

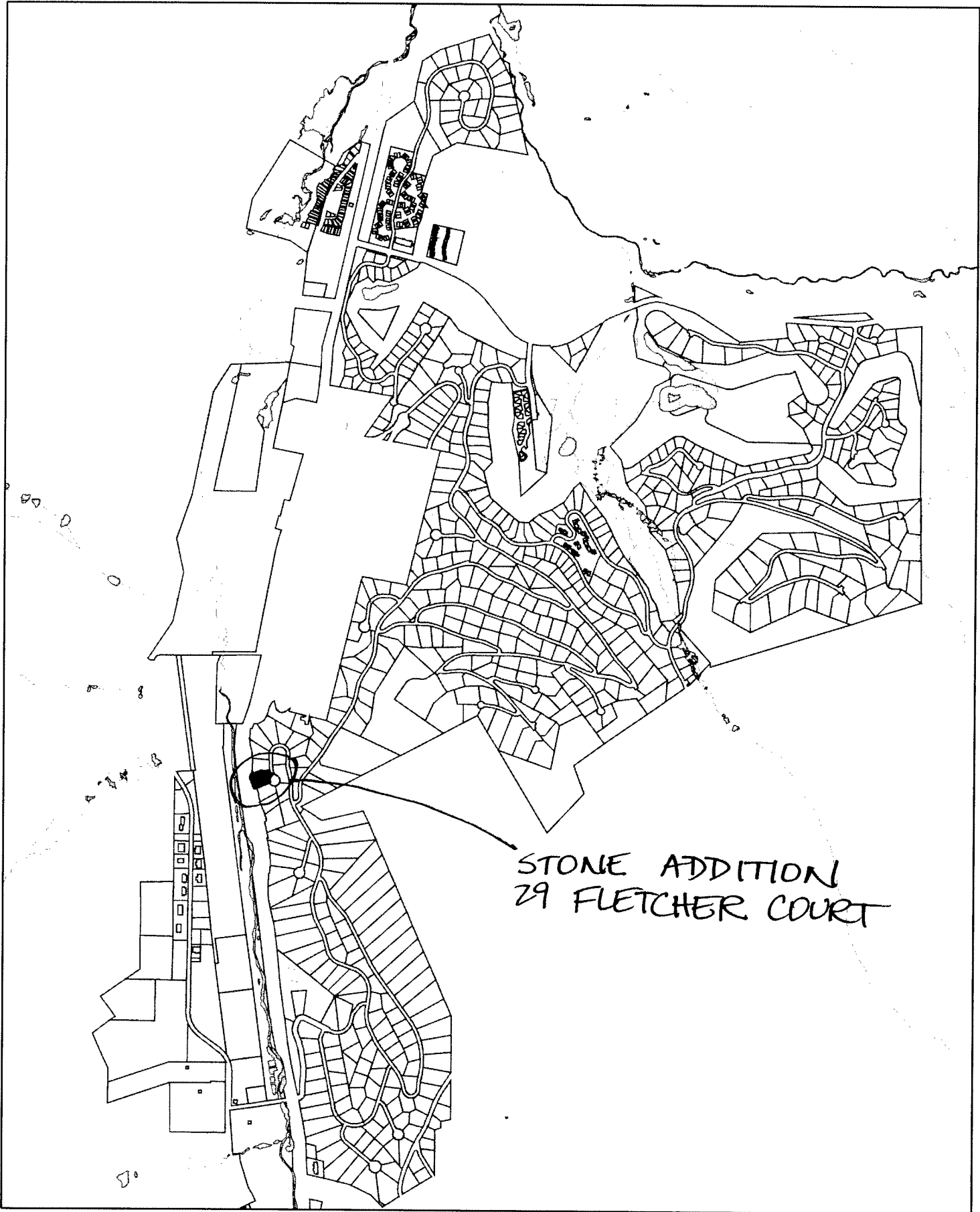
Town of Breckenridge
Planning Commission Agenda
Tuesday, March 17, 2009
Breckenridge Council Chambers
150 Ski Hill Road

Site Visit: Walking Tour of Footprint Lots. Please meet at Town Hall at 12:00 noon.

7:00	<i>Call to Order of the March 17, 2009 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes March 3, 2009 Regular Meeting Approval of Agenda</i>	4
7:05	<i>Consent Calendar</i>	
	1. Canepa - Olson Residence (MGT) PC#2009003 306 Royal Tiger Road	15
	2. Falcon Condo Remodel (CK) PC#2009006 302-304 South High Street	26
	3. Stone Addition (CK) PC#2009005 29 Fletcher Court	30
7:15	<i>Combined Hearings</i>	
	1. Locomotive Train Park Site Plan (JP) PC#2009007 123 North Main Street - <i>To be continued to a future date to be determined</i>	
7:15	<i>Worksessions</i>	
	1. Footprint Lots (CN)	34
8:15	<i>Town Council Report</i>	
8:25	<i>Other Matters</i>	
8:30	<i>Adjournment</i>	

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

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



STONE ADDITION
29 FLETCHER COURT

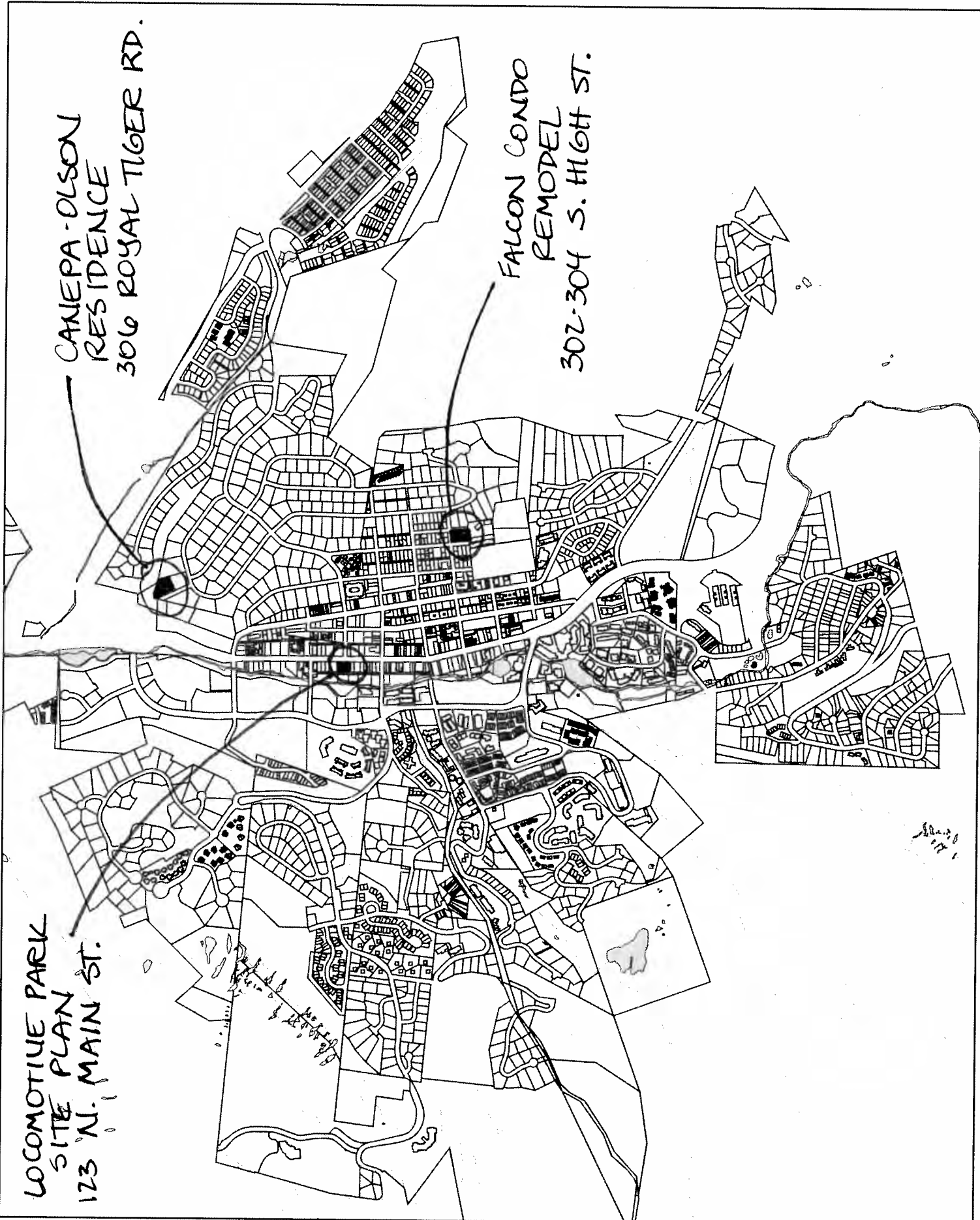


Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.

