

Town of Breckenridge
Planning Commission Agenda
Tuesday, May 19, 2009
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the May 19, 2009 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes May 5, 2009 Regular Meeting Approval of Agenda</i>	4
7:05	<i>Consent Calendar</i>	
	1. Johnson Residence (JP) PC#2009019 (<i>withdrawn; to be rescheduled to a future date</i>) 1030 Four O'Clock Road	
	2. Allen Residence (CK) PC#2009018 596 Gold Run Road	11
	3. Koch Residence (MGT) PC#2009020 95 Victory Lane	20
7:15	<i>Preliminary Hearings</i>	
	1. Gondola Lot Master Plan (CN) PC#2009010 320 North Park Avenue	25
	2. Lot 5 McAdoo Corner (MGT) PC#2009009 209 South Ridge Street	31
9:30	<i>Combined Hearings</i>	
	1. Peters Residence Renewal (MM) PC#2009015 305 & 307 East Washington	43
9:45	<i>Town Council Report</i>	
9:55	<i>Other Matters</i>	
	1. CLG Presentation by Dan Corson, Colorado Historical Society	Verbal
10:15	<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.*



ALLEN RESIDENCE
596 GOLD RUN ROAD

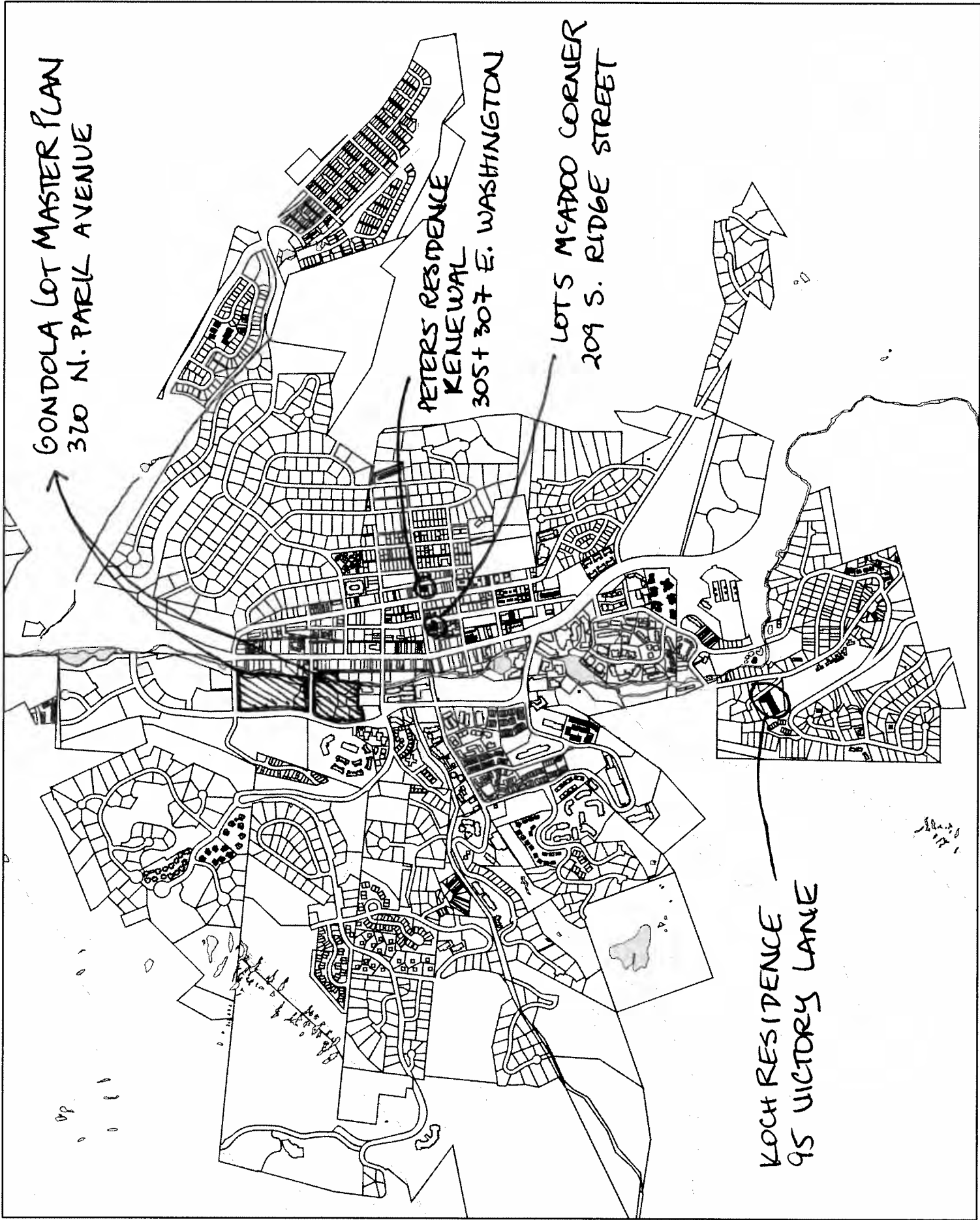


Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.

Breckenridge North

printed 2007

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GONDOLA LOT MASTER PLAN
320 N. PARK AVENUE

PETERS RESIDENCE
RENEWAL
305 + 307 E. WASHINGTON

LOTS MCARDOO CORNER
209 S. RIDGE STREET

KOCH RESIDENCE
95 VICTORY LANE



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Breckenridge South

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PLANNING COMMISSION MEETING

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

ROLL CALL

Dan Schroder
Leigh Girvin

Rodney Allen
JB Katz

Michael Bertaux
Dave Pringle

Jim Lamb was absent.

Dr. Warner arrived at 7:40 pm.

APPROVAL OF MINUTES

With no changes, the minutes of the April 21, 2009 Planning Commission meeting were approved unanimously (6-0).

Mr. Bertaux complimented Ms. Vossman, the Planning Commission typist, and made the comment that the minutes were very thorough and read easily (regarding the worksession discussion). All agreed.

APPROVAL OF AGENDA

Mr. Mosher announced that there had been a noticing issue with the Peters Residence Renewal, PC#2009015. The mailed copy was correct; the large sign posted on the property had the incorrect date. As a result, tonight's combined hearing would instead be reviewed as a worksession. It will be up for decision on the next meeting.

Mr. Mosher announced that the Commission would discuss a potential one day retreat at the end of the meeting if time permitted.

With no other changes, the May 5, 2009 Planning Commission agenda was approved unanimously (6-0).

CONSENT CALENDAR:

1. Michaels Residence (MGT) PC#2009017, 190 Marks Lane
2. Laidlaw Residence (CK) PC#2009016, 78 Rounds Road

Ms. Girvin: On the Laidlaw Residence, there are negative points for using non-natural materials? Are the negative points for the cement board flat panel siding? (Mr. Kulick: Yes.) Where is it located on the elevations? (Mr. Kulick presented the elevations to the Commission to address the question and described the materials.)

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

COMBINED HEARINGS (CHANGED TO WORKSESSION):

1. Peters Residence Renewal (MM) PC#2009015, 305 & 307 East Washington

Mr. Mosher presented a proposal to remove the non-historic additions from the west and south sides of the existing historic cabin, then relocate (on site), restore, and locally landmark the cabin. Also, remove the non-historic structure from the property, and construct a new single-family residence. This application was approved in 2006, but the permit was about to expire. This application was to renew the permit, thereby extending the vested property rights.

The public notice that was mailed as well as the public notice in the newspaper had the correct meeting date on them, so Mr. Allen opened the hearing to public comment. There were no public comments and the hearing was closed.

Commissioner Questions/Comments:

Mr. Bertaux: Is the footprint lot an issue? (Mr. Mosher: There were originally two separate addresses on the property, and allowing footprint lots in this case will allow two addresses to be maintained. However there will likely be a new Lot A and Lot B type of address instead of separate numbers.)

Mr. Pringle: This may be a location where a footprint lot makes a lot of sense.

Ms. Girvin: There appears to be extra density in the basement of the proposal. Is the density accounted for? Floor plans show on the south side of the historic cabin, there appears to be a much larger basement

than the floor above. (Mr. Mosher: The density noted includes total density. The “free basement density” is only beneath the historic portion of the cabin.) Though not part of this application, there is a depression or sinkhole that ponds, floods and overflows towards this property. Believed it was created with the Brewer residence connected the waterline to the house. (Mr. Mosher: We will look into the construction impacts that caused that sinkhole.) Again, not part of this application, requested that the Klack be a new site visit for the Planning Commission to address as current issues. Concerned about the minimal setbacks for this application and thought that the entire development should flip to the west side and be held back off the side setback the same as the Jagentenfl residence to the south. (Mr. Allen: Why do you think that?) Everything is pushed to the east side on neighboring properties and this proposal is out of line with the setbacks on the west side of the Klack. Also concerned with views of adjacent buildings. (Mr. Mosher: The driveway was placed on the west to preserve the existing mature tree. Overall, the proposal took the negative points for the setbacks and mitigated it with the preservation of the cabin.)

Mr. Allen: Can you please walk us through the setbacks that do not meet criteria? (Mr. Mosher: Front yard is met with the 15 foot setback, and the side yards are at 3 feet each, the roof overhangs touch the setback, the foundation does not. Also, the backyard is at 10’ instead of the recommended 15’.) Can you also elaborate on the porch on the landmarked building? (Mr. Mosher: The non-historic porch is being removed. The proposed porch is an interpretation based on the Town’s historic guidelines. There is no photographic record of the original porch on the historic structure.)

Mr. Mosher stated that this application would be presented as a Combined Hearing at the May 19 meeting, when proper noticing requirements will have been met.

PUBLIC PROJECTS:

1. Locomotive Train Project (JP) PC#2009007, 123 North Main Street (*continued to a future date to be determined*).

Mr. Grosshuesch gave an update of the project to the Commission and answered general questions.

Mr. Allen motioned to continue the project indefinitely. Mr. Pringle seconded, and the motion was carried unanimously (6-0).

WORKSESSIONS:

1. Historic Setbacks (MGT)

Mr. Thompson presented. On April 21, 2009 staff presented a proposal to allow the relocation and renovation of historic secondary structures, without the allocation of negative points under Policy 9 (Relative) / Placement of Structures, in cases where the structure originally encroaches into a required setback but is moved fully onto the property. The Commission generally supported the proposal, but had a few suggestions, including:

- Allowing the waiver of negative points for both habitable and non-habitable buildings, as an additional incentive for restoration.
- Relocation of the structure must be on the same lot. This policy should not apply when a structure is moved to another lot.

Mr. Thompson presented portions of the existing Policy 9/R and 9/A with suggested additions to the Commission, and staff welcomed Commissioner comments.

Commissioner Questions/Comments:

Mr. Bertaux: Case to be made about the ambiguity in the language because it gives you the flexibility to determine for each scenario. (Mr. Grosshuesch: Over the years it has made more sense to keep the language flexible.) (Ms Girvin: You like this language?) It gives us something flexible to work with. (Mr. Pringle: Concerned that the word “context” will give projects negative points. Can we remove the last proposition in the language?) (Mr. Allen and Ms. Katz agreed.) (Mr. Mosher: Put a period after the word “context.”) (Mr. Thompson: I will strike “of the historic structure” from the last sentence in Policy 9/A, e. Now it will read as follows: “(ii) projects where the new location of the historic structure does not maintain its historic context.”)

Mr. Pringle: Not sure about language regarding maintaining the historic context. (Ms. Katz: Should we elaborate on the language to make it clearer?) (Mr. Grosshuesch: Looking to write ordinances based on multiple scenarios and precedent, need to remain flexible.) (Ms. Katz: Should we add language regarding location?) (Mr. Grosshuesch: Historic context describes the situation and location.) I

think that this addresses my concerns. Recommended that this issue be brought to the town council. (Mr. Bertaux seconded.)

Ms. Girvin: Is there an example when the historic context isn't met? Can you also explain the point regarding "non-conformity"? (Mr. Thompson: You can't move the structure further off the property line.)

Ms. Katz: Is the Planning Commission able to decide if the proposal is within historic context? (Mr. Grosshuesch: Yes.) There will be judgment calls that the Planning Commission will have to determine if the context is upheld. This will help to make the goal of the policy clear.

Mr. Allen: Can you please elaborate on the historic context? What are some example scenarios? (Mr. Mosher: If it was an out building that got moved out of context where the context of it being an "out building" was diminished, i.e. moved to the front of the lot. The context is that you can move it around, but it should remain in historic context of Breckenridge.)

Dr. Warner: Agreed with what Commission has discussed regarding historic context and appreciated the work.

TOWN COUNCIL REPORT:

No report was presented.

OTHER MATTERS:

Mr. Mosher inquired as to the Commissioners' interest in a one day retreat to engage in a planning topic. Suggested considering touring projects or other communities that address some of the current planning issues in the Town, such as sustainability / alternative energy, walkability, home sizes, forest health / fuel break, etc. Mr. Grosshuesch and Mr. Mosher recommended focusing on the alternative energy policy, potentially touring the Aspen and Carbondale areas. Dr. Warner recommended that energy farms should be considered rather than individual homes and businesses.

Commissioner Comments:

Ms. Girvin: Home sizes / neighborhood character field trip local suggestions are French Creek compared to character of Bill's Ranch. (Dr. Warner will speak with the committee to discuss these examples.)

Ms. Katz: Consider looking into communities that have looked at building materials that resist fire along with defensible space.

Mr. Allen: Focus on tours that are local, such as pedestrian and walkability, along with Klack tour.

ADJOURNMENT

The meeting was adjourned at 8:19 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 May 14, 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 May 19, 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 November 25, 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#: Allen Residence PC#2009018
Project Manager: Chris Kulick
Date of Report: May 6, 2009 For the May 19, 2009 Planning Commission Meeting
Applicant/Owner: Judy & Mike Allen
Agent: Mike Houx - BHH Partners
Proposed Use: Single-Family Residence
Address: 569 Gold Run Road
Legal Description: Lot 71, Highlands Park
Site Area: 35,513 sq. ft. 0.82 acres
Land Use District (2A/2R):

Existing Site Conditions: Land Use District: 1, Residential (Subject to the Delaware Flats Master Plan)
 The lot slopes downhill from south to north at an average of 30%. The site is heavily covered with spruce, fir and lodgepole pine trees. Utility and drainage easements are located in the southwest and southeast corners of the lot. A drainage easment runs along the northern length of the property line.

Density (3A/3R): Allowed: 7,000 sq. ft. Proposed: 3,829 sq. ft.
Mass (4R): Allowed: 7,000 sq. ft. Proposed: 4,545 sq. ft.
F.A.R.: 1:7.81 FAR
Areas:
Lower Level: 1,821 sq. ft.
Main Level: 2,008 sq. ft.
Upper Level: 716 sq. ft.
Accessory Apartment:
Garage:
Total: 4,545 sq. ft.

