



TOWN OF  
**BRECKENRIDGE**

**Planning Commission Meeting Agenda**

Tuesday, August 21, 2018, 5:30 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

**5:30pm - Call to Order of the August 21, 2018 Planning Commission Meeting; 5:30pm Roll Call**

*Location Map* 2

*Approval of Minutes* 3

*Approval of Agenda*

**5:35pm - Public Comment On Historic Preservation Issues (Non-Agenda Items ONLY; 3-Minute Limit Please)**

**5:40pm - Consent Calendar**

1. Fowler Residence (CL) 145 Penn Lode Dr.; PL-2018-0306 9

2. Breckenridge Market and Liquor Exterior Modifications (CL) 305-311 S. Ridge St.; PL-2018-0320 42

**5:45pm - Preliminary Hearings**

1. Casey House (CK) 112 N. French St. PL-2018-0262 48

2. Snider Building New Mixed Use (CL) 327 N. Main St.; PL-2018-0222 72

**6:45pm - Work Sessions**

1. Comprehensive Code Amendments 96

**7:15pm - Other Matters**

1. Town Council Summary (Memo Only) 126

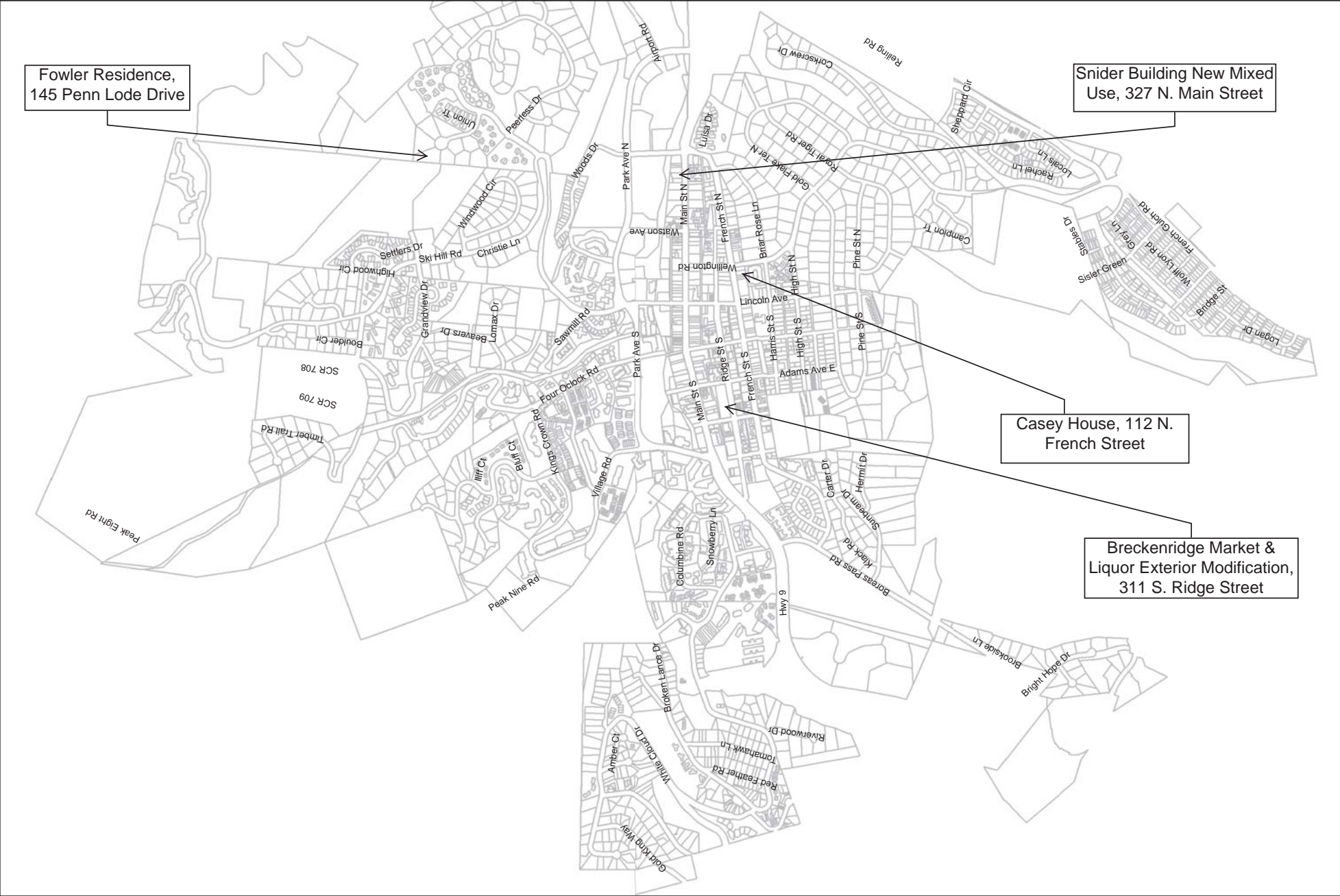
**7:15pm - Adjournment**

**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 the 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.**



**Breckenridge South**



Fowler Residence,  
145 Penn Lode Drive

Snider Building New Mixed  
Use, 327 N. Main Street

Casey House, 112 N.  
French Street

Breckenridge Market &  
Liquor Exterior Modification,  
311 S. Ridge Street

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Mathews-Leidal.

### ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman
Mike Giller - Absent	Steve Gerard	
Dan Schroder	Gretchen Dudney	

### APPROVAL OF MINUTES

With no changes, the July 17, 2018 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the August 7, 2018 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comment

### FINAL HEARINGS:

1. Denison Apartments (CK), 1910 Airport Rd, PL-2018-0206

Mr. Kulick presented a proposal to construct two apartment buildings totaling 26,632 sq. ft., sited on 1.2742 acres and featuring 16 deed restricted employee apartments and 16 market rate apartments with a short term rental restriction.

#### *Commissioner Questions/Comments:*

Mr. Schuman: The snow storage plan was not covered previously. Can you show it on the map? (Mr. Kulick showed the snow stack area on the map.) They will be plowing up hill. (Mr. Kulick- It is a very realistic snow stack area. Some snow will slide back due to the slope but it meets our requirements.)

Ms. Leidal: Is engineering ok with the grading? (Mr. Kulick- We have met with Town Engineer Shannon Smith and Kenny Thaermert and they are both ok with the grading.) In an effort to not set precedent to offsite grading. I feel that adding a finding might be appropriate. There is already a note to attain approval from the adjacent property owner in Continental Court. Can we add a finding for approval from the adjacent property? (Mr. Kulick - Yes we can add a finding and conditions to the document why we are allowing grading.) (Mr. Thaermert – We currently have a grading permit from Engineering that is subject to the approved Development Agreement.) The added finding would be specifically for avoiding setting a new precedent for offsite grading.

Is there a sidewalk on the other side of the street, across from CMC? Why not continue the sidewalk? (Mr. Thaermert - It will connect to the existing sidewalk.)

No public comments.

Mr. Lamb: I support the analysis and appreciate the diversity in architecture. Drainage has been terrible in that location and I am ok with the grading, it is sorely needed.

Mr. Schroder: I support staff analysis and support the project.

Mr. Gerard: I support staff analysis and the project fits in nicely with the surroundings. I also support taking care of the current water issues.

Ms. Leidal: I support staff analysis with the additional finding and condition.

Mr. Gerard made a motion to approve with the additional findings and conditions (listed below), seconded by Mr. Schuman. The motion passed unanimously.

#### Finding

7. Offsite grading and site disturbance associated with drainage improvements to the site is allowed with the permission of neighboring property owners due to the unique site characteristics and approved Development Agreement with the Town of Breckenridge.

#### Condition

6. Permission for all offsite site disturbance and grading associated with drainage improvements must be obtained from adjacent property owners prior to the commencement of any offsite grading or site disturbance.

#### **PRELIMINARY HEARINGS:**

1. Noble House Addition, Restoration, Change of Use and Landmarking (CL), 213 S. Ridge Street, PL-2018-0069: Mr. LaChance presented a proposal to remove a non-historic addition, relocate the house 5 feet to the east, construct a new addition with connector element and garage on the west end of the property, change the use to residential, renovate the structure, and designate the historic structure as a Local Landmark.

#### *Commissioner Questions/Comments:*

Mr. Gerard: In regards to moving the structure, the report states if you are relocating less than 3 feet it incurs -3 points and between 5-10 feet, it incurs -10 points. (Mr. LaChance: The applicant will adjust the distance to 4'-11". Good point, thank you.)

Mr. Schroder: Does the ridgeline pertain to the original historic structure? (Mr. LaChance: As it pertains to Priority Design Standard 80A, I believe this Standard instructs us to measure the difference in height between the historic residential structure and the proposed addition.)

Ms. Dudney: In the precedents that you reviewed, was the difference in height measured using ridgeline or mean roof elevation? (Mr. LaChance: I did not review the method of measurement for all of the precedents.) (Mr. Truckey: It make sense in the project to look at ridgeline because we are looking at the visual difference between the two structures.) Does it have a capitalized building height in the design standards? (Mr. LaChance: No, it does not.)

Mr. Gerard: (Mr. Gerard read from the staff analysis.) It seems to be focused on ridgeline height. There is a definition in the Town Code, Policy 6 regarding building height measurement.

Mr. Schuman: Is the positive three (+3) points recommended by staff for historic preservation due to the positive five (+5) points they received in 1997? (Mr. LaChance: No. There have changes to Policy 24/R since 1997 in regards to point assignments. We think it fits the current conditions.)

Ms. Leidal: (Read from the code about moving structures.) This means you need to do a full restoration when moving the structure. (Mr. LaChance- Section F. was implemented in 2013, which provides a negative point assignment for the moving of historic structures. Since that time, there have been 2 precedents where a project has received negative points for the relocation of a historic structure but also received positive points for historic preservation. Those projects are two that I mentioned earlier, the Old Enyeart Place project at 112 S. Harris, and the Marvel House project at 318 N. Main St. Both received negative points, negative three (-3) and negative ten (-10) points respectively, for moving the house. Both also received positive six (+6) points for historic preservation efforts similar to this project.)

Mr. Lamb: We did discuss banking positive points in a past discussion. (Mr. Truckey: We talked with Tim Berry about earning positive points even if the code requires restoration such as a

foundation when a structure is moved. Tim believes that the project can still accrue positive points for historic restoration in this situation. The ultimate point assignment is up to the commission to determine.)

- Mr. Schroder: It seems the plumbing, electrical, and mechanical changes are being counted for the positive points. Is there a period of time we would allow stacking points?
- Ms. Leidal: If they are doing new improvements, it shouldn't be considered stacking.
- Mr. Schuman: I can't imagine an instance when we would stack points. (Mr. Kulick: It is different than point banking, you have to look at each new item.)
- Mr. Lamb: What if every few years the same house gets positive three (+3) points for the same restoration?
- Ms. Dudney: I support erring on the side of positive points to encourage preservation. (Mr. Truckey: Called out the restoration work that had occurred in 1997. The restoration work proposed now is different in scope so should qualify for positive points.)
- Ms. Dudney: It is a huge expense to improve the plumbing, electrical and mechanical and that is why there is a difference in the points between positive three (+3) and positive six (+6).
- Ms. Leidal: Is there an addition of a window well? (Mr. LaChance: Under the listed changes since the first Preliminary Hearing in the staff report, the report should read "removal of two window well on the west side of the house", versus "addition".)

Janet Sutterley, Architect, Presented:

The two window wells on the west side will be removed and one will be replaced on the south side. This makes sense for egress. The retaining wall will work inside the 8 feet if any problems arise but it is just nicer if it comes out a bit. I too researched precedent regarding connectors that were allowed by the Commission to be shorter than required by Priority Design Standard 80A, and came up with the same four projects as Chapin. If the Marvel House had the calculation per Priority Design Standard 80A applied, the connector would need to be 37 feet long. In this case it was decided by the Commission that the length formula did not work at all. This is what the massing would look like if the full length is required per Priority Design Standard 80A (provides drawing to Commission). The reason to show this is because the math formula doesn't work here and it won't look right. The massing is correct as proposed and it is designed to look proportionally correct. The connector looks short on the north side because the garage is blocking it but it is the same as the south side. Using the math formula per Priority Design Standard 80A would lead to a funny looking addition in the back. When I go through the list of examples for positive six (+6) points under Policy 24/R, we meet everything on there. I want to make sure we are not double dipping the reverse way because we need a foundation under the building. In 1997 they said they put a new roof on but we are gutting this house and in doing so we will sister the roof rafters to meet Building Code. There were problems with the current roof because they didn't solve the structural problems. I feel like that is not spelled out well so please consider that. Some siding needs to be restored and some needs to be added. The west wall is being restored but we don't know what is in there now. (Mr. Schuman: Are you restoring historic doors and window openings?) Yes. The east side are the original openings. We think we will find more when we pull the interior off.

- Mr. Lamb: What length would the staff like to see for the connector? (Mr. LaChance: There is a point where it could become too long, of course. Based on the precedent that we have reviewed tonight, we know the Commission has found this to be the case in the past and allowed a shorter connector. The Old Enyeart house is an example where the connector met the one-half length of the historic structure but did not meet the additional requirement based on building height difference. The stated intent of Priority Design Standard 80A is to show separation between the buildings.) (Mr. Kulick: Intent is to show separation but we know the math doesn't always work, for example a very deep house would not work.)
- Ms. Dudney: It seems the formula is trying to prevent a very tall addition from being installed and that is probably why the math formula is included. Unfortunately, it ends up discouraging the preservation for a lot like this. Would someone ever spend the money to put in a 10 foot

wide addition? I don't know how we get around the Code.

(Mr. LaChance read from Priority Design Standard 80A, emphasizing the words "should", "preferred", and "required".)

Mr. Gerard: The word 'Should' does not mean mandatory in legal terms. Ms. Dudney is right in her assumption of why we are looking at this. It is to disallow the giant new building. The clause in Policy 80A also says "In general", so we have flexibility and can add findings to make it appropriate.

Mr. Lamb: We need to follow the intent of the Design Standard. The word 'should' gives you some wiggle room. We can look at this drawing and decide if the formula works, and if not, we can make adjustments. (Mr. Truckey: Priority Design Standard 37 requires the addition to be visually subordinate to the historic structure, so if you find that the proposal complies with Priority Design Standard 37, then perhaps that gives you some flexibility as to how you implement Priority Design Standard 80A.)

Ms. Leidal: What is the floor to ceiling height above the garage? (Ms. Sutterley: 9 ft.) You could drop the height in order to reduce the required connector length per 80A, but it might not look right. (Ms. Sutterley: It would look funny.) Mr. LaChance mentioned horizontal board on board siding. Is that proposed? (Ms. Sutterley: No. Ms. Sutterley explained the siding choices on the structures.)

Public Comments:

Jan Radosevich, 213 ½ South Ridge Street:

The fence that the staff is requesting to be cut down to 3 feet is my fence and on my property. I maintain the fence. It defines my backyard and has for many years. It is my fence. I have a staff report from 1994 and a survey from Baseline that shows the fence on my property. Please don't take that fence down.

Ms. Dudney: What will happen with this fence situation? Two surveys show the same fence on different property.

Ms. Leidal: Are you opposed to them moving it back 2 inches? (Ms. Radosevich: I could think about that but it is an adverse possession condition, which the requirement in Colorado is 18 years.) (Mr. LaChance: Staff can consult with Town Attorney prior to the Final Hearing and get back to the Commission then regarding the fence.)

Mr. Lamb: We can work through the fence issue. The connector requirement in Priority Design Standard 80A equates to an Absolute Policy, but the proposed connector is doing its job and meeting the intent. It is an extensive renovation and it should get positive six (+6) points for historic preservation.

Mr. Schuman: I think if we get more detail at Final Hearing, I could be swayed into positive six (+6) points preservation. Right now I am between positive three (+3) and positive six (+6) points for historic preservation. You are close but I need to see more detail. The connector fits as proposed and accomplishes 80A. Regarding the fence, Jan should not lose the fence.

Ms. Dudney: I agree with Mr. Lamb and Mr. Giller. I am in favor of the positive six (+6) points for historic preservation. I believe we can address the connector length with a finding.

Mr. Schroder: The connector fits the property and the design. It meets the definition of a connector and Priority Design Standard 80A. I think adding a Finding is the appropriate way to go. I support as presented. The fence may not be on the project's property, if this is the case then it should not be in our review. It would be great if it ended up as the neighbors. I support positive three (+3) points for historic preservation instead of (+6) points.

Mr. Gerard: I don't think the calculation regarding the length of the connector per Priority Design Standard 80A is mandatory. First it has to be 6 feet long, then it has to be at least half the length of the historic façade. From there, it is about architectural fitting. The measurement of height is Policy 9-1-19-6A and it is a mean elevation. I agree with positive three (+3) points for historic preservation and no more. You want to move this house, but you don't

have to move this house. I think it is generous to allow moving it 5 feet. The window well that is now proposed in the front yard pushes it forward even more. I don't want to establish precedent for awarding extra positive points for the moving a historic house and doing what you are required to do anyways. The fence is not an issue and should remain.

Ms. Leidal: I agree with positive three (+3) points for historic preservation. Policy 24/R requires full restoration when moving a historic structure. The intent of the Priority Design Standard 80A regarding connectors is met and should be addressed with a finding. I also think Policy 9/A allows the Commission to allow eave encroachments into an Absolute setback of up to 18". As the eaves of the addition are proposed to encroach into an Absolute setback requirement in the rear, we need another Finding to say we allow the eave encroachment. I would like to discuss the board on board siding. Design Standards 90 and 165 call for material that is compatible with the historic district such as 4" reveal siding, and I ask the staff to please consider that. I want the fence to belong to the neighbor and I hope it doesn't have to be taken down. I am sure staff and the Town Attorney can work that out.

Mr. Gerard: One last thought. I appreciate you labeling the "barn" as a "garage" with the latest plan revisions, and for calling it what it is. Thanks.

### **COMBINED HEARINGS:**

1. Denison Placer Subdivision (JL), TBD Floradora Drive, PL-2018-0237

Mr. Lott presented a proposal to resubdivide Denison Placer, Lot 7 to create a total of 4 new lots and dedicate additional right of way for Floradora Drive and Fraction Road.

#### *Commissioner Questions/Comments:*

Mr. Gerard: Are you talking about the existing rec path? (Mr. Lott: No, a new, proposed path)

Mr. Schroder: In the last meeting we were presented a traffic calming plan. Will that be put in place before all the phases? (Mr. Lott: Yes).

Ms. Leidal: Can transit buses and fire trucks fit through the roundabout and other calming features? (Mr. Lott: Yes, they were considered in the planning process.) What is the excess parking easement referenced in note 6? (Ms. Best: Explained where the parking easement is on lot 5. The note will be removed prior to recording.) No text showed for condition number 9. Why? (Mr. Lott: That was an error and it should be eliminated.)

Mr. Schroder: Is Parcel D skier parking? (Ms. Best: That is currently school district property and is in process of being traded to the Town for another parcel. The access to the parking and the neighborhood will be different.)

Ms. Leidal: I love the sidewalk along the rec path.

No Public Comment.

Mr. Schuman made a motion to approve, seconded by Mr. Lamb. The motion passed unanimously.

### **OTHER MATTERS:**

1. Town Council Summary - Mr. Truckey provided a review of the most recent Town Council Meeting:
  - New transit bus bays were approved
  - Short term rental restrictions discussions. Additional fee on short term units except where there is a 24 hour front desk.
  - Appeal from the Brown Hotel that would allow outside music to exceed the established decibel limit. Council denied the appeal.

### **ADJOURNMENT:**

The meeting was adjourned at 7:40pm.

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Christie Mathews-Leidal, Chair





**2018 - Class C Single Family Development Staff Report**

**Project Title:** Fowler Residence

**Proposal:** Build a new 9130 sq. ft. Single Family Residence

**Project Name and PC#:** Single Family Residence at 145 Penn Lode Dr.

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

**Date of Report:** August 16, 2018

**Property Owner:** Penn Lode Estate LLC (Greg and Candy Fowler)

**Agent:** Allen-Guerra Architecture

**Proposed Use:** Single Family Residence

**Address:** 145 Penn Lode Dr.

**Legal Description:** Shock Hill Subdivision, Filing 1, Lot 6

**Area of Site in Square Feet:** 45,115 sq. ft. 1.04 acres

**Existing Site Conditions:** Lot 7 was platted in 1998. The lot is located at the base of a hill, accessed via the Penn Lode Dr. cul-de-sac, and contains wetlands in the western portion of the lot. There is a platted Disturbance Envelope 35' from the northern, southern, and eastern property lines. There is a 35' Public Trail Easement running east to west along the southern property boundary, a 30' Public Trail, Utility, and Drainage Easement to the west of the Disturbance Envelope, and a 50' Wetlands Setback on the west side of the lot. The lot is forested with large pine and spruce trees. An existing trail known as "Toad Alley" crosses the property north to south through the 30' Public Trail, Utility, and Drainage Easement. Lot 7 to the north was developed in 2018 with a new single family residence. Lot 5 to the east remains undeveloped at the time of this report.

**Areas of building: Proposed Square Footage**

Lower Level:	3,363 sq. ft.
Main Level:	3,413 sq. ft.
Upper Level:	1,242 sq. ft.
Accessory Apartment:	
Total Density:	8,018 sq. ft.
Garage:	1,068 sq. ft.
Mechanical:	44 sq. ft.
Total:	9,130 sq. ft.

**Code Policies (Policy #)**

**Land Use District (2A/2R):** LUD:1 Residential, Recreation - 1 unit per 10 acres - Subject to the Shock Hill Subdivision

**Density (3A/3R):** Unlimited Proposed: 8,018 sq. ft.

**Mass (4R):** Unlimited Proposed: 9,130 sq. ft.

**F.A.R.:** 1:4.94 FAR

**No. of Main Residence Bedrooms:** 8 bedrooms

**No. of Main Residence Bathrooms:** 9.0 bathrooms

**Height (6A/6R):** 35.0 feet overall

\*Max height of 35' for single family outside Conservation District unless otherwise stated on the recorded plat

The proposed driveway wraps around to the side of the house, due to the proposed porte-cochere design, and location of the garage. **Staff has assigned negative four (-4) points for for excessive site disturbance due to the length of the driveway.**

**Site Design (7R):** Precedent:  
Pilon Residence (206 Stilson Placer Terrace, PL-2017-0101)  
Browne Residence (168 Peerless Dr., PL-2017-0063)  
Looking Glass Residence (138 Peerless Dr., PL-2016-0043)

**Ridgeline and Hillside Development (8A)** Complies

The development is subject to Policy 8A because it is located in an "area of concern" and can be viewed from Cucumber Gulch, which is considered a "view corridor." The development complies with the standards for this Policy. The development features trees and non-reflective glass on the downhill side.

**Platted Building/Disturbance /Footprint Envelope?** Disturbance Envelope

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

Drip line of Building/Non-Permeable Sq. Ft.:	8,100 sq. ft.	17.95%
Hard Surface/Non-Permeable Sq. Ft.:	4,050 sq. ft.	8.98%
Open Space / Permeable:	32,965 sq. ft.	73.07%

**Snow Storage (13A/13R):**

Required Square Footage:	1,013 sq. ft.	25% of paved surfaces is required
Proposed Square Footage:	1,512 sq. ft.	(37.33% of paved surfaces)

**Energy Conservation (33A/33R):** Staff has assigned negative two (-2) points for 950 sq. ft. of heated driveway.  
Staff has assigned positive four (+4) points for a HERS Index of 19-40.

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

Required:	2 spaces
Proposed:	5 spaces

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

Number of Gas Fired:	5 Gas Fired
No. of EPA Phase II Wood Burning:	1 Wood Burning

**Architectural Compatibility (5/A & 5/R):** The architecture and finishes match that of the other homes in the neighborhood.

Roofing: asphalt shingle (color: brown), corrugated metal (color: dark bronze)  
 Fascia: rough sawn 2x Cedar (color: black stain)  
 Soffit: reclaimed barn wood  
 Siding: barn wood (color: grey)  
 Windows/Doors: (color: black)  
 Stone veneer: (color: dark and light grey)  
 Guardrails: powder coated steel (color: grey)  
 Posts/beams: timber posts and glue-laminated beams (color: black stain)  
 Decking: composite (color: grey)  
 Deck railing: powder coated steel (color: grey)  
 Garage doors: reclaimed barn wood  
 Flashing, gutters, downspouts: metal (color: dark grey)

**Staff has awarded positive four (+ 4) points for an above average landscaping plan, finding that the combination of the existing and proposed landscaping provides public benefit, and is sufficient to effectively enhance the natural aesthetic of the property and to provide screening/buffering between the proposed development and Cucumber Gulch, the Penn Lode Dr. right-of-way, the adjacent lots, and the Public Trail Easements on the lot.**

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

Precedent:  
 Pilon Residence (206 Stilson Placer Terrace; PL-2017-0101)  
 Aspen: 33 @ 3" caliper  
 Spruce: 15 @ 12'-14' tall  
 Shrubs: 52 @ 5 gal.

Three Fourteen Peerless Residence (314 Peerless Dr.; PC#2014057)  
 Aspen: 16 @ 3" caliper  
 Spruce: 9 @ 10' - 14'  
 Bristlecone Pine: 5 @ 10-12'  
 Shrubs: 22 @ 5 gallon

Summit Premier Residence (284 Timber Trail Rd.; PC#2014065)  
 Aspen: 31 @ 2.5" caliper  
 Spruce: 16 @ 8' - 12'  
 Shrubs: 62 @ 5 gal

Planting Type	Quantity	Size
Quaking Aspen	29	3" caliper (50% multi-stem)
Colorado Spruce	14	10' tall
Bristlecone Pine	10	10' tall
Alpine Currant and Woods Rose	24	5 Gallon

**Defensible Space (22A):** Complies

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

The western portion of the lot contains wetlands which are part of a larger wetland area known as the Cucumber Gulch.

The property lies within the Cucumber Gulch Overlay Protection District, and within the Cucumber Gulch Preventative Management Area (PMA), which were adopted by the Town of Breckenridge by Ordinance on February 22, 2000. The Shock Hill Subdivision that created Lots 6, 7, and 8 within the Shock Hill Subdivision was approved by the Town on June 17, 1999. This subdivision was exempted from the PMA regulations for the three year vesting period of the subdivision permit. The intent of the ordinance was to adopt development standards for construction activity in the District, and to prohibit certain activities within the PMA. However, the ordinance also anticipated that some development would be allowed under very specific conditions, through a variance process. In 2000, the Town adopted the Cucumber Gulch Regulations.

**Special Areas (37R):**

On June 4, 2013, the Planning Commission approved a Variance for Lot 6, 7, and 8 in the Shock Hill Subdivision from Paragraph A, Paragraph C, Paragraph D, and Paragraph I of Section 8.4 of the Cucumber Gulch Regulations. The Decision document for the Variance states:  
 "A. A strict application of Paragraph A, Paragraph C, Paragraph D, and Paragraph I of Section 8.4 of the Cucumber Gulch Regulations would, when regarded as a whole, result in the compensable taking of the Applicants' Property as that term has been defined by the courts; and  
 B. The granting of the variance requested by the Applicants would not have the effect of nullifying the intent and purpose of the Cucumber Gulch Regulations."

A Restrictive Covenant and Agreement was recorded on November 4th, 2013, subjecting the property to Development Standards and Best Management Practices. A copy of this document is attached. Staff has reviewed the application for compliance with these Development Standards and Best Management Practices, and found the proposal to be in compliance.

As the proposed building is confined within the limits of the Disturbance Envelope, and because the proposed landscaping is located near the proposed residence, staff finds that the proposed development is concentrated to maximize areas left undisturbed as potential habitat, and designed to maximize the distance between disturbances and the PMA. **However, staff finds that the proposed driveway does not minimize the amount of impervious surfaces, given that it wraps around the house to the southeast corner of the lot, and that approximately 27% of the site is proposed to be impervious. Therefore, staff has assigned negative two (-2) points under this Policy.**

**Driveway Slope:** 7.00%

This application has met all Absolute Policies. This application has been assigned points as follows:  
 Positive four (+ 4) points under Policy 22/R for an above average landscaping plan  
 Positive four (+ 4) points under Policy 33/R, for a HERS Index of 19-40  
 Negative two (- 2) points under Policy 33/R, for excessive energy use by the heated driveway  
 Negative four (- 4) points under Policy 7/R, for excessive site disturbance due to the length of the driveway  
 Negative two (-2) points under Policy 37/R, for the amount of impervious surfaces within the Cucumber Gulch Overlay Protection District.  
**TOTAL: PASSING score of positive zero (0) points.**

**Staff Action:** Staff has approved the Fowler Residence, PL-2018-0306 showing a passing score of positive one (+1) point and with the attached Findings and Conditions.

**Findings:**  
 6. The project complies with the Class B Development Permit 2013044, "Variance from PMA prohibitions," approved by the Town Council on June 11, 2013 with the Findings and Conditions attached to that Development Permit.  
 7. The project complies with the Development Standards and Best Management Practices stated in the Restrictive Covenant and Agreement recorded on November 4, 2013 at Reception #1040906.

**Conditions:**  
 5. An improvement location certificate of the height of the top of the foundation wall, the second story plate, and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.

**Additional Conditions of Approval:**

**Prior to issuance of Certificate of Occupancy:**  
 24. Applicant shall install and connect a drain to be used for proposed hot tub to drain to the sanitary sewer system of the residence, in order that wastewater from the hot tub does not enter the Cucumber Gulch Preventive Management Area. The hot tub is prohibited from being drained onto the ground.  
 25. Applicant shall provide the Town with a final HERS Index energy analysis prepared by a registered design professional confirming a HERS Index of 40 or less.  
 30. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.

2/28



1040906

Kathleen Neel - Summit County Recorder

8 Pages  
11/4/2013 9:09 AM  
DF: \$0.00

1040906

**RESTRICTIVE COVENANT AND AGREEMENT  
(Preventive Management Area Variance)**

This Restrictive Covenant and Agreement ("Covenant") is made this 7 day of ~~September~~<sup>October</sup>, 2013, by the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("Town") and EUCALYPTUS PROPERTIES LLC, a Colorado limited liability company ("Owner").

