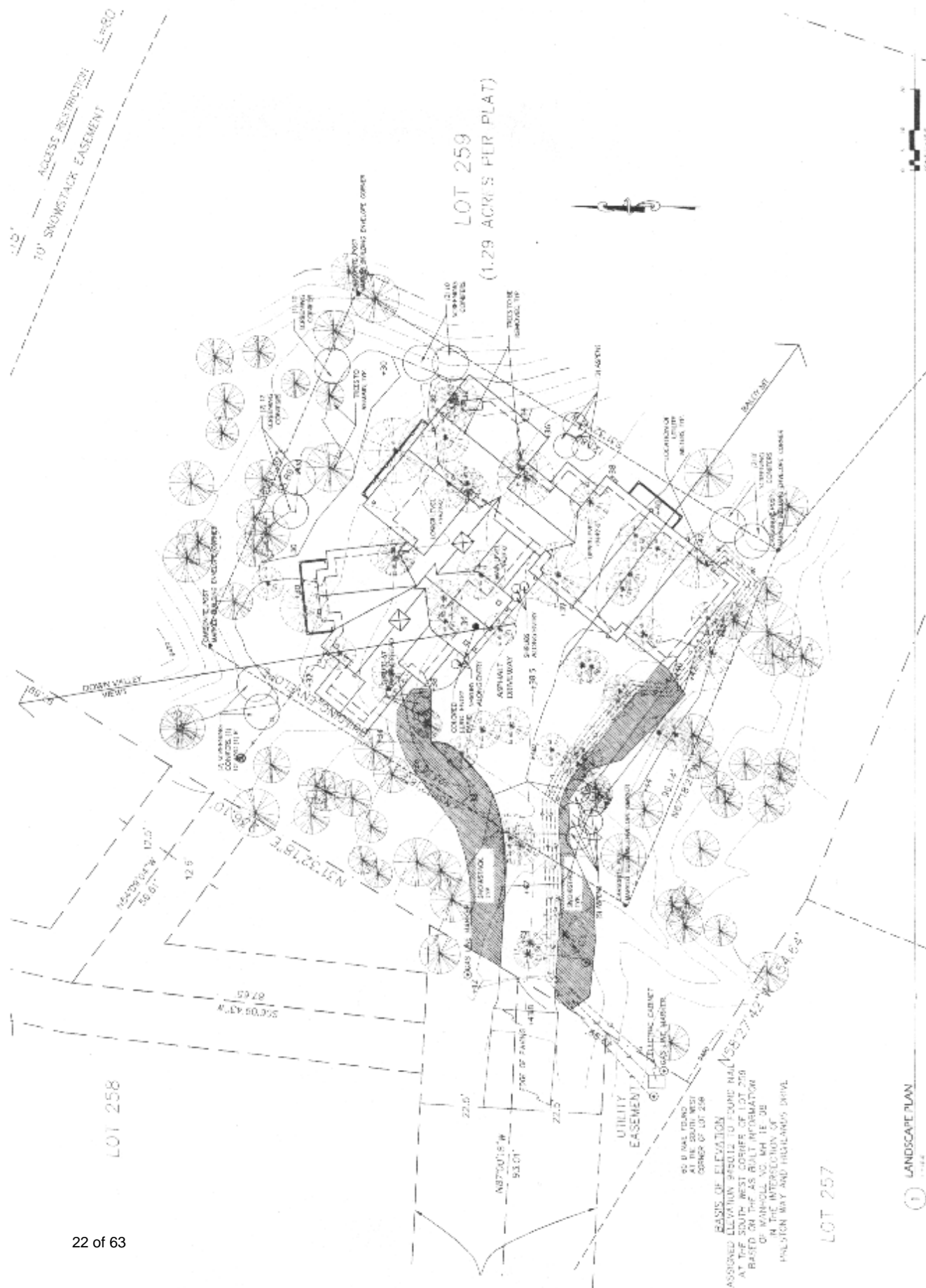
All absolute policies of the Development Code are met with this application. No reason is found for assigning positive or negative points to this single family residence.

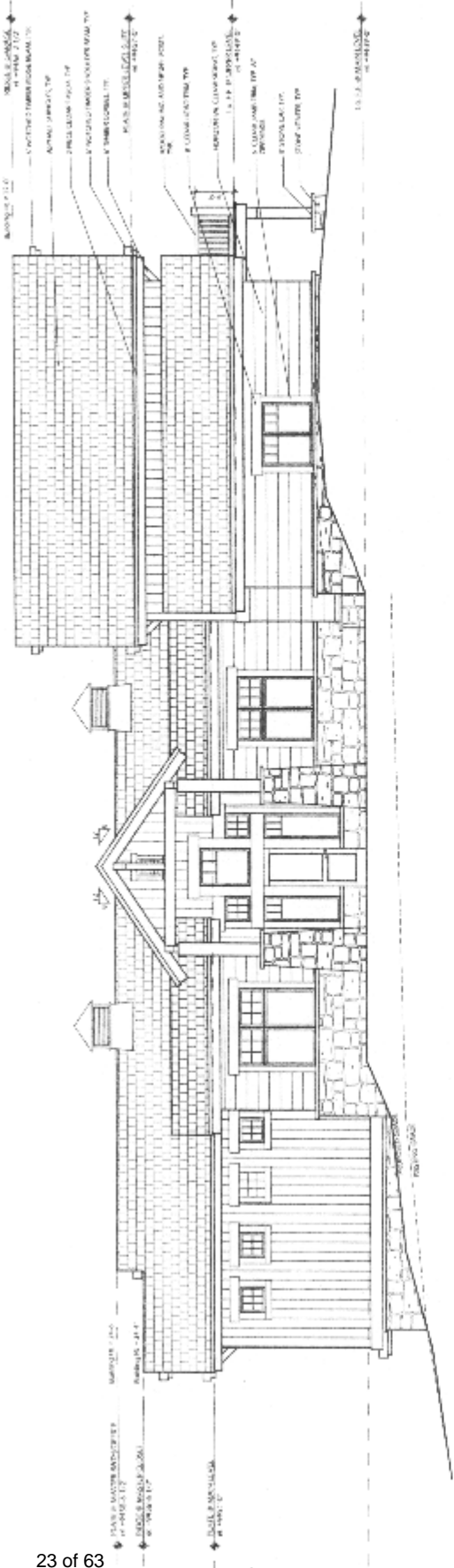
**Staff Action:**

Staff has approved the Timberline Spec Home, PC#2008020, at 787 Fairways Drive with the Standard Findings and Conditions.

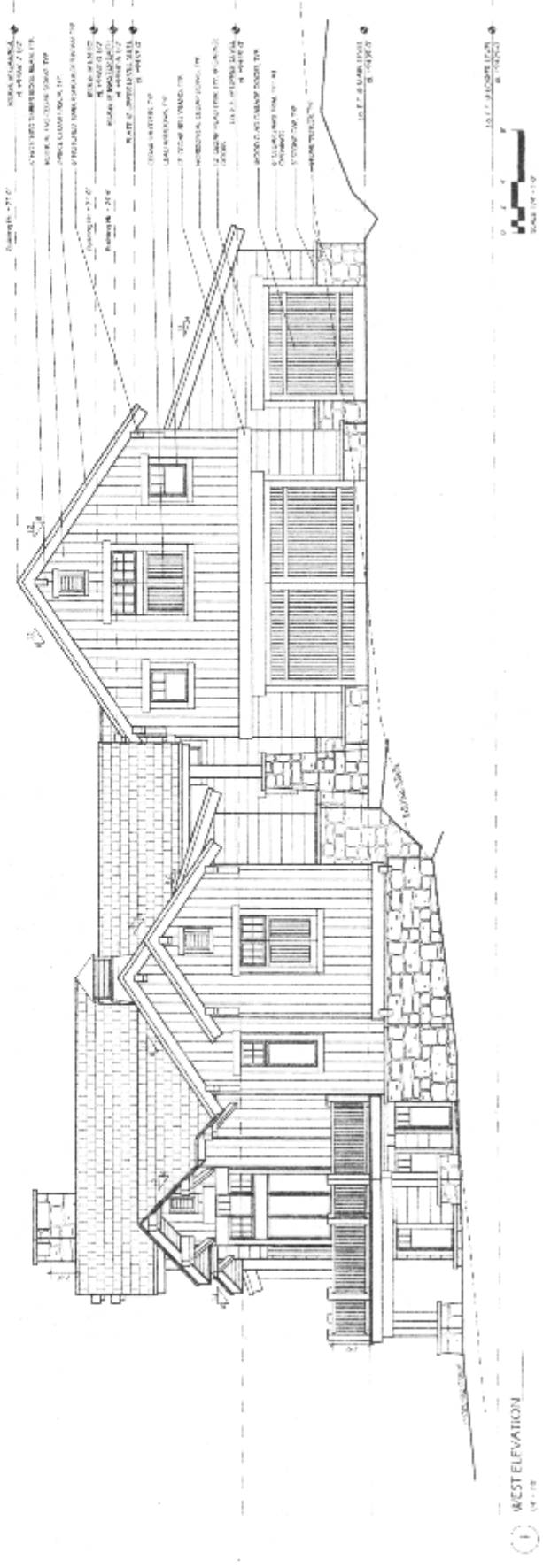
**Comments:**

**Additional Conditions of Approval:**

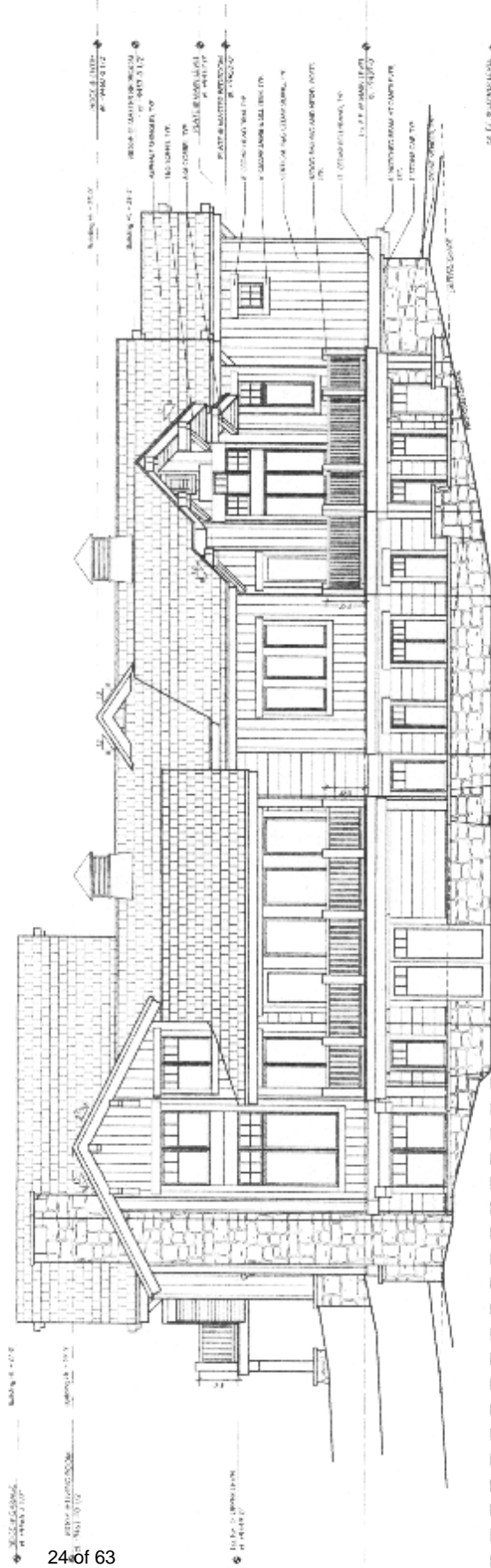




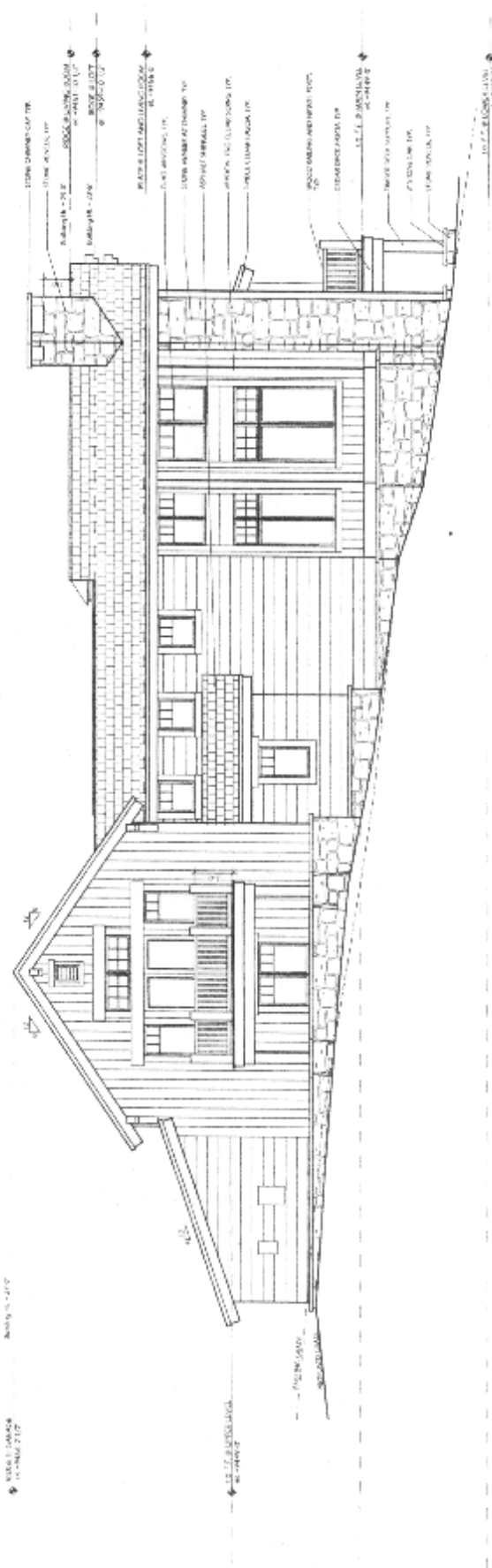
2 SOUTH ELEVATION  
1/4" = 1'-0"



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



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



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





**Class C Development Review Check List**

**Project Name/PC#:** Burki Residence PC#2008021  
**Project Manager:** Chris Kulick  
**Date of Report:** February 21, 2008 For the March 4, 2008 Planning Commission Meeting  
**Applicant/Owner:** Rudy & Heidi Burki  
**Agent:** Seidel Design Group  
**Proposed Use:** Single Family Residential  
**Address:** 2446 Highlands Drive  
**Legal Description:** Lot 6, The Fairways at Breckenridge  
**Site Area:** 39,158 sq. ft. 0.90 acres  
**Land Use District (2A/2R):**

**Existing Site Conditions:** 6: Residential (Subject to Delaware Flats Master Plan)  
 The lot slopes downhill from west to east at an average of 7%. The site has two existing lodgepole pine trees, neither of which will be removed. A golf safety zone and landscaping easment runs along the south side of the lot. A 15' drainage easment runs along the south edge of the lot. A 7.5' drainage easment runs along the west edge of the lot.