Bedrooms: 3
Bathrooms: 3
Height (6A/6R): 31 feet overall
 (Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
 Building / non-Permeable: 3,343 sq. ft. 9.41%
 Hard Surface / non-Permeable: 3,330 sq. ft. 9.38%
 Open Space / Permeable: 28,840 sq. ft. 81.21%

Parking (18A/18/R):
 Required: 2 spaces
 Proposed: 7 spaces

Snowstack (13A/13R):
 Required: 833 sq. ft. (25% of paved surfaces)
 Proposed: 845 sq. ft. (25.38% of paved surfaces)

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

Accessory Apartment: None

Building/Disturbance Envelope? Disturbance Envelope

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

Side: Disturbance Envelope
Rear: Disturbance Envelope

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

Exterior Materials:

Roof:

Garage Doors:

The residence will be compatible with the land use district and surrounding residences.
12" rustic timber siding, 1 x 6 vertical tongue & groove siding, log & beam columns and natural moss rock with sloping sandstone caps
Composite Shingles
Wood clad

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	5	3 @ 8-10 feet tall and 2 @ 10-12 feet tall
Aspen	12	1.5-2 inch caliper - 50% of each and 50% multi-stem
Shrubs and perennials	15	5 Gal.

Drainage (27A/27R):

Positive away from structure

Driveway Slope:

8 %

Covenants:

Standard landscaping covenant

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

An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

Staff Action:

Staff has approved the Allen Residence, PC#2009018, located at 596 Gold Run Road, lot 71, Highlands Park, with the attached findings and conditions.

Comments:

Additional Conditions of Approval:

TOWN OF BRECKENRIDGE

Allen Residence
Lot 71, Highlands Park
596 Gold Run Road
PC#2009018

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 **May 15, 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 **May 19, 2009** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

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PRIOR TO ISSUANCE OF BUILDING PERMIT

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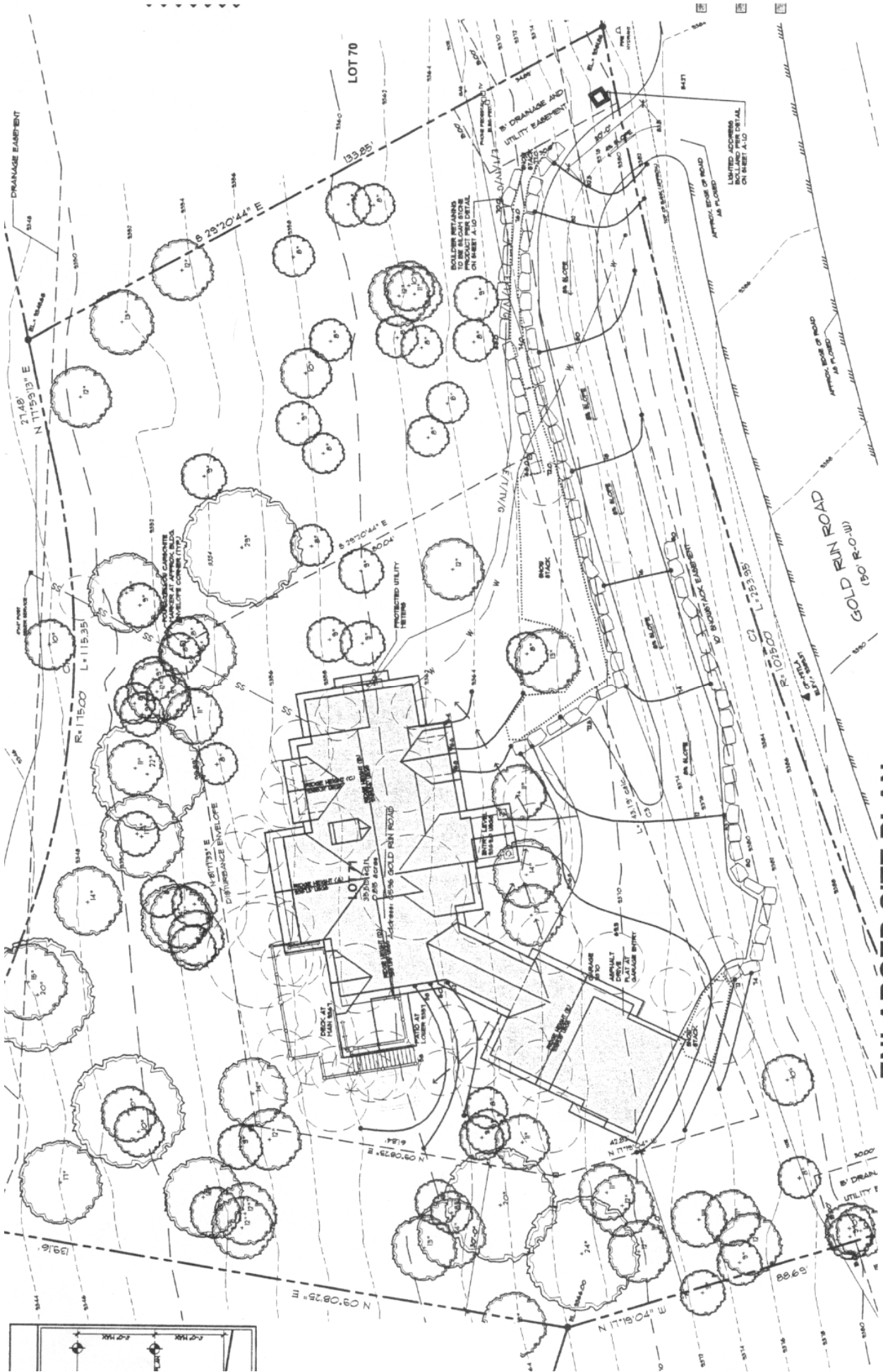
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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

deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "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.**

31. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
32. 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.
33. 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.***

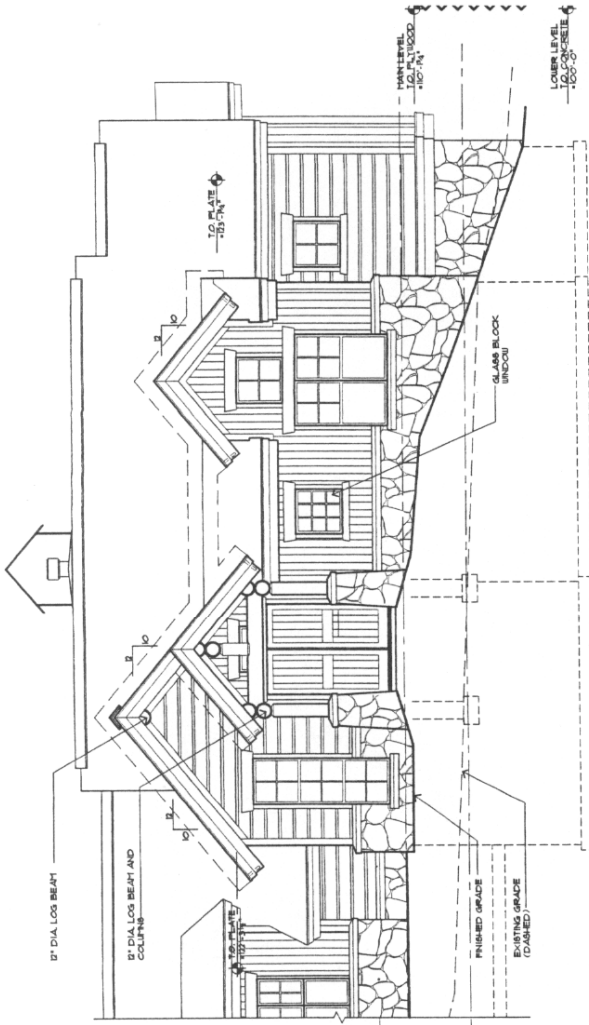
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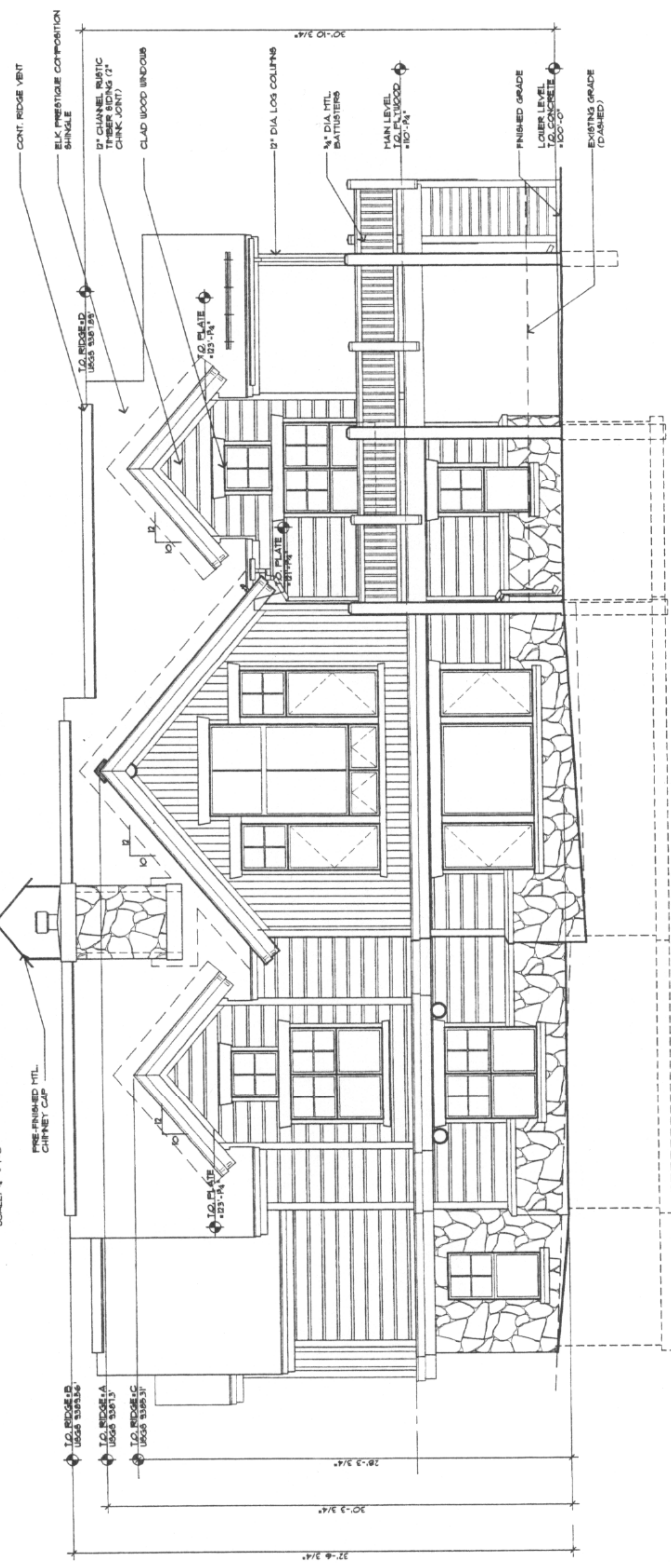
ENLARGED SITE PLAN

SCALE: 1" = 10'-0"

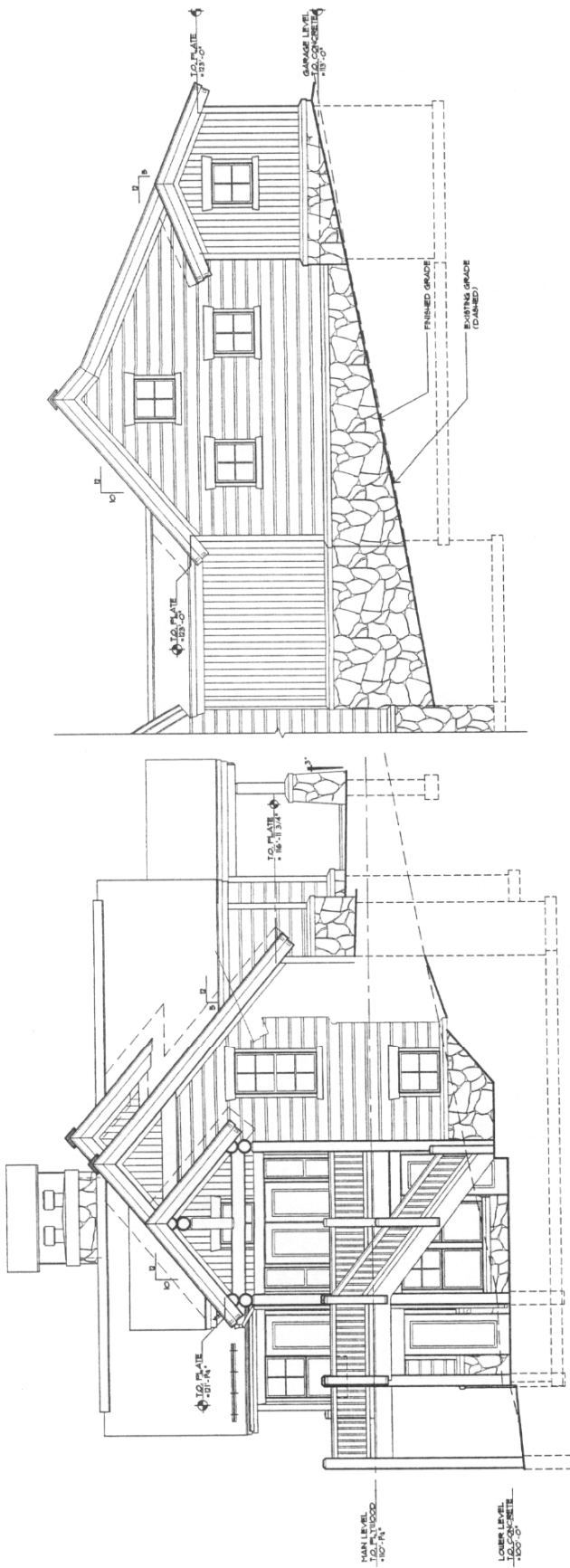




SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

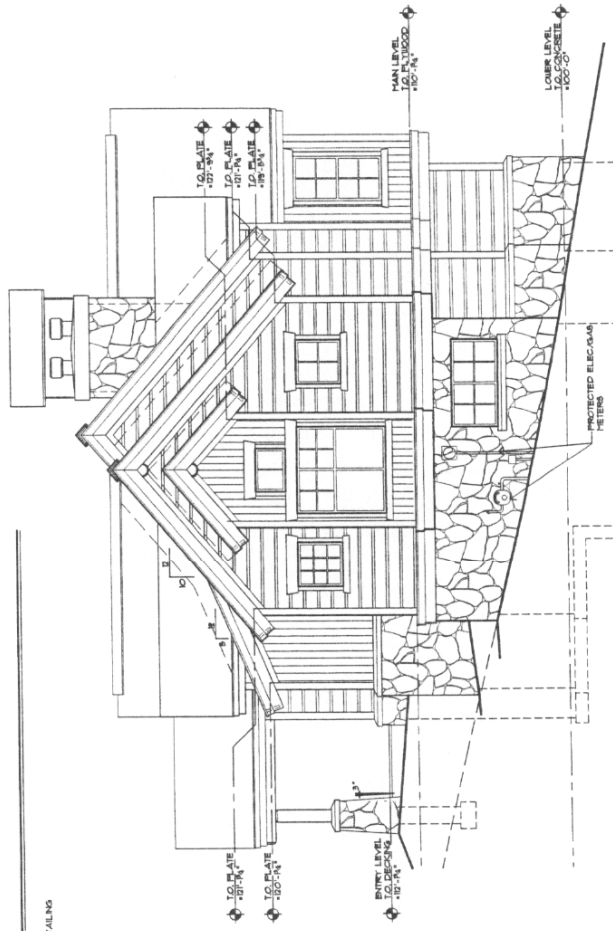


NORTH ELEVATION
SCALE: 1/4" = 1'-0"