Breckenridge North

printed 2007

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

Breckenridge South

printed 2007



PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Dan Schroder
Jim Lamb
Dave Pringle

Rodney Allen
JB Katz

Michael Bertaux
Leigh Girvin

Mr. Mamula arrived at 7:10 pm for the worksessions.

APPROVAL OF MINUTES

With one change to the minutes, the minutes of the February 3, 2009, Planning Commission meeting were approved unanimously. Ms. Girvin had a clarification regarding her quote about motorized / recreational vehicles on page 4.

With one change to the minutes, the minutes of the February 17, 2009, Planning Commission meeting were approved unanimously. Mr. Allen's comments on the Cohn dormer Addition, on page 11, changed to: "see if there is some way to make up with positive points", rather than "not to get negative points".

Both minutes were approved with the noted changes.

APPROVAL OF AGENDA

With no changes, the March 3, 2009, Planning Commission agenda was approved unanimously (7-0).

The memo regarding solar panels was mistakenly left out of the packet, so Ms. Puester handed out copies at the start of the meeting.

CONSENT CALENDAR:

1. Greenawalt Residence (CK) PC#2009002; 299 Peerless Drive

Mr. Pringle: Are we allowed to approve this with the variance to the access easement? (Mr. Neubecker: It has been approved by the town engineer and town attorney. It is a condition of the approval that the easement be modified.)

With no motions for call up, the consent calendar was approved as presented.

WORKSESSIONS:

1. Defensible Space and Mountain Pine Beetle Ordinance (JC)

Ms. Cram presented an update on the Defensible Space and Mountain Pine Beetle ordinances.

Proposed Defensible Space Program

Staff is currently working with the Red, White and Blue Fire District (RWB) to develop a program for creating Defensible Space around structures in Breckenridge. As part of this, staff has been working on a draft ordinance.

The Defensible Space Ordinance, if adopted, would be administered by the RWB. All properties would be affected by the Ordinance; however, many properties may not have to remove any trees or vegetation, as they already meet the intent of the Ordinance.

The proposed Ordinance identified three Zones where treatment would be required. It would not be the intent of the Ordinance to require clear cutting in any Zone. Zone One extends 30 feet from the eave of a structure. Thirty feet allows flexibility to preserve approved landscaping that would be drip irrigated, native specimen trees and other vegetation that would provide buffers while still reducing fuels and creating an area where fire suppression crews can defend the structure. Zone Two would extend 75 to 125 feet from the eave of the structure beyond Zone One depending on slope. Within Zone Two, dead and diseased trees would be proposed to be removed and trees thinned to open up crown spacing. Trees in Zone Two could be preserved in clumps to help prevent wind throw and to preserve buffers between properties. Zone Three would extend beyond Zone Two to the property boundary. Within

Zone Three all dead and diseased trees would be removed. In all three Zones, all downed dead trees would be removed, dead branches are limbed up, and leaf clutter and other debris would be removed to reduce ground fuels.

Forest Management Plans

In addition to developing a Defensible Space Program, staff has been working with RWB and a consultant to create a plan for Fuel Breaks around Town. As the Commission already knows, one fuel break was already created in the Discovery Hill neighborhood this fall/winter. The proposed Fuel Break plan would be consistent with what the County, State and US Forest Service are planning for fuels reduction and forest health prescriptions for the Upper Blue Valley. The Open Space Division has also outlined twelve projects for treatment in 2009. Staff shared some preliminary maps with the Commission.

Changes to the MPB Ordinance

Proposed changes to the Mountain Pine Beetle (MPB) Ordinance help to simplify the inspection and inspection warrant processes. Changes also help to make the MPB Ordinance consistent with the Defensible Space Ordinance and allow property owners to coordinate the removal of dead and infested trees with a Defensible Space Plan to receive an economy of scale. If adopted, property owners would have one year to remove infested trees. Changes proposed included an exemption for those properties that have dead and infested trees that are inaccessible due to steep slopes. The updated ordinance also would clarify how Town owned property would be treated, with Open Space being treated according to the Forest Management plan.

Staff handed out several documents regarding the proposed Defensible Space Ordinance and updates to the MPB Ordinance.

Commissioner Questions/Comments:

- Mr. Pringle: When properly explained it seems like a natural thing to do and a thing we should have been doing for a long time. Why the bad press? (Ms. Cram: It's likely a combination of sensational headlines and people passing on bad information. The ordinance will help to preserve the town's buffers and goals. Several public forums are scheduled in March and the town's website is being updated to inform residents.) Why does it cost so much to remove a tree? Is there a way that we can have a prescribed burn or have people allowed to bring their trees/slash to an area on Block 11 this spring when the conditions are correct and not have to have a tree removal company come in and charge so much to remove the trees? Cheaper for homeowners to do a Saturday workday. Have a big bonfire. Ullr fest. (Ms. Cram: Got a bid this week for \$37/tree from a contractor. People have many trees on their lots and are removing year by year, which costs more money. We will give them a few years to remove all of the dead trees.) The property up on Moonstone where we did the forest management plan, do we have documentation on what we did, before/after photos, etc. to create a learning center from what we did before? (Ms. Cram: I think it is doing well and I will get in touch with open space to check in.)
- Mr. Lamb: The Summit Daily left out the fact that the County has been requiring MPB Ordinance for many years and you cannot get a CO on a project until it is met. (Mr. Mamula: County only enforces MPB on new construction. It is not retroactive, as the proposed ordinance is. A year ago we asked people to save trees, and now we are asking them to cut them down with the defensible space ordinance.)
- Mr. Allen: How does defensible space apply to trees within the zones that are off the property? (Ms. Cram: Defensible space ends at your property line. Vacant lots are addressed in MPB – still required to remove trees.) What if there are variable setbacks between homes? (Ms. Cram: Defensible space is space around your structure, defensible space around structures. Required to treat to your property line.) Who is the director referenced in the ordinance? The ordinance refers to the Director being able to go into the home? (Ms. Cram: Peter Grossheuch is the Director. There is no reference that the director can go into a residence.) If persons do not follow the ordinance the town can put a lien on the property? (Ms. Cram: Yes.) How will the town continue to follow the open space MPB ordinance? The heat I'm getting from people is the time frame that people have to get rid of the trees versus how much time the town has to remove. (Ms. Cram: Town will continue to create defensible space as needed as they have in the past. Chipping will take place again with MPB. It is a result of contractors not having a place to take the whole logs. Most of them don't have the equipment to handle it. The town will have a chip pile again this year. Town is looking to work with Combine energy in Kremmling.)

- Ms. Katz: Case-by-case basis raises a red flag and will there be an appeal process? (Ms. Cram: RWB fire district and planning department will work with an appeal process to ensure fairness and preservation of the town's goals and RWB goals of safety.) Special / change of course policy and it would be unusual for the town to give up the authority to have the last say, since it is our town and not RWB.
- Ms. Girvin: Is it being considered in the ordinance to make sure that the town has the real final say not RWB? (Mr. Mamula: It didn't come up yet but there is some language that Council will be talking about but there wasn't time at the first round of hearings.)
- Mr. Schroder: Can people cut down trees that aren't theirs? (Ms. Cram: You can't cut down trees that aren't on your property.)
- Mr. Mamula: There is an economic impact to this ordinance. People have a different reality today than they did when they lost their money in the stock market. Cutting down trees is an issue to people because they have invested time and money in their trees. In the end people will not want to spend that kind of money on the defensible space. The council will have to work its way through whether or not it is time to impose a bureaucracy on the public during this economic time.