Whereas, Owner is the owner of the following described real property situate in the Town of Breckenridge, County of Summit and State of Colorado, to wit:

Lot 6, Shock Hill Subdivision, according to the plat thereof recorded June 17, 1999 under Reception No. 598532 of the records of the Clerk and Recorder of Summit County, Colorado

("Owner's Property"); and

Whereas, Owner's Property is located with the boundaries of the "Cucumber Gulch Overlay Protection District" ("District") as established in Ordinance No. 9, Series 2000, as amended ("Cucumber Gulch Regulations"); and

Whereas, Owner has requested Town to grant a variance from the provisions of Paragraphs A, C, D and I of Section 8.4 of the Cucumber Gulch Regulations with respect to Owner's Property; and

Whereas, Town agreed to grant the requested variance as evidenced by the Decision made by the Town's Planning Commission on June 4, 2013 ("Decision") and further approved by the Development Permit No. 2013044 ("Development Permit"), subject, however, to certain terms and conditions; and

Whereas, one of the conditions of the Development Permit is that the Owner enter into this Covenant and cause this Covenant to be recorded such that it will be binding upon subsequent owners of the Owner's Property.

NOW, THEREFORE, in consideration of the issuance of the Development Permit, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by Owner, the Owner and Town agree as follows:

1. Preventive Management Area Variance. As provided for in the Decision, the Town granted a permanent variance for Owner's Property from the provisions of Paragraphs A, C, D and I of Section 8.4 of the Cucumber Gulch Regulations and, by this Covenant, the Town is causing this verification of the variance provided for in the Decision to be recorded so that subsequent owners of the Owner's Property will have notice of and can rely on such variance.

2. Property Subject to Development Standards and Best Management Practices. The following Development Standards and Best Management Practices shall apply to Owner's

Property:

(a) Development Standards.

(i) New roads constructed within the District shall have passageways to provide for wildlife movement, unless such passageways are not required by the Town. The location, size and interval of such passageways shall require approval by the Town in consultation with the Colorado Department of Wildlife or other qualified biologists.

(ii) Modifications to the hydrology shall not result in detrimental effects to the resources of the District.

(iii) 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.

(iv) Any trail approved within the Recreation Plan pursuant to Paragraph 13 of the Cucumber Gulch Regulations shall be designed to discourage unauthorized use.

(v) New recreation uses shall utilize plantings, boulders and other natural features to route visitors away from sensitive areas.

(vi) 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.

(vii) Components consistent with the Town's adopted water quality standards shall be incorporated in construction activities to address potential impacts from storm water run-off, snow storage, and impervious surfaces.

(viii) Permanent fencing shall be avoided, unless specifically designed to allow for wildlife movement.

(ix) Exterior lighting shall be designed so that no direct rays impact the Town's Preventive Management Area ("PMA") as described in the Cucumber Gulch Regulations.

(x) Use of exterior loudspeakers that can be heard from the PMA is prohibited, including but not limited to music speakers.

(xi) The area of soil and vegetation disturbance on each building site shall be limited to that required for construction and landscaping.

(xii) Buildings should be designed and sited to minimize disturbance to topography and vegetation.

(b) Best Management Practices.

(i) Undeveloped common areas of a development shall be managed to retain natural and habitat values. Vegetative clearing shall be avoided within identified wildlife movement corridors. Turf in common areas shall be limited to those used for active recreation.

(ii) Landscaping shall consist primarily of native vegetation. Property owners shall consult with the Colorado Division of Wildlife to determine appropriate native plants. Invasive weeds shall be removed.

(iii) The use of fertilizer, herbicides and pesticides shall be prohibited, except to protect forest health as approved by the Town in consultation with forest and wildlife resource management agencies. In such instances, the principles of integrated pest management shall be used.

(iv) Human-made trails shall not be established unless approved by the Town within the Recreation Plan pursuant to Paragraph 13 of the Cucumber Gulch Regulations. Trails not approved by the Town shall be closed using signage and other physical measures; obscured using natural materials; and revegetated using native plants.

(v) Activities in wetlands or within stream banks shall be prohibited.

(vi) Pets shall be leashed or contained within enclosures at all times to avoid disturbance of and interference with wildlife.

(vii) Trash and other material that could attract wildlife shall be stored in animal-proof containers.

(viii) The intentional feeding of wild animals is prohibited.

(c) Owner acknowledges that, except as expressly modified by the Development Permit, the Cucumber Gulch Regulations shall continue to be applicable to Owner's Property, notwithstanding the execution and recording of this Covenant.

3. Default; Notice. In the event Town determines that Owner is in default hereunder, Town shall notify Owner and any Mortgagee (as hereafter defined) of such default in writing. Within thirty (30) days following receipt of such notice, Owner shall correct such default, or, in the event of a default not capable of being corrected within thirty (30) days, Owner shall contact the Town staff and shall develop a timetable agreeable to the staff to correct the default and thereafter correct the default with due diligence. A Mortgagee shall have the right (but shall not be

required) to cure any default hereunder within the applicable cure period as provided above. If Owner fails or refuses to correct any default as provided above, and if the default is not cured by a Mortgagee within the applicable cure period, Town may enforce this Covenant as hereafter provided. As used in this Paragraph, the term "Mortgagee" shall mean the beneficiary of any recorded Deed of Trust encumbering Owner's Property, and the mortgagee of any recorded mortgage encumbering the Owner's Property.

4. Equitable Relief. Owner agrees that, in the event of Owner's default under or non-compliance with the terms of this Covenant, the Town shall have the right of specific performance of this Covenant and the right to obtain from any court of competent jurisdiction a temporary restraining order, preliminary injunction and permanent injunction to obtain such performance. Any equitable relief provided for in this Paragraph may be sought singly or in combination with such legal remedies as the Town may be entitled to, either pursuant to the provisions of this Covenant or under the laws of the State of Colorado.

5. Town Authority To Enforce. The restrictions, covenants and limitations created herein are for the benefit of the Town which is given the sole power to enforce this Covenant in the manner herein provided.

6. Enforcement in Municipal Court. In addition to such other methods of enforcement as may be available to Town, in the event of Owner's default hereunder, which default is not cured as provided in Paragraph 3, above, Town may enforce this Covenant by bringing an appropriate action in the Breckenridge Municipal Court.

7. Waiver; Termination; Modification Of Covenant. The restrictions, covenants and limitations created herein may be waived, terminated or modified with the written consent of both the Owner of Owner's Property and the Town. No such waiver, modification, or termination shall be effective until the proper instrument in writing shall be executed and recorded in the office of the Clerk and Recorder of Summit County, Colorado. The Town may also terminate this instrument by recording a release in recordable form without the signature of Owner. For convenience, such instrument may run to "the owner or owners and parties interested" in the Owner's Property.

8. Statute of Limitations. Owner hereby waives the benefit of, and agrees not to assert in any action brought by the Town to enforce the terms of this Covenant, any applicable statute of limitation which might otherwise operate to bar the ability of the Town to enforce this Covenant, including, but not limited to, the provisions of 38-41-119, C.R.S. In the event that any statute of limitations may lawfully be asserted by Owner in connection with an action brought by the Town to enforce the terms of this Covenant, it is agreed between Owner and Town that each and every day during which any violation of the terms of this Covenant occurs shall be deemed to be a separate breach of this Covenant for the purposes of determining the commencement of the applicable statute of limitations period.

9. No Conflicting Agreement. Owner covenants, represents and warrants to the Town that the execution and delivery of this Covenant to the Town will not violate any agreement now existing with respect to the Owner's Property. Owner shall not execute any other agreement

with provisions contradictory to, or in opposition to, the provisions of Covenant, and in any event, it is agreed that the provisions of this Covenant are paramount and controlling as to the rights, obligations and limitations herein set forth and shall supersede any other provision in conflict herewith.

10. Entire Agreement. This Covenant constitutes the entire agreement and understanding between the parties relating to the subject matter of this Covenant, and supersedes any prior agreement or understanding relating thereto.

11. Severability. In case one or more of the provisions contained in this Covenant or any application hereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained in this Covenant and the application thereof shall not in any way be affected or impaired thereby.

12. Attorney's Fees. If any action is brought in a court of law by either party to this Covenant concerning the enforcement, interpretation or construction of this Covenant, the prevailing party, either at trial or upon appeal, shall be entitled to reasonable attorney's fees as well as costs, including expert witness's fees, incurred in the prosecution or defense of such action.

13. Notices. Except as otherwise provided, all notices provided for or required under this Covenant shall be in writing, signed by the party giving the same, and shall be deemed properly given when actually received or two (2) days after mailing, postage prepaid, certified, return receipt requested, addressed to the parties hereto at their addresses appearing on the signature pages. Each party, by written notice to the other party, may specify any other address for the receipt of such instruments or communications.

14. Applicable Law. This Covenant shall be interpreted in all respects in accordance with the laws of the State of Colorado.

15. Recording And Filing; Covenant Running With The Land.

(a) This Covenant shall be placed of record in the real property records of Summit County, Colorado, and, except as otherwise provided herein, the covenants contained herein shall run with the land and shall bind, and the benefits shall inure to, respectively, the Owner and Owner's successors and assigns, and all subsequent owners of the Owner's Property or any interest therein, and the Town, in perpetuity as provided in Paragraph 17 of this Covenant.

(b) The Owner hereby agrees that any and all requirements of the laws of the State of Colorado to be satisfied in order for the provisions of this Covenant to constitute a restrictive covenant running with the land shall be deemed to be satisfied in full, and that any requirements of privity of estate are intended to be satisfied, or in the alternative, that an equitable servitude has been created to insure that these restrictions run with the land. During the term of this Covenant, each and every contract, deed or other instrument hereafter executed conveying the Owner's Property provided, or portion thereof, shall expressly provide that such conveyance is subject to this Covenant; provided, however, that the covenants contained herein shall survive and be effective as to successors and/or

assigns of all or any portion of the Owner's Property, regardless of whether such contract, deed or other instrument hereafter executed conveying the Owner's Property, or portion thereof, provides that such conveyance is subject to this Covenant.

15. Owner's Covenant Of Title And Authority. Owner covenants, represents and warrants to the Town that Owner has good and marketable title to the Owner's Property and full and complete legal authority to execute and deliver this Covenant to the Town subject to no liens or encumbrances, except for the taxes for 2013 and subsequent years.

16. Vesting and Term. Owner and Town agree that the Town's rights and interests under this Covenant are vested immediately and that this Covenant, and any amendments hereto, shall be binding and in full force and effect in perpetuity, unless terminated as herein provided.

17. Paragraph Headings. Paragraph headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Covenant.

18. Terminology. Wherever applicable, the pronouns in this Covenant designating the masculine or neuter shall equally apply to the feminine, neuter and masculine genders. Furthermore, wherever applicable within this Covenant, the singular shall include the plural, and the plural shall include the singular. Additionally, terms used in this Covenant that are defined in the Cucumber Gulch Regulations shall have the meanings provided in the Cucumber Gulch Regulations.

19. Binding Effect. This Covenant shall be binding upon, and shall inure to the benefit of parties, and their respective heirs, successors, assigns, legal representatives, and personal representatives, and all subsequent owners of the Owner's Property, or any interest therein, during the term of this Covenant as herein provided.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first written above.

[SEPARATE SIGNATURE PAGES TO FOLLOW]



OWNER:

EUCALYPTUS PROPERTIES LLC  
a Colorado limited liability company

By: William C Haney  
William C. Haney, Manager

Owner's Address:

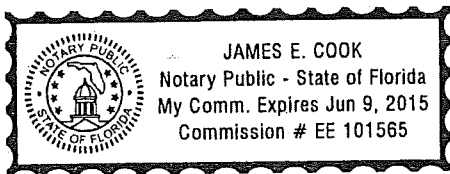
233 Barton Ave.  
Palm Beach, FL 33480

STATE OF FLORIDA        )  
                                  ) ss.  
COUNTY OF Palm Beach )

The foregoing instrument was acknowledged before me this 7 day of ~~September~~ <sup>October</sup>, 2013  
by William C. Haney as Manager of Eucalyptus Properties LLC, a Colorado limited liability  
company.

WITNESS my hand and official seal.

My commission expires: 6/9/15



James E. Cook  
Notary Public

<b>Consent Calendar Point Analysis</b>				
Project:	Fowler Single Family Residence		<b>Points</b>	<b>+8</b>
PC#	PL-2018-0306		-	
Date:	8/16/2018	<b>Negative</b>	<b>Points</b>	<b>- 8</b>
Staff:	Chapin LaChance, Planner II		-	
		<b>Total</b>	<b>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)	- 4	The proposed driveway wraps around to the side of the house, due to the proposed porte-cochere design, and location of the garage. Staff has assigned negative four (-4) points for for excessive site disturbance due to the length of the driveway.
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	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
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)	+4	The proposal includes an above average landscaping plan, which features (14) Spruce trees @ 10' tall, 10 Bristlecone Pine trees @ 10' tall, (29) Aspen trees @ 3" minimum in caliper, 50% multi-stem, and (24) 5 gallon shrubs.
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)	- 2	The applicant proposes 950 sq. ft. of heated driveway.
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	+4	Staff has assigned positive four (+4) points for a HERS Index of 39.
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)	- 2	As the proposed building is confined within the limits of the Disturbance Envelope, and because the proposed landscaping is located near the proposed residence, staff finds that the proposed development is concentrated to maximize areas left undisturbed as potential habitat, and designed to maximize the distance between disturbances and the PMA. However, staff finds that the proposed driveway does not minimize the amount of impervious surfaces, given that it wraps around the house to the southeast corner of the lot, and that approximately 27% of the site is proposed to be impervious. Therefore, staff has assigned negative two (-2) points under this Policy.
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		
50/A	<b>Wireless Communication Facilities</b>	Complies		

## TOWN OF BRECKENRIDGE

Fowler Residence  
Shock Hill Subdivision, Lot 6  
145 Penn Lode Drive  
PL-2018-0306

### 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 **August 16, 2018**, 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 **August 21, 2018** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. **The project complies with the Class B Development Permit 2013044, "Variance from PMA prohibitions," approved by the Town Council on June 11, 2013 with the Findings and Conditions attached to that Development Permit.**
7. **The project complies with the Development Standards and Best Management Practices stated in the Restrictive Covenant and Agreement recorded on November 4, 2013 at Reception #1040906.**

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **February 21, 2019**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.

6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. **An improvement location certificate of the height of the top of the foundation wall, the second story plate, and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.**
10. At no time shall site disturbance extend beyond the limits of the platted building/site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
12. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

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

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

20. The public access to the lot shall have an all weather surface, drainage facilities, and all utilities installed acceptable to Town Engineer. Fire protection shall be available to the building site by extension of the Town's water system, including hydrants, prior to any construction with wood. In the event the water system is installed, but not functional, the Fire Marshall may allow wood construction with temporary facilities, subject to approval.
21. Applicant shall install construction fencing and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.
22. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15' in height from finished grade or 7' above upper decks.
23. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

- 24. Applicant shall install and connect a drain to be used for proposed hot tub to drain to the sanitary sewer system of the residence, in order that wastewater from the hot tub does not enter the Cucumber Gulch Preventive Management Area. The hot tub is prohibited from being drained onto the ground.**
- 25. Applicant shall provide the Town with a final HERS Index energy analysis prepared by a registered design professional confirming a HERS Index of 40 or less.**
26. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
27. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
28. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
29. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
- 30. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.**
31. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
32. Applicant shall screen all utilities.
33. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15 feet in height from finished grade or 7 feet above upper decks.
34. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site.

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

35. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
36. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
37. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
38. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
39. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

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(Initial Here)











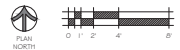






FLOOR AREA SUMMARY:	FINISHED	UNFINISHED	TOTAL
UPPER FLOOR	1,242	1,068	2,310
MAIN FLOOR	2,412	461	2,873
LOWER FLOOR	3,363	44	3,407
TOTAL	7,017	1,573	8,590

1 UPPER FLOOR PLAN  
A2.3



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 20 BOX 248  
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 P1 BRECKENRIDGE  
 P2 BRECKENRIDGE  
 E-MAIL: INFO@ALLEN-GERRARD.COM  
 WEBSITE: WWW.ALLEN-GERRARD.COM

PRELIMINARY - NOT FOR CONSTRUCTION

FOWLER RESIDENCE  
 LOT 6 SHOCKS HILL SUBDIVISION 145 PENN LOPE DRIVE  
 BRECKENRIDGE, COLORADO 80424

TITLE UPPER FLOOR PLAN

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DATE	DATE
OWNER REVIEW	16 FEB 2018
OWNER REVIEW	20 FEB 2018
OWNER REVIEW	4 MARCH 2018
OWNER REVIEW	30 MARCH 2018
OWNER REVIEW	15 APRIL 2018
OWNER REVIEW	30 MAY 2018
PROJ. REVIEW	2 JULY 2018
PLANNING	22 JULY 2018

PROJECT # 100

A2.3













# FOWLER RESIDENCE

EXTERIOR MATERIALS SCHEDULE - PAGE 1 OF 2



DATE: 27 JUNE 2018

LABEL	ITEM	COLOR	DESCRIPTION
M1	ROOF SHINGLES		GAF TIMBERLINE ULTRA HD 50 YR SHINGLES COLOR "WEATHERED WOOD"
M2	METAL ROOF		US METALS -CORRUGATED DARK-BRONZE NON-REFLECTIVE
M3	FASCIA		RS 2X CEDAR - STAINED WITH SUPER-DECK CUSTOM "CHARCOAL"
M4	SOFFIT		RECLAIMED BARN WOOD
M5	VERTICAL SIDING		BARN WOOD "GREY"
M6	WINDOWS/ DOORS		JELD WEN WINDOW COMPANY BLACK LICORICE
M7	WINDOWS/ DOORS TRIM		2" X 3" CEDAR - STAINED WITH SUPER-DECK CUSTOM "CHARCOA"
M8	STONE VENEER		GALLEGOS STONE 335G CHOPPED CHARCOAL MIXED W/ GREY KANSAS LIMESTONE

# FOWLER RESIDENCE

EXTERIOR MATERIALS SCHEDULE - PAGE 2 OF 2

DATE: 27 JUNE 2018

LABEL	ITEM	COLOR	DESCRIPTION
M9	CAP AT STONE VENEER		KANSAS GREY LIMESTONE
M10	GUARDRAILS AND EXPOSED STEEL BM'S		POWDER COATED STEEL LIGHT-MEDIUM GREY
M11	EXPOSED POSTS/ BEAMS		TIMBER POSTS AND GLULAM BEAMS STAIN W SUPERDECK CUSTOM "CHARCOAL"
M12	WOOD DECKS		EVERGRAIN COMPOSITE DECKING - COLOR SHALL BE "CAPE COD GREY" OR EQUAL
M13	HORIZONTAL DECK RAILING		POWDER COATED STEEL LIGHT-MEDIUM GREY
M14	GARAGE DOORS		RECLAIMED BARN WOOD PER DETAILS
M15	FLASHING, GUTTERS & DOWNSPOUTS		COLOR SHALL BE DARK GREY

NOTE: ALL EXPOSED METAL INCLUDING, BUT NOT LIMITED TO, FLASHING, DRIP EDGE, VENT STACKS, FLUE PIPES, ETC, SHALL BE DARK GREY

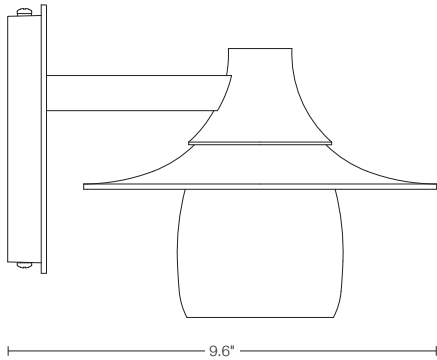
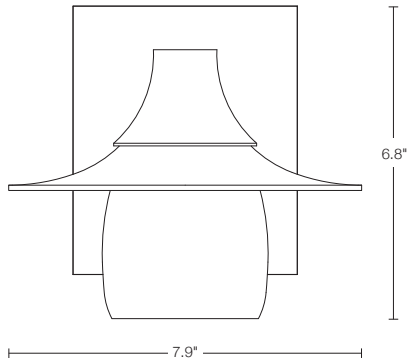




**306563**  
**HOOD SMALL OUTDOOR SCONCE**  
*As shown: 306563-18*

## 306563 HOOD

Outdoor aluminum dark-sky friendly sconce, small. Patent Pending



### Dimensions

Height	6.8"
Width	7.9"
Projection	9.6"
Backplate	5.0" x 6.0"
Mounting Height	3.8"
ADA Compliant?	No

### Max Hanging Weight

3 lbs

### Incandescent Lamping

Socket: medium  
Bulb: A-15, 60 watt max

### UL Listing

Outdoor wet

Updated 1.13

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# Home Energy Rating Certificate



Property  
Fowler Residence  
  
145 Penn Lode Drive  
Breckenridge, CO 80424

HERS  
Rating Type: Projected Rating  
Rating Date:  
Registry ID:

Certified Energy Rater: Matt Wright  
Rating Number:

**Projected Rating: Based on Plans - Field Confirmation Required.**

**HERS Index: 39**

## General Information

Conditioned Area	8018 sq. ft.	House Type	Single-family detached
Conditioned Volume	118388 cubic ft.	Foundation	More than one type
Bedrooms	7		

## Mechanical Systems Features

Heating:	Fuel-fired hydronic distribution, Natural gas, 95.0 AFUE.
Water Heating:	Conventional, Natural gas, 0.76 EF, 95.0 Gal.
Duct Leakage to Outside	NA
Ventilation System	Balanced: HRV, 100 cfm, 100.0 watts.
Programmable Thermostat	Heat=No; Cool=No

## Building Shell Features

Ceiling Flat	NA	Slab	R-0.0 Edge, R-15.0 Under
Sealed Attic	NA	Exposed Floor	NA
Vaulted Ceiling	R-60.0	Window Type	U-Value: 0.220, SHGC: 0.350
Above Grade Walls	R-32.0	Infiltration Rate	Htg: 2.00 Clg: 2.00 ACH50
Foundation Walls	R-25.0	Method	Blower door test

## Lights and Appliance Features

Percent Interior Lighting	100.00	Range/Oven Fuel	Natural gas
Percent Garage Lighting	100.00	Clothes Dryer Fuel	Electric
Refrigerator (kWh/yr)	2000	Clothes Dryer CEF	2.62
Dishwasher Energy Factor	0.80	Ceiling Fan (cfm/Watt)	0.00

## Estimated Annual Energy Cost

Use	MMBtu	Cost	Percent
Heating	185.6	\$1828	63%
Cooling	0	\$0	0%
Hot Water	26.8	\$262	9%
Lights/Appliances	55.3	\$1746	60%
Photovoltaics	-28.0	-\$934	-32%
Service Charges		\$0	0%
<b>Total</b>	<b>239.6</b>	<b>\$2902</b>	<b>100%</b>

## Criteria

This home meets or exceeds the minimum criteria for the following:  
2006 International Energy Conservation Code  
2009 International Energy Conservation Code

HERS Provider: EnergyLogic, Inc.  
1-800-315-0459 www.nrglogic.com  
HERS Rater: Matt Wright  
Deeper Green Consulting  
970-389-2448



Certified Energy Rater:

**REM/Rate - Residential Energy Analysis and Rating Software v15.5**

This information does not constitute any warranty of energy costs or savings. © 1985-2017 NORESKO, Boulder, Colorado.  
The Home Energy Rating Standard Disclosure for this home is available from the rating provider.

## Planning Commission Staff Report

- Subject:** Breckenridge Market and Liquor (Fox Center) Exterior Modifications  
(Class C Development; PL-2018-0320)
- Proposal:** Minor exterior modifications to the exterior of the southern portion of the building. Proposed exterior modifications include the raising of existing awning structures and installation of new corrugated metal roofing on existing awnings, installation of new corrugated metal band with exposed bolts and washer fasteners on the east and west elevation, installation of horizontal 1x6 barn wood siding, repainting of stucco walls to a “light rust” color, and replacement of cap flashing.
- Staff has referred this application to the Planning Commission, given the issues involved with the application.
- Date:** August 16, 2018 (For meeting of August 21, 2018)
- Project Manager:** Chapin LaChance, Planner II
- Applicant/Owner:** Cohn Enterprises LTD.
- Agent:** John Lindhorst and Zack Jankonsky
- Address:** 305-311 South Ridge Street
- Legal Description:** Abbetts Addition Subdivision, Block 14, Lots 1-16
- Site Area:** 1.1123 acres (48,451.79 sq. ft.)
- Land Use District:** 18-2: Residential and Commercial; 20 Units per Acre (UPA); 1:1 Floor Area Ratio (FAR)
- Special Area:** (14) South Main Transition Character Area
- Site Conditions:** All 16 lots on Abbetts Addition Subdivision, Block 14 are under the same ownership. The existing three story, flat roofed building, constructed in 1976, currently contains the Post Office, the Breckenridge Market and Liquor, Le Petit Paris restaurant, the Crepes a la Carte restaurant, and a 21-space parking garage. The East façade is constructed predominately of brick. The West façade is constructed of brick and stucco. The building is located on Lots 1 through 11, and there is an asphalt parking lot on Lots 12 through 16. Block 14 is surrounded by E. Adams Ave. to the north, S. Ridge St. to the East, E. Jefferson Ave. to the South, and the S. Ridge St. Alley to the West.
- Adjacent Uses:**
- |        |  |
|--------|--|
| North: | Sky Ridge Condominiums (Commercial)    |
| East:  | Single Family Residential, Condominium |
| South: | Tannhauser Condominiums (Residential)  |
| West:  | Commercial                             |

<b>Density:</b>	No change
<b>Mass:</b>	No change
<b>Height:</b>	No change
<b>Parking:</b>	No change
<b>Setbacks:</b>	No change

### Item History

The Fox Center was built in 1974. The building was approved as general commercial use. In 1982, an expansion was approved to increase the size of the Post Office and add two retail spaces in the rear of the building off the alley. In February of 2014, a Class C Development Permit (#2013104) was issued to change the use of the upper floor above the Post Office from commercial to residential, and construct 9 one bedroom residential apartments. With this change of use, several modifications to the exterior of the building were approved. In January of 2015, a Class D Minor Development Permit (P1-2015-0002) was approved to extend the Development Permit expiration by 6 months, to July 14, 2015. The work was never completed, and the Development Permit expired.

### Staff Comments

**Architectural Compatibility (5/A & 5/R):** The applicant proposes minor exterior modifications to the exterior of the southern portion of the building, almost of all which were previously approved in 2013 as part of a larger renovation and remodel that was never constructed. The proposed exterior modifications include the raising of existing awning structures and installation of new corrugated metal roofing on existing awnings, installation of new corrugated metal accent band with exposed bolts and washer fasteners on the east and west elevation, installation of horizontal 1x6 barn wood siding, repainting of stucco walls to a “light rust” color, and replacement of the cap flashing. All of this work was approved in 2013, with the exception being that the proposed “corrugated metal accents band” was originally approved using glue-laminated beam material.

These modifications are proposed only to the southern portions of the building which encompass the Breckenridge Market and Liquor Store, and not to the northern portions of the building which encompass the Post Office.

The existing building is out of character with the Conservation District in that it is three stories tall, contains large massing, and contains stucco on several facades. Its construction in 1974 pre-dates the formation of the Breckenridge National Register Historic District in 1980, and the adoption of the Town’s Handbook of Design Standards for the Historic and Conservation Districts in 1992. Therefore, staff considers the building to meet the Town Code definition of legal “*nonconforming structure.*”

The applicant does not propose to increase the number of colors used, and staff finds that the proposed colors meet the chroma requirements of this Policy. Staff does not have any concerns regarding excessive dissimilarity, as the proposed modifications are not found by staff to further any non-conformity. The applicant has provided a summary confirming that the proposed corrugated metal material does not exceed 25% of any elevation.

**Social Community (24/A & 24/R):**

- Priority Design Standard 342: “*Avoid large blank wall surfaces that diminish pedestrian interest.*” Considering the building does contain some existing larger walls without much glazing or diversity in façade material, staff supports the proposed materials, finding that the modifications will increase the visual interest of the building to the pedestrian.

**Point Analysis (Section: 9-1-17-3):** Staff does not believe this application warrants positive or negative points under the Relative Policies of the Development Code. The application is found to meet all Absolute Policies.

**Staff Recommendation**

Staff recommends the Planning Commission approve the Breckenridge Market and Liquor (Fox Center) Exterior Modifications, PL-2018-0320, located at 305-311 S. Ridge St., with the attached Findings Conditions.

## TOWN OF BRECKENRIDGE

**Breckenridge Market and Liquor (Fox Center) Exterior Modifications**  
**Abbetts Addition Subdivision, Block 14, Lots 1-16**  
**305-311 South Ridge Street**  
**PL-2018-0320**

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

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **August 16, 2018**, 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 **August 21, 2018** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **February 28, 2020**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site.

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

7. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
8. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**



**Planning Commission Staff Report**

**Subject:** Casey Residence  
(Class B Historic, Preliminary Hearing; PL-2018-0262)

**Proposal:** Rehabilitate, Locally Landmark, add connector and addition to existing, historic residence on North French Street.

**Date:** July 31, 2018 (For meeting of August 21, 2018)

**Project Manager:** Chris Kulick, AICP

**Applicant/Owner:** Dianne Monaghan

**Agent:** Lee Edwards, Dry Rot Construction

**Address:** 112 North French Street

**Legal Description:** Abbett Addition, Lots 3& 4, Block 3

**Site Area:** 0.141 acres (6,121 sq. ft.)

**Land Use District:** 18-2 - Residential Single Family/Duplex - 20 Units per Acre (UPA)

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

**Site Conditions:** The lot is located on North French Street, in-between the Fireside Inn Bed and Breakfast and a single-family residence. The lot is relatively flat sloping uphill to the east from French Street at an average grade of 2%. The lot contains the Historic “Casey Residence” which is located on the front half of the property. Two historic sheds and a historic outhouse straddle the property line with the Neighboring Longbranch Condominium building. These historic outbuildings have been in the same location since the 1870’s and are shown on Sanborn Fire Maps. Two mature aspen trees are located to the southeast of the historic home. There is an existing 4’ wide sidewalk that connects the front of the home to the French Street sidewalk.