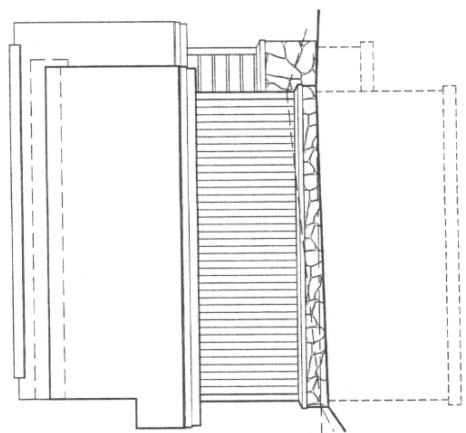
WEST ELEVATION

SCALE: 1/4" = 1'-0"
NOTE: SEE SHEET FOR NOTING OF SPILAR MATERIALS AND DETAILS



EAST ELEVATION

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



SOUTH ELEVATION

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



Class C Development Review Check List

Project Name/PC#:	Lot 11, Warriors Preserve	PC#2009020
Project Manager:	Matt Thompson, AICP	
Date of Report:	May 13, 2009	For the 05/19/2009 Planning Commission Meeting
Applicant/Owner:	Karl Koch	
Agent:	Barbara Shepler, Shepler Architecture	
Proposed Use:	Single family residence	
Address:	95 Victory Lane	
Legal Description:	Lot 11, Warriors Preserve	
Site Area:	27,038 sq. ft.	0.62 acres
Land Use District (2A/2R):	30.6: Residential	
Existing Site Conditions:	The lot is moderately covered in lodgepole pines, spruce and fir trees. The lot is accessed by a 35' private access and utility easement. There is a 20' drainage easement along the southeastern property line. The property undulates up and down across the building envelope.	
Density (3A/3R):	Allowed: unlimited	Proposed: 5,072 sq. ft.
Mass (4R):	Allowed: unlimited	Proposed: 6,208 sq. ft.
F.A.R.	1:4.36 FAR	
Areas:		
Lower Level:	1,595 sq. ft.	
Main Level:	1,372 sq. ft.	
Upper Level:	2,095 sq. ft.	
Garage:	1,146 sq. ft.	
Total:	6,208 sq. ft.	
Bedrooms:	5	
Bathrooms:	5 1/2	
Height (6A/6R):	33 feet overall	
	(Max 35' for single family outside Historic District)	
Lot Coverage/Open Space (21R):		
	Building / non-Permeable: 3,956 sq. ft.	14.63%
	Hard Surface / non-Permeable: 1,264 sq. ft.	4.67%
	Open Space / Permeable: 21,818 sq. ft.	80.69%
Parking (18A/18/R):		
	Required: 2 spaces	
	Proposed: 3 spaces	
Snowstack (13A/13R):		
	Required: 316 sq. ft.	(25% of paved surfaces)
	Proposed: 344 sq. ft.	(27.22% of paved surfaces)
Fireplaces (30A/30R):	8 gas burners	
Accessory Apartment:	N/A	
Building/Disturbance Envelope?	Building envelope	
Setbacks (9A/9R):		
	Front: within building envelope	
	Side: within building envelope	
	Side: within building envelope	
	Rear: within building envelope	

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

This residence will be architecturally compatible with the neighborhood.

Horizontal natural cedar wavy wood siding color to be canyon gray, vertical natural cedar wood siding color to be canyon gray, accent corrugated metal siding color to be rust/gray, 18" min. natural log column and beam color to be natural, 2 x 6 on 2 x 12 cedar wood fascia color to be redwood, metal clad casement wood windows color to be black and a natural stone sandstone style color to be gray with orange.

Roof:

40-year dimensional shingles with corrugated metal roofing accents color to be rust/gray

Garage Doors:

natural cedar wood siding color to be redwood

Landscaping (22A/22R):

Planting Type	Quantity	Size
Spruce trees	4	6'
Aspen	12	2" min. caliper
Various shrubs	8	5 gallon

Drainage (27A/27R):

Positive away from residence.

Driveway Slope:

8 %

Covenants:

Standard landscaping covenant.

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

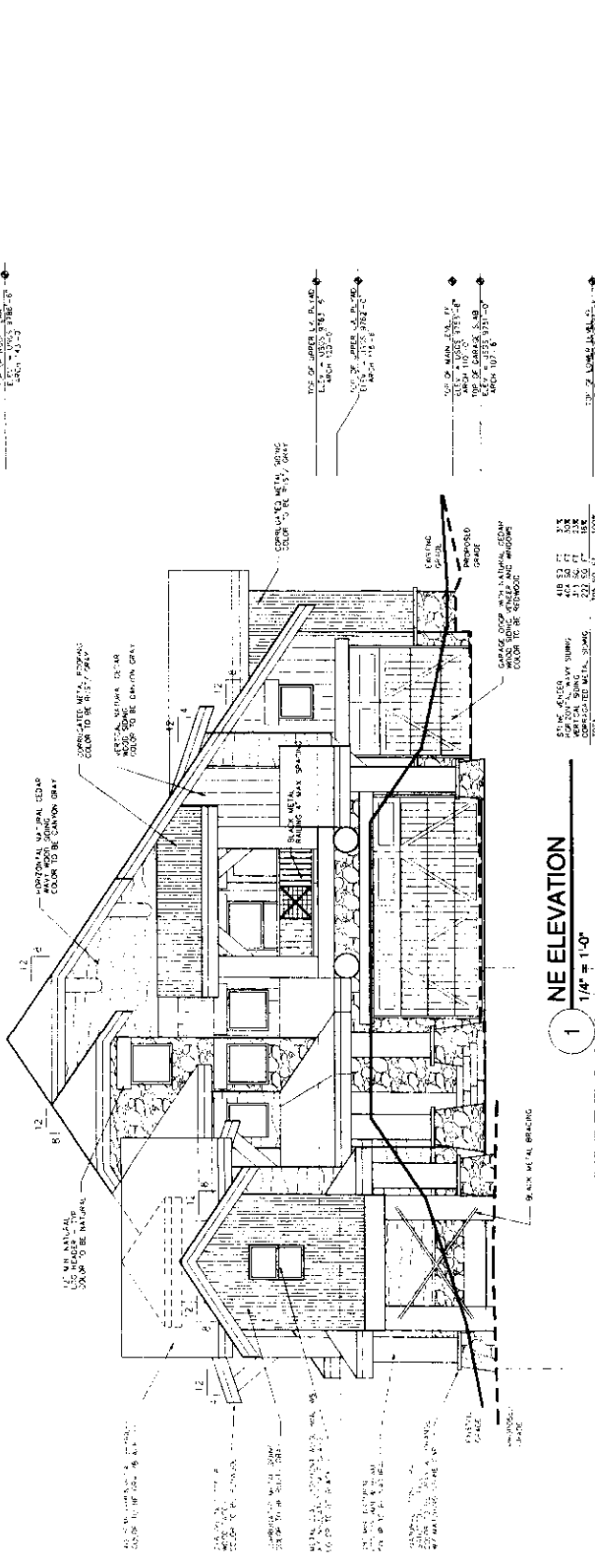
Staff conducted an informal point analysis and found no reason to warrant positive or negative points for this application.

Staff Action:

Staff has approved PC#2009020, the Koch Residence, located at 95 Victory Lane, Lot 11, Warriors Preserve.

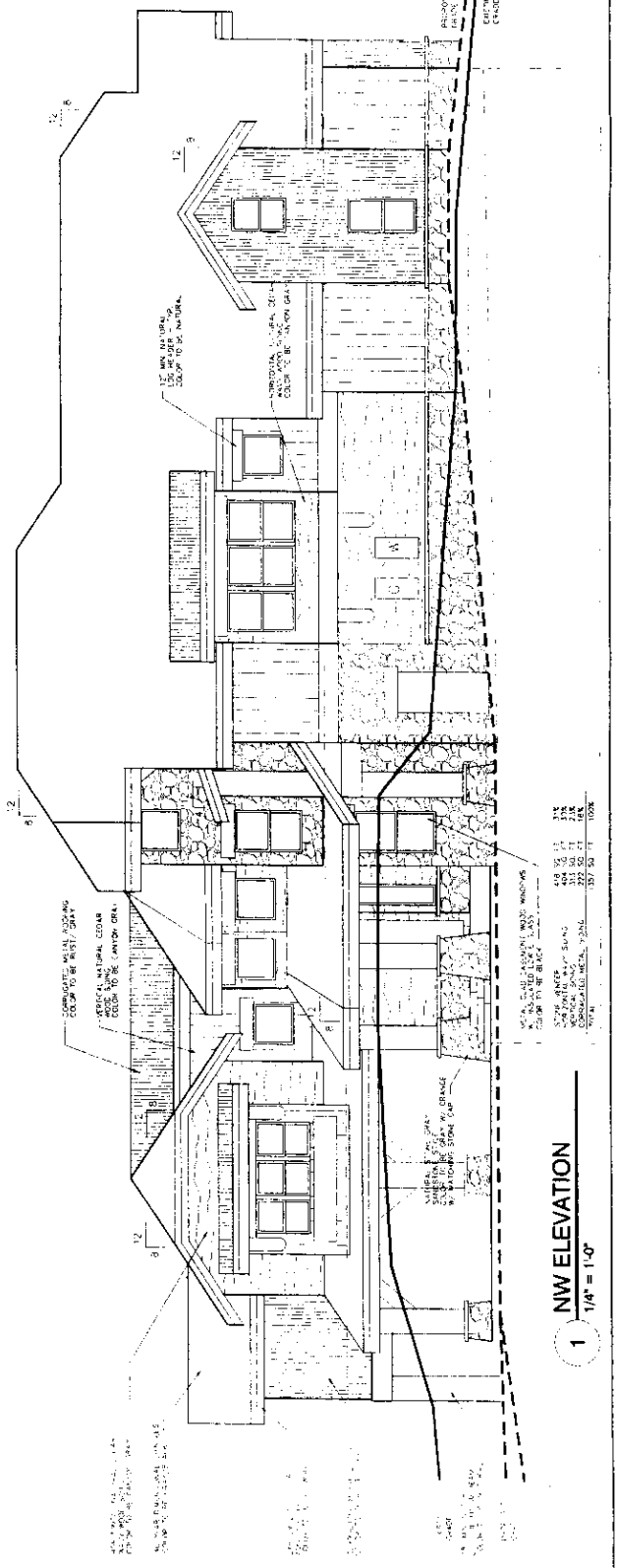
Comments:

Additional Conditions of Approval:



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

AREA	48	58	11	30K
PERIMETER	223	50	17	100K
TOTAL	197	58	17	100K



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

AREA	48	58	11	30K
PERIMETER	223	50	17	100K
TOTAL	197	58	17	100K

Planning Commission Staff Report

PROJECT MANAGER: Chris Neubecker, AICP

DATE: May 13, 2009 (For May 19, 2009 meeting)

SUBJECT: Gondola Lots Master Plan
Class A Preliminary Hearing, PC# 2009010

OWNER: Vail Summit Resorts, Inc.

APPLICANT: Vail Resorts Development Company (VRDC); Alex Iskenderian

AGENTS: DTJ Design; Bill Campie

PROPOSAL: Master Plan the north and south parking lots surrounding the town gondola terminal with a condo-hotel, townhomes, commercial uses, mixed use building, new skier service facilities, new transit facilities, and two parking structures. The proposal also includes development on portions Wellington parking lot and the East Sawmill parking lot, plus modifications to the Blue River, all of which are owned by the Town of Breckenridge.

This proposal includes the transfer of density from the Gold Rush parking lot to the north and south gondola parking lots.

ADDRESS: 320 N. Park Avenue (Gondola)

LEGAL DESCRIPTION: Tract A, Block 3, Parkway Center
Lot 1, Block 3, Parkway Center
Lot 1-A, Sawmill Station Square, Filing No. 3
Lot 1-B, Sawmill Station Square, Filing No. 3
Lot 1-C, Sawmill Station Square, Filing No. 3
Lot 2-A, Sawmill Station Square, Filing No. 3
Lot 2-B, Sawmill Station Square, Filing No. 3
Lot 3-A, Sawmill Station Square, Filing No. 3
Lot 3-B, Sawmill Station Square, Filing No. 3
Lot 4, Sawmill Station Square, Filing No. 3
Lots 71-74, and Lots 87-90, Bartlett & Shock Addition

SITE AREA: Approximately 17.07 acres

LAND USE DISTRICTS: East of Blue River: Land Use District 19 (1:1 FAR / 20 UPA Residential; 2 stories)

West of Blue River: Land Use District 20 (1:3 FAR, Lodging or Commercial; 3 stories, except along the Blue River and Watson Avenue, which is 2 stories)

HISTORIC DISTRICT: East of Blue River: Main Street Residential / Commercial

SITE CONDITIONS:

Most of the site is characterized by existing paved and unpaved parking lots. A portion of the site includes the existing Breckenridge Station transit center, the BreckConnect Gondola, and the Gondola ticket office. Portions east of the Blue River include the Wellington parking lot and East Sawmill parking lot. There is no significant vegetation on the site, except for some willows along the river, and recently planted trees along the perimeter of the north gondola lot. The site slopes downhill from south to north at a rate of approximately 2-3%.

ADJACENT USES:

North: Parkway Center Plaza/City Market
South: 1st Bank, Breckenridge Town Hall, and Breckenridge Professional Building
East: Blue River, Main Street and mixed use buildings
West: Park Avenue (SH 9), Mountain Thunder Lodge, and Gold Rush lot

ITEM HISTORY

The southern portion of this site was planned for development during the early 1980’s, but was never developed. The Sawmill Station Square Planned Unit Development (PUD) was approved for this site, in conjunction with the Airport PUD. The site plan indicated that commercial, residential and lodging uses were planned for this area. The Sawmill Station Square PUD was set to expire within 20 years (from 1984) if the airport was never built. As the airport was not built, the PUD is now expired. As a result, the Land Use Guidelines and Development Code are now the controlling review documents.