**Density (3A/3R):** 2,800 sq. ft. minimum Proposed: 3,865 sq. ft.  
**Mass (4R):** 2,800 sq. ft. minimum Proposed: 4,672 sq. ft.  
**F.A.R.:** 1:8.38 FAR  
**Areas:**  
**Lower Level:**  
**Main Level:** 1,905 sq. ft.  
**Upper Level:** 1,960 sq. ft.  
**Accessory Apartment:**  
**Garage:** 1,107 sq. ft.  
**Total:** 4,972 sq. ft.

**Bedrooms:** 4  
**Bathrooms:** 4  
**Height (6A/6R):** 32 feet overall  
 (Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
 Building / non-Permeable: 4,145 sq. ft. 10.59%  
 Hard Surface / non-Permeable: 2,412 sq. ft. 6.16%  
 Open Space / Permeable: 32,601 sq. ft. 83.26%

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

**Snowstack (13A/13R):**  
 Required: 603 sq. ft. (25% of paved surfaces)  
 Proposed: 603 sq. ft. (25.00% of paved surfaces)

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

**Accessory Apartment:** None

**Building/Disturbance Envelope?** Disturbance Envelope

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

Rear: Within Disturbance Envelope

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

**Exterior Materials:** Vertical ship lap siding, hewn logwood veneer, cedar trim and natural moss stone accents

**Roof:** Non-reflective standing seam metal and composite shingles. Solar collection panels are proposed on portions of the south facing roof elevations.

**Garage Doors:** Wood clad

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

Planting Type	Quantity	Size
Colorado Spruce	8	6 - 10 feet tall
Bristlecone Pine	3	6 - 10 feet tall
Aspen	5	2-3 inch caliper - 50% of each and 50% multi-stem
Shrubs and perenials	22	5 Gal.
Perenials	63	1 Gal.

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

**Driveway Slope:** 8% max

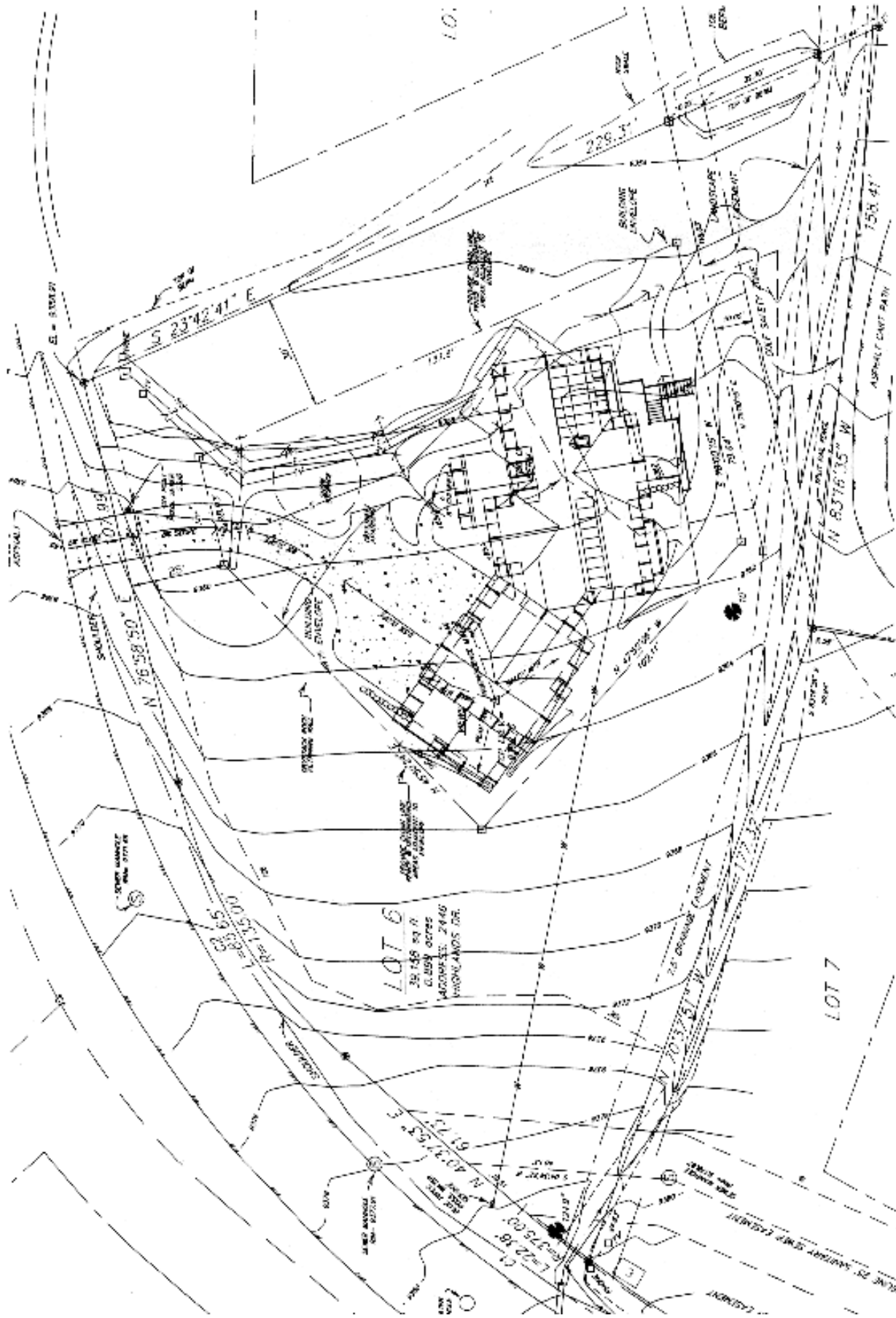
**Covenants:**

**Point Analysis (Sec. 9-1-17-3):** An informal point was conducted for this proposed residence and -1 point was assessed under policy 6R:Height - B.-1.-b. Under this policy long, unbroken ridgelines in excess of fifty feet are discouraged. Additionally +3 points were assessed under 33R: Energy Conservation - A. Renewable Energy. Under this policy the implementation of systems or devices which provide an effective means of renewable energy are encouraged. Information provided on the proposed system for the Burki residence indicates the system will provide 700 kilowatt-hours per month. It is estimated a house of this size to use 800-1200 kilowatt-hours of electricity, so we feel the implementation of the system is significant in that it will provide 65%-88% of the home's electricity. Overall the Burki Residence has a passing score of +2 points.

**Staff Action:** Staff has approved the Burki Residence, PC#2008021, located at 2446 Highlands Drive, Lot 6, Fairways at Breckenridge, with the standard findings and conditions.

**Comments:**

**Additional Conditions of Approval:**



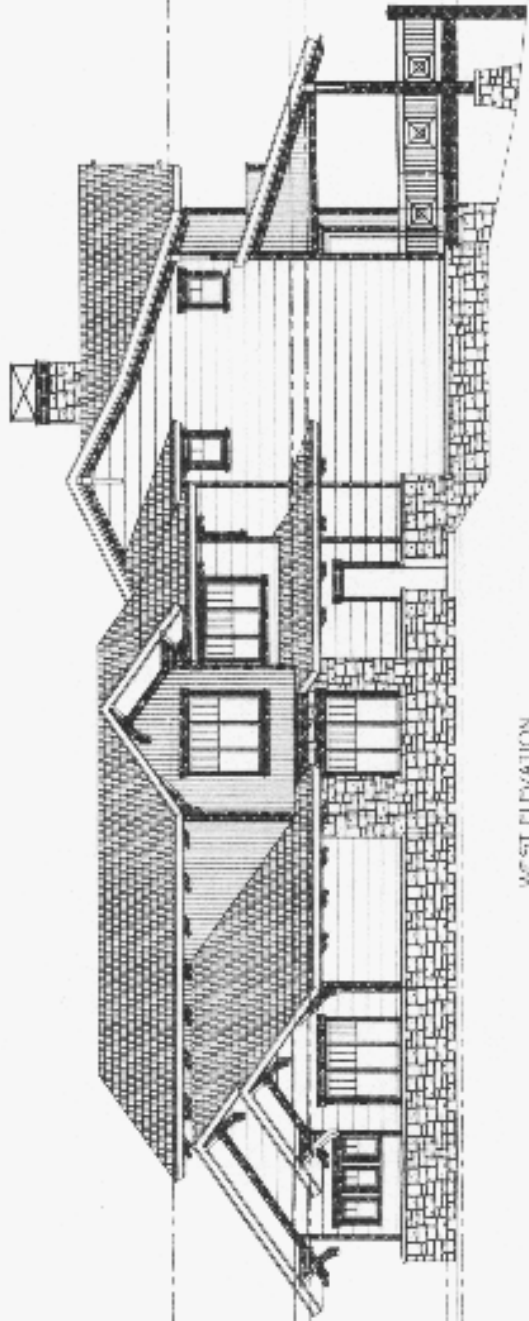
**LOT 6**  
 28,135 sq ft  
 0.649 acres  
 ACCORDING TO 2940  
 HIGHLANDS DR.

AREA OF CONTINGENT USES CONTAINED HEREIN ARE NOT BEING OFFERED FOR SALE AND ARE NOT BEING OFFERED FOR FINANCING PURPOSES.

**ANNOUNCED SINGLE FAMILY RESIDENCE**  
 HIGHLANDS DR. - ONLY  
 1/4" = 10' - ONLY  
 1/8" = 20' - ONLY  
 1/16" = 40' - ONLY  
 1/32" = 80' - ONLY

**SITE PLAN**  
 SCALE: 1" = 10'-0"





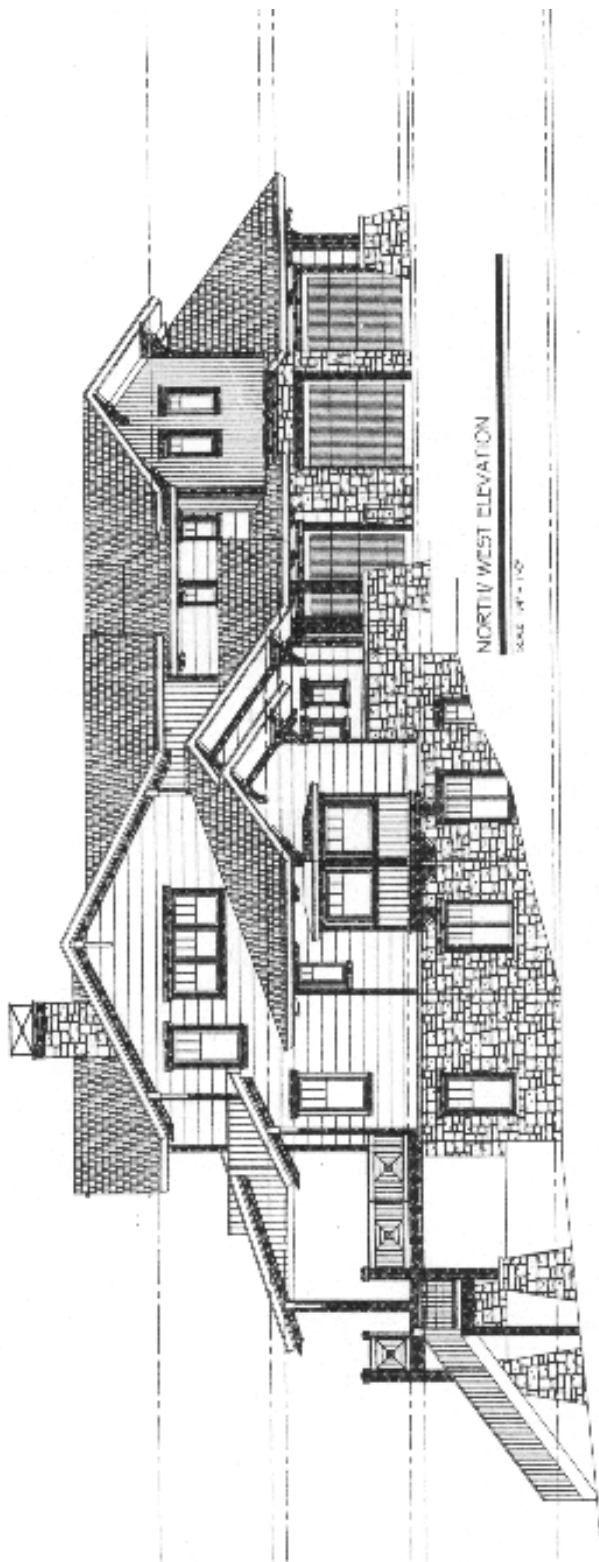
WEST ELEVATION

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

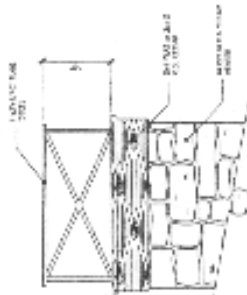


NORTH ELEVATION

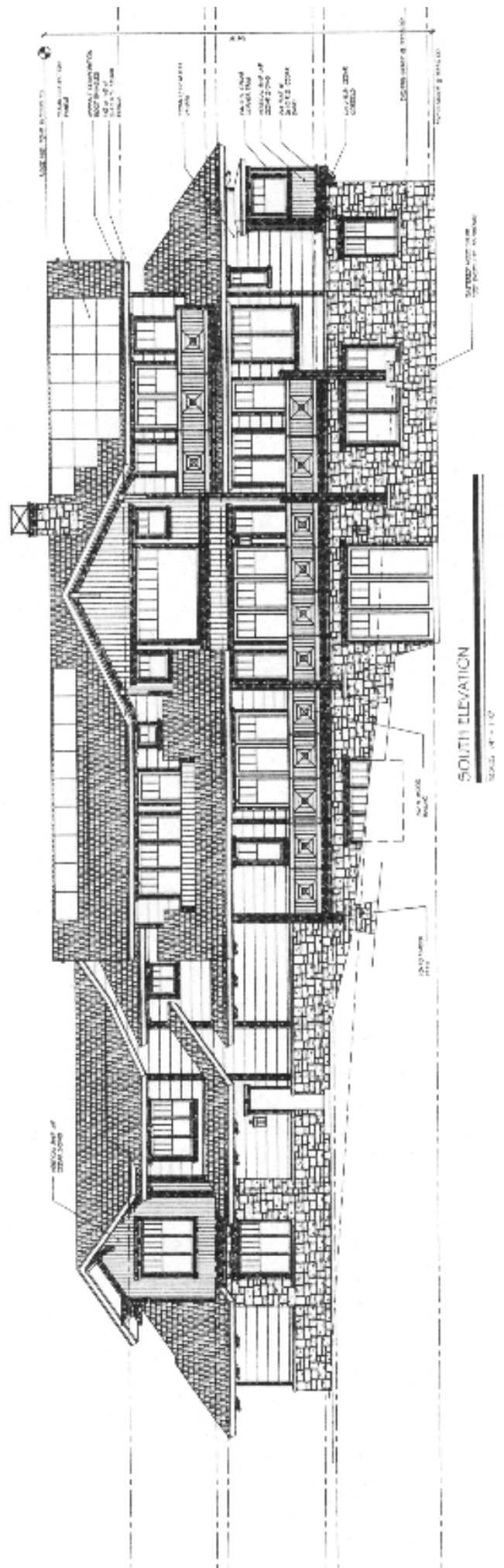
SCALE: 1/4" = 1'-0"



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



DETAIL A CHIMNEY CAP  
SCALE: 1/4" = 1'-0"



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

**Planning Commission Staff Report**

**Project Manager:** Michael Mosher

**Date:** February 25, 2008 (For meeting of March 4, 2008)

**Subject:** Stan Miller Master Plan, Class A Preliminary Hearing, (PC#2008006)

**Applicant/Owner:** Joseph S. Miller; Don Nilsson, Braddock Holdings, LLC

**Agent:** Don Nilsson, Braddock Holdings, LLC

**Proposal:** The applicant is proposing a Master Plan for the recently annexed Miller property and the adjacent Tract D-2, The Shores at The Highlands Subdivision, (formerly the West Braddock Subdivision), identifying and distributing 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 is for a phased, integrated, residential neighborhood containing 100 deed restricted units and 55 market units. Subdivision of the development parcels will create 73 lots, three development Tracts and four pocket parks and connecting trails. This Master Plan includes Tract D-2 of the Shores at The Highlands Subdivision. The subdivision of this property is to be reviewed under a separate application.