**Adjacent Uses:** North: Craig Residence, single-family home (Residential)  
South: Fireside Inn Bed and Breakfast (Residential)  
East: Longbranch Condominiums (Residential)  
West: Single-family residence & Office (Residential & Commercial)

**Density:** Allowed under LUGs, 20 UPA: 4,512 sq. ft.  
Proposed density:  
(Excluding 1,029 sq. ft. Landmarked): 2,425 sq. ft.

**Above Ground Density:**  
Allowed:  
At 9 UPA: 2,030 sq. ft.  
Up to 10 UPA (with restoration/ negative points) 2,256 sq. ft.  
Proposed: 2,234 sq. ft.



<b>Mass:</b>	Allowed:	2,707 sq. ft.
	Proposed: (321 sq. ft. over)	3,028 sq. ft.
<b>Total:</b>	<b>Main House</b>	
	Lower Level: (incl. 1,029 sq. ft. Landmarked):	1,029 sq. ft.
	Main Level:	1,029 sq. ft.
	Subtotal – Main House:	2,058 sq. ft.
	<b>Connector</b>	
	Lower Level:	191 sq. ft.
	Main Level:	178 sq. ft.
	Subtotal- Bunk House	369 sq. ft.
	<b>Addition</b>	
	Lower Level:	288 sq. ft.
	Main Level (Including 624 sq. ft. garage):	708 sq. ft.
	Upper Floor:	943 sq. ft.
	Subtotal- Bunk House	1,651 sq. ft.
	<b>Out Buildings</b>	
	Main Level:	170 sq. ft.
	<b>Total</b>	<b>4,248 sq. ft.</b>
<b>Height:</b>	Recommended:	23.0 ft. (mean) 26 ft. (max)
	Proposed:	23.7' ft. (mean); 27.1' ft. (overall)
<b>Lot Coverage:</b>	Building / non-Permeable:	2,650 sq. ft. (43% of site)
	Hard Surface / non-Permeable:	1,080 sq. ft. (18% of site)
	Open Space / Permeable Area:	2,464 sq. ft. (39% of site)
<b>Parking:</b>	Required:	2 spaces
	Proposed:	3 spaces
<b>Snowstack:</b>	Required:	259 sq. ft. (25%)
	Proposed:	400 sq. ft. (39%)
<b>Setbacks:</b>	Front (15' recommended): (Existing)	11.5 ft.
	Sides (5' recommended):	4.5 ft.
	Rear (15' recommended):	14.5 ft.

### Item History

According to Sanborn Fire Insurance maps, this one-story miner's cottage was built by 1886. Sanborn maps between 1886 and 1914 depict the building as having an offset T-shape, with a side-gabled front wing, and an intersecting front-gabled wing to the rear. At some point in time, after 1914, the north leg of the "L" was filled in, and a modest shed-roofed addition was built onto the east elevation. Its first

owners were William and Dora Casey. The Caseys sold the dwelling to George Goudie on May 7, 1907. The property's current owner is Dianne Monaghan.

The irregular-shaped, single-story, wood frame dwelling consists of a main side-gabled wing, which measures 29' N-S (across) by 13' E-W (deep), a longer, intersecting gabled rear wing, which measures approximately 21' N-S by 36' E-W, and a small, 12' N-S by 7' E-W, shed-roofed rear entry porch extension to the east elevation. The building's exterior walls are clad with painted gray color horizontal wood siding with 1" by 4" corner boards. The roof is covered with metal roofing material and the eaves are boxed. Windows are predominantly single and paired 1/1 double-hung sash with painted cream white wood frames and painted grey/blue wood surrounds. A wood-paneled front door enters the façade from an 8' by 4' front porch covered by a gable roof. Another entry door leads into the south elevation from an uncovered wood deck.

Two wood frame secondary buildings and a privy are located at the rear (east) end of the property. The larger of the two secondary buildings measures 20' N-S by 10' E-W. It is covered by a gable roof with metal roofing material. The smaller of the two secondary buildings measures 10' N-S by 16' E-W. It is covered by a saltbox roof covered with metal roofing material. The privy measures 5' N-S by 6' E-W. It has horizontal wood siding exterior walls, with 1" by 4" corner boards, and it is covered by a gable roof with metal roofing material.



The Town's Cultural Resource Survey has rated this house as "Contributing" to the district.

42. *Statement of significance:*

*This building is historically significant for its associations with Breckenridge's historical development during the "Town Phase" and "Stabilization Phase" periods of the town's growth, dating from circa 1885 to 1942. It is also architecturally notable, to a modest degree, for its representative cross-gabled offset T-shaped plan. The property's level of significance is not to the extent that it would qualify for individual listing in the National Register of Historic Places, or in the State Register of Historic Properties. It may, however, qualify for individual local landmark designation by the Town of Breckenridge, and it is a contributing resource located within the boundaries of the Breckenridge Historic District.*

43. *This property exhibits a reasonably high level of integrity, relative to the seven aspects of integrity as defined by the National Park Service and the Colorado Historical Society - setting, location, design, materials, workmanship, feeling and association. A sense of time and place of a late 19<sup>th</sup> century building is still in evidence. The property's integrity is enhanced by the existence of the historic secondary buildings.*

46. *If the building is in existing National Register district, is it contributing - Yes.*

Previously on September 15, 1994, the Planning Commission approved a restoration of the three outbuildings that are partially located on this property. During the review it was determined the outbuildings encroach onto a portion of the Longbranch Condominiums property but do not encroach onto the Town's drainage easement which is located just to the east of the outbuildings. Recently, several owners of property in the 100 North Block of French Street have worked with the Longbranch Home Owner's Association to acquire easements for historic outbuildings. Currently, the client's Attorney and the Longbranch HOA's Attorney are finalizing the easements to be recorded.

### **Staff Comments**

At this preliminary review, staff would like to address the key policies addressing staff's concerns and identify issues related to having this proposal meet all absolute policies and obtain a passing Point Analysis at a future meeting.

#### **The Social Community (24/A):**

*B. Historic And Conservation District: Within the conservation district, which area contains the historic district (see special areas map) substantial compliance with both the design standards contained in the "handbook of design standards" and all specific individual standards for the transition or character area within which the project is located is required to promote the educational, cultural, economic and general welfare of the community through the protection, enhancement and use of the district structures, sites and objects significant to its history, architectural and cultural values.*

Since this policy addresses the design criteria found in the Handbook of Design Standards for the Historic and Conservation Districts along with the individual Character Areas, discussion of all historic details will be reviewed here.

**Historic Preservation:** The applicants propose to restore, rehabilitate and stabilize the structure by building a full basement beneath the historic house, restoring all historic windows, siding, trim details and doors, adding new electrical, plumbing and mechanical systems.

*Additional onsite preservation and restoration efforts beyond the requirements of the historic district guidelines for historic structures and sites as defined in chapter 11 of this title are strongly encouraged.*

*Positive points shall be awarded according to the following point schedule for onsite historic preservation, or restoration efforts, in direct relation to the scope of the project, subject to approval by the planning commission. Positive points may be awarded to both primary structures and secondary structures.*

*A final point allocation shall be made by the planning commission based on the historic significance of the structure, its visibility and size. The construction of a structure or addition, or the failure to remove noncontributing features of a historic structure may result in the allocation of fewer positive points:*

*(1) Primary structures:*

*+1: On site historic preservation/restoration effort of minimal public benefit.*

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

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

*Examples: Restoration of historic window and door openings, preservation of historic roof materials, siding, windows, doors and architectural details, plus structural stabilization and installation of a new foundation.*

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

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

*+9: On site historic preservation/restoration effort with a significant public benefit.*

*Example: Restoration/preservation efforts which bring a historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style and respecting the historic context of the site that fall short of a pristine restoration. Projects in this category will remove noncontributing features of the exterior of the structure, and will not include any aboveground additions.*

Based on the applicant's proposal to restore, rehabilitate and stabilize the structure by building a full basement beneath the historic house, restoring all historic windows, siding, trim details and doors, adding new electrical, plumbing and mechanical systems, a project such as this would typically qualify for positive (+6) six points as a "historic preservation/restoration effort of above average public benefit." Does the Commission Concur?

The applicants also propose to restore the two historic sheds and historic outhouse, and stabilize the structures by adding foundations.

*(2) Secondary structures:*

*+1: On site historic preservation/restoration of minimal public benefit.*

*Examples: Structural stabilization of walls, roof trusses and repairing damaged or missing roofing.*

*+2: On site historic preservation of average public benefit.*

*Examples: Structural stabilization of walls, roof trusses and repairing roofs, plus full restoration of damaged or missing siding, doors, windows, and trim.*

+3: *On site historic preservation of above average public benefit.*

*Examples: Complete restoration of the structure, including structural stabilization of walls, roof trusses and repairing roof, full restoration of damaged or missing siding, doors, windows and trim, plus installation of a full foundation. Secondary structures that encroach over a property line or easement shall be brought fully onto the applicant's property and outside of any easements or encroachments to qualify for this point allocation.*

#### Past Precedent

1. The Brown Hotel & Stable Restoration, PC#2012105, (+3 points) stable secondary structure for stabilizing, restoring, and adding a new foundation.
2. Hilliard House Restoration, Addition and Landmarking, PL-2017-0297, (+3 points) stable secondary structure for stabilizing, restoring, and adding a new foundation.

As noted above, the outbuildings straddle the property line with the neighboring Longbranch Condominiums and are in their historic location as verified by Sanborn Fire Maps from the 1870's. Since the applicants have obtained easements from the neighboring Longbranch Condominiums property, desire to leave the outbuildings in their historic locations and propose to completely restore the sheds and outhouse with full foundations staff recommends positive (+3) three points under Policy 24/R, does the Commission agree?

**Building Scale, Architectural Compatibility (5/A) & Social Community (24/A):** *“In the early years of Breckenridge’s development, the East Side area was composed primarily of single family residences, many of which were 1-1 ½ stories. Of these, the second floor was often tucked into the roof gables. Dormers were frequently used for upper floor windows.”*

*Historic buildings that survive range between 500 and 2,300 square feet.*

The historic house has 1,029 sq. ft. of above ground density and the addition proposes 1,027 sq. ft. of above ground density, both are within the range of surviving structures in Character Area 1. Additionally, the combined total of above ground density for the historic house, connector and addition is 2,234 sq. ft. which is above the recommended 9 UPA but below the allowed 10 UPA with negative points for historic buildings undergoing a restoration.

Policy 5/A states *“In connection with permit applications for projects which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts") anywhere within the eastside residential, north end residential, and the North Main Street residential character areas, a maximum of 10.0 units per acre for aboveground density is allowed. Projects of such types which contain 10.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.*

Policy 24/A further states *“4) In connection with permit applications for projects within those character areas of the historic district specified below which involve "preserving", "restoring", or "rehabilitating" a "landmark structure", "contributing building", or "contributing building with qualifications" (as those*

terms are defined in the "Handbook Of Design Standards For The Historic And Conservation Districts"), or "historic structure" or "landmark" as defined in this code, and in connection with permit applications for projects within the North Main residential, north end residential, and the **east side** residential character areas that exceed the recommended nine (9) units per acre of aboveground density, points shall be assessed based on the following table:

<u>Aboveground Density (UPA)</u>	<u>Point Deductions</u>
9.01 - 9.50	-3
9.51 - 10.00	-6
10.01 or more	See section 9-1-19-5A, "Policy 5 (Absolute) Architectural Compatibility", of this chapter

Priority Design Standard 118 additionally reinforces the importance of 9 UPA "New buildings should be in scale with existing historic and supporting buildings in the East side." And specifies:

- "Development densities of less than nine units per acre are recommended."

Staff appreciates the design's strategy of breaking up the above ground density into multiple modules as recommended in Design Standard 119. However, despite using this recommended design feature the total above density is 9.9 UPA and therefore will incur negative six (-6) points under Policy 24/A.

**Mass (4/R):** The applicant proposes a total of 3,028 sq. ft. of mass, this is 12% greater than the 2,707 sq. ft. allowed (10 UPA = 2,256 sq. ft., 2,256 sq. ft. + 20% = 2,707 sq. ft.).

	<u>% Deviation Up From Guidelines</u>		<u>Point Deductions</u>
5 x (point deduction)	0.1 -	5%	2*
	5.01 -	10%	3
	<b>10.01 -</b>	<b>15%</b>	<b>4</b>
	15.01 -	20%	5
	20.01 -	30%	6
	30.01 -	40%	7
	40.01 -	50%	8
	50.01%	and above	20

Per Policy 4/R, projects that are between 10.01% and 15% over the recommended mass earn negative twenty (-20) points. Staff notes that the applicant has voiced concerns over our recommendation regarding this application’s conformance with this policy.

**Building Height (6/A & 6/R):** As proposed, there are issues with the addition’s building’s height. Building height for residences within Character Area 1 are reviewed under both the Handbook of Design Standards and Policy 6 in the Development Code.

Under Policy 6, the maximum height of a single-family home in Land Use District 18-2 is 26’ and the recommended height is 23’ to the mean.

Policy 6/R states *“In land use districts 11, 17 and 18, and those portions of 18<sub>2</sub> and 19 which lie north of Lincoln Avenue or south of Washington Street, a maximum height of twenty three feet (23’) is strongly encouraged. For buildings with heights greater than twenty three feet (23’), points shall be deducted based on the following table:*

<i><u>Building Height</u></i>	<i><u>Point Deductions</u></i>
23.01 - 24 feet	-1
24.01 - 25 feet	-2
25.01 - 26 feet	-3

Since a portion of the addition associated with the ridgeline that runs parallel to North French Street measures 23’7” to the mean, negative one (-1) point is awarded under Policy 6/R.

Beyond Policy 6, staff has concerns with Priority Design Standards 37, 80, 81, 86 and 122 as they relate to height and perceived size of the addition.

*Priority Design Standard 37: Additions should be compatible in size and scale with the main building.*

- *They should be visually subordinate to the main building.*
- *They also should be compatible with the scale of the character area.*
- *If it is necessary to design additions that are taller than the main building, set them back substantially from primary character defining facades. See also the discussion of scale in the standards for new construction.*

*Priority Design Standard 80: Respect perceived building scale established by historic structures within the relevant character area.*

- *An abrupt change in scale within the historic district is inappropriate, especially where a new larger structure would directly abut smaller historic buildings.*
- *Locating some space below grade is encouraged to minimize the scale of new buildings.*
- *Historically secondary structures at the rear of the property were generally subordinate in scale to the primary building façade. This relationship should be contained in new development. (Ord. 32, Series 2010).*

*Priority Design Standard 81: Build to Heights that are similar to those found historically.*

- *This is an important standard which should be met on all projects.*
- *Primary facades should be one or two stories in height, no more.*
- *Secondary structures must be subordinate in height to the primary building. (Ord. 32, Series 2010)*
- *The purpose of this standard is to help preserve the historic scale of the block and the character area.*
- *Note that the typical historic building height will vary for each character area (1 to 1-1/2 stories for the East Side character area).*

*Priority Design Standard 86: Design new buildings to be similar in mass with the historic character are context.*

- *The overall perceived size of the building is the combination of height, width and length and essentially equals its perceived volume.*
- *This is an important standard which should be met on all projects.*

*Priority Design Standard 122: Building height should be similar to nearby historic buildings.*

- *Primary facades should be 1 or 1 and ½ stories tall. (Some 2-story portions may be considered if they are set back from the street.)*
- *Refer to height limits in ordinance.*
- *Note that the height limits are absolute maximums and do not imply that all buildings should reach these limits. Visually appropriate buildings are often ones which are less than the maximum height allowed by ordinance.*

Based on the above Design Standards, staff believes the height of the addition needs to be brought down to 1-1/2 stories (19.5') and have some density tucked into the roof form. Staff acknowledges there is precedent for some additions in the East Side Character area being taller than the primary structure, especially if the primary structure is one-story. At the request of the applicant, staff reviewed the Searle Residence (PL-2017-0070) and Harris Residence (PC#2012020) for precedent. The Searle Residence's addition measured 21' to mean and has a height difference of 7.5'. The Harris Residence measures 22' and has a height difference of 9'. Both of these projects are less than the proposed 12.7' height difference between the addition in this proposal and the historic residence. In addition to these two projects requested by the applicant, staff reviewed three other approved projects that had additions that were taller than the historic home, these are listed below.

1. Giller Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2011054. Addition height to mean 23', Height difference between historic home and addition, 9.75'
2. Old Enyeart Place Restoration, Addition and Landmarking, PL-2015-0361. Addition height to mean 23', Height difference between historic home and addition, 8'
3. Marvel House Restoration, Addition and Landmarking, PL-2017-0083. Addition height to mean 23', Height difference between historic home and addition, 6'

Staff acknowledges all of these projects are higher than 1 ½ stories but none of them exceeded the recommended Land Use District height of 23'. Furthermore, none of the projects had a height difference as high as the 12.7 this proposed addition has with the existing historic home, therefore staff believes this design fails Priority Policies 37, 80, 81 and 122. Does the Commission concur?

Staff also reviewed Priority Design Standards 82 and 121 as they relate to the height and perceived scale of the addition.



*Priority Design Standard 82: The back side of a building may be taller than the established norm if the change in scale will not be perceived from majority of public view points.*

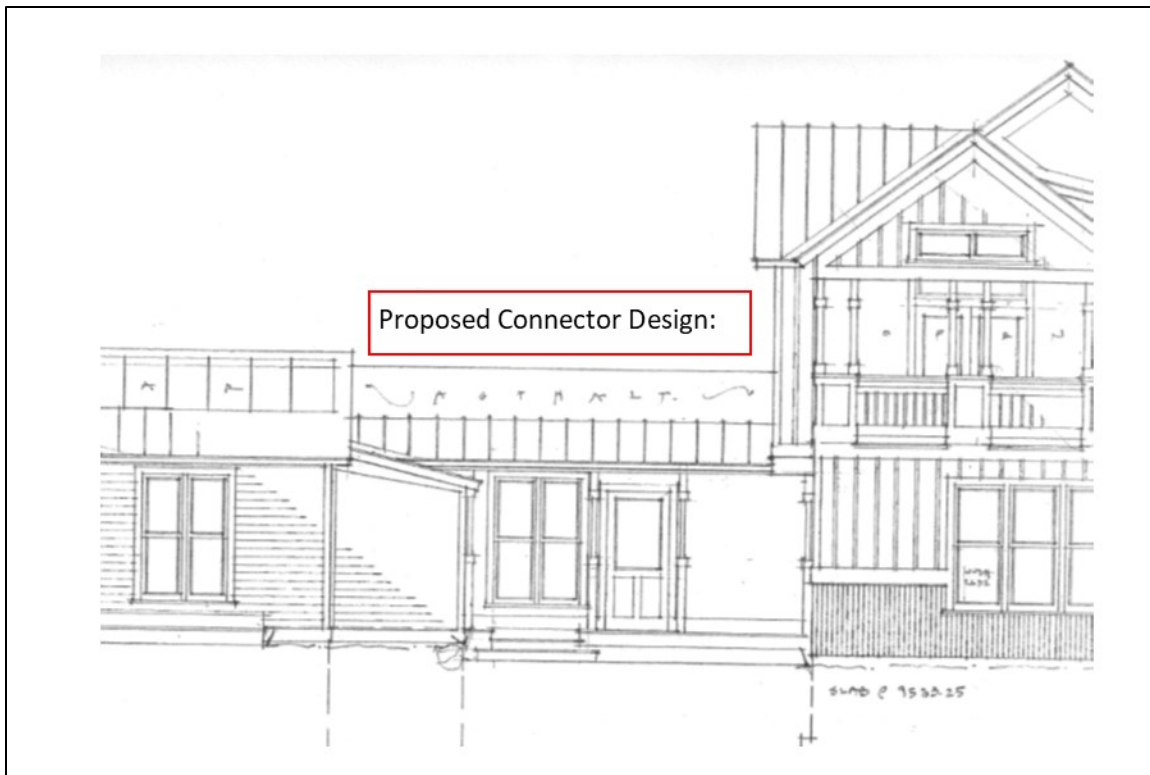
- *This may be appropriate only where the taller portions will not be seen from a public way.*
- *The new building should not noticeably change the character of the area as seen from a distance. Because of the mountain terrain, some areas of the district are prominent in views from the surrounding areas of higher elevation. Therefore, how buildings are perceived at greater distances will be considered.*
- *As pedestrians use of alleys increases, also consider how views from these public ways will be affected. When studying the impact of taller building portions on alleys, also consider how the development may be seen from other nearby lots that abut the alley. This may be especially important where the ground slopes steeply to the rear.*

*Priority Design Standard 121: Use roof forms that reflect the angle, scale and proportion of historic buildings in the East Side Residential character area.*

- *Roof shapes have a significant impact on the character of this area because they can be seen from higher elevations of mountain slopes.*
- *Those styles which were popular in the 19<sup>th</sup> century and are still in use today, such as high gable, high hip, shed and gambrel, are appropriate.*
- *Roofs should have a slope similar to those used historically.*
- *Note that although many gable roofs were accented with dormers, these were used in limited numbers on an individual building.*

Staff is comfortable with the design as it relates to Priority Design Standard 82 since the development is not bordered by an alley and the site is adjacent to many larger buildings such as Bank of the West, the Fireside in and Longbranch Condominiums. Staff is not comfortable with the design as it relates to Priority Design Standard 121. The complicated roof design is not in character with the area. Staff believes the addition's height should be brought down and a popular roof style from the 19<sup>th</sup> century should be used. As proposed, staff believes the project fails Priority Design Standard 121. Does the Commission concur?

**Connector:** A connector is required for this project since the addition is greater than 50% of the floor area of the historic structure and the addition's roof is taller than the primary structure.



Per this policy:

*Priority Design Standard 80A: Use connectors to link smaller modules and for new additions to historic structures.*

- *The width of the connector should not exceed two-thirds the façade of the smaller of the two modules to be linked.*
- *The wall planes of the connector should be set back from the corners of the modules to be linked by a minimum of two feet on any side.*
- *The larger the masses to be connected are, the greater the separation created by the link should be; a standard connector link of at least half the length of the principal original mass is preferred. (In addition, as the mass of the addition increases, the distance between the original building and the addition should increase. In general, for every foot in height that the larger mass would exceed that of the original building, the connector should increase by two feet).*
- *The height of the connector should be clearly lower than that of the masses to be linked. In general, the ridge line of the connector should be at least two feet less than that of the original, principal mass.*
- *When adding onto a historic building, a connector should be used when the addition would be greater than 50% of the floor area of the historic structure or when the ridge height of the roof of the addition would be higher than that of the historic building.*

The historic home is 46' long and the addition is 12.7' taller than the historic structure. Based on these figures the recommended connector length is 48.4' long. The proposed connector is 22' long, based on the recent Noble House connector discussion on August 7, 2018, staff recommends the connector should be at least half the length of the principal structure (23'). Does the Commission feel the connector needs to be lengthened further because of the height difference between the addition and connector to comply with Priority Design Standard 80A.

Beyond the issues with the length of the addition, the connector's ridge height is only 8" lower than the historic home's ridge height. We understand the historic home's ridge adjacent to the connector is only 14.5' from

existing grade but we believe there is a way to modify the connector's roof to be 2' lower than existing historic home's ridge to comply with Priority Design Standard 80A.

Staff acknowledges the Commission has been flexible on the strict interpretation of how long a connector must be and would like feedback from the Commission. Additionally the connector's height relative is not 2' lower than the ridge of the historic home and therefore does not comply with Priority Policy 80A. Does the Commission concur?

**Building Materials and Renovation:** Since this is the first Preliminary Hearing and there are more macro level questions the applicants wanted feedback on, building materials will be reviewed at a future meeting.

**Windows:** Staff has expressed concern to the applicants about the use of the irregularly shaped and placed windows and solid to void ratio.

Priority Design Standard 96 emphasizes the importance of window proportions, *“Use a ratio of solid to void that is similar to those found on historic and supporting buildings.”*

Design Standard 128 further emphasizes the importance of window proportions: *“Use windows and doors similar in size and shape to those used traditionally.”*

- *“Windows should be similar in size and shape to those used historically.”*
- *“Doors that include glass are appropriate.”*

Staff recommends the elimination of the longer “triple-hung” windows proposed on the western façade of the addition and the two rectangular windows in the gable of the addition's southern façade to comply with Design Standard 128. Staff also recommends a reduction to the bank of four double hung windows on the addition's southern façade to abide with Priority Design Standards 96. Without these recommended window changes, staff would recommend negative three (-3) points under Policy 24/R, Design Standard 128 for the several irregularly shaped windows described above and would find that the project fails Priority Design Standard 96 for the excessive glass on the addition's southern façade. Does the Commission concur?

**Site Plan:** The project follows the historic settlement pattern for this block (Priority Design Standard 4). It also matches the Town grid (Priority Design Standard 5). Staff believes the renovation will maintain the unity of the block (Priority Design Standard 8).

**Plant Material & Landscaping (22/A & 22/R):** The applicants show a landscape plan for the project, the proposed new plantings are limited to two cottonwood trees located in the front yard adjacent to North French Street. These plantings are designed to provide buffer from the street. In addition to Policy 22/R, landscape design is reviewed in the Handbook of Design Standards.

Design Standard 131: *Use evergreen trees in front yards where feasible.*

- *When initially installing trees, begin with a tree, or cluster of trees, that is large enough in scale to have an immediate visual impact.*

Design Standard 132: *Reinforce the alignment of street trees wherever feasible.*

- *Planting new cottonwood trees to define the street edge is encouraged.*

Design Standard 133: *Use landscaping to mitigate undesirable visual impacts.*

- *Use large trees to reduce the perceived scale where larger building masses would abruptly contrast with the historic scale of the area.*
- *Include hedges and other masses of lower scale-scale plantings to screen service areas.*

The proposed landscape plan needs additional landscaping to meet the requirement of “at least one tree a minimum of eight feet (8') in height, or three inch (3) caliper, should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed.” Staff also recommends adding an evergreen trees to the front yard area to solve this issue and to comply with Design Standards 131 and 132.

As proposed, the landscape warrants negative two (-2) points under Policy 22/R and negative (-3) three points each are recommended under Design Standard 131. Since the scale of the proposed development does not abruptly contrast with its surroundings and features cottonwood trees, staff does not recommend negative points under Design Standards 132 and 133.

Also there is an existing, conforming, wrought iron fence and a proposed walkway in the Town ROW. Executing and recording an encroachment license agreement would be added as a Condition of Approval for these off-site improvements.

**Parking (18/A & 18/R):** The on-site parking is proposed in the garage at the rear of the property and accessed alongside the existing house from North French Street. The proposal shows 3+ onsite parking spaces, 2 located within the garage space and 1+ driveway spaces. The Town Engineer and Town Streets Manager have reviewed the plans and found the driveway location acceptable. They also noted that prior to an issuance of a certificate of occupancy the drive interface with the existing sidewalk will need to be reconfigured to meet ADA requirements.

The Handbook of Design Standards addresses parking in the East Side Residential Character in Design Standards 116 and 17.

*Design Standard 116: Minimize the visual impact of parking as seen from the street.*

- *Avoid locating parking in front yards. Locate parking in rear yards where feasible.*
- *If parking must be sited in the front yard, use paving designs that will help retain a yard character and visually separate parking from the street edge.*
- *Avoid placing parking structures in front of primary houses. Attaching garages to the front of buildings is strongly discouraged. Garages that are built as smaller, separate structures are preferred. Where feasible, these should be sited to the side or to the rear of the main building.*

*Design Standard 117: Develop parking such that the front edge of the site is retained as a yard.*

The property has an existing curb cut and driveway that runs east from North French Street, along the south property line to the rear of the property. The proposed plan shows a reduction in paving to provide a little bit of green space between the driveway and south property line. Staff is supportive of this idea but suggest increasing the buffer a bit more to 5', possibly by using paving strips instead of asphalt. Since this driveway alignment presently exists and the proposed garage and parking are located at the rear of the property, staff believes the design conforms with Design Standards 116 and 117.

**Site and Environmental Design (7/R):** The property is currently developed and has an existing yard with minimal trees and a paved driveway. Policy 7/R discourages intense levels of development and encourages adequate site buffering.

Policy 7/R states: “...*This policy is also intended to discourage levels of development intensity that result in generally compromised site functions, buffering and aesthetics. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both the interior and exterior of the project. Platted lots with building envelopes, site disturbance envelopes, or designated building locations are still subject to the following rules and recommendations unless noted otherwise.*”

Policy 7/R (B) also encourages new developments to be adequately buffered from neighboring properties. Specifically the policy states:

*“Site Buffering: Developments should be buffered from adjacent properties and public rights of way. To achieve this, buildings and other development impacts should be located in a manner that allows for site buffering (existing or proposed). Buffering between the developments and neighboring properties may include, but are not limited to:*

- *Existing mature tree stands.*
- ***The physical distance from property edge to the development.***
- ***New landscaping.***
- *Landscaped berms at the property perimeter.” (emphasis added).*

The property’s current driveway is up against the south property line, with no room for buffer or snow stacking. The proposed design shows the driveway being pulled back 3’ from the south property line. However, this is still not enough room to add any sizeable plantings or provide any buffer. Typically, staff has assigned negative points to projects that have driveways less than five feet (5’) from a property line and provide no visual screening. Staff recommends the driveway be reduced in width, or utilize paving strips, along with adding landscaping to provide more buffer from the neighboring property.

#### Past Precedent

4. Briar Rose Addition and Accessory Apartment, PL-2018-0021. Excessive site disturbance and lack of visual buffering. Negative four (-4) points were awarded.
5. Pilon Residence, PL-2017-0101. Excessive site disturbance and lack of visual buffering. Negative four (-4) points were awarded.
6. Browne Residence, 2007, PL-2017-0083. Excessive site disturbance and lack of visual buffering. Negative four (-4) points were awarded.