SOURCE OF DENSITY

The density allocated to these sites comes from several sources, including the underlying Land Use Guidelines, previous master plans, previous PUDs, and previous density transfers.

	Gold Rush Lot Block 4, Parkway Center	Gondola North Lot Block 3, Parkway Center	Gondola South Lot Sawmill Station Square	TOTALS
Original/Previous Density (SFEs)	190 ¹	103 ²	149 ³	442
Density Transferred to Peaks 7 & 8	(50)	(30)	(50)	(130)
Density Reductions (25%)	(47)	(5)	(59)	(111)
Remaining SFEs	93	68	40	201

¹ Per the Parkway Center PUD (Rec#296671), defined as residential use.

² Per the Parkway Center PUD (Rec#296671), defined as commercial use.

³ Per the Sawmill Station Square PUD, where square foot allowances were converted back to SFEs, per the Agreement and Covenant for the Density Transfer and Reduction of Density, Rec#807738.

VISION PLAN

In the winter of 2007, VRDC and the Town began discussions for the joint planning of ski area and Town owned properties surrounding the gondola. In early 2008 VRDC and the Town entered into an agreement to jointly plan for the future vision of the subject parcels. Some of the design drivers of the vision process included: compatibility with the values and character of the existing town; building on the authentic story of Breckenridge; integration with the existing town fabric (i.e. streets and buildings); balancing the transit and transportation issues; developing a world class visitor and resident experience; and a commitment to sustainability. Some of these drivers were initiated by the applicant and others by the Town, but in the end each of these drivers was agreed upon as key elements of the project. (For example, the Town Council desired that the development integrate with the existing street network, so as to not create a “project” separate and disconnected from the rest of town.)

In conjunction with the Town staff and Town Council (as a partner in the vision process, since some of the planned land is owned by the Town), several design concepts were developed and narrowed down to one preferred concept. Over the course of 2008, several public meetings were held to gain input on the proposed vision. Meetings were held with various stakeholder groups, including transit providers, the BRC, retail owners, restaurant owners, ski shop owners, and adjacent property owners. Now that a formal application has been submitted, the Town role will change to that of the reviewing agency, and not as a co-applicant. However, there are several business aspects of the plan which will still need to be addressed with the Town Council, outside of the planning process.

BUSINESS ISSUES

There are several aspects of the proposed master plan that will require input from the Town Council, including development agreements or other legal agreements related to the construction, financing and operation of the this development. For example, some of the land where the development is proposed is currently Town owned, and property lines may need to be eliminated or adjusted. In addition, the current bus turn-around area is used by the Town as well as Summit Stage (in addition to ski area buses), and the function of the bus staging area and Breckenridge Station will need to be accommodated in the new plan. Furthermore, there have been suggestions that the Town may help to finance construction of the parking structures or other “public” aspects of the development, and as a local government may be able to secure grants or other financing not available to the private sector. Finally, details need to be worked out on construction and maintenance of some of the improvements, for example, the transit loading areas, new streets, and the Riverwalk extension and other river improvements. These issues will generally be addressed through the Town Council, and will not likely involve the Planning Commission.

INTRODUCTION

The Planning Department considers this first hearing an introduction to the proposed Gondola Lots Master Plan project. At this first hearing, staff will briefly go over the process for review of this large application, and then let the applicant make a general presentation. We welcome any comments from the Commission on any preferred order of subjects to review.

PROCESS

This is one of the largest projects the Commission has reviewed, and certainly one which has potential for enormous impacts to the Town. While we do not want to rush this process, we would like to review this application in as timely a process as possible. Accordingly, the applicant has committed to working with

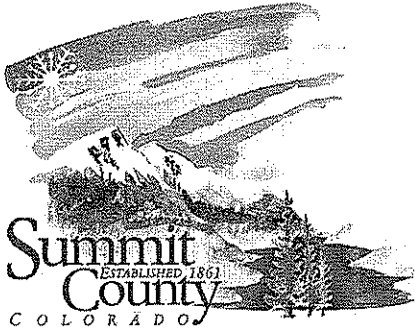
staff and the Commission to address issues, and has started by submitting a plan that is very similar to the recently completed Gondola Lots Vision Plan. As we have done with other major applications, we will schedule reasonable portions of the project to cover during our meeting times, and can adjust the schedule if too much or too little is trying to be reviewed.

The review is structured into several topics. Some topics overlap into others, and there will be some skipping around in the order topics are presented. However, these are the topics we believe are appropriate to cover for a preliminary review of the master plan. After a round of input on each, the applicant will be making a single set of revisions for the master plan, and we will proceed from there.

- I Introduction to process / Overview of project 5/19/09
- II. Circulation/Access
 - a. Vehicular
 - Public road alignment
 - Parking structures
 - Project parking
 - Traffic/Circulation/Impacts
 - Service Access
 - Transit/Gondola
 - b. Pedestrian Circulation
- III. Development Concept
 - a. Site plan/uses
 - b. Architectural character
 - c. Building heights
 - d. Amenities
 - e. View Corridors
 - f. Landscaping
 - g. Relationship to Historic District
- IV. Density analysis
- V. Infrastructure, Utilities and Drainage
- VI. Blue River Corridor
 - a. Amenities
 - b. Improvements
 - c. State Permits
- VII. Sustainability/Green Codes/LEED
- VIII. Phasing

NEXT STEPS

The next step in the process is to review specific aspects of the project. We anticipate that circulation, access, and transportation issues will be the first topic to discuss, as these issues may affect major design aspects of the development. Staff notes that issues raised during one meeting may not be directly addressed in the next meeting, which may focus on a different topic. However, we will attempt to keep the Commission informed of plan revisions and new information when necessary. Otherwise, plan revisions will be presented near the end of the process, when one final plan including all revisions is presented. We welcome any general comments from the Commission on the process proposed.



PLANNING DEPARTMENT

970-668-4200
fax 970-668-4225

Post Office Box 5660
0037 SCR 1005, Peak One Dr.
Frisco, Colorado 80443

May 11, 2009

Chris Neubecker - Town of Breckenridge Community Development Department
P.O. Box 168
Breckenridge, CO 80424

Re: Referral Comments On Proposed Gondola Lots Master Plan

Chris:

Please accept these comments on the Proposed Gondola Lots Master Plan. The comments are intended to provide additional considerations the Town may want to weigh in evaluating the proposal.

- The proposal appears to be using existing density from the subject properties for the proposed development. If any additional density, above what is currently permitted, is proposed in the future, transferable development rights (TDRs) should be utilized.
- The proposal does not seem to address employee generation and associated needs such as affordable housing or childcare center. The County would encourage the developer to address these issues when the application moves forward. If there is an attainable housing component, maybe a joint partnership is possible.
- The County appreciates the attention given to vehicular and pedestrian circulation. Has there been any traffic impact studies submitted for the project? If so, what are the traffic impacts related to the new uses?
- The County strongly encourages the efficient and sustainable development of this property, as noted in the application, including constructing LEED certified buildings.

We are appreciative of the opportunity to offer these comments, thoughts and recommendations.

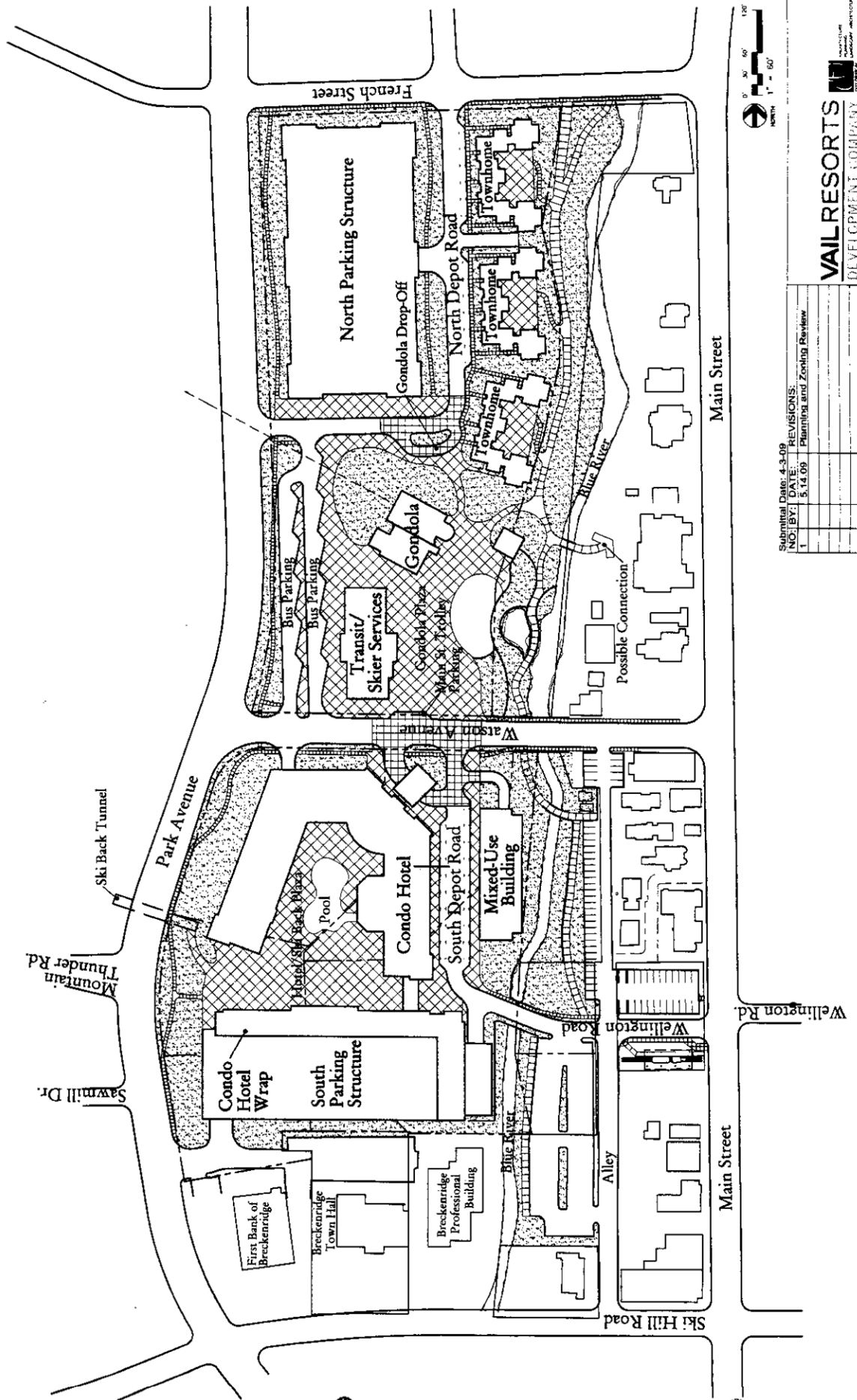
Sincerely,

Suzy Smoyer, AICP
Planner II

Gondola Lots Redevelopment

Master Plan

Sheet 5 of 9
Proposed Site Plan



Submitted Date: 4.9.09
NOI BY: DATE: 5.14.09
REVISIONS:
1 Planning and Zoning Review

NO.	DATE	REVISIONS
1	5.14.09	Planning and Zoning Review



VAIL RESORTS
DEVELOPMENT COMPANY

	Proposed:	4 spaces allocated by Master Plan
Snowstack:	Required:	610 sq. ft.
	Proposed:	610 sq. ft.
Setbacks:	Front:	Within building envelope
	Side:	Within building envelope
	Side:	Within building envelope
	Rear:	Within building envelope

Issues from 1st Preliminary Meeting

Did the Planning Commission find that the application met the criteria required to exceed 9UPA (Priority Policy 158)?

Did the Planning Commission believe that Priority Policy 80A (use of modules and connector width) was being met?

Did the Planning Commission find that the building height was similar to nearby historic buildings as required by Priority Policy 163?

Did the Commission find that the application met Priority Policy 164 related to façade width?

Applicant Presentation: Janet Sutterley, Architect

Original design intention dealt with square footage and context of historic buildings. Started with idea that it would step up from small building in front, and wanted upper level seating that looks to west side, so provided a two story structure on rear alley side. Talked with staff about how it won't meet 80/A. Ms. Sutterley provided a sketch of what connector could look like and will make it work. 89 square feet over with the rear module. Didn't redesign yet because wanted to revisit after addressing some other issues first. Provided plan with dimensions showing McAdoo, Ridge Street Dental office, and the proposed restaurant. Building design is in scale with two adjacent buildings. Same height and module width as blue building at alley. There is a three story building beyond that. Blue building isn't historic but height starts to climb in rear. Question for commission – Policy 80/A what do we use to constitute a module? Provided a north elevation and streetscape showing McAdoo and McAbee which shows a change in scale. Most important is that it is based on overall historic mass and scale of the block – dealing with McAdoo corner, dentist office, the Cellar building. Overlaid the Cellar building on our elevation to show size comparison as well as with McAbee. (Mr.Pringle: McAbee was brought in from a different location.) Looking for ways to mitigate this and meet Policy 158. Third is Policy 163 - primary facades. Policy is very specific to primary façade of the building and it is clearly met. Across the façade it is one story so satisfies both policies. Policy 164 satisfying the intent of what the policy is trying to do. Does call out that you can't exceed the 31' in façade width, but what wasn't specified is how far back you step before you aren't calling it the primary façade anymore. Explained offsets of building façade of historic building compared to new building. Design matched to historic building with design. The real intent of this guideline is looking at the shape of a gable building. Respect the context and align with McAdoo house. Would also like some feedback on the upper story windows. We'd like as much glass on the second floor as possible it is a part of a feature.

Commissioner Comments from April 7, 2009 Planning Commission meeting:

Mr. Lamb: *Heard comments from neighbors, but it comes down to 12 UPA would meet code and this*

proposal would actually be less than that. Can't keep people from reasonably developing their property. Will look into parking concerns. Ms. Sutterley will work with modules. Showed that building height was similar to those in context. McAdoo building is least "historic looking" historic building in Town. Real gray area with Policy 164. Solid to void areas in windows needs to be addressed.