**Address:** 13541 Colorado State Highway 9

**Legal Description:** Miller Property and Tract D-2, The Shores at The Highlands Subdivision

**Site Area:** 40.41 acres (1,760,259.6 sq. ft.) Miller Property (recently annexed)  
2.29 acres (99,752.4 sq. ft.) Tract D-2 (part of The Shores at The Highlands Subdivision)

**Land Use Districts:** LUD 1 and 33(Staff notes that the new LUD 33 includes a small parcel that should have been placed in LUD 4 - Parcel I). The land use guidelines for LUD 33 are being revised to provide for "LUD 33-North" to allow for the uses anticipated by this proposed Master Plan and those new guidelines are scheduled for adoption by Town Council on March 11, 2008. Tract D-2 is located in LUD 6, which is property that is a part of the Delaware Flats/Highlands Master Plan. The acreages in each district are as follows:

LUD 1	6.12 AC
LUD 33-North	34.29 AC
LUD 6	2.29 AC

**Site Conditions:** The property was dredge-mined in the early 1900's, leaving very little vegetation, undulating dredge tailings and the Blue River in an unnatural state. Stan Miller Inc. operations have occupied the property for the past 35 years. Currently, the Blue River bisects this property from south to north along the westerly edge of the dredged mined area. The area to the west of the current river was not dredged but still lacks any notable vegetation. The property to the east of the current river is Stan Miller Inc.

operations including equipment storage, gravel storage, material storage, an equipment shop and office building. There is a small area near the center of the property where the only natural trees on the property exist; this area is proposed to be private open space to preserve the trees. There are no platted easements on the property.

**Adjacent Uses:** North: The Shores at the Highlands Tract C - Proposed Lodge site, Red, White and Blue North  
 East: Highway 9, Highlands Golf Course Filing 1, and Breckenridge Building Center  
 South: Alpine Rock batch plant, Town of Breckenridge/McCain property  
 West: Forest Service property

**Density Allowed:** Per the annexation Agreement - 155 units (not SFEs) over the entire development.  
 LUD 33 - North - 34.29 Acres @ 4.5 UPA 154.30 SFEs  
 LUD 6 - 2.29 Acres 22.00 SFEs  
Density from LUDs 1 @ 0.1 UPA 0.61 SFEs  
**TOTAL 176.91 SFEs (Uses/units vary)**

<b>Proposed:</b>	USE	SFEs	UNITS
	Single Family, Market	41.00 SFEs	41 @ 1 unit ea.
	Duplex, Market	14.00 SFEs	14 @ 1 unit/side ea.
	Condo/appt, Deed Restricted	40.00 SFEs	40 @ 900/unit
	Townhome/Duplex, Deed Restricted	23.25 SFEs	31 @ 1,200/unit
	Single Family, Deed Restricted	21.00 SFEs	21 @ 1 unit ea.
	Duplex, Deed Restricted	8.00 SFEs	8 @ 1 unit/side ea.
	<b>Total (4.03 UPA)</b>	<b>147.25 SFEs</b>	<b>155 units</b>

**Height:** Recommended per LUD 33-North:  
 35 feet overall for Single Family and Duplex  
 26 feet to the mean for multifamily and commercial

**Parking:** Required: Per the Town's Development Code

**Item History**

Prior to annexation, the Miller Property was subject to a 1989 County approved Planned Unit Development (PUD) allowing 26 SFEs, or 26,000 square feet, of service commercial density. With the Town's annexation of this parcel, the PUD will be abandoned upon approval of the Stan Miller Master Plan, Stan Miller Subdivision and upon the Millers signing the Annexation Agreement.

Staff was approached in August 2006, by Don Nilsson (agent) and the Miller family (applicants) to review and discuss the possible annexation of the Miller property. The Town Council reviewed several proposed development plans for the annexation on January 9th, March 8th, and June 12th of 2007. The development plan was modified and refined over time based on Council input and annexation policies. The Planning Commission reviewed the proposed development plan on August 7, 2007, and adopted a motion recommending annexation of the property to the Town Council.

For the annexation process, the Town Council approved the Sufficiency Resolution on August 14, 2007 and adopted the Fact Finding Resolution on October 9, 2007. Council approved the Annexation Ordinance, annexing the property and placing the property in LUDs 1 and 33 on January 8, 2008. An Annexation

Agreement establishing the terms for the annexation was adopted by resolution on January 22, 2008, and a Development Agreement establishing an 18-year extended vesting period for the project was approved on February 12, 2008. An ordinance amending the Land Use Guidelines, amending LUD 33 to allow for the development of the Stan Miller property as contemplated, is scheduled for approval on March 11, 2008. The amendment will create new Guidelines for LUD 33 (as noted above), specific to the Miller Property, allowing the Planning Commission to consider and approve the proposed Master Plan.

### **Terms of the Annexation Agreement**

1. The property will be developed as a maximum of 155 units; 100 permanently affordable deed restricted units and 55 market units on 42.7 acres. The Master Plan property is to include 40.41 acres, recently annexed, and 2.29 acres that is already in the Town Limits (Tract D-2, The Shores at the Highlands Subdivision, previously know as West Braddock) for a total of 42.70 acres.
2. Density for the project includes 22 SFEs that already exist in Town on Tract D-2, The Shores (3 SFEs to remain on Tract D-2 and 19 SFEs to be transferred to the Miller property), 26 SFEs currently zoned under the County PUD, 7 TDRs to be purchased by the applicant, and 100 permanently affordable units to be provided by the Town by transfer or exemption. The Annexation Agreement allows the applicant to forgo the purchasing of 7 TDRs if they choose to convert 7 proposed unrestricted duplexes to 7 unrestricted single-family homes. Excluding the 19 SFEs being transferred, which are already in Town, the percent of deed-restricted units is 75.2% of the total new residential units.
3. The property will be developed in Phases over time. Phase I is the northerly 12 acres of the property (Tract A and lots 1 through 28) and is referred to as the “Sale Parcel”, which the owner intends to sell to “Braddock” Holdings (Breckenridge Lands LLC). Braddock intends to develop Phase I as soon as possible. Phase I will include 17 Deed Restricted Units and 22 Unrestricted Units. Stan Miller, Inc. will continue current operations on the remainder of the property (Phase II) for approximately 10 years. Development of Phase II is not likely to occur until those current operations cease. Phase II will include 83 deed restricted units and 33 unrestricted units.
4. Minimum sizes for deed restricted units are:
  - a. 600 square feet for one bedroom units
  - b. 900 square feet for two bedroom units
  - c. 1,200 square feet for three bedroom units
5. The Master Planned property will be subject to Restrictive Covenants containing provisions regulating and limiting:
  - a. Ownership of each Restricted Unit
  - b. Occupancy and use of each Restricted Unit
  - c. Sale and resale limitations for each Restricted Unit
  - d. Remedies for the breach or other violation of the Restrictive Covenants
6. The 100 Deed Restricted Units will be constructed and initially sold as follows:
  - a. 52 Restricted Units at a price that is equal to or less than 100% AMI
  - b. 30 Restricted Units at a price that is equal to or less than 125% AMI
  - c. 15 Restricted Units at a price that is equal to or less than 150% AMI
  - d. 3 Restricted Units at a price that is equal to or less than 180% AMI

*(Note: The AMI is the Area Median Income. For example, affordable units priced at 100% AMI are intended to remain affordable to persons earning 100% of the Area Median Income at the time of sale of the unit.)*
7. Applicant will provide not less than 8 public parking spaces with access to the proposed trail system and the Blue River.



## Public Benefits

As inducement to the Town to annex the property, the applicant will provide the following public benefits at no cost to the Town:

1. Applicant will reclaim the Blue River (in accordance with the Town's Blue River Restoration Master Plan and the Stan Miller Master Plan as approved by the Town) by relocating the River along the westerly boundary of the property. The reclaimed river will be vegetated with natural landscaping and a soft surface public trail will be created for the length of the corridor. The river and trail will be located within a 6.14-acre corridor to be dedicated to the Town as public open space. Timing of the river reclamation and land dedication is scheduled for 2008 and 2009.
2. Applicant will dedicate to the Town a new 60' wide right of way and will construct "Stan Miller Drive" within the new R.O.W. This road connects Tiger road to Fairview Boulevard. Construction is scheduled for 2008.
3. Applicant will construct a public trail network throughout the project located on approximately 3 acres of private open space including four separate pocket parks. The trail easements will allow public access to the Blue River for residents of the project and the general public. A 10 space public parking lot and bus stops with shelters (pending approval by the Transportation Agencies) will be provided adjacent to Stan Miller Drive near the existing Red White and Blue North Station.

## Staff Review

Since this is a Master Plan proposal, and is to be reviewed against the Development Code for a final point analysis, this report will cover only those policies relevant to this application and the proposed scope of development. Those policies not included with this review shall be reviewed with the separate development permits for the units at a future date.

**Land Use (Policies 2/A & 2/R):** After the pending revision to LUD 33, this property will be within Land Use Districts 1, and 33-North. The proposed Blue River corridor within the 6.12-acre public open space parcel (Parcel G) has been placed in LUD1. The proposed uses of single family, duplex, townhome and condo/apartment are consistent with the proposed Land Use Guidelines (LUGs) and are compatible with surrounding developed areas. Staff has no concerns with the proposed uses.

**Density/Intensity (3/A & 3/R) / Mass (4/R):** To provide some flexibility for such possibilities as additional affordable units, the density for LUD 33 - North will be established at 4.5 UPA, which results in more density than proposed by the Master Plan or authorized by the Annexation Agreement. So, from the perspective of the overall LUGs and SFEs, the proposal is under density. However, the proposed density of 155 units is, as the Town and property owners agreed it would be, identified under the Annexation Agreement.

Staff notes for the record that a small portion of the Miller Property that should have been placed in LUD 4 was placed in LUD 33. However, in accordance with the guidelines of LUD 4, there is to be no development proposed in the LUD 4 area, which is represented by the proposed Parcel I, to be dedicated to the Town as public open space. In addition, the minor density reduction resulting from the anticipated transfer of this small area from LUD 33-North to LUD 4 will not create any problem because the Master Plan proposal is well under the density to be allowed under LUD 33-North.

Looking at all the development property, the proposed density is 4.03 UPA overall and there is to be no development on Parcels I and G. As reference and comparison, the adjacent development to the north, The Shores, is 6 UPA of developed acreage. The proposed density is less than the maximum allowed density. Staff has no concerns.

**Architectural Compatibility (5/A & 5/R):** The Master Plan Notes will establish a unified architectural theme throughout the development. Only all natural materials are to be allowed (no stucco, cultural stone veneer, etc.) with earth-tone colors and simple “fishing-lodge” style architecture.

The architecture of buildings within the Miller Master Plan will take its cue from the historic vernacular of the outskirts of Breckenridge including a variety of different, yet related, styles. Building massing, roof forms, detailing and building materials typical of mining, ranching and Fishing Lodge architecture will be required.

Site and landscaping design are important elements of the design process. Orientation of buildings and pedestrian ways should optimize site attributes and natural amenities such as views, sunshine and the Blue River. Landscape design should strengthen the integration of a building into the site. Formal landscape areas can be used to define building entries, out door sitting areas and pedestrian ways; however, landscape designs should predominantly focus on the use of natural, native vegetation. Trees and other materials should be clustered into large, irregular masses rather than uniformly spaced. Landscape design should establish cohesiveness between adjoining sites.

While it is not intended that all buildings look alike, they will share common design elements, have a visual connection with their surroundings and promote cohesiveness. Buildings will be constructed of predominantly natural material. Wood siding is recommended as the primary exterior wall material. The use of stone, timbers and logs as accent elements will be encouraged. Brick, stucco and textured masonry may not be used as an accent building material.

Buildings should convey a human scale. Except for the multifamily, condo/apartments buildings, all building heights shall be one to two stories. A variety of approaches should be considered in order to reduce the appearance of building mass and add visual interest. These include varied heights and roof forms and articulations in facades. Gable roofs are the preferred roof form and the introduction of secondary roof forms such as dormers, large overhangs and shed roofs will be encouraged.

The color of exterior materials must generally be subdued. Earth tones are encouraged although accent colors which are used judiciously and with restraint may be permitted. Colors approaching the primary range and drastic contrasts in color will not be permitted. Extreme contrasts in colors of masonry units and grout, window cladding and trim color, will not be allowed.

Since the proposed architectural guidelines closely follow the applicable policies, Staff has no concerns.

**Building Height (6/A and 6/R):** LUD 33-North will establish the suggested building height as two-story. The Master Plan does not propose any change to this. Staff has no concerns.

**Site And Environmental Design (7/R):** All of the developed area is to occur on the portions of the site disturbed by previous dredging. Except for the partial reclamation of the Blue River, those portions that are in a natural state shall remain. Additionally, all of the developed area (development sites, ROW, and associated common space) is to be reclaimed and restored to a more natural appearing state during construction.

The area of the reclaimed/restored Blue River is proposed in an area of undisturbed, virgin soil and directly adjacent to the White River National Forest. The existing river channel does not support year round flows and supports little vegetation due to the dredge mining operations up-stream. Areas surrounding the channel often experience shallow flooding during spring run-off and the channel is not capable of handling a 100-year flood.

During the initial review of this and the neighboring West Braddock sites, the 100-year floodplain mapping was reestablished based on the disturbance created by the Stan Miller Inc. operations. The Army Corps. of Engineers has accepted this new mapping. No development is planned within the mapped 100-year floodplain.