Beyond the driveway design, the proposed addition is also close to the property line on both the north and south sides, 4.5’ and 5.5’ respectively, with no landscaping on either side. Staff believes additional trees are necessary in these areas to improve screening of the addition to the neighboring properties.

Due to the general lack of site buffering along the side property lines, staff recommends negative four (-4) points under Policy 7/R, B. Site Buffering. Does the Commission support this recommendation?

**Placement Of Structures (9/A & 9/R):** The Development Code recommends the following relative setbacks within the Conservation District (All Residential Development):

- Front yard: Fifteen feet (15’)

- Side yard: Five feet (5')
- Rear yard: Fifteen feet (15')

The existing historic home's position will remain unchanged and is setback at 11.5' from the front property line, with an additional 8.5' to the sidewalk. The north, side relative setback of 5' is not being met. The north side of the addition is proposed at 4.5', the south side conforms at 5.5'. The rear relative setback of 15' is also not being met, as the rear of the addition is 14.5' from the rear property line. Hence, the application will incur negative six (-6) points for not meeting two of the relative setbacks.

**Architectural Compatibility (5/A):** The proposal features integrated roof mount solar panels on the primary structure's roof. In addition to issues related to the architectural compatibility of buildings, Policy 5/A also addresses the aesthetics of solar panel installations. The policy identifies a priority preference list for the location and type of solar panels. Below is the preference order for solar panels within the Conservation District:

#### *Solar Panels*

*1. Within the Conservation District: The preservation of the character of the conservation district and the historic structures and sites within the conservation district are of the utmost importance. The town encourages the installation of solar devices as an alternative energy source. It is a goal of this policy to balance sustainability and historic preservation goals of the town.*

*There may be instances where solar devices are not appropriate on a particular building or site if such a device is determined by the town to be detrimental to the character of the conservation district or would result in a reduced state, federal or local historic rating of a historic structure or district.*

*The town allows for solar device placement that is sensitive to the character of the conservation district and located away from the public street.*

*Within the conservation district a solar device shall be located to reduce the visibility of the solar device from a public street (as opposed to an alley) to the greatest extent practical and to reduce negative impacts to historic structures. In most cases, preference 1 will reduce visibility and is the highest and most preferred; preference 5 is the lowest and least preferred. A solar device shall be located in the highest preference possible. The order of preference for the location of a solar device within the conservation district is as follows, unless a less visual option is available on site:*

- a) as a building integrated photovoltaic device*
- b) on nonhistoric structures or additions*
- c) on an accessory structure*
- d) on the primary structure*
- e) highly visible from the public street*

The intent of this policy is to encourage solar panels in the locations that have the least visual impact on the community and adjacent properties while still maintaining good solar access. Despite being on the primary structure, staff believes the applicants have done a good job integrating the roof mounted panels into the design of the building, which is the most preferred option in the Code, as noted above. These panels do not penetrate the roofline and are minimally visible from the ground. Staff has no concerns with the roof mounted panels and believes they meet the preferred criteria.

**Access / Circulation (16/A & 16/R; 17/A):** Vehicular and pedestrian access to the site is via North French Street. Staff has no concerns.

**Snow Removal and Storage (13/R):** The applicants propose 400 sq. ft. (37%) of snow stacking for the 1,080 sq. ft. of proposed impervious surfaces. Staff has no concerns.

**Open Space (21/R):** The applicants have designed 39% of the site as open space, this is above the minimum of 30% residential sites are required to provide. Staff has no concerns.

**Drainage (27/A & 27/R):** Drainage for the project will be reviewed at a later meeting.

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

**Local Landmarking:** The applicant is seeking to locally landmark the structure with this proposal. The property is over 50 years old and is historically significant for its associations with Breckenridge's historical development during the "Town Phase" and "Stabilization Phase" periods of the town's growth, dating from circa 1885 to 1942, so it is probably a good candidate for this designation. Given the magnitude of the other issues with this application, landmarking of the structure will be further reviewed in a subsequent hearing with the Planning Commission.

**Point Analysis (Section: 9-1-17-3):** At this preliminary review staff has identified several absolute, relative and priority policies that the applicant will need to correct to have an approvable project. We have identified the following with this report:

From the Development Code:

- Policy 24/R, Social Community: Positive six (+6) points - On-site historic preservation/restoration effort of average or above average public benefit for a primary structure.
- Policy 24/R, Social Community: Positive three (+3) points - On-site historic preservation/restoration effort of above average public benefit for a secondary structure.
- Policy 24/A Social Community: Negative six (-6) points - The proposed above ground density is 9.9 UPA.
- Policy 4/R Mass: Negative twenty (-20) points – The proposed mass is 12% above the recommended square footage.
- Policy 6/R Building Height: Negative one (-1) point – The proposed building height is 23.7' measured to the mean.
- Policy 7/R Site and Environmental Design: Negative four (-4) points – No site buffering along the side property lines.
- Policy 9/R Placement of Structures: Negative six (-6) points –Does not meet the relative 15' rear and 5' side setbacks.
- Policy 22/R Plant Material and Landscaping: Negative two (-2) points – Does not meet the requirement of at least one tree a minimum of eight feet (8') in height or three inch (3") caliper should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed.

Historic Standards (24/R)

- Priority Design Standard 37: Fail – The proposed addition’s height needs to be reduced below 1 ½ stories to be compatible with the character area.
- Priority Design Standard 80: Fail – The scale of the proposed addition needs to be reduced.
- Priority Design Standard 81: Fail – The proposed addition’s height needs to be reduced to the 1 ½ story scale that is typical for surviving historic structures.
- Priority Design Standard 86: Fail – The scale of the proposed addition needs to be reduced to be more compatible with the surviving historic structures of the character area.
- Priority Design Standard 122: Fail – The proposed addition’s height needs to be reduced to the 1 ½ story scale that is typical for surviving historic structures.
- Priority Design Standard 121: Fail – The design of the roof needs to be simplified to be compatible with the character area.
- Priority Design Standard 80A: Fail – The design of the connector needs to be longer to accommodate an addition that is 12.7’ taller than the main structure. The connector is not 2’ lower than the historic home’s adjacent ridgeline.
- Priority Design Standard 96: Fail – The solid to void ratio on the southern façade’s bank of four double hung windows is inconsistent with what is typically found in the character area.
- Design Standard 128: Negative three (-3) points the longer “triple-hung” windows proposed on the western facade, and the rectangular windows on the south façade’s gable are not the typical size or shape found in the character area.
- Design Standard 131: (-3) No evergreen trees are present or proposed in the front yard.

At this initial review, the proposal is showing a failure of eight (8) Priority Design Standards, along with a total of negative thirty six (-36) points.

### **Staff Recommendation**

Staff acknowledges there is a long list of policies that need to be addressed before the project is ready for a second review. However, many of these policies are overlapping and therefore can be brought into compliance by adjustments to four main categories; addition scale/height, connector, landscaping/buffering and windows.

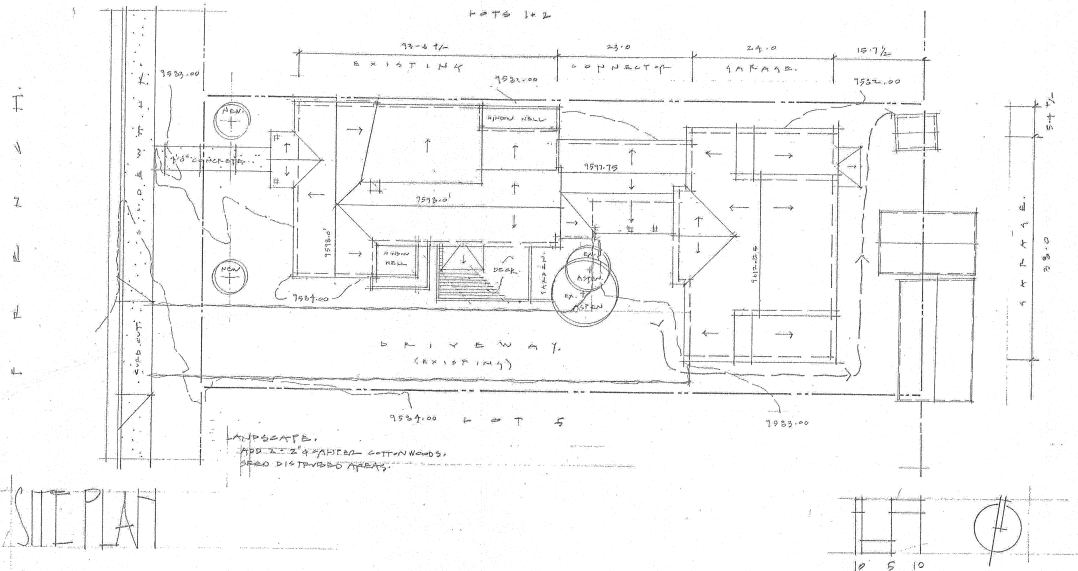
Based on staff’s recommendations, we have the following questions for the Commission:

1. **Historic Preservation** - Staff finds the proposal warrants positive six (+6) points and positive three (+3) points for on-site historic preservation/restoration efforts of average or above average public benefit for a primary structure and secondary structure. Does the Commission agree?
2. **Height, Scale and Roof Design** - Staff believes the scale, height and roof design of the proposed addition fails Priority Policies 37, 80, 81, 86, 121 and 122. Does the Commission concur?
3. **Connector** – Staff believes this design, including the length of the connector and the connector’s height relative to the height of the historic home does not comply with Priority Design Standard 80A. Does the Commission concur?
4. **Landscaping and Site Buffering** - Staff recommends adding an evergreen tree to the front yard area to comply with Policy 22/R and Design Standards 131. Staff also recommends reducing the width of the proposed driveway and planting additional trees along the south and north property lines, to increase site buffers and comply with Policy 7/R. Does the Commission agree?
5. **Windows and Doors** - Staff recommends a reduction of glazing to the southern facade and elimination of the longer “triple-hung” windows on the western facade, and the rectangular



windows on the southern gable to comply with Design Standards 96 and 128. Does the Commission support this recommendation?

The Planning Department recommends this proposal return for a second review after the applicant has addressed the above issues and any other concerns expressed by the Commission.



SITE PLAN

112 North French Street Density Worksheet  
 Lots 3 + 4, Block 3, Abbots Addition, Breckenridge

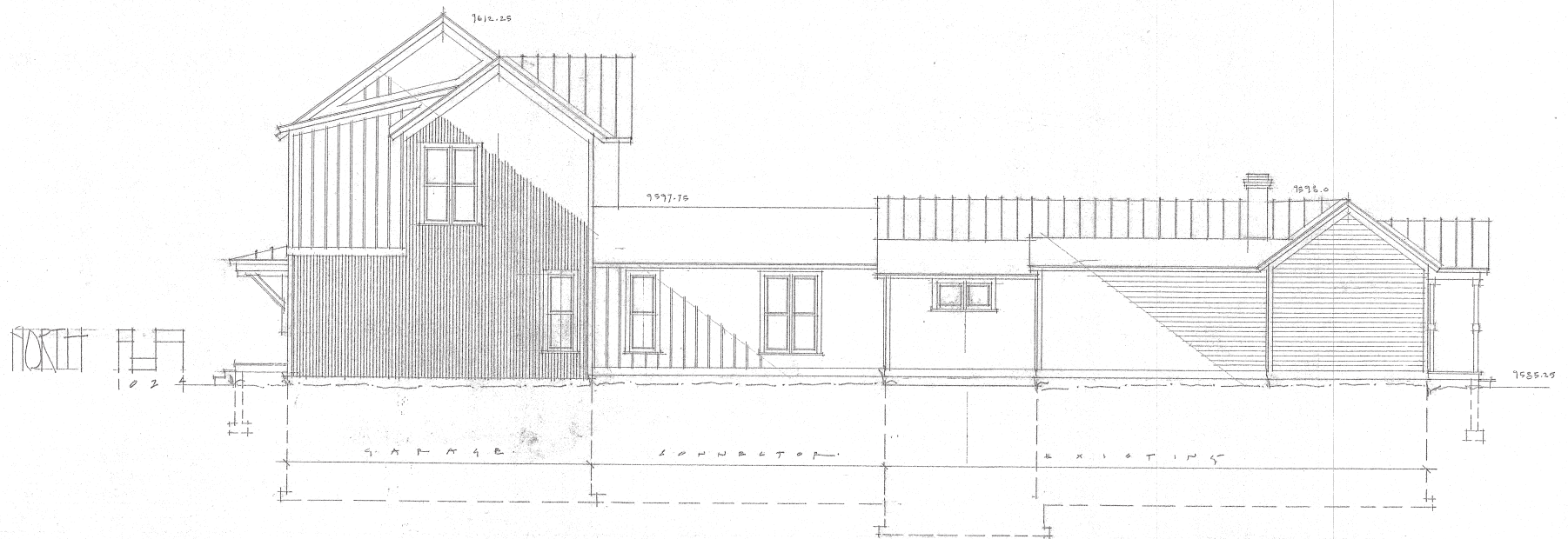
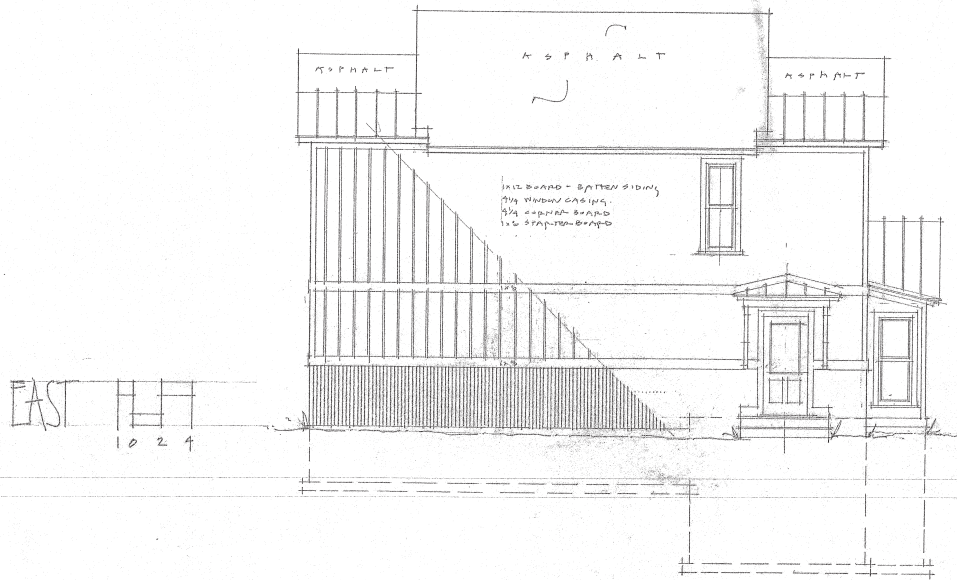
Date of Report January 29, 2018 REVISED March 24, 2018 REVISED May 18, 2018

Item	above grade SF	below grade SF	phase SF
<b>HOUSE</b>			
existing building	1029		
<b>PHASE ONE (mechanical, garage, entry, storage, great room/bathroom, deck)</b>			
mechanical		288	
garage	624		
entry	84		
storage (7'0" ceiling)	204		
great room/bathroom (less winding stairwell - 90 SF)	739		
deck (not included in density)	112		
<b>totals</b>	<b>1651</b>	<b>288</b>	<b>1939</b>
<b>PHASE TWO (existing building, unfinished basement, entry/connector)</b>			
craft room, laundry, west bedroom/bath, north bedroom/bath		1220	
porch, library, kitchen/dining, pantry, master bedroom/bath, entry (less stairwell - 63.75 SF)	1207.25		
<b>totals</b>	<b>1207.25</b>	<b>1220</b>	<b>2427.25</b>
<b>LOT SIZE</b>	<b>SF</b>		<b>%</b>
50' x 122.95'	6148		16
<b>LOT COVERAGE</b>			
sheets	170		0.03
building footprint	2183		0.36
driveway footprint	1034		0.17
deck/porch footprint	297		0.05
<b>total</b>	<b>3684</b>		<b>0.60</b>
<b>LANDSCAPE</b>	<b>2464</b>		<b>0.40</b>
<b>SNOW STACK</b>	<b>400</b>		<b>0.39</b>

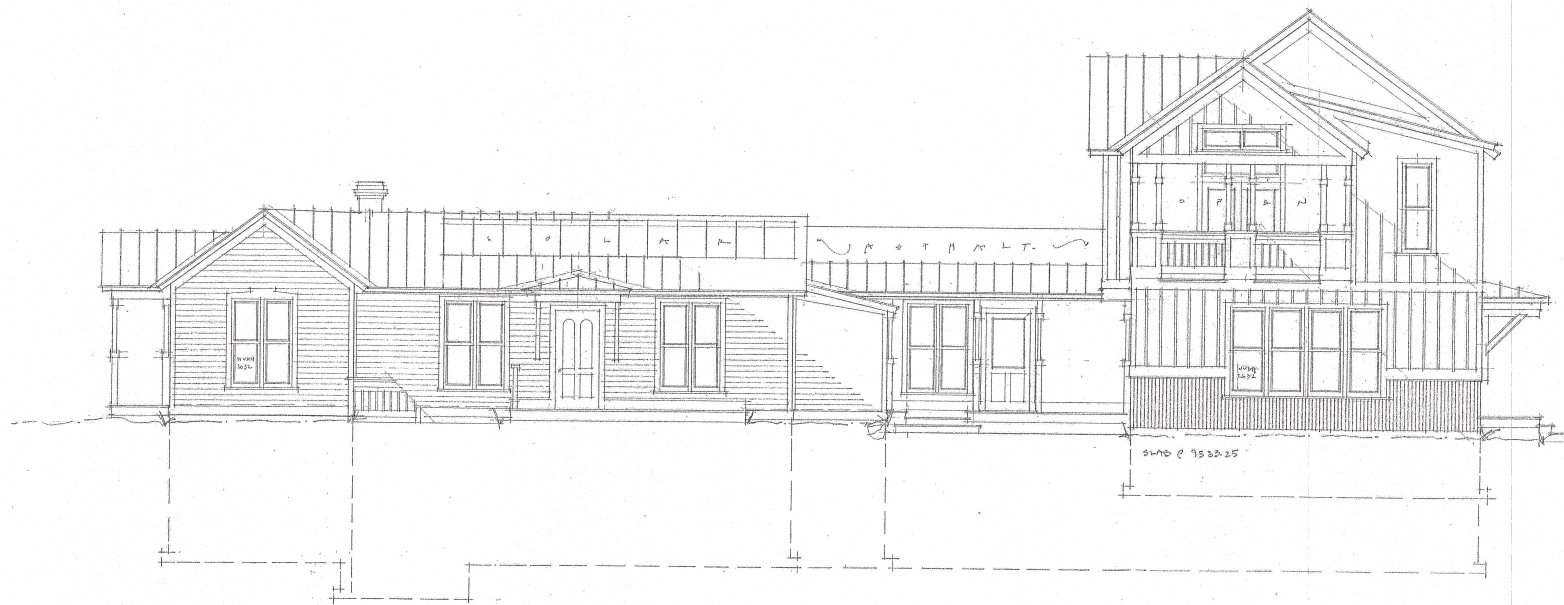
note verify period of construction and stud to stud dimensions during rehabilitation  
 note of the basement square footage, 1029 SF is under the existing house and 191 SF is new square footage

RECEIVED  
 JUN 28 2018  
 TOWN OF BRECKENRIDGE  
 PLANNING DEPT.





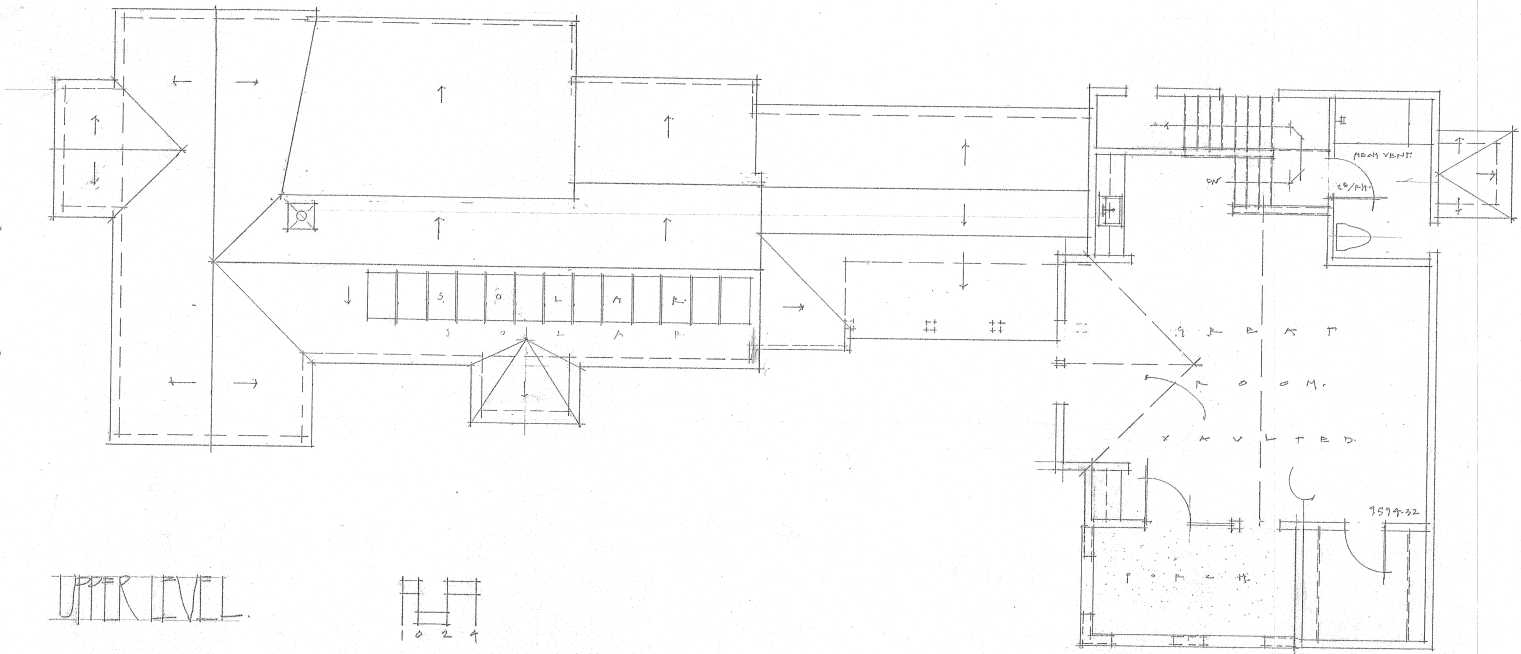
WEST



SOUTH







UPPER LEVEL



## Planning Commission Staff Report

- Subject:** Snider Mixed Use Building  
(Class A Development, Preliminary Hearing; PL-2017-0222)
- Proposal:** The proposal is for a three floor, mixed use building with an office on the main floor, a two bedroom market rate residential apartment on the upper floor, and office space and one bedroom market rate apartment in the basement.
- Project Manager:** Chapin LaChance, Planner II
- Date:** August 17, 2018 (for the meeting of August 21, 2018)
- Owner:** Snider, LLC
- Applicant/Agent:** Mark Provino with Provino Architecture
- Address:** 327 N. Main St.
- Legal Description:** Snider Addition Subdivision, Lot 7B
- Lot 7B Area:** 0.196 acres (8,538 sq. ft.)
- Land Use District:** 11: 1:3 FAR, Commercial and 12 UPA, Residential
- Special Area:** North Main Transition Character Area #9
- Overlay District:** Downtown Overlay District
- Site Conditions:** Lot 7B is currently home to the Gnarly Shawarma Large Vendor Cart, formerly Stella's Hungry Horse Large Vendor Cart which was initially permitted at the site in 2013. There is a small paving area around the vendor cart for outdoor seating, but the site is otherwise devoid of any notable landscaping or trees. The lot slopes gently west towards the Blue River. There is an existing parking lot in the rear of the lot, and a driveway connection to N. Main St.
- Lot 7B was platted in 1993, as one of four lots in the Snider Lot 7 Subdivision. A shared Access and Utility Easement is shown on the plat, with 7 parking spaces designated to Lot 7B. There is also a 5' Snow Stack Easement on the lot, adjacent to the Access and Utility Easement. A Utility Easement runs north to south on the lot, along the N. Main St. right-of-way. There is a 7' wide Blue River Drainage Easement along the western property boundary, and a 3' Snow Stack Easement along the platted designated parking spaces on the western portion of the lot.
- Adjacent Uses:** North: Snider Subdivision, Lot 7C (vacant)  
South: Jenni Exchange Condo (mixed use)  
East: N. Main St.  
West: Snider Subdivision, Tract A (Public Open Space), Blue River



<b>Density:</b>	Allowed per LUGs (1:3 FAR, Commercial):	2,846 sq. ft.
	Allowed per LUGs (12 UPA, Residential):	2,822.4 sq. ft.
	Allowed on a pro rata basis for 56.61% commercial, 43.38% residential:	1,611 sq. ft. commercial 1,224 sq. ft. residential 2,835.76 sq. ft. TOTAL
	Proposed:	2,140 sq. ft. (56.61% commercial) <u>1,640 sq. ft. (43.38% residential)</u> 3,780 sq. ft. TOTAL (17.89 UPA)
<b>Above Ground:</b>	Allowed:	13.5 UPA
	Proposed: (In North Main Transition Area #9, above ground density is not restricted. The General Design Standards for the Transition Character Areas specify a maximum allowed above ground density of 13.5 UPA.)	12.26 UPA
<b>Mass:</b>	Allowed (commercial) (No mass bonus for commercial):	2,846 sq. ft.
	Allowed (residential):	2,822.4 sq. ft.
	Proposed:	2,567 sq. ft.
<b>Height (measured to mean roof elevation):</b>	Recommended:	23' (26' max)
	Proposed:	24'-11"
<b>Parking:</b>	Commercial office use (1.4/1,000 sq. ft.):	2.99 spaces
	Residential apartment (1.1/1,000 sq. ft.):	1.8 spaces
		4.8 spaces TOTAL
	Proposed (on-site):	7.00 existing spaces
<b>Setbacks:</b>	<u>Required (Absolute):</u>	
	Front:	10'
	Side:	3'
	Rear:	10'
	<u>Required (Relative):</u>	
	Front:	15'
	Side:	5'
	Rear:	15'
	<u>Proposed:</u>	
	Front:	8'
	Sides:	5' (south), 17' (north)
	Rear:	65'

## Staff Comments

**Land Use (2/A & 2/R):** The Land Use Guidelines for District #11 suggest both residential and commercial uses. The applicant proposes a mixed use building, with commercial office space on the main and basement level, and residential apartment on the upper and basement levels. The proposed uses conform with the Downtown Overlay District requirements to locate commercial uses on the ground floor. Staff does not have any concerns with the proposed use.

In regards to basements, the Land Use Guidelines for District #11 state: *“Density limits are for maximum allowable square footage. All other applicable Town codes and design standards must be met if such maximum allowable square footage is to be utilized. If a proposed development in District 11 will exceed 9 UPA (if a residential development) or 75% of the total allowed density (if a commercial development), the inclusion of a basement in the proposed development is encouraged in order to comply with the Breckenridge Design Standards concerning the maximum amount of density that may be built above ground.”*

**Density/Intensity (3/A & 3/R):** This Policy states: *“Within land use districts where the allowed density is designated in terms of floor area ratio for commercial uses and units per acre for residential uses, the allowed density for a project containing both residential and commercial uses shall be calculated on a pro rata basis determined by the allowed percentages of the residential and commercial densities.”* The applicant proposes 2,140 sq. ft. of commercial office space on the main and basement levels, and 1,640 sq. ft. of residential space on the upper and basement levels, for a total density of 3,780 sq. ft. As approximately 57% of the project is proposed as commercial, and 43% as residential, staff has calculated the allowable mixed-use floor area as follows:

2,140 sq. ft. (proposed commercial density) / 3,780 sq. ft. (proposed total density) = 0.5666 (56.61%)

0.5661 x 2,846 (allowed commercial density per LUGs) = 1,611.22 sq. ft. allowed mixed use commercial density

1,640 sq. ft. (proposed residential density) / 3,780 sq. ft. (proposed total density) = 0.4338 (43.38%)  
0.4338 x 2,822 sq. ft. (allowed residential density per LUGs) = 1,224.53 sq. ft. allowed mixed use residential density

1,611.22 sq. ft. + 1,224.53 sq. ft. = 2,835 sq. ft. allowed mixed used density, per LUGs

**As the proposed total density of 3,780 sq. ft. is 33.29% (945 sq. ft.) more than the recommended pro-rated mixed use total density of 2,835 sq. ft. per the Land Use Guidelines, staff recommends negative thirty five (-35) points under the Relative portion of this Policy.** The applicant is considering purchasing Transferable Development Rights (TDRs) and pursuing a Development Agreement with the Town Council to waive these negative points, which will require some form of public benefit to be provided. Development Code section 9-1-17-12: Transfer of Density prohibits density from being transferred into the Historic District or Land Use District 1, but this lot is not located within either the Historic District or Land Use District. Staff was supportive of this application being reviewed by the Commission at a Preliminary Hearing, so that the applicant could receive feedback on all other aspects of the project prior to proposing a Development Agreement with the Town Council.

**Mass (4/R):** The residential apartments are allowed an additional 15% of above ground floor area (mass) for the provision of amenities and/or common areas. However, there are not any proposed amenities or common areas proposed with this application. Therefore, the allowed Mass is 2,835 sq. ft., the same floor area as the allowed Density. As the proposed mass (total above ground square footage) of 2,567 sq. ft. complies with this Policy, staff does not have any concerns.

**Building Height (6/A & 6/R):** The recommended building height for this Land Use District is two stories. Policy 6/R allows for the assignment of negative points based on the project's compliance with the recommended building height per the Land Use Guidelines. As the proposed building is two stories in height, staff does not have any concerns regarding building height.

