



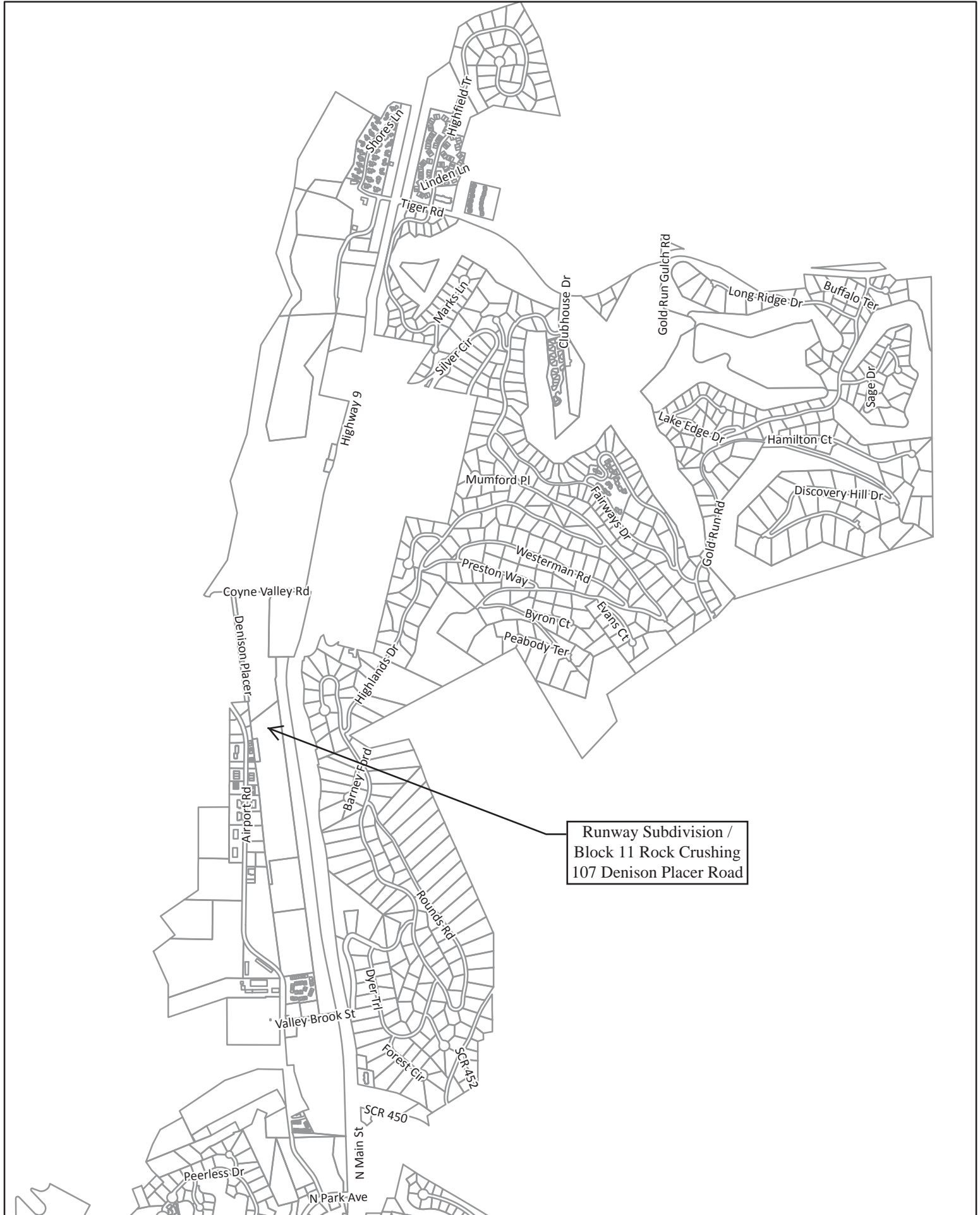
**PLANNING COMMISSION AGENDA**

Tuesday, June 21, 2016  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00pm</b>	<b><i>Call To Order Of The June 21 Planning Commission Meeting; 7:00 P.M. Roll Call</i></b>	
	<i>Location Map</i>	<b>2</b>
	<i>Approval Of Minutes</i>	<b>4</b>
	<i>Approval Of Agenda</i>	
<b>7:05pm</b>	<b><i>Consent Calendar</i></b>	
	1. Jerky Cart Renewal (CK) PL-2016-0217; 100 South Main Street	<b>12</b>
	2. Higgles Ice Cream Small Vendor Cart (CL) PL-2016-0177; 116 North Main Street	<b>19</b>
<b>7:15pm</b>	<b><i>Worksessions</i></b>	
	1. 2016 Planning Work List (JP)	<b>32</b>
<b>8:00pm</b>	<b><i>Combined Hearings</i></b>	
	1. Stables Lot Parking Deck and PMA Variance (MM) PL-2016-0138; 1700 Ski Hill Road	<b>33</b>
<b>9:00pm</b>	<b><i>Town Project Hearings</i></b>	
	1. Runway Subdivision / Block 11 Rock Crushing (CK) PL-2016-0220; 107 Denison Placer Road	<b>55</b>
<b>9:30pm</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.**

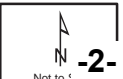


Runway Subdivision /  
Block 11 Rock Crushing  
107 Denison Placer Road



printed 1/13/2016  
Town of Breckenridge and Summit County governments  
assume no responsibility for the accuracy of the data, and  
use of the product for any purpose is at user's sole risk.

# Breckenridge North



Stables Lot Parking Deck  
and PMA Variance  
1700 Ski Hill Road

Higgles Ice Cream Small  
Vendor Cart  
116 North Main Street

Jerky Cart Renewal  
100 South Main Street



# Breckenridge South

printed 3/25/2016  
 Town of Breckenridge and Summit County governments  
 assume no responsibility for the accuracy of the data, and  
 use of the product for any purpose is at user's sole risk.



## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Chair Schuman.

### ROLL CALL

Gretchen Dudney                      Mike Giller                      Jim Lamb  
Christie Mathews-Leidal      Ron Schuman  
Dan Schroder arrived at 7:03pm  
Dave Pringle arrived at 7:08pm

### APPROVAL OF MINUTES

With no changes, the May 17, 2016, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

Ms. Puester: We are going to add other matters to the end of the meeting in order to update the Planning Commission on a few matters.

With no other changes, the June 7, 2016, Planning Commission Agenda was approved as presented.

Mr. Schuman: I went to the Town Council meeting two weeks ago. They talked about the 4-3 decision but did not ask any questions of us. Mayor Mamula said he was going to come by and meet with us when his schedule allows.

### CONSENT CALENDAR ITEMS:

- 1) Kelly Residence (CL) PL-2016-0157, 142 Penn Lode Drive
- 2) Garber Residence (CK) PL-2016-0153, 35 Hermit Drive

With no requests for call up, the Consent Calendar was approved as presented.

### WORKSESSIONS:

- 1) Planning Commission Procedures (TB)

Mr. Tim Berry, Town Attorney, presented a memo concerning the obligation to first agree on a point analysis, which does not have to be a unanimous decision, and then the point analysis drives the approval of the application. The fight, if there is to be a fight, is over the point analysis. The Commission needs to make a motion to change the point analysis if they don't agree with the staff point analysis. Has the Commission all read my memo? (Agreement from Commissioners.)

#### *Commissioner Questions / Comments:*

- Ms. Dudney: This question has to do with our last meeting. The point analysis has to be unanimous. (Mr. Berry: No, it does not.) Let's say the Commission doesn't vote to change the point analysis, can they vote to deny? (Mr. Berry: If there is a passing point analysis, the project must be passed. I have been working with staff to come up with an alternative process to have one motion instead of the two we use now. It will mean a code change that would come forward.)
- Mr. Lamb: Yes, our process seems kind of funny.
- Ms. Dudney: Don't you have to have the second vote? (Mr. Berry: The approval would be one motion if we change the code but correct, right now two votes are required.)
- Mr. Schuman: We can debate and ask for clarification during the project discussion.
- Ms. Leidal: We all don't have to vote in support of the point analysis. It was 4-3 last time in favor of the point analysis so we could have kept going. Once that point analysis was deemed approved with the vote, then we would have moved forward with approval.
- Mr. Schroder: You can cast your vote against the point analysis. We usually take a straw poll.
- Ms. Dudney: If you don't agree with the point analysis you can make a motion to change it. (Mr. Berry: First motion to change the point analysis, then motion to approve the point analysis. You can

still vote against that. The point analysis does not have to be unanimous, just decided by a vote. But once that's done, the die is cast.) (Mr. Kulick: Say three people think 5/R is not met and three people think 7/R is not met. What happens then?) (Mr. Berry: If it were me, I would suggest someone make a motion to change point analysis on one issue; if that doesn't happen, then on another; then if you don't get four votes, then you continue it.)

Mr. Pringle: What's "deem" mean? It seemed to me at one time it was one step process at one point; then it was two. (Mr. Berry: Currently it is two. We are working with staff to get it back to one to approve the point analysis and the project in one motion.) Where do your objections go? (Mr. Berry: You have to have ability for the Commissioners to show their objection to the point analysis. I would ask the Chair to ask the person to make motion.) The motion was to approve the point analysis. (Talking about the last meeting.)

Mr. Lamb: Yes and then I rescinded it because we felt the opposition needed the opportunity to state their case.

Mr. Schuman: Or continue it.

Mr. Pringle: The steps we go through to make these motions; you make your objections noted before voting on the point analysis. (Ms. Puester: Before any votes are taken, it would be cleanest if the Chair says "does anyone have a motion to change the point analysis?" prior to a motion to accept the point analysis as presented. Lay it out on the table first if there is any objection.)

Mr. Pringle: This rarely comes out but when it does, we have to get it right. (Mr. Berry: If there is not a passing point analysis, the Code says it has to be failed. If the motion to adopt the staff's point analysis fails 3 for and 4 against, then before you move forward you would make the motion to change the point analysis.) If we make the motion to approve point analysis and it fails, then we have to reconsider. (Mr. Berry: That is not the same as approving a negative point analysis. At some point the Commission has to decide on the point analysis.) With all due respect, it was probably best way to make a motion on point analysis and then make motion to approve the project. The two step process seemed to be clearer to us as far as the Code was concerned although I understand it's hard to track in the minutes and the audience doesn't get it. (Mr. Berry: I think it is important that everyone understands that a point analysis has to be approved by the Planning Commission. It doesn't have to be staff's point analysis.)

Mr. Giller: Can I get a copy of the Rules of Procedure? (Mr. Berry: Yes, Ms. Brewster has them.) (Ms. Puester: I will send them out.)

## 2) Wireless Communications Facility Ordinance (JP)

Mr. Berry presented. Much of this is covered by Federal law. The FCC passed several rules regarding installing wireless communication facilities. Those laws are binding. Reason staff and I think we need an ordinance dealing with wireless communication facilities (WCFs) is primarily the procedural shot clock is expedited. That's why this ordinance was drafted. We debated whether to put the WCFs into the Development Code or to do a stand-alone ordinance. We decided this is in addition to the Development Code. We have been working on this ordinance for quite a while and last fall when the FCC came out with its ruling, the shot clock issue is the amount of time a jurisdiction has to approve or deny an application. The longest time is 150 days and the shortest is 60 days. This includes both Planning Commission and Town Council decisions. Drafting to create system where most of applications can be handled at staff level as Cass Ds. The more significant WCF apps will be classified as Class A's and come to you but under the gun time wise. You will see shot clock provisions are included. Ordinance reflects staff understanding of policy direction from the previous Town Council; they saw this last November and sent us off to make it better just after the FCC update. The town has obtained services of attorney in Denver who is telecommunications attorney. Ken Fellman has worked with us on various issues and we sent the draft to him and yesterday we received some comments not incorporated here yet. There will be some revisions to this ordinance but they are not substantial. We wanted you to see it and see if you had questions or comments.

*Commissioner Questions / Comments:*

Ms. Dudney: Can you give us some sense of where telecommunication companies are heading? It is hard to guess the future. Even in my six years on the Commission, the conversation has changed dramatically. (Mr. Grosshuesch: There are a number of carriers servicing Breckenridge. Each one hires engineers to come up with varying recommendations for locations, tower types, etc. We convened a group of them about a year and a half ago one said you will never see a lattice work tower in Breckenridge coming from us. That is sort of sunseting technology for towns that have high aesthetic standards. That is still out there as a possibility though. We think where it is heading is toward smaller facilities.) On top of buildings? (Mr. Grosshuesch: Yes, and poles, less obvious fake trees, etc.) One thing we know is it is going to change so we change the ordinance when it changes.

(Mr. Berry introduced Mr. Rich Bush from the Seattle firm that represents AT&T. Mr. Bush's firm has made comments to the ordinance you see before you. Also Ms. Jennifer Price is here representing Colorado AT&T.)

Mr. Schuman: Are there any relative points? (Mr. Berry: No, it is cut and dried. Designed to be self contained.)

Mr. Pringle: What about the shot clock for action? (Mr. Berry: For action through Council vote. By law, the ordinance has to be drafted to comply with FCC timing requirements.) If they submit and are waiting for us to act on it? (Mr. Berry: Deadline for final decision by law is designed and intended to get local governments to act judiciously. Basically shot clock provision is deadline for a final decision.) Hoping everything is addressed in the application. (Mr. Berry: The rules show the director has one shot at making sure the application is complete first.)