The proposed river restoration will introduce a new channel that contains the 100 year flood, and is capable of supporting year round flows. The project will re-introduce to this stretch of the Blue River, riparian vegetation and aquatic habitats that have been lost since the early 1900's. All development is restricted to an area east of the new river, providing for uninterrupted wildlife access to the channel from National Forest lands to the west. The applicant will be required to obtain a 404 permit from the Army Corps of Engineers prior to any river restoration work. If the work is done according to the Blue River Restoration Plan and with approval from the Town's Open Space and Trails Planning Staff, we could award positive four (+4) points under this policy for restoration of the river to a more natural state. We welcome Commissioner comment.

**Placement Of Structures (9/A & 9/R):** As we have seen with some other deed restricted housing projects, the proposed development plan does not meet Town minimum lot size and residential setbacks in all cases. This issue is being reviewed under the Master Plan, as it is reviewed with the Development Code with a final Point Analysis, while the Subdivision application is not.

The concept for this project is to create an integrated deed restricted and unrestricted mixed residential neighborhood with a unified architectural theme. The intent is to provide active green spaces and trails throughout the project and create visual harmony where restricted units are undistinguishable from the market units. This concept coupled with a 75% deed restricted, 25% unrestricted unit mix, as required by the annexation agreement, generate the need for smaller lot sizes in some cases (similar to the Wellington Neighborhood). This helps reduce infrastructure costs.

Nine of the proposed 73 lots (45, 46, 50-56) fall short of the 5,000 square foot minimum lot size standard, as provided for in Section 9-2-4-5 C of the Subdivision Standards. The applicant is requesting exception from the 5,000 minimum square foot standard for the nine lots listed.

Per Section 9-2-4-5 of the Subdivision Code:

*C. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a single-family or duplex master plan or planned unit development, which are exempt when the lot and project as a whole is in general compliance with the Town comprehensive planning program and have little or no adverse impacts on the neighborhood.*

Inherent with smaller lot sizes, the suggested building setbacks, as described in the Development Code, become an issue. The applicant is requesting an exception from both the relative and absolute setback requirements as provided for in sections 9-1-19-9 (Absolute) C.2.c.3 and 9-1-19-9 (Relative) D.2.c.3., both read as follows:

*c. Exceptions: 3) any lot created pursuant to a master plan for a single-family residential subdivision in which seventy five percent (75%) or more of the units or lots within the subdivision are encumbered by an employee housing restrictive covenant which is in compliance with the provisions of policy 24 "(Relative) Social Community" of this section, and all other relevant town employee housing standards and requirements.*

Staff believes this application meets the exception criteria for both minimum lot size and standard setback requirements and has no concerns with the applicant's request. We note that negative nine (-9)

points are still incurred for not meeting the relative setback requirements. We welcome Commissioner comment.

**Landscaping (22/A and 22/R):** There are very few existing trees on the development site except for the area due west of the RWB North Fire Station site. The trees are Lodgepole pine, openly spaced, 30 to 40 foot tall and most trees have full, healthy growth starting at ground level. This area was the site of “Yuba City”, a tent city and living quarters for the dredge boat miners from 1917 to 1929. The majority of these trees will be preserved as the largest of four proposed pocket parks, providing an effective buffer in the center of the site.

The project will be screened from Highway 9 with the existing natural tree stands adjacent to Highway 9, the newly constructed berms and landscaping for the Shores Subdivision, the RWB North Fire Station, and the Breckenridge Building Center landscaping all located within the 150-foot setback from Highway 9.

No specific landscaping is being identified with this Master Plan as the applicant intends for the brunt of the landscaping needs to be addressed with the Subdivision approval and approvals of individual development lots. Staff has no concerns.

**Social Community (24/R):** With over 10% of the proposal consisting of deed/equity restricted permanently affordable housing, positive ten (+10) points shall be awarded at final review.

**Utilities (28/A):** Staff will add a condition of approval regarding having the applicant pay a fee to the Town in lieu of burying the existing overhead utility lines that lie to the east most portion of the property. This condition is similar to those Conditions of Approval placed on the neighboring properties. These funds will contribute to the Town’s planned burying of all utility line along the highway at a future date. However, for all other power/utility lines, the proposal shall have all utility lines buried underground. Staff has no concerns

**Water Quality (31/A & 31/R):** As part of the site improvements associated with this Master Plan and the associated Subdivision, the applicant intends to abide with all criteria of this policy. Similar to the other developments in this area, a water quality report will be submitted and approved by Town staff. This will be added as a Condition of Approval at final review.

**Special Areas (37/A):** In accordance with this policy, the applicant intends to abide with all criteria addressed in this section. The submitted plans are in accordance with this section. Staff has no concerns.

**Master Plan (39/A):** This application conforms to all requirements of this policy. Staff has no concerns.

**Point Analysis (Section: 9-1-17-3):** At this preliminary review, Staff has found that the application passes all Absolute Policies in the Development Code and has incurred positive points under Policies 7 (+4) and 24/R (+10) and negative points under Policy 6/R (-9). The preliminary point analysis shows a passing score of positive five (+5) points.

### **Staff Recommendation**

This Master Plan 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. Does the Commission have any comments regarding waiver request for the smaller lot sizes and resulting reduced building setbacks?

We welcome any further comments from the Commission. With any added comments, the Planning Department recommends this application return for a second review.

## Planning Commission Staff Report

- Project Manager:** Michael Mosher
- Date:** February 22, 2008 (For meeting of March 4, 2008)
- Subject:** The Miller Subdivision, Preliminary Hearing (PC# 2006077)
- Applicant/Owner:** Joseph S. Miller
- Agent:** Don Nilsson, Braddock Holdings, LLC
- Proposal:** 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 is to subdivide the property in Phases over time. The first subdivision will 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 will then be re-subdivided over time.
- Address:** 13541 State Highway 9
- Legal Description:** Pending Stan Miller Property and Tract D-2, The Shores at the Highlands Subdivision
- Site Area:** 40.41 acres (1,760,259.6 sq. ft.) Miller Property  
2.29 acres (99,752.4 sq. ft.) Tract D-2  
42.70 acres (1, 860,012 sq. ft.) Total area
- Land Use District:** 1 and 33, subject to the amended Guidelines for LUD 33-North for adoption by Town Council on March 11, 2008.
- Site Conditions:** The property was dredge mined back in the early 1900’s, leaving very little vegetation, undulating dredge tailings and the Blue River in an un-natural state. Stan Miller Inc. operations have occupied the property for the past 35 years. Currently, the Blue River bisects this property from south to north along the westerly edge of the dredged mined area. The area to the west of the current river was not dredged but still lacks any notable vegetation. The property to the east of the current river is Stan Miller Inc. operations including equipment storage, gravel storage, material storage, an equipment shop and office building. There is a small area near the center of the property where the only natural trees on the property exist; this area is proposed to be private open space to preserve the trees.
- Adjacent Uses:** North: The Shores at the Highlands Tract C - Lodge site, Red, White and Blue North

East: Highway 9, Highlands Golf Course Filing 1, Breckenridge Building Center  
 South: Alpine Rock batch plant, Town of Breckenridge McCain property  
 West: Forest Service property

**Item History**

Staff was approached in August 2006, by Don Nilsson (agent) and the Miller family (applicants) to review and discuss the possible annexation of the Miller property. The Town Council reviewed several proposed development plans for the annexation on January 9th, March 8th and June 12th of 2007. The development plan was modified and refined over time based on Council input and annexation policies. The Planning Commission reviewed the proposed development plan on August 7, 2007, and adopted a motion recommending annexation of the property to the Town Council.

For the annexation process, the Town Council approved the Sufficiency Resolution on August 14, 2007, and adopted the Fact Finding Resolution on October 9, 2007. Council approved the Annexation Ordinance, annexing the property and placing the property in LUD 1 and 33 on January 8, 2008. An Annexation Agreement establishing the terms for the annexation was adopted by resolution on January 22, 2008, and a Development Agreement establishing an 18-year extended vesting period for the project was approved on February 12, 2008. An ordinance amending the Land Use Guidelines, amending LUD 33 to allow for the development of the Stan Miller property as contemplated, is scheduled for approval on March 11, 2008. The amendment will create new Guidelines for LUD 33 (as noted above), specific to the Miller Property, allowing the Planning Commission to consider and approve the proposed Master Plan.

**Staff Comments**

**LAND USE SUMMARY**

TRACT/ROAD	AREA	% OF SITE
LOTS 1-73	20.25 ACRES	47.42%
TRACT A	1.34 ACRES	3.14%
TRACT B	0.44 ACRES	1.03%
TRACT C	0.09 ACRES	0.21%
TRACT D	0.09 ACRES	0.21%
TRACT E	0.09 ACRES	0.21%
TRACT F	0.44 ACRES	1.03%
TRACT G	6.12 ACRES	14.33%
TRACT H	1.85 ACRES	4.33%
TRACT I	0.60 ACRES	1.41%
TRACT J	0.47 ACRES	1.10%
TRACT K1	0.97 ACRES	2.27%
TRACT K2	1.16 ACRES	2.72%
TRACT L	0.03 ACRES	0.07%
TRACT M	0.09 ACRES	0.21%
TRACT N	1.84 ACRES	4.31%
TRACT O	0.70 ACRES	1.64%
ROAD/R.O.W.	6.13 ACRES	14.36%
TOTAL	42.70 ACRES	100%

**Tracts:** The land is to be subdivided in two Phases over an 18-year period. Braddock Holdings intends to re-subdivided the Sale Parcel as soon as possible and commence with subdivision infrastructure work in 2008 and vertical development in 2008 or 2009. This will be Phase I. The remaining property will continue to be home to the current Stan Miller Inc. operations for a period of 10 or more years and will constitute Phase II.

As mentioned in the Master Plan review, the relocation/reclamation of the Blue River and the construction of Stan Miller Drive are planned for completion in 2008 or 2009. The proposed grading for constructing the new river channel and filling in the old channel are an element of this subdivision review. A separate review process addressing items like hydrology, aquatic habitat, riparian vegetation, wetland mitigation and landscaping of the new river corridor will be conducted within the Army Corps 404 permit application process. The Town will receive all permit application materials for the Army Corps for Town review and comment prior to issuance of a permit. The applicant will need to obtain a 404 Permit prior to any work on the Blue River.

**9-2-4-5: Lot Dimensions, Improvements And Configuration:** There are 73 lots and 3 development Parcels proposed. Of the 73 lots, there are 22 larger lots (1-10, 58-69) ranging in size from .26 acres to .62 acres along the westerly perimeter of the property, and 51 smaller internal lots (11-57, 70-73) ranging is size from .09 acres to .31 acres. Eleven (11) of the 51 internal lots are to be duplex lots, lots 29, 33, 34, 43, 47, 48, 49, 70, 71, 72, 73 and 25 of the 51 internal lots are planned as deed restricted homes. Two of the three development parcels, Tract A and Parcel B, are planned for deed restricted townhouses and the third development parcel, Parcel E, is planned for 40 deed restricted condo/apartment units in two buildings.

As mentioned in the Staff report for the Master Plan, some of the lots are being proposed with less than the minimum 5,000 square feet.

Per Section 9-2-4-5 of the Subdivision Code:

*C. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a single-family or duplex master plan or planned unit development, which are exempt when the lot and project as a whole is in general compliance with the Town comprehensive planning program and have little or no adverse impacts on the neighborhood.*

Inherent with smaller lot sizes, the suggested building setbacks, as described in the Development Code, become an issue. The applicant is requesting an exception from both the relative and absolute set back requirements as provided for in sections 9-1-19-9 (Absolute) C.2.c.3 and 9-1-19-9 (Relative) D.2.c.3., both read as follows:

*c. Exceptions: 3) any lot created pursuant to a master plan for a single-family residential subdivision in which seventy five percent (75%) or more of the units or lots within the subdivision are encumbered by an employee housing restrictive covenant which is in compliance with the provisions of policy 24 “(Relative) Social Community” of this section, and all other relevant town employee housing standards and requirements.*

Staff believes this application meets the exception criteria for both minimum lot size and standard set back requirements and has no concerns with the applicant’s request. We note that negative nine (-9) points would still be incurred for not meeting the relative setback requirements. These points are assigned under the Master Plan review, not this Subdivision review. We welcome Commissioner comment.



**Access/Circulation:** The Master Plan with this proposal shows the property being accessed from Stan Miller Drive, which intersects Highway 9 at Tiger Road and Fairview Blvd (a signaled intersection). Stan Miller Drive also provides access to the RWB North Fire Station and the new Breckenridge Building Center. Three additional, internal public roads are proposed. Staff has no concerns with the proposed road system.

**9-2-4-13: Dedication Of Park Lands, Open Space And Recreational Sites Or The Payment Of Fees In Lieu Thereof:** The proposed density/uses are consistent with the proposed uses of the pending Stan Miller Master Plan and approved Annexation Agreement. The proposed Public Open Space dedications exceed the minimum 10% required by the Towns Subdivision Code and will occur with the first subdivision of the property.

The subdivision proposal includes an extensive trail network throughout the property and four pocket parks that provide access to the Blue River and the existing bike path along Highway 9. The trails and pocket parks are to be placed on private open space with public access easements for public use. This way the Stan Miller Development HOA shall be responsible for maintenance and upkeep rather than the Town.

With the submitted plan, Staff notes that the proposed trail system along the Blue River has portions shown along the west edge of the Blue River.

*Per the Concept Development Report Blue River Restoration Master Plan, Section 6.1.5, Protect Habitat and Upland Area west of the River: "In general, this plan proposes to leave the west flank of the river in its existing state. There are, however, exceptions." Additionally: "The second exception is 'Option D' on Stan Miller, Inc. property, which proposes to relocate the river to the west side of the property. The purpose of moving the channel is to maximize and create a developable area east of the river while utilizing the river as a physical and visual barrier to the west flank."*

Staff has interpreted this to mean that the river can be moved to the west, but the concept of leaving the west bank of the relocated river in a natural state to protect habitat would still apply. We suggest having the trail system, located solely along the east side of the river, with no portion along the west. We welcome Commissioner comment.

Pending decisions with the transportation agencies, there are two bus stop/shelters proposed on Stan Miller Drive for either Town of County busses to use. A 10-space, public parking area allowing public access to the trail system and the Blue River is also proposed.

**Landscaping:** Per the Subdivision Standards:

*3. In addition to the landscaping required above, the subdivider of land containing little or no tree cover as determined by the Town shall provide one tree having a minimum trunk diameter (measured 12 inches above ground level) of not less than two inches (2") suitable for the Breckenridge climate for every ten (10) linear feet of roadway platted within or immediately adjacent to the subdivision.*

With 6,650 linear feet of roadway planned, 665 trees are required by the Subdivision Standards for planting in non-wooded areas. The applicant proposes to plant the majority of these trees within the proposed trail corridors, pocket parks, river corridor and as screening around the North Fire Station and Breckenridge Building Center. These areas can be irrigated, maintained

and will be safe from destruction during home construction. They prefer to see the roadside landscaping occur in conjunction with the development of the individual lots. Staff has no concerns with this concept.