Mr. Pringle: *Possible to add more downstairs to reduce above ground impact? (Ms. Sutterley: Yes more density could be put below grade). Agreed with Mr. Thompson on reducing amount of glass on back and strengthening solid to void ratio. Façade width was a good argument with the step back of façade. Would there be a way to redo roofing plan to strengthen the separate façade width argument? Asked about moving more density to basement to make square footage balance between front and back. Could the rear module roof line be subordinated a little more, rear roof module seems to dominate too much.*

Mr. Bertaux: *Policy 164 argument regarding 6.5' offset makes sense, and agree with Mr. Pringle about strengthening of the front façade. Height of back element bothers me, and seemed like the building was taking off in the alley. Potential to heat parking area to reduce snow stack issue. Agreed with staff regarding reducing the amount of windows and stone elements. Waited to hear more on 164 before decision is made. When there are historic policy decisions to make, a brief history is beneficial to support decision. Liked the architecture. Potentially overwhelming on the block, not crazy about the bay window on the second story. Proceed.*

Ms. Katz: *Why was density a question if it is approved? Density fits with other buildings in area. Connector module issue can be dealt with. Solid to void agreed with staff that we need less windows. Streetscape was helpful for Policy 164 and looked okay. Mr. Pringle's comments were helpful to façade changes.*

Mr. Schroder: *Feels this application is meeting Priority Policy 158, building scale. The density is allowed under the master plan per square footage and massing seems to fit. Connector module will be met with the changes Ms. Sutterley has agreed to make. Height met maximum without incurring negative points, encouraged it to come down. Smaller building to the right architecturally matches. Appreciated extra research on façade width, and liked the way it was broken up. Continue forward motion on project.*

Mr. Allen: *Policy 158 talks about module size and is in violation of this priority policy. Need to get under the 1,300 square feet, could move some density from back module to front module to meet policy. Anything that is usable space should be counted in module size. Policy 80/A on the right track. In scale with area and historic character area, also in scale with height. Façade width leaning towards okay with more information. Something between 6' and 12' will do it, and on the right track with stepping it back. Liked the windows on the east side, match those and add more solid space. Look at other historic buildings in area for context. Answer comment about parking from public. (Mr. Thompson: outdoor space was not included in parking calculation.) (Mr. Mosher: Outdoor would be seasonal.) Looking good and should be able to make it work. (Mr. Thompson: Need to figure out when parking needs to be paved per master plan. Currently not paved and not striped, so you aren't getting the correct number of spaces. Needs applicant to determine the trigger point for paving the parking lot.)*

Staff Comments

Land Use (Policies 2/A & 2/R): The properties lie within Land Use District 18-2 that allows both residential and commercial uses. Both uses were approved with the Master Plan. Staff has no concerns with the proposed uses.

Density/Intensity (3/A & 3/R)/Mass (4/R): The total allowed building density (above and below ground combined) for the entire Master Plan is 15,141 square feet. The proposal is well below allowed mass. The Master Plan allowed for 3,375 sq. ft. of total floor area for Lot 5. The applicant has proposed 3,365 sq. ft. of total floor area.

Above Ground Density (5/A & 5/R): The recommended above ground density is 9 UPA for the South End Residential character area. However, the code allows this number to be exceeded, with conditions. The South End Residential Character Area that allows up to 12 UPA if the conditions listed below can be met. The developer of the Master Plan incurred the maximum of negative eighteen (-18) points under Policy 5/R Architectural Compatibility and met the 12 UPA limitations.

Priority Policy 158 requires: *New buildings should be in scale with existing historic and supporting buildings in the South End Residential Character Area. The historic building scale should be respected. Typically, historic buildings of between 540 and 2,600 square feet survive today. The average size of representative historic structures surviving today is 1,300 square feet.*

Criteria for allowing the above ground density overage is:

Additional densities up to a maximum of 12 UPA may be considered in limited circumstances only if the conditions listed below are met:

1. *No individual building module size should exceed the historic average for the Character Area.*
 - a. *The building area of any individual, detached structure remains under the historic average of that seen in historic structures in the Character Area. A series of individual structures may also be clustered on a site in a manner similar to that seen historically.*
 - b. *Individual building modules are under the historic average of that seen historically and the modules are linked with connections that are clearly subordinate in scale such that a distinct separation of building modules results. **The front (east) module is 1,286 square feet, hence it is under the historic average of 1,300 square feet. The rear module is proposed at 1,243 square feet. The modules are linked with a connector element that is clearly subordinate in scale such that a distinct separation of the building modules results.***
 - c. *If a building module exceeds the historic average, then the project should be deemed to be in violation of this Priority Policy. **This proposal is in compliance with this priority policy.***
2. *All other design standards are adequately met such that the project is in substantial compliance with all scale related criteria. **Staff believes this proposal is in substantial compliance with all scale related criteria.***
3. *The absolute width of primary facades is in scale with those in the historic context. In addition, a significant portion of the front elevation is one story in height. **The width of this proposed restaurant is the same as the width of the Historic McAdoo House.***
4. *The overall historic mass and scale of the block will be preserved. **The individual modules are close to the historic mass and scale of the block.***
5. *Any historic property on the site is preserved. **There are not historic properties on Lot 5, McAdoo Corner.***
 - a. *No significant portions of a historic property would be altered or demolished to accommodate the increased building size. **No historic property will be altered or demolished with this application.***
 - b. *The historic property will be rehabilitated as a part of the first phase of the undertaking. N/A*
 - c. *The new construction will be compatible in mass, scale and character with the historic building, as defined in the design standards. N/A*
6. *Historic buildings on adjacent properties are not negatively affected by the larger mass, as defined in the design standards. **There will be an impact on the smaller historic structures to the north of this proposed restaurant. However, Staff believes these impacts can be mitigated with landscaping that steps up to the height of the new structure.***

As the Commission read above, Staff believes Priority Policy 158 is now being met.

Architectural Compatibility (5/A & 5/R): Five historic structures on both sides of the alley have been combined with two new buildings east of the alley to form an enclave known as McAdoo Corner. The uses are anticipated to be a mix of residential, commercial, and retail. Building materials, finish styles, sidewalks, landscaping, and on site parking will tie the project together. The only issue to be considered with this application is the new proposed restaurant on Lot 5. The exterior materials will primarily be horizontal lap siding, which will match well with the rest of McAdoo Corner and the historic guidelines.

Per the Handbook of Design Standards for the Historic and Conservation Districts: *New buildings should be similar in scale with the historic context of the respective character area.* Per priority policy 80 design standard: *Respect the 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 new, larger structure would directly abut smaller historic buildings.*
- *Locating some space below grade is encouraged to minimize the scale of new buildings.*

At the April 7, 2009 meeting the Planning Commission stated they felt this application meets priority policy 80. Staff has no concerns to Policy 5/A and 5/R.

Priority policy 80A states: *The design standards stipulate that larger masses should be divided into smaller “modules” and be linked with a “connector” that is subordinate to the larger masses.* The design standard for 80A states: *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 that are 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.*
- *The height of the connector should be clearly lower than that of the masses 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.*

Staff believes this proposal meets Priority Policy 80A. Specifically, the connector does not exceed two-thirds the façade of the smaller of the two modules that are to be linked. The front façade is 36 feet, hence the connector should not exceed 24', two-thirds the façade. Staff recognizes that now that the front façade steps back 10' (was 6.5') it could be viewed as two separate facades, one of 20' primary façade and a secondary façade that steps back and is 16' wide.

Hence Staff is now comfortable that Priority Policy 164, on Façade widths is being met, which states: *New buildings should have primary facades similar in dimension to those found historically. Typical building widths of surviving historic buildings range between 16 and 44 feet; the average is 31 feet.* The Design Standard states: *Reinforce typical narrow front façade widths that are typical of historic buildings in the area.*

- *Projects that incorporate no more than 50 feet of lot frontage are preferred.*

- *The front façade of a building may not exceed 30 feet in width.*

Staff does believe that Priority Policy 164 is being met. The front façade appears to be 20' in width. The secondary façade is 16' in width. Does the Planning Commission believe Priority Policy 164 is being met?

Building Height (6/A & 6/R): The building is proposed at 23' to the mean, which meets the absolute height of 23'. However, Priority Policy 163 states: *Similarity in building heights is desired to help establish a sense of visual continuity and to respect the character established by the small sizes of original buildings. Building heights for new structures should be perceived to be similar in scale to those found during the historic period of significance.* The design standard for Priority Policy 163 states: *Building height should be similar to nearby historic buildings.*

- *Primary facades should be 1 or 1-1/2 stories tall. **The front façade is only one story tall.***
- *Refer to height limits in ordinance. (Note that the height limits are absolute maximums and do not imply that all building should reach these limits. In some cases, lower buildings will be more compatible with the context.) **The two-story rear module is 23' in height measure to the mean, which is right at the maximum height allowed. The historic structures to the north of this proposed restaurant are only one-story buildings. However, the historic house across Ridge Street (the Cellar Restaurant) is a full two stories tall. Staff believes the height issues can be mitigated with landscaping that steps up to the height of the new structure.***

Site Plan: The site plan matches the site plan shown on the Master Plan. Staff has no concerns with the site plan.

Placement Of Structures (9/A & 9/R): The proposed structure is within the building envelope.

Snow Removal And Storage (13/R): The master plan shows 610 sq. ft. of snow storage. The snow storage looks a little tight to Staff, however it does meet the 25% of paved areas required by the Development Code.

Refuse (15/R): All developments are encouraged to provide for the safe, functional and aesthetic management of refuse. Staff is concerned that there is not a grease trap at the dumpster enclosure. The proposed restaurant will need a grease trap.

Access / Circulation (16/A & 16/R; 17/A & 17/R): Vehicular access to the property is from the alley off of Washington or Ridge Street. Pedestrian access is provided by a walkway to the Main entrance off of Ridge Street or a rear entrance off of the alley. Staff has no concern with access and circulation.

Parking (18/A & 18/R): The Master Plan allocated four (4) parking spaces for Lot 5. However, a 3,365 sq. ft. restaurant will require twelve (12) parking spaces. ($3,365/1,000 = 3.365 \times 3.5 = 11.77$ parking spaces. For payments into the Parking Service Area, fees can include fractional spaces. Hence, the applicant will have to pay for the remaining 7.77 parking spaces in lieu of providing the required off-street parking at a rate of \$13,000.00 per spot, which equals \$101,010.00 dollars fee in lieu. (When the fee is paid in lieu of onsite parking, fractions of spaces are allowed to calculate the fee.)

Landscaping (22/A & 22/R): The master plan calls out five (5) conifers, (1) 6' – 8', (2) 8' – 10', (2) 12' – 15', either Colorado Blue Spruce or Engelmann Spruce; thirteen (13) deciduous trees either aspen or Narrow leaf Cottonwood 2" to 3" minimum caliper at least 50% multi-stem; and, twenty (20) shrubs of Alpine currant, Juniper, Potentilla, and Cotoneaster. Positive points were already allocated for the

landscaping plan during the Master Plan approval process. The proposed landscaping plan meets the requirements of the Master Plan.

Employee Housing (24/R): As a commercial project of less than 5,000 square feet, this project is not required to provide employee housing, but would be eligible to receive positive points under this policy. No employee housing is proposed at this time.

Utilities Infrastructure (26/A & 26/R; 28/A): All the utilities are on the property, in the alley or Ridge Street. Staff has non concerns with the utilities infrastructure.

Air Quality (30/R): The applicant is considering a wood-burning pizza oven. If a wood-burning cooking appliance is used in the restaurant or restaurant/bar combined the application would warrant negative two (-2) points under Air Quality (30/R).

Point Analysis (Section: 9-1-17-3): At this time Staff anticipates no positive or negative points. However, the applicant is considering a wood fired pizza restaurant. If positive points are needed to mitigate the negative points, the applicant would most likely add solar panels to the roof to mitigate the negative points.

Summary

So far, Staff believes that the application is moving along nicely. At this point we would welcome any additional input from the Planning Commission.

RIDGE ST. DEVELOPMENTS
LOT 5 MEADOO BUILDING
 MEADOO SUBDIVISION
 TOWN OF BRECKENRIDGE, COLORADO

DATE: 09-14-2008
 SCALE: 1/8" = 1'-0"

J.L. Binsteady, Architects, P.C.
 Registered Architects
 1700 Box 505 • Breckenridge, Colorado 80424 • 970-453-1718
 Computer Aided Design Services
 1700 Box 505 • Dillon, Colorado 80438 • 970-862-1443

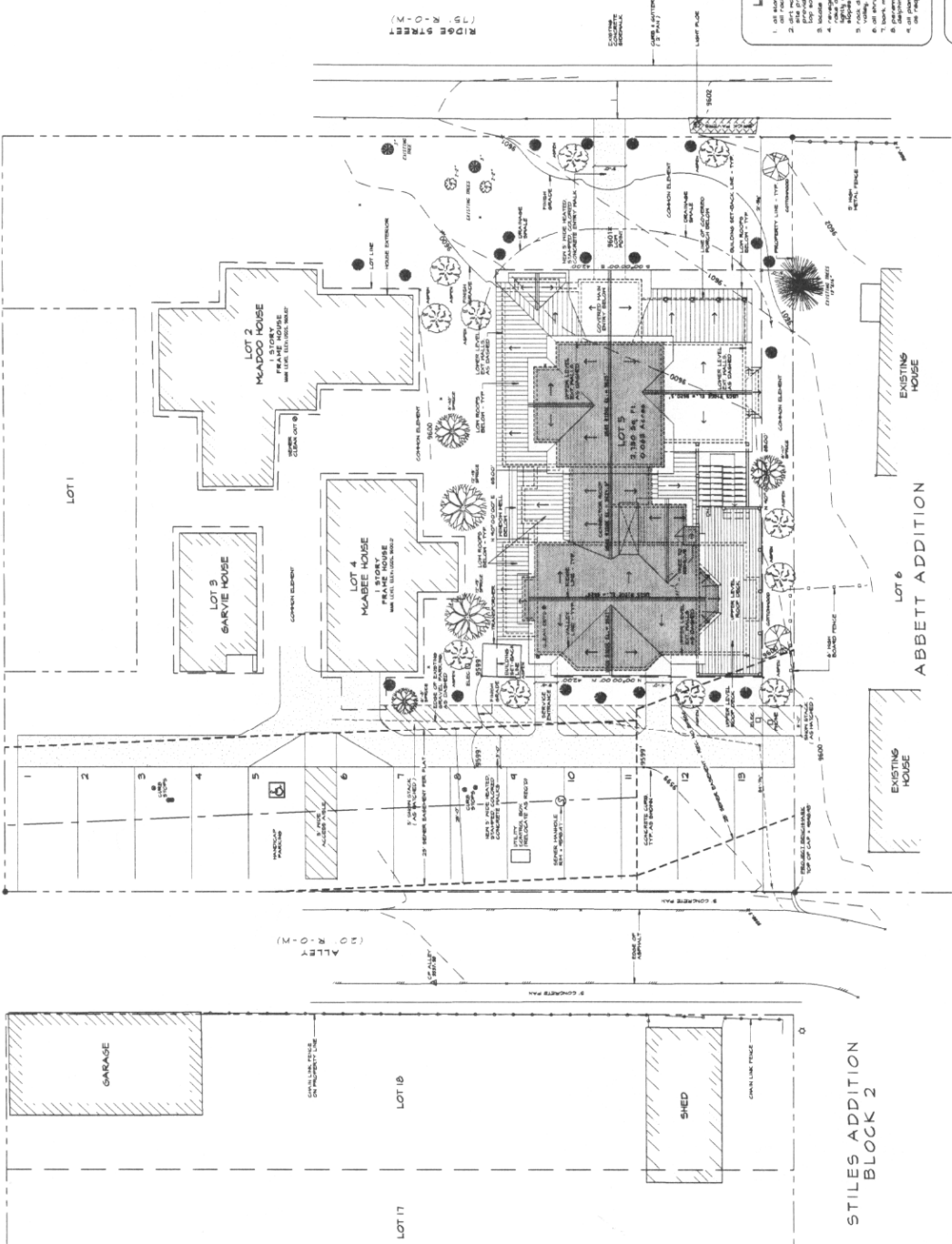


Landscape Symbols Legend

- 1. 1" - 2" - 3" - 4" - 5" - 6" - 7" - 8" - 9" - 10" - 12" - 14" - 16" - 18" - 20" - 24" - 28" - 32" - 36" - 40" - 44" - 48" - 52" - 56" - 60" - 64" - 68" - 72" - 76" - 80" - 84" - 88" - 92" - 96" - 100"
- 2. 1" - 2" - 3" - 4" - 5" - 6" - 7" - 8" - 9" - 10" - 12" - 14" - 16" - 18" - 20" - 24" - 28" - 32" - 36" - 40" - 44" - 48" - 52" - 56" - 60" - 64" - 68" - 72" - 76" - 80" - 84" - 88" - 92" - 96" - 100"
- 3. 1" - 2" - 3" - 4" - 5" - 6" - 7" - 8" - 9" - 10" - 12" - 14" - 16" - 18" - 20" - 24" - 28" - 32" - 36" - 40" - 44" - 48" - 52" - 56" - 60" - 64" - 68" - 72" - 76" - 80" - 84" - 88" - 92" - 96" - 100"
- 4. 1" - 2" - 3" - 4" - 5" - 6" - 7" - 8" - 9" - 10" - 12" - 14" - 16" - 18" - 20" - 24" - 28" - 32" - 36" - 40" - 44" - 48" - 52" - 56" - 60" - 64" - 68" - 72" - 76" - 80" - 84" - 88" - 92" - 96" - 100"