Mr. Allen opened the hearing to public comment.

Jon Gunson, Architect: Overlay at steep areas will be exempted? Aren't those the ones where fire will spread fastest? (Ms. Cram: critical zones are 1 and 2. Partnering with Forest Service and fuel breaks will address some of those issues.)

Jim Brook, Highlands 1-5: We had RWB come to our meeting about a month ago and were satisfied. Probably the one remaining issue that everyone had is that although they adopted the idea of being a good neighbor and defensible space, they were told that the vacant lots would not be subject to the ordinance. It only creates defensible space on one direction on your lot. You are still exposed to what you are trying to get rid of. Doesn't seem right. Want ordinance to be fair. (Ms. Cram: Vacant lots are subject to MPB. You can't require someone to create defensible space without a structure. Not sure which ones can be used as a buffer. By creating defensible space around your home. We'll talk about it further.)

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

2. Free Basement Density Under Commercial Buildings (MM)

Mr. Mosher presented. As an incentive to encourage the installation of foundations under historic structures, the Town developed a policy to waive the density in the basement of such buildings. The current policy waives the basement density under a historic residential structure. It also allows for storage under historic commercial buildings, but does not allow the basement density to be used for leasable space. The intent of this discussion would be to consider changing the policy to allow leasable space in the basement of historic commercial buildings as an additional incentive for restoration/preservation.

During the last review of this subject on February 3rd, Staff was directed by the Planning Commission to explore some of the properties on Main Street that might be able to add basements beneath the historic portions of the buildings. Staff presented a summary of a rough estimate for those properties. The numbers were based off Summit County records and Staff's best estimate of the main level square footage of the historic portions of the developments on the property.

One concern raised at the February 3rd worksession was the impact of added parking to the Service Area and resulting impacts to the core downtown parking. Staff presented parking occupancy percentages. With the goal of encouraging restoration or rehabilitation of historic structures, it might be possible to allow historic buildings with a retail/commercial use to add "free" basement area with uses other than storage. Allowing basement density without use restrictions might be a greater incentive for properties to be locally landmarked, restored and placed on new foundations.

If the Commission believed that the intensity of use for the added density should be restricted in any manner, a covenant, running with the land, might be recorded with the property. Staff welcomed comments and direction from the Commission.

Commissioner Questions/Comments:

- Mr. Bertaux: How did you calculate Skinny Winter? (Mr. Mosher: Went through county web data, it is a rough number. It would have taken many hours to go through each property file to access exact data. As applicants come in to add any density we would look at each property and the actual proposal of basement density.) Benefit is people aren't requesting above ground density. Why don't we just take the density off the Town's many parking lots? (Mr. Grosshuesch: Council is looking at this density for affordable housing too.)
- Mr. Pringle: If we keep providing more parking people will park there. Is this the result we want? What is the real incentive for the historic buildings to do restoration? My thought was that giving them free unrestricted space we need to make sure we catch the other impacts along the way. By limiting the use to "activities that support the use above" is a little vague. (Mr. Neubecker: Potentially get more historic buildings restored with this ordinance.) The original ordinance (for storage only) was triggered when Tillie's was built because although they weren't a historic structure and they wanted free basement density. This is when the town became objectionable to this issue. We'll likely have this question again when new construction comes in as well in the historic district. (Mr. Mamula: There is an incentive for the town with the historic buildings. There is no incentive for the town with new construction.) (Ms. Girvin: New construction can create basement density, it just isn't free.) Is it possible to add above ground density to the south 100-200 block? Bring them back to the alleys? Can we move density from one parcel to another? What about density along the river that we will never use? (Mr. Mosher: Historic standards still need to preserve open yards at the back of buildings in the Core Commercial area.) (Mr. Mamula: The County makes a valid point that we can't create density. Some of the council wants to move density from the town parking lots.) Think about a development agreement with owners so that this is a "covenant" or instrument of the special nature of what we're doing. (Mr. Mosher: There is a site configuration that the historic district has to abide by – extra density could be an out building, etc.)
- Mr. Lamb: 25,000 added square feet of possible new over 3 blocks – it isn't really that intense. (Mr. Pringle: it depends on what the use is – what if it is a bar?)
- Mr. Allen: 1 – STORAGE, 2 – RETAIL, 3 – RETAIL AND SEPARATE USE. These are the three issues to discuss. (Mr. Mosher: Didn't talk about moving non-retail uses to the basement such as bathrooms, offices, etc.) (Mr. Neubecker: Want to look at whether it is completely usable for any type of use they want to use it for which might have the greatest impact on parking issues, etc.) Skinny Winter needs 1.5 parking spaces for office/retail space; they could pay into the district for those spaces. Is there an analysis on the cost per space that the town spends and analyzing the cost per space that the town brings in? (Mr. Mamula: \$13,000 per space was done in the 80's, but it should be a lot more now.) (Mr. Mosher: We have some existing spaces now that can be used per Mr. Kulick's study.) Has anyone seen any downsides or questions to this? (Mr. Pringle: Unintended consequences are adding to the intensity of the uses in the area. I still think it is a good thing to do.) (Mr. Mosher: It might have a huge expense to do it. We need incentives.) It seems like everyone is okay with this? (Mr. Schroder: It is getting at the main goal of rehabilitation.) Abby Hall for example – how do we fit additional density there? (Mr. Pringle: We might need to find a palette of incentives for projects where it cannot apply.) (Mr. Bertaux: Give incentives based on quality of the plans. Categorize the quality of a restoration. Give points?)
- Ms. Katz: I think I was opposed previously and thought it through last night, and if the outcome from the incentives helps with rehabilitation then it is okay. (Mr. Mamula: does the town need to assist with things we really want to say? Parking requirement fee down, PIF, etc. Seems like there will need to be more incentives.) (Mr. Neubecker: Keep in mind there are good state tax incentives for commercial uses.)
- Ms. Girvin: If Motherloaded got free basement density, would it trigger the need for 11 more parking spaces? (Mr. Mosher: Yes, per the code. We took the square footage of the upper level and applied the same use – restaurant – to the basement. Staff wanted to bring up that we want to provide incentive to add basement density. Didn't take into consideration if they had additional existing density to build on the property.) Do we want to keep focusing these retail needs on Main Street? We want to keep it on Main Street and consolidate it instead of letting it sprawl. Allows ways to increase SF you can get sales tax on without increasing mass or density in the community, as well as removing sprawl. (Mr. Mamula: Setbacks on north of Main Street aren't zero lot lines, which keeps people from proposing projects to the north.) (Mr. Mosher: Ridership in transit is increasing. One example: San

Francisco no parking requirements downtown – people must use transit.) Skinny Winter construction question - one could put a foundation underneath it without adding the density? Just a concrete slab? (Mr. Mosher: Absolutely, but when the dollars go into that they will likely want to add as much density as possible because of the cost.) (Mr. Neubecker: Logistically they could come in and add a foundation only.)

Mr. Schroder: Parking would be a limiting factor. At full capacity we are short two percentages of parking spaces. Question based on the notion that everyone will built out to full capacity. (Mr. Mamula: The real question is whether or not more people come to town those days or are we satisfying more people that are already here? Do we really have to park more people just because we have added square footage? Retail makes the most sense since it doesn't take as much water, sewer cost etc. (Mr. Neubecker: some money for parking also goes to transit program. Promotes less automobile use. Take care of the guest when they get here which is funded by parking fee.)

Mr. Allen opened the hearing to public comment.

John Cooney, local business owner: Looking at restoring our building and it is a tremendous project. We would love to completely restore the building and allow the below-grade density to be a separate commercial space at a minimum. If our building had three different retail spaces, it will add more vitality to what's happening on Main Street. If we wanted to have a yoga studio downstairs or a tattoo parlor why would the town need to police that? Incentive for us is to have the added commercial space, and we will restore the historic aspect of the building.