**Energy Conservation (33/R):** The applicant proposes that the new building will achieve a 20% to 29% energy savings beyond the IECC minimum standards. Therefore, staff recommends (+3) points under this Policy. However, staff has not yet received an energy consumption analysis of the existing structure. Staff requires that an energy consumption analysis of the proposed structure be completed by a licensed engineer and submitted prior to the Final Hearing. In addition, staff will require a Condition of Approval that the applicant submit an energy consumption analysis after construction has been completed, confirming a 20-29% improvement, prior to issuance of a Certificate of Occupancy. There are not any heated outdoor areas proposed.

**Refuse (15/A and 15//R):** The applicant proposes a trash enclosure to be incorporated into the building's northwest corner. Staff recommends positive one (+1) point for the incorporation of a trash enclosure into a principal structure.

**Placement of Structures (9/A & 9/R):** Commercial development is allowed to be built at the property line in Land Use District #11, without the assignment of any negative points per the Relative portion of this Policy. Because the proposed use includes residential apartments, the project is subject to the residential setback requirements. The Relative setback requirements for residential within the conservation district are 15' in the front and rear yards, and 5' in the side yards. The upper level residential portion of the structure is setback 18' from the property line, which complies with the Relative setback requirement. However, the main level is setback only 8' from the property line, which does not comply with the Relative setback requirement. Staff needs to conduct additional research prior to the next Hearing regarding past precedent for similar mixed use projects, in order to determine if the Town has allowed a commercial portion of a mixed used building to encroach within the Relative residential setback requirement. The submitted plans show the building setback 65' from the western property line along the Blue River, 5' from the southern property line, and 17' from the northern property line, all of which comply with the Relative setback requirements. Per the Town Code definition of "Structure," below grade improvements are not considered structures, therefore the egress window shown to be within 5' from the property line on the south side of the building conforms to the Relative setback requirements.

**Landscaping (22/A & 22/R):** The lot is currently devoid of any trees. There is not a requirement mentioned in the Handbook of Design Standards for the North Main Transition Character Area in regards to landscaping. Per Policy 22/R, *"At least one tree a minimum of eight feet (8') in height, or three inch (3) caliper, should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed."* With 52' of frontage (excluding the Access Easement), this equates to four trees required ( $52/15 = 3.47$ ). Staff recommends negative two (-2) points for not meeting

the minimum number of four trees required along the right-of-way. The applicant proposes one (1) Spruce tree and three (3) Aspen trees in the southern side yard, and one (1) Cottonwood tree in the front yard along N. Main St. Staff finds that the proposed trees in the southern side yard will provide some screening and buffering between the proposed development and the existing Jenni Exchange Condo building to the south. Staff is supportive of the Cottonwood tree in the front yard, finding that it helps maintain the alignment and spacing pattern of street trees in the area per Design Standard #14.

**The Social Community (24/A & 24/R):**

A. Employee Housing:

The apartments within the building are not proposed to be deed-restricted. As the proposed development is a mixed use development of less than 5,000 sq. ft. in density, the project is exempt from an employee housing requirement. Staff does not have any concerns.

E. Conservation District:

General Standards for the Historic and Conservation District:

- Priority Design Standard #15: The site plan shows a clear separation between the sidewalk and the site. Staff does not have any concerns.
- Priority Design Standard #81: The proposed two story building height preserves the historic scale of the block and Character Area.
- Design Standard #82: The backside (west elevation) of the building is not taller than the established norm along the east side of the Blue River. Staff does not have any concerns regarding the height of the west elevation.
- Priority Design Standard #86: The proposed building is designed to be similar in mass to the historic character area context.
- Priority Design Standard #87: The proposed building incorporates features that support a human scale, such as 4” horizontal lap siding and vertically oriented double hung windows. Staff does not have any concerns.
- Priority Design Standard #88: This Standard requires the perceived width of nearby historic buildings to be maintained with new buildings. There are not any historic buildings within the Transition Character Area.
- Priority Design Standard #89: There are not any historic buildings within the Transition Character Area to maintain alignment with. However the applicant proposes to maintain the alignment with the two nearest structures at 335 N. Main St. (currently Pinnacle Mountain Homes Lodging offices) and 323 N. Main St. (Jenni Exchange Condo aka. Ready, Paint, Fire building).
- Priority Design Standard #90: The applicant proposes painted 4” wooden lap siding on the front portion of the building, which is a material that was used historically. However, the applicant proposes random width reclaimed barn wood vertical siding on the rear portions of the building. Staff would like to know if the Commission supports the use of this material in this location.

- Design Standard #94: The primary façade of the proposed building has a vertical emphasis, which is typical of the North Main Street Residential Character Area. When viewed from N. Main St., the overall mass of the building does have a more horizontal emphasis. This Design Standard mentions that “in residential areas, the earliest structures, from the Settlement and Camp Phases, tended to have a horizontal emphasis. Later, Town Phase architecture tended to have a vertical emphasis. Staff finds that the vertical emphasis of the primary front façade balances the more horizontal emphasis of the overall mass when viewed from N. Main St., and is supportive of the overall façade proportions.
- Priority Design Standards #95 and #96: Staff believes the amount of glazing on the east (front) façade is appropriate for the residential character of the area.
- Design Standard #102: The applicant proposes one (1) Cottonwood tree along the sidewalk, and an evergreen tree in the side yard, which is encouraged by this Standard.

Applicable General Standards for the Transition Areas:

- Priority Design Standard #257 and #258: Lot 7B is not adjacent to any historic properties or the Historic District, so it is not required to step down in scale.
- Priority Design Standard #259: Staff finds that the proposed building is composed of smaller masses, reducing the overall perceived mass of the structure and conveying a sense of pedestrian scale.
- Priority Design Standard #260: The proposed above ground density is 2,567 sq. ft. (12.26 UPA), which is less than the maximum allowed of 13.5 UPA specified by this Standard. Staff does not have any concerns regarding the proposed amount of above ground density.
- Priority Design Standard #261: This standard requires a gable roof as the primary roof form in residential areas. The area surrounding Lot 7B is not an exclusively residential area, however the proposed design still meets this Standard because a gable roof is the primary roof form.
- Priority Design Standard #262: The proposed design meets this Standard because the primary building form is an assemblage of a set of rectangular building forms, which is typical of the Breckenridge vernacular.
- Priority Design Standard #263: The primary entrance is oriented towards N. Main St. as required, which supports pedestrian orientation. Staff supports the proposed entrance orientation.
- Design Standard #264: The covered porch on the north side helps to identify the building’s front entry. Staff finds that the building’s front entry is clearly identified because it is oriented towards the street.
- Design Standard #265: Staff supports the building’s mass, as it steps down in scale as it approaches N. Main St., yet maintains a two-story character along the N. Main St. sidewalk.

- Priority Design Standard #266: Staff supports the use of the painted 1x4 horizontal wood siding, the low natural stone foundation, and the step-down design of the building using smaller shed-roofed forms on the north and east elevations. The west elevation is stepped down with a gable-roofed two story porch. The south elevation, however, does not feature a step-down design. As there is not a historic structure on the adjacent lot to the south, staff does not have any concerns with lack of a stepped-down design on the south elevation. The Standard mentions vertical siding as an example of a material that is typical of historic buildings in the Historic District and that helps to establish a sense of human scale. Staff would like to know if the Commission agrees with the use of the vertical random width barn wood siding on the rear portions of the building.
- Design Standard #268: This Standard recommends that the visual impacts of driveways be minimized. The building is proposed to be situated between N. Main St. and the existing asphalt parking lot, so that the parking lot will be to the rear of the building and screened from the N. Main St. view. Staff does not have any concerns regarding the visual impact of the existing driveway or parking lot.
- Design Standard #269: The building is proposed to be oriented so that it is aligned with the Town grid, and the main ridge is shown on the plans to run perpendicular to N. Main St. Staff does not have any concerns regarding the building's orientation.
- Design Standard #270: There are not any historic buildings in this Character Area, but the building is set back, with a front yard similar to the nearest buildings located at 335 N. Main St. (currently Pinnacle Mountain Homes Lodging offices) and 323 N. Main St. (Jenni Exchange Condo aka. Ready, Paint, Fire building). As this is not described as a commercial neighborhood in the North Main Transition Character Area description, the building is not required to have a commercial storefront that aligns at the sidewalk edge.
- Design Standard #271: The proposed two-story building features 4 gabled roofs, 3 shed-roofs, 4 gabled dormers, and rectangular building forms. All of these elements were traditionally found throughout Breckenridge. While the design is not overly simple, it is neither complex. Staff finds that the proposed building is somewhat simple in character, yet an expression of flexibility using traditional elements. Staff does not have any concerns with the proposed architectural style.
- Priority Design Standard #272a: All proposed materials, including 4" horizontal wooden clapboard siding, stone veneer, vertical random width siding, wooden beams, wooden posts, wooden railings, wooden corner boards, and wooden band board trim appear to be similar to those seen historically.
- Priority Design Standard #273: The primary façade of the proposed building is approximately 26' in width, not including the covered porch area. This width is similar to that which was seen historically. The additional building width of approximately 39'-6" is setback to reduce the perceived width of the structure, as encouraged by this Standard. Staff supports the proposed building's width.

- Design Standard #274: There are three other lots between Lot 7B and the Historic District, so Lot 7B is allowed some flexibility by this Standard in regards to the solid-to-void ratio traditionally seen in Breckenridge because it is further away from the Historic District. This Standard provides instruction for development to relate to “*adjacent historic residential neighborhoods*”. Staff reviewed the existing structures within the vicinity opposite N. Main St. within the North Main Street Residential Character Area, and found only one two-story historic structure, located at 322A N. Main St., which contains one singular narrow vertically-oriented upper story window. The character description of building features for the North Main Street Residential Character Area state that the historic residences found here “*exhibit the traditional array of vertically-oriented, double-hung windows, paneled doors, and porch railings....*” Staff supports the amount of glazing on the east (front) elevation.

Design Standards for the North Main Transition Character Area:

- Priority Design Standard #312: The building’s primary entrance faces the street, as required by this Standard.
- Priority Design Standard #313: The primary roof form is a gable, oriented perpendicular to the street, as recommended by this Policy.
- Design Standard #314: This Standard recommends building setback distances similar to the North Main Street Residential Character Area. Typical building setbacks in the North Main Street Residential Character Area were the size of a small front yard, and buildings were typically not built at the sidewalk line or exceptionally far back on the lot. The proposed building’s front façade is approximately 9.5’ from the property line, and 12.5’ from the existing sidewalk. Staff finds that this similar to a “small yard” and is acceptable.
- Design Standard #315: Staff finds the proposed window to wall ratios is similar to the North Main Street Residential Character Area, which is encouraged by this Standard.

**Architectural Compatibility: (5/A & 5/R):** The applicant proposes a solar array on the south-facing primary gabled roof in order to receive the most solar exposure. The array is proposed to be flush-mounted, and the visibility of the array is significantly reduced by the fact that it is not mounted on a sloped roof facing Main St. Staff believes that because the solar array is not building integrated, because the building will be newly constructed (i.e. non-historic), and because there is not a secondary structure proposed, the array is proposed in the least visible option. Staff does not have any concerns.

The applicant has provided an Architectural Impact Statement, which is attached to this report. Prior to the next Hearing, the applicant is required to provide a streetscape elevation, showing the proposed building and other existing buildings along the street. Regarding paint colors, a material and sample board will be required to be provided prior to Final Hearing, so that staff may confirm the proposed colors are within the chroma requirements of this Policy.

**Site and Environmental Design (7/R):** Although there are minimal plantings proposed on the lot to the north and west of the proposed building, the building is buffered by the distance from the building to the property line in those areas. There are not any proposed retaining walls. Minimal grading is proposed for adequate drainage, and all driveways are existing. Staff does not have any concerns regarding the site design.

**Snow Removal and Storage (13/R):** When the Snider Lot 7B Subdivision was platted, snow storage easements were established for the driveway and parking lot, including a 5’ Snow Stack Easement on Lot 7B adjacent to the driveway entrance/exit from N. Main St. With this application, the applicant proposes 451 sq. ft. of hardscape, 25% of which (112.75 sq. ft.) is required to be snow-stacked. The applicant proposes 122 sq. ft., which meets the minimum requirement. These calculations should be summarized on the site plan prior to Final Hearing.

**Internal/External Circulation (16/A & 16/R; 17/A):** There is a platted access easement, shared by the four lots within the Snider Lot 7 Subdivision, which encompasses the existing parking lot and entrance/exit to N. Main St. Staff does not have any concerns regarding vehicular circulation. Per the request of the Town Engineering Division, the applicant proposes detectible warning plates at the intersection of the private drive and the N. Main St. sidewalk, which will bring the site into conformity with A.D.A. requirements. Staff will add a Condition of Approval at the Final Hearing that the applicant shall provide grading details for the detectible warning plates, to be approved by the Engineering Division prior to issuance of a Building Permit.

**Parking (18/A & 18/R):** Lot 7B is designated seven parking spaces in the Access Easement per the 1993 plat. Seven spaces (spaces #7-13) are platted on Lot 7B, and the existing parking lot is paved. With this application, a total of 5 spaces will be required for the new mixed-use building. The applicant proposes to stripe these spaces, and designate one of the spaces as an ADA accessible space, which will reduce the total onsite parking space provision to 6, given that a portion of the southernmost space is actually on Lot 7A. Staff does not have any concerns regarding the parking requirements.

**Open Space (21/R):** Commercial developments are encouraged to provide a minimum of 15% open space, and residential developments 30%, or incur negative points. As the proposed building is mixed use, staff has calculated the requirements on a pro-rata basis, based on the percentages of the proposed uses. As shown in the table below, the applicant is required to provide 1,818 sq. ft. of open space (22% of the site) on the site. The proposed site plan shows 2,994 sq. ft. of open space (35% of the site). Staff does not have any concerns.

	Floor Area (sq. ft.)	Site Area (sq. ft.)	rate	Total if 100% single use (sq. ft.)	Use % of Bldg.	Required Open Space (sq. ft.)
Commercial	2,140	8,538	15.00%	1,280.7	56.61%	725
Residential:	1,640	8,538	30.00%	2,561.4	43.38%	1075

**Total  
required: 1,800 sq. ft.**

Total required  
as % of site: 21%

**Drainage (27/A & 27R):** The applicant proposes minimal grading on the lot to the south of the proposed building, to allow for positive drainage away from the structure. Staff does not have any concerns



regarding drainage, and will confirm positive drainage away from the structure prior to issuance of a Certificate of Occupancy.

**Utilities Infrastructure (26/A & 26/R; 28/A):** Utilities are available in the adjacent N. Main St. Right-of-Way and in the Utility Easements on the property. Staff does not have any concerns.

**Exterior Lighting (46/A):** The applicant has not yet provided any information regarding a proposed exterior lighting fixture. This will be required prior to the Final Hearing.

**Hazardous Conditions (34/A § 34/R):** The applicant will need to show on the Site Plan prior to the next Hearing the 100 year floodplain boundary, topographic contours for the entire parcel (including in the area of Blue River), and the required 25' setback from "top of bank" per Town Code 10-4-7.

**Point Analysis (Section: 9-1-17-3):** Staff believes that the Absolute Policies are being met with this application, pending the Commission input regarding the following:

- **Social Community (24/R):**
  - Priority Design Standards #90, #266, and #272a: Staff would like to know if the Commission supports the use of the vertical random width barn wood siding as a historically compatible material.

Negative points:

- **Density (3/R):** The applicant is considering proposing a Development Agreement to the Town Council, in order to waive negative points for the proposed building being over the recommended density. This would require a public benefit to be provided. At this time, staff recommends negative thirty five (-35) points for the proposed building design exceeding the maximum density recommended by the Land Use Guidelines by 33%.
- **Landscaping (22/R):** Staff recommends negative two (-2) points for not meeting the minimum number of trees required along the right-of-way.
- **Placement of Structures (9/R):** Staff needs to conduct additional research prior to the next Hearing regarding past precedent for similar mixed use projects, in order to determine if the Town has allowed a commercial portion of a mixed used building to encroach within the Relative residential setback requirement.

Positive points:

- **Energy Conservation (33/R):** Staff recommends positive three (+3) points for a 20-29% energy saved beyond the IECC minimum standards (pending submittal of energy analysis).
- **Refuse (15/R):** Staff recommends positive (+1) point for the incorporation of a trash enclosure into a principal structure.

**TOTAL: Staff is suggesting positive four (+4) points and negative thirty seven (-37) points for a failing score of negative thirty three (-33) points. Should the applicant succeed with gaining approval of a Development Agreement exempting them from negative points associated with a density transfer and density in excess of the LUG's, their net suggested point analysis score would be positive two (+2).**

#### **Staff Questions for the Commission:**

Staff has the following questions for the Commission:

1. In regards to Priority Design Standards #90, #266, and #272a, does the Commission support the use of the vertical random width barn wood siding as a historically compatible material?
2. Does the Commission support the preliminary point analysis?

<b>Preliminary Hearing Point Analysis</b>				
Project:	Snider Mixed Use Building	<b>Positive</b>	<b>Points</b>	<b>+4</b>
Plan #	PL-2018-0222			
Date:	8/17/2018	<b>Negative</b>	<b>Points</b>	<b>- 37</b>
Staff:	Chapin LaChance, Planner II			
		<b>Total</b>	<b>Allocation:</b>	<b>- 33</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)	- 35	The applicant is considering purchasing Transferable Development Rights (TDRs) and proposing a Development Agreement to the Town Council, in order to waive negative points for the proposed building being over the recommended density. This would require a public benefit to be provided. At this time, staff recommends negative thirty five (-35) points for the proposed building design exceeding the maximum density recommended by the Land Use Guidelines by 33%.
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 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)		The Relative setback requirements for residential within the conservation district are 15' in the front and rear yards, and 5' in the side yards. The upper level residential portion of the structure is setback 18' from the property line, which complies with the Relative setback requirement. However, the main level is setback only 8' from the property line, which does not comply with the Relative setback requirement. Staff needs to conduct additional research prior to the next Hearing regarding past precedent for similar mixed use projects, in order to determine if the Town has allowed a commercial portion of a mixed used building to encroach within the Relative residential setback requirement. The submitted plans show the building setback 65' from the western property line along the Blue River, 5' from the southern property line, and 17' from the northern property line, all of which comply with the Relative setback requirements.
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)	+1	Staff recommends positive (+1) point for the incorporation of a trash enclosure into a principal structure.
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
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)	-2	Per Policy 22/R, "At least one tree a minimum of eight feet (8') in height, or three inch (3) caliper, should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed." With 52' of frontage (excluding the Access Easement), this equates to four trees required (52/15 = 3.47). Staff recommends negative two (-2) points for not meeting the minimum number of four trees required along the right-of-way.
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		

26/A	<b>Infrastructure</b>	N/A		
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>	N/A		
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 ( <b>For existing residential: 30-49% improvement beyond existing</b> )	+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	+3	Staff recommends positive three (+3) points for a 20-29% energy saved beyond the IECC minimum standards (pending submittal of energy analysis).
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		
50/A	<b>Wireless Communication Facilities</b>	Complies		

**GENERAL NOTES**

- CODES**  
THIS PROJECT SHALL COMPLY WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE AS ADOPTED BY SUMMIT COUNTY. THE GENERAL CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR SATISFYING ALL APPLICABLE CODE REQUIREMENTS.
- EXISTING CONDITIONS**  
FIELD VERIFY ALL DIMENSIONS, UTILITY LOCATIONS AND EXISTING CONDITIONS ON THE JOB SITE PRIOR TO BEGINNING ANY WORK OR PURCHASING ANY MATERIALS. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY CONFLICTS OR DISCREPANCIES THAT ARISE.
- DIMENSIONS**  
ALL PLAN DIMENSIONS SHOWN ARE TO FACE OF FRAMING OR FACE OF FOUNDATION WALL UNLESS NOTED OTHERWISE. ALL SECTION AND ELEVATION DIMENSIONS ARE TO TOP OF CONCRETE. TOP OF PLYWOOD, TOP OF WALL PLATE OR TOP OF BEAM UNLESS NOTED OTHERWISE. DO NOT SCALE DRAWINGS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCING WORK.
- CHANGES**  
ANY PREPROPOSED CHANGES TO THE PLANS SHALL BE SUBMITTED TO THE ARCHITECT IN WRITING PRIOR TO COMMENCING WORK. UNAUTHORIZED CHANGES SHALL RELIEVE THE ARCHITECT OF RESPONSIBILITY FOR ANY AND ALL CONSEQUENCES RESULTING FROM SUCH CHANGES.
- OMISSIONS OR DISCREPANCIES**  
ALTHOUGH PROVING ARCHITECTURE, LLC AND ITS CONSULTANTS HAVE PERFORMED THEIR DUTIES WITH CARE AND DILIGENCE, DESIGN AND CONSTRUCTION ARE COMPLEX PROCESSES IN WHICH OMISSIONS OR DISCREPANCIES MAY OCCUR. NOTIFY THE ARCHITECT IMMEDIATELY TO RESOLVE ANY SUCH ISSUE PRIOR TO COMMENCING WORK.
- INDUSTRY STANDARDS**  
THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL PROVIDE ALL MATERIALS, LABOR, SHIPPING, INSTALLATION, TOOLS AND EQUIPMENT TO PROVIDE A COMPLETE PROJECT MEETING THE RECOGNIZED INDUSTRY STANDARDS.
- JOB SITE SAFETY**  
THESE DOCUMENTS DO NOT CONTAIN ALL OF THE REQUIRED COMPONENTS FOR PROPER JOB SITE SAFETY. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND SUBCONTRACTORS TO PERFORM ALL WORK IN COMPLIANCE WITH ALL REGULATORY AGENCY SAFETY REGULATIONS.
- SOILS INVESTIGATION**  
IT IS RECOMMENDED THAT THE OWNER RETAIN THE SERVICES OF A SOILS ENGINEER TO VERIFY THE SOIL BEARING CAPACITY AND SUBSURFACE CONDITIONS PRIOR TO PLACING ANY CONCRETE FOUNDATIONS.
- AREA CALCULATIONS**  
SQUARE FOOTAGE CALCULATIONS ARE FOR CODE PURPOSES ONLY AND SHOULD BE FIELD VERIFIED FOR ANY OTHER USE.
- COPYRIGHT**  
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**LEGAL DESCRIPTION**

LOT 7B, SNIDER ADDITION, TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO

**BUILDING AREA**

AREAS:	STORAGE / MECH	OFFICE	APARTMENT	TOTAL
BASEMENT	284 S.F.	265 S.F.	664 S.F.	1,213 S.F.
MAIN LEVEL	0 S.F.	1,591 S.F.	0 S.F.	1,591 S.F.
UPPER LEVEL	0 S.F.	0 S.F.	976 S.F.	976 S.F.
<b>TOTAL:</b>	<b>284 S.F.</b>	<b>1,856 S.F.</b>	<b>1,440 S.F.</b>	<b>3,780 S.F.</b>

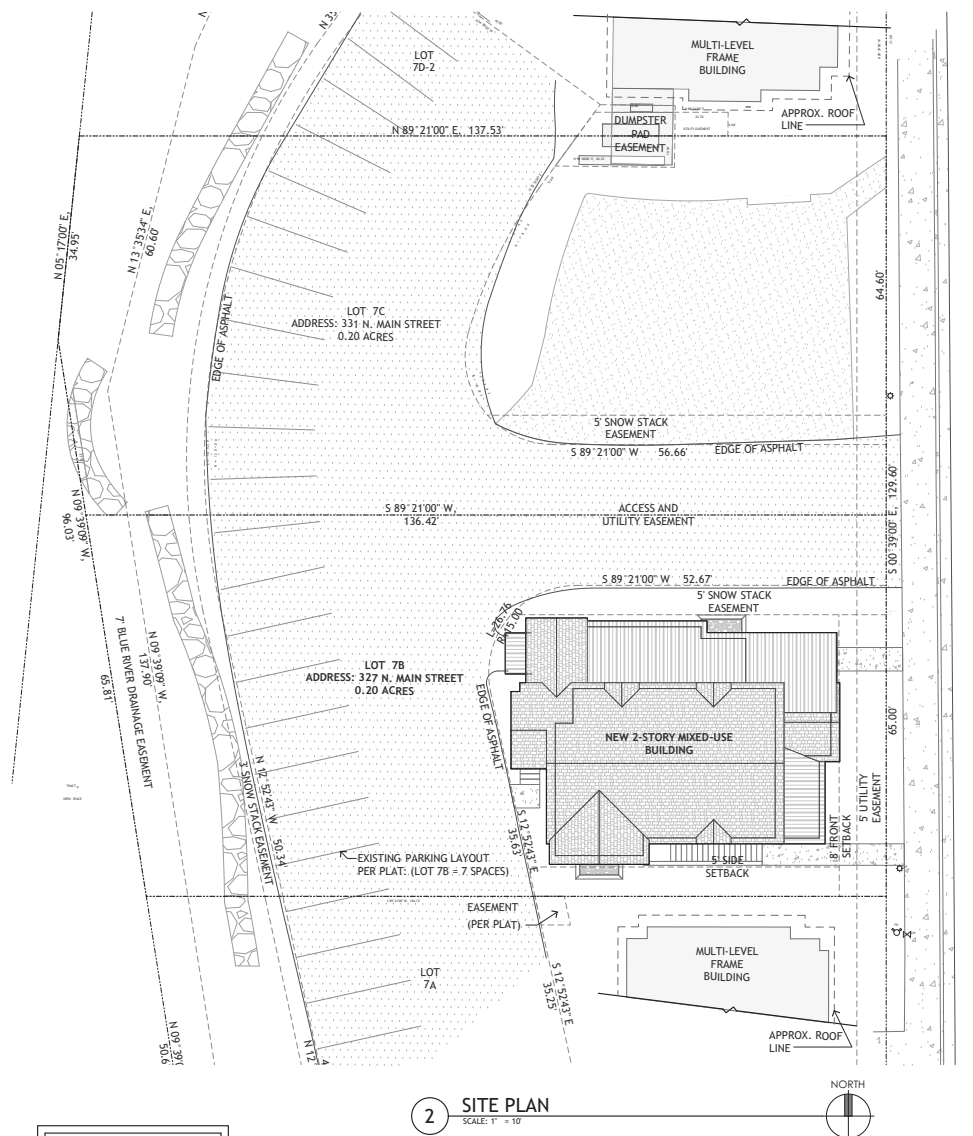
**LOT COVERAGE**

LOT AREA	SQ. FEET	ACRES	%
BUILDING COVERAGE	8,538 S.F.	0.2 AC	100 %
HARDSCAPE COVERAGE	1,622 S.F.	.04 AC	19 %
EXISTING PARKING LOT	453 S.F.	.01 AC	5 %
OPEN AREA	3,747 S.F.	.09 AC	44 %
	2,718 S.F.	.06 AC	32 %

**ZONING DATA**

LAND USE DISTRICT:	DISTRICT #11
CONSERVATION DISTRICT:	NORTH MAIN TRANSITION AREA & DOWNTOWN OVERLAY DISTRICT
FAR / DENSITY / MASS: (ABOVE GROUND)	COMMERCIAL (1:3 FAR) ALLOWED 1,592 SF PROPOSED
(BELOW GROUND)	RESIDENTIAL (12 UP) ALLOWED 976 S.F. PROPOSED
	COMMERCIAL (1:3 FAR) ALLOWED 549 SF PROPOSED
	RESIDENTIAL (12 UP) ALLOWED 664 SF PROPOSED
<b>**1.2 TBDS TO BE PURCHASED FOR BELOW GROUND DENSITY**</b>	
PARKING:	EXISTING (7) SPACES PER PLAT OFFICE: (3) REQD. RESIDENTIAL: (4) REQD.
SNOW STACK:	EXISTING SNOW STACK EASEMENTS PER PLAT
HEIGHT:	ALLOWED: 26' MEAN ROOF (MAX.) PROPOSED: 25' MEAN ROOF ELEVATION
SETBACKS:	PROPOSED FRONT 8'-0" SIDE 5'-0" / 17'-0" REAR 65'-0"
POINTS:	(-2) POINTS FOR BUILDING HEIGHT (-33) POINTS FOR ENERGY CONSERVATION (+1) POINT NET

**SNIDER BUILDING**



**2 SITE PLAN**  
SCALE: 1" = 10'

SHEET INDEX	
ID	Name
A-100	COVER & SITE PLAN
A-101	GRADING & LANDSCAPE PLAN
A-200	BASEMENT PLAN
A-201	MAIN LEVEL FLOOR PLAN
A-202	UPPER LEVEL FLOOR PLAN
A-203	ROOF PLAN
A-300	ELEVATIONS
A-301	ELEVATIONS

**CONTACT INFORMATION**

<b>OWNER / BUILDER:</b> BRECKENRIDGE LANES, INC. P.O. BOX 7 BRECKENRIDGE, CO 80424 970.465.8640	<b>ARCHITECT:</b> PROVING ARCHITECTURE, LLC 106 NORTH FRENCH STREET SUITE 100 P.O. BOX 8662 BRECKENRIDGE, CO 80424 970.453.2520	<b>STRUCTURAL ENGINEER:</b> ENGINEERING DESIGN WORKS 1169 HILLTOP PARKWAY SUITE 200A STEAMBOAT SPRINGS, CO 80487 970.846.7970	<b>SURVEYOR:</b> SCHMIDT LAND SURVEYING, INC. P.O. BOX 5761 FRISCO, CO 80443 970.469.9943
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provino ARCHITECTURE, LLC  
106 NORTH FRENCH STREET  
SUITE 100  
P.O. BOX 8662  
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970.453.2520  
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**SNIDER BUILDING**  
LOT 7B SNIDER ADDITION, 327 NORTH MAIN STREET  
BRECKENRIDGE, CO 80424

DATE	DESCRIPTION
AUG. 10. 18	T.O.B. PRELIMINARY CLASS-A

PROJECT NO:	2018-3
DRAWN BY:	M. PROVING
CHKD BY:	M. PROVING
SHEET TITLE	

**COVER & SITE PLAN**

**A-100**

SHEET 1 OF 8



**PLAN NOTES**

1. COORDINATE ALL INTERIOR FINISHES, CABINETS, FIXTURES AND EQUIPMENT WITH THE OWNER & INTERIOR DESIGNER.
2. PROVIDE MOISTURE RESISTANT GYPSUM WALL BOARD AT ALL DAMP LOCATIONS.
3. PROVIDE CEMENTITIOUS BACKER BOARD AT ALL TILE LOCATIONS.
4. PROVIDE LOW V.O.C. FINISH COATINGS AND FORMALDEHYDE-FREE SUBSTRATES WHERE POSSIBLE.
5. PROVIDE BLOCKING IN WALLS FOR ALL SHELVING, CABINETS AND ACCESSORIES.
6. ALL NEW WINDOWS SHALL BE LOW-E, DUAL GLAZED INSULATED GLASS UNITS, MAX. U-FACTOR: 0.35
7. PROVIDE SAFETY GLAZING IN ALL LOCATIONS REQUIRED BY CODE.
8. PROVIDE EGRESS WINDOWS IN ALL BEDROOMS AS REQUIRED BY CODE.
9. INSULATE ALL GAPS AND SHIM SPACES IN EXTERIOR WALLS.
10. INSTALL ALL INTERIOR DOOR ROUGH OPENINGS 6" FROM PERPENDICULAR WALL ON HINGE SIDE, U.N.O., TYPICAL.