- Landscape - General Notes**
1. All above annotations apply to the "MEADOO" series of drawings.
 2. All work to be done in accordance with the specifications, contract, and drawings.
 3. All work to be done in accordance with the specifications, contract, and drawings.
 4. All work to be done in accordance with the specifications, contract, and drawings.
 5. All work to be done in accordance with the specifications, contract, and drawings.
 6. All work to be done in accordance with the specifications, contract, and drawings.
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 9. All work to be done in accordance with the specifications, contract, and drawings.
 10. All work to be done in accordance with the specifications, contract, and drawings.

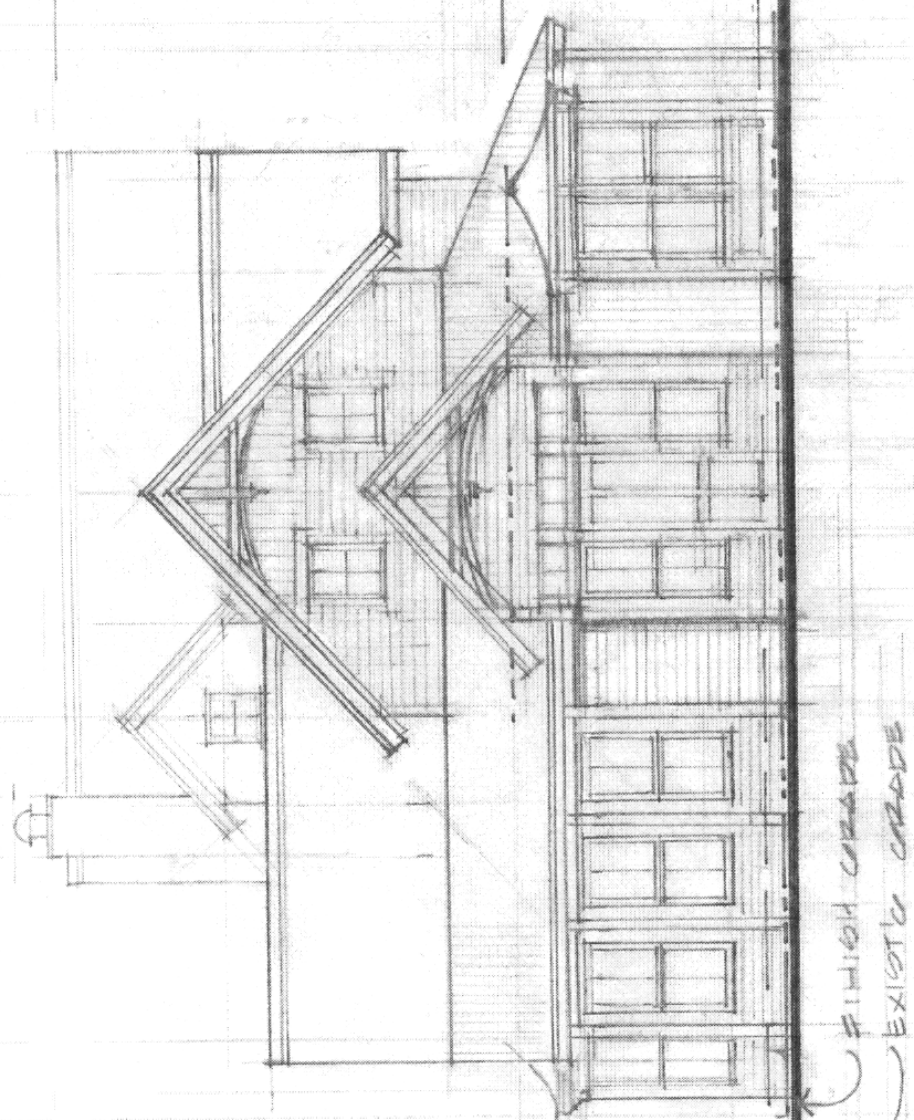
LANDSCAPE PLAN
 SCALE: 1/8" = 1'-0"



t. of ridge
beyond
9628.0"

upper level
9611.0
(110'-0")
arch

main level
9601.0
(100'-0")
arch

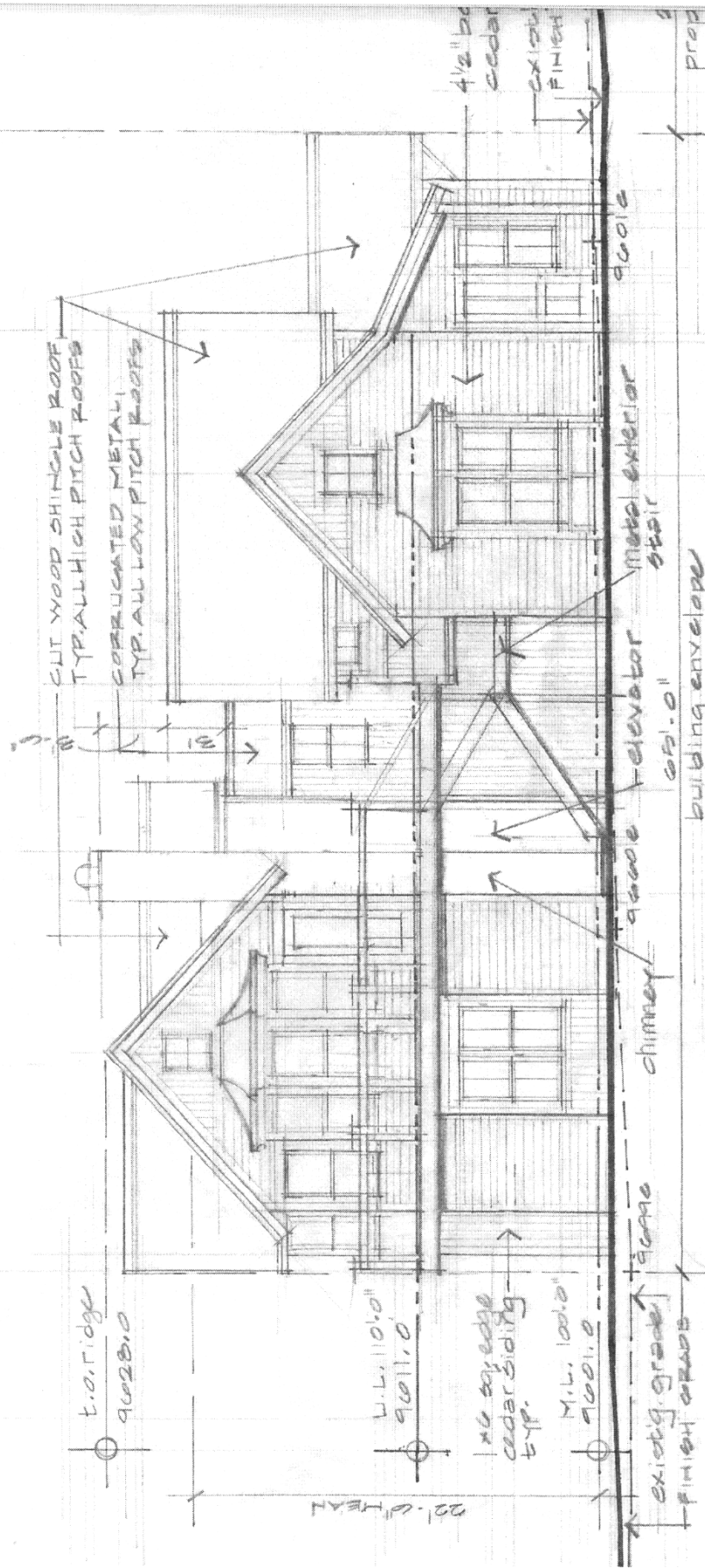


FINISH GRADE
EXIST' GRADE

RIDGE ST. DEVELOPMENTS: LOTS MCADOO

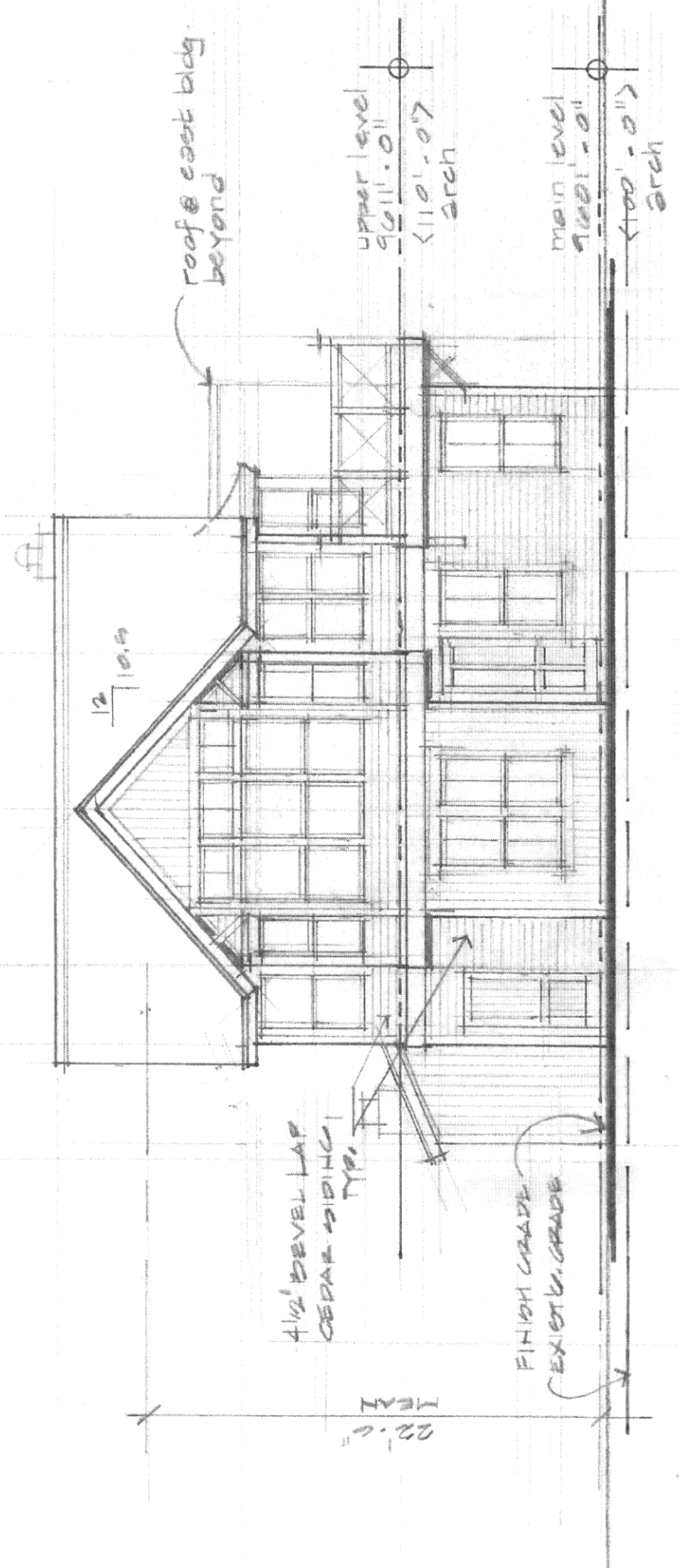
EAST ELEVATION

1/8" = 1'-0" 20 APR. 09 REVISED 4/28/09
REVISED 5/12/09



RIDGE ST. DEVELOPMENTS: LOT 5 MCARDOO
 SOUTH ELEVATION

1/8" = 1'-0" 20 APR. 09 REVISED 5/12/09



roof @ east bldg.
beyond

upper level
9'0 1/2" - 0"
< 11'0" - 0"
arch

main level
9'0 1/2" - 0"
< 10'0" - 0"
arch

12
10/10

4 1/2" BEVEL LAP
CEDAR SIDING
TYP.

FINISH GRADE
(EXISTING GRADE)

02'-0"
FINISH

RIDGE ST. DEVELOPMENTS - LOT 5 McADOO

WEST ELEVATION

1/8" = 1'-0" 20 APR. 09 REVISED 4/29/09
REVISED 5/12/09

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: April 28, 2009, (For meeting of May 5, 2009)

Subject: Peters Historic Residence Restoration, Landmarking and New Residence
Renewal of Original Development Permit #2006045
(Class B Major, Combined Preliminary and Final Hearing; PC# 2009015)

Applicantss/Owners: Michael and Robert Peters

Architect: Syntec Development Corp., Michael Gallagher, Architect

Proposal: To remove the non-historic additions from the west and south sides of the existing historic cabin, then relocate (on site), restore, and locally landmark the cabin. Also, remove the non-historic structure from the property, and construct a new single-family residence.

This application was approved in 2006, but the permit is about to expire. This application is to renew the permit, thereby extending the vested property rights.