Mr. Mamula: Have you crunched those numbers? Is it enough of an incentive?

Mr. Cooney: We haven't and others have had to do shoring, etc. for 250K. We know it is risky, and having an incentive to do the space would be helpful. We can add 1,500 square feet so it is an incentive for us. For others it might not be an incentive, like the Prospector.

Mr. Truckey: One thing we may have to deal with is - are we creating free density? To join up with the plan you need to transfer density, you can't just come up with density out of thin air. What is the fraction of TDR and how are we going to address that?

Mr. Neubecker: Historic District isn't a receiving zone for TDRs. We would need to look at that.

Mr. Mosher: It is a hardship to put that kind of money into that kind of square footage. Next steps are to come back to the PC with some cost-benefit analysis.

Summary:

Mr. Neubecker: Get in a room with the owners, what does it really take to get this to happen?

Mr. Pringle: The question we have tonight is what is it that they need to do to get this done?

Ms. Katz: We're in favor.

Mr. Bertaux: Get an architect and a contractor involved to get their input.

3. Solar Panel Policy Modifications (JP)

Ms. Puester presented. The Town Council directed Staff to rewrite the solar panel ordinance to allow for additional flexibility and conformance with the Governor's Energy Office Solar Hot Water Rebate Program. Staff proposed changes to the Policy 5 (*Absolute Architectural Compatibility*) regarding solar panels inside and outside of the Conservation District to allow for more flexibility outside of the Conservation District. Staff also proposed some changes within the Conservation District to allow the opportunity for solar access to more property owners.

Staff took the proposed changes to the Planning Commission January 16th and the Town Council February 24th.

Commission comments at the January 16th Worksession

- Require panels which do not function to be removed.
- Ensure that the character of the Conservation District would be protected from solar panels highly visible from rights-of-ways.
- Tilted and angled panels on east/west facing rooflines should be the last resort.
- Define "highly visible".
- Have an escape clause built in that would allow for denial if something doesn't look right in the Conservation District.

Town Council comments at the February 24th Worksession

- Should not allow for panels to exceed the ridgeline.
- Tilted and angles panels should be last option.
- Have placement recommendations for both inside and outside of the Conservation District. Prove all options have been considered before applying panels on the least desired location.
- Do not allow for panels to reduce the historic rating of the building or District.
- Planning Commission should review all applications in the Conservation District carefully.

Proposed Policy Changes since January 16th meeting

- Included an order of consideration for placement of panels inside and outside of the Conservation District and associated language.
- Definition of “highly visible”, “tilted panel”, and “angled panel”.
- Removed the allowance for panels to exceed one foot above ridgeline outside of the Conservation District.
- Language on enforcement for disrepair has been included in the policy which will need to be standardized by the Town Attorney.

Staff requested Commissioner comments on the proposed changes as well as any suggestions on the solar panel policy modification (modification to Policy 5 Absolute).

Commissioner Questions/Comments:

Mr. Bertaux: State is looking at an amount that a local municipality can charge in inspection fees. Read a synopsis of the bill that hasn't been approved yet.

Mr. Pringle: What if the case was that they got renewable energy sources on the building and then let the panels go into disrepair? Enforcement of how it looks in the future. What if they get points for renewable energy and then a few years later they don't work? (Ms. Puester: We won't know if it doesn't work unless they are noticeably broken. Would think that if people spent the money on the system, they would have it turned on if they were not broken.) (Mr. Neubecker: Concern is that people get points without it working.) Is there an inspection that it works? (Ms. Puester: Building department will inspect it.) Value engineering of projects could cut solar like at the BBC. Make sure they don't get points if the solar doesn't get built. (Mr. Neubecker: Building will last longer than the duration of the solar panels. At some point the solar panels that got positive points will no longer work. We would have renewable energy for about 20 years.) Suggested a solar farm someplace in town, people can join the district. Then all of these questions go away. Perhaps it could apply to the entire town. Offset our energy needs. (Mr. Neubecker: Good long term solution. Immediate need is that people are coming into the town asking to add solar panels to their homes/businesses.)

Mr. Allen: There's a house on Pine Street that had the solar panels recessed into the roof. That should go into the ordinance as a priority. For new construction, this could be a choice. (Ms. Puester: More integration into the roof can be stressed in the policy.)

Ms. Katz: There could be potential down the road for the feds to not allow us to regulate solar like they did with satellite dishes. (Mr. Grossheuch: There are ways to enforce it through perpetuity with covenants, etc. We recently changed the Development Code so that the site plan does not expire with the Certificate of Occupancy.) Liked the policy.

Ms. Girvin: Started with the definitions and a lot of stuff was crossed off in regard to solar hot water under solar device. (Ms. Puester: These comments come from the solar contractors; they felt like those definitions were repetitive.) So we are not precluding solar hot water? (Ms. Puester: No. Solar thermal energy is included.) (Mr. Neubecker: Trying to align our definitions with industry terms.) Would it include technologies that aren't even invented yet? (Ms. Puester: Wrote in “other similar solar technology” to hopefully cover that.)

TOWN COUNCIL REPORT:

Mr. Mamula: Between the neighborhood preservation policy and the defensible space it has been busy. Council did not call up the dormer issue. Council felt that the Planning Commission did their job. There were

allegations by the applicant that staff had not followed the process. (Mr. Neubecker: There is a 30 day appeal process, so we probably shouldn't talk about it.)

Mr. Mamula: Not sure where the Defensible Space is going.

Mr. Pringle: How does Council feel about the Neighborhood Preservation policy?

Mr. Mamula: Putting a 30 person task force together to look at the neighborhood preservation policy. There were some people that were applauding the town on compatibility and character and agreed with the thought process. The paper misrepresented the policy, and at some point we'll have regulation for it. The town has done an outstanding job of preserving the historic district and large homes where they belong.

OTHER MATTERS:

None.

ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

Rodney Allen, Chair

TOWN OF BRECKENRIDGE

Standard Findings and Conditions for Class C Developments

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

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated March 12, 2009, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on March 17, 2009 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on September 24, 2010, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.

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

PRIOR TO ISSUANCE OF BUILDING PERMIT

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

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

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

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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

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

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

(Initial Here)



Class C Development Review Check List

Project Name/PC#: Canepa-Olson Residence PC#2009003
Project Manager: Matt Thompson, AICP
Date of Report: February 26, 2009 For the 03/10/2009 Planning Commission Meeting
Applicant/Owner: Paul Olson and Diane Canepa-Olson
Agent: Suzanne Allen-Guerra
Proposed Use: Single family residence
Address: 306 Royal Tiger Road
Legal Description: Lot 9, Block 5, Weissshorn, Filing 1
Site Area: 30,056 sq. ft. 0.69 acres
Land Use District (2A/2R): 12: Residential, 2 UPA
Existing Site Conditions: The lot is an oddly shaped pentagon, sloping downhill from Royal Tiger Road to the east at a rate of 13% on the western portion lot (the area proposed for the new residence), and dropping precipitously to a rate of 60% at the rear (eastern portion) of the lot. The deep ravine at the rear of the lot renders this portion unusable for structures. There is an existing 10' utility easement near the rear of the lot. The lot is moderately forested with mostly lodgepole pines and few spruce trees. There is an existing A-frame on the property that the applicant proposes to tear down.

Density (3A/3R): Allowed: unlimited Proposed: 7,297 sq. ft.
Mass (4R): Allowed: unlimited Proposed: 8,401 sq. ft.
F.A.R.: 1:3.50 FAR
Areas:
Lower Level: 2,970 sq. ft.
Main Level: 3,432 sq. ft.
Upper Level: 895 sq. ft.
Garage: 1,104 sq. ft.
Total: 8,401 sq. ft.

Bedrooms: 5
Bathrooms: 6
Height (6A/6R): 34 feet overall
(Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
Building / non-Permeable: 8,297 sq. ft. 27.61%
Hard Surface / non-Permeable: 3,979 sq. ft. 13.24%
Open Space / Permeable: 17,780 sq. ft. 59.16%

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

Snowstack (13A/13R):
Required: 995 sq. ft. (25% of paved surfaces)
Proposed: 1,700 sq. ft. (42.72% of paved surfaces)

Fireplaces (30A/30R): 3 alcohol burning fireplaces

Accessory Apartment: Yes (688 sq. ft.), meets TOB guidelines.