Mr. Lamb: Something comes before us and we deny it and go past the timing, then do the feds approve it? (Mr. Berry: We are not going to miss any shot clocks.) (Ms. Puester: We haven't missed any yet but this sets up future planners to continue that timeline.)

Mr. Giller: Within the conservation district do we see future issues? (Mr. Grosshuesch: You can't rule it out. Some carriers have said they are not going to try it in the conservation district. But if there is a gap that can only be fixed by another location, there may be one in the historic district.) (Mr. Berry: There is now something pending before the FCC dealing with wireless communication in national historic districts, no one knows how they will act on it. If they do we will go back to this ordinance and adjust accordingly.)

Ms. Dudney: For wireless facilities on town projects, is it part of the ordinance that a town project come to Planning Commission for recommendation or is that staff level? (Ms. Puester: I think you mean on town property, not a town project.) Then do provisions not apply? (Mr. Berry: They do apply. For example, the one at the baseball field. These are not town projects, they would be private developments on town property, so not town project process; we would use a Class D or a Class A depending on the proposal.)

Mr. Schuman: This is a worksession, but would like to hear comments.

Mr. Richard Bush, Representing AT&T and Ms. Jennifer Price. Regarding your question about design changing over time. We are now on version 3.0. Early on it was all tall towers. In version 2.0, we were filling in gaps in commercial and residential districts. Version 3.0, everyone is using devices on ski resort slopes. We started with tall towers, now lower structures so we are starting to use now version 3.0 in the districts. No land line averages 50% nationwide and higher than 50% in CO, so now you see smaller antennae designs. In historic districts, we can see compatible designs. What will happen in future is hard to tell. I have been in the industry since 1986 and am not sure what will happen next. Comments about draft ordinance you will not be asked to wrestle with the smaller projects so kudos to you for that.

First comment is the 35 foot height limit. Rooftop sites might be out with 35 foot height limit? Utility pole

installations can be higher than 35 feet. You can have a 35 foot tree (mono-pine) that would fit in with other trees. 35 feet drives a lot more locations. Next is the requirement for stealth. We encourage town to work on the definition of stealth, which could be painting, utility pole that matches the pole itself, trees, etc., will work with staff and you to come up with these and encourage proper deployment. Finally there are some FCC rules on small installations. Any temporary WCFs will be a Class A application unless they're for emergency purposes.

*Commissioner Questions / Comments:*

Mr. Schuman: On the 35 foot limit; what is the industry standard? (Mr. Bush: Every community varies.) For this community, is 35 feet too low? (Mr. Bush: It might be.)

Mr. Schroder: Is there a clearance you need to be above the clutter? (Mr. Bush: Good question. One carrier needs 10 feet above, two carriers need 20 feet above and three need 30 feet so it depends on number of carriers that might be on one location.)

Mr. Pringle: On the capacity, is there some way we can adjust to ebb and flow when there is a big event with 20,000 kids in town like the Dew Tour? (Mr. Bush: There are abilities for temporary, but they are expensive. If that is something you want the carriers to do, you would want it under the Class D category since it is a short duration.) They would need to be able to move capacity with the event. (Mr. Berry: It should. We have provisions in here suggested by the industry to deal with declared emergencies, but we did not think about the need on a short term basis to increase capacity. We will address that.) Do you think this is going to be treated more like a utility so system would be provided on a government basis and the carriers get on to that system? (Mr. Bush: In the bigger picture probably not because of the investment. Some areas like Provo, Utah, provide their own wireless but that hasn't gone very well.) (Ms. Puester: If you remember, before Mr. Giller or Ms. Leidal was here though, we did visit Vail where they have a Town wide DAS system there. Even if we were to have that system it doesn't exclude carriers from locating elsewhere; we would still need this ordinance because we are still going to get other applications as carriers find gaps in their system or perhaps don't want to locate on a more town wide system. You can make those attractive to the carriers but you can't require them to locate there.)

Mr. Schuman: Vail did 23 poles in first phase. (Ms. Puester: Those are not owned by the town; they had a contract with a third party tower company, then all the providers pay that company to locate on there.)

Mr. Pringle: Down the road maybe it would be developed where you tie into it like the water and sewer.

Mr. Lamb: What's going to happen in five or six years from now? We don't know.

Mr. Schuman: Anything else? (Mr. Berry: We are going to revise the ordinance, go to Council and see where it goes from there.)

**COMBINED HEARINGS:**

1) Ten Mile Suites Condo Unit 2 Change of Use (MM) PL-2016-0042, 520 South French Street

Mr. Mosher presented a proposal to change the use of Unit 2 of Ten Mile Suites from commercial (office) to a single, 2 bedroom and 2.5 bathroom residential condominium. No exterior changes are proposed. A recent application for Unit 1 (May 6, 2014 - PC#2014020) for a change of use was approved by the Planning Commission to convert the commercial space to four residential condos on the first floor. It is now primarily a residential building.

This is not a very complicated application. We saw in previous application, this use is actually a reduction in the parking needs. Down to two parking spaces vs. 5.85 actually a reduction in density.

Staff presented a point analysis and found all the Absolute Policies of the Development Code to be met and no reason to assign any positive or negative points to this project under any Relative policies. Staff recommended a passing point analysis of zero (0) points. Staff found that this change of use is in

conformance with the recommended land uses and results in less density and parking required for the property; therefore, staff had no concerns.

Staff recommended that the Planning Commission approve the Point Analysis with a passing score of zero (0) points for the Ten Mile Suites, Unit 2 Change of Use (PL-2016-0042) at 520 South French Street.

Staff recommended that the Planning Commission approve the Ten Mile Suites, Unit 2 Change of Use, (PL-2016-0042) at 520 South French Street, with the presented Findings and Conditions.

*Commissioner Questions / Comments:*

Mr. Schroder: How many units are in this building? (Mr. Mosher: Not sure when including the abutting condos.) (Ms. Puester: It is primarily a residential building, with the exception of this one unit as commercial. Planning Commission saw Unit 1 conversion last year from commercial into 4 residential units. This one is the last remaining commercial unit in that building; and they are just converting this into one residential unit. Other units in building are residential.) Regarding the parking: If the owner purchased into parking do they get money back? (Mr. Grosshuesch: They are not in the Parking Service Area they had adequate parking on site.) This project is beneficial.

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

*Commissioner Final Questions / Comments:*

Mr. Schroder: I think this is the right move for this unit. Reduces impact. Conforming with what's in the building.

Ms. Leidal: I support staff's presentation.

Mr. Giller: I also support staff's presentation.

Ms. Dudney: Yes.

Mr. Pringle: This was the Breck Athletic club, then commercial. I don't have a problem with it.

Mr. Lamb: Plenty of parking and density comes down; I agree.

Mr. Schuman: Is there a motion on the point analysis?

Mr. Pringle made a motion to approve the point analysis for the Ten Mile Suites Condo Unit 2 Change of Use, PL-2016-0042, 520 South French Street, showing a passing point analysis of zero (0) points. Mr. Schroder seconded and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Ten Mile Suites Condo Unit 2 Change of Use, PL-2016-0042, 520 South French Street, with the presented findings and conditions. Mr. Giller seconded, and the motion was carried unanimously (7-0).

(Ms. Puester: I wanted to note for the record that there was no applicant presentation for this project because there was no applicant present at the meeting this evening.)

**TOWN PROJECT HEARINGS:**

1) Blue River Restoration (CK) PL-2016-0188, Coyne Valley Road

Mr. Kulick presented. This is the latest in a series of restorations to the Blue River that have occurred since the mid-1990's. The Blue River restoration project on the McCain property involves realigning a 3,000 linear foot section of the river north of Coyne Valley Road to increase year-round surface flows, improve aquatic habitat, accommodate long term river function, bolster wildlife and riparian habitat, enhance recreational river access, and improve river aesthetics. Work to the river includes regrading, installing a new culvert crossing at Coyne Valley Road, installing a PVC liner, installing bedding consisting of graded gravel, cobble and organic



materials and revegetating the riverbanks with willows and native grasses. Despite roadway improvements being exempt from review by the Planning Commission per section 9-14-5 of the Town Code, staff wanted to include a rendering of the proposed Coyne Valley Road bridge as an update to the Commission since it will be constructed concurrently with the other improvements being reviewed in this application.

Staff recommended assigning positive four (+4) points under Policy 7/R – Site and Environmental Design, consistent with precedent from restoration work done on the Stan Miller property north of this area. Positive three (+3) points under Policy 27/R – Drainage, consistent with recent precedent from the Denison Placer Phase 1 project, and positive three (+3) points under Policy 31/R – Water Quality, consistent with precedent from the Breckenridge White Water park approved in 2001, for a passing point analysis of positive ten (+10) points. The application was found to meet all Absolute policies.

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission was asked to identify any concerns with this project, and any code issues and make a recommendation to the Town Council.

Planning Staff recommended that the Planning Commission recommend approval of the Blue River Restoration project located on Coyne Valley Road, PL-2016-0188, with a passing point analysis of positive ten (+10) points and the presented Findings.

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

*Commissioner Questions / Comments:*

Mr. Lamb: They are going to tear out that bridge and reinstall? When it is only two years old?

Ms. Dudney: Timing? (Mr. Kulick: This summer.)

Ms. Leidal: Public access points? (Mr. Kulick: With this no, but long range it anticipated to have a couple intermittent access points along this section of the river. Because this is wildlife corridor, this project is mainly designed to aid water quality for aquatic life and wildlife. To the south of Coyne Valley Road we will be emphasizing trails and recreation.) Access from the rec path? (Mr. Kulick: Long-term yes, to different access points from trails.) (Ms. Puester: The long term plan will require a lot of work on McCain to have safe access points.) (Mr. Kulick: There will be some access trails coming from the rec path.)

Ms. Dudney: Is Alpine Rock still there? (Mr. Kulick: They have a conditional use permit. Public Works manages the lease out there and is actively aware.) (Mr. Truckey: They have been ratcheting down their operations there. Mr. Daugherty (Public Works Director) is putting money in budget for next year for grading work to bring down the McCain property. There is a big plan for recreation; it will take time but we plan to run a rec path loop that will come down toward the river. A lot of times when people ride down as far as the bear store they should be turning around. The west side of the river will be completely left alone for wildlife.) (Mr. Kulick: The rec path is planned to be pulled in; it will eliminate conflict points with vehicles exiting Highway 9.) Is this proposal in front of us tonight scheduled for this summer? (Mr. Kulick: Yes. When completed there will be an immediate benefit for year round flows, aquatic life and wildlife and improving the area's aesthetics.)

Mr. Pringle: You can see what Stan Miller is doing out there. It's a huge improvement. (Mr. Kulick: Mr. Pringle can certainly speak to the progress of this work over the last 25 years.) (Mr. Grosshuesch: The work this year will help with flooding issues on the Stan Miller property as well.)

Ms. Dudney: I am really excited to see this project happen.

Mr. Pringle: It's been a long time coming. I hope it is well documented what this town looked like back in the 60s. It was absolutely stunning to see what it looked like in the 60s compared to now. I

hope we have got interactive displays to show what we have done. (Mr. Kulick: I think Mary Hart did some displays. The photos of the River Mountain Lodge with just rock behind it then the addition of the Riverwalk Center are certainly a big departure from the conditions today.)

Mr. Lamb: I agree to the ten positive (+10) points. I hope it looks as good as the current work. I 100% support this project.

Mr. Schroder: There was something on the map that said "historic rock pile leave" which was great to see. I support the project.

Ms. Leidal: I agree with the other Commissioners.

Mr. Giller: I lived here in 1983 and I remember what it looked like. I support the project.

Mr. Schroder: Here it is: "Historic dredge piles east of the rec path: do not disturb."

Mr. Schuman: I agree; great project.

Mr. Lamb made a motion to approve the point analysis for the Blue River Restoration, PL-2016-0188, Coyne Valley Road, showing ten positive (+10) points. Ms. Dudney seconded. (Ms. Dudney: Do we need to approve the points for a Town Project?) (Ms. Puester: I like to show the approval in the record.) The motion was carried unanimously (7-0).

Mr. Lamb made a motion to recommend the Town Council approve the Blue River Restoration, PL-2016-0188, Coyne Valley Road, with a passing point analysis of positive ten (+10) points and the presented findings. Ms. Dudney seconded and the motion was carried unanimously (7-0).

#### **OTHER MATTERS:**

Ms. Puester: I was going to update the Commission on the fact that the Council has expressed interest in a comprehensive look at the Development Code not to change the policies but to look at the overall code. You will see that soon where the top ten list will be more of a work plan. If you hear anything about that I wanted you to understand. (Mr. Grosshuesch: The process is going to include a couple of reps from the development community, staff and a representative, maybe more than one, from the Planning Commission. We will try to keep the committee a little less than 5-6 in addition to staff. We obviously have just updated some policies that don't need a look at. Others work just fine. Then sweet spot in middle with some that need to be revised. It will take several weeks to figure it out. In the end, that will give us the comprehensive look.)

Ms. Puester: Secondly, we are going to shoot for the July 12<sup>th</sup> meeting for a joint Town Council meeting. They are going to be doing the joint meetings a little differently and doing it more like 3 in the afternoon during the Council's worksession. Please look at your schedules for that. Our plan would be at the next Planning Commission meeting to begin to talk about that a little more to prepare for that meeting. (Mr. Schuman: At the next meeting we will have top topics?) Yes; getting away from top ten and going to more of a work list.