Address: 305 and 307 East Washington Avenue

Legal Description: The east half of Lots 1, 2, 3 and 4, Block 5 Abbetts Addition

Site Area: .141 acres (6,148 sq. ft.)

Land Use District: 17 – Residential 11 UPA

Character Areas: East Side Residential

Site Conditions: The site is relatively flat with little existing vegetation except a large Cottonwood in the northeast corner and two small Aspen on the west side of the property. Access on the property is unpaved. The Klack Placer is located on the east side of the property.

Adjacent Uses:	North:	Washington Ave.
	South:	204 S. French Street
	East:	Klack Placer, 313 E. Washington Ave.
	West:	200 and 202 S. French Street

Density:	Suggested per LUGs:	2,484 sq. ft.
	Total proposed:	2,372 sq. ft.

Above Ground:	
Suggested at 9 UPA:	2,032 sq. ft.
Proposed :	1,651 sq. ft.

Mass:	Allowed:	2,981 sq. ft.
	Proposed mass:	2,752 sq. ft.
F.A.R.	1:2.3	
Height:	Recommended:	23' to mean
	Proposed:	21.25' to mean
Lot Coverage:	Building and non-permeable:	3,252.2 sq. ft. (53% of site)
	Open Space - permeable:	2,931.5 sq. ft. (47% of site)
Parking:	Required:	4 spaces
	Proposed:	4 spaces
Snowstack:	Required:	220 sq. ft. (25% of paved area)
	Proposed:	426.5 sq. ft. (48%)
Setbacks:	North:	15'
	East:	3'
	South:	10'
	West:	3'

Item History

The Planning Commission approved this application on April 4, 2006. The subsequent Findings and Conditions for the Development Permit were set to expire on April 11, 2009. Per the Development Code:

Extension of Vested Property Rights: A development permit and the vested property rights for such project may be extended by the planning commission. An application for an extension shall be made in writing to the director and shall include such submittal information as the director may require. Such application must be received at least thirty (30) days prior to the expiration of the development permit.

The application for renewal was received within the allowed time range. The applicants would like to extend their vesting of the approved Development Permit for another three years. No changes to the approved plans have been made, nor have any policies been added to the Development Code that would impact the passing point analysis.

Minutes From Last Approval on April 4, 2006

Mr. Pringle Are we merely extending the vesting of the original permit? (Mr. Neubecker – Correct.) Finding number seven, is it new? (Ms. Cram – it is the same from the original permit approval.) Extended vesting usually asks for additional vesting beyond the normal time frame. (Ms. Cram - This is an extension of the original permit for another 3 years so that the applicants can secure funding and construct the project.)

- Mr. Khavari: If we changed the point analysis this could set precedent for unnecessary efforts in the future to make changes. Comfortable with project and original point analysis.*
- Mr. Kulick: If the permit was to be extended does the point analysis need to be changed? (Mr. Neubecker – Generally not). Only modifications to the proposal would trigger the application of new Development Code changes.)*
- Mr. Haering: Agree with Mr. Boos*
- Mr. Boos: Have seen all of this before and nothing has changed. Hesitant to change point analysis at this time. Could create difficulties in the future. Spent a lot of time on this the first time, I think we got it right. Support renewal.*
- Mr. Schuman: Can we establish a point analysis change on the historic preservation efforts based on the new policy change? (Ms. Cram – this was reviewed as a solid positive ten (+10) points). This would fall into a possible positive nine (+9) points under new policy and the project would still pass a point analysis with zero.) Ok with Mr. Boos comments. Support renewal of permit.*

Mr. Pringle moved to approve the Peters Residence PC#2006045 with the Point Analysis and Findings and Conditions presented in the Packet. Mr. Kulick seconded and the motion passed 6-0.

Minutes from the May 5, 2009 Worksession

- Mr. Bertaux: Is the footprint lot an issue? (Mr. Mosher: There were originally two separate addresses on the property, and allowing footprint lots in this case will allow two addresses to be maintained. However there will likely be a new Lot A and Lot B type of address instead of separate numbers.)*
- Mr. Pringle: This may be a location where a footprint lot makes a lot of sense.*
- Ms. Girvin: There appears to be extra density in the basement of the proposal. Is the density accounted for? Floor plans show on the south side of the historic cabin, there appears to be a much larger basement than the floor above. (Mr. Mosher: The density noted includes total density. The “free basement density” is only beneath the historic portion of the cabin.) Though not part of this application, there is a depression or sinkhole that ponds, floods and overflows towards this property. Believed it was created with the Brewer residence connected the waterline to the house. (Mr. Mosher: We will look into the construction impacts that caused that sinkhole.) Again, not part of this application, requested that the Klack be a new site visit for the Planning Commission to address as current issues. Concerned about the minimal setbacks for this application and thought that the entire development should flip to the west side and be held back off the side setback the same as the Jagentenfl residence to the south. (Mr. Allen: Why do you think that?) Everything is pushed to the east side on neighboring properties and this proposal is out of line with the setbacks on the west side of the Klack. Also concerned with views of adjacent buildings. (Mr. Mosher: The driveway was placed on the west to preserve the existing mature tree. Overall, the proposal took the negative points for the setbacks and mitigated it with the preservation of the cabin.)*
- Mr. Allen: Can you please walk us through the setbacks that do not meet criteria? (Mr. Mosher: Front yard is met with the 15 foot setback, and the side yards are at 3 feet each, the roof overhangs touch the setback, the foundation does not. Also,*

the backyard is at 10' instead of the recommended 15'.) Can you also elaborate on the porch on the landmarked building? (Mr. Mosher: The non-historic porch is being removed. The proposed porch is an interpretation based on the Town's historic guidelines. There is no photographic record of the original porch on the historic structure.)

Staff Comments

All absolute policies have been met. Since the initial approval, the historic restoration portion of Policy 24/R has been modified with new point assignments. The points now range in increments of three from +3 to +15 points instead of increments of 5. With the adjusted positive points for historic preservation, the proposal still passes a point analysis with a passing score of zero (0) points. Overall, the development should be a wonderful contribution to the fabric of the Town's Historic District.

Land Use (2A/2R): The property is located in Land Use District 17, which allows for residential uses, single family and duplex. Two separate single-family residential uses are proposed. The applicants intend to subdivide the property into footprint lots, meeting the intent of the Subdivision Ordinance and past precedent.

During the April 4, 2006, meeting the Commission supported the proposal to subdivide the property into footprint lots for the two primary structures. This was based on the fact that; 1) Two separate residential structures currently exist on site, 2) the intensity of uses is not being increased and 3) the historic cabin is being restored and landmarked as a stand-alone structure. A finding for approval has been included in the findings and conditions to address the special circumstances associated with the approval of the future footprint lots (See Finding #7).

Density (3A/3R): The proposal is under the overall density allowed by the LUGs (11 UPA) and is also under the above ground density allowed on site (9 UPA). These calculations are based on landmarking the cabin and receiving "free" basement density directly below the historic cabin (442 sq. ft. of basement density currently not counted). The Commission supported the landmarking proposal and therefore, it is appropriate to discount the density proposed underneath the historic cabin.

Mass (4R): The proposal is under the allowed mass. We have no concerns.

Landmarking: We are pleased with the proposed restoration efforts (noted later in report) and believe that the historic look of the cabin is being restored with the exception of the porch on the north façade. However, we do believe that the porch proposed is an improvement over what currently exists and is historically compatible in shape and form with the guidelines of the Town's Historic District.

According to Section 9-11-4 of the Landmarking Ordinance, in order for a structure to be eligible for landmarking it must meet at least one of the criteria listed under architectural, social or geographic/environmental significance.

9-11-4: DESIGNATION CRITERIA: The following criteria shall be used in reviewing proposals for designation pursuant to Section 9-11-3:

A. Landmarks/Landmark Sites. Landmarks or landmark sites must be at least fifty (50) years old and meet one or more of the criteria for architectural, social or geographic/environmental significance as described in subsections (A)(1) through (3) of this Section. A landmark may be exempted from the age requirement if it is found to be exceptionally important in other significant criteria.

1. Landmarks and Landmark Sites. Landmarks or landmark sites shall meet at least one of the following:

a. Architectural

- 1. Exemplifies specific elements of architectural style or period.*
- 2. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally.*
- 3. Demonstrates superior craftsmanship or high artistic value.*
- 4. Represents an innovation in construction, materials or design.*
- 5. Is of a style particularly associated with the Breckenridge area.*
- 6. Represents a built environment of a group of people in an era of history.*
- 7. Includes a pattern or grouping of elements representing at least one of the above criteria.*
- 8. Is a significant historic remodel.*

b. Social

- 1. Is a site of a historic event that had an effect upon society.*
- 2. Exemplifies cultural, political, economic or social heritage of the community.*
- 3. Is associated with a notable person or the work of a notable person.*

c. Geographic/Environmental

- 1. Enhances sense of identity of the community.*
- 2. Is an established and familiar natural setting or visual feature of the community.*
- 2. Archaeological Sites. Archaeological sites shall meet one or more of the following:*

a. Architectural

- 1. Exhibits distinctive characteristics of a type, period or manner of construction.*
- 2. Is a unique example of structure.*

We believe that the proposed restoration of the cabin meets criteria numbers one and five of the eight criteria listed under architectural significance, since the restored cabin exemplifies specific elements of architectural style and period and is of a style particularly associated with the Breckenridge area.

As noted above, the Commission supported the proposal to landmark the historic cabin during the 2006 review. A finding has been included in the findings and conditions for the recommendation to Council. The Council will then review the recommendation and if supported will landmark the historic cabin via an ordinance adoption.

Site Plan

Placement of Structures (9A/9R): The proposed placement of the historic cabin, new residence and garage meet all absolute policies and the recommended front yard setback. The proposal warrants nine negative points (-9) under Policy 9R – Placement of Structures for meeting only one of the four recommended setbacks.

The window wells do extend into the absolute setbacks on the east and south sides. This is allowed per the Development Code, since the definition of a structure does not include at or below grade improvements. We have discussed the proposal with the Building Official and he has stated that the proposed window wells meet Building Code requirements. The window wells are actually larger than what is required (6' wide and 6.5' from window opening) to allow additional light into the lower levels. They are small enough not to be counted in any height measurement. Landscaping is proposed to screen the window wells from view of the adjacent public right of way.

Grading for the proposal is minimal, as the site is so flat. Staff is not concerned with the proposed grading on the site.

Access to the site will be via the existing curb cut on Washington Avenue in the front (north) yard. Per the Historic Standards for the East Side Residential Character Area, Policy 116 recommends avoiding the placement of any vehicular parking in the front yard. Unfortunately, with no alley, there is no alternative access location on this site. The landscaping-strip driveway has been designed to incorporate as much green space as possible. Landscaping along the west side of the driveway has been provided to aid in screening the parking area, as well. Given the site constraints, we believe the proposal meets the intent of Policy 116 to the best of its abilities.

The location of proposed utilities has been shown on the site plan. Proposed locations should not cause any unnecessary disturbance to existing vegetation. Staff has no concerns over the site design.

Landscaping (22A/22R): The proposed landscape plan proposes one Blue Spruce (6'-8'), six Aspen (2" –3" caliper) and 27 shrubs (5 gallon containers). The existing mature Cottonwood will be preserved. Drip irrigation will be provided to all new plantings. We believe that the proposed landscape plan will provide sufficient screening and privacy for the property. The applicants have agreed to work with staff to locate plant materials in the best locations to provide screening of window wells and the driveway.

Architecture

Historic Cabin

The existing non-compliant western shed addition will be removed from the cabin, per previous Planning Commission direction. The cabin will then be moved forward on the property to provide prominent public view while maintaining the historic orientation to the Klack Placer and have a full basement placed beneath it. The cabin will stand alone without any further additions, thus preserving as much historic fabric as possible.

Historic Preservation and Restoration (24R): Historic restoration efforts include placing the cabin on a new foundation at the historic elevation, reinforcing the roof structure, removing the standing seam metal roof and replacing it with a non-reflective historically compatible corrugated metal roof, repairing or replacing logs as needed, replacing chinking with historically compatible chinking, restoring historic windows, providing new historically compatible storm windows on the exterior to protect historic windows, replacing the front door with an historically compatible door, replacing the existing enclosed front porch with a more historically compatible un-enclosed porch, restoring the historic door opening on the east side facing the Klack Placer

with an historically appropriate door and replacing the existing interior door opening on the west side of the cabin with an historically appropriate window.

Since the last review, the historic restoration portion of Policy 24/R has been modified with new point assignments. The points now range in increments of three from +3 to +15 points instead of increments of 5. Per this portion of the Code:

“+9 *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, structural stabilization, or restoration of secondary structures, 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.”

For these restoration efforts staff recommends nine positive points (+9) under Policy 24R – Historic Preservation. These efforts are similar to other projects that received positive points in the past, such as Fatty’s and the Lamb Residence. The Commission had supported the proposed point recommendation at the last final hearing.

New Construction

With regard to scale and massing issues from the Development Code, the proposal is under the allowed density and mass for the property. According to the East Side Residential Character Area Design Standards, the average module size of historic structures in the area is 1,500 square feet. The above ground size of the new residence is 1,236 square feet.

In addition, the recommended height in the area is 23’-0” measured to the mean. The proposed height is 21’-3” feet measured to the mean with a roof pitch of 10:12. The new residence is located 13 feet behind the cabin, allowing the larger building appear less massive. The garage has been designed to appear as an out-building near back of the lot. Staff has no concerns with the building massing and locations.

Proposed building materials, including natural cedar horizontal lap siding, trim with a 4” reveal, cut shingle accent siding at the gable ends, and an architectural grade composition shingle roof. All proposed materials are appropriate for the historic district.

The windows are simple vertically orientated double hung with a proper solid to void ratio seen in the district. On the new house, the plans show French doors and an upper level balcony. Since this elevation does not face any public right of way and is not a primary façade, we have found that this design has been approved in the past, for new construction only. We have no concerns.

Overall, we are pleased with the proposed design and believe all priority policies are being met. We appreciate the applicants’ efforts to restore the cabin and construct new structures that support the Historic District design guidelines.

Point Analysis: All absolute policies are being met. We have conducted a final point analysis, which has been included. In summary, nine negative points (-9) under Policy 9R – Placement of

Structures, and positive nine (+9) points under Policy 24R – Historic Preservation, have been assigned, for a passing point analysis of zero (0) points.

Staff Recommendation

We have advertised this hearing as a Combined Preliminary and Final hearing since the issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings. If the Commission believes otherwise, please continue this application to a future meeting rather than modifying the point analysis to a failing score.

We recommend that the Planning Commission approve the Peters Residence, Restoration, Landmarking and New Construction Renewal, PC# 2006045, New PC# 2009015 with the attached findings and conditions that include specific finding #7 regarding the future footprint lots and landmarking recommendation to Council.