Building/Disturbance Envelope? No envelope. TOB setbacks apply.

Setbacks (9A/9R):
Front: 25'

Side: 15'
 Side: 35'
 Rear: 70'

The proposed residence will be architecturally compatible with land use district 12. Per the Land Use Guidelines for District #12: *"Contemporary architectural design which is compatible with the surrounding neighborhood is preferred."*

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

Fascia to be 2 x rough sawn cedar covered by metal flashing (color to match roofing material) "Charcoal gray", soffit to be 1 x 6 tongue and groove cedar stained "coastal gray" in color, steel siding Rheinzink zinc siding "light gray", door/window trim to be stone veneer or zinc siding to end of window frame (no actual trim), chimney cap 6" gray sandstone cap, exposed post and beams to be steel sealed with a natural finish, steel deck rails with tempered glass and steel cap, flashing, gutters, and downspouts to be exposed metal to match roof, and a natural stone veneer "Telluride Heritage Series" mortar stack with 1/4" raked joint "Greystone."

Roof: Metal roof standing seam "charcoal gray" steel roof over Class "A" membrane roofing.

Garage Doors: Rheinzink zinc "light gray" to match siding.

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	26	(8) 8', (6) 10', (6) 12', (6) 14'
Aspen	30	(7) 1" caliper, (10) 1.5", (13) 2" minimum caliper.
Native Rose	47	5 gallon

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

Driveway Slope: 5 %

Covenants: Standard landscaping covenant. Standard Accessory Apartment covenant.

Point Analysis (Sec. 9-1-17-3): Staff has awarded negative four (-4) points under Policy 7/R Site and Environmental Design for excessive disturbance due to circle driveway. We have awarded positive four (+4) points for Policy 22/R Landscaping. For a passing point analysis of zero (0).

Staff Action: Staff has approved the Canepa-Olson Residence, PC#2009003, Lot 9, Block 5, Weisshorn, Filing #1, located at 306 Royal Tiger Road.

Comments: The architect has kept the zinc siding to less than 25% of any one façade, hence does not warrant negative points.

Additional Conditions of Approval: Standard Accessory Apartment covenant, which requires legal title to the accessory apartment and the single-family unit to be held in the same name.

TOWN OF BRECKENRIDGE

Canepa-Olson Residence
Lot 9, Block 5, Weisshorn, Filing 1
306 Royal Tiger Road
PC#2009003

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

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **February 26, 2009** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **March 10, 2009** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **September 17, 2010** 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 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.

7. Applicant shall field locate utility service lines to avoid existing trees.
- 8. 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.**
9. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
10. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
12. 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.
13. 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.
14. 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.
15. 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.
16. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
17. Applicant shall install construction fencing along setbacks in a manner acceptable to the Town Planning Department.
18. 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.
19. Applicant shall install silt fencing on the downhill side of the building site in a manner acceptable to the Town Engineer.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

20. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
21. 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.
22. 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.
23. 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 accessory apartment for the property, which requires legal title to the accessory apartment and the single family unit be held in the same name. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
24. 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.
25. Applicant shall screen all utilities.
26. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
27. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
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29. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash

Deposit Agreement shall be subject to approval of the Town Attorney. "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.**

30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
31. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

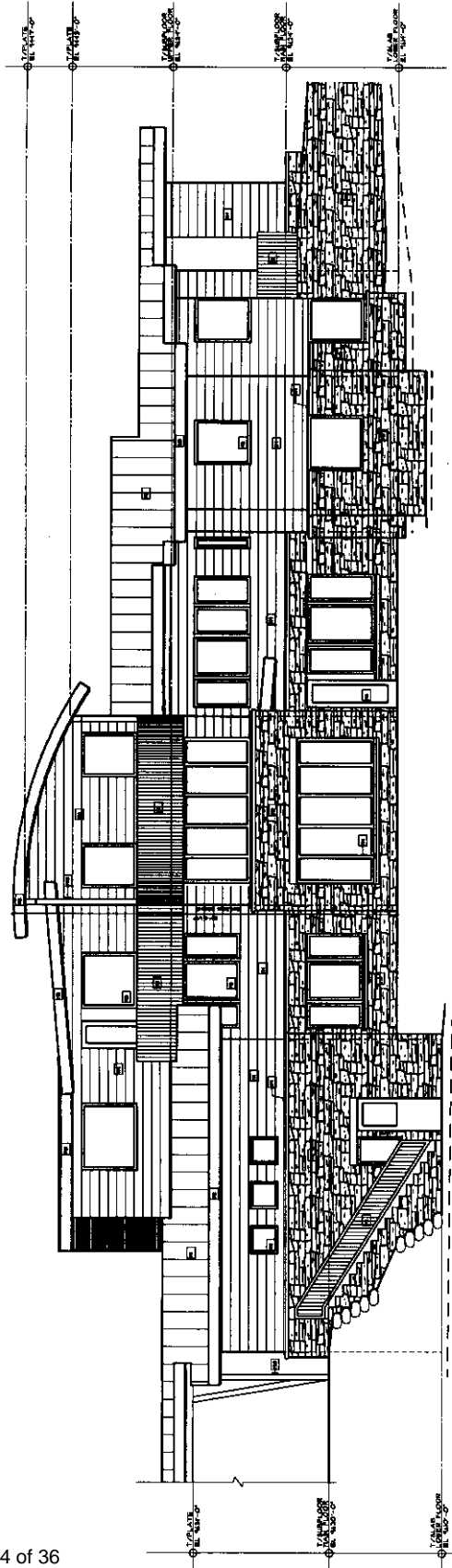
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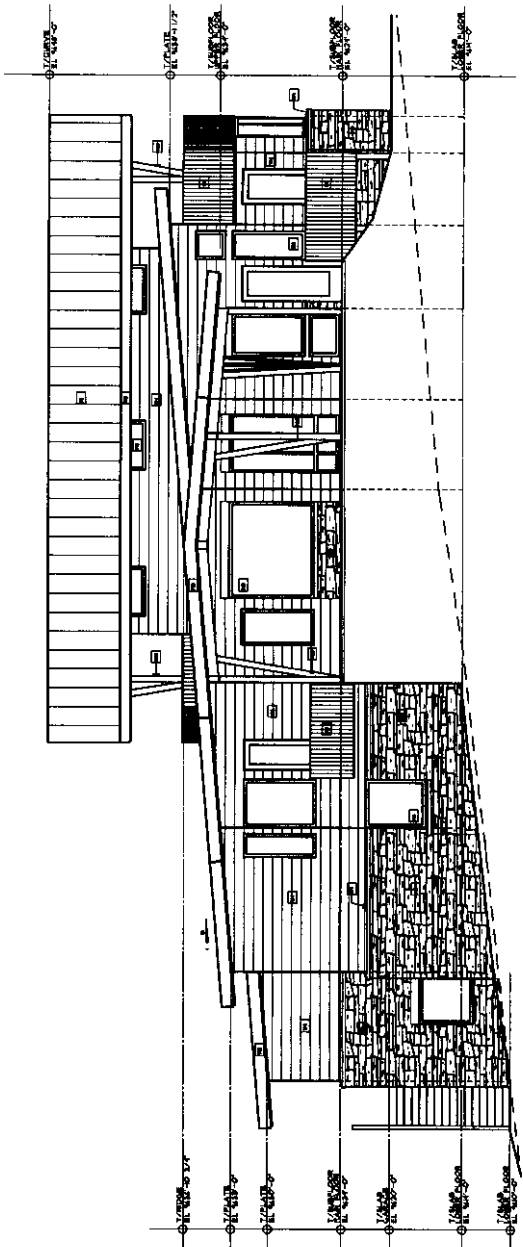
CANPA-OLSON RESIDENCE
 LOT 9, BLOCK 5, WEISHORN SUBDIVISION, FILING 1
 BRECKENRIDGE, COLORADO
 LOWER FLOOR PLAN
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DATE	
PLANNER	
DESIGNER	
CHECKER	
PROJECT NO.	