Mr. Grosshuesch: I have two things. First, we received the resignation of Glen Morgan, Chief Building Official, whose last day is June 24<sup>th</sup>. The other is we have the traffic, transportation and urban design consultants back in town next week starting at 7:30am on Monday the 13<sup>th</sup>. There will be two more public meetings and their recommendations will be at 90% level. Council will spend significant part of their meeting on 14<sup>th</sup> and a larger amount of time on the 28<sup>th</sup> discussing the recommendations and trying to select the route they want to go.

Mr. Schuman: I don't know how feedback from Town Council is going to go, but I will report back on anything I find out when I attend the next meeting.

#### **ADJOURNMENT:**

The meeting was adjourned at 8:20 pm.

---

Ron Schuman, Chair

## Planning Commission Staff Report

**Project Manager:** Chris Kulick

**Date:** June 9, 2016 (For meeting of June 21, 2016)

**Subject:** Climax Jerky Wagon Small Vendor Cart Permit Renewal  
(Class C-Minor; PL-2016-0217)

**Applicant/Owner:** Brooke Comai / Climax Jerky, Inc.

**Proposal:** To renew the vendor cart permit for Climax Jerky, Inc., a retail business that sells a variety of dried meats, known as “jerky”. The company has operated in Breckenridge since 2008. The covered wagon cart is 8’4” long, 4’4” wide and about 8’ tall. The wagon is constructed primarily of wood and steel, with a canvas cover.

**Address:** 100 S. Main Street

**Legal Description:** Lincoln West Mall

**Site Area:** 0.395 acres (17,230 sq. ft.)

**Land Use District:** 19: Commercial

**Historic District:** Commercial Core

**Site Conditions:** The property is developed with the Lincoln West Mall, a mixed use two-story building with primarily retail and office uses. The main entrance to the mall is from the northwest corner of the building, at the intersection of Main Street and Lincoln Avenue. The area which the cart is located is a flat concrete and brick plaza. There is a platted “Food and Beverage Cart” area in the plaza, designated on the plat as “LCA 6A” (Limited Common Element, assigned to unit 6A).

**Adjacent Uses:** North: Main Street and Towne Square Mall (Retail/Restaurant)  
South: Retail Uses  
East: Briar Rose Chop House  
West: Main Street and Retail Shops

### Item History

The Jerky Wagon has been in this location since 2008. Prior to 2008, other vendors have used this location for vending food and beverages, dating back to at least 1992.

In March 2012 the Town Council adopted a revised Vendor Cart policy in the Development Code to address the new and existing vendor carts in town. The new Vendor Cart Policy 49 (Absolute) sets design standards for both large and small vendor carts. This proposal is for a small vendor cart, since it is less than 40 square feet and the cart will be removed from the site each day after operations end.

### Staff Comments

This project has been public noticed in accordance with Section 9-1-5 Definitions Vendor Cart, Small (H):

*H. Vendor carts, small. A small vendor cart shall be processed as a class C development permit with public notice requirements per a class B development permit.*

The application remains unchanged from previous years. This is a renewal of an existing permit.

**Land Use (Policies 2/A & 2/R):** Vendor carts are only allowed in Land Use Districts that allow or recommend commercial uses. This property is within Land Use District 19, which recommends commercial uses.

Per the Breckenridge Land Use Guidelines, District 19: *District 19 is the community focal point and primary center of commercial activity, prominent for its historic character. It is preferred that the District remain a center of retail trade and services, with a pedestrian orientation. Commercial activities, particularly those which contribute to the solidarity of the central business district are encouraged. Ideally, this includes retail trade uses which are associated with pedestrian traffic areas.*

Staff believes this proposal meets the guidelines established for Land Use District 19. There have been no issues since the cart was located here 8 years ago. Also, considering that the condominium plat for this property specifically shows a food vendor cart in this location, staff finds the use acceptable.

**Vendor Carts (Policy 49/A):** This policy addresses all of the aspects of vendor carts, including architecture, materials, colors, seating, signage, extension codes, storage, etc. If items are not addressed by this policy, then other policies may apply. Where this policy is more restrictive, then this policy applies.

The proposed vendor cart has been located here with the same design for the past 8 years. The wagon is constructed of steel and wood, with a canvas cover. The wagon has been found in the past to be an appropriate material and design for town. The wagon is on rubber wheels, but the applicants also add decorative wagon wheels (not used during transport) to add character to the wagon and screen the functional wheels.

Following are the vendor cart general design standards:

*1. **General Design Standards - Within the Conservation District:** The following general design standards apply as indicated to large vendor carts and small vendor carts located within the Conservation District:*

*A. All large vendor carts and small vendor carts shall be designed to blend in with the existing historic character. This shall be accomplished through the proper use of architecture, materials and site planning. In the Conservation District, large vendor carts shall complement the surrounding building character through the use of high quality materials and detailing. Placing a large vendor cart in an unfinished vacant lot with no site improvements is prohibited.*

The proposed vendor cart is on a developed lot. The cart is designed like a covered wagon, which has been found by past Planning Commissions appropriate to the history of the western United States and the Town. The wagon uses natural materials, including wood, metal and canvas (cotton).

*B. All large vendor carts and small vendor carts must be constructed of professional quality for use as a food vending cart.*

The Jerky Wagon is constructed of quality materials. All of the food sold from the wagon is pre-packaged off-site.

*C. All large vendor carts and small vendor carts must be maintained in good working condition with no broken or rusty parts. All exterior materials must be kept clean and in a neat appearance. No rusty or broken metal or chipped or broken wood is allowed. All exposed edges must be finished. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsman like manner.*

The existing Jerky Wagon is in good working condition. The owner has maintained the cart is good working order over the past 8 years. It contains no broken or rusty parts (other than some exterior metal, which has some rusted metal for architectural effect). All detailing is in a craftsman like manner.

### **Specific Design Standards for Small Vendor Carts:**

**B. Small Vendor Carts:** The following additional design and operational standards apply to small vendor carts:

1. Small vendor carts must be located on private property. **Complies.**
2. Small vendor carts may only sell food and beverages in forms suited for immediate consumption. **Complies- Only pre-packaged jerky is sold from the wagon.**
3. Small vendor carts must be removed from its site and properly stored out of public view each day. **Complies-The wagon is removed from the property and stored off-site each night.**
4. If a small vendor cart is connected to the Town's municipal water system, the owner must pay water plant investment fees. If a small vendor cart is connected to the Town's municipal water system, it must also be connected to the public sanitation system. **The cart is not connected to water or sewer system.**
5. If a small vendor cart uses a commissary kitchen, the commissary kitchen must be identified on the vendor cart permit application. If the commissary kitchen changes during the term of the permit, the small vendor cart permit holder must notify the Director within 10 days of the date of the change. **All commissary kitchens are located outside of Breckenridge.**
6. Umbrellas may be used on a small vendor cart. Tents on or at small vendor carts are prohibited. **Complies- No tents or umbrellas are proposed.**
7. All signage must be attached to small vendor cart. Free standing signage on or for a small vendor cart is prohibited. **Complies-There is an existing sign on cover of wagon.**
8. All storage boxes, cartons, and coolers used in connection with the operation of a small vendor cart shall be hidden from public view. **Complies- All storage is inside the wagon/vendor cart.**
9. No decks, tables, or outdoor seating are allowed for a small vendor cart, except one seat for the operator of the small vendor cart. **Complies- Vendors work from inside the wagon/cart. There is no outdoor seating, except one seat on some occasions for the salesperson.**
10. No external piping or plumbing is allowed. **Complies- There is no external piping or plumbing proposed.**
11. Extension cords may be used for a small vendor cart only if the cord is not located in an area where the public walks, and the placement of the extension cord does not create a public safety hazard. **Complies- There are no extension cords used.**
12. Small vendor cart must be on wheels. **Complies- The wagon is on wheels.**
13. Owners of small vendor carts must obtain and maintain in full force and effect throughout the permit a valid Town of Breckenridge business license. **Complies-staff has not received any complaints and has no record of violations of the cart.**
14. All signs for a small vendor cart shall be subject to the Breckenridge Sign Code. The maximum allowed sign area for a small vendor cart is 66% of the linear frontage of the cart. **Complies.**
15. The operator of a small vendor cart shall comply with all applicable health regulations with respect to the operation of the small vendor cart. **Complies.**

**Point Analysis (Section: 9-1-17-3):** Staff found no reason to warrant positive or negative points for this application.

**Staff Decision**

The Planning Department has approved Climax Jerky Wagon small vendor cart, PL-2016-0217, located at 100 S. Main Street, Lincoln West Mall, with the attached findings and conditions.

## TOWN OF BRECKENRIDGE

Climax Jerky Wagon  
Mobile Vendor Cart Permit Renewal  
100 S. Main Street  
PL-2016-0217

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **June 9, 2016**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **June 21, 2016**, 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 one (1) years from date of issuance, on **June 28, 2017**. 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 one (1) year, 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.
1. 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.
2. Applicant shall meet Policy 9-1-5 49/A (B) Small Vendor Carts.
3. Applicant shall remove the small vendor cart from its site and properly stored out of public view at the end of each business day.
4. All signage must be attached to small vendor cart. Free standing signage on or for a small vendor cart is prohibited. A separate sign permit is required for this small vendor cart if altered.
5. 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 operational or material deviation from the approved plans and specifications without Town approval as a modification may result in the Town legal action under the Town's development regulations.

6. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of compliance for the project covered by this permit. The determination of whether a certificate of compliance should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. This permit is for the operation of one (1) small mobile vendor cart operated by the applicant. The applicant has permission to place this mobile vendor cart at 100 S. Main Street, Lincoln West Mall.
9. The applicant shall place the Jerky Wagon on private property in a manner that allows not only safe passage of other vehicles and pedestrians, but also safe access to the mobile vendor cart by potential customers.
10. Applicant shall provide a trash receptacle and recycling on the vending trailer for wrappers and other trash generated by the sale of food or drinks for sale. Applicant shall be responsible for keeping the area around the vendor cart free of trash and litter. The applicant shall not place trash in the Town's trash receptacles.
11. Applicant shall maintain adequate access to and from nearby buildings and sidewalks. Applicant's vendor cart shall not be placed in a way to obstruct pedestrian traffic or to become a nuisance.
12. Applicant shall maintain adequate insurance. Prior to issuance of a business license, a copy of the insurance policy shall be submitted to the Town Attorney for his review and approval. The policy shall include a provision requiring that the Town be notified when the policy lapses.
13. This permit is for one temporary vendor cart to be used only for the sale of food and beverages in a form suitable for immediate consumption. The vendor cart approved by this permit shall not be used for the sale of products, goods or services other than food in a form suited for immediate consumption. The cart shall not be used for the distribution of commercial handbills.
14. All items available for sale shall be contained within the vendor cart.



## Planning Commission Staff Report

**Subject:** Higgles Ice Cream Small Vendor Cart  
(Class C minor; PL-2016-0177)

**Proposal:** To operate a small vendor ice cream cart in front of the Local Market, adjacent to the Town's Prospector Park. Hours of operation will be from 11:30 a.m. to 9:30 p.m.

**Date:** June 15, 2016 (For meeting of June 21, 2016)

**Project Manager:** Chapin LaChance, Planner II

**Applicant:** Anna Higgins, Higgles Ice Cream, LLC

**Owner:** Theobald Family Limited Partnership

**Address:** 116 North Main Street

**Legal Description:** Lot 54 Bartlett & Shock Sub

**Land Use District:** 19: Commercial, 1:1 FAR/20 UPA

**Site Conditions:** There is an existing business (Local Market) at this location in a historic building. The lot is 0.131 acres, located on the southeast corner of North Main Street and Wellington Road. There are two original buildings on the lot, both constructed prior to 1886, and have additions and porches added to the east and south. More recently, the two original buildings have been connected by a small connector addition. The buildings are set back approximately 22' from Main Street, and about 12' from the wide front sidewalk.

**Adjacent Uses:** South: Public Park  
North: Restaurant/Bar  
West: Parking  
East: Vacant Lot

### Staff Comments

The vendor cart is proposed between the building façade and the public sidewalk near the southwest corner of south building (historically 114 North Main Street). The Town's Prospector Park and playground are located on the adjacent lot to the south.

This proposal is subject to Policy 49 (Absolute) Vendor Carts adopted May 2, 2012.

This vendor cart is classified as a small vendor cart per Section 9-1-5 Definitions, as it is less than 40 square feet and will be removed from the site and properly stored out of public view each day.

This project has been public noticed in accordance with Section 9-1-5 Definitions Vendor Cart, Small (H):

*H. Vendor carts, small. A small vendor cart shall be processed as a class C development permit with public notice requirements per a class B development permit.*

**Land Use (Policies 2/A & 2/R):** Vendor carts are only allowed in Land Use Districts that allow or recommend commercial uses. This property is within Land Use District 19.

Per the Breckenridge Land Use Guidelines, District 19: *District 19 is the community focal point and primary center of commercial activity, prominent for its historic character. It is preferred that the District remain a center of retail trade and services, with a pedestrian orientation. Commercial activities, particularly those which contribute to the solidarity of the central business district are encouraged. Ideally, this includes retail trade uses which are associated with pedestrian traffic areas.*

Staff finds this proposal meets the guidelines established for Land Use District 19.