**Utilities/Drainage:** The development portion of the site is to be over-lot graded to slope down towards the north at a rate of about 3% using the proposed trails and pocket parks as the conduit. Details of the drainage on each individual lot or parcel will be reviewed with the future applications. With the permeability of the dredge rock, Staff does not anticipate any site constraints for drainage or detention.

All utilities exist in the Shores at the Highlands Subdivision at the north end of the project. The drawings show that a sewer line at the north end of the site crosses near the Shore's Lodge site through the trail easement connecting to the large existing pond. The water line will make a complete loop around the project. Because of the existing conditions of the site, disturbance of existing vegetation is not an issue. Staff has no concerns with the proposed utility locations.

**Existing Overhead Utility Lines:** Staff will add a condition of approval regarding having the applicant pay a fee to the Town in lieu of burying the existing overhead utility lines. These funds will contribute to the Town's planned burying of all utility line along the highway at a future date.

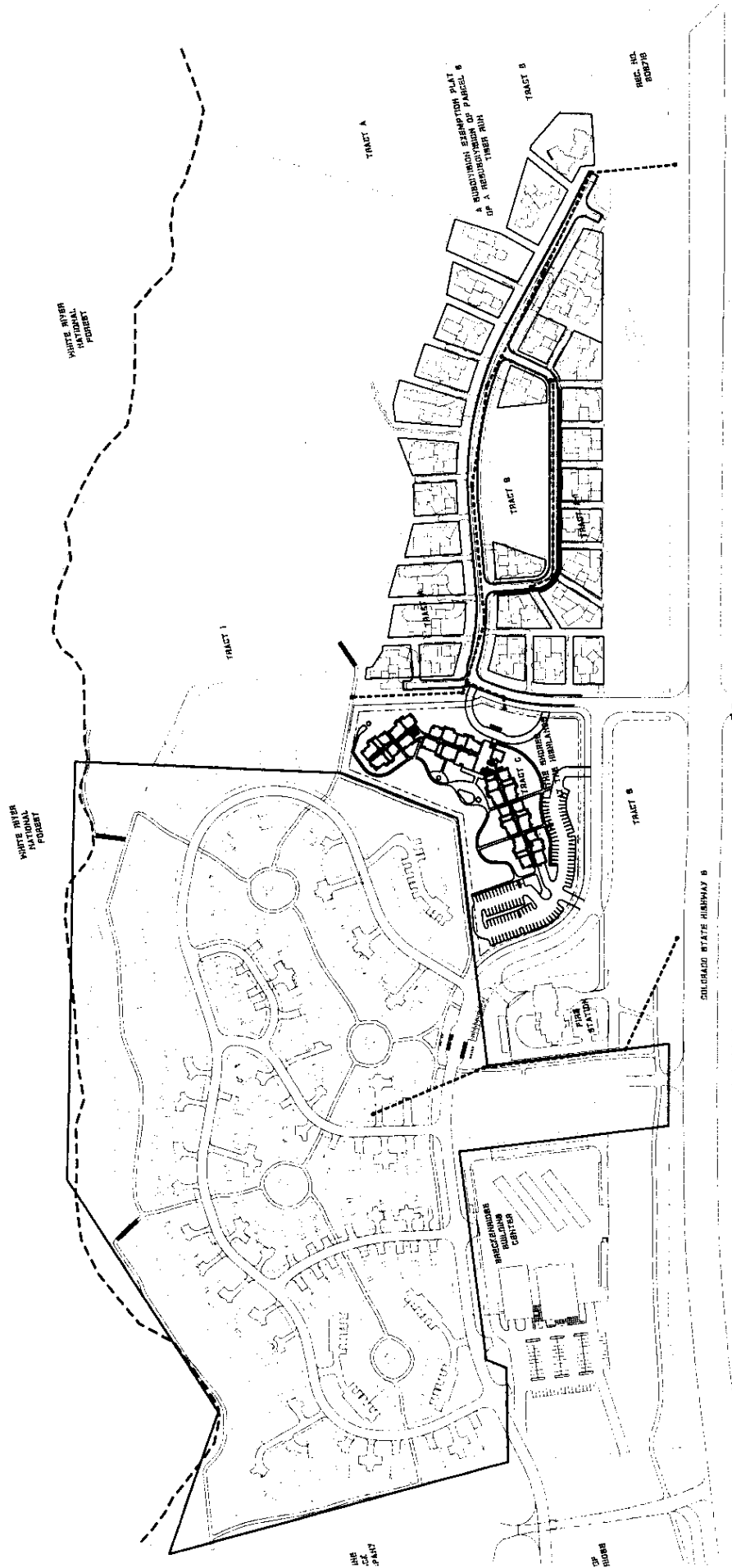
### **Staff Recommendation**

This subdivision proposal is in general compliance with the Subdivision Standards with the exception of Lot size and setbacks (discussed in the Master Plan). However, additional data regarding the river relocation and treatment of ground and surface water is still pending.

Does the Commission support having any of the trail system along the west side of the Blue River?

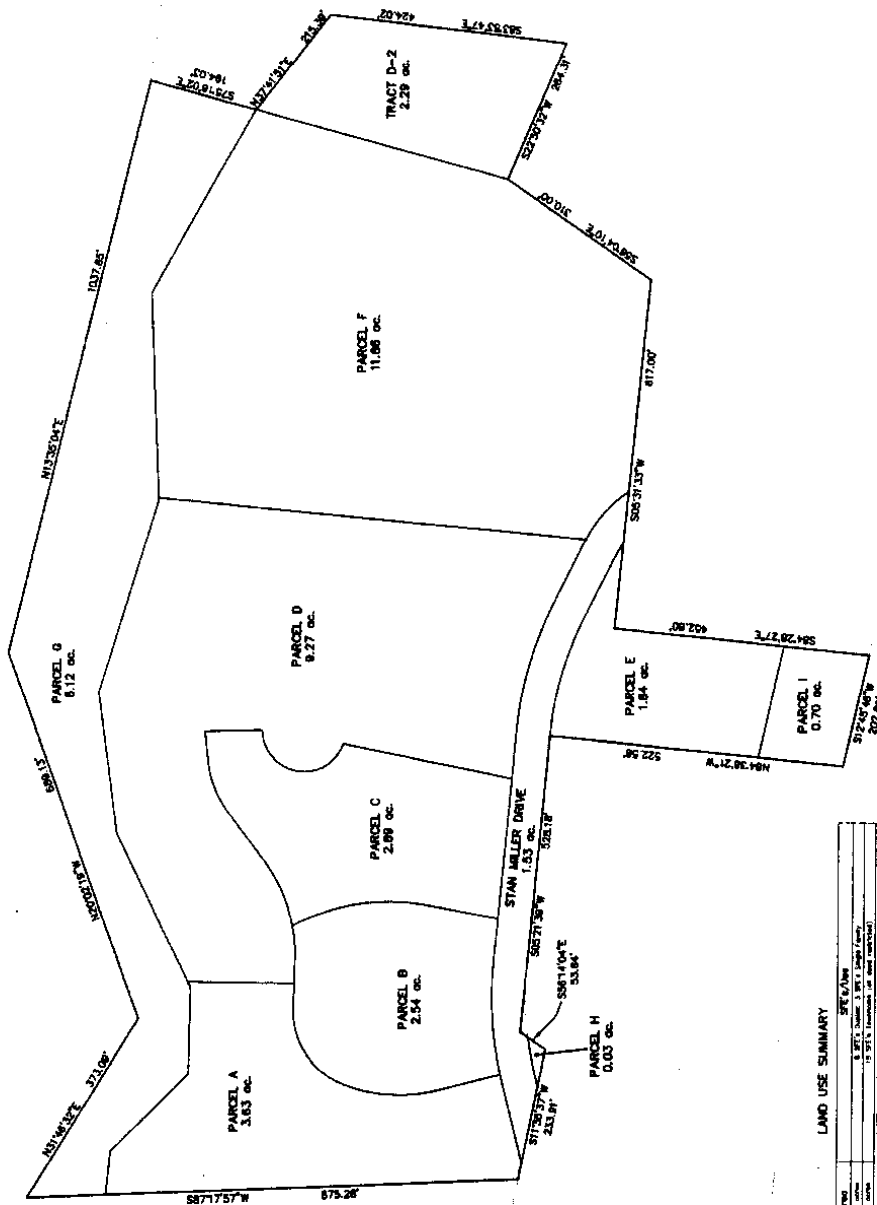
We welcome any Commissioner comment on this application in general.

With the addition of a Subdivision name and road names for the next hearing, Staff recommends this application return for a final review.



# MASTER PLAN THE MILLER PARCEL

LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST, 6TH P.M.  
TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO  
JANUARY 10, 2008



**LAND USE SUMMARY**

Parcel/Block	Area	Area
Parcel A	3.63 acres	1,567,340 sq. ft.
Parcel B	2.84 acres	1,238,880 sq. ft.
Parcel C	2.89 acres	1,254,240 sq. ft.
Parcel D	9.27 acres	4,054,320 sq. ft.
Parcel E	1.84 acres	807,360 sq. ft.
Parcel F	11.86 acres	5,178,240 sq. ft.
Parcel G	6.12 acres	2,673,120 sq. ft.
Parcel H	0.03 acres	13,440 sq. ft.
Tract D-2	2.29 acres	995,520 sq. ft.
<b>TOTAL</b>	<b>42.78 acres</b>	<b>18,725,920 sq. ft.</b>

**MASTER PLAN CERTIFICATE**

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Colorado, do hereby certify that the foregoing is a true and correct copy of the Master Plan as shown to me by the owner thereof, and that the same has been duly recorded in the Public Records of the County of Summit, State of Colorado, on this 10th day of January, 2008.

\_\_\_\_\_  
Surveyor

**STATE OF COLORADO**  
COUNTY OF SUMMIT

Subscribed and sworn to before me on this 10th day of January, 2008, at the City of Summit, State of Colorado.

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF THE MILLER PARCEL**

THE UNDERSIGNED, BEING A DULY QUALIFIED AND LICENSED SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE MASTER PLAN AS SHOWN TO ME BY THE OWNER THEREOF, AND THAT THE SAME HAS BEEN DULY RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, ON THIS 10TH DAY OF JANUARY, 2008.

\_\_\_\_\_  
Surveyor

**TOWN OF BRECKENRIDGE CERTIFICATE**

This Master Plan has been approved by the Planning Commission on \_\_\_\_\_, 2008, and the Town Council on \_\_\_\_\_, 2008, in accordance with the Town Code of Breckenridge, Colorado.

\_\_\_\_\_  
Mayor

**CLERK AND RECORDER'S CERTIFICATE**

STATE OF COLORADO  
COUNTY OF SUMMIT

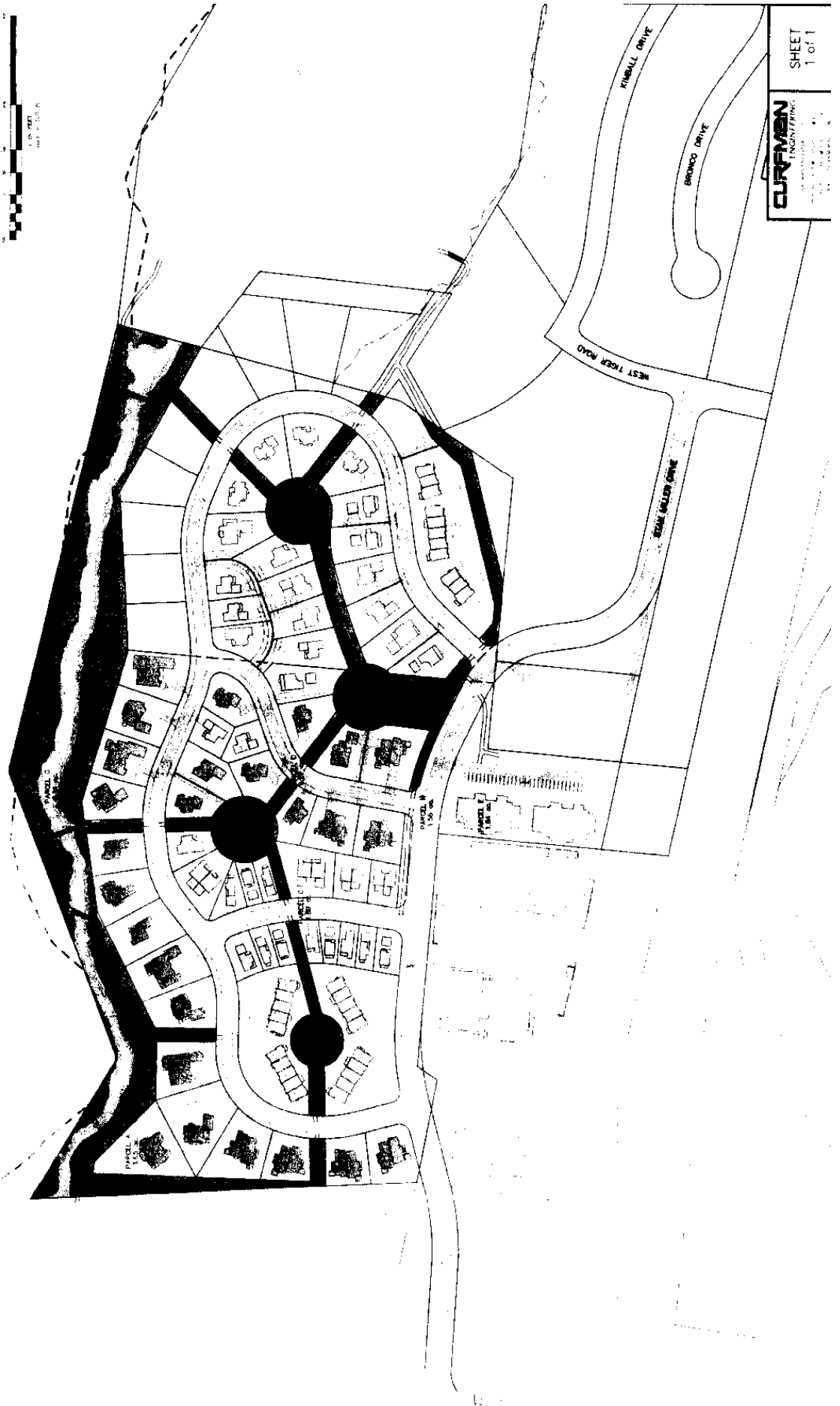
I hereby certify that the within and foregoing map has been duly recorded in the Public Records of the County of Summit, State of Colorado, on this 10th day of January, 2008, and that the same has been duly recorded in the Public Records of the County of Summit, State of Colorado, on this 10th day of January, 2008.