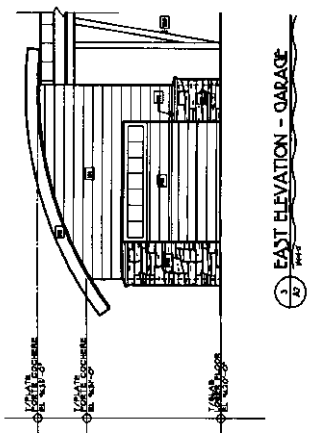
A7



EAST ELEVATION
 FINISH AREA OF WEST ELEVATION = 3,944 SF
 AREA OF NON-FINISH AREA = 88 SF (SEE PLAN)



NORTH ELEVATION
 FINISH AREA OF WEST ELEVATION = 3,944 SF
 AREA OF NON-FINISH AREA = 88 SF (SEE PLAN)



EAST ELEVATION - GARAGE

Planning Commission Staff Report

Project Manager: Chris Kulick, Planner I

Date: March 6, 2009 (For meeting of March 17, 2009)

Subject: Falcon Condominium Deck Remodel (Class C Minor, PC# 2009006)

Applicant/Owner: Falcon Condominium Homeowner's Association

Agent: Cary Piccoup

Proposal: This is a renovation of the existing Decks on the Falcon Condominium buildings. The dilapidated wooden decks and railings on the front facades of both buildings are proposed to be replaced with Trex decking material and 5/8" painted metal or 3/16" stainless steel tensioned cable railings.

Address: 302-304 South High Street

Legal Description: Falcon Condominiums

Site Area: 0.56 acres (approximately 24,393 sq. ft.)

Land Use District: 26, Residential, 4 UPA

Site Conditions: The site has two, two-story, legal non-conforming existing structures, containing 12 residential condominium units. Surface parking is located in front of the building and the site has some existing landscaping.

Adjacent Uses: Residential

Density/Mass: No change

Height: No change

Parking: No change

New Landscaping: No change

Item History

The Falcon Condominiums were constructed in 1965, and contain 12 residential units.

Staff Comments

Project Description: The exterior decking materials are outdated and dilapidated and the HOA would like to update their building and property with a more contemporary appearance. The proposed scope of work consists of:

- New Trex decking surfaces
- New 5/8" painted metal or 3/16" stainless steel tensioned cable railings.
- New steel support beams

Architectural Compatibility (5/A & 5/R): Due to the introduction of metal railings on the decks, a change of character to the exterior of the structures will take place. This change of character by code requires a Class "C" permit. Although natural materials are encouraged in the Development Code decks are expressly exempted from the calculation of non-natural materials and shall not merit negative points.

5. (RELATIVE) ARCHITECTURAL COMPATIBILITY (5/R):

3x(-2/+2) A. General Architectural And Aesthetic Compatibility:

*"The use of natural materials, such as logs, timbers, wood siding and stone, are strongly encouraged because they weather well and reflect the area's indigenous architecture. Negative points shall be assessed if the application exceeds twenty five percent (25%) on any elevation as measured from the bottom of the fascia board to finished grade. Such measurement shall include column elements, windows and chimneys, **but shall not include decks and railing elements**".*

Additionally the Falcon buildings are legal non-conforming structures consisting of a modern design that features cinderblocks and glass as the primary materials. The proposed metal railings will be more in harmony with the modern character of the buildings than rustic materials such as heavy timber or stone. Staff supports the applicant's proposal to install metal railings and believes it will enhance the look of the property, be architecturally compatible with the land use district and surrounding structures, bringing with it an updated look to the area.

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

Staff Recommendation

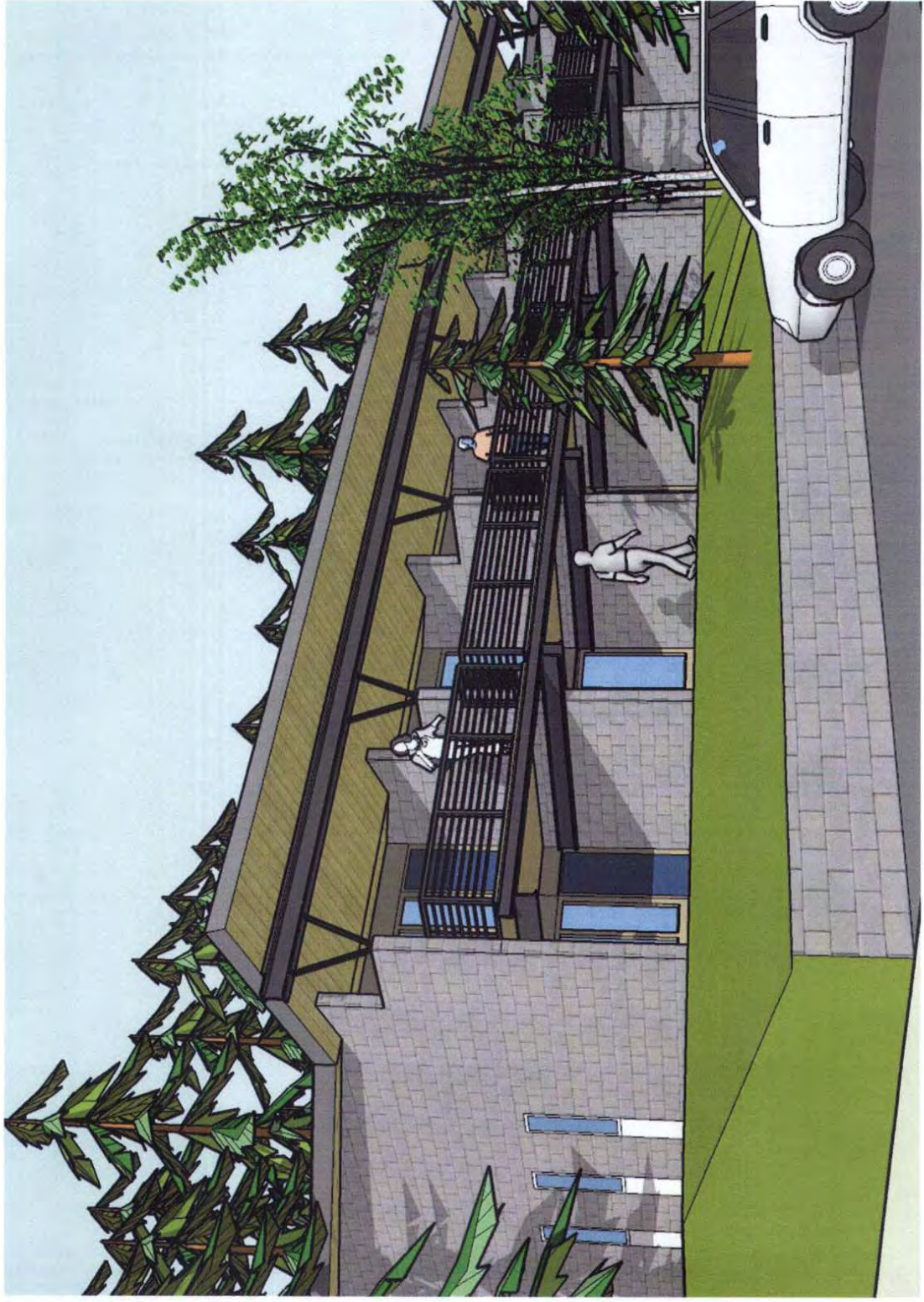
Staff has approved the Falcon Condominiums Deck Remodel, PC#2009006, located at 302-304 South High Street, Falcon Condominiums, with the attached findings and conditions.