**Vendor Carts (Policy 49/A) *Vendor Cart General Design Standards:*** *Large vendor carts and small vendor carts are subject to the following general design standards:*

*(1) General Design Standards Within The Conservation District: The following general design standards apply as indicated to large vendor carts and small vendor carts located within the conservation district:*

- a. All large vendor carts and small vendor carts shall be designed to blend in with the existing historic character. This shall be accomplished through the proper use of architecture, materials and site planning. In the conservation district, large vendor carts shall complement the surrounding building character through the use of high quality materials and detailing. Placing a large vendor cart in an unfinished vacant lot with no site improvements is prohibited.*

The attached plans for the cart show that the cart will have painted wooden 4 ½ inch reveal horizontal siding and wood trim, to match the existing historic building. Therefore, the proposed small vendor cart will blend in with the historic character of the existing building in terms of material and color, as well as complement the surrounding building character.

- b. All large vendor carts and small vendor carts must be constructed of professional quality for use as a food vending cart.*

The base of the cart is pre-manufactured specifically for the vending of food. The attached plans show that the cart will have a neat and finished appearance.

- c. All large vendor carts and small vendor carts must be maintained in good working condition with no broken or rusty parts. All exterior materials must be kept clean and in a neat appearance. No rusty or broken metal or chipped or broken wood is allowed. All exposed edges must be finished. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsmanlike manner.*

Staff believes this is being met with the proposal.

Policy 49 has design and operational standards as listed below for small vendor carts. Staff comments follow.

1. *Small vendor carts must be located on private property.*  
This vendor cart is proposed on private property.
2. *Small vendor carts may only sell food and beverages in forms suited for immediate consumption.*  
This vendor shall sell only ice cream for immediate consumption.
3. *Small vendor carts must be removed from its site and properly stored out of public view each day.*  
The vendor cart shall be stored at the rear of the Local Market building brick paver plaza area and out of public view each evening.
4. *If a small vendor cart is connected to the Town's municipal water system, the owner must pay water plant investment fees. If a small vendor cart is connected to the Town's municipal water system, it must also be connected to the public sanitation system.*  
This applicant does not propose to connect the vendor cart to the Town's water system.
5. *If a small vendor cart uses a commissary kitchen, the commissary kitchen must be identified on the vendor cart permit application. If the commissary kitchen changes during the term of the permit, the small vendor cart permit holder must notify the Director within 10 days of the date of the change.*  
The applicant does not propose to use a commissary kitchen within the Town of Breckenridge.
6. *Umbrellas may be used on a small vendor cart. Tents on or at small vendor carts are prohibited.*  
The applicant proposes to use an umbrella of an orange-yellow color. A condition of approval has been added that the applicant shall only use an umbrella of a color that complies with 9-1-19-49A: Policy 49 (Absolute) Vendor Carts: B. (1) a. and meets the chroma limitations of 9-1-19-5a: Policy 5 (Absolute) Architectural Compatibility.
7. *All signage must be attached to small vendor cart. Free standing signage on or for a small vendor cart is prohibited.*  
The applicant does not propose any signage at this time. Applicant shall comply with this signage requirement.
8. *All storage boxes, cartons, and coolers used in connection with the operation of a small vendor cart shall be hidden from public view.*  
All storage shall be hidden from public view.
9. *No decks, tables, or outdoor seating are allowed for a small vendor cart, except one seat for the operator of the small vendor cart.*  
The applicant does not propose any decks, tables, or outdoor seating for customers.
10. *No external piping or plumbing is allowed.*  
There is not any external piping or plumbing proposed on this vendor cart.

11. *Extension cords may be used for a small vendor cart only if the cord is not located in an area where the public walks, and the placement of the extension cord does not create a public safety hazard.*

The cart will be supplied with a power cord behind the cart, out of the public's view and away from any pedestrian circulation.

12. *Small vendor cart must be on wheels.*

This small vendor cart is on wheels.

13. *Owners of small vendor carts must obtain and maintain in full force and effect throughout the permit a valid Town of Breckenridge business license.*

The owner and operator of the cart shall obtain a valid business license, pending the approval of this vending cart application by the Town.

14. *All signs for a small vendor cart shall be subject to the Breckenridge Sign Code. The maximum allowed sign area for a small vendor cart is 66% of the linear frontage of the cart.*

Applicant shall comply with this sign requirement and apply for a separate sign permit.

15. *The operator of a small vendor cart shall comply with all applicable health regulations with respect to the operation of the small vendor cart.*

The applicant will comply with Summit County Environmental Health regulations.

Point Analysis (Section 9-1-17-3) Staff found no reason to assign positive or negative points and finds that it complies with Policy 49/A.

#### **Staff Recommendation**

The Planning Department has approved the Higgles Ice Cream Small Vendor Cart, PL-2016-0177, located at 116 North Main Street, with the attached findings and conditions.

## TOWN OF BRECKENRIDGE

Higgles Ice Cream Small Vendor Cart  
Lot 54 Bartlett & Shock Sub  
116 North Main Street  
PL-2016-0177

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **June 15, 2016** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **June 21, 2016** 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 one (1) year from date of issuance, on **December 28, 2017**. 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 one (1) year, 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. Applicant shall meet Policy 9-1-5 49A Small Vendor Carts.
6. Applicant shall remove the small vendor cart from its site and properly store it out of public view at the end of each business day.
7. All signage must be attached to the small vendor cart. Free standing signage on or for a small vendor cart is prohibited. A separate sign permit is required for this small vendor cart.
8. 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 operational or material deviation from the approved plans and specifications without Town approval as a modification may result in the Town legal action under the Town's development regulations.
9. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of compliance for the project covered by this permit. The determination of whether a certificate of compliance

should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.

10. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
11. This permit is for the operation of one (1) mobile vendor trailer operated by the applicant. **The applicant has permission to place this mobile food trailer at 116 North Main Street (historically 114 North Main Street).**
12. The applicant shall place the Small Vendor Food Cart on private property in a manner that allows not only safe passage of other vehicles and pedestrians, but also safe access to the mobile vendor cart by potential customers.
13. Applicant shall provide a trash receptacle and recycling on the vending trailer for wrappers and other trash generated by the sale of food or drinks. Applicant shall be responsible for keeping the area around the vendor cart free of trash and litter. The applicant shall not place trash in the Town's trash receptacles.
14. Applicant shall maintain adequate access to and from nearby buildings and sidewalks. Applicant's vendor cart shall not be placed in a way to obstruct pedestrian traffic or to become a nuisance.
15. This permit is for one temporary vendor cart to be used only for the sale of food and beverages in a form suitable for immediate consumption and approved by the Summit County Environmental Health Department. The vendor cart approved by this permit shall not be used for the sale of products, goods or services other than food in a form suited for immediate consumption. The cart shall not be used for the distribution of commercial handbills.
16. Fencing and outdoor seating must be approved by Town Planning Staff.
17. All items available for sale shall be contained within the vendor cart.
18. If the commissary kitchen changes during the term of the permit, the small vendor cart permit holder must notify Planning Dept. staff within 10 days of the date of the change.
19. **All exterior metal on the cart shall be non-reflective.**
20. **The applicant shall only use an umbrella of a color that complies with 9-1-19-49A: Policy 49 (Absolute) Vendor Carts: B. (1) a. and meets the chroma limitations of 9-1-19-5a: Policy 5 (Absolute) Architectural Compatibility.**





site plan











RECEIVED  
JUN 08 2016

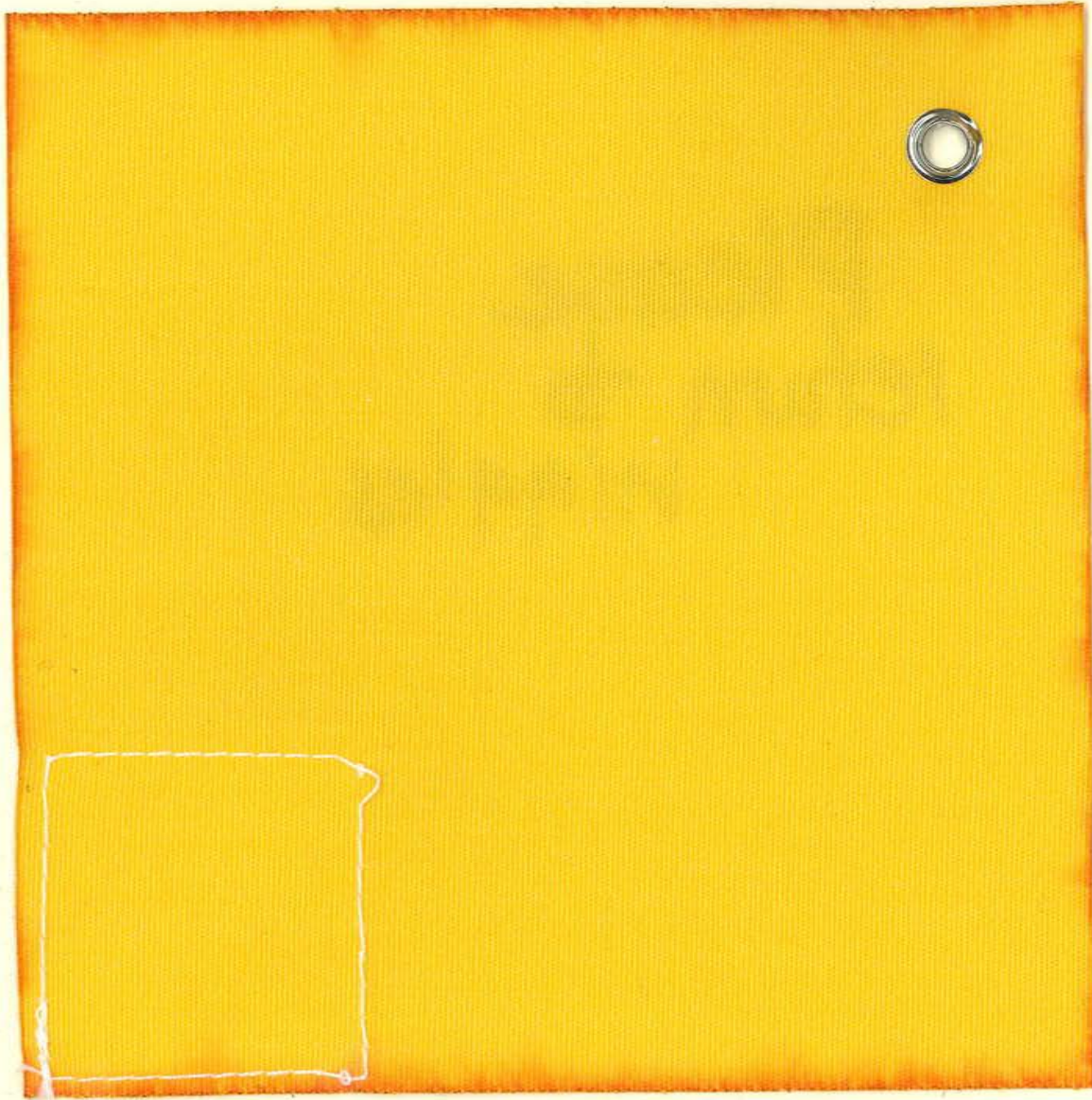
TOWN OF BRECKENRIDGE  
PLANNING DEPT.



RECEIVED  
JUN 08 2016

TOWN OF BRECKENRIDGE  
PLANNING DEPT.

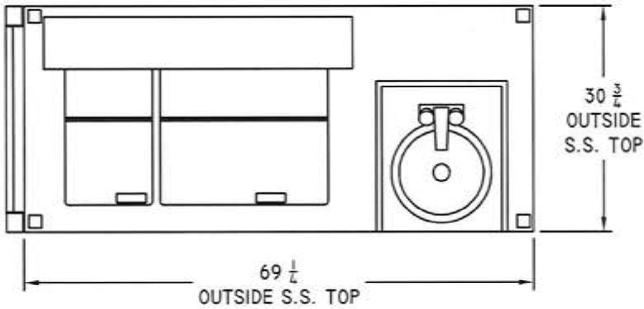




higgles ice cream small vending cart: umbrella fabric sample

LABEL	DIM. WITH COLD PLATE	DIM. W/O COLD PLATE
A	36	39
B	22 1/2	24
C	22	25

MEETING HEALTH DEPARTMENT  
REQUIREMENTS ARE THE  
RESPONSIBILITY OF THE CUSTOMER

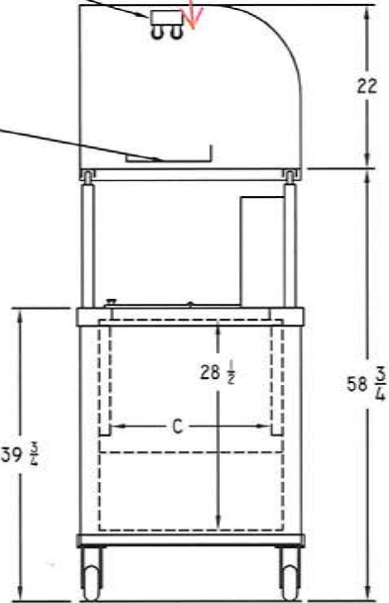
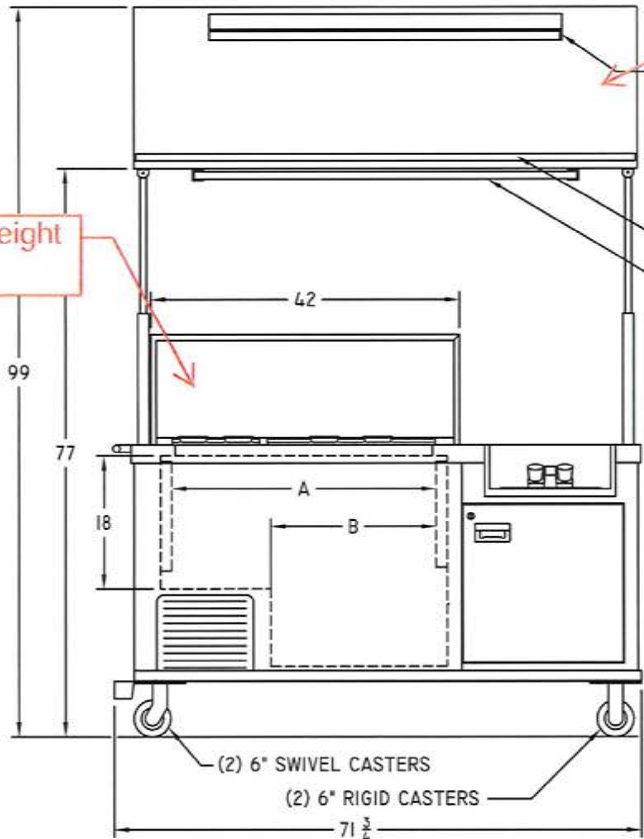


No awning

48" 2 BULB  
FLUORESCENT  
FIXTURE

SHELF  
SHADE

Sneeze guard height  
approx. 15 in.