\_\_\_\_\_  
Clerk and Recorder

**SHEET  
1 of 1**

**THE STATE OF COLORADO  
DEPARTMENT OF REVENUE**

# STAN MILLER PROPOSED ANNEXATION



**CURFMAN**  
ENGINEERING

SHEET  
1 of 1



# FINAL PLAT

## THE MILLER SUBDIVISION

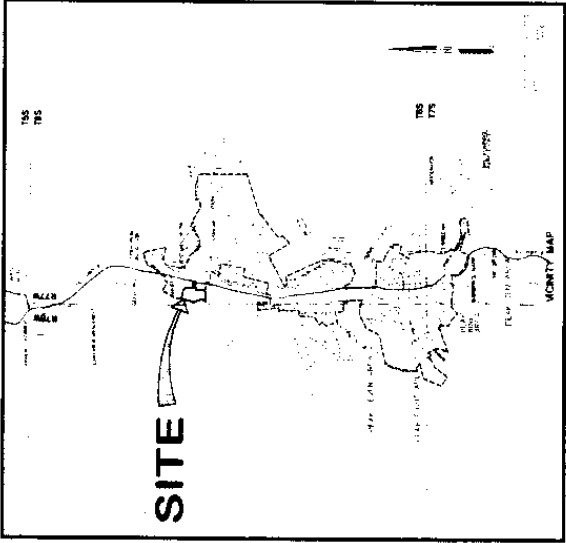
LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST  
OF THE SIXTH PRINCIPAL MERIDIAN  
TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO

### OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land hereinafter described, do hereby certify that the facts herein stated are true and correct to the best of my knowledge and belief, and that the same conform with all laws and regulations relating to the subdivision of land in the State of Colorado.

Witness my hand and seal of office this 18th day of September, 1997.

Tommy Miller, Owner



### BRECKENRIDGE TOWN COUNCIL CERTIFICATE

I, the undersigned, being a member of the Board of Commissioners of the Town of Breckenridge, Colorado, do hereby certify that the facts herein stated are true and correct to the best of my knowledge and belief, and that the same conform with all laws and regulations relating to the subdivision of land in the State of Colorado.

### TITLE COMPANY CERTIFICATE

I, the undersigned, being the Title Company, do hereby certify that the facts herein stated are true and correct to the best of my knowledge and belief, and that the same conform with all laws and regulations relating to the subdivision of land in the State of Colorado.

### BRECKENRIDGE PLANNING COMMISSION CERTIFICATE

I, the undersigned, being a member of the Breckenridge Planning Commission, do hereby certify that the facts herein stated are true and correct to the best of my knowledge and belief, and that the same conform with all laws and regulations relating to the subdivision of land in the State of Colorado.

### PLAT NOTES (cont.)

The Miller Subdivision is located in Section 18, Township 6 South, Range 77 West of the Sixth Principal Meridian, Town of Breckenridge, County of Summit, State of Colorado. The subdivision consists of 10 lots, each containing approximately 0.1 acre of land.

The total area of the subdivision is 1.0 acre. The subdivision is bounded on the north by the Dupper Road, on the east by the Flat Top Road, on the south by the Miller Subdivision, and on the west by the Miller Subdivision.

### LAND USE SUMMARY

TRACT/ROAD	AREA	% OF SITE
Tract 10	0.10	10.00
Tract 11	0.10	10.00
Tract 12	0.10	10.00
Tract 13	0.10	10.00
Tract 14	0.10	10.00
Tract 15	0.10	10.00
Tract 16	0.10	10.00
Tract 17	0.10	10.00
Tract 18	0.10	10.00
Tract 19	0.10	10.00
Tract 20	0.10	10.00
Tract 21	0.10	10.00
Tract 22	0.10	10.00
Tract 23	0.10	10.00
Tract 24	0.10	10.00
Tract 25	0.10	10.00
Tract 26	0.10	10.00
Tract 27	0.10	10.00
Tract 28	0.10	10.00
Tract 29	0.10	10.00
Tract 30	0.10	10.00
Tract 31	0.10	10.00
Tract 32	0.10	10.00
Tract 33	0.10	10.00
Tract 34	0.10	10.00
Tract 35	0.10	10.00
Tract 36	0.10	10.00
Tract 37	0.10	10.00
Tract 38	0.10	10.00
Tract 39	0.10	10.00
Tract 40	0.10	10.00
Tract 41	0.10	10.00
Tract 42	0.10	10.00
Tract 43	0.10	10.00
Tract 44	0.10	10.00
Tract 45	0.10	10.00
Tract 46	0.10	10.00
Tract 47	0.10	10.00
Tract 48	0.10	10.00
Tract 49	0.10	10.00
Tract 50	0.10	10.00
Tract 51	0.10	10.00
Tract 52	0.10	10.00
Tract 53	0.10	10.00
Tract 54	0.10	10.00
Tract 55	0.10	10.00
Tract 56	0.10	10.00
Tract 57	0.10	10.00
Tract 58	0.10	10.00
Tract 59	0.10	10.00
Tract 60	0.10	10.00
Tract 61	0.10	10.00
Tract 62	0.10	10.00
Tract 63	0.10	10.00
Tract 64	0.10	10.00
Tract 65	0.10	10.00
Tract 66	0.10	10.00
Tract 67	0.10	10.00
Tract 68	0.10	10.00
Tract 69	0.10	10.00
Tract 70	0.10	10.00
Tract 71	0.10	10.00
Tract 72	0.10	10.00
Tract 73	0.10	10.00
Tract 74	0.10	10.00
Tract 75	0.10	10.00
Tract 76	0.10	10.00
Tract 77	0.10	10.00
Tract 78	0.10	10.00
Tract 79	0.10	10.00
Tract 80	0.10	10.00
Tract 81	0.10	10.00
Tract 82	0.10	10.00
Tract 83	0.10	10.00
Tract 84	0.10	10.00
Tract 85	0.10	10.00
Tract 86	0.10	10.00
Tract 87	0.10	10.00
Tract 88	0.10	10.00
Tract 89	0.10	10.00
Tract 90	0.10	10.00
Tract 91	0.10	10.00
Tract 92	0.10	10.00
Tract 93	0.10	10.00
Tract 94	0.10	10.00
Tract 95	0.10	10.00
Tract 96	0.10	10.00
Tract 97	0.10	10.00
Tract 98	0.10	10.00
Tract 99	0.10	10.00
Tract 100	0.10	10.00

### PLAT NOTES

The Miller Subdivision is located in Section 18, Township 6 South, Range 77 West of the Sixth Principal Meridian, Town of Breckenridge, County of Summit, State of Colorado. The subdivision consists of 10 lots, each containing approximately 0.1 acre of land.

The total area of the subdivision is 1.0 acre. The subdivision is bounded on the north by the Dupper Road, on the east by the Flat Top Road, on the south by the Miller Subdivision, and on the west by the Miller Subdivision.

### TOWN CLERK'S CERTIFICATE

I, the undersigned, being the Town Clerk, do hereby certify that the facts herein stated are true and correct to the best of my knowledge and belief, and that the same conform with all laws and regulations relating to the subdivision of land in the State of Colorado.

### CLERK AND RECORDER'S CERTIFICATE

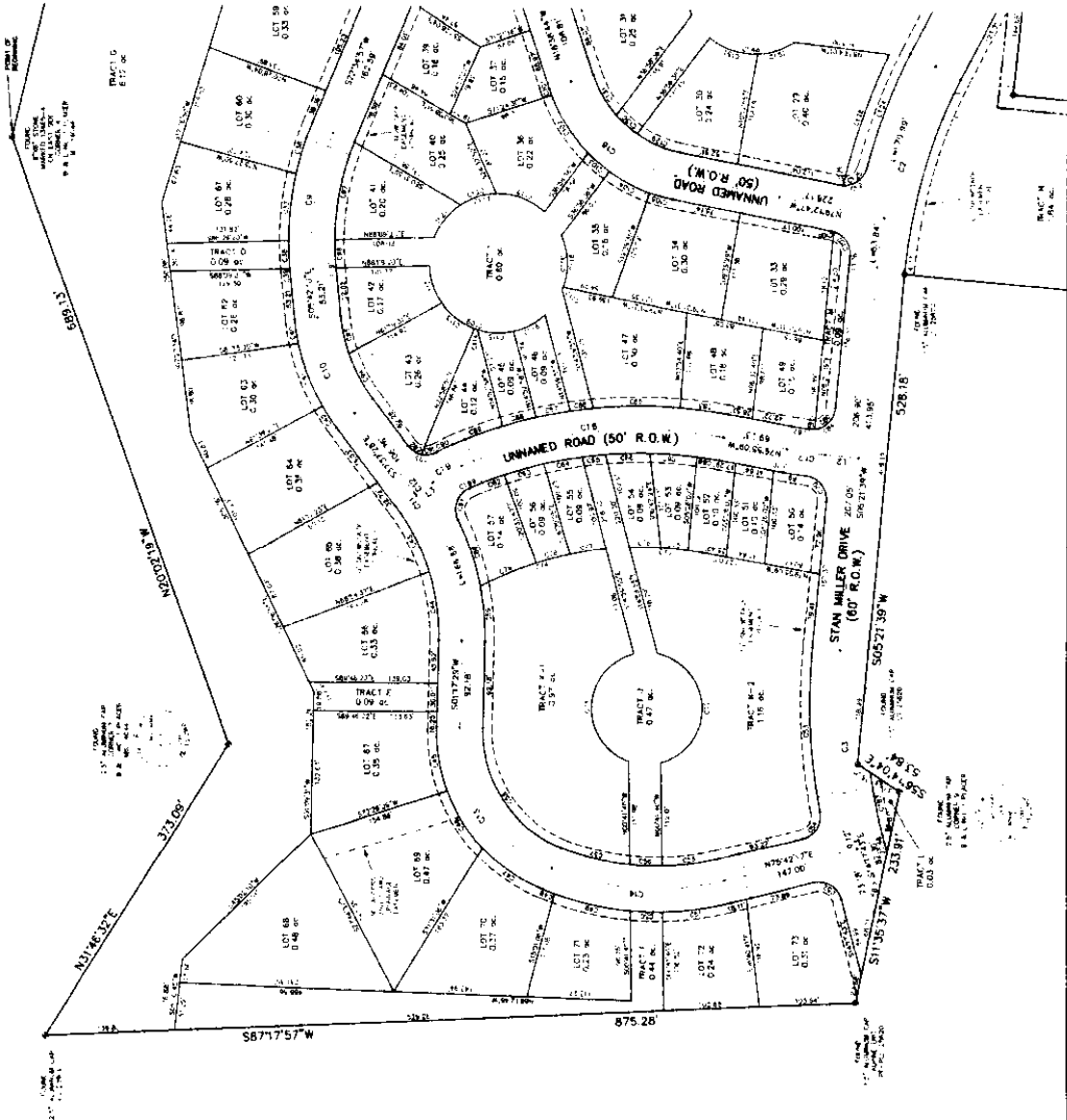
I, the undersigned, being the Clerk and Recorder, do hereby certify that the facts herein stated are true and correct to the best of my knowledge and belief, and that the same conform with all laws and regulations relating to the subdivision of land in the State of Colorado.

### SURVEYOR'S CERTIFICATE

I, the undersigned, being the Surveyor, do hereby certify that the facts herein stated are true and correct to the best of my knowledge and belief, and that the same conform with all laws and regulations relating to the subdivision of land in the State of Colorado.

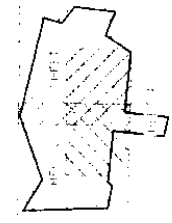


**FINAL PLAT**  
**THE MILLER SUBDIVISION**  
 LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST  
 OF THE SIXTH PRINCIPAL MERIDIAN  
 TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO



**CURVE TABLE**

STATION	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.
1+00	S 87° 17' 57" W	875.28'	S 87° 17' 57" W	875.28'
2+00	S 50° 21' 39" W	505.2139'	S 50° 21' 39" W	505.2139'
3+00	S 17° 35' 37" W	317.3537'	S 17° 35' 37" W	317.3537'
4+00	S 56° 40' 42" E	567.4042'	S 56° 40' 42" E	567.4042'
5+00	S 53° 04' 54" E	530.0454'	S 53° 04' 54" E	530.0454'
6+00	S 17° 35' 37" W	317.3537'	S 17° 35' 37" W	317.3537'
7+00	S 50° 21' 39" W	505.2139'	S 50° 21' 39" W	505.2139'
8+00	S 87° 17' 57" W	875.28'	S 87° 17' 57" W	875.28'

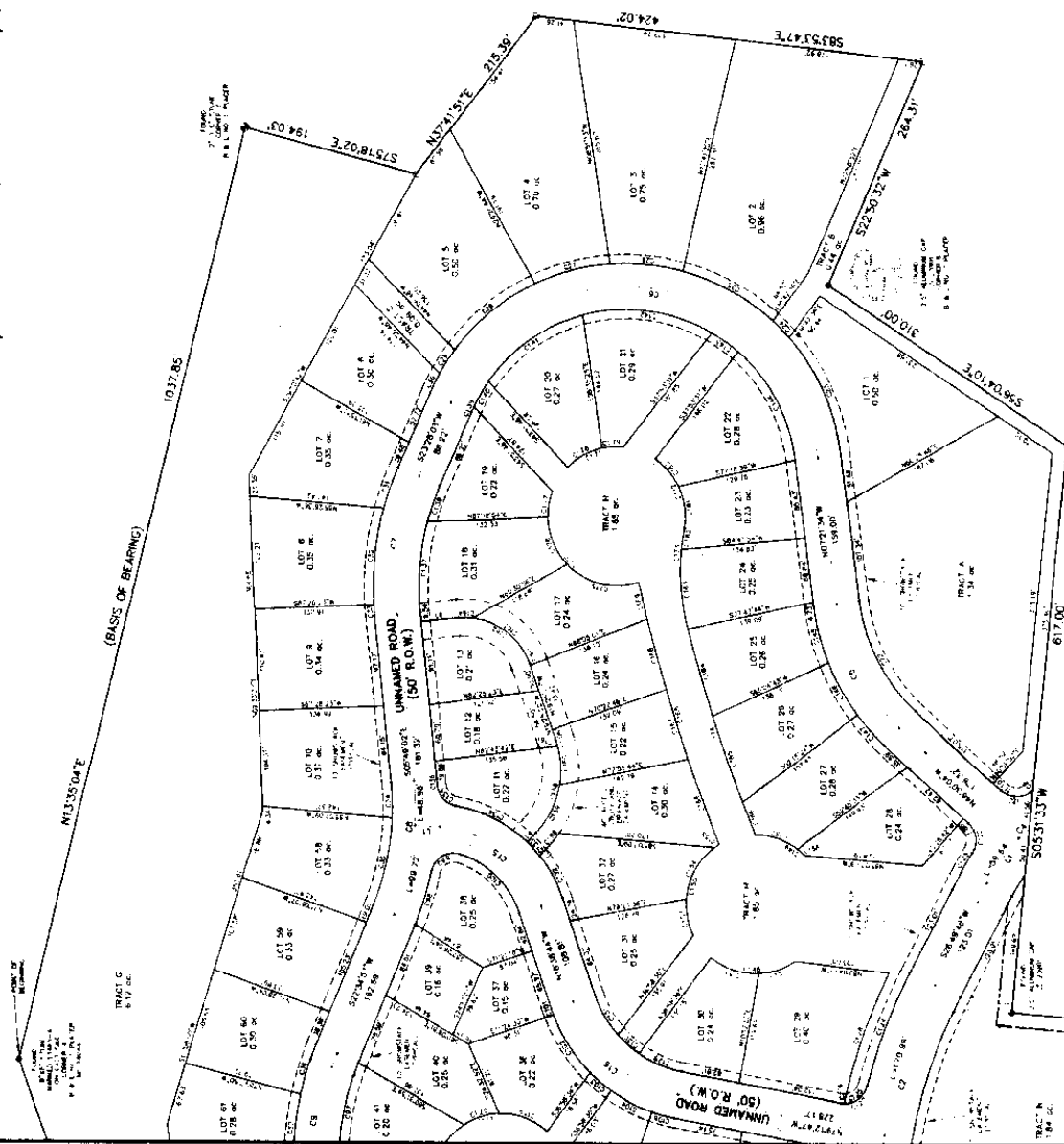


KEY MAP  
 SHEET 2 of 4





**FINAL PLAT**  
**THE MILLER SUBDIVISION**  
 LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST  
 OF THE SIXTH PRINCIPAL MERIDIAN  
 TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO