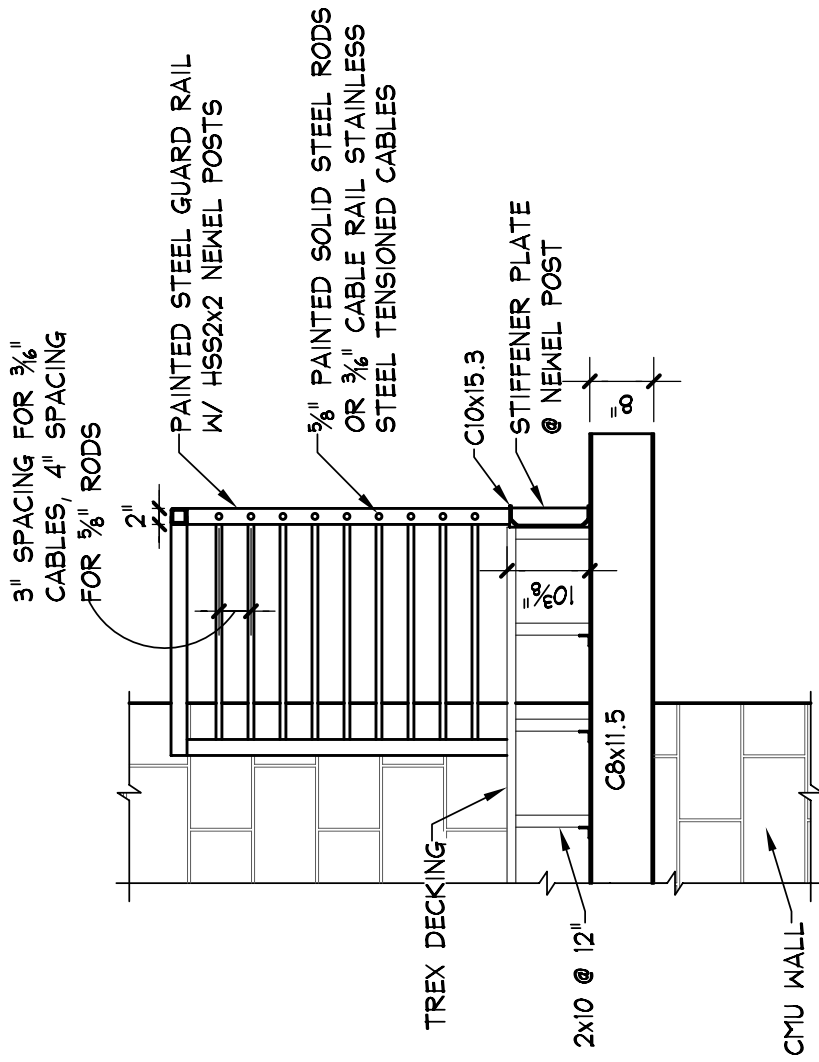
SKETCH:
TITLE: 3-D MODEL
DATE: 04.30.08
SCALE: NTS

VALDEZ ARCHITECTS
FRANK OHLER
PRINCIPAL ARCHITECT
1100 14TH AVENUE
DENVER, CO 80202
303.733.1111
www.valdezarchitects.com

FALCON CONDOMINIUMS

SCHEMATIC DESIGN





SECTION A
NOT TO SCALE S1.0



Class C Development Review Check List

Project Name/PC#: Stone Addition PC#2009005
Project Manager: Chris Kulick
Date of Report: March 6, 2009 For the April 15, 2008 Planning Commission Meeting
Applicant/Owner: Lisa Stone
Agent: Catherine Ashton
Proposed Use: Single-Family Residential
Address: 29 Fletcher Court
Legal Description: Lot 128, Highlands at Breckenridge #5
Site Area: 45,552 sq. ft. 1.05 acres
Land Use District (2A/2R):

Existing Site Conditions: 6: Residential (Subject to the Delaware Flats Master Plan
 Presently a 4,265 SF single-family home is situated on Lot 128. The applicants are proposing to add an additional 758 SF of living space. The lot slopes downhill from northwest to southeast at an average of 22% within the building envelope. A 20' drainage easment runs along the south edge of the lot. A 30' utility and drainage easment is located in the northeast corner of the lot.

Density (3A/3R): Allowed Unlimited Proposed New: 758 (Total: 4,486)
Mass (4R): Allowed Unlimited Proposed New: 758 (Total: 5,285)
F.A.R.: 1:8.6 FAR
Areas:
Lower Level Addition: 365 sq. ft.
Main Level Addition: 393 sq. ft.
Upper Level:
Accessory Apartment:
Garage: No increase in SF
Total: 758 sq. ft.

Bedrooms: 0 New (4 Total)
Bathrooms: 0 New (4.5 Total)
Height (6A/6R): Height of New Addition
 28' (Height of Existing
 Structure: 26')

(Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
 Building / non-Permeable: 4,044 sq. ft. 8.88%
 Hard Surface / non-Permeable: 2,296 sq. ft. 5.04%
 Open Space / Permeable: 39,212 sq. ft. 86.08%

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

Snowstack (13A/13R):
 Required: 574 sq. ft. (25% of paved surfaces)
 Proposed: 689 sq. ft. (30.01% of paved surfaces)

Fireplaces (30A/30R): one new gas fireplace

Accessory Apartment: None

Setbacks (9A/9R):
 Front: Building Envelope

Side: Building Envelope
Side: Building Envelope
Rear: Building Envelope

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

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

Exterior Materials:

Proposed exterior materials for the addition will match materials from existing residence. Horizontal cedar siding, natural rock base and timber columns.

Roof:

Composite shingles

Garage Doors:

Wood clad

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	2	1 @ 8 feet tall and 1 @ 12 feet tall
Aspen	6	2-3 inch caliper - 50% of each and 50% multi-stem
Shrubs and perenials	20	5 Gal.

Drainage (27A/27R):

Positive away from structure

Driveway Slope:

Unchanged

Covenants:

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

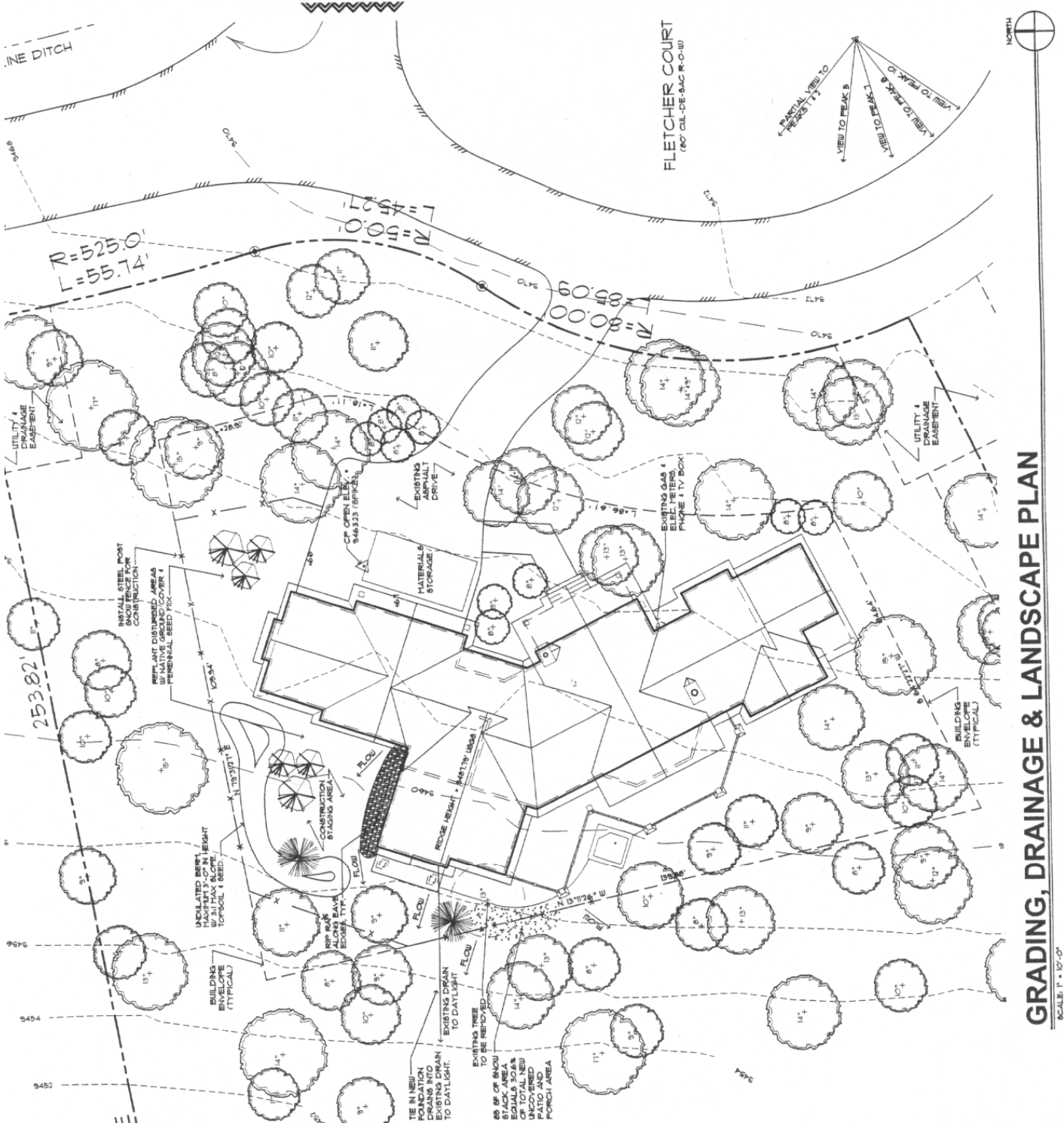
Staff conducted an informal point analysis of this residence and found no reason to warrant positive or negative points.