RECEIVED  
JUN 08 2016

TOWN OF BRECKENRIDGE  
PLANNING DEPT.

REV.	C. NELSON MFG.	
TITLE: BD-6CE WITH SINK		
USED ON: FINISHED GOODS		1 OF 1
DWN. BY: JED	PART NO.: BD-6CE-03	REV. NR
DATE: 04/18/08		
SCALE: AUTO		



---

## MEMORANDUM

**TO:** Planning Commission

**FROM:** Julia Puester, AICP, Senior Planner

**DATE:** June 14, 2016 for meeting of June 21, 2016

**SUBJECT:** Joint Town Council Meeting Preparation

---

The Planning Commission joint work session with Town Council has been scheduled for July 12. Typically, staff discusses the year's "top ten" list with the Planning Commission prior to the joint meeting to hone in on two or three main topics to discuss with Town Council for policy direction.

At the May 31<sup>st</sup> Town Council Retreat, planning staff was directed to undergo a comprehensive review of the Development Code policies. The direction in general is to update any out of date policies, address issues and inconsistencies as well as consider any new policies as needed. Since this code review is so comprehensive, staff is not proposing any top ten list this year but rather, the singular comprehensive Development Code update.

We have considered different options for the review process and have come up with the recommendation below.

Staff will review the Development Code in its entirety and make recommendations to a Steering Committee. Staff foresees the Committee to be made up of three staff members (Peter, Mark and Julia), two Planning Commissioners, three private sector architects/developers, and one community at large member. This relatively small Committee should provide focused direction on recommended policy changes and updates to the Planning Commission. We intend for the Steering Committee to meet at least once a month, at which time they review one or several Code policies at a time.

Once the Steering Committee develops recommendations on specific Code policies, work sessions will be scheduled with the Planning Commission. We will schedule periodic updates with the Town Council regarding policy direction as needed. We also plan on hosting an open comment period for the public as well as a public open house during the process.

Staff estimates that this process will take 18-24 months, depending on staff workload.

We would like comments and thoughts from the Planning Commission on the suggested approach for the code update.



## Planning Commission Staff Report

- Subject:** Stables Lot Elevated Deck and Cucumber Gulch Preserve Preventative Maintenance Area (PMA) Variance  
(Class B Minor - Combined Preliminary and Final Hearing) PL-2016-0138
- Proposal:** In association with the Grand Colorado at Peak 8 – East Building (PL-2015-0215) development permit, the Stables Parking lot will be improved to include an elevated parking deck over the existing parking lot. The work will include:
1. Two entry points, one at the current location and the second located off the upper deck just south of the Ski Hill Road bridge
  2. Two new crosswalks and lighting for pedestrian access safety
  3. Drainage improvements and infrastructure to maintain water quality within the Cucumber Gulch Preventative Management Area (PMA).
- The development area is within the Cucumber Gulch Preventative Management Area (PMA) established by the Cucumber Gulch Preserve Overlay Protection District Ordinance. (No. 9 Series 2000 which is also enforced under the Development Code Policy 2, Absolute, Land Use Guidelines). During construction, all activity will be monitored as directed by the Ordinance.
- Date:** June 13, 2016 (for meeting of June 21, 2016)
- Project Manager:** Michael Mosher, Planner III
- Applicant:** Chris Noraka, Peak 8 Construction, LLC and Peak 8 Properties, LLC.
- Agent:** Don Leinweber, P.E., Civil Insight, LLC
- Owner:** Vail Summit Resorts, Inc.
- Address:** 1700 Ski Hill Road
- Legal Description:** Peak 7 Subdivision, Tract E
- Site Area:** Approximately 33,977 sq. ft. (0.78 acres)
- Land Use District:** 39: Residential, Lodges 4 UPA Subject to the Sixth Amendment to the Amended Peak 7 & 8 Master Plan
- Site Conditions:** The property is flanked by Ski Hill Road along the south and west edges. A 21,000 square foot parking lot nearly fills the entire site area. There is no vegetation on the property. A retaining wall flanks the south and north elevations.
- Adjacent Uses:** North: Ski Hill Road, Peak 7 Base Area and protected open space in Cucumber Gulch Preserve  
South: Ski Hill Road, Peak 8 Base Area  
East: Protected open space in Cucumber Gulch Preserve  
West: Protected open space in Cucumber Gulch Preserve

## Item History

The Cucumber Gulch Overlay Protection District was established with a Town ordinance in 2000 for the purpose of protecting and improving the bio-diversity, aesthetics and the sensitive natural resources within Cucumber Gulch. The ordinance required the Town to abide with the following:

- Establish a Preventive Management Area (PMA) around the important resources of the area, including wetlands, endangered wildlife habitat, and wildlife corridors.
- Have scientific studies conducted to identify resources of concern in the area.
- Prohibit certain potentially harmful activities within the PMA until the ordinance can be revised based on the studies.
- Require that development meets certain standards.
- Provide that Best Management Practices be applied through restrictive covenants to new development within or adjacent to the district.
- Require new roads have wildlife passageways if constructed within the district but outside the PMA.
- Provide that a recreation plan for the area be adopted by the Town in conjunction with other agencies, based on the result of scientific studies.
- Allow for relief from the ordinance under certain circumstances.

The original Amended Peak 7&8 Master Plan (and all subsequent amendments) planned on having the “Skier Parking” as shown on the illustration below.



A 2003 parking agreement (Rec# 760358) made between the Town of Breckenridge and Vail Summit Resorts Inc. was to provide a total of 200 parking spaces at the base of Peak 7 and 8 for “winter recreational visitors” dispersed over the base of Peak 7 and 8 as illustrated on the master plan above. The 200 space requirement is part of Vail Resorts Development Company and the Town and not part of this application. The purpose for this upper-level deck will be to provide additional parking for Grand Colorado guests, patrons using the ice rink, timeshare owners at the Grand Colorado lodges, and contribute towards the master plan total of 200 parking spaces in accordance with most recent amendment to the Peaks 7 & 8 Master Plan.

The Grand Colorado at Peak 8 – East Building (PL-2015-0215) was approved by the Town Council on January 26, 2016. Included in that application was the review and approval for the architecture and finishes for the Stables Parking Lot and the Ski Hill Road retaining wall. It was stated in the Staff Report that separate development permits would be required for the variances and construction of the Ski Hill

Road Improvements and the Stable's parking Lot. The Ski Hill Road at Peak 8 Reconstruction Cucumber Gulch Preserve Preventative Maintenance Area (PMA) Variance (PL-2016-0082) was approved by the Town Council on April 26, 2015.

Cucumber Gulch Preserve ("Preserve") is highly valued by the Town and citizens due to its valuable wetland complex and associated wildlife biodiversity. The Preserve has been identified as an Aquatic Resource of National Importance (ARNI) by the U.S. Environmental Protection Agency because the area contains rare peat-forming, groundwater-fed fen wetlands, as well as surface water-fed wetlands that support a rich biodiversity of animals, birds and plants. The Town and its citizens have committed significant resources to acquiring, protecting, and appropriately managing this sensitive wetland ecosystem.

As this proposal is within the PMA and up-stream of wetlands containing principal water bodies (Beaver Ponds), the goal of this proposal is to obtain a variance to add the upper level parking deck and have no impact on or to improve the existing site drainage and infrastructure to the wetlands utilizing the Development Standards and Best Management Practices provided for in Sections 11 and 12 of the PMA regulations.

Work is expected to begin in the summer of 2016 and finish in November 2016. The contractor will prepare and submit a CDOT Method of Handling Traffic (MHT) for Town approval. This has been added as a Condition of Approval.

The project construction method and sequence is anticipated as follows:

1. All work will be performed from above along Ski Hill Road or on site. There will be no activity permitted off-site from below in the PMA.
  - a. This is to protect the wetlands directly below the development area. Water quality control will also be placed below the construction area on the applicant's property.
2. Place Jersey Barriers along Ski Hill Road for vehicular and pedestrian control as needed.
  - a. Depending on traffic patterns and pedestrian access points, these barriers will be located to separate pedestrians from any construction activities and safely direct traffic around the construction site.
3. Placement of silt fences, site construction fencing and site stabilization structures.
4. A roadside 0.36 (4 1/2") deep ditch consistent with the approved subdivision plans shall be graded on the east side of the roadway.
  - a. Currently there is no drainage facility controlling run-off into the Gulch along this edge.
5. Remove existing gatehouse, bollards, curbs and utilities.
6. Remove infrastructure in existing parking area.
7. Relocate existing North Water Quality Vault.
  - a. The existing water quality vault is located at the north end of the existing parking lot. With the planned improvements, the vault will be relocated approximately 15-feet to the east, still at the end of the lower level parking lot.
8. Construct new 3-foot concrete pan along Ski Hill Road near west property edge.
  - a. Currently there is no drainage facility controlling run-off into the Gulch along this edge.
9. Construct Lower and Upper Parking structures and associated retaining walls and infrastructure.
10. Remove Jersey barriers and associated traffic/pedestrian control measures.
11. Remove silt fences, site construction fencing and site stabilization structures.
12. Restore all disturbed areas in a manner that provides similar biological functions, based on percent cover and type of species.

## Staff Comments

**Land Use (Policies 2/A & 2/R):** The Cucumber Gulch Overlay Protection District is an amendment to the Land Use Guidelines. The ordinance also identifies a relief procedure (“variance”) in situations where there is no practical alternative, and when the actions will not result in significant degradation to natural or wildlife features of Cucumber Gulch. *(Note: Only relevant sections of this ordinance are shown in this report.)*

*8.4 Prohibitions within the PMA. The following are prohibited within the PMA, unless specifically approved by the Town pursuant to Paragraph 14 of these Regulations:*

*8.4 Prohibitions Within the PMA. The following are prohibited within the PMA, unless specifically approved by the Town pursuant to Paragraph 14 of these Regulations:*

- A. New building construction, erection or placement, or increase in size of an existing building footprint.*
- C. Placement of material such as soil or gravel.*
- D. Removal or excavation of material such as soil, gravel or vegetation.*
- K. Construction of any water quality facility, including, but not limited to detention ponds and monitoring stations, unless located on non-wetland areas of the PMA as approved by the Town. Town approval shall involve the consideration of an analysis of the least environmentally damaging practicable alternative, including alternative sites outside the PMA. Approval by applicable regulatory agencies must be obtained.*

*11. Development Standards: Development within the District shall be subject to the following standards:*

*B. Modifications to the hydrology shall not result in detrimental effects to the resources of the District.*

*C. Where vegetation is proposed to be disturbed, the applicant shall submit a plan to restore such areas in a manner that provides similar biological functions, based on percent cover and type of species. Revegetation shall consist of native plants that are found in the vicinity.*

*F. Construction activities shall employ effective methods to minimize soil erosion and resulting sedimentation, including silt fences, temporary re-vegetation of long-term construction sites, avoidance of slopes greater than 30%, and management of storm water run-off, and other methods.*

Following is the variance language from Ordinance 9, Series 2000, which adopted the PMA regulations:

*14. Relief Procedures.*

*A. The Planning Commission or Town Council may grant a variance, exception or waiver of any requirement of these Regulations (collectively, “variance”) upon a written request by a developer or owner of property subject to these Regulations. A variance shall be granted only upon finding that (a) a strict application of these Regulations would, when regarded as a whole, result in compensable taking of the property; or (b) the purposes of these Regulations will be adequately served by an alternative proposal or requirement (including any required mitigation, which shall be within the District), and (i) the granting of the variance will not result in a substantial degradation of the natural and wildlife features of Cucumber Gulch, and (ii) there is no other practical alternative. No variance by itself or in combination with other variances shall have the effect of nullifying the intent and purpose of these*

*Regulations. Section 9-1-11 of the Breckenridge Development Code is not applicable to the granting of a variance under these Regulations. (Emphasis added.)*

The applicants are proposing the following mitigation efforts associated with this proposal:

- Any roadway runoff from Ski Hill Road will be captured in a series of drainage inlets and routed to the existing subdivision detention and water quality pond across from One Ski Hill Place. Each inlet has a sediment catching sump to remove heavier material.
- To protect any new grading, high-strength soil retention blankets will be placed on all steep roadway embankments.
- All unpaved, disturbed areas will be top-soiled, seeded with a mix suitable for Town of Breckenridge standards including any permissible fertilizer, or soil conditioners to ensure growth.
- During construction, silt fencing, aspen-curlex erosion logs, sediment traps, and temporary mulch cover shall be employed. Other measures will be added at the direction of the Applicant's engineer or the Town Community Development, Streets, and Engineering Departments.