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**SNIDER BUILDING**  
 LOT 7B SNIDER ADDITION, 327 NORTH MAIN STREET  
 BRECKENRIDGE, CO 80424

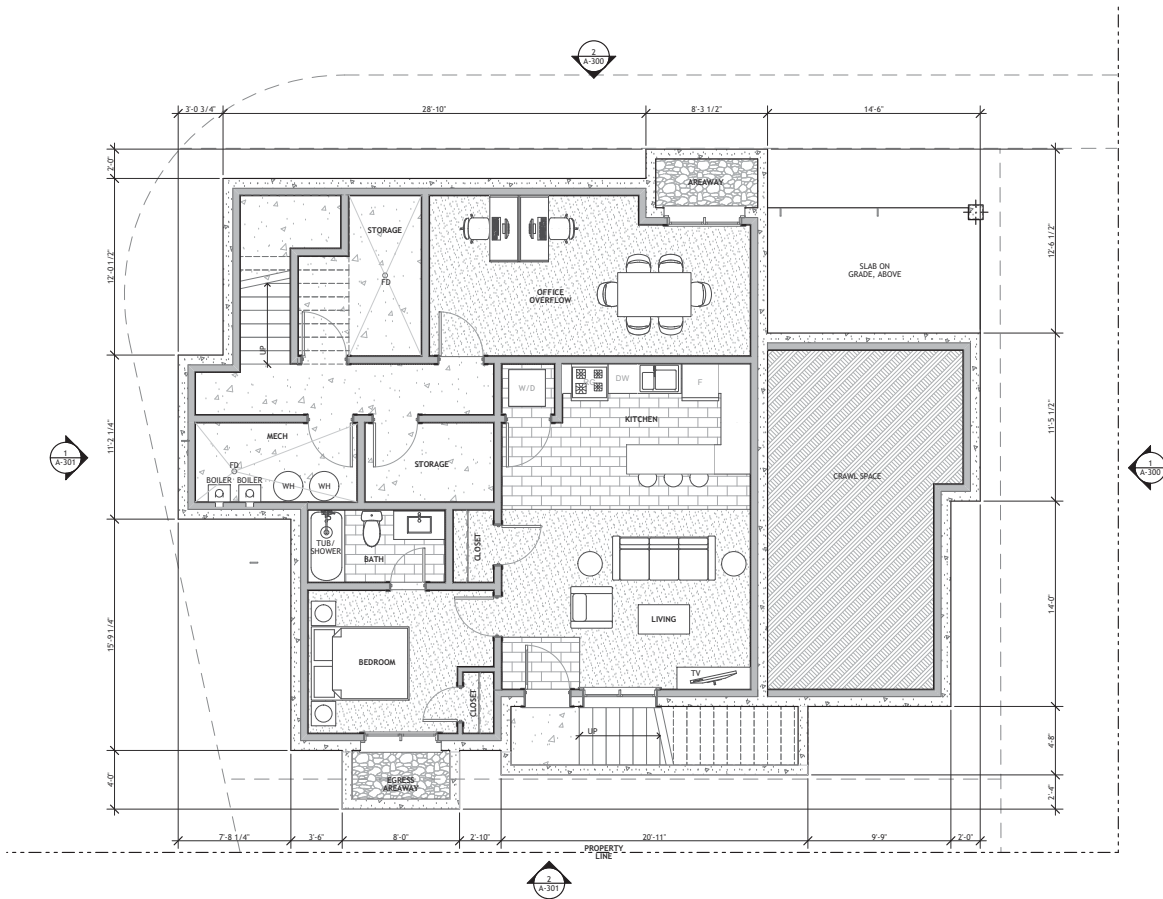
DATE	DESCRIPTION
AUG. 16, 18	T.D.B. PRELIMINARY CLASS-A

PROJECT NO: 2018-3  
 DRAWN BY: M. PROVINO  
 CHKD BY: M. PROVINO

SHEET TITLE  
**BASEMENT PLAN**

**A-200**

SHEET 3 OF 8



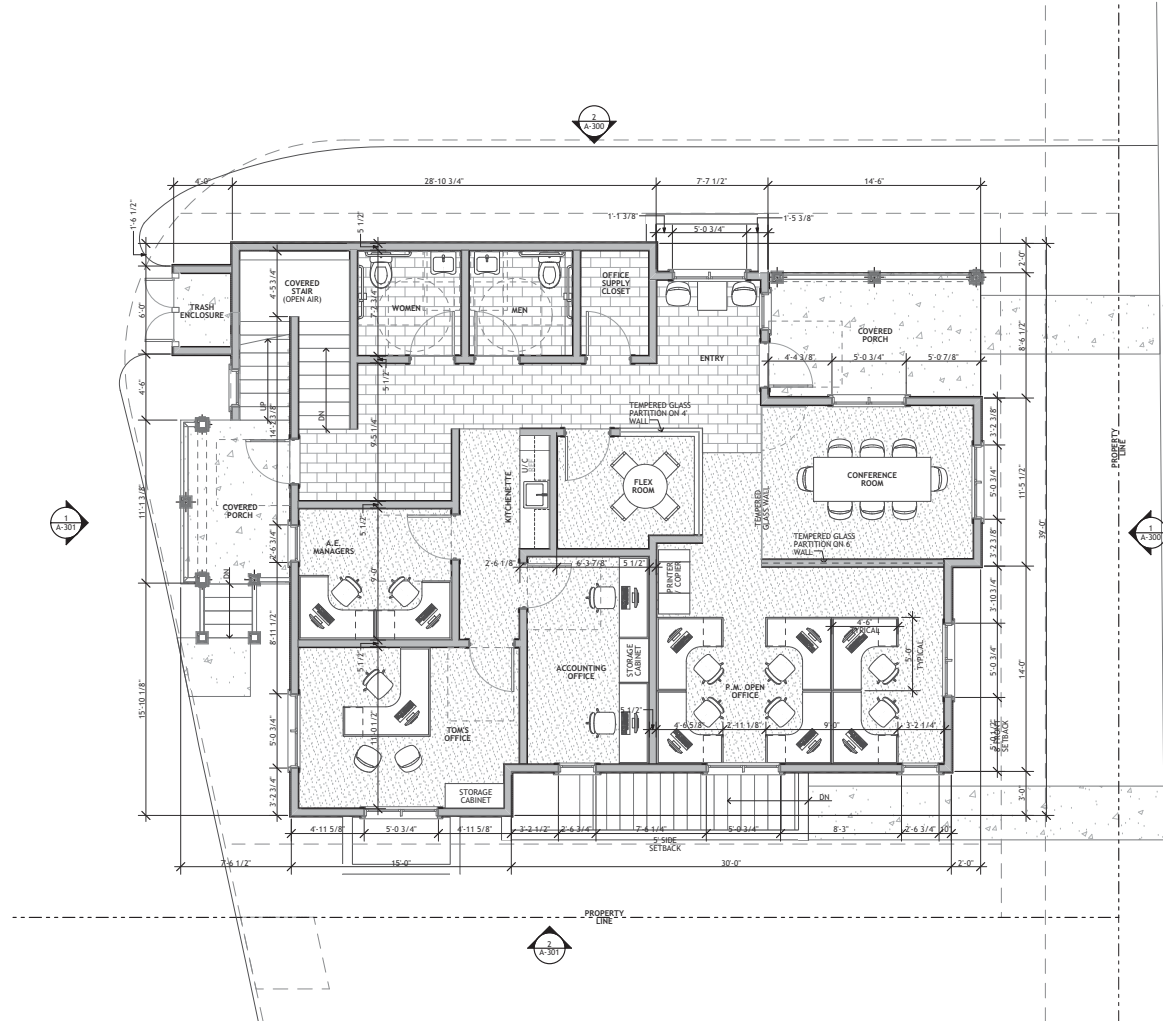
**1 BASEMENT FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"





**PLAN NOTES**

1. COORDINATE ALL INTERIOR FINISHES, CABINETS, FIXTURES AND EQUIPMENT WITH THE OWNER & INTERIOR DESIGNER.
2. PROVIDE MOISTURE RESISTANT GYPSUM WALL BOARD AT ALL DAMP LOCATIONS.
3. PROVIDE CEMENTITIOUS BACKER BOARD AT ALL TILE LOCATIONS.
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5. PROVIDE BLOCKING IN WALLS FOR ALL SHELVING, CABINETS AND ACCESSORIES.
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7. PROVIDE SAFETY GLAZING IN ALL LOCATIONS REQUIRED BY CODE.
8. PROVIDE EGRESS WINDOWS IN ALL BEDROOMS AS REQUIRED BY CODE.
9. INSULATE ALL GAPS AND SHIM SPACES IN EXTERIOR WALLS.
10. INSTALL ALL INTERIOR DOOR ROUGH OPENINGS 6" FROM PERPENDICULAR WALL ON HINGE SIDE, U.N.O., TYPICAL.



**1 MAIN LEVEL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

**pA**  
 provino ARCHITECTURE, LLC  
 106 NORTH FRENCH STREET  
 SUITE 100  
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 BRECKENRIDGE, CO 80424  
 970.453.2520  
 PROVINOARCHITECTURE.COM

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**SNIDER BUILDING**  
 LOT 7B SNIDER ADDITION, 327 NORTH MAIN STREET  
 BRECKENRIDGE, CO 80424

DATE	DESCRIPTION
AUG. 16.18	T.D.B. PRELIMINARY CLASS A

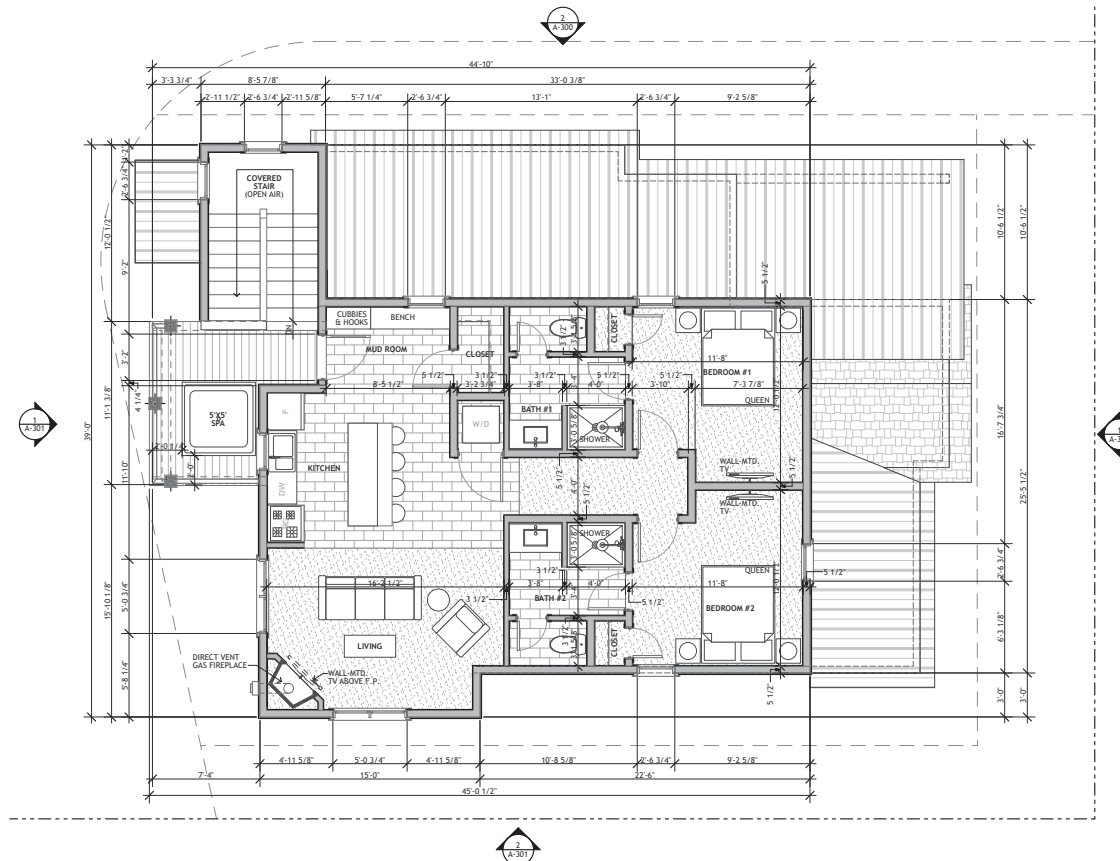
PROJECT NO: 2018-3  
 DRAWN BY: M.PROVINO  
 CHKD BY: M.PROVINO

SHEET TITLE  
**MAIN LEVEL FLOOR PLAN**

**A-201**  
 SHEET 4 OF 8

**PLAN NOTES**

1. COORDINATE ALL INTERIOR FINISHES, CABINETS, FIXTURES AND EQUIPMENT WITH THE OWNER & INTERIOR DESIGNER.
2. PROVIDE MOISTURE RESISTANT GYPSUM WALL BOARD AT ALL DAMP LOCATIONS.
3. PROVIDE CEMENTITIOUS BACKER BOARD AT ALL TILE LOCATIONS.
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8. PROVIDE EGRESS WINDOWS IN ALL BEDROOMS AS REQUIRED BY CODE.
9. INSULATE ALL GAPS AND SHIM SPACES IN EXTERIOR WALLS.
10. INSTALL ALL INTERIOR DOOR ROUGH OPENINGS 6" FROM PERPENDICULAR WALL ON HINGE SID. U.S.A., TYPICAL.



**1 UPPER LEVEL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**pA**  
 provino ARCHITECTURE, LLC  
 106 NORTH FRENCH STREET  
 SUITE 100  
 P.O. BOX 8662  
 BRECKENRIDGE, CO 80424  
 970.453.2520  
 PROVINOARCHITECTURE.COM

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**SNIDER BUILDING**  
 LOT 7B SNIDER ADDITION, 327 NORTH MAIN STREET  
 BRECKENRIDGE, CO 80424

DATE	DESCRIPTION
AUG. 16. 18	T.O.B. PRELIMINARY CLASS-A

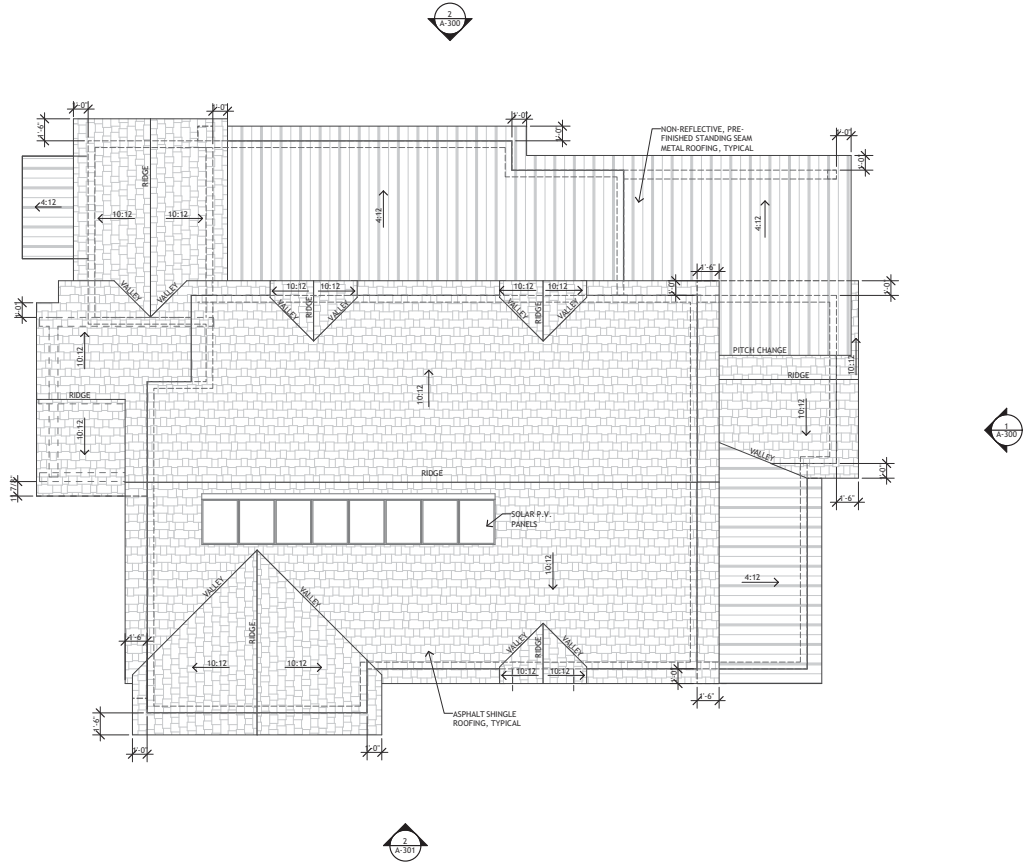
PROJECT NO: 2018-3  
 DRAWN BY: M.PROVINO  
 CHK'D BY: M.PROVINO

SHEET TITLE  
**UPPER LEVEL FLOOR PLAN**

**A-202**

**ROOF PLAN NOTES**

1. PROVIDE CLASS-A RATED ROOFING, INSTALL PER MANUFACTURER'S INSTRUCTIONS.
2. PROVIDE WATERPROOF MEMBRANE UNDERLAYMENT OVER 100% OF ROOF DECK. INSTALL HIGH-TEMP COMPATIBLE MEMBRANE UNDER METAL ROOFING.
3. INSTALL GFCI J-BOXES AT GUTTER / DOWNSPOUT LOCATIONS FOR 220V HEAT TAPE.
4. PROVIDE CONTINUOUS VENT STRIP AT ALL EAVES, CONTINUOUS PRE-MANUFACTURED RIDGE VENTS AND CONTINUOUS PRE-MANUFACTURED SIDE WALL VENTS TO ALLOW FOR ROOF VENTILATION. MAINTAIN AIR FLOW ACROSS VALLEYS AND PITCH CHANGES, TYP.
5. ALL EXPOSED FLASHING AND DRIP EDGE SHALL BE PRE-FINISHED DARK BRONZE.
6. PAINT ALL EXPOSED VENT STACKS, FLUE PIPES, ETC. DARK BRONZE WITH SUITABLE PRIMER TO ADHERE TO THE MATERIAL BEING PAINTED.



**1 ROOF PLAN**  
SCALE: 1/4" = 1'-0"

**provin** ARCHITECTURE, LLC  
 106 NORTH FRENCH STREET  
 SUITE 100  
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**SNIDER BUILDING**  
 LOT 7B SNIDER ADDITION, 327 NORTH MAIN STREET  
 BRECKENRIDGE, CO 80424

DATE	DESCRIPTION
AUG. 16, 18	T.O.B. PRELIMINARY CLASS-A

PROJECT NO: 2018-3  
 DRAWN BY: M.PROVINO  
 CHKD BY: M.PROVINO

SHEET TITLE  
**ROOF PLAN**

**A-203**



3 VIEW FROM NORTHEAST  
NOT TO SCALE



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



4 VIEW FROM SOUTHEAST  
NOT TO SCALE



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

**BUILDING ELEVATION NOTES:**

1. REFER TO MATERIALS LEGEND FOR FINISH DESIGNATIONS.
2. PROVIDE GLAZING THAT MEETS SUMMIT COUNTY ENERGY CODE REQUIREMENTS.
3. VERIFY ROUGH OPENING DIMENSIONS AND REQUIREMENTS WITH WINDOW & DOOR MANUFACTURERS PRIOR TO FRAMING OPENINGS.
4. PROVIDE WEATHERSTRIPPING AND ALUMINUM THRESHOLDS AT ALL EXTERIOR DOORS.
5. VERIFY JAMB WIDTHS AND WALL THICKNESSES PRIOR TO ORDERING WINDOWS AND DOORS.
6. PROVIDE SAFETY GLAZING IN COMPLIANCE WITH CURRENT BUILDING CODES.
7. INSULATE ALL SHIM SPACES AT EXTERIOR DOORS & WINDOWS.
8. WRAP ALL EXTERIOR OPENINGS WITH BUILDING WRAP PRIOR TO INSTALLING WINDOW OR DOOR.
9. PROVIDE SELF-ADHESIVE FLASHING ALONG ALL NAIL FLANGES PER MANUFACTURERS INSTALLATION REQUIREMENTS.
10. PROVIDE 2x GA. PRE-FINISHED METAL HEAD FLASHING TO ALL EXTERIOR DOORS & WINDOWS.
11. ALL WINDOWS AND DOORS TO HAVE FIELD APPLIED TRIM. DO NOT SUPPLY WITH BRICK MOLD.
12. PROVIDE SHOP DRAWINGS FOR OWNER & ARCHITECT APPROVAL PRIOR TO ORDERING CUSTOM WINDOWS AND DOORS.
13. SEE FLOOR PLAN FOR WINDOW / DOOR OPERATION.

**EXTERIOR FINISH LEGEND**

- (A) ASPHALT SHINGLE ROOFING - GAF TIMBERLINE HD 30YR - "CHARCOAL"
- (B) PAINTED 1x4 HORIZONTAL WOOD CLAPBOARD SIDING - "BURGUNDY"
- (C) PAINTED 2x CORNER BOARDS, TRIM & FASCIA - "LIGHT GRAY"
- (D) 5" THICK FIELDSTONE VENEER W/ 3" THICK SANDSTONE CAP
- (E) PAINTED WOOD BEAMS & POSTS - "LIGHT GRAY"
- (F) PAINTED WOOD GUARDRAIL & NEWEL POSTS - "LIGHT GRAY"
- (G) CLAD WOOD WINDOWS & DOORS - "LIGHT GRAY CLADDING"
- (H) RANDOM WIDTH RECLAIMED BARN WOOD - "NATURAL FINISH"
- (I) NON-REFLECTIVE, PRE-FINISHED METAL ROOFING - "LIGHT GRAY"

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**SNIDER BUILDING**  
 LOT 7B SNIDER ADDITION, 327 NORTH MAIN STREET  
 BRECKENRIDGE, CO 80424

NO.	DATE	DESCRIPTION

PROJECT NO: 2018-3  
 DRAWN BY: M. PROVINO  
 CHKD BY: M. PROVINO

SHEET TITLE

**ELEVATIONS**

**A-300**

SHEET 7 OF 8





**SNIDER BUILDING**  
327 North Main Street



June.6.18

TO: Town of Breckenridge Planning Dept.  
150 Ski Hill Road  
P.O. Box 168  
Breckenridge, CO 80424  
ATTN: Chapin LaChance

RE: Snider Building, Lot 7B / 327 N. Main Street - Architectural Impact Statement

The Snider Building will be an infill project located in District #11, which functions as the northern entrance to the Town Core. A mixture of commercial and residential uses is appropriate for this area with a landscape buffer between the street and the building to reinforce the pedestrian experience.

The proposed mixed-use building has been carefully designed to integrate into the North Main Transition Character Area by its massing, roof lines, window and door proportions and exterior materials. The main entry is defined by a covered porch with a scale that provides a residential feel appropriate for this character area. The design utilizes steeply pitched (10:12) gable roof forms with the main gable being perpendicular to North Main Street.

The front setback has been established at 8'-0" to be similar to the building setbacks on neighboring lots. The side setback is proposed at 5'-0" in compliance with Town Development Standards. In addition, the upper level single family apartment is accessed from the rear of the building in compliance with the Downtown Overlay District regulations.

In conclusion, the design team feels the proposed Snider Building will enhance the neighborhood and strengthen the sense of entry into the Town core.

Thank you,  
Mark Provino, AIA

## MEMORANDUM

TO: Planning Commission

FROM: Mark Truckey, Assistant Director Community Development

DATE: August 17, 2018 for August 21 Meeting

SUBJECT: Worksession: Comprehensive Code Amendments Third Installment

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### Background

The Planning Commission has previously reviewed and made recommendations on two installments of proposed Code amendments, which were the result of recommendations from the Comprehensive Code Amendments Steering Group. The Town Council has also reviewed these amendments and agreed with the Commission's recommendations. At this point, we have concluded our work with the Steering Group and have a third and mostly final installment of proposed Code amendments, which we request the Commission's input on.

In the previous installments, the Commission has reviewed policies 1 through 32. This last installment focuses primarily on Policies 33 to 50, but also includes amendments to a few other areas of the Code.

### Issues

The attached Proposed Code Amendments include a short description in italics of the reason for each of the proposed changes. The bullets below highlight a few of the more significant changes:

- Several significant changes are proposed to Policy 33R Energy Conservation. One of the biggest changes involves changing the positive point assignment for residential construction so that it is based on a percentage improvement in energy efficiency compared to a standard home built to the existing Residential Energy Code. The scoring was previously based on a HERS (Home Energy Rating Survey) score. However, the Energy Code now requires many of the energy saving measures that previously were used to attain a better HERS rating. As a result, the standard home built to Energy Code can routinely qualify for positive points through HERS without implementing any extra energy efficiency measures. The new percentage based improvement, which is similar to how Policy 33R has always treated commercial development, will address this.
- Also in Policy 33R we have included a new opportunity for a positive point in association with projects that are built to be solar ready. This includes considering solar access when designing rooftops and including conduit for wiring and equipment associated with solar power. There is also a provision to ensure that garage bays come with 240v outlets to allow for charging of electric vehicles.
- A new section has been added under Policy 43A Public Art to allow murals outside the Conservation District. The section establishes size limitations for murals as well as locational criteria. The mural proposals are also required to be reviewed by the Public Arts Commission.
- Several changes are proposed to 9-3-8 Offstreet Parking Requirements. These are primarily related to changing the parking space ratios required for a few uses (e.g., restaurants, industrial, grocery stores) outside the Conservation District. In developing these proposed changes, staff did a fair amount of



research into requirements in other communities as well as reviewing national standards recommended by the Institute of Transportation Engineers.

A couple outstanding issues are not included in these amendments:

- At a Planning Commission meeting back in April, the Commission had recommended to allow a mass bonus in LUD 18 for projects undergoing historic restorations. Since that time, staff has received input from the State Historic Preservation Office regarding the downgrading of the historic status of structures because of large additions. As a result, staff needs to analyze this issue further before we proceed with any code amendments.
- Policy 24R includes a Housing table which includes positive and negative points based on the amount of deed-restricted employee housing that is provided in conjunction with large development applications. This issue is being addressed directly by the Town Council and its Housing Committee. Staff will bring those recommendations to the Planning Commission once direction from the Council has been received.

### **Planning Commission Action**

Please review the draft and bring any questions and comments you have to the meeting. Staff will forward the Commission's recommendations to the Town Council.

## Comprehensive Code Amendments

### Third Installment 8/17/18

*Amend Section 9-1-8 to eliminate Preliminary Evaluation, as this has not been staff's practice to undertake this. However, staff routinely conducts pre-application conferences and work sessions (as specified in the Code), which are similar in scope.*

#### **9-1-8: PRELIMINARY EVALUATION:**

~~The planning staff may do a preliminary evaluation on a development after the following: an initial preliminary hearing; submittal of any required additional materials; payment of a fee; and a determination by the director of community development that adequate staff time is available. This evaluation is performed strictly as a convenience for the applicant in obtaining guidance with regard to town standards or criteria and shall not be binding upon a final point analysis nor the town. (Ord. 19, Series 1988)~~

*Amend Section 9-1-18-1 as an evidentiary packet is not something that staff has required and is thus proposed to be eliminated from the submittal requirements for Class A development permits.*

#### **9-1-18-1: CLASS A DEVELOPMENT PERMIT PROCESS:**

- D. Final Application: A final hearing shall be held for each class A project by the planning commission to determine compliance with the policies established within this chapter, and other applicable town ordinances and codes. A final application shall not be requested until the project has been reviewed as a preliminary application before the planning commission, and has been authorized by the commission to proceed to final hearing. In no instance shall a final application be accepted by the town if more than ninety (90) days have elapsed since the preliminary hearing, in which case the applicant shall appear before the planning commission at another preliminary hearing before proceeding. (Ord. 7, Series 1993)
1. A final application shall consist of the following materials and plans, all of which shall be submitted no later than the deadline established in the rules and regulations: (Ord. 17, Series 2003)
    - a. An application signed by the property owner of record, or an agent having power of attorney, ~~and an evidentiary package~~ on forms provided by the town. Any variances applied for shall be ~~on the policy evidentiary package~~ and included in the application.

*Amend Section 9-1-18-4 C. to remove the requirement for the director to approve or deny a Class D development application within seven days. The Department generally approves these within seven days. However, there are sometimes extenuating circumstances (sometimes involving additional information needed from applicants) that preclude our ability to always approve these within the timeframe. Section E. is proposed to be deleted because Policy 40A Chalet Houses is proposed to be eliminated.*

#### **9-1-18-4: CLASS D DEVELOPMENT PERMIT PROCESS:**

C. Procedure:

1. Once a completed application and all accompanying material have been submitted, the director shall review the proposal and ~~within seven (7) days~~ approve it with or without conditions, or deny it. In addition, the director shall have the right ~~within the same seven (7) days~~ to reclassify any class D application as a class C and process it accordingly.