Final Hearing Impact Analysis				
Project:	Peters Residence Renewal	Positive	Points	+9
PC#:	2009015			
Date:	05/15/2009	Negative	Points	- 9
Staff:	Michael Mosher			
		Total	Allocation:	0
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)	0	Two single-family residences exist on site and two single family residences are proposed on footprint lots.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)	0	Suggested per LUGs: 2,484 sq. ft. Total proposed: 2,372 sq. ft
4/R	Mass	5x (-2>-20)	0	Allowed: 2,981 sq. ft. Proposed mass: 2,752 sq. ft.
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	0	Architecture is appropriate for the Character Area, restoration efforts warrant positive points and landmarking, all priority Policies are met.
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)	0	Above Ground: Suggested at 9 UPA: 2,032 sq. ft. Proposed : 1,651 sq. ft.
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)	0	Recommended Height = 23' to mean, 21.25' proposed.
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)		Existing Cottonwood tree is preserved, new landscaping provides additional buffers, site grading is minimal.
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)	0	The landscaping-strip driveway has been designed to incorporate as much green space as possible. Landscaping along the west side of the driveway has been provided to aid in screening the parking area, as well.
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	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 9	Only the recommended front yard setback is being met, all absolute setbacks are met.
12/A	Signs	Complies	0	
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)	0	Adequate snow storage is being provided.
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	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	External Circulation	Complies		
18/A	Parking	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	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)	0	Adequate open space is preserved on site.
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
	Landscaping		0	The proposed landscape plan proposes one Blue Spruce (6'-8'), six Aspen (2" -3" caliper) and 27 shrubs (5 gallon containers). Landscaping is appropriate to screen window wells and provide buffers to adjacent properties and public right of way.
22/R		4x(-2/+2)		
24/A	Social Community	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)		
	Social Community - Historic Preservation		+9	Restoration efforts include replacing the roof with a historically compatible roof, new foundation, removing non-sympathetic additions, restoring historic door opening facing Klack Placer, no additional window openings, restoring historic windows, new chinking, repairing logs as needed and replacing the front porch with a more historically compatible porch.
24/R		3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	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	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
	Cucumber Gulch/Setbacks			
37R		2x(0/+2)		
	Cucumber Gulch/Impervious Surfaces			
37R		1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		

TOWN OF BRECKENRIDGE

Peters Historic Residence Restoration, Landmarking and New Residence Renewal 305 & 307 E. Washington Avenue, E 1/2 of Lots 1-4, Block 5, Abbetts Addition ORIGINAL PERMIT #2002002, NEW PERMIT #2009015

FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **April 28, 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 **May 5, 2009**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.
7. The proposal for two primary structures on site and the subsequent subdivision of the property into two building footprint lots is consistent with the then current Subdivision Ordinance when the development application was submitted. Furthermore, the proposal is consistent with the existing conditions on the property having two primary structures with separate addresses, does not increase the intensity of use and proposes to restore and landmark the historic cabin as a stand alone structure. Under these unique circumstances, there is no reason to require the applicant to go through the formal master planning process in order to obtain permission to create the two building footprint lots proposed by the application. The two proposed building footprint lots and the applicant's proposed project as described in the application, taken as a whole, are in general compliance with the Town's comprehensive planning program and will have little or no adverse impacts on the neighborhood which surrounds the applicant's property.
8. Pursuant to Section 9-11-3(B)(3) of the Town Code (the "Landmarking Ordinance"), the Planning Commission hereby recommends to the Town Council that it adopt an ordinance to Landmark the historic cabin located on the applicant's property based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.
9. This application has been reviewed as a combined Preliminary and Final hearing. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

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 three years from date of issuance, on **May 11, 2012**, 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 three years, 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. **No historic fabric shall be removed from the historic cabin and/or the site without prior approval from the Town.**
6. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. 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.

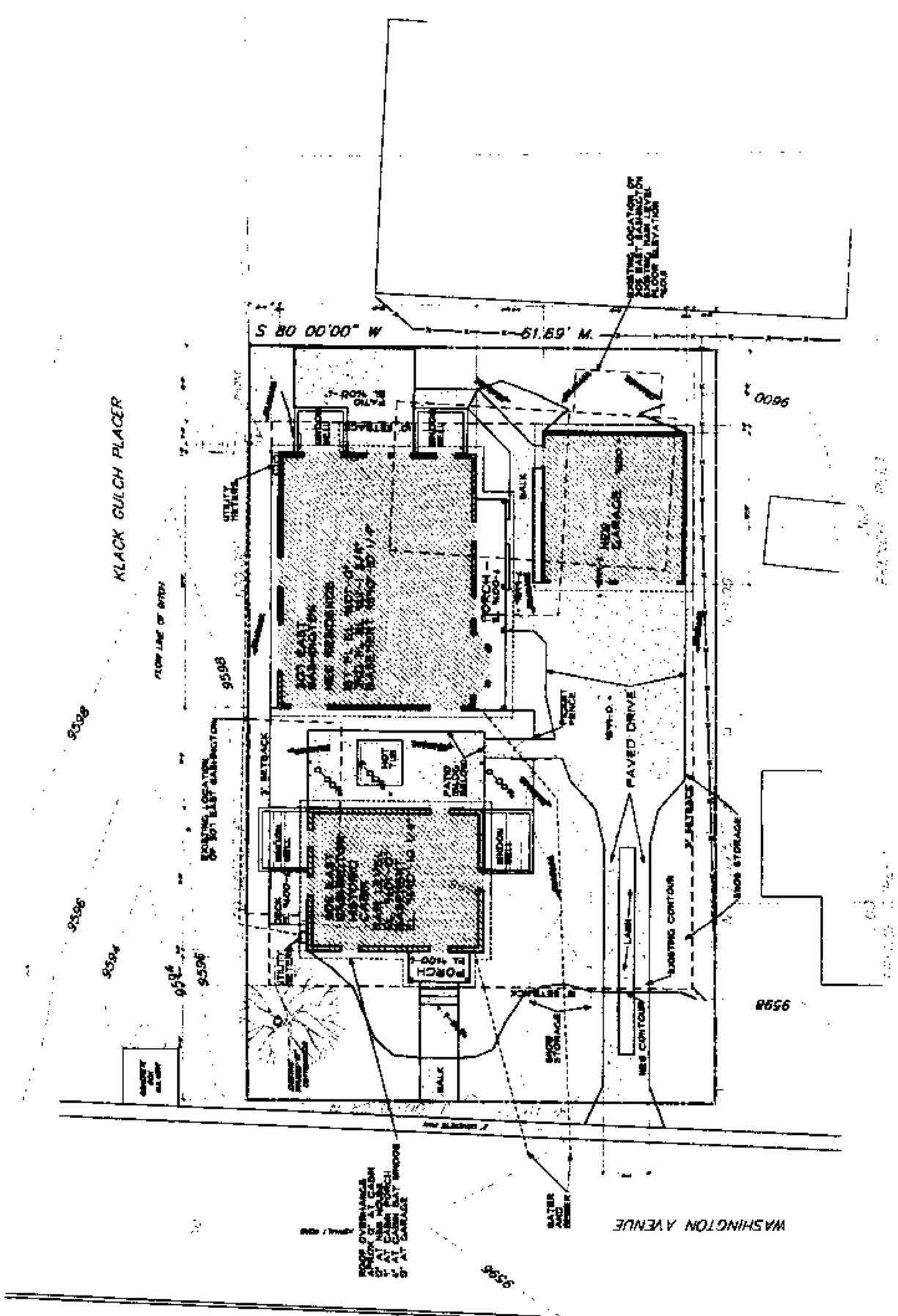
PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall obtain approval from the Breckenridge Town Council of an ordinance designating the historic cabin as a local landmark. If landmarking is not approved, the density in the basement shall count against the allowed density, and plan revisions may be required.
12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
13. An Improvement Location Certificate (ILC) showing the top of the existing building's ridge height shall be submitted to the town. The building is not allowed to increase in height due to the construction activities. An ILC showing the top of the existing building's ridge height must also be submitted to the town after construction activities, prior to the certificate of occupancy.
14. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
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 contact the Town and schedule a preconstruction meeting with the applicant, applicant's architect, applicant's contractor the Town Project Manager, Chief Building Official and Town Historian to discuss the methods, process and timeline for restoration efforts to the historic Cabin.**
17. 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.
18. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

19. Applicant shall submit and obtain approval of the necessary Subdivision application to create footprint lots with associated common elements and provide a five-foot snow storage easement.
20. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
21. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
22. Applicant shall screen all utilities.
23. 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.
24. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
25. No Certificate of Occupancy will be issued until all landscaping, painting and/or paving required under this Permit has been completed. If required landscaping, painting, and/or paving cannot be completed due to prevailing weather conditions, the Town may allow that a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completion be provided to the Town before issuing a Certificate of Occupancy or Compliance. If a bond or surety is provided, the Applicant must complete construction of the required landscaping, painting and/or paving as soon as weather conditions allow.
26. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.



KLACK GULCH PLACER

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FLOW LINE OF 8987

EXISTING LOCATION OF 867 EAST GARAGE

S 80 00'00" W

51.69' M

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ROCK OVERLAP AREA OF AT GARAGE NEW HOUSE AT GARAGE EAST SIDE OF AT GARAGE

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WATER AND SEWER

WASHINGTON AVENUE

EXISTING LOCATION OF 867 EAST GARAGE ON EXISTING, SAME LEVEL AS 867 ELEVATION

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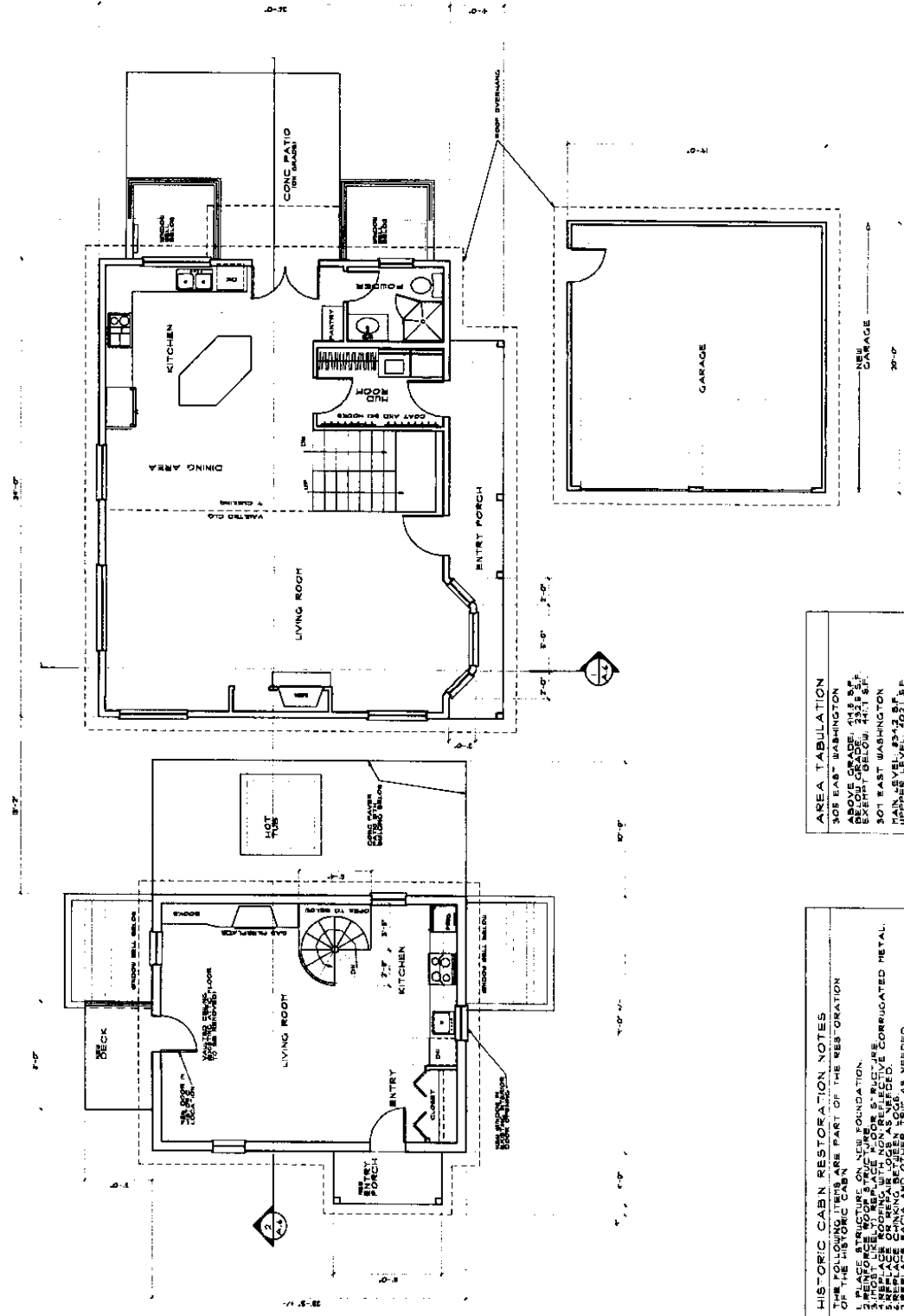
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204 FRENCH STREET



AREA TABULATION

305 EAST WASHINGTON
ABOVE GRADE: 132 S.F.
BELOW GRADE: 44.1 S.F.
EXEMPT BELOW: 44.1 S.F.
301 EAST WASHINGTON
MAIN LEVEL: 83.42 S.F.
BELOW GRADE: 135.3 S.F.
TOTAL ABOVE GRADE: 135.3 S.F.
TOTAL BELOW GRADE: 135.3 S.F.
GARAGE: 380 S.F.

HISTORIC CABIN RESTORATION NOTES

1. THE FOLLOWING ITEMS ARE PART OF THE RESTORATION:
2. PLACE STRUCTURE ON NEW FOUNDATION.
3. REPAIR AND REFINISH EXISTING WOODWORK.
4. REPAIR AND REFINISH EXISTING METALWORK.
5. REPAIR AND REFINISH EXISTING CORROGATED METAL.
6. REPAIR AND REFINISH EXISTING BRICKWORK.
7. REPAIR AND REFINISH EXISTING STONEWORK.
8. REPAIR AND REFINISH EXISTING PLASTERWORK.
9. REPAIR AND REFINISH EXISTING TILEWORK.
10. REPAIR AND REFINISH EXISTING CARPETING.
11. REPAIR AND REFINISH EXISTING FURNITURE.
12. REPAIR AND REFINISH EXISTING LIGHTING.
13. REPAIR AND REFINISH EXISTING ELECTRICAL.
14. REPAIR AND REFINISH EXISTING MECHANICAL.
15. REPAIR AND REFINISH EXISTING INTERIOR DOOR WITH EXTERIOR WINDOW ON WEST SIDE.