Staff believes that the proposal meets the criteria (A) of the Relief Procedures section as the Town Engineer has collaborated on the proposed design, and has agreed that the proposed plan is the most appropriate course of action for the protection of the wetlands in the upper Cucumber Gulch. Also, under subsection (i) *the granting of the variance will not result in substantial degradation of the natural and wildlife features and the granting of the variance will not nullify the intent and purpose of the Cucumber Gulch regulation.*

The granting of a variance from the prohibitions of Section 8.4 will in no way relieve the applicant from complying with all of the Development Standards and Best Management Practices provided for in Sections 11 and 12 of the PMA regulations. In addition, a Declaration of Restrictive Covenants for Boreal Toad Protection was recorded on June 17, 1999 at Reception No. 598534 and contains restrictions similar to, but not as broad as the Development Standards and Best Management Practices which the applicant must comply with. We have no concerns.

**External Circulation (17/A):** Per this policy: *D. Pedestrian Circulation: Development and installation of pedestrian systems which integrate with existing and future town pedestrian systems and with the systems of adjacent developments is required. This will include the provision of sidewalks, where required, and the provision of pedestrian walkways pursuant to the town trails plan. (Ord. 17, Series 1996)*

The plans are showing two separate pedestrian crosswalks. One services the lower-level deck and connects to the intersection of Skiwatch Drive. The second crosswalk services the upper-level deck and is located just south of the bridge on Ski Hill Road. The Engineering Department has reviewed the location of these two crosswalks and has no concerns.

Additionally, for safety, the crosswalks will be lit and have pushbutton activated flashing beacons to notified traffic that the crosswalk will be used. We have no concerns.

**Drainage (27/A & 27/R):** All effluent from the parking structure will be controlled on-site and diverted to engineered storm water inlets, sedimentation ponds and water quality vaults. This plan has been reviewed by the Town Engineer and will be monitored by the applicant's on-site engineer/consultant and

Engineering Staff. The upper level of the parking deck is to be snow melted with the melt-off directed to the water quality infrastructure.

**Energy Conservation (33/A & 33/R):** *C. Excessive Energy Usage: Developments with excessive energy components are discouraged. However, if the planning commission determines that any of the following design features are required for the health, safety and welfare of the general public, then no negative points shall be assessed. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:*

<u>Point Range</u>	<u>Design Feature</u>
1x(-3/0)	Heated driveway, sidewalk, plaza, etc.
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas

The upper deck is being snow melted for safety of the general public and to better control water borne contaminants before they reach any surface or groundwater in the Gulch. Staff believes that if the upper parking deck were cleared of snow in conventional methods with no snow melt, contaminants from the parking surface would not be treated before entering the Gulch.

Since the parking area is for private/public use and the Preserve is highly valued by the Town and citizens due to its valuable wetland complex and associated wildlife biodiversity, we are suggesting no negative points be incurred for the heated space. Does the Commission concur?

**Erosion Control:** Best Management Practices will be utilized in this project. Measures will include temporary diversion of water flows, installation silt fencing, aspen-curlex erosion logs and installation of effective revegetation. Erosion control measures will be reviewed and approved by the Town Engineering Department.

**Lighting:** Both levels of the parking structure are to be lighted for safety as the Code describes and abide with design guidelines of the PMA criteria.

During the review of this application, Planning and Engineering staff has been working with the applicants to ensure these guidelines are met. Final construction documents showing the design and photometric plan that meet these criteria are included as a Condition of Approval - Prior to Issuance of Building Permit.

**Retaining wall finish:** The finish of the concrete retaining wall was presented in association with the development review for Grand Colorado at Peak 8 – East Building (PL-2015-0215). The finish was presented and approved as part of that permit. The approved retaining wall finish is similar to that constructed in Glenwood Canyon:





This finish matches that of the other retaining walls at the base of peak 7&8.

**Point Analysis (Section: 9-1-17-3):** Staff finds no reason to assign positive or negative points under any Relative policies of the Development Code. We find that the project meets all Absolute polices, with the exception of Policy 2/A-Land Use as it relates to the Cucumber Gulch Overlay Protection District, for which this variance is requested.

#### **Staff Recommendation**

Staff finds that the proposal meets the requirements for a variance from the Preventive Management Area of the Cucumber Gulch Overlay Protection District, and recommends that the Planning Commission approve the Stables Lot Elevated Deck and Cucumber Gulch Preserve Preventative Maintenance Area (PMA) Variance, PL-2016-0138, along with the attached Findings and Conditions.

	<b>Final Hearing Impact Analysis</b>			
Project:	Stables Lot Elevated Deck and Cucumber Gulch Preserve Preventative Maintenance Area (PMA) Variance		<b>Positive Points</b>	<b>0</b>
PC#	PL-2016-0138			
Date:	June 13, 2016		<b>Negative Points</b>	<b>0</b>
Staff:	Michael Mosher, Planner III			
			<b>Total Allocation:</b>	<b>0</b>
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex/Multi-family Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	<b>Signs</b>	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		



17/A	<b>External Circulation</b>	Complies		<p>The plans are showing two separate pedestrian crosswalks. One services the lower level deck and connects to the intersection of Skiwatch Drive. The second crosswalk services the upper-level deck and is located just south of the bridge on Ski Hill Road. The Engineering Department has reviewed the location of these two crosswalks and has no concerns.</p> <p>Additionally, for safety, the crosswalks will be lit and have pushbutton activated flashing beacons to notified traffic that the crosswalk will be used. We have no concerns.</p>
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	<b>Social Community</b>	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Primary Structures - Historic Preservation/Restoration - Benefit	+1/3/6/9/12		
24/R	Social Community - Secondary Structures - Historic Preservation/Restoration - Benefit	+1/2/3		
24/R	Social Community - Moving Primary Structures	-3/10/15		
24/R	Social Community - Moving Secondary Structures	-3/10/15		
24/R	Social Community - Changing Orientation Primary Structures	-10		
24/R	Social Community - Changing Orientation Secondary Structures	-2		
24/R	Social Community - Returning Structures To Their Historic Location	+2 or +5		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		<p>All effluent from the parking structure will be controlled on-site and diverted to engineered storm water inlets, sedimentation ponds and water quality vaults. This plan has been reviewed by the Town Engineer and will be monitored by the applicant's on-site engineer/consultant and Engineering Staff. The upper level of the parking deck is to be snow melted with the melt-off directed to the water quality infrastructure.</p>
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		

31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		<p>The upper deck is being snow melted for safety of the general public and to better control water borne contaminants before they reach any surface or groundwater in the Gulch. Staff believes that if the upper parking deck were cleared of snow in conventional methods with no snow melt, contaminants from the parking surface would not be treated before entering the Gulch.</p> <p>Since the parking area is for private/public use and the Preserve is highly valued by the Town and citizens due to its valuable wetland complex and associated wildlife biodiversity, we are suggesting no negative points be incurred for the heated space.</p>
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Special Areas - Community Entrance	4x(-2/0)		
37/R	Special Areas - Individual Sites	3x(-2/+2)		
37/R	Special Areas - Blue River	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
38.5/A	<b>Home Childcare Businesses</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

**TOWN OF BRECKENRIDGE**

**Stables Lot Elevated Deck and  
Cucumber Gulch Preserve Preventative Maintenance Area (PMA) Variance**  
1700 Ski Hill Road  
PL-2016-0138

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

**FINDINGS**

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **June 13, 2016** and findings made by the Planning Commission with respect to the project. The project was approved based on the proposed design of the project and the acceptance of these terms and conditions imposed.
5. The terms of approval include representations made by in writing or plans submitted, and at the hearing on the project held on **June 21, 2016** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

**VARIANCE FINDINGS**

1. Policy 2 (Absolute) of Section 9-1-19 of the Development Code “Policy 2 (Absolute)” provides, in pertinent party, as follows:  
  
Land Use Guidelines have been adopted for the Town and surrounding areas by the Breckenridge Town Council. To promote the health, safety and general welfare of the community, all developments shall be reviewed against the Land Use Guidelines and, where applicable, an approved master plan. Each development located within the boundaries of the . . . Cucumber Gulch protection overlay district as defined in the Land Use Guidelines shall comply with all of the regulations applicable to such overlay district.
2. The property that is the subject of this Application is located within the Cucumber Gulch Overlay Protection District (the “**Cucumber Gulch Overlay District**”).
3. Because the property that is the subject of this Application is located within the Cucumber Gulch Overlay District, Policy 2 (Absolute) requires the proposal to comply with all of the regulations applicable to the Cucumber Gulch Overlay District.

4. The Town’s regulations that are applicable to development proposed within the Cucumber Gulch Overlay District are contained in Ordinance No. 9, Series 2000, entitled “An Ordinance Amending the Town of Breckenridge Land Use Guidelines By Establishing The Cucumber Gulch Overlay Protection District; and Making Amendments to the Breckenridge Development Code Related Thereto”, adopted by the Town Council of the Town of Breckenridge on February 22, 2000. Such regulations are currently in full force and effect, and are referred to in this document as the “**Cucumber Gulch Regulations.**” Although the Cucumber Gulch Regulations have been amended since they were adopted in 2000, none of the amendments are relevant to this variance request.
5. In addition to being located within the Cucumber Gulch Overlay District, the property that is the subject of this Application is located within the “Preventive Management Area (PMA)” as defined and described in the Cucumber Gulch Regulations.
6. Section 8.4 of the Cucumber Gulch Regulations provide, in pertinent part, as follows:

8.4 Prohibitions Within the PMA. The following are prohibited within the PMA, unless specifically approved by the Town pursuant to Paragraph 14 of these Regulations:

A. New building construction, erection or placement, or increase in size of an existing building footprint.

...

C. Placement of material such as soil or gravel.

D. Removal or excavation of material such as soil, gravel or vegetation

...

K. Construction of any water quality facility, including, but not limited to detention ponds and monitoring stations, unless located on non-wetland areas of the PMA as approved by the Town. Town approval shall involve the consideration of an analysis of the least environmentally damaging practicable alternative, including alternative sites outside the PMA. Approval by applicable regulatory agencies must be obtained.

7. The applicant seeks a variance from the prohibitions of Sections 8.4 (A), (C), (D, and (K) of the Cucumber Gulch Regulations in order to improve the Stable’s Parking Lot and add an elevated deck.
8. All required notice with respect to the hearing on the applicant’s request for a variance has been given as required by the Development Code.
9. An absolute policy is defined by Section 9-1-5 of the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) as “a policy which, unless irrelevant to the development, must be implemented for a permit to be issued. The policies are described in section 9-1-19 of this chapter.”

10. By virtue of their inclusion in Policy 2 (Absolute) the Cucumber Gulch Regulations are treated as an absolute policy.
11. The Application does not comply with the prohibitions of Sections 8.4 (A), (C), (D), and (K) of the Cucumber Gulch Regulations. Therefore, unless a variance is granted with respect to the requirements of such regulations, the Application will have to be denied pursuant to Section 9-1-18-2(E)(5) of the Development Code. (“If the proposed development does not implement all affected absolute policies (subject to variance) . . . the Planning Commission shall deny the permit.”)
12. Paragraph 14(A) of the Cucumber Gulch Regulations, entitled “Relief Procedures”, sets forth additional special rules for the granting of a variance from the provisions of the Cucumber Gulch Regulations. The normal variance procedures and requirements of the Development Code do not apply to the consideration and approval of a variance request under the Cucumber Gulch Regulations.
13. Paragraph 14 (A) *Relief Procedures* of the Cucumber Gulch Overlay Protection District ordinance provides, in pertinent part, as follows:
  - A. The Planning Commission . . . may grant a variance, exception or waiver of any requirement of these Regulations (collectively, “variance”) upon a written request by a developer or owner of property subject to these Regulations.” A variance shall be granted only upon finding that . . . (b) the purposes of these Regulations will be adequately served by an alternative proposal or requirement (including any required mitigation, which shall be within the District), and (i) the granting of the variance will not result in a substantial degradation of the natural and wildlife features of Cucumber Gulch, and (ii) there is no other practical alternative. No variance by itself or in combination with other variances shall have the effect of nullifying the intent and purpose of these Regulations. Section 9-1-11 of the Breckenridge Development Code is not applicable to the granting of a variance under these Regulations.”
14. Town of Breckenridge Engineering Staff has reviewed the application and determined that the proposed improvements the Stable’s Parking Lot and the addition of an elevated deck will not negatively impact the health of the Cucumber Gulch.
15. The Planning Commission has received and considered the evidence submitted in connection with the applicant’s request for a variance; and based upon such evidence makes the following findings as required by the Paragraph 14 of the Cucumber Gulch Regulations:
  - A. The purposes of the Cucumber Gulch Regulations will be adequately served by the applicant’s proposal as described in the Application.

**Reason/Factual Basis for Finding:** The purposes of the Cucumber Gulch Regulations are to protect the health, safety and welfare of the community, and to protect the open space and habitat values of Cucumber Gulch. The applicant’s proposal will further the purposes of the Cucumber Gulch Regulations by protecting wetland function in the area with snow melted parking and new water quality vaults.

B. The granting of the requested variance will not result in substantial degradation of the natural and wildlife features of Cucumber Gulch.