**CURVE TABLE**

STATION	CHORD BEARING	CHORD DIST.	ARC DIST.	CHORD BEARING	CHORD DIST.	ARC DIST.
1+00	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+10	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+20	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+30	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+40	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+50	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+60	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+70	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+80	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
1+90	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+00	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+10	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+20	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+30	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+40	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+50	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+60	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+70	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+80	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
2+90	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'
3+00	S75°16'02"E	194.03'	194.03'	S75°16'02"E	194.03'	194.03'

**LEGEND**

- 1" = 100' (Horizontal)
- 1" = 100' (Vertical)
- 1" = 100' (Diagonal)
- 1" = 100' (Curved)
- 1" = 100' (Dashed)
- 1" = 100' (Dotted)
- 1" = 100' (Dash-dot)
- 1" = 100' (Solid)

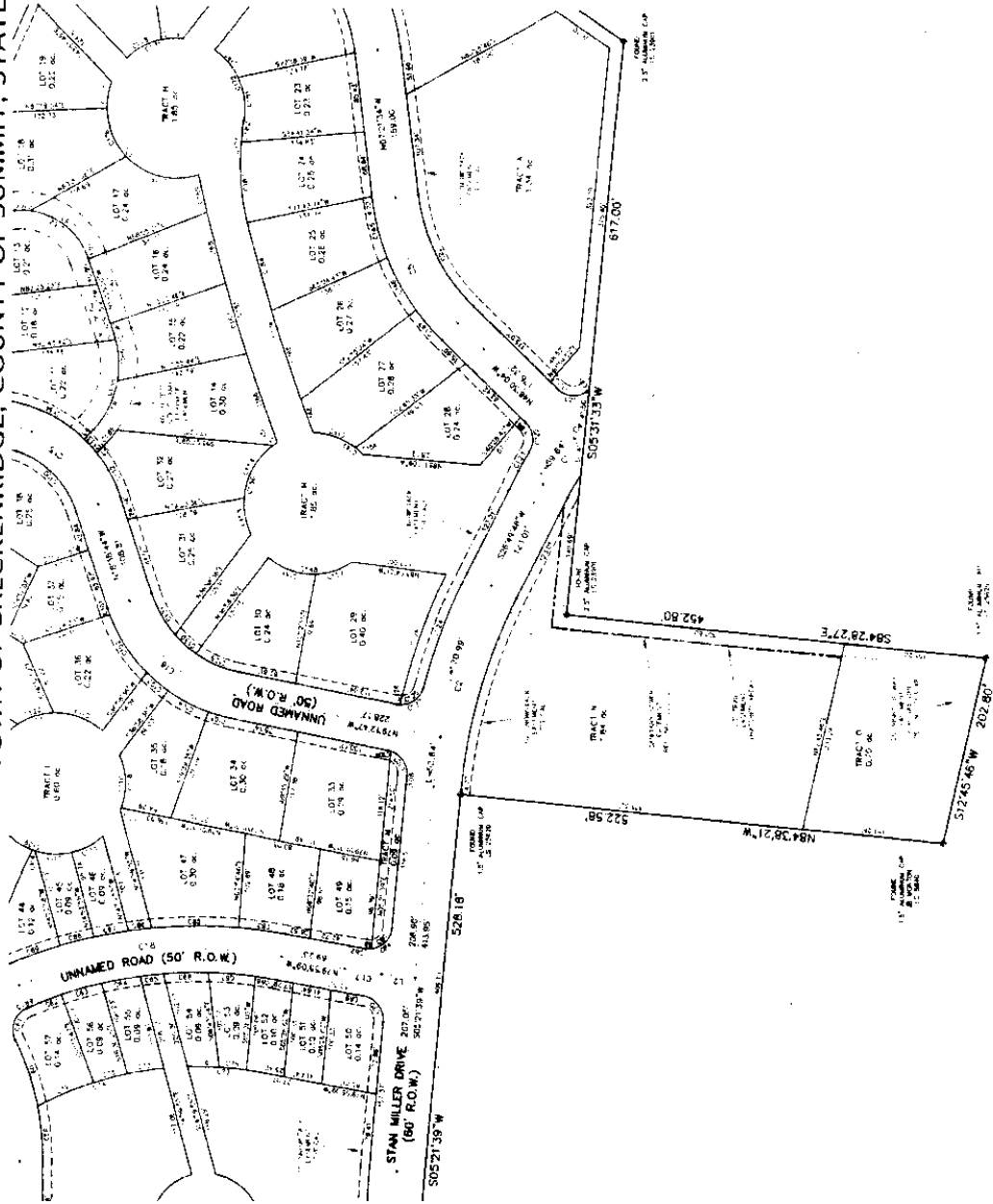
**KEY MAP**

**GRAPHIC SCALE**

1" = 100'

**SHEET 3 of 4**

**FINAL PLAT**  
**THE MILLER SUBDIVISION**  
 LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST  
 OF THE SIXTH PRINCIPAL MERIDIAN  
 TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO



**AREA TABLE**

TRACT	ACRES
TRACT A	1.24
TRACT B	1.24
TRACT C	1.24
TRACT D	1.24
TRACT E	1.24
TRACT F	1.24
TRACT G	1.24
TRACT H	1.24
TRACT I	1.24
TRACT J	1.24
TRACT K	1.24
TRACT L	1.24
TRACT M	1.24
<b>TOTAL</b>	<b>12.40</b>

**LOT TABLE**

LOT	ACRES
LOT 1	0.10
LOT 2	0.10
LOT 3	0.10
LOT 4	0.10
LOT 5	0.10
LOT 6	0.10
LOT 7	0.10
LOT 8	0.10
LOT 9	0.10
LOT 10	0.10
LOT 11	0.10
LOT 12	0.10
LOT 13	0.10
LOT 14	0.10
LOT 15	0.10
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LOT 17	0.10
LOT 18	0.10
LOT 19	0.10
LOT 20	0.10
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LOT 22	0.10
LOT 23	0.10
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LOT 26	0.10
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LOT 31	0.10
LOT 32	0.10
LOT 33	0.10
LOT 34	0.10
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LOT 36	0.10
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LOT 38	0.10
LOT 39	0.10
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LOT 41	0.10
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LOT 44	0.10
LOT 45	0.10
LOT 46	0.10
LOT 47	0.10
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LOT 51	0.10
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LOT 63	0.10
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LOT 65	0.10
LOT 66	0.10
LOT 67	0.10
LOT 68	0.10
LOT 69	0.10
LOT 70	0.10
LOT 71	0.10
LOT 72	0.10
LOT 73	0.10
LOT 74	0.10
LOT 75	0.10
LOT 76	0.10
LOT 77	0.10
LOT 78	0.10
LOT 79	0.10
LOT 80	0.10
LOT 81	0.10
LOT 82	0.10
LOT 83	0.10
LOT 84	0.10
LOT 85	0.10
LOT 86	0.10
LOT 87	0.10
LOT 88	0.10
LOT 89	0.10
LOT 90	0.10
LOT 91	0.10
LOT 92	0.10
LOT 93	0.10
LOT 94	0.10
LOT 95	0.10
LOT 96	0.10
LOT 97	0.10
LOT 98	0.10
LOT 99	0.10
LOT 100	0.10

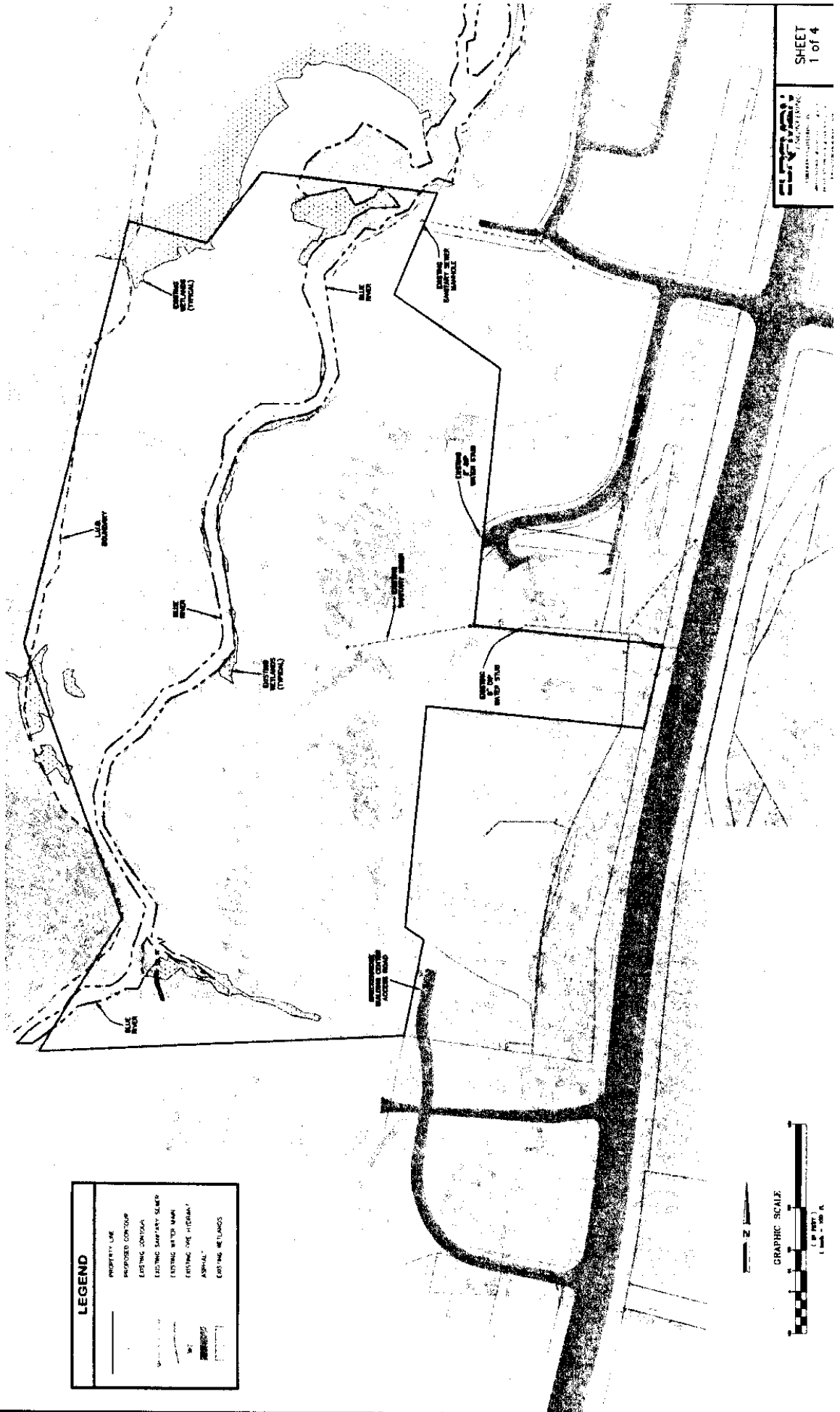
**LEGEND**

- Property boundaries
- Right-of-way boundaries
- Utility lines
- Water table
- Survey lines

**KEY MAP**

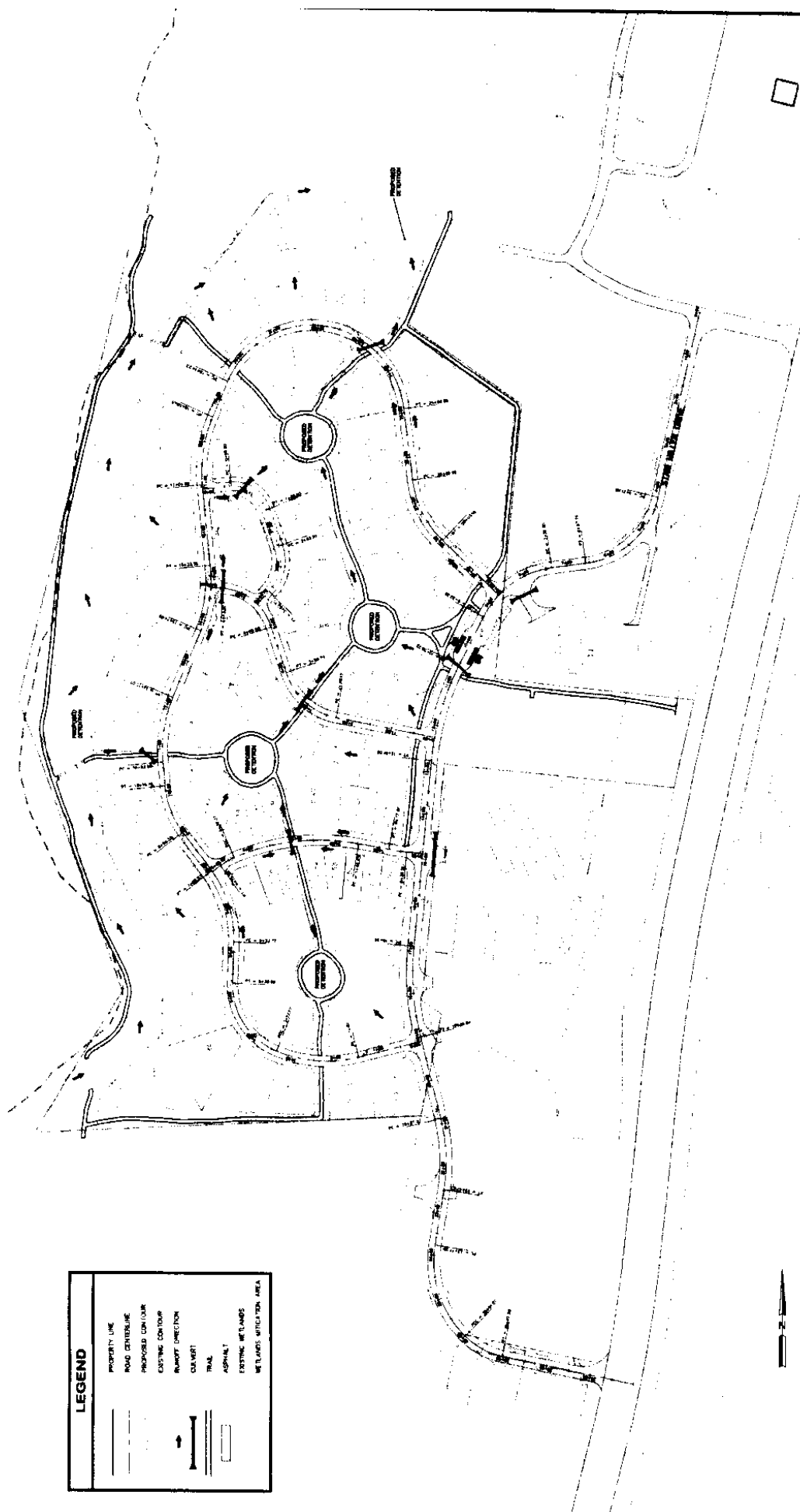
**SHEET**  
4 of 4

# THE MILLER SUBDIVISION EXISTING CONDITIONS MAP



LEGEND	
	PROPERTY LINE
	PROPOSED CONTOUR
	EXISTING CONTOUR
	EXISTING SAFETY SLOPE
	EXISTING WATER MAIN
	EXISTING FIRE HYDRANT
	ASPHALT
	EXISTING WETLANDS