~~E. Application To Chalet House Permits: The provisions of this section shall not apply to the processing of applications to operate a chalet house. Such applications shall be processed in accordance with the provisions of section [9-1-19-40A](#), "Policy 40 (Absolute) Chalet Houses", of this chapter. (Ord. 7, Series 1995)~~

*Amend Policy 9-1-19-27R to encourage aesthetically attractive detention facilities.*

**9-1-19-27R: POLICY 27 (RELATIVE) DRAINAGE:**  

3 x (0/+2)	Municipal Drainage System: All developments are encouraged to provide drainage systems that exceed the minimum requirement of the town and, if they so choose, to provide drainage improvements that are of general benefit to the community as a whole and not solely required for the proposed development. (Ord. 19, Series 1988)
---------------	--

<u>1 x</u> <u>(-1/+1)</u>	<u>Stormwater Detention Ponds: Where stormwater detention ponds are included in developments, it shall be the goal to have aesthetically attractive detention ponds. The use of vegetation, including grass-lined ponds and swales is encouraged, provided they do not interfere with detention functions. Detention ponds which include minimal vegetation and large amounts of rocks, boulders, and unvegetated surfaces are discouraged.</u>
------------------------------	---

*Amend Policy 33 R to set a new standard for residential development regarding energy savings. A HERS rating will now only be incentivized for achieving one positive point. Positive points higher than that will be based on the percentage increased energy efficiency compared to a home built to comply with the existing Residential Energy Code. A new table is added to further specify point assignments for outdoor heated spaces, based on past precedent. The table also addresses water features, providing an option to power with renewable sources and increasing the negative point assignments for powering water features with conventional power sources. A new section is also included that awards one positive point for projects that are built solar ready.*

**9-1-19-33R: POLICY 33 (RELATIVE) ENERGY CONSERVATION:**  

The goal of this policy is to incentivize energy conservation and renewable energy systems in new and existing development at a site plan level. This policy is not applicable to an application for a master plan. This policy seeks to reduce the community's carbon footprint and energy usage and to help protect the public health, safety and welfare of its citizens.

- A. Residential Structure Three Stories Or Less: All new and existing residential developments are strongly encouraged to have a home energy rating survey (HERS) as part of the development permit review process to determine potential energy saving methods and to reward developments that reduce their energy use.

For new construction, positive points will be awarded for the percentage of energy use reduction of the new residential structure if a HERS analysis is obtained or when compared to the same building built to the minimum standards of the Town's most recently adopted International Energy Conservation Code Residential Provisions.

For existing residential development, including additions, positive points will be awarded for the percentage of energy saved beyond the energy consumption analysis of the existing structure(s) as compared to the energy consumption of the proposed structure remodel.

~~improvement in the HERS index when comparing the HERS index of the existing structure to the HERS index of the proposed structure with improvements. (Example: The percentage shall be calculated as follows: If the existing structure has a HERS index of 120, and has a HERS index of 70 as a result of the improvements proposed in the development permit application, there is a 41 percent improvement in the HERS index over the existing conditions (120-70=50; 50/120=0.41). Such improvement warrants an award of positive three (+3) points.)~~

Positive points will be awarded according to the following point schedule for new construction (prior to xx, 2018):

<u>Points</u>	<u><b>New Residential HERS Index New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code<sup>1</sup></b></u>
+1	Obtaining a HERS index
+2	<del>61 - 80</del> <u>20% - 39%</u>
+3	<del>41 - 60</del> <u>40% - 59%</u>
+4	<del>21 - 40</del> <u>60% - 79%</u>
+5	<del>1 - 20</del> <u>80% - 99%</u>
+6	<del>0</del> <u>100%+</u>

<sup>1</sup>International Energy Conservation Code (IECC) Residential Provisions and any locally adopted amendments to the Code by the Town of Breckenridge.

<u>Points</u>	<u>New Residential HERS Index</u>	<u>Existing Residential (Prior To August 14, 2012); Percentage (%) Improvement Beyond Existing HERS Index</u>
-	-	-
+1	Obtaining a HERS index	Obtaining a HERS index
+2	61 - 80	10 - 29%
+3	41 - 60	30 - 49%
+4	21 - 40	50 - 69%
+5	1 - 20	70 - 99%
+6	0	110+%

Positive points will be awarded according to the following point schedule for existing structures (prior to xx, 2018) which undergo major exterior remodel and/or additions:

<u>Points</u>	<u>Existing Residential (Prior To xxxx, 2018); Percentage (%) Improvement Beyond Existing<sup>2</sup> HERS Index</u>
+1	Obtaining a HERS index
+2	10 - 29%
+3	30 - 49%
+4	50 - 69%
+5	70 - 99%
+6	100+%

<sup>2</sup>Existing HERS Index shall be for the structure prior to any modifications.

B. Commercial, Lodging And Multi-Family In Excess Of Three Stories In Height: New and existing commercial, lodging, and multi-family developments are strongly encouraged to take advantage of the positive points that are available under this policy by achieving demonstrable and quantifiable energy use reduction within the development. For new construction, positive points

will be awarded for the percentage of energy use reduction of the performance building when compared to the same building built to the minimum standards of the adopted IECC<sup>12</sup>. The percentage of energy use saved shall be expressed as MBh (thousand BTUs/hour).

For modifications to existing buildings including additions, positive points will be awarded for the percentage of energy saved beyond the energy consumption analysis of the existing structure(s) compared to the energy consumption of the proposed structure remodel. Points shall be awarded in accordance with the following point schedule:

			<u>Points</u>	<u>New Structures; Percent Energy Saved Beyond The IECC Minimum Standards</u>	<u>Existing Structures (Prior To August 14, 2012); Percent Improvement Beyond Existing Energy Consumption</u>
			+1	10% - 19%	10% - 19%
			+3 <u>2</u>	20% - 29%	20% - 29%
			+4 <u>3</u>	30% - 39%	30% - 39%
			+5 <u>4</u>	40% - 49%	40% - 49%
			+6 <u>5</u>	50% - 59%	50% - 59%
			+7 <u>6</u>	60% - 69%	60% - 69%
			+8 <u>7</u>	70% - 79%	70% - 79%
			+9 <u>8</u>	80%+	80%+

Positive points will be awarded only if an energy analysis has been prepared by a registered design professional as required by subsection E of this section, using an approved simulation tool in accordance with simulated performance alternative provisions of the town's adopted energy code.

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>
			<u>0</u>	<u>If the planning commission determines that any of the following design features are required for the health, safety and welfare of the general public (e.g., heated sidewalk in a high traffic</u>

			<u>pedestrian area), then no negative points shall be assessed.</u>
		<u>-1</u>	<u>1-500 square feet heated driveway, sidewalk, plaza, etc.</u>
		<u>-2</u>	<u>501-999 square feet heated driveway, sidewalk, plaza, etc.</u>
		<u>-3</u>	<u>1,000+ square feet heated driveway, sidewalk, plaza, etc.</u>
		<u>1x(-1/0)</u>	<u>Outdoor commercial or common space residential gas fireplace (per gas fireplace)</u>
		<u>0</u>	<u>Water features powered completely by a renewable energy source (e.g., solar, wind).</u>
		<u>-1</u>	<u>Water features powered by conventional energy sources utilizing less than 4,000 watts or less than five (5) horsepower.</u>
		<u>-2</u>	<u>Large outdoor water features (per feature) powered by conventional energy sources utilizing over 4,000 watts or five (5) horsepower motor or greater.</u>

D. Other Design Features:

1x(-2/+2) Other design features determined by the planning commission to conserve significant amounts of energy may be considered for positive points. Alternatively, other features that use excessive amounts of energy may be assigned negative points. However, positive points may not be assessed under this Section D. if the project has incurred positive points under A or B above, with the exception of (1) below.

- (1) 1x(+1) One positive point may be awarded for new construction that has been built solar and electric vehicle ready. In order to qualify as "Solar and Electric Vehicle Ready", the following must be provided:
  - a. Design of roof shall allow for a minimum of 30% designated area for PV (no obstructions or shading)
  - b. Locate and provide space for future required electrical equipment (inverter and meter)
  - c. Install conduit from roof to future electrical equipment locations
  - d. Main electrical panel shall have space for future solar
  - e. Structural live and dead loads included in roof design (only required for existing buildings)
  - f. A 240v outlet (or higher voltage) is provided in each garage bay to allow for charging of electric vehicles. For commercial and multi-family projects, one 240v outlet is provided for each 10 parking spaces.

E. General Provisions:

- (1) A projected analysis shall be submitted at the time of development permit application if positive points are requested as well as submittal of a confirmed analysis prior to the issuance of a certificate of occupancy or certificate of completion. A HERS analysis shall be performed by a certified HERS rater. An analysis of energy saved beyond the IECC shall be performed by a licensed Colorado engineer.
- (2) No development approved with required positive points under this policy shall be modified to reduce the HERS index, percentage of improvement, or percentage of energy savings above the IECC standards in connection with the issuance of such development permit. ("Required positive points" means those points that were necessary for the project to be approved with a passing point analysis.)
- (3) Prior to the issuance of a certificate of occupancy each development for which positive points are awarded under this policy shall submit a letter of certification showing compliance with the projected energy rating or percentage of energy savings in comparison to the IECC. The required confirmed certification for a residential development three (3) stories or less in height shall be submitted by a certified HERS rater. The required confirmed certification for a residential development taller than three (3) stories, and for all commercial development, shall be submitted by a licensed Colorado engineer and accompanied by balance and commissioning reports.

~~F. Sliding Scale Examples: Examples set forth in this policy are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section [9-1-17-3](#) of this chapter.~~

~~(1) Heated Outdoor Spaces 1x(0/-3):~~

- ~~a. Zero points: For public safety concerns on public or private property such as high pedestrian traffic areas or small areas on private property which are part of a generally well designed plan that takes advantage of southern exposure and/or specific site features.~~
- ~~b. Negative points: Assessed based on the specific application of heated area. (For example, a heated driveway of a single family home compared to a driveway apron only; a heated patio). The points warranted are dependent on the specific project layout such as safety concerns, amount of heated area, design issues such as north or south facing outdoor living spaces, etc.~~

~~(2) Water Features 1x(0/-1):~~

- ~~a. Zero points: No water feature or features powered by an alternative energy source or feature utilizing less than four thousand (4,000) watts or less than five (5) horsepower.~~
- ~~b. Negative points: Based on the amount of energy (watts) utilized for the feature (large features of 4,000 watts or more, or 5 horsepower motor or greater). (Ord. 27, Series 2012)~~



*Amend Policy 34A to: clarify intention to keep sediment from transporting to neighboring properties; eliminate a reference to a wildfire plan which has been superseded by defensible space requirements; and to provide an updated reference to the Town's flood prevention ordinance.*

## **9-1-19-34A: POLICY 34 (ABSOLUTE) HAZARDOUS CONDITIONS:**

A. Geologic Hazard Potential: Geologic hazards shall include, but not be limited to, avalanches, landslides, rockfalls, mudflows, debris fans, unstable or potentially unstable slopes, ground subsidence, faulting, expansive soil or rock, Pierre Shale, and mining related modifications or other manmade modifications of the natural geology which may pose some geologic hazard. A preliminary indication of some but not all such hazards is shown on the map of geologic hazards.

No development shall occur in any area of, or affected by, a geologic hazard unless mitigated to the satisfaction of the town. Proof of mitigation may require reports as specified by the town.

B. Erosion Hazard Potential: No sediment should leave the property boundary of a development site and be transported onto adjacent properties. Erosion control measures shall be installed where required by the town through the Breckenridge water quality and sediment transport control ordinance.

~~C. Wildfire Hazard Potential: A wildfire plan shall be prepared and implemented for all areas designated with a "severe" wildfire rating and for all vegetated areas designated with a "hazard intensified due to slope" rating on the map of wildfire hazard and for all vegetated areas in excess of thirty percent (30%) slope. Such plans shall address wildfire prevention, mitigation, and control, and shall further incorporate the recommendations contained within "Wildfire Hazards; Guidelines For Their Prevention In Subdivisions And Developments", prepared by Colorado state forest service.~~

~~DC.~~ Flood Danger To Life Or Property: No development shall increase danger to life or property from flood hazard within the town. This shall include, but not be limited to, prohibition of actions which might increase the size of the floodway, reduce flood channel capacity, constrict the size or flow of the flood channel, create a significant backflow condition, increase the potential for debris in the floodway, or increase the volume or velocity of floodwaters.

~~ED.~~ Floodplains: For all areas located within the special flood hazard areas as delineated on the flood boundary floodway map, the flood insurance rate maps and the flood insurance study, a plan of on site flood prevention, control and hazard mitigation shall be prepared and implemented according to the provisions of the Breckenridge flood damage prevention ordinance. (Ord. ~~3749~~, Series ~~20114988~~)

*Amend Policy 35 A to clarify that subdivisions must comply with master plans.*

## **9-1-19-35A: POLICY 35 (ABSOLUTE) SUBDIVISION:**

A. All subdivisions shall comply with the Breckenridge subdivision ordinance and applicable master plans.

*Amend Policy 36A to only allow renewal of temporary structure permits if they meet all applicable Code provisions, such as architecture (e.g., to avoid seeing an aesthetically unattractive temporary structure to be in place for longer than three years).*

## **9-1-19-36A: POLICY 36 (ABSOLUTE) TEMPORARY STRUCTURES:**



- A. Prohibited In Conservation District: The placement of temporary structures within the conservation district is prohibited, except when authorized by subsection F of this section or by a special event permit issued pursuant to [title 4, chapter 13](#) of this code.
- B. Discouraged Outside Conservation District: The placement of temporary structures outside of the conservation district is strongly discouraged.
- C. Temporary Structures Or Uses: Temporary structures as defined in section [9-1-5](#) of this chapter are subject to the following conditions:
  - (1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.
  - (2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.
  - (3) The temporary structure shall not be placed on site until a building permit has been issued for the new structure, and shall be removed once a certificate of occupancy for the new structure has been issued.
  - (4) The holder of the development permit for a temporary structure shall provide a monetary guarantee to the town, in a form acceptable to the town attorney, ensuring the complete removal of the structure, site cleanup, and site revegetation, once a certificate of occupancy for the new structure has been issued. In addition, the holder of the development permit shall enter into an agreement with the town authorizing the town to take possession of the temporary structure and to dispose of the structure, without the town being accountable for any damages for the loss or destruction of the structure, if the permit holder fails to remove the structure within a reasonable period of time after a certificate of occupancy for the new structure has been issued.
  - (5) If a permit for a temporary structure is requested to be renewed, it may be approved subject to all other relevant development code policies, such as Policy 5A and 5R. This provision shall not apply to temporary tents and Seasonal Noncommercial Greenhouses.

*Amend Policy 37A so that the definition of Riverwalk only extends north to Ski Hill Road. The policy allows for waivers from parking requirements and potential density bonuses in exchange for Riverwalk compatible amenities (e.g., landscaping, outdoor seating). The current definition extends further north to areas that do not directly abut the Riverwalk (alley and parking lots intervene) and these areas are recommended not to receive the same waivers and bonuses.*

## 9-1-19-37A: POLICY 37 (ABSOLUTE) SPECIAL AREAS:

Blue River: An applicant whose project is adjacent to, or separated by only an alley from, the Blue River shall comply with the following special conditions:

A. Applicant Participation In Riverwalk Area Improvements: An applicant whose project is within the Riverwalk area as defined below shall participate in the construction of those improvements set forth in the "Riverwalk improvement plan", as amended from time to time, or shall participate in any improvement district established by the town to develop the Blue River corridor.

(1) Definitions: As used in this subsection A:

**OTHER RIVERWALK IMPROVEMENTS:** An improvement constructed on private property within the Riverwalk which is not a Riverwalk compatible improvement.

**RIVERWALK:** The area bounded by Ski Hill Road ~~French Street~~ on the north, South Park Avenue on the south, Main Street on the east and the easterly bank of the Blue River on the west where the town has constructed or intends to construct public improvements in order to make the area more attractive for use by the residents of, and visitors to the town.

**RIVERWALK COMPATIBLE IMPROVEMENT:** An improvement constructed on private property which is necessary or useful in order to provide greater visibility of or pedestrian access to the Riverwalk, and which helps a building to achieve a functional and aesthetic compatibility with the Riverwalk. Examples include, without limitation, a rear entry improvement, such as a porch; door; vestibule; window; landscaping; outdoor seating area or public gathering place, such as a deck or patio; or other decorative features consistent with design policies appropriate for the area.

(2) Limitation Concerning On Site Parking: An applicant for a project with an existing commercial use may not locate new or additional parking on site.

(3) Credit For Voluntarily Abandoned Parking Spaces: The parking requirement for any property within this area will be reduced to the extent of the number of functional parking spaces voluntarily abandoned by the property owner.

(4) Parking Requirement For Riverwalk Compatible Improvement: No additional parking shall be required as a result of the construction of a Riverwalk compatible improvement.

(5) Loss Of Parking Space Resulting From Construction Of Riverwalk Compatible Improvement: Where an applicant can demonstrate that one or more functional parking spaces could have been provided on land which has been used for the construction of a Riverwalk compatible improvement, the town shall waive the parking requirement for the number of functional parking spaces which were lost as a result of the construction of such Riverwalk compatible improvement.

(6) Development Agreement For Density Bonus: Notwithstanding anything contained in this chapter, the town council may, by development agreement, authorize the planning commission to review and approve (subject to compliance with all other applicable development policies of the town) a development permit containing a density bonus for qualifying development occurring within the Riverwalk under the following circumstances. The provisions of [chapter 9](#) of this title shall apply to any application for a development agreement submitted under this subsection A(6); provided, however, that no application fee normally required under section [9-9-8](#) of this title shall be required to be submitted in connection with such application.

*Amend Policy 38.5 to align Home Childcare permits with Class D minor applications and to only require a permit renewal when ownership or location changes.*

## **9-1-19-38.5A: POLICY 38.5 (ABSOLUTE) HOME CHILDCARE BUSINESSES:**

A home childcare business may be operated within the town only when authorized by a class B minor development permit. The following provisions shall govern the issuance, renewal and revocation of such development permit:

B. Application: An application for a development permit to operate a home childcare business shall be filed and processed pursuant to section [9-1-18-2](#) of this chapter. ~~Notwithstanding any fee schedule adopted pursuant to section [9-10-4](#) of this title, †~~The fee for such application shall be based on the fee for a Class D minor development application, as set in the Department’s fee schedule. ~~twenty five dollars (\$25.00).~~

G. Term Of Permit: ~~The initial term of the development permit for the operation of a home childcare business shall be twelve (12) months, and may be renewed for like terms. A permit for the operation of a home childcare business remains valid as long as the same business owner runs the childcare business in the same location, and provided all other sections of this code are complied with. If the childcare business changes ownership or location, than the permit must be renewed and the process for renewal of permit under Section H. below must be adhered to.~~

H. Renewal Of Permit: The renewal of a development permit to operate a home childcare business shall be processed as a class D minor development permit application. Notwithstanding any fee schedule adopted pursuant to section [9-10-4](#) of this title, there shall be no fee for the renewal of a home childcare business development permit. The criteria for the renewal of a development permit for the operation of a home childcare business center shall be the same as for the issuance of a new development permit to operate a home childcare business; provided, however, that an applicant for renewal of an existing development permit to operate a home childcare business shall not be required to demonstrate compatibility of the home childcare business with adjacent properties and land uses.

*Remove Policy 40 as it is antiquated and an early attempt to address short term rentals. The Town’s existing short term rental regulations are more comprehensive.*

## ~~**9-1-19-40A: POLICY 40 (ABSOLUTE) CHALET HOUSES:**~~

~~A chalet house may be operated within the town only when authorized by a class D development permit. The following provisions, and not the provisions of section [9-1-18-4](#) of this chapter, shall govern the issuance of such permit: (Ord. 1, Series 2014)~~

~~A. Application Process:~~

~~(1) Preapplication Conference: A preapplication conference with a member of the community development staff shall be held prior to the submittal of an application.~~

~~(2) Application Requirements: The applicant shall file an application as required by subsection B of this section.~~

~~(3) Procedure:~~

~~a. Once a completed application and all accompanying materials have been submitted, the director shall give notice of the filing of the application by regular mail, postage prepaid, to the record owners of those properties located immediately adjacent to the premises upon which the chalet house is proposed to be operated, and notice of the filing of the application shall likewise be posted in a conspicuous place on the premises upon which the chalet house is proposed to be operated. The required notices shall be mailed and the premises posted not less than eleven (11) days prior to the earliest date upon which the application will be determined by the director. Such notices shall advise interested parties of the earliest date upon which the application will be determined by the director, and shall direct such interested parties to file their written comments concerning the application with the director by such date. For purposes of this policy, "properties located immediately adjacent to the premises upon which the chalet house is proposed to be operated" shall include only those properties located on any side of the lot or parcel of real estate upon which the chalet house is proposed to be operated. Adjacency shall not be affected by the existence of a public street, alley, easement (public or private) or a right of way.~~

~~b. The director shall render a decision on the application not earlier than the date set forth in the notices. The director shall approve or deny the application based upon the requirements of this policy. If the director approves the application, such approval shall include as conditions the provisions of subsection E of this section, together with such other conditions as the director may determine to be required to achieve compliance with the intent of this policy. In addition, the director shall have the right within seven (7) days following receipt of the completed application to reclassify the application as a class C application and to process it accordingly.~~

~~c. The director shall notify the applicant and all interested parties who have filed written comments concerning the application of the approval or denial of the application. Such notification shall be made by mail. The time for an appeal of the director's decision as provided in subsection G of this section shall commence with the mailing of the notice of the director's decision.~~

~~d. All of the director's decisions with respect to applications submitted pursuant to this policy shall be forwarded to the planning commission for their information only.~~

~~B. Application Requirements: An application for a development permit to operate a chalet house shall be made by the owner of the property upon which the chalet house will be operated. Such application shall be made on an application form supplied by the director, and shall include the following:~~

~~(1) A fee as required by the town's development fee schedule.~~

~~(2) The location, legal description and proof of ownership of the premises upon which the chalet house is proposed to be operated.~~

~~(3) A floor plan of the property upon which the chalet house is proposed to be operated.~~

~~(4) A site plan of the property upon which the chalet house is proposed to be operated. Such plan shall contain such information as the director may require, but shall at a minimum demonstrate that adequate parking and circulation for the operation of the chalet house is to be provided, and how other identified impacts of the use will be mitigated on site.~~

- ~~(5) Written statement from the building official that the premises upon which the chalet house is proposed to be operated has been inspected and is in compliance with the town's building and technical codes with respect to the use of the premises as a chalet house, or a statement of any deficiency which must be corrected in order for such premises to be brought into compliance. The applicant shall pay to the building official a fee as provided in the town's building code<sup>15</sup>.~~
- ~~(6) A list of the record owners of properties located immediately adjacent to the premises upon which the chalet house is proposed to be operated as defined in subsection A(3) of this section.~~
- ~~(7) Such other and further information as the director may require in order to determine if the application satisfies the requirements of this policy.~~

~~C. Parking Requirement: No application for a development permit to operate a chalet house shall be approved unless the director determines that the following parking requirements have been satisfied:~~

- ~~(1) Parking for a chalet house shall be provided in an amount equal to that which would be required for the premises upon which the chalet house is proposed to be operated classified as a single-family residence.~~
- ~~(2) All parking for a chalet house shall occur on site, unless an adequate off site location is approved by the director. The director shall not approve off site parking for a chalet house located outside the conservation district, or if the use of such off site parking will significantly disrupt the surrounding area. Before approving off site parking for a chalet house, the director shall require proof of the applicant's legal right to use such off site location for parking associated with the operation of the chalet house. If, during the time the development permit is in effect, the permittee loses the legal right to use the off site location for parking, all parking for the chalet house which is subject to such permit shall be provided on site or at such other off site location as shall meet the requirements of this subsection C.~~
- ~~(3) No vehicle with a passenger capacity of sixteen (16) persons or more shall be used to transport guests to or from a chalet house, or parked upon premises for which a development permit for the operation of a chalet house has been issued.~~

~~D. Compliance With Building And Technical Codes: If the written statement of the building official submitted with the application for the development permit discloses that the premises upon which the chalet house is proposed to be operated is not in compliance with the town's building and other technical codes with respect to the use of such premises as a chalet house, such premises shall be brought into compliance and a certificate of compliance issued therefor prior to the use of the premises as a chalet house. The building official shall have the authority to conduct periodic inspections of the chalet house in order to determine continuing compliance with such codes.~~

~~E. Permit Conditions: In addition to such other conditions as may be imposed by the director, a development permit to operate a chalet house shall include the following conditions, compliance with which is a condition of such permit for so long as such permit exists:~~

~~(1) Operation Of The Chalet House:~~

- ~~a. A chalet house shall be operated at all times so as to be compatible with adjacent properties and uses.~~

- b. ~~The operation of a chalet house shall not create disturbances or impacts beyond those normally associated with a single-family home.~~
- c. ~~A chalet house shall be operated at all times in compliance with the parking requirements set forth in subsection C of this section.~~
- (2) ~~Number Of Bedrooms Allowed; Maximum Occupancy: The number of bedrooms in a chalet house used for guest and management occupancy shall not exceed the number of bedrooms authorized in the most recent development permit which specifies the number of permitted bedrooms for the property, except as otherwise approved under a chalet house permit. Occupancy of a chalet house shall not exceed that allowed under the town's building and other technical codes.~~
- (3) ~~Water PIFs: The water plant investment fees for a chalet house shall be charged and paid in an amount equal to that which would be required for the premises upon which the chalet house is proposed to be operated classified as a single-family residence.~~
- (4) ~~Signage: No signage shall be permitted for a chalet house, except for a single sign not to exceed one and one-half (1<sup>1</sup>/<sub>2</sub>) square feet in area as provided in subsection [8-2-12D12](#) of this code. A chalet house sign shall be subject to all of the provisions of the town's sign code ([title 8, chapter 2](#) of this code), including the requirement that a sign permit be obtained prior to the placement of such sign.~~
- (5) ~~Term: The term of the development permit for the operation of a chalet house shall be twenty four (24) months, and may be renewed for like terms. A renewal of a development permit shall be processed in the same manner as an application for a new permit. A development permit for the operation of a chalet house runs with the land, and the benefits and burdens of such permit run to any subsequent owner of the property for which the permit was granted unless and until such permit is modified, revoked or terminates as provided herein.~~
- (6) ~~Revocation Of Permit: A development permit for the operation of a chalet house may be revoked by the planning commission following a hearing. Such permit may be revoked for noncompliance with the terms and conditions of the development permit which authorizes the operation of the chalet house, the terms and conditions of this policy, or a violation of other applicable state or local rules, regulations, statutes and ordinances. Notice of the hearing on the proposed revocation shall be given in writing to the holder of the permit at the address for the permit holder shown on the development permit, or such other address as may have been provided to the town by the permit holder. Such notice shall set forth the grounds for the proposed revocation and the time and place of the hearing. Such notice shall be mailed to the permit holder, postage prepaid, at least ten (10) days prior to the date set for the hearing. At the hearing the permit holder may appear with or without counsel and present such evidence as may be relevant. The decision of the planning commission with respect to a proposed revocation of a development permit for the operation of a chalet house shall be subject to the call up process applicable to a class C application as set forth in section [9-1-18-5](#) of this chapter, except that notice of the call up hearing before the town council shall be given to the permit holder in the manner provided above.~~
- (7) ~~Compliance With BOLT And Sales Tax Requirements: The holder of a permit to operate a chalet house shall: a) obtain a license as required by the town's business and occupational tax ordinance ([title 4, chapter 1](#) of this code), b) maintain such license in full force and effect throughout the duration of the permit to operate the chalet house, and c) pay all taxes lawfully due to the town arising from the operation of the chalet house as required by the town's business and occupational tax and sales tax ordinances. No permit to operate a chalet house shall be issued or renewed if, at the time of such issuance or renewal, the holder or proposed holder of such permit owes past due~~

taxes to the town under the town's business and occupational tax and sales tax ordinances arising from the operation of a chalet house.

F. Relationship To Section 9-1-22: To the extent the provisions of this policy are inconsistent with the provisions of section [9-1-22](#) of this chapter, the provisions of this policy shall control.