**Reason/Factual Basis for Finding:** The applicant has proposed a series of Best Management Practices during the implementation of this project and ongoing maintenance. These include erosion control methods, use of native seed mix, and use of biodegradable fabrics to ensure adequate native revegetation in the area.

C. There are no other practical alternatives to those proposed by the Applicant in the Application.

**Reason/Factual Basis for Finding:** There are no practical alternatives to the applicant's proposal. The alternative measures outlined in the staff report will not achieve the desired outcome.

D. The variance sought by the Application, either by itself or in combination with other variances, will not have the effect of nullifying the intent and purpose of the Cucumber Gulch Regulations.

**Reason/Factual Basis for Finding:** This variance will not have the effect of nullifying the intent and purpose of the Cucumber Gulch Regulations. The regulations will remain in effect, and the proposed project is expected to have a positive effect on the community, public health, and welfare of wildlife in Cucumber Gulch.

Accordingly, the applicant's request for a variance from the prohibitions of Sections 8.4 (A), 8.4(C), 8.4(D), and 8.4(K) of the Cucumber Gulch Regulations in order construct an infiltration gallery as described in the application is GRANTED with the conditions set forth below, and the application is determined to comply with the requirements of Policy 2 (Absolute) of the Development Code.

### 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.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires three years from date of issuance, on **June 21, 2019** unless substantial construction pursuant thereto has taken place.
4. The terms and conditions of this permit are in compliance with the statements of the staff made on the evidentiary forms and policy analysis forms.
5. Applicant's contractor, wetlands consultant and/or Town Staff shall inspect all erosion control features as necessary during the period of onsite work for this project. In addition, after completion of the project, all erosion control features shall be inspected after each significant rain event through the fall of the following year of Certificate of Compliance.
6. The applicant shall comply with all of the Development Standards and Best Management Practices provided for in Sections 11 and 12 of the PMA regulations.
7. Applicant shall conform to the Construction and Maintenance Plan submitted with the application, except as the Town deems necessary to modify for the purpose of protection of the PMA.

8. All work will be performed from above along Ski Hill Road or on site. There will be no activity permitted off-site from below in the PMA.
9. Any drilling or channelization of overflow locations shall be monitored and repaired to prevent erosion and sedimentation.

#### PRIOR TO ISSUANCE OF BUILDING PERMIT

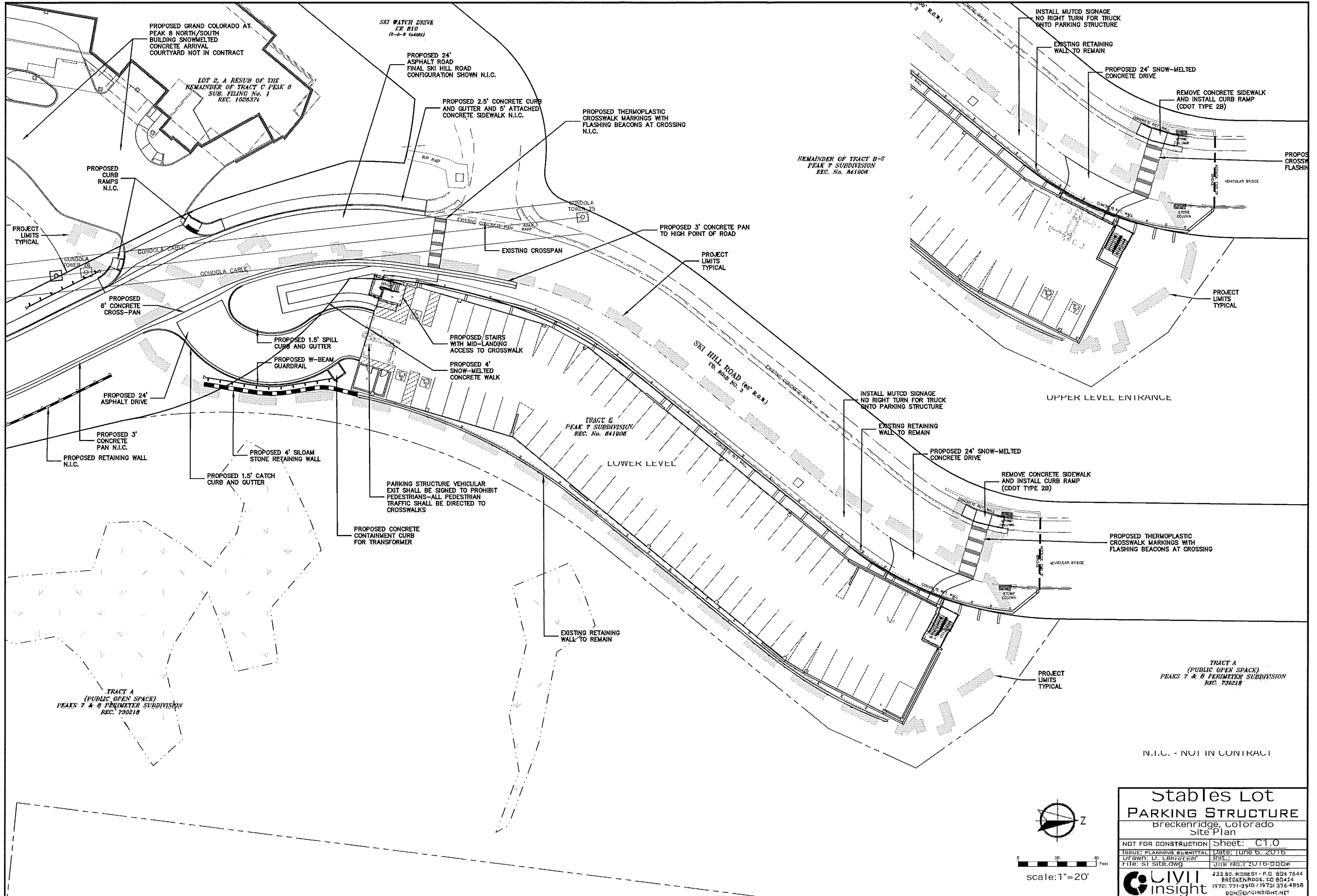
10. Applicant shall submit and obtain approval from the Town Engineer of a construction staging plan, final drainage, grading, utility, and erosion control plans. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plans.
11. Applicant shall provide construction documents of the Photometric Plans that show that:
  - a. The light standard lamps shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts, or no greater than nine hundred fifty (950) lumens. Other lamp types are not permitted.
  - b. Within the parking area the average surface illumination is not less than 0.2 foot-candle or more than 1.5 foot-candles and that the lighting shall not be greater than two-tenths (2/10) foot-candle at the property line, except at site entry points if determined by the director to be necessary for safety.
  - c. All light fixtures shall be fully shielded: Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.
12. Applicant shall install erosion control measures on the downhill side of disturbance areas, in a manner acceptable to the Town Engineer. An on-site inspection shall be conducted.
13. Town shall document the existing condition of all roads used to access the project site. If damaged during construction, Applicant will be required to repair roads to their condition as existed prior to construction.

#### PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETION

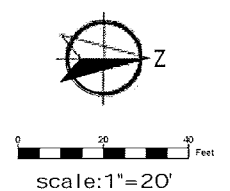
14. Applicant shall install all public improvements shown on the plan and obtain approval from the Town Engineer of all traffic/pedestrian control signage and lights which shall be installed at applicant's expense prior to acceptance of the right of way improvements by the Town.
15. Applicant/Owner shall submit and obtain approval from the Town of a maintenance plan in a form acceptable to the Town attorney for all water quality and drainage facilities associated with this development. Owner, and any future owners, shall notify the Town in a timely manner when any maintenance is scheduled and completed.

16. Applicant shall revegetate all disturbed areas where revegetation is called for, utilizing “Forest seed mix” from the Natural Resources Conservation Service in Kremmling, Colorado and flow-through jute netting to improve vegetative success.
17. The 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 as a modification may result in the Town not issuing a Certificate of Compliance for the project, and/or other appropriate legal action under the Town’s development regulations.
18. No 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.
19. All area disturbed during construction of this project shall be repaired by the applicant.





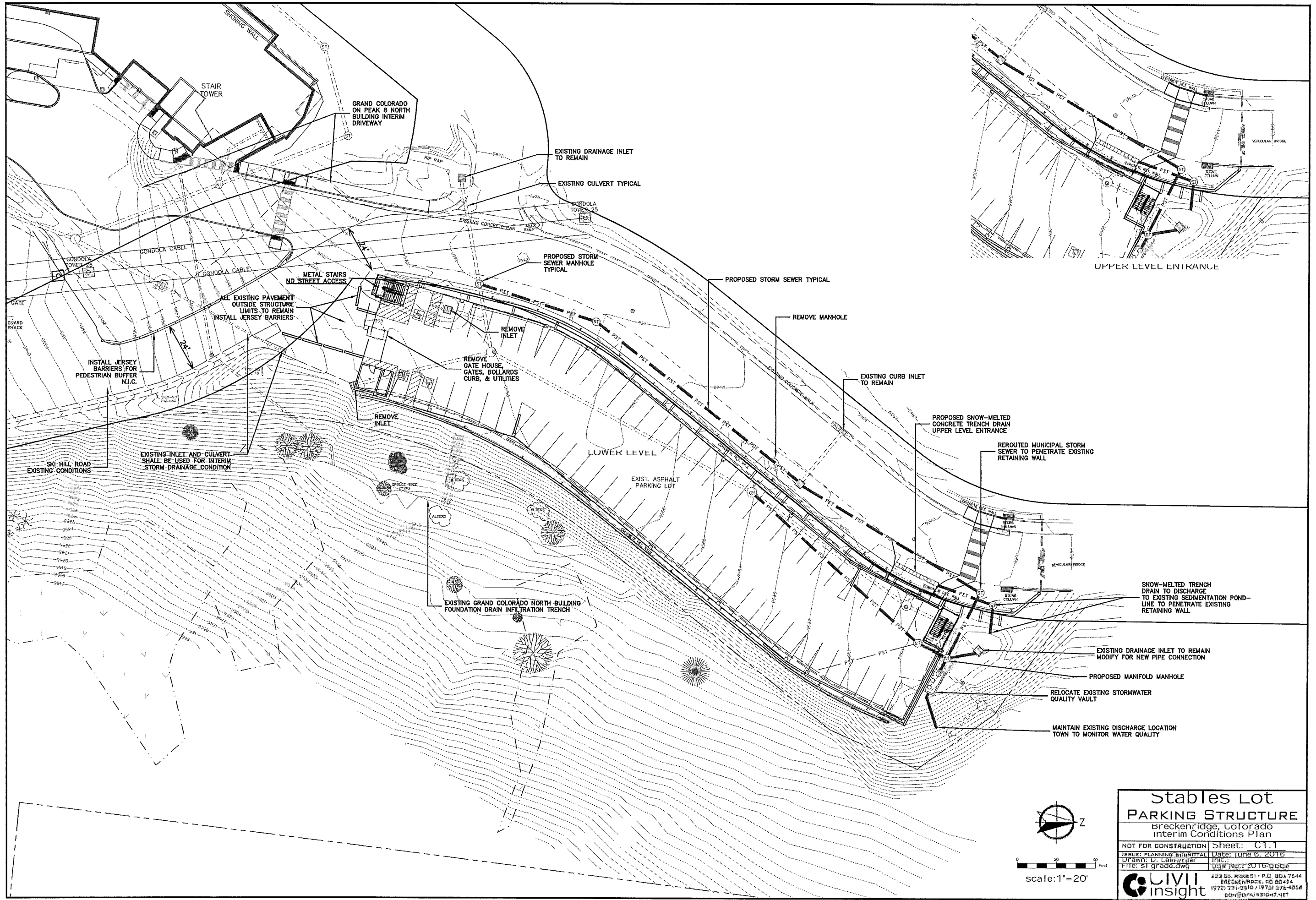
N.I.C. - NOT IN CONTRACT



**Stables Lot  
PARKING STRUCTURE**  
Breckenridge, Colorado  
Site Plan

NOT FOR CONSTRUCTION	Sheet: C1.0
ISSUE: PLANNING SUBMITTAL	Date: June 6, 2016
DRAWN: U. LEHNER	DATE: 06/06/16
FILE: st_site.dwg	DATE: 06/06/16