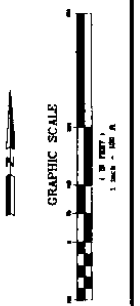
# THE MILLER SUBDIVISION GRADING AND DRAINAGE PLAN



LEGEND	
	PROPERTY LINE
	ROAD CENTERLINE
	PROPOSED CONTOUR
	EXISTING CONTOUR
	FLOW DIRECTION
	CULVERT
	TRAIL
	ASPHALT
	EXISTING WETLANDS
	WETLAND MITIGATION AREA

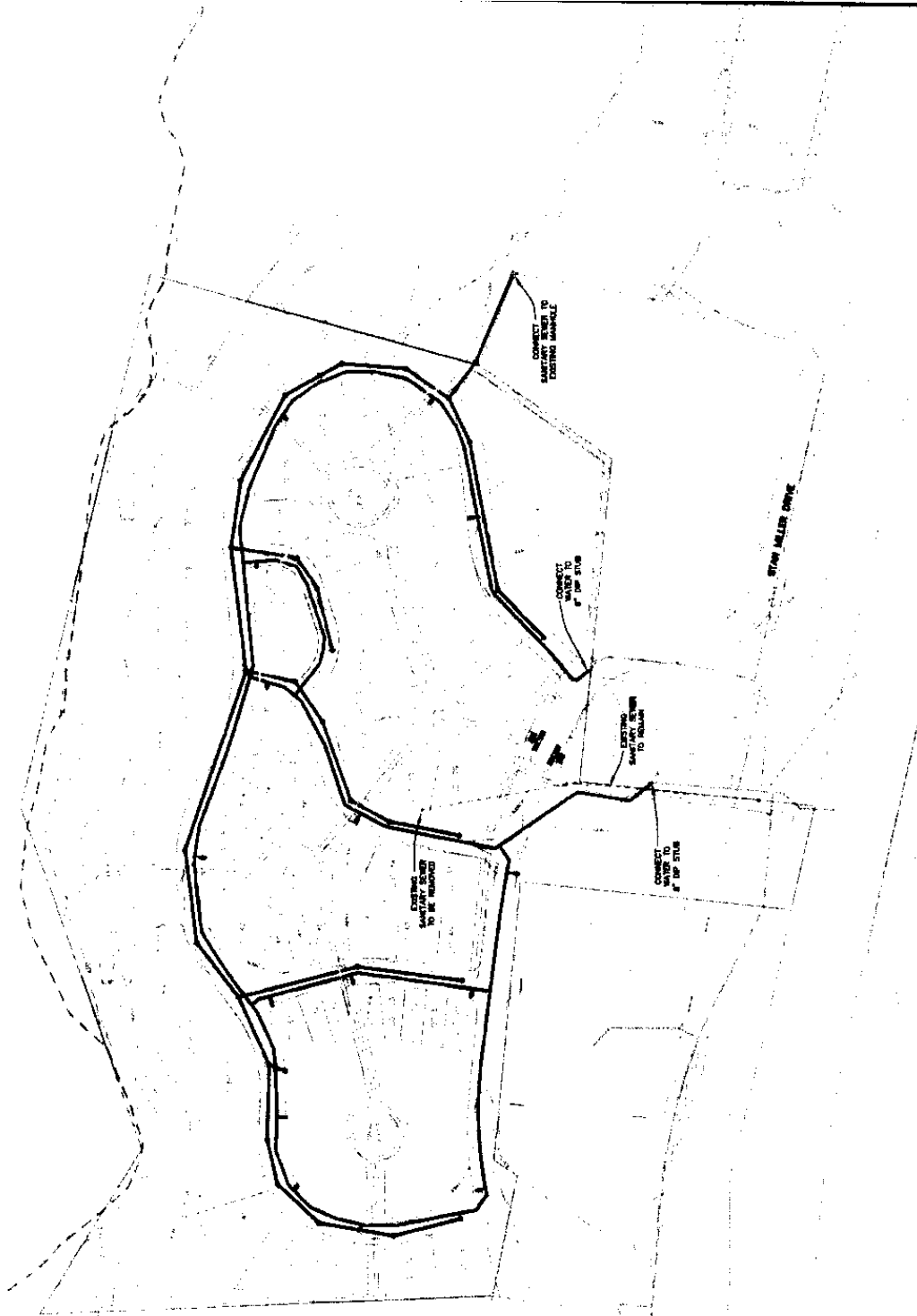
**SWANSON ENGINEERING**  
 1000 W. 10th St., Suite 100  
 Lincoln, NE 68502  
 (402) 441-1111  
 www.swansoneng.com

**SHEET 2 of 4**



# THE MILLER SUBDIVISION WATER AND SANITARY SEWER PLAN

LEGEND	
	BOUNDARY OF PROPOSED LOTS
	CENTERLINE OF EXISTING STREET
	CENTERLINE OF PROPOSED STREET
	PROPOSED SANITARY SEWER
	PROPOSED WATER MAIN
	EXISTING UTILITY MANHOLE
	PROPOSED UTILITY MANHOLE
	EXISTING STRUCTURE
	PROPOSED STRUCTURE

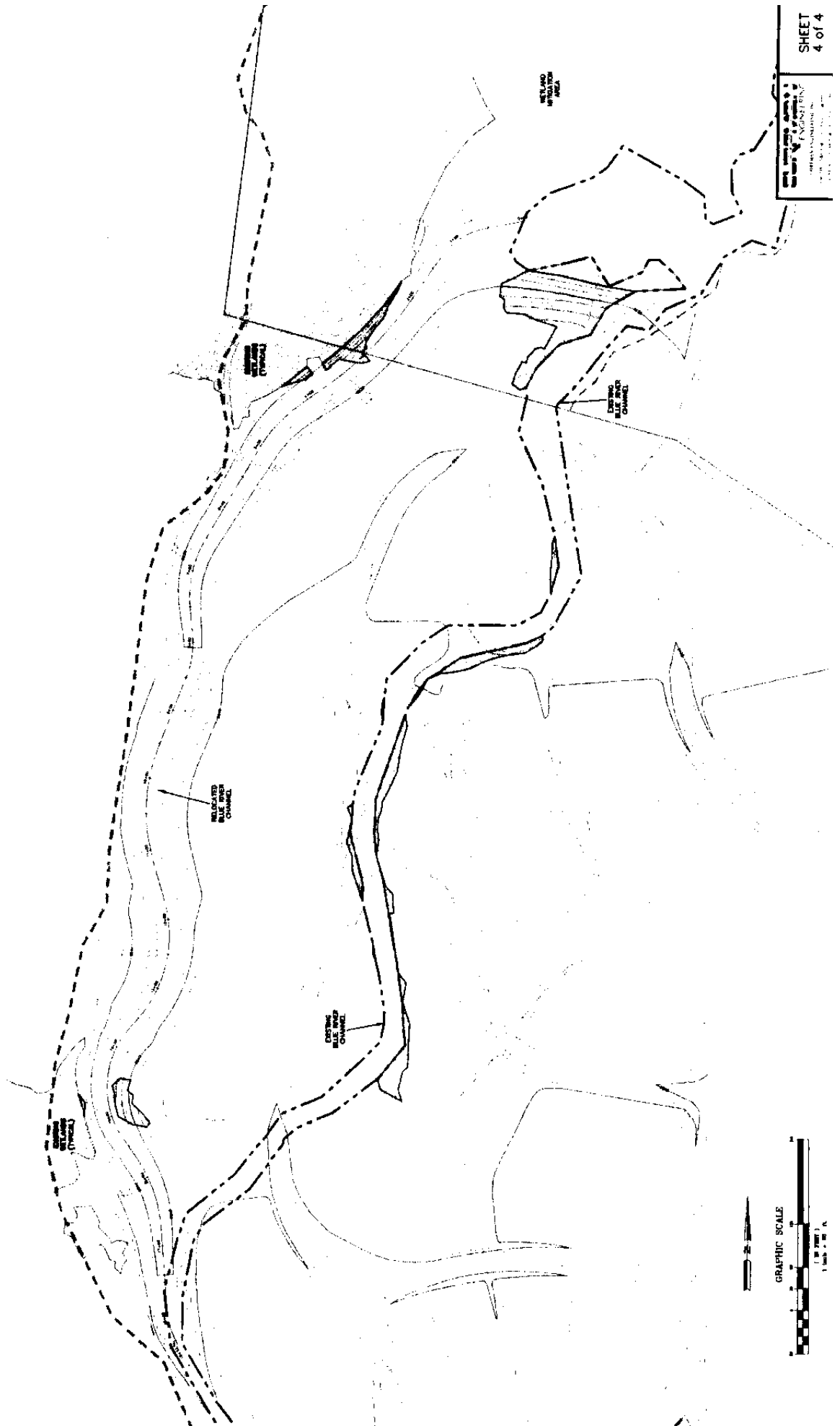


- NOTES**
1. All work here to be constructed of 8" DIP
  2. All sanitary sewer lines to be constructed of 8" PVC



**CONSTRUCTION ENGINEERS**  
 1000 ...  
 ...  
 ...

# THE MILLER SUBDIVISION BLUE RIVER RELOCATION PLAN



**WETLAND ENGINEERING**  
INCORPORATING  
LANDSCAPE ARCHITECTURE  
PLANNING AND DESIGN

**SHEET**  
4 of 4

## **Memo**

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

Within the last year we have adopted three new ordinances, 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, we have been discussing the importance of improving forest health through forest management plans, wildfire mitigation and replanting with diverse species. We have also discussed the possibility of adjusting the point multiplier for those developments that propose new landscaping with the Town Council.

We believe that updating the Towns 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.

We would like to introduce some of the proposed changes to Policy 22. 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.

### **Noxious Weeds**

Section 5-10-4 of the Noxious Weed Ordinance states that it shall be unlawful to introduce, cultivate, sell, or knowingly allow to grow any noxious weed designated in the Town's noxious weed management plan. The Town Council believes that a new absolute policy should be drafted to address noxious weeds. This would require properties to be noxious weed free as part of their development permit approval.

### **Mountain Pine Beetle Infested Trees and Spraying**

Tree Removal - Mountain Pine Beetle Infested Trees are a declared Nuisance under Title 5, Section 5-1-7 M. of the Town Code. We also adopted Ordinance No. 16, Series 2007 to address inspection of trees on private property and timely removal of infested trees. The Town Council believes that a new absolute policy should be drafted that requires property owners to remove infested trees from their property as part of their development permit approval.

## **Forest Management**

Forest Health - We would like to encourage private properties owners to improve the health of the trees on their properties. Forest management includes thinning trees starting with dead and diseased trees and replanting to encourage species diversity. The Town Council believes that developing a relative policy would encourage more property owners to improve the health of the trees on their properties.

Fuels Reduction - The Council recently approved the use of a condition of approval that requires property owners to remove leaf clutter, dead branches and dead standing trees from their property and requires dead branches on living trees to be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above ground level prior to receiving a certificate of occupancy. For consistency this condition of approval should be incorporated into an absolute policy. Town Council supported this change.

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

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

## **Point Multipliers for Policy 22 - Landscaping**

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

Town Council did not believe that the point multiplier should be reduced. The existing ordinance gives staff the ability to get significant landscaping for positive points. We would like to discuss with the Planning Commission whether we should improve landscaping through precedent, or whether specific examples should be included in the ordinance to achieve improved landscape plans for positive points.



## **Summary**

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

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. We would like to discuss the remainder of the policy during the worksession on March 4<sup>th</sup>.

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

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

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

A. Maintenance:

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

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

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

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

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

(6) Whenever plants are removed or die, they shall be replaced by planting materials as soon as possible that meet the original intent of the approved landscaping design. Mountain Pine Beetle infested trees shall be replaced in a reasonable manner to provide buffer between properties for privacy and to screen properties from public right of ways.

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B. Requirements:

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

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

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

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

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

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

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

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

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a particular species may be made at the discretion of the Town.

(9) All plant materials shall be specified and provided according to the American Standard for Nursery Stock and adapted to a high alpine environment, or an elevation of at least 9,600 feet. Additional information beyond the minimum requirements stated therein which provide a more definitive indication of size, quality, shape, confirmation, condition, and/or the method of transplanting is encouraged.

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

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

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

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

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

(3) Development permits should identify and preserve specimen trees, significant tree stands, and tree clusters. Trees considered as highest priority for preservation are those that are disease-free, have a full form, and are effective in softening building heights and creating natural buffers. Buildings shall be placed in locations that result in adequate setbacks to preserve these priority trees. Measures shall be taken to prevent site work around these tree areas. Applicants are encouraged to seek professional advise on these issues s from experts in the field.

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

(5) The creation of defensible space around structures is

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

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

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

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

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

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

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

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(12) It is encouraged that the remaining fifty percent (50%) of the tree stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to

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accepted landscaping practices which recognize the Breckenridge environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size and shape shall be in general compliance with the American standard for nursery stock.

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

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

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

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

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

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## Defensible Space Management Zones

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

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

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

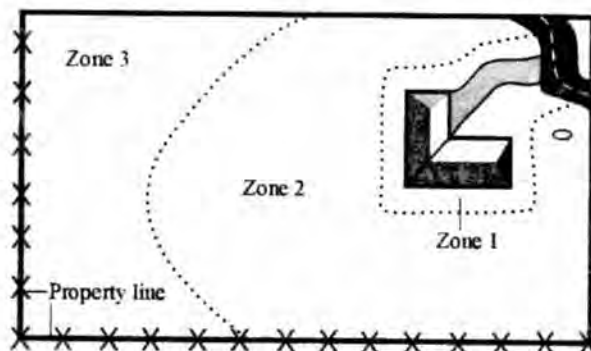


Figure 1: Forested property showing the three fire-defensible zones around a home or other structure.