G. Appeal Of Decision Of Director: The decision of the director with respect to an application for a development permit to operate a chalet house may be appealed by the applicant or any person who has filed written comments concerning the application within seven (7) days after the director has mailed notice of the director's decision as provided in subsection A(3)c of this section. An appeal shall be taken by filing written notice with the department of community development within such seven (7) day period. A facsimile transmission of a notice of appeal which is received by the department of community development within such seven (7) day period shall be accepted so long as the original notice is mailed by the appealing party to the director by regular mail concurrently with the sending of the facsimile transmission. Such notice shall specify the error allegedly committed by the director with respect to the application of this policy. If no appeal is filed within the seven (7) day period, the decision of the director shall be final. If an appeal is filed, the application shall automatically become a class C development permit application and shall be reviewed by the planning commission and town council under the provisions of section [9-1-18-3](#) of this chapter. Appeals shall be filed on forms provided by the town. In addition, the appealing party shall be responsible for paying any additional fees required for the review of a class C application, over and above those fees already paid for review of a class D application. (Ord. 7, Series 1995)

*Delete Policy 41 as it was intended for large old school satellite antennas which have been replaced by compact dishes.*

## **~~9-1-19-41A: POLICY 41 (ABSOLUTE) SATELLITE EARTH STATION~~**

### **~~ANTENNAS:~~**

~~A satellite earth station antenna larger than two meters (2 m) in diameter in land use districts where industrial or commercial uses are recommended, or larger than one meter (1 m) in diameter in land use districts where any other use is recommended, may be placed within the town only when authorized by a class C development permit. The following provisions shall govern the issuance of such permit:~~

~~A. Purpose: The town council is cognizant of the provisions of the rule adopted by the federal communications commission on April 17, 1996, codified at 47 CFR section 25.104. The town council hereby declares that the purpose of the adoption of this policy is to protect the unique aesthetic character of the town and its neighborhoods, including, but not limited to, the town's national historic district area, and the special historic and architectural aspects of the town, while placing the least possible restrictions or limitations upon the legitimate ability of the residents of and visitors to the town to avail themselves of the current and future technology represented by satellite signal receiving earth stations. The town council has provided in this policy for the regulations of certain aspects of satellite receiving earth stations, including color and location, because those aspects relate directly to aesthetic considerations which are of great importance to all residents of the town, not just those who choose to avail themselves of the technology of satellite receiving earth stations. Such regulations are found and deemed by the town council not to unreasonably interfere with the right of a homeowner or business owner to avail himself or herself of, and to receive, satellite technology. The town council further finds that the regulations~~



~~set forth in this policy further the stated aesthetic objective without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among communication service providers.~~

~~B. Restrictions On Satellite Earth Station Antennas: The placement of a satellite earth station antenna ("antenna") larger than two meters (2 m) in diameter in land use districts where industrial or commercial uses are recommended, or larger than one meter (1 m) in diameter in land use districts where any other use is recommended, is subject to the following requirements:~~

- ~~(1) The antenna shall be neutral in color and bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two inches (2") in height.~~
- ~~(2) There may be only one antenna placed on each lot.~~
- ~~(3) No roof mounted antennas are permitted.~~
- ~~(4) An antenna may not exceed twelve feet (12') in diameter, nor twenty feet (20') in height as installed.~~
- ~~(5) The placement of an antenna shall comply with section [9-1-19-9A](#), "Policy 9 (Absolute) Placement Of Structures", of this chapter concerning minimum setback requirements. The location of the antenna shall not interfere with on-site pedestrian or vehicular circulation.~~
- ~~(6) The full visual impact of an antenna shall be reduced by screening. All antennas shall be effectively screened by a fence, wall or dense screening landscaping to a height of six feet (6'). Said fence, wall or landscaping shall otherwise comply with the requirements of this code.~~
- ~~(7) An antenna shall be maintained in an operational state with no structural defect or visible damage.~~
- ~~(8) All wires or cables necessary for the operation of the antenna or reception of the signal shall be placed underground, except for those wires or cables which are attached flush with the surface of a building.~~
- ~~(9) The structure for an antenna, its installation and all electrical wiring associated with an antenna, shall be in conformance with the town's building and technical codes.~~
- ~~(10) An antenna shall not be installed with the use of guywires.~~

~~C. Industrial And Commercial Land Use Districts: In those land use districts where either industrial or commercial and any other use is recommended, the provisions of this policy shall apply only to the placement of a satellite earth station antenna larger than two meters (2 m) in diameter. (Ord. 26, Series 1996)~~

*Amend Policy 42 A to reference the Town's Noise Ordinance and to eliminate the requirement of a development permit for outdoor speakers.*

## **9-1-19-42A: POLICY 42 (ABSOLUTE) EXTERIOR LOUDSPEAKERS:**



~~A development permit to place an e~~Exterior loudspeakers ~~may only be issued for allowed on the deck or patio area of a restaurant or liquor licensed establishment. Permitted eExterior loudspeakers~~

shall be located on a site so as to minimize the visibility of such speakers, and shall be affixed in such a manner as to reduce noise intrusion on adjacent properties and to adhere to the requirements of the Town's Noise Ordinance (Title 5, Chapter 8 of the Town Code). ~~Permitted~~ Exterior loudspeakers shall not be used for the purpose of attracting attention to the restaurant or liquor licensed establishment where they are located.

*Amend Policy 43 to create a new section that outlines how murals will be addressed outside the Conservation District.*

### **9-1-19-43A: POLICY 43 (ABSOLUTE) PUBLIC ART:**

- A. An application for a Class C or Class D minor development permit for the placement of public art shall be reviewed only for site function suitability, and not for content of the public art or aesthetics. The Public Art Advisory Committee shall not review such applications unless specifically requested to do so by the Planning Commission.
- B. Notwithstanding anything contained in this Code to the contrary, murals are prohibited within the Conservation District; provided, however, a mural may be displayed in the Conservation District pursuant to a permit issued under [title 4, chapter 3](#) of this Code.
- C. Nothwithstanding Section A. above, a mural may be permitted on commercial properties outside the Conservation District through a Class C development permit, subject to the following:
- (1) A mural may only be placed on one façade of a building and that façade may not directly face a streetfront (e.g., may not be located on a building elevation parallel to the street).
- (2) A mural may only occupy 50 percent of a building façade, or 200 square feet, whichever is less.
- (3) A mural may be considered for placement on the side of tunnel walls, retaining walls, and utility boxes.
- (4) A mural may not advertise products or services provided within the building the mural is affixed to. Such advertisement shall be considered signage and shall be subject to the provisions of the Town's Sign Code (Title 8, Chapter 2 of the Town Code).
- (5) A mural may not be placed on a residential property.
- (6) Any lighting used to illuminate murals must adhere to the Town's Exterior Lighting Regulations (Title 9, Chapter 12 of the Town Code).
- (7) All applications for murals shall be referred to the Town's Public Art Advisory Committee for its review and comments. The Public Art Advisory Committee shall review the mural at a public meeting and shall make a recommendation as to whether the application should be approved, approved with modifications, or denied. The artist shall provide a rendering of the proposed mural, including a site plan and building elevations so the location and scale can clearly be understood. In its review of a mural application, the Public Art Advisory Committee shall consider the following:

(a) The permanence and durability of the proposed mural

(b) The appropriateness of the mural's size and the suitability to the surrounding neighborhood

(c) Context of the proposed mural in terms of consistency with the character, culture, and history of the surrounding neighborhood

(d) Technical proficiency of the artist

The recommendations of the Public Art Advisory Committee shall be forwarded to the Planning Commission for their consideration. The Planning Commission may rely on the recommendation of the Public Art Advisory Committee regarding items (a) through (d) above in making its final determination on a mural application.

*Amend Policy 44 A to eliminate reference to banners, which are prohibited.*

### **9-1-19-44A: POLICY 44 (ABSOLUTE) RADIO BROADCASTS:**

A class D development permit shall be obtained to authorize a radio broadcast. Such application may be combined with ~~a class D minor development permit application for a banner and/or a class D minor development permit application for a temporary structure.~~ An application for a development permit to authorize a radio broadcast shall be subject to the following:

*Amend Policy 45 A because Special Commercial Events are regulated under the Town's Special Event Ordinance, Title 4, Chapter 13 of the Town Code.*

### **9-1-19-45A: POLICY 45 (ABSOLUTE) SPECIAL COMMERCIAL EVENTS:**

~~A class D minor development permit may be issued to authorize a special commercial event. An application for a development permit to authorize a special event shall be subject to the following: (Ord. 40, Series 2002; amd. Ord. 1, Series 2014)~~

~~A. A special commercial event permit issued pursuant to this policy may authorize the holder of the permit to do one or more of the following in connection with the special commercial event: erect temporary structures; temporary tents; display signs and banners to promote or advertise the special commercial event or its participants; have live or recorded, amplified music in connection with the special commercial event; conduct a live, remote radio broadcast at the site of the special commercial event, and distribute commercial handbills to promote and advertise the special commercial event and its participants. (Ord. 29, Series 2015)~~

~~B. No permit for a special commercial event shall be issued unless the reasonably anticipated impacts of such event are adequately mitigated. The town shall have the power to impose reasonable conditions on such permit in accordance with section [9-1-17-7](#) of this chapter when necessary to protect the public health, safety and welfare. Such conditions may include, without limitation: 1) restrictions on location, hours of operation, and parking; 2) requirements for trash collection, removal and disposal; 3) restrictions on noise; 4) requirements for sanitation; 5)~~

requirements for traffic control and security; and 6) requirements for the cleanup of the site following the conclusion of the special commercial event.

C. If a special commercial event is to be held on property which does not belong to the nonprofit sponsor, written approval from the owner of the property where the special commercial event is to be held shall be submitted along with the development permit application. (Ord. 40, Series 2002)

D. If a special commercial event is to be held on property owned by the town, the nonprofit sponsor shall obtain permission to use the property from the town manager and shall, at its cost, obtain and maintain in effect throughout the special commercial event commercial general liability insurance with limits of liability not less than one million dollars (\$1,000,000.00), or such higher limits of liability as the town manager may require based upon the nature of the special commercial event and other relevant factors. The town shall be named as an additional insured under such insurance policy. (Ord. 28, Series 2013)

E. The following provisions of this code shall not apply to a special commercial event conducted pursuant to a development permit issued under this policy, unless the application of such provision is made an express condition of the permit:

- (1) Section ~~9-1-19-36A~~, "Policy 36 (Absolute) Temporary Structures", of this chapter (prohibition against use of temporary structures).
- (2) Section ~~9-1-19-44A~~, "Policy 44 (Absolute) Radio Broadcasts", of this chapter (pertaining to live, remote radio broadcasts).
- (3) Section ~~5-8-9~~ of this code (prohibition against the use of sound for advertising).
- (4) Section ~~8-2-15~~ of this code (prohibition against off premises signs and banners, prohibition against use of attention getting devices, and prohibition against use of sandwich board signs only).
- (5) Section ~~11-5-3~~, "Limitation On Manner Of Distributing Commercial Handbills In Public Places", of this code.

To the extent that any of the provisions set forth above conflict with the provisions of this policy, the provisions of this policy shall control. (Ord. 40, Series 2002)

F. One class D minor development permit may authorize more than one special commercial event, if all of the special commercial events will occur on the same property. No such permit shall be valid for more than six (6) months from the date of issuance. (Ord. 1, Series 2014)

*Amend Policy 47 A to: clarify circumstances where a landscape wall would be allowed; and to change the process where a property owner may construct a fence next to a public trail so that the process is now administrative and does not require a variance hearing with the Planning Commission.*

## **9-1-19-47A: POLICY 47 (ABSOLUTE) FENCES, GATES AND GATEWAY ENTRANCE MONUMENTS:**

A. General Statement: The welfare of the town is based to a great extent on the character of the community, which includes natural terrain, open spaces, wildlife corridors and wooded hillsides. The installation of fences and privacy gates in residential areas can erode this character by impeding views, hindering wildlife movement and creating the image of a closed, unwelcoming community. It is the intent of the town to prohibit fences in most situations in areas outside of the conservation district in order to: maintain the open, natural and wooded alpine character of the community; establish mandatory requirements for the erection of allowed fences in other parts of the town; allow for fences on small lots in master planned communities; regulate the design of gateway entrance monuments; and prohibit privacy gates anywhere within the town.

B. Within The Conservation District: Fences within the conservation district shall be reviewed under the criteria of the "Handbook Of Design Standards For The Historic And Conservation District". Where fences are required by law and the proposed fence design does not meet the handbook of design standards, the planning commission may approve an alternate design if all of the following required criteria are met: 1) the project as a whole is in substantial compliance with the "Handbook Of Design Standards For The Historic And Conservation Districts"; 2) the alternate fence design does not have a significant negative aesthetic impact on the development and it complies as much as feasible with the handbook of design standards; 3) a fence design that meets the "Handbook Of Design Standards For The Historic And Conservation Districts" could not meet the design required by law.

C. Outside The Conservation District: Fences and landscape walls are prohibited outside the conservation district, except the following fences and landscape walls are permitted when constructed in accordance with the design standards described in subsection D of this section:

- (1) Pet fences;
- (2) Fences around children's play areas;
- (3) Fences around ball fields, tennis courts, swimming pools, ski lifts or other outdoor recreation areas;
- (4) Construction fences;
- (5) Temporary fences used for crowd control or to limit access or egress to or from a short term special event;
- (6) Fencing required by law;
- (7) Privacy fencing to screen hot tubs;
- (8) Fencing around cemeteries;
- (9) Fences specifically authorized in a vested master plan containing specific fence design standards;
- (10) Town fences to delineate public trails or protect open space values;
- (11) Fencing at public improvement projects proposed by the town;
- (12) Private fences to delineate the boundary between private land and a public trail or public open space, as but only if authorized by D. (17) below a variance granted pursuant to subsection K of this section;

(13) Fencing at parking lots to protect pedestrians and designate crosswalks;

(14) Fencing at self-storage warehouses; and

(15) Fences installed by utility companies around utility equipment.

(16) Landscape walls within disturbance envelopes.

D. Design Standards For Fences: All fencing and landscape walls outside the conservation district shall comply with the following design standards:

- (1) Fences in residential areas shall be constructed of natural materials, and may be either a split rail, buck and rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. Fences of other materials or designs are prohibited. (Exception: Where an applicant can demonstrate to the satisfaction of the town that an alternative material would be architecturally compatible with the surrounding neighborhood, the director may authorize such materials.) Fences in residential areas shall have a maximum solid to void ratio of one to three (1:3) (example: 1 inch of solid material for every 3 inches of opening). Solid privacy fences are prohibited, except for short lengths of fencing used to screen hot tubs, if they comply with subsection D(9) of this section.
- (2) PVC, vinyl and plastic fences are prohibited. Rough sawn timbers or natural logs are preferred.
- (3) Pet fences shall be located in a rear or side yard or where the fence is not visible from a public right of way. Pet fences shall be located to minimize their visibility to the greatest extent possible, which in most instances will require the fence to be located behind or to the side of a structure. Pet fences may incorporate a wire mesh material to control pets. The wire mesh may be installed vertically on the fence, or may extend horizontally over the top of the enclosed pet area, or both. The maximum area of a fenced pet enclosure shall be four hundred (400) square feet. Pet fences are limited to fifty four inches (54") in height, and shall have a maximum solid to void ratio of one to three (1:3).
- (4) Fences around children's play areas shall be located in a rear or side yard where possible, or where the fence is not visible from a public right of way, which in most instances will require the fence to be located behind or to the side of a structure. The fence may incorporate a wire mesh material to enclose the yard. The maximum area of a fenced children's play area on private property shall be four hundred (400) square feet. Fences around children's play areas are limited to fifty four inches (54") in height, and shall have a maximum solid to void ratio of one to three (1:3). Fencing at state licensed childcare centers may exceed four hundred (400) square feet if required by their state license.
- (5) Fences around ball fields, tennis courts, or other outdoor recreation areas shall use black or dark green coated chainlink fencing, steel or aluminum, or wood. Uncoated or galvanized chainlink fencing is prohibited. This standard applies to fencing of both public and private recreation areas. Wind privacy screens may be incorporated into the fence.
- (6) Fences at outdoor swimming pools shall be constructed of steel or aluminum tubing or wood, and may include a tempered glass windscreen. Chainlink fencing is prohibited. The use of acrylic glass or plexiglas is prohibited, except at access control points in an amount sufficient to prevent unauthorized users from reaching inward to unlock or open gates.

- (7) Fencing at ski lifts and gondolas may be used to protect pedestrians and skiers from overhead lifts and mechanical equipment, or to delineate passenger loading zones. Such fencing may be constructed of natural materials, such as split rail wood, or steel or aluminum. Chainlink and plastic or PVC fencing is prohibited. Safety fencing and netting on ski runs is allowed and may be constructed of plastic, high density polyethylene or similar materials.
- (8) Construction fencing may be constructed of plastic, chainlink, wood or other material, as approved by the town. Wind and/or privacy screens may be incorporated into the construction fence. Temporary construction fencing shall be removed upon completion of the project or upon issuance of a certificate of occupancy or certificate of compliance, where applicable. Construction fencing shall be maintained in good condition by the general contractor during its use.
- (9) Privacy fences around hot tubs and spas shall not exceed six feet (6') in height and shall not exceed fifteen feet (15') in total length. Such fences shall be architecturally compatible with the adjacent buildings. Where a fence around a hot tub or spa is highly visible, landscaping may be required to soften the visual impact of the fence.
- (10) Fencing around cemeteries is exempt from this policy. The design of cemetery fencing is encouraged to emulate historic fencing from local cemeteries and follow the fence policy in the "Handbook Of Design Standards For The Historic And Conservation Districts". Historically fences were generally constructed of wrought iron, cast iron, or wood pickets, and were generally about three feet (3') tall.
- (11) Fences approved by the town to delineate public trails or protect open spaces shall be constructed of natural materials, and shall be either a split rail, buck and rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. These fences should be designed to accommodate wildlife, and may be substantially different from fences on residential or commercial properties, due to the unique needs and goals of public trails and open spaces.
- (12) Fences in parking lots may be allowed when necessary to delineate pedestrian areas from parking and circulation areas, and to designate drive aisles. The design of fences in parking lots shall reflect the surrounding character of the neighborhood. Within the conservation district, fences shall reflect the character of historic fences. Outside the conservation district natural materials and greater openings between rails shall be used to reflect the more open and natural character of the neighborhood. In most cases, split rail fences will be most appropriate.
- (13) Fences at self-storage warehouses shall not exceed six feet (6') in height, and shall be designed to allow visibility through the fence. Such fences shall be designed with a maximum solid to void ratio of one to three (1:3), shall be constructed of steel, aluminum or wood, and may be painted. Chainlink fencing is prohibited. Self-storage warehouses may incorporate a gate to control access to the site, notwithstanding subsection H of this section.
- (14) Fencing around utility equipment shall not exceed six feet (6') tall. Such fencing may be constructed of chainlink, metal, or wood.
- (15) Where natural materials are required by this policy, and where an applicant can demonstrate to the satisfaction of the town that an alternative material including, but not limited to, recycled materials, would be indistinguishable from natural materials, or where other materials or designs are required by law, the town may authorize such materials or designs.

(16) Landscape walls shall not exceed three feet in height or 20 feet in length and shall be constructed of natural materials such as wood or stone.

(17) The Director may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space through a Class D minor permit and only upon the finding that the applicant has satisfactorily demonstrated that the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space.

E. Site Plan; Survey: A site plan showing the location of existing structures, property lines, and the location of the proposed fence may be required by the director as part of the submittal requirements for a fence. A survey from a Colorado licensed surveyor may also be required by the director to verify property lines and easements.

F. Architectural Specifications: Architectural elevations showing the design, material, color, and size of the proposed fence may be required by the director as part of the submittal requirements for a fence.

G. Fences On Easements: If a fence crosses an easement, the fence shall not interfere with the use of the easement.

H. Privacy Gates: Privacy gates are prohibited anywhere within the town.

I. Vested Master Plan: This policy shall not apply to any fence to be constructed upon land that is subject to a vested master plan containing specific fence design standards and criteria. The construction of such fence shall be governed by the applicable design standards and criteria contained in the master plan.

J. Gateway Entrance Monuments: Gateway entrance monuments within the conservation district are prohibited. Outside the conservation district, gateway entrance monuments may be allowed only when they meet the following criteria:

(1) Gateway entrance monuments shall be permitted only for residential subdivisions of five (5) or more lots, and for hotels and condominiums located outside of the conservation district. Such gateway entrance monuments shall not exceed eight feet (8') in height, and shall not exceed twenty feet (20') in length. One monument is allowed to each side of the road or driveway at the entrance to the subdivision, with up to two (2) monuments total at each vehicular entrance to the subdivision. Entry monuments shall not be constructed in the public right of way. Such entrance monuments shall be constructed of natural materials, such as stone and/or wood, and may incorporate the subdivision entrance sign, under a separate permit. Gateway entrance monuments shall not incorporate an arch or other structure over the road. Privacy gates shall not be incorporated into the gateway entrance monument.

(2) Gateway entrance monuments at private residences shall not exceed five feet (5') in height, and shall not exceed a footprint of ten (10) square feet in ground area. One monument is allowed, and may be located on either side of the driveway at the entrance to the property. Entry monuments shall not be constructed in the public right of way. Such entrance monuments shall be constructed of the same materials that are installed on the private residence, and may incorporate the residence name or street address and light fixtures. Gateway entrance monuments shall not incorporate an arch or other structure over the road. Privacy gates shall not be incorporated into the gateway entrance monument.



~~K. Variance: The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that: 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space; 2) the applicant's inability to erect the fence would present a hardship; and 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Subsection 9-1-11D of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section. (Ord. 20, Series 2011)~~

*Amend Policy 49 A to provide the same three year permit validity for large or small vendor carts. Staff has had no issues with permit renewals for small vendor carts and it is unnecessary to require the renewals annually.*

### **9-1-19-49A: POLICY 49 (ABSOLUTE) VENDOR CARTS:**

~~D. Duration Of Development Permit: A development permit for a large or small vendor cart issued pursuant to this policy shall be valid for three (3) years as provided in section 9-1-17-8 of this chapter, and may be renewed. A development permit for a small vendor cart issued pursuant to this policy shall be valid for one year, and may be renewed. A development permit issued pursuant to this policy may also be revoked for cause as provided in section 9-1-6 of this chapter.~~

*Amend 9-1-20 to eliminate references to two old maps that are no longer used.*

### **9-1-20: SPECIAL AREAS MAPS IDENTIFIED:**

~~Blue River walkway.~~

~~Breckenridge Historic District.~~

~~Community entrance.~~

~~Geologic hazards.~~

~~Wildfire hazards. (Ord. 19, Series 1988)~~

*Amend the Town's Off Street Parking regulations 9-3-8 to alter the parking requirements outside the Conservation District to: include the accessory apartment parking requirement; eliminate the Industrial classification and instead break it into Manufacturing and Warehouse; change the requirement for Gas Station/Convenience Markets; change the parking requirement for restaurants to be based on square footage rather than seating; add a supermarket/grocery store category with a parking requirement.*

### 9-3-8: OFF STREET PARKING REQUIREMENT:

A. Within The Service Area: In connection with the development of all property within the service area there shall be provided the following amount of off street parking:

Land Use Category	Number Of Required Off Street Parking Spaces (Per TSF-GFA* Unless Otherwise Noted)
Residential:	
Single-family	1.1
Duplex	1.1
Multi-family; efficiency, studio	1.1
Multi-family; 1 bedroom plus	1.1
Condominium; efficiency, studio	1.1
Condominium; 1 bedroom plus	1.1
Divisible unit	1.1
Lodging, hotel, motel	1.1
Dormitory	1.1
Commercial:	
Retail sale, commercial:	
General retail, commercial	1.4
Supermarket	2.5
Financial	1.9
Office:	
General office	1.4
Government office	2.2
Auto service station	3.0 per bay plus 1 per pump

Restaurant, sit down	3.5
Auditorium, theater	0.3 per seat
Church	0.5
Convention center	3.1
Library, museum	1.8
Medical/dental clinic	3.3
Commercial recreation	2.0

\*TSF-GFA = 1,000 square feet of gross floor area.

Note: If the required parking is less than 1 space, and for any fractional parking space required, the applicant shall be required to pay the in lieu fee provided in section [9-3-12](#) of this chapter.

B. Outside The Service Area: In connection with the development of all property outside the service area there shall be provided the following amount of off street parking:

Residential:	
Single-family	2.0 per dwelling unit*
Duplex	1.5 per dwelling unit
<u>Accessory apartment</u>	<u>1.0 per dwelling unit</u>
Multi-family:	
Efficiency - studio	1.0 per dwelling unit
1 bedroom and larger	1.5 per dwelling unit
Divisible unit	+0.5 for each divisible room
Condominium:	
Efficiency, studio, 1 bedroom	1.0 per dwelling unit
2 bedroom and larger	1.5 per dwelling unit
Divisible unit	+0.5 for each divisible room
Lodging, hotel, motel	1.0 per guestroom

Dormitory	0.5 per bed
Schools:	
Elementary and junior high	2 per classroom
High school	1 per 4 students and faculty
College	1 per 4 students and faculty
Commercial:	
Retail sale, commercial and office	1 per 400 square feet GFA (minimum 2 per building)
Construction - contracting	1 per 200 square feet <del>plus 1 loading bay per 1,000 square feet</del>
<del>Industrial use</del>	<del>1 per 400 square feet plus 1 loading bay per 1,000 square feet</del>
<u>Manufacturing</u>	<u>1 per 400 square feet</u>
<u>Warehouse</u>	<u>1 per 1,000 square feet</u>
<del>Auto service stations</del> <u>Gas Station/Convenience Market</u>	<del>3 per service bay plus 1 per pump</del> <u>plus 1 per 250 square feet GFA</u>
Restaurants - sit down, <u>breweries,</u> and <u>distilleries</u>	1 per <u>125 square feet</u> <del>4 persons capacity</del>
Restaurants - drive-in	1 per 100 square feet GFA
<u>Supermarket/grocery store</u>	<u>1 per 250 square feet GFA</u>
Auditoriums - theaters	1 per 4 seats
Churches	1 per 6 seats
Convention center facility	By special review of the director and planning commission
Library and museum	1 per 500 square feet GFA
Medical and dental clinics	1 per 300 square feet GFA
Hospital	1 per 3 beds
Commercial recreation indoor and outdoor	By special review of the director and planning commission

\*du = dwelling unit

Note: The required number of parking spaces shall be rounded up to the nearest whole number. Required residential spaces shall be rounded up based on the unit count if parking spaces are assigned.

(Ord. 31, Series 2014; amd. Ord. 9, Series 2015)



## TOWN OF BRECKENRIDGE TOWN COUNCIL

### Summary of the August 14 Meeting



Aerial photo showing the 5-12 playground area at the north end of the park and the restroom/pavilion building in the center.



Welcome to the Town of Breckenridge's newsletter summarizing our latest Town Council Meeting. Our goal is to get the best information to our citizens about what happens during Town Council. Please provide us with feedback on how we can best serve you. We hope to see you at the meetings.

### Manager's Report

#### Public Projects

- **River Park:** Concrete sidewalks, play surfacing, and landscaping work will be completed in early October. River Park is scheduled to be opened to the public in late October.
- **Kingdom Park Shade Structure:** Staff has contracted with Hyder for the construction of the Kingdom Park Shade Structure. Recently, the foundations have been excavated, footers have been placed, and columns were installed. Over the next few weeks, the contractor will place the concrete slab and begin installing the roof structure. The project is scheduled to be completed in late August.
- **Water Treatment Plant:** Moltz Construction Inc. has completed work for 21.1% of the project value within 15% of the available contract time. Their current schedule update shows them completing the contract on time.

#### Parking and Transportation

- July ridership is up 22.8% over last July with 81,270 passengers vs 66,199 in 2017. Year to date is up 6.6% compared to 2017. Trolley numbers are up over 2017 due to the addition of a second Trolley route.

#### Housing & Childcare

- **Special Housing Committee Meeting:** The Town received a proposal for the Block 11 apartment building for \$1.2 million with a deed restriction termination after 10 years. The committee did not support removing the deed restriction after 10 years. The committee decided to continue to accept offers and make a decision before certificate of occupancy in October.
- **Berlin Placer:** Town has been asked to provide upfront funding (\$650,000) for TDRs of Berlin Placer in return for 2 units at 100% AMI (\$395,000 each). Berlin Placer is a proposed housing development consisting of 23 100% AMI deed restricted duplexes & 14 single family market rate homes located at the corner of Baldy and Sally Barber Rd. Council agreed as long as there are no additional restrictions.
- **Tannhauser Development Agreement:** Tannhauser is an existing 33 unit condo building in the Historic District on Main and Jefferson. The HOA has approached the Town regarding the possibility of adding two deed-restricted units in the existing basement that is currently not being used. Keeping these units affordable was a focal point of the discussion. There is strong preference that if the Town were to move forward, it would require that rental or for sale rate be at 80% AMI.

## Other Presentations

### Gold Run Nordic Center Fee Updates

- It has been several years since Gold Run Nordic Center, Breckenridge Nordic Center, and Frisco Nordic Center have raised rates for Nordic passes. Due to inflation and cost recovery of expanded Nordic offerings, all three area Nordic Centers are proposing the rate changes for the 2018/2019 winter season. [Find the proposed prices in the packet on page 61.](#)
- The pricing reflects a modest increase from previous winter seasons, with a decreased rate for senior annual passes to compensate for the elimination of the super senior rate. Corporate rates, Rec add-on rates, fat bike season pass, and the team pass rates will remain the same.
- The new rates would allow children 12 & under to have free daily admission.

### Recreation Goals and Objectives

- **Renovations & Constructions:** New indoor Tennis Center opened February 2018; Expanded two-story cardio/ fitness space and turf gym in Recreation Center opened December 2017; New Youth Wing opened April 2018; Administrative space and additional studio opened May 2018.
- **Field House Feasibility:** An intergovernmental working group is working to gather information on the need, programming, feasibility, funding options, and potential location for a field house/ indoor athletic facility. Focus groups were convened in June and a community survey will be released shortly.
- **Location for Potential Campground:** Staff continues to evaluate locations to potentially design, construct, and manage a public campground. Funding the potential campground has been included in the 5-year CIP for 2022.

## Regular Council Meeting

### Legislative Review

- **Conveyance of Town Property - Tract D, Stan Miller Subdivision (Second Reading):** The Town entered into an agreement (May 24, 2018) with B & D Limited Partnerships that included the conveyance of Tract D in exchange for a drainage easement. The drainage easement is necessary for the water treatment plant and is located on the B & D Limited Partnership property. **Passed 6-0.**
- **Short-Term Rental Ordinance (First Reading):** Revisions include the amendment of special conditions of single family homes to all accommodation units in Town, the requirement of a local agent, and the



establishment of an annual accommodation unit administrative fee to offset costs associated with administrative compliance efforts. **Passed 6-0, with some changes to be made for second reading.** [For a recap of the discussion and public comment, please see the thread here.](#)

- **Breckenridge Events Committee Resolution:** The Resolution would allow for the conversion of the current committee to a formal advisory committee. The details and structure dictated by the resolution have been discussed with the committee members and as a result there are a few items that are unique to this group. The distinctions noted will allow the committee to continue to have diverse membership and representation from entities involved in a variety of ways in Breckenridge events. • Membership is proposed to consist of up to twelve (12) individuals or for-profit or nonprofit businesses; • The initial committee members would consist of the following ten (10) members: Breckenridge Tourism Office, Town Council Representative, Town staff member, Breckenridge Ski Resort, Breckenridge Grand Vacations, Beaver Run, Main Street Station, The Village at Breckenridge, Breckenridge Arts Coalition, & Breckenridge Creative Arts. **Passed 6-0.**
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