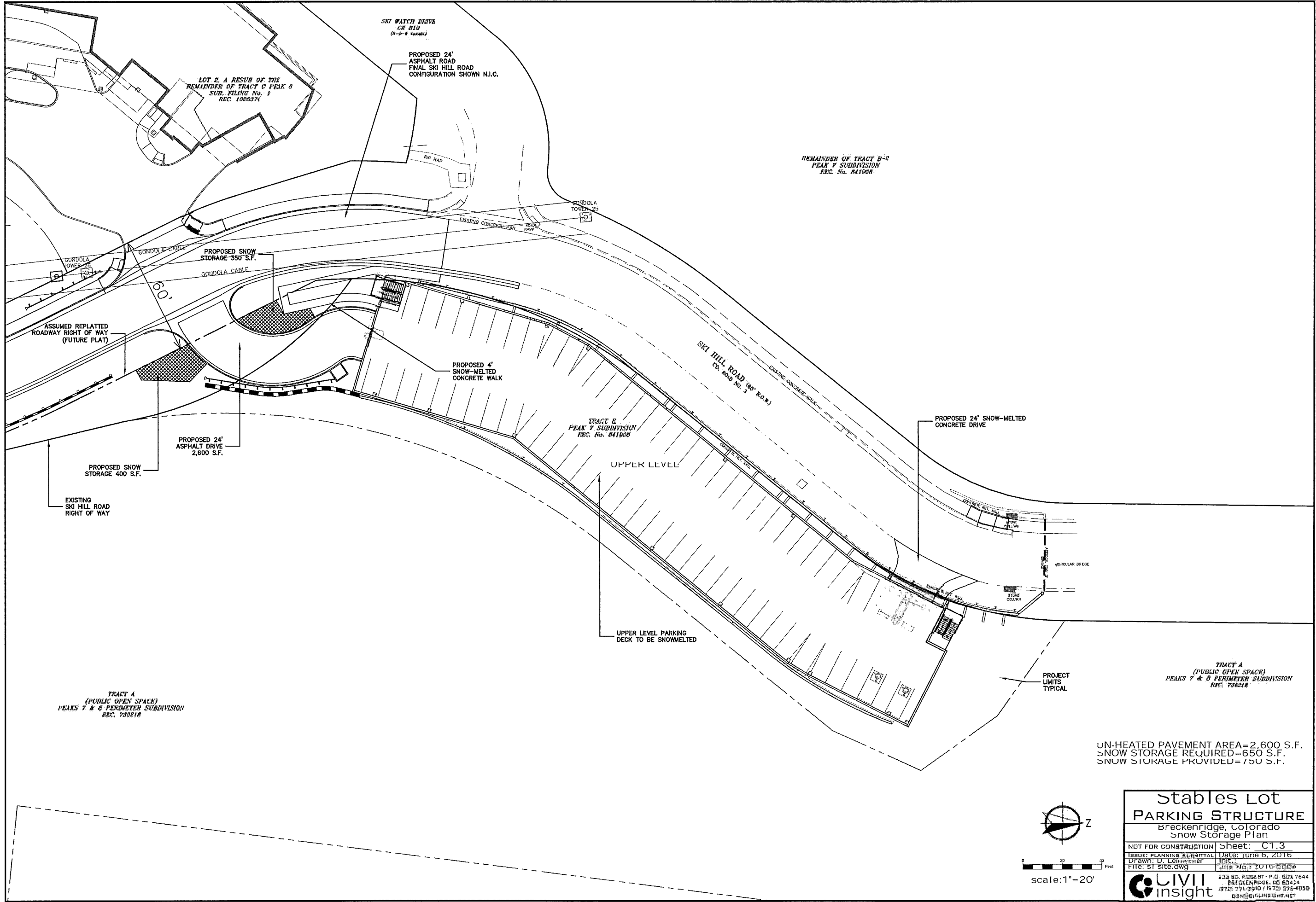
**CIVIL insight**  
232 E. ROBERT P.O. BOX 7644  
BRECKENRIDGE, CO 80414  
1978-771-9910 / 19721-376-4098  
DON@CIVILINSIGHT.NET



**Stables Lot  
PARKING STRUCTURE**  
Breckenridge, Colorado  
Interim Conditions Plan

NOT FOR CONSTRUCTION	Sheet: C1.1
ISSUE: PLANNING SUBMITTAL	Date: June 6, 2016
DRAWN: U. LEINWEBER	FILE: st_grade.dwg
FILE: st_grade.dwg	DATE: 2016-06-06

**CIVIL insight**  
233 SO. BRIDGE ST. P.O. BOX 7644  
BRECKENRIDGE, CO 80414  
970.771.2310 / 970.771.2315-4898  
CIVILINSIGHT.NET



UN-HEATED PAVEMENT AREA=2,600 S.F.  
 SNOW STORAGE REQUIRED=650 S.F.  
 SNOW STORAGE PROVIDED=750 S.F.

<b>Stables Lot PARKING STRUCTURE</b>	
Breckenridge, Colorado Snow Storage Plan	
NOT FOR CONSTRUCTION	Sheet: C1.3
ISSUE: PLANNING SUBMITTAL	Date: June 6, 2016
DRAWN: D. LEINWEBER	INTC.
FILE: SI SITE.dwg	DATE: 06/06/2016 09:00
<b>CIVIL insight</b>	
<small>233 E. BRIDGE ST. P.O. BOX 7644        BRECKENRIDGE, CO 82434        970-741-3940 / 970-741-4858        WWW.CIVILINSIGHT.NET</small>	









## Town Council Staff Report

- Subject:** Block 11, Rock Crushing  
(Town Project; PL-2016-0220)
- Proposal:** The proposal is to have a limited term Rock Crushing Operation (Maximum of 12 weeks) to crush rock that is associated with the Denison Placer Housing Project. All work will take place on Lot A-1. The crushed material will be used for pipe bedding, road base and other infrastructure needs for the Denison Placer Housing Phase 1 and 2 projects. In addition, the crushed material will be used for pipe bedding for the Town's future second water plant located to the north on the McCain property.
- Date:** June 10, 2016 (For meeting of June 21, 2016)
- Project Manager:** Chris Kulick, AICP
- Applicant/Owner:** Town of Breckenridge
- Address:** 107 Denison Placer Road
- Legal Description:** Lot A-1, Runway Subdivision
- Site Area:** 2 acres proposed for project area (*total lot area of Lot A-1 is 24.86 acres*)
- Land Use District:** 31: Commercial, Industrial, Public Open Space, Public Facilities (including, without limitation, Public Schools and Public Colleges), child care facilities, and surface parking. Employee housing is an allowed use but only on Block 11 of the Breckenridge Airport Subdivision.
- Site Conditions:** Lot A-1 is a barren rectangular tract of land that is part of Block 11 and located east of Airport Road. The lot is vacant. Only a small section of this property (2 acres) will be used for the project. Lot A-1 connects to Airport Road via Denison Placer Drive on the north end of the property. It also has a connection to Airport Road on the southern end of the property. Other uses on Lot A-1 include: Summer wood chipping (2 acres), snow storage (13.6 acres), employee/ overnight parking (60,000 sq. ft.), and affordable housing (approved but not yet constructed).
- Adjacent Uses:** North: Denison Placer Phase 2 Housing Project  
South: Summer wood chipping/ snow storage  
East: Blue River-Town owned open space/ Hwy 9  
West: Rock Pile Ranch Commercial Condo & Snow Alley Commercial Condo

### Item History

Block 11 consists of approximately 72 acres of property and is located towards the northern end of the Town limits on the west side of Highway 9 between Coyne Valley Road and Valley Brook Road. The property was acquired jointly by the Town and the Summit School District through a condemnation process. The Town quit claimed two parcels (approximately 20 acres) to the School District and retained

ownership of the remaining 52 acres. Upper Blue Elementary School is on one of the School District parcels and the other 8.7 acre School District parcel is vacant. In 2007, the Town Council entered into an MOU and approved the Colorado Mountain College site plan on 16 acres. Approximately 7.5 acres has been developed as a Police Station, Timberline Child Care, and Valley Brook Townhomes. Approximately 25 acres of land (Lot A-1, Runway Sub) is remaining on Block 11 for workforce housing, internal parks and right of way.

In 2007 the Town approved a DTJ Design to create a Vision for Block 11. In 2009 the Council formally endorsed the 2007 Vision Plan (The Plan) for Block 11 by Resolution and amended the Town Land Use District Guidelines (LUGS) to reference the Plan and to allow employee housing (maximum 20 UPA/35' height), public facilities, schools, and surface parking. Prior to the amendment to the LUGS, no density was permitted on Block 11 as it was originally intended as an airport runway.

Most recently on April 5, 2016, the Denison Placer Housing Phase 1 and Phase 2 was approved to construct a total of 96 workforce rental townhome and apartment units, a neighborhood community center including manager's lease office and associated parking on 4.4 acres of the northernmost section of Lot A-1 and Tract D-2. Staff notes that a subdivision of the property has been approved by Town Council April 12, 2016 however, has not been recorded at the time of this report.

This proposal requests rock crushing that is necessitated by the Denison Placer Housing Phase 1 and 2 Projects and infrastructure in lieu of trucking the material offsite.

### **Staff Comments**

**Land Use:** Land Use District 31 allows Commercial, Industrial, Public Open Space, Public Facilities (including, without limitation, Public Schools and Public Colleges), child care facilities, and surface parking. The district was modified in 2007 to allow employee housing but only on Block 11. The requested limited term rock crushing use is related to the construction of the Denison Placer Workforce housing project and not a separate commercial enterprise; therefore staff has no concerns with the proposed use.

**Noise/Production Levels:** Processing activities are considered to be construction related and the associated noise is considered 'construction noise' pursuant to the Town Noise Ordinance. Under the Town Noise Ordinance there is not a maximum permissible noise level assigned to construction activity. Instead it is unlawful to cause or make construction noise between the hours of 7 p.m. and 6:59 a.m. Monday through Saturday and all day Sunday. The hours of operation proposed in this application are 8 am – 5pm, Monday – Friday, for 12 weeks from the issuance of the permit. Since this is within the acceptable time period for construction related noise staff has no concerns.

**Air Quality/Particulates:** The processing equipment used is subject to permits from the Air Pollution Control Division of the Colorado Department of Public Health and Environment and copies of current permits will be on file with the Town Engineer. Previous rock crushing permits approved by the Town such as at Alpine Rock on the McCain property prohibited any visible air pollution, including particulates, dust, and smoke, beyond ¼ mile. To ensure this proposal meets the previous standards for air quality, a water truck will be used to water the site regularly.

**Site and Environmental Design (7/R):** The site is generally flat, with a grade change of 4% sloping south to north and 2% west to east. No site work is proposed on the 2 acres where the rock crushing is to take place. The crusher is proposed on the eastern edge of the site, near Town Open Space and



Highway 9 and furthest away from developed properties. The center portion of the site will be used for vehicle circulation and the western portion will serve to store materials. A construction fence will be located on the southern end of the site to safely secure the rock crushing operation and the Denison Placer Housing site. Staff is supportive of the proposed site plan.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** The property is accessed from Airport Road via Denison Placer Road. Staff has no concerns.

**Drainage (27/A & 27/R):** A Storm Water Management Plan will be submitted to the Town Engineer for approval to ensure sediment will not leave the site.

**Point Analysis (Section: 9-1-17-3):** Staff finds this application to meet all Absolute policies and not incur any positive or negative points under any Relative policies.

### **Staff Recommendation**

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission is asked to identify any concerns with this project, and any code issues and make a recommendation to the Town Council.

Planning staff recommends that the Planning Commission recommend approval of the Block 11, Rock Crushing located at 107 Denison Placer Road, PL-2016-0220 with a passing point analysis of positive zero (0) points and the attached Findings.

<b>Final Hearing Impact Analysis</b>				
Project:	Block 11, Rock Crushing	<b>Positive Points</b>	<b>0</b>	
PC#:	PL-2016-0220			
Date:	6/10/2016	<b>Negative Points</b>	<b>0</b>	
Staff:	Chris Kulick, AICP			
		<b>Total Allocation:</b>	<b>0</b>	
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / (Historic Above Ground Density)</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		

18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	<b>Social Community</b>	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		

37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

## TOWN OF BRECKENRIDGE

**Block 1, Rock Crushing  
Lot A-1, Runway Sub  
107 Denison Placer Road  
PL-2016-0220**

### FINDINGS

1. This project is “Town Project” as defined in Section 9-4-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. The Planning Commission reviewed and considered this Town Project on June 21, 2016. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on June 21, 2016, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4(2) of the Breckenridge Town Code. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on June 28, 2016. This Town Project was listed on the Town Council’s agenda for the June 28, 2016 agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to, a point analysis for the Town Project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.





SCHOOL DISTRICT  
(1,242 SPACES)

EMPLOYEE/OVERNIGHT  
PARKING (60,000 SQ. FT)  
(EXISTING USE)

SUMMER WOOD CHIPPING (2.0 ACRES)

SNOW STORAGE  
(13.6 ACRES, INCLUDES WOOD CHIPPING)

RAW PILE  
ROCK  
CRUSHING  
(2.0 ACRES)  
CRUSHER

245  
SPACES





## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

May 16, 2016

Mark Johnston  
Breckenridge Streets and Parks  
P.O. Box 168  
Breckenridge, CO 80424

**RE: No Need for State Reclamation Permit, File No. M-2016-023**

Dear Mr. Johnston:

On April 19, 2016, the Division of Reclamation, Mining and Safety (the Division) received your correspondence, dated April 14, 2016, responding to the Division's inquiry, RE: Need for State Reclamation Permit: "Is It Mining". The Division has assigned file number M-2016-023 to this project. Please identify the file number in any correspondence regarding this specific project.

The information you provided indicates the Town of Breckenridge will extract approximately 30,000 cubic yards of material from an existing parking area located at 107 Denison Placer Road. The parking area was previously constructed with imported "dredge rock" material. The proposed activity intends to excavate portions of the fill material and utilize the materials to support municipal projects located on-site and/or on lands owned or controlled by the Town of Breckenridge. Neither the landowner nor the project operator will receive any type of compensation from the material extraction.

The Colorado Mined Land Reclamation Board (Board) has requested the Division make preliminary determinations regarding the need for a mined land reclamation permit. Based on the information provided in your response, it is the Division's opinion that the proposed activity is not a mining operation and a Colorado reclamation permit is not required. However, if any of the above described project conditions are altered, the Division's opinion may no longer be applicable. If the project is located on public lands you are encouraged to contact the appropriate public lands administrator, either the US Forest Service or the Bureau of Land Management, regarding your proposed activity.

Sincerely,

Wallace H. Erickson

Senior Environmental Protection Specialist