Staff Action:

Staff has approved the Stone Addition, PC#2009005, located at 29 Fletcher Court, Lot 128, Higlands at Breckenridge #, with the standard findings and conditions.

Comments:

Additional Conditions of Approval:



LINE DITCH

FLETCHER COURT
(60' OIL-DE-SAC R=0.10)



R=525.0'
L=55.74'

L=45.27'
R=500.0'

L=80.00'
R=80.00'

253.82'

N 19° 31' 21" E

LOT 128
45,552 SF
1.046 AC.

GRADING, DRAINAGE & LANDSCAPE PLAN
SCALE: 1" = 10'-0"

1. UNWRAP DECIDUOUS TREES OVER 1" CAL. BARK OR ASPHALTIC KRINKLE KRAFT 1/2" WRAP

2. 5/8" STRAND OF 10 GAUGE GALV. SHEET PILING

3. 1" DIA. X 10' LONG CEDAR STAKE WITH 1/2" RED BIC (T) EMBEDDED IN STAKE

4. 2" DIA. BURLAP FRONT TOP OF BALL

5. FILL WITH TOPSOIL AND PEAT MOSS 3:1 RATIO BY VOLUME IN 8" LAYERS. WATER 1" LAYER UNTIL SETTLED

6. 6" NOW PLANTS UP TO 4" HEIGHT PER 8" FOOTING OVER 4" HEIGHT PER 4" WATER

DECIDUOUS TREE



MEMORANDUM

TO: Planning Commission
FROM: Chris Neubecker
DATE: March 12, 2009
SUBJECT: Footprint Lots and Condominiumization within the Conservation District

On February 3, 2009 the staff and Commission discussed the Town's policies on footprint lots, and the negative impacts that have resulted in some cases. Over the past several years there have been a few cases where footprint lots have been approved where the results have compromised the historic character of the property by allowing primary looking structures to be built in back yards, as well as compromising site functions. The goal of this discussion is to determine if this policy should be changed in order to meet the desired development pattern outlined in the "Handbook of Design Standards for the Historic and Conservation Districts". We will also discuss developments outside the Conservation District, and whether or not the policy needs revisions in other parts of town.

As you may recall from our previous discussion, footprint lots were initially allowed in the Subdivision Code to accommodate master planned residential communities, where there is common open space but very small individual lots, essentially reflecting the footprint of the structure. Some examples of earlier footprint lots include Wellington Square (at Wellington Road and Harris Street) and Sawmill Creek Village (at Ski Hill Road and Sawmill Road). More recently, however, some developments within the Conservation District have requested the use of footprint lots and condominium plats to create separate salable lots and units. The result is that primary structures are being proposed and approved in the rear yards, contrary to the historic settlement patterns recommended in the "Handbook of Design Standards for the Historic and Conservation Districts". This pattern generally included one primary structure near the front or middle of the lot, with smaller secondary structures (storage sheds, barns, outhouses and stables) in the rear yard. The architectural character of these secondary structures historically included rougher, unfinished siding (unpainted), simple building design, fewer windows, and little or no ornamentation ("gingerbread" or "bric-a-brac").

Staff believes that a form-based policy could address these design issues. For example, a policy could specify that buildings at the rear of the lot should be smaller than the building in the front. They could also require that buildings in the rear use simple architecture and materials, similar to barns and sheds.

We believe that the existing 9-units per acre of above ground density policy deals with some, but not all, of these issues. For example, 9UPA does not address the ownership of the buildings. The 9 UPA ordinance was written to reinforce the historical pattern of small structures in the back yard. It places limits on "module size" for all buildings. Where it comes up short is in differentiating between how large secondary structures can be relative to the primary structures on the lot. It also doesn't address their appearance, and is therefore not weeding out "primary-looking" structures in back yards. It also does not address the location of the new development.

Staff sees this primarily as an urban design issue. The current codes are not specific enough to result in the desired (historic) patterns of development. These historic preservation goals include: buildings in the rear yard smaller and shorter than the primary structure in front; and buildings in the rear having simple designs and materials. Some ways that this policy could be modified to help address these concerns include:

1. Writing more specific design criteria. This could be set up similar to the existing rules on accessory dwelling units, which include:
 - A. The total dwelling area of the unit is no greater in size than one-third ($\frac{1}{3}$) of the total dwelling area of the single-family unit.
 - B. The total dwelling area of the unit is no greater in size than one thousand two hundred (1,200) square feet.
 - C. Legal title to the accessory apartment and single-family unit is held in the same name.
2. Addressing the architectural character with more specific requirements. These might include simple building design, rougher, unfinished siding, fewer windows, and little or no ornamentation.

The secondary issue is the effect of multiple owners. When several owners are involved, there is not central point person responsible for maintenance or management to address such issues as parking disputes, snow removal, trash collection, etc. Multiple owners and units also mean several more cars on the site, and more people coming and going, and generally more site impacts. Staff believes that these effects can be minimized by having one owner, and reducing the number of units (especially residential units) on a site. Some ways that this policy could be modified to help address these concerns include:

1. Prohibiting footprint lots in the Conservation District (outside of the Downtown Overlay District). By keeping ownership in one name (similar to accessory units on single family homes), the site is less likely to experience some of the management and operational problems associated with multiple owners.
2. Prohibiting condominium style ownership within the Conservation District. If multiple owners are a concern, then buildings should not be condominiumized. This change by itself, however, would not directly address the design issues.

Downtown Overlay District (with ground floor residential prohibition)

For mixed use developments within the Downtown Overlay District, where we recently prohibited first floor residential uses within 40 feet of the street, there are different issues. Because of the mixed use nature of the development pattern, we seem to be ok with allowing these units to be sold off separately from the primary structure fronting the street, but we'd like Commission feedback to verify this assumption.

The problem staff sees in this district is that we've seen a number of new structures in rear yards that do not follow the historic design pattern. Many of those new structures are as large as the primary structures in the front of the lot, and appear equally as primary. This is pattern is seriously weakening the quality of the historic setting we have taken such care over the decades to preserve.

Staff would like to discuss these issues with the Commission. We look forward to hearing your perspective on the issue. Some issues for the Commission to consider include:

1. Is the recent development pattern a concern to the Commission?
2. Are form-based codes the best way to address this issue in the overlay district?
3. Within the Downtown Overlay District, are we still supportive of allowing owners to further subdivide ownerships from and possibly within the primary structure?
4. Are the sizes of structures in the Downtown Overlay District a concern?

5. Should we develop a methodology to discourage primary looking structures in the rear yards within the Downtown Overlay